John S. McCain National Defense Authorization Act for Fiscal Year 2019

[Public Law 115–232]

[As Amended Through P.L. 117–81, Enacted December 27, 2021]

[Currency: This publication is a compilation of the text of Public Law 115-232. It was last amended b1053y the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at https://www.govinfo.gov/app/collection/comps/]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

AN ACT To authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

SECTION 1. SHORT TITLE.

(a) IN GENERAL.—This Act may be cited as the "John S. McCain National Defense Authorization Act for Fiscal Year 2019".

(b) REFERENCES.—Any reference in this or any other Act to the "National Defense Authorization Act for Fiscal Year 2019" shall be deemed to be a reference to the "John S. McCain National Defense Authorization Act for Fiscal Year 2019".

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

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

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

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Sec. 125. Multiyear procurement authority for E-2D aircraft.
Sec. 126. Multiyear procurement authority for F/A-18E/F aircraft and EA-18G aircraft.
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Sec. 129. Contract requirement for Virginia class submarine program.
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[1] Section 525 was repealed by section 597(f) of Public Law 116–92 without striking the item relating to such section in the table of sections.

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[2] Section 713 was repealed by section 711(c) of Public Law 116–283 without striking the item relating to such section in the table of sections.

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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

SEC. 3. [10 U.S.C. 101 note] CONGRESSIONAL DEFENSE COMMITTEES.

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

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in

the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. National Guard and reserve component equipment report.
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Subtitle C—Navy Programs

Sec. 121. Procurement authority for Ford class aircraft carrier program.
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Sec. 130. Prohibition on availability of funds for Navy port waterborne security barriers.
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Sec. 141. Inventory requirement for air refueling tanker aircraft; limitation on retirement of KC-10A aircraft.
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Subtitle A—Authorization Of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT REPORT.

(a) IN GENERAL.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) A joint assessment by the Chief of Staff of the Army and the Chief of the National Guard Bureau on the efforts of the Army to achieve parity among the active component, the Army Reserve, and the Army National Guard with respect to equipment and capabilities. Each assessment shall include a comparison of the inventory of high priority items of equipment available to each component of the Army described in preceding sentence, including—

"(A) AH-64 Attack Helicopters;

"(B) UH-60 Black Hawk Utility Helicopters;

"(C) Abrams Main Battle Tanks;

"(D) Bradley Infantry Fighting Vehicles;

"(E) Stryker Combat Vehicles; and

"(F) any other items of equipment identified as high priority by the Chief of Staff of the Army or the Chief of the National Guard Bureau.".

(b) [10 U.S.C. 10541 note] EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports required to be submitted under section 10541 of title 10, United States Code, after the date of the enactment of this Act.

SEC. 112. DEPLOYMENT BY THE ARMY OF AN INTERIM CRUISE MISSILE DEFENSE CAPABILITY.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees whether there is a need for the Army to deploy an interim missile defense capability.

(b) DEPLOYMENT.—

(1) IN GENERAL.—If the Secretary of Defense certifies that there is a need for the Army to deploy an interim missile defense capability under subsection (a), the Secretary of the Army shall deploy two batteries of the capability by not later than September 30, 2020.

(2) ACHIEVEMENT OF DEPLOYMENT DEADLINE.—In order to meet the deadline for deployment specified in paragraph (1) the Secretary of the Army may—

(A) deploy systems that require the least amount of development;

(B) procure non-developmental air and missile defense systems currently in production to ensure rapid delivery of capability;

(C) use existing systems, components, and capabilities already in the Joint Force inventory, including rockets and missiles as available;

(D) use operational information technology for communication, detection, and fire control that is certified to work with existing joint information technology systems to ensure interoperability;

(E) engage and collaborate with officials, organizations, and activities of the Department of Defense with responsibilities relating to science and technology, engineering, testing, and acquisition, including the Defense Innovation United Experimental, the Director of Operational Test and Evaluation, the Defense Digital Service, the Strategic Capabilities Office, and the Rapid Capabilities offices, to accelerate the development, testing, and deployment of existing systems;

(F) use institutional and operational basing to facilitate rapid training and fielding; and

(G) carry out such other activities as the Secretary determines to be appropriate.

(3) AUTHORITIES.—In carrying out paragraphs (1) and (2), Secretary of the Army may use any authority of the Secretary relating to acquisition, technology transfer, and personnel management that the Secretary considers appropriate, including rapid acquisition and rapid prototyping authorities, to resource and procure an interim missile defense capability.

(4) WAIVER.—The Secretary of the Army may waive the deadline specified in paragraph (1) if the Secretary determines that sufficient funds have not been appropriated to enable the Secretary to meet such deadline.

(c) IN GENERAL.—If the Secretary of the Army will deploy an interim missile defense capability pursuant to subsection (b), then, by not later than March 1, 2019, the Secretary, in consultation with the Chief of Staff of the Army, shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(1) recommendations identifying any interim missile defense capabilities to be deployed and a proposed rapid acquisition schedule for such capabilities;

(2) a plan to rapidly resource any identified shortfalls for any such capability selected for deployment; and

(3) a schedule and timeline for the fielding and deployment of any such capability.

(d) INTERIM MISSILE DEFENSE CAPABILITY DEFINED.—In this section, the term "interim missile defense capability" means a fixed-site, cruise missile defense capability that may be deployed before the Indirect Fire Protection Capability of the Army becomes fully operational.

Subtitle C—Navy Programs

SEC. 121. PROCUREMENT AUTHORITY FOR FORD CLASS AIRCRAFT CARRIER PROGRAM.

(a) CONTRACT AUTHORITY.—

(1) PROCUREMENT AUTHORIZED.—The Secretary of the Navy may enter into one or more contracts, beginning with the fiscal year 2019 program year, for the procurement of one Ford class aircraft carrier to be designated CVN-81.

(2) PROCUREMENT IN CONJUNCTION WITH CVN-80.—The aircraft carrier authorized to be procured under paragraph (1) may be procured as an addition to the contract covering the Ford class aircraft carrier designated CVN-80 that is authorized to be constructed under section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104).

(b) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of Defense certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for the Ford class aircraft carrier program:

(1) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings under the preceding sentence, the Secretary shall include a written explanation of—

(A) the estimated obligations and expenditures by fiscal year for CVN-80 and CVN-81, by hull, without the authority provided in subsection (a);

(B) the estimated obligations and expenditures by fiscal year for CVN-80 and CVN-81, by hull, with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year for CVN-80 and CVN-81, by hull, with the authority provided in subsection (a);

(D) the discrete actions that will accomplish such cost savings or avoidance; and

(E) the contractual actions that will ensure the estimated cost savings are realized.

(2) There is a reasonable expectation that throughout the contemplated contract period the Secretary of Defense will request funding for the contract at the level required to avoid contract cancellation.

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

(4) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

(5) The use of such a contract will promote the national security of the United States.

(6) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the con-

tract in such fiscal year, and the future-years defense program (as defined under section 221 of title 10, United States Code) for such fiscal year will include the funding required to execute the program without cancellation.

(7) The contract will be a fixed price type contract.

(c) USE OF INCREMENTAL FUNDING.—With respect to a contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract. No such payments may be obligated after the date that is 11 months after the date on which the fitting out of the aircraft carrier associated with the contract is completed.

(d) LIABILITY.—A contract entered into under subsection (a) shall provide that the total liability to the Government for termination of the contract entered into shall be limited to the total amount of funding obligated at the time of termination.

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

(f) MILESTONE DECISION AUTHORITY DEFINED.—In this section, the term "milestone decision authority" has the meaning given that term in section 2366a(d) of title 10, United States Code.

SEC. 122. FULL SHIP SHOCK TRIAL FOR FORD CLASS AIRCRAFT CARRIER.

The Secretary of the Navy shall ensure that full ship shock trials results are incorporated into the construction of the Ford class aircraft carrier designated CVN-81.

SEC. 123. SENSE OF CONGRESS ON ACCELERATED PRODUCTION OF AIRCRAFT CARRIERS.

It is the sense of Congress that the United States should accelerate the production of aircraft carriers to rapidly achieve the Navy's goal of having 12 operational aircraft carriers.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR STANDARD MISSILE-6.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of up to 625 standard missile-6 missiles at a rate of not more than 125 missiles per year during the covered period.

(b) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary may enter into one or more contracts for advance procurement associated with the missiles (including economic order quantity) for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

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

(d) COVERED PERIOD DEFINED.—In this section, the term "covered period" means the 5-year period beginning with the fiscal year 2019 program year and ending with the fiscal year 2023 program year.

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR E-2D AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of up to 24 E-2D aircraft.

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

SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-18E/F AIRCRAFT AND EA-18G AIRCRAFT.

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

(1) F/A-18E/F aircraft.

(2) EA-18G aircraft.

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

(c) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2019, for advance procurement associated with the aircraft for which authorization to enter into a multiyear procurement contract is provided under subsection (a), which may include one or more contracts for the procurement of economic order quantities of material and equipment for such aircraft.

SEC. 127. MODIFICATIONS TO F/A-18 AIRCRAFT TO MITIGATE PHYSIOLOGICAL EPISODES.

(a) MODIFICATIONS REQUIRED.—The Secretary of the Navy shall modify the F/A-18 aircraft to reduce the occurrence of, and mitigate the risk posed by, physiological episodes affecting crewmembers of the aircraft. The modifications shall include, at minimum—

(1) replacement of the F/A-18 cockpit altimeter;

(2) upgrade of the F/A-18 onboard oxygen generation system;

(3) redesign of the F/A-18 aircraft life support systems required to meet onboard oxygen generation system input specifications; and

(4) installation of equipment associated with improved F/A-18 physiological monitoring and alert systems.

(b) REPORT REQUIRED.—Not later than February 1, 2019, and annually thereafter through February 1, 2021, the Secretary of the Navy shall submit to the congressional defense committees a written update on the status of all modifications to the F/A-18 aircraft carried out by the Secretary pursuant to subsection (a).

(c) WAIVER.—The Secretary of the Navy may waive the requirement to make a modification under subsection (a) if the Secretary certifies to the congressional defense committees that the specific modification is inadvisable and provides a detailed justification for excluding the modification from the Navy's planned upgrades for the F/A-18 aircraft.

SEC. 128. FRIGATE CLASS SHIP PROGRAM.

(a) IN GENERAL.—As part of the solicitation for proposals for the procurement of any frigate class ship in any of fiscal years 2019, 2020, or 2021, the Secretary of the Navy shall require that offerors submit proposals under which the offeror agrees to convey technical data to the Federal Government in the event the offeror is awarded the frigate construction contract associated with the proposal.

(b) TECHNICAL DATA DEFINED.—In this section, the term "technical data" means a compilation of detailed engineering plans and specifications for the construction of a frigate class ship.

SEC. 129. CONTRACT REQUIREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Section 124 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91)is amended—

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

(2) by inserting after subsection (c), the following:

"(d) CONTRACT REQUIREMENT.—

"(1) IN GENERAL.—The Secretary of the Navy shall ensure that a contract entered into under subsection (a) includes an option to procure a Virginia class submarine in each of fiscal years 2022 and 2023.

"(2) OPTION DEFINED.—In this subsection, the term 'option' has the meaning given that term in part 2.101 of the Federal Acquisition Regulation.".

SEC. 130. PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY PORT WATERBORNE SECURITY BARRIERS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal years 2019, 2020, 2021, or 2022 may be obligated or expended to procure legacy waterborne security barriers for Navy ports, including as replacements for legacy barriers.

(b) WAIVER.—The Secretary of the Navy may waive the prohibition in subsection (a) not less than 30 days after submitting to the congressional defense committees—

(1) a Navy requirements document that specifies key performance parameters and key system attributes for new waterborne security barriers for Navy ports;

(2) a certification that the level of capability specified under paragraph (1) will meet or exceed that of legacy waterborne security barriers for Navy ports;

(3) the acquisition strategy for the recapitalization of legacy waterborne security barriers for Navy ports, which shall meet or exceed the requirements specified under paragraph (1); and

(4) a certification that any contract for new waterborne security barriers for a Navy port will be awarded in accordance with the requirements for full and open competition set forth in section 2304 of title 10, United States Code.

(c) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The sustainment, refurbishment, and replacement of not more than 30 percent of portions of existing waterborne security barriers at Navy ports due to normal wear and tear.

(2) The procurement of new waterborne security barriers for Navy ports due to exigent circumstances.

(d) NOTIFICATION.—Not later than 15 days after an exception is made pursuant to subsection (c)(2), the Secretary of the Navy shall submit a written notification to the congressional defense committees that includes—

(1) the name and position of the government official who determined exigent circumstances exist;

(2) a description of the exigent circumstances; and

(3) a description of how waterborne security will be maintained until new waterborne security barriers are procured and installed.

SEC. 131. EXTENSION OF LIMITATION ON USE OF SOLE-SOURCE SHIPBUILDING CONTRACTS FOR CERTAIN VESSELS.

Section 124 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), as amended by section 127 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is further amended by striking "or fiscal year 2018" and inserting ", fiscal year 2018, or fiscal year 2019".

SEC. 132. LIMITATION ON AVAILABILITY OF FUNDS FOR M27 INFANTRY AUTOMATIC RIFLE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the M27 Infantry Automatic Rifle program of the Marine Corps, not more than 80 percent may be obligated or expended until the date on which the Commandant of the Marine Corps submits to the Committees on Armed Services of the Senate and the House of Representatives the assessment described in subsection (b).

(b) ASSESSMENT.—The assessment described in this subsection is a written summary of the views of the Marine Corps with respect to the Small Arms Ammunition Configuration Study of the Army, including—

(1) an explanation of how the study informs the future small arms modernization requirements of the Marine Corps; and

(2) near-term and long-term modernization strategies for the small arms weapon systems of the Marine Corps, including associated funding and schedule profiles.

SEC. 133. REPORT ON DEGAUSSING STANDARDS FOR DDG-51 DESTROYERS.

(a) REPORT REQUIRED.—Not later than February 1, 2019, the Secretary of the Navy shall submit to the congressional defense committees a report on degaussing standards for the DDG-51 destroyer.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) a detailed description of the current degaussing standards for the DDG-51 destroyer;

(2) a plan for incorporating such standards into the destroyer construction program; and

(3) an assessment of the requirement to backfit such standards to in-service destroyers.

Subtitle D—Air Force Programs

SEC. 141. INVENTORY REQUIREMENT FOR AIR REFUELING TANKER AIRCRAFT; LIMITATION ON RETIREMENT OF KC-10A AIRCRAFT.

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

"(j)(1) Except as provided in paragraph (2), effective October 1, 2019, the Secretary of the Air Force shall maintain a total aircraft inventory of air refueling tanker aircraft of not less than 479 aircraft.

"(2) The Secretary of the Air Force may reduce the number of air refueling tanker aircraft in the total aircraft inventory of the Air Force below 479 only if—

"(A) the Secretary certifies to the congressional defense committees that such reduction is justified by the results of the mobility capability and requirements study conducted under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91); and

"(B) a period of 30 days has elapsed following the date on which the certification is made to the congressional defense committees under subparagraph (A).

"(3) In this subsection:

"(A) The term 'air refueling tanker aircraft' means an aircraft that has as its primary mission the refueling of other aircraft.

"(B) The term 'total aircraft inventory' means aircraft authorized to a flying unit for operations or training.".

(b) LIMITATION ON RETIREMENT OF KC-10A.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for any fiscal year for the Air Force may be obligated or expended to retire, or to prepare to retire, any KC-10A aircraft until the date that is 30 days after the date on which the Secretary of the Air

Force certifies to the congressional defense committees that Secretary has met the minimum inventory requirement under section 8062(j) of title 10, United States Code, as added by subsection (a) of this section.

(2) EXCEPTION FOR CERTAIN AIRCRAFT.—The requirement of paragraph (1) does not apply to individual KC-10A aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

SEC. 142. MULTIYEAR PROCUREMENT AUTHORITY FOR C-130J AIRCRAFT PROGRAM.

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

(1) C-130J aircraft for the Air Force; and

(2) C-130J aircraft for the Navy and the Marine Corps pursuant to the agreement described in subsection (b).

(b) AGREEMENT DESCRIBED.—The agreement described in this subsection is the agreement between the Secretary of the Navy and the Secretary of the Air Force under which the Secretary of the Air Force acts as the executive agent for the Department of the Navy for purposes of procuring C-130J aircraft for such Department.

(c) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary of the Air Force may enter into one or more contracts for advance procurement associated with the C-130J aircraft, including economic order quantity, for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

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

(e) TREATMENT OF FISCAL YEAR 2018 AIRCRAFT.—The multiyear contract authority under subsection (a) includes C-130J aircraft for which funds were appropriated for fiscal year 2018.

SEC. 143. CONTRACT FOR LOGISTICS SUPPORT FOR VC-25B AIRCRAFT.

The Secretary of the Air Force shall—

(1) ensure that the total period of any contract awarded for logistics support for the VC-25B aircraft does not exceed five years, as required under part 17.204(e) of the Federal Acquisition Regulation; and

(2) comply with section 2304 of title 10, United States Code, regarding full and open competition through the use of competitive procedures for the award of any such logistics support contract following the initial five-year contract period.

SEC. 144. RETIREMENT DATE FOR VC-25A AIRCRAFT.

(a) IN GENERAL.—For purposes of the application of section 2244a of title 10, United States Code, the retirement date of the covered aircraft is deemed to be not later than December 31, 2025.

(b) COVERED AIRCRAFT DEFINED.—In this section, the term "covered aircraft" means the two VC-25A aircraft of the Air Force that are in service as of the date of the enactment of this Act.

SEC. 145. REPEAL OF FUNDING RESTRICTION FOR EC-130H COMPASS CALL RECAPITALIZATION PROGRAM.

Section 131 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2037) is repealed.

SEC. 146. LIMITATION ON USE OF FUNDS FOR KC-46A AIRCRAFT PENDING SUBMITTAL OF CERTIFICATION.

(a) CERTIFICATION REQUIRED.—The Secretary of the Air Force shall submit to the congressional defense committees certification that, as of the date of the certification—

(1) the supplemental type certification and the military type certification for the KC-46A aircraft have been approved; and

(2) the Air Force has accepted the delivery of the first KC-46A aircraft.

(b) LIMITATION ON USE OF FUNDS.—

(1) LIMITATION.—Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated or otherwise made available by this Act for fiscal year 2019 for Aircraft Procurement, Air Force, may be obligated or expended to procure the covered aircraft until the Secretary of the Air Force submits the certification required under subsection (a).

(2) COVERED AIRCRAFT DEFINED.—In this subsection, the term "covered aircraft" means three of the KC-46A aircraft authorized to be procured by this Act.

SEC. 147. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E-8 JSTARS AIRCRAFT.

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 or any subsequent fiscal year for the Air Force may be obligated or expended to retire, or prepare to retire, any E-8 Joint Surveillance Target Attack Radar System aircraft until the date on which the Secretary of the Defense certifies to the congressional defense committees that—

(1) the Secretary has identified—

(A) a capability with sufficient capacity to replace the current fleet of 16 E–8 Joint Surveillance Target Attack Radar System aircraft in a manner that meets global combatant command requirements; and

(B) potential global basing locations for such capability; and

(2) such replacement capability delivers capabilities that are comparable or superior to the capabilities delivered by such aircraft..[3]

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to individual E-8C Joint Surveillance Target Attack Radar System aircraft that the Secretary of the Air Force determines, on

[3] Two periods are so in law. See amendment made by section 140(1) of Public Law 116–283.

a case-by-case basis, to be no longer mission capable because of mishaps, other damage, or being uneconomical to repair.

(c) CERTIFICATION REQUIRED.—Not later than March 1, 2019, the Secretary of Defense, on a nondelegable basis, shall certify to the congressional defense committees that—

(1) the Secretary of the Air Force is taking all reasonable steps to ensure the legacy E-8C Joint Surveillance Target Radar System aircraft that the Air Force continues to operate meet all safety requirements;

(2) the Secretary of the Air Force has developed and implemented a funding strategy to increase the operational and maintenance availability of the legacy E-8C Joint Surveillance Target Radar System aircraft that the Air Force continues to operate;

(3) the Advanced Battle-Management System acquisition and fielding strategy is executable and that sufficient funds will be available to achieve all elements of the System as described in the Capability Development Document for the System; and

(4) in coordination with each separate geographic combatant commander, that the Secretary of the Air Force is implementing defined and measurable actions to meet the operational planning and steady-state force presentation requirements for Ground-Moving Target Indicator intelligence and Battle-Management, Command and Control towards a moderate level of risk until the Advanced Battle Management System delivers equivalent capability.

(d) GAO REPORT AND BRIEFING.—

(1) REPORT REQUIRED.—Not later than March 1, 2020, the Comptroller General of the United States shall submit to the congressional defense committees a report on Increment I, Increment 2, and Increment 3 of the 21st Century Advanced Battle Management System of Systems capability of the Air Force. The report shall include a review of—

(A) the technologies that compose the capability and the level of maturation of such technologies;

(B) the resources budgeted for the capability;

(C) the fielding plan for the capability;

(D) any risk assessments associated with the capability; and

(E) the overall acquisition strategy for the capability.

(2) INTERIM BRIEFING.—Not later than March 1, 2019, the Comptroller General of the United States shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the topics to be covered by the report under paragraph (1), including any preliminary data and any issues or concerns of the Comptroller General relating to the report.

(e) AIR FORCE REPORT.—Not later than February 5, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on the legacy fleet of E-8C Joint Surveillance Target Attack Radar System aircraft that includes—

(1) the modernization and sustainment strategy, and associated costs, for the airframe and mission systems that will be

used to maintain the legacy fleet of such aircraft until the planned retirement of the aircraft; and

(2) a plan that will provide combatant commanders with an increased level of E-8C force support.

(f) E-8C FORCE PRESENTATION REQUIREMENT.—

(1) IN GENERAL.—Beginning not later than October 1, 2020, and until the retirement of the E-8C aircraft fleet, the Secretary of the Air Force shall provide not fewer than 6 dedicated E-8C aircraft each fiscal year for allocation to the geographical combatant commanders through the Intelligence, Surveillance, and Reconnaissance Global Force Management Allocation Process.

(2) EXCEPTION.—If the Secretary of the Air Force is unable to meet the requirements of paragraph (1), the Secretary of Defense, on a nondelegable basis, may waive the requirements for a fiscal year and shall provide to the congressional defense committees a notice of waiver issuance and justification.

SEC. 148. REPORT ON MODERNIZATION OF B-52H AIRCRAFT SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the long term modernization of the B-52H aircraft.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an estimated timeline for the modernization of the B-52H aircraft; and

(2) modernization requirements with respect to the integrated systems of the aircraft, including—

(A) electronic warfare and defensive systems;

(B) communications, including secure jam resistant capability;

(C) radar replacement;

(D) engine replacement;

(E) future weapons and targeting capability; and

(F) mission planning systems.

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

SEC. 151. PROCUREMENT AUTHORITY FOR ADDITIONAL ICEBREAKER VESSELS.

(a) PROCUREMENT AUTHORITY.—

(1) IN GENERAL.—In addition to the icebreaker vessel authorized to be procured under section 122(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), the Secretary of the department in which the Coast Guard is operating may enter into one or more contracts for the procurement of up to five additional polar-class icebreaker vessels.

(2) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2019 is subject to the

availability of appropriations or funds for that purpose for such later fiscal year.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Coast Guard should maintain an inventory of not fewer than six polar-class icebreaker vessels beginning not later than fiscal year 2029 and, to achieve such inventory, should—

(1) award a contract for the first new polar-class icebreaker not later than fiscal year 2019;

(2) deliver the first new polar-class icebreaker not later than fiscal year 2023;

(3) start construction on the second through sixth new polar-class icebreakers at a rate of one vessel per year in fiscal years 2022 through 2026; and

(4) accept delivery of the second through sixth new polar-class icebreakers at a rate of one vessel per year in fiscal years 2025 through 2029.

SEC. 152. BUY-TO-BUDGET ACQUISITION OF F-35 AIRCRAFT.

Subject to section 2308 of title 10, United States Code, using funds authorized to be appropriated by this Act for the procurement of F-35 aircraft, the Secretary of Defense may procure a quantity of F-35 aircraft in excess of the quantity authorized by this Act if such additional procurement does not require additional funds to be authorized to be appropriated because of production efficiencies or other cost reductions.

SEC. 153. CERTIFICATION ON INCLUSION OF TECHNOLOGY TO MINIMIZE PHYSIOLOGICAL EPISODES IN CERTAIN AIRCRAFT.

(a) CERTIFICATION REQUIRED.—Not later than 15 days before entering into a contract for the procurement of a covered aircraft, the Secretary concerned shall submit to the congressional defense committees a written statement certifying that the aircraft to be procured under the contract will include the most recent technological advancements necessary to minimize the impact of physiological episodes on aircraft crewmembers.

(b) WAIVER.—The Secretary concerned may waive the requirement of subsection (a) if the Secretary—

(1) determines the waiver is required in the interest of national security; and

(2) not later than 15 days before entering into a contract for the procurement of a covered aircraft, notifies the congressional defense committees of the rationale for the waiver.

(c) TERMINATION.—The requirement to submit a certification under subsection (a) shall terminate on September 30, 2021.

(d) DEFINITIONS.—In this section:

(1) The term "covered aircraft" means a fighter aircraft, an attack aircraft, or a fixed wing trainer aircraft.

(2) The term "Secretary concerned" means—

(A) the Secretary of the Navy, with respect to covered aircraft of Navy; and

(B) the Secretary of the Air Force, with respect to covered aircraft of the Air Force.

SEC. 154. [10 U.S.C. 2302 note] ARMORED COMMERCIAL PASSENGER-CARRYING VEHICLES.

(a) IMPLEMENTATION OF GAO RECOMMENDATIONS.—In accordance with the recommendations of the Government Accountability Office in the report titled "Armored Commercial Vehicles: DOD Has Procurement Guidance, but Army Could Take Actions to Enhance Inspections and Oversight" (GAO-17-513), not later than 180 days after the date of the enactment of this Act, the Secretary of Army shall—

(1) ensure that in-progress inspections are conducted at the armoring vendor's facility for each procurement of armored commercial passenger-carrying vehicles until the date on which the Secretary of Defense approves and implements an updated armoring and inspection standard for such vehicles; and

(2) designate a central point of contact for collecting and reporting information on armored commercial passenger-carrying vehicles (such as information on contracts execution and vehicle inspections).

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the progress of the Secretary in implementing Department of Defense Instruction O-2000.16 Volume 1, dated November 2016, with respect to armored commercial passenger-carrying vehicles, including—

(1) whether criteria for the procurement of such vehicles have been established and distributed to the relevant components of the Department; and

(2) whether a process is in place for ensuring that the relevant components of the Department incorporate those criteria into contracts for such vehicles.

SEC. 155. QUARTERLY UPDATES ON THE F-35 JOINT STRIKE FIGHTER PROGRAM.

(a) IN GENERAL.—Beginning not later than October 1, 2018, and on a quarterly basis thereafter through October 1, 2022, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the congressional defense committees a briefing on the progress of the F-35 Joint Strike Fighter program.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the F-35 Joint Strike Fighter program, the following elements:

(1) An overview of the program schedule.

(2) A description of each contract awarded under the program, including a description of the type of contract and the status of the contract.

(3) An assessment of the status of the program with respect to—

(A) modernization;
(B) modification;
(C) testing;
(D) delivery;
(E) sustainment;
(F) program management; and

(G) efforts to ensure that excessive sustainment costs do not threaten the ability of the Department of Defense to purchase the required number of aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Modification of authority to carry out certain prototype projects.
Sec. 212. Extension of directed energy prototype authority.
Sec. 213. Prohibition on availability of funds for the Weather Common Component program.
Sec. 214. Limitation on availability of funds for F-35 continuous capability development and delivery.
Sec. 215. Limitation on availability of funds pending report on agile software development and software operations.
Sec. 216. Limitation on availability of funds for certain high energy laser advanced technology.
Sec. 217. Plan for the Strategic Capabilities Office of the Department of Defense.
Sec. 218. National Defense Science and Technology Strategy.
Sec. 219. Modification of CVN-73 to support fielding of MQ-25 unmanned aerial vehicle.
Sec. 220. Establishment of innovators information repository in the Department of Defense.
Sec. 221. Strategic plan for Department of Defense test and evaluation resources.
Sec. 222. Collaboration between Defense laboratories, industry, and academia; open campus program.
Sec. 223. Permanent extension and codification of authority to conduct technology protection features activities during research and development of defense systems.
Sec. 224. Codification and reauthorization of Defense Research and Development Rapid Innovation Program.
Sec. 225. Procedures for rapid reaction to emerging technology.
Sec. 226. Activities on identification and development of enhanced personal protective equipment against blast injury.
Sec. 227. Human factors modeling and simulation activities.
Sec. 228. Expansion of mission areas supported by mechanisms for expedited access to technical talent and expertise at academic institutions.
Sec. 229. Advanced manufacturing activities.
Sec. 230. National security innovation activities.
Sec. 231. Partnership intermediaries for promotion of defense research and education.
Sec. 232. Limitation on use of funds for Surface Navy Laser Weapon System.
Sec. 233. Expansion of coordination requirement for support for national security innovation and entrepreneurial education.
Sec. 234. Defense quantum information science and technology research and development program.
Sec. 235. Joint directed energy test activities.
Sec. 236. Requirement for establishment of arrangements for expedited access to technical talent and expertise at academic institutions to support Department of Defense missions.
Sec. 237. Authority for Joint Directed Energy Transition Office to conduct research relating to high powered microwave capabilities.
Sec. 238. Joint artificial intelligence research, development, and transition activities.

Subtitle C—Reports and Other Matters

Sec. 241. Report on survivability of air defense artillery.
Sec. 242. T-45 aircraft physiological episode mitigation actions.

Sec. 243. Report on efforts of the Air Force to mitigate physiological episodes affecting aircraft crewmembers.
Sec. 244. Report on Defense Innovation Unit Experimental.
Sec. 245. Modification of funding criteria under Historically Black Colleges and Universities and minority institutions program.
Sec. 246. Report on OA-X light attack aircraft applicability to partner nation support.
Sec. 247. Reports on comparative capabilities of adversaries in key technology areas.
Sec. 248. Report on active protection systems for armored combat and tactical vehicles.
Sec. 249. Next Generation Combat Vehicle.
Sec. 250. Modification of reports on mechanisms to provide funds to defense laboratories for research and development of technologies for military missions.
Sec. 251. Briefings on Mobile Protected Firepower and Future Vertical Lift programs.
Sec. 252. Improvement of the Air Force supply chain.
Sec. 253. Review of guidance on blast exposure during training.
Sec. 254. Competitive acquisition strategy for Bradley Fighting Vehicle transmission replacement.
Sec. 255. Independent assessment of electronic warfare plans and programs.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 2371b of title 10, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), in the matter before clause (i), by striking "(for a prototype project)" and inserting "for a prototype project, and any follow-on production contract or transaction that is awarded pursuant to subsection (f),";

(B) in subparagraph (B)—

(i) in the matter before clause (i), by striking "(for a prototype project)" and inserting "for a prototype project, and any follow-on production contract or transaction that is awarded pursuant to subsection (f),"; and

(ii) in clause (i), in the matter before subclause (I), by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under 132 STAT. 1675 Secretary of Defense for Research and Engineering or the Under Secretary of Defense for Acquisition and Sustainment";

(C) in paragraph (3), by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under Secretaries of Defense";

(2) in subsection (b)(2), by inserting "the prototype" after "carry out"; and

(3) in subsection (f)—

(A) by redesignating paragraph (3) as paragraph (5); and

(B) by inserting after paragraph (2) the following new paragraphs:

"(3) A follow-on production contract or transaction may be awarded, pursuant to this subsection, when the Department determines that an individual prototype or prototype subproject as part of a consortium is successfully completed by the participants.

"(4) Award of a follow-on production contract or transaction pursuant to the terms under this subsection is not contingent upon the successful completion of all activities within a consortium as a condition for an award for follow-on production of a successfully completed prototype or prototype subproject within that consortium.".

SEC. 212. EXTENSION OF DIRECTED ENERGY PROTOTYPE AUTHORITY.

Section 219(c)(4) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2431 note) is amended—

(1) in subparagraph (A), by striking "Except as provided in subparagraph (B)" and inserting "Except as provided in subparagraph (C)";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

"(B) Except as provided in subparagraph (C) and subject to the availability of appropriations for such purpose, of the funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2019 or otherwise made available for fiscal year 2019 for research, development, test, and evaluation, defense-wide, up to $100,000,000 may be available to the Under Secretary to allocate to the military departments, the defense agencies, and the combatant commands to carry out the program established under paragraph (1).."; and

(4) in subparagraph (C), as so redesignated, by striking "made available under subparagraph (A)" and inserting "made available under subparagraph (A) or subparagraph (B)".

SEC. 213. PROHIBITION ON AVAILABILITY OF FUNDS FOR THE WEATHER COMMON COMPONENT PROGRAM.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for research, development, test, and evaluation, Air Force, for weather service (PE 0305111F, Project 672738) for product development, test and evaluation, and management services associated with the Weather Common Component program may be obligated or expended.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on technologies and capabilities that—

(A) provide real-time or near real-time meteorological situational awareness data through the use of sensors installed on manned and unmanned aircraft; and

(B) were developed primarily using funds of the Department of Defense.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of all technologies and capabilities described in paragraph (1) that exist as of the date on which the report is submitted;

(B) a description of any testing activities that have been completed for such technologies and capabilities, and the results of those testing activities;

(C) the total amount of funds used by the Department of Defense for the development of such technologies and capabilities;

(D) a list of capability gaps or shortfalls in any major commands of the Air Force relating to the gathering, processing, exploitation, and dissemination of real-time or near real-time meteorological situational awareness data for unmanned systems;

(E) an explanation of how such gaps or shortfalls may be remedied to supplement the weather forecasting capabilities of the Air Force and to enhance the efficiency or effectiveness of combat air power; and

(F) a plan for fielding existing technologies and capabilities to mitigate such gaps or shortfalls.

SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR F-35 CONTINUOUS CAPABILITY DEVELOPMENT AND DELIVERY.

(a) LIMITATION.—Except as provided in subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the F-35 continuous capability development and delivery program, not more than 75 percent may be obligated or expended until a period of 15 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees a detailed cost estimate and baseline schedule for the program, which shall include any information required for a major defense acquisition program under section 2435 of title 10, United States Code.

(b) EXCEPTION.—The limitation in subsection (a) does not apply to any funds authorized to be appropriated or otherwise made available for the development of the F-35 dual capable aircraft capability.

SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT ON AGILE SOFTWARE DEVELOPMENT AND SOFTWARE OPERATIONS.

(a) LIMITATION.—Of the of funds described in subsection (d), not more than 80 percent may be obligated or expended until a period of 30 days has elapsed following the date on which the Secretary of the Air Force submits the report required under subsection (b).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Director of Defense Pricing/Defense Procurement and Acquisition Policy and the Director of the Defense Digital Service, shall submit to the congressional defense committees a report that includes a description of each of the following:

(1) How cost estimates in support of modernization and upgrade activities for Air and Space Operations Centers are being conducted and using what methods.

(2) The contracting strategy and types of contracts being used to execute Agile Software Development and Software Operations (referred to in this section as "Agile DevOps") activities.

(3) How intellectual property ownership issues associated with software applications developed with Agile DevOps processes will be addressed to ensure future sustainment, maintenance, and upgrades to software applications after the applications are fielded.

(4) A description of the tools and software applications that have been developed for the Air and Space Operations Centers and the costs and cost categories associated with each.

(5) Challenges the Air Force has faced in executing acquisition activities modernizing the Air and Space Operations Centers and how the Air Force plans to address the challenges identified.

(6) The Secretary's strategy for ensuring that software applications developed for Air Operations Centers are transportable and translatable among all the Centers to avoid any duplication of efforts.

(c) REVIEW.—Before submitting the report under subsection (b), the Secretary of the Air Force shall ensure that the report is reviewed and approved by the Director of Defense Pricing/Defense Procurement and Acquisition Policy.

(d) FUNDS DESCRIBED.—The funds described in this subsection are the following:

(1) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for research, development, test, and evaluation, Air Force, for Air and Space Operations Centers (PE 0207410F, Project 674596).

(2) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for other procurement, Air Force, for Air and Space Operations Centers.

SEC. 216. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN HIGH ENERGY LASER ADVANCED TECHNOLOGY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense for High Energy Laser Advanced Technology (PE 0603924D8Z), not more than 50 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a roadmap and detailed assessment of the high energy laser programs of the Department of Defense, which shall include plans for coordination across the Department and transition to programs of record.

(b) RULE OF CONSTRUCTION.—The limitation in subsection (a) shall not be construed to apply to any other high energy laser program of the Department of Defense other than the program element specified in such subsection.

SEC. 217. PLAN FOR THE STRATEGIC CAPABILITIES OFFICE OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees a plan—

(1) to eliminate the Strategic Capabilities Office of the Department of Defense by not later than October 1, 2020;

(2) to transfer the functions of the Strategic Capabilities Office to another organization or element of the Department by not later than October 1, 2020; or

(3) to retain the Strategic Capabilities Office.

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

(1) A timeline for the potential elimination, transfer, or retention of some or all of the activities, functions, programs, plans, and resources of the Strategic Capabilities Office.

(2) A strategy for mitigating risk to the programs of the Strategic Capabilities Office.

(3) A strategy for implementing the lessons learned and best practices of the Strategic Capabilities Office across the organizations and elements of the Department of Defense to promote enterprise-wide innovation.

(4) An assessment of the transition outcomes, research portfolio, and mission accomplishment in the key functions of the Strategic Capabilities Office described in subsection (c).

(5) An assessment of the relationship of the Strategic Capabilities Office with—

(A) the acquisition and rapid capabilities programs of the military departments;

(B) Department laboratories;

(C) the Defense Advanced Research Projects Agency; and

(D) other research and development activities.

(6) Assessment of management and bureaucratic challenges to the effective and efficient execution of the Strategic Capabilities Office missions, especially with respect to contracting and personnel management.

(c) KEY FUNCTIONS DESCRIBED.—The key functions described in this subsection are the following:

(1) Repurposing existing Government and commercial systems for new technological advantage.

(2) Developing novel concepts of operation that are lower cost, more effective, and more responsive to changing threats than traditional concepts of operation.

(3) Developing joint systems and concepts of operations to meet emerging threats and military requirements based on partnerships with the military departments and combatant commanders.

(4) Developing prototypes and new concepts of operations that can inform the development of requirements and the establishment of acquisition programs.

(d) FORM OF PLAN.—The plan required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

[Section 218 was repealed by section 211(c) of division A of Public Law 117-81.]

SEC. 219. MODIFICATION OF CVN-73 TO SUPPORT FIELDING OF MQ-25 UNMANNED AERIAL VEHICLE.

The Secretary of the Navy shall—

(1) modify the compartments and infrastructure of the aircraft carrier designated CVN-73 to support the fielding of the MQ-25 unmanned aerial vehicle before the date on which the refueling and complex overhaul of the aircraft carrier is completed; and

(2) ensure such modification is sufficient to complete the full installation of MQ-25 in no more than a single maintenance period after such overhaul.

SEC. 220. [10 U.S.C. 2364 note] ESTABLISHMENT OF INNOVATORS INFORMATION REPOSITORY IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Defense Technical Information Center, establish an innovators information repository within the Department of Defense in accordance with this section.

(b) MAINTENANCE OF INFORMATION REPOSITORY.—The Under Secretary of Defense for Research and Engineering shall maintain the information repository and ensure that it is periodically updated.

(c) ELEMENTS OF INFORMATION REPOSITORY.—The information repository established under subsection (a) shall—

(1) be coordinated across the Department of Defense enterprise to focus on small business innovators that are small, independent United States businesses, including those participating in the Small Business Innovation Research program or the Small Business Technology Transfer program;

(2) include appropriate information about each participant, including a description of—

(A) the need or requirement applicable to the participant;

(B) the participant's technology with appropriate technical detail and appropriate protections of proprietary information or data;

(C) any prior business of the participant with the Department; and

(D) whether the participant's technology was incorporated into a program of record; and

(3) incorporate the appropriate classification due to compilation of information.

(d) USE OF INFORMATION REPOSITORY.—After the information repository is established under subsection (a), the Secretary shall

encourage use of the information repository by Department organizations involved in technology development and protection, including program offices, before initiating a Request for Information or a Request for Proposal to determine whether an organic technology exists or is being developed currently by a an entity supported by the Department (which may include a company, academic consortium, or other entity).

SEC. 221. STRATEGIC PLAN FOR DEPARTMENT OF DEFENSE TEST AND EVALUATION RESOURCES.

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

(1) by amending paragraph (1) to read as follows: "(1) Not less often than once every two fiscal years, the Under Secretary of Defense for Research and Engineering, in coordination with the Director of the Department of Defense Test Resources Management Center, the Director of Operational Test and Evaluation, the Director of the Defense Intelligence Agency, the Secretaries of the military departments, and the heads of Defense Agencies with test and evaluation responsibilities, shall complete a strategic plan reflecting the future needs of the Department of Defense with respect to test and evaluation facilities and resources. Each strategic plan shall cover the period of thirty fiscal years beginning with the fiscal year 132 STAT. 1682 in which the plan is submitted under paragraph (3). The strategic plan shall be based on a comprehensive review of both funded and unfunded test and evaluation requirements of the Department, future threats to national security, and the adequacy of the test and evaluation facilities and resources of the Department to meet those future requirements and threats."; and

(2) in paragraph (2)(C), by striking "needed to meet such requirements" and inserting "needed to meet current and future requirements based on current and emerging threats".

SEC. 222. [10 U.S.C. 2364 note] COLLABORATION BETWEEN DEFENSE LABORATORIES, INDUSTRY, AND ACADEMIA; OPEN CAMPUS PROGRAM.

(a) COLLABORATION.—The Secretary of Defense may carry out activities to prioritize innovative collaboration between Department of Defense science and technology reinvention laboratories, industry, and academia.

(b) OPEN CAMPUS PROGRAM.—In carrying out subsection (a), the Secretary, acting through the Commander of the Air Force Research Laboratory, the Commander of the Army Research, Development and Engineering Command, and the Chief of Naval Research, or such other officials of the Department as the Secretary considers appropriate, may develop and implement an open campus program for the Department science and technology reinvention laboratories which shall be modeled after the open campus program of the Army Research Laboratory.

SEC. 223. PERMANENT EXTENSION AND CODIFICATION OF AUTHORITY TO CONDUCT TECHNOLOGY PROTECTION FEATURES ACTIVITIES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting before section 2358 the following new section:

"SEC. 2357. [10 U.S.C. 2357] TECHNOLOGY PROTECTION FEATURES ACTIVITIE

"(a) ACTIVITIES.—The Secretary of Defense shall carry out activities to develop and incorporate technology protection features in a designated system during the research and development phase of such system.

"(b) COST-SHARING.—Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system, either for the development of program protection strategies for the system or the design and incorporation of exportability features into the system, shall include a cost-sharing provision that requires the contractor to bear half of the cost of such activities, or such other portion of such cost as the Secretary considers appropriate upon showing of good cause.

"(c) DEFINITIONS.—In this section:

"(1) The term 'designated system' means any system (including a major system, as defined in section 2302(5) of title 10, United States Code) that the Under Secretary of Defense for Acquisition and Sustainment designates for purposes of this section.

"(2) The term 'technology protection features' means the technical modifications necessary to protect critical program information, including anti-tamper technologies and other systems engineering activities intended to prevent or delay exploitation of critical technologies in a designated system.".

(b) [10 U.S.C. 2351] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code,is amended by inserting before the item relating to section 2358 the following new item:

"2357. Technology protection features activities.".

(c) CONFORMING REPEAL.—Section 243 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2358 note) is repealed.

SEC. 224. CODIFICATION AND REAUTHORIZATION OF DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

(a) CODIFICATION.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359 the following new section:

"SEC. 2359a. [10 U.S.C. 2359a] DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRA

"(a) PROGRAM ESTABLISHED.—(1) The Secretary of Defense shall establish a competitive, merit-based program to accelerate the fielding of technologies developed pursuant to phase II Small Business Innovation Research Program projects, technologies developed

by the defense laboratories, and other innovative technologies (including dual use technologies).

"(2) The purpose of this program is to stimulate innovative technologies and reduce acquisition or lifecycle costs, address technical risks, improve the timeliness and thoroughness of test and evaluation outcomes, and rapidly insert such products directly in support of primarily major defense acquisition programs, but also other defense acquisition programs that meet critical national security needs.

"(b) GUIDELINES.—The Secretary shall issue guidelines for the operation of the program. At a minimum such guidance shall provide for the following:

"(1) The issuance of one or more broad agency announcements or the use of any other competitive or merit-based processes by the Department of Defense for candidate proposals in support of defense acquisition programs as described in subsection (a).

"(2) The review of candidate proposals by the Department of Defense and by each military department and the merit-based selection of the most promising cost-effective proposals for funding through contracts, cooperative agreements, and other transactions for the purposes of carrying out the program.

"(3) The total amount of funding provided to any project under the program from funding provided under subsection (d) shall not exceed $3,000,000, unless the Secretary, or the Secretary's designee, approves a larger amount of funding for the project.

"(4) No project shall receive more than a total of two years of funding under the program from funding provided under subsection (d), unless the Secretary, or the Secretary's designee, approves funding for any additional year.

"(5) Mechanisms to facilitate transition of follow-on or current projects carried out under the program into defense acquisition programs, through the use of the authorities of section 2302e of this title or such other authorities as may be appropriate to conduct further testing, low rate production, or full rate production of technologies developed under the program.

"(6) Projects are selected using merit-based selection procedures and the selection of projects is not subject to undue influence by Congress or other Federal agencies.

"(c) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

"(d) FUNDING.—Subject to the availability of appropriations for such purpose, the amounts authorized to be appropriated for research, development, test, and evaluation for a fiscal year may be used for such fiscal year for the program established under subsection (a).

"(e) TRANSFER AUTHORITY.—(1) The Secretary may transfer funds available for the program to the research, development, test,

and evaluation accounts of a military department, defense agency, or the unified combatant command for special operations forces pursuant to a proposal, or any part of a proposal, that the Secretary determines would directly support the purposes of the program.

"(2) The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.".

(2) [10 U.S.C. 2351] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such titleis amended by inserting after the item relating to section 2359 the following new item:

"2359a. Defense Research and Development Rapid Innovation Program.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF OLD PROVISION.—Section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2359 note) is hereby repealed.

(2) REPEAL OF OLD TABLE OF CONTENTS ITEM.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 1073.

SEC. 225. [10 U.S.C. 2358 note] PROCEDURES FOR RAPID REACTION TO EMERGING TECHNOLOGY.

(a) REQUIREMENT TO ESTABLISH PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering shall prescribe procedures for the designation and development of technologies that are—

(1) urgently needed—

(A) to react to a technological development of an adversary of the United States; or

(B) to respond to a significant and urgent emerging technology; and

(2) not receiving appropriate research funding or attention from the Department of Defense.

(b) ELEMENTS.—The procedures prescribed under subsection (a) shall include the following:

(1) A process for streamlined communications between the Under Secretary, the Joint Chiefs of Staff, the commanders of the combatant commands, the science and technology executives within each military department, and the science and technology community, including—

(A) a process for the commanders of the combatant commands and the Joint Chiefs of Staff to communicate their needs to the science and technology community; and

(B) a process for the science and technology community to propose technologies that meet the needs communicated by the combatant commands and the Joint Chiefs of Staff.

(2) Procedures for the development of technologies proposed pursuant to paragraph (1)(B), including—

(A) a process for demonstrating performance of the proposed technologies on a short timeline;

(B) a process for developing a development strategy for a technology, including integration into future budget years; and

(C) a process for making investment determinations based on information obtained pursuant to subparagraphs (A) and (B).

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall provide to the congressional defense committees a briefing on the procedures required by subsection (a).

SEC. 226. [10 U.S.C. 2302 note] ACTIVITIES ON IDENTIFICATION AND DEVELOPMENT OF ENHANCED PERSONAL PROTECTIVE EQUIPMENT AGAINST BLAST INJURY.

(a) ACTIVITIES REQUIRED.—During calendar year 2019, the Secretary of the Army shall, in consultation with the Director of Operational Test and Evaluation, carry out a set of activities to identify and develop personal equipment to provide enhanced protection against injuries caused by blasts in combat and training.

(b) ACTIVITIES.—

(1) CONTINUOUS EVALUATION PROCESS.—For purposes of the activities required by subsection (a), the Secretary shall establish a process to continuously solicit from government, industry, academia, and other appropriate entities personal protective equipment that is ready for testing and evaluation in order to identify and evaluate equipment or clothing that is more effective in protecting members of the Armed Forces from the harmful effects of blast injuries, including traumatic brain injuries, and would be suitable for expedited procurement and fielding.

(2) GOALS.—The goals of the activities shall include:

(A) Development of streamlined requirements for procurement of personal protective equipment.

(B) Appropriate testing of personal protective equipment prior to procurement and fielding.

(C) Development of expedited mechanisms for deployment of effective personal protective equipment.

(D) Identification of areas of research in which increased investment has the potential to improve the quality of personal protective equipment and the capability of the industrial base to produce such equipment.

(E) Such other goals as the Secretary considers appropriate.

(3) PARTNERSHIPS FOR CERTAIN ASSESSMENTS.—As part of the activities, the Secretary should continue to establish partnerships with appropriate academic institutions for purposes of assessing the following:

(A) The ability of various forms of personal protective equipment to protect against common blast injuries, including traumatic brain injuries.

(B) The value of real-time data analytics to track the effectiveness of various forms of personal protective equipment to protect against common blast injuries, including traumatic brain injuries.

(C) The availability of commercially available off-the-shelf items (as defined in section 104 of title 41, United States Code) that may serve as personal protective technology to protect against traumatic brain injury resulting from blasts.

(D) The extent to which the equipment determined through the assessment to be most effective to protect against common blast injuries is readily modifiable for different body types and to provide lightweight material options to enhance maneuverability.

(c) AUTHORITIES.—In carrying out activities under subsection (a), the Secretary may use any authority as follows:

(1) Experimental procurement authority under section 2373 of title 10, United States Code.

(2) Other transactions authority under section 2371 and 2371b of title 10, United States Code.

(3) Authority to award technology prizes under section 2374a of title 10, United States Code.

(4) Authority under the Defense Acquisition Challenge Program under section 2359b of title 10, United States Code.

(5) Any other authority on acquisition, technology transfer, and personnel management that the Secretary considers appropriate.

(d) CERTAIN TREATMENT OF ACTIVITIES.—Any activities under this section shall be deemed to have been through the use of competitive procedures for the purposes of section 2304 of title 10, United States Code.

(e) ON-GOING ASSESSMENT FOLLOWING ACTIVITIES.—After the completion of activities under subsection (a), the Secretary shall, on an on-going basis, do the following:

(1) Evaluate the extent to which personal protective equipment identified through the activities would—

(A) enhance survivability of personnel from blasts in combat and training; and

(B) enhance prevention of brain damage, and reduction of any resultant chronic brain dysfunction, from blasts in combat and training.

(2) In the case of personal protective equipment so identified that would provide enhancements as described in paragraph (1), estimate the costs that would be incurred to procure such enhanced personal protective equipment, and develop a schedule for the procurement of such equipment.

(3) Estimate the potential health care cost savings that would occur from expanded use of personal protective equipment described in paragraph (2).

(f) REPORT.—Not later than December 1, 2019, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the activities under subsection (a) as of the date of the report.

(g) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2019 by this Act for research, development, test, and evaluation, as specified in the funding tables in division D, $10,000,000 may be used to carry out this section.

SEC. 227. [10 U.S.C. 2358 note] HUMAN FACTORS MODELING AND SIMULATION ACTIVITIES.

(a) ACTIVITIES REQUIRED.—The Secretary of Defense shall develop and provide for the carrying out of human factors modeling and simulation activities designed to do the following:

(1) Provide warfighters and civilians with personalized assessment, education, and training tools.

(2) Identify and implement effective ways to interface and team warfighters with machines.

(3) Result in the use of intelligent, adaptive augmentation to enhance decision making.

(4) Result in the development of techniques, technologies, and practices to mitigate critical stressors that impede warfighter and civilian protection, sustainment, and performance.

(b) PURPOSE.—The overall purpose of the activities shall be to accelerate research and development that enhances capabilities for human performance, human-systems integration, and training for the warfighter.

(c) PARTICIPANTS IN ACTIVITIES.—Participants in the activities may include the following:

(1) Elements of the Department of Defense engaged in science and technology activities.

(2) Program Executive Offices of the Department.

(3) Academia.

(4) The private sector.

(5) Such other participants as the Secretary considers appropriate.

SEC. 228. EXPANSION OF MISSION AREAS SUPPORTED BY MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS.

Section 217(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2358 note) is amended—

(1) by redesignating paragraph (23) as paragraph (27); and

(2) by inserting after paragraph (22) the following new paragraphs:

"(23) Space.

"(24) Infrastructure resilience.

"(25) Photonics.

"(26) Autonomy.".

SEC. 229. [10 U.S.C. 2521 note] ADVANCED MANUFACTURING ACTIVITIES.

(a) DESIGNATION.—The Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Research and Engineering shall jointly, in coordination with Secretaries of the military departments, establish at least one activity per military service to demonstrate advanced manufacturing techniques and capabilities at depot-level activities or military arsenal facilities of the military departments.

(b) PURPOSES.—The activities established pursuant to subsection (a) shall—

(1) support efforts to implement advanced manufacturing techniques and capabilities;

(2) identify improvements to sustainment methods for component parts and other logistics needs;

(3) identify and implement appropriate information security protections to ensure security of advanced manufacturing;

(4) aid in the procurement of advanced manufacturing equipment and support services;

(5) enhance partnerships between the defense industrial base and Department of Defense laboratories, academic institutions, and industry; and

(6) to the degree practicable, include an educational or training component to build an advanced manufacturing workforce.

(c) COOPERATIVE AGREEMENTS AND PARTNERSHIPS.—

(1) IN GENERAL.—The Under Secretaries may enter into a cooperative agreement and use public-private and public-public partnerships to facilitate development of advanced manufacturing techniques in support of the defense industrial base.

(2) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) and a partnership used under such paragraph shall facilitate—

(A) development and implementation of advanced manufacturing techniques and capabilities;

(B) appropriate sharing of information in the adaptation of advanced manufacturing, including technical data rights;

(C) implementation of appropriate information security protections into advanced manufacturing tools and techniques; and

(D) support of necessary workforce development.

(d) AUTHORITIES.—In carrying out this section, the Under Secretaries may use the following authorities:

(1) Section 2196 of title 10, United States Code, relating to the Manufacturing Engineering Education Program.

(2) Section 2368 of such title, relating to centers for science, technology, and engineering partnership.

(3) Section 2374a of such title, relating to prizes for advanced technology achievements.

(4) Section 2474 of such title, relating to centers of industrial and technical excellence.

(5) Section 2521 of such title, relating to the Manufacturing Technology Program.

(6) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.

(7) Such other authorities as the Under Secretaries considers appropriate.

SEC. 230. [10 U.S.C. 2358 note] NATIONAL SECURITY INNOVATION ACTIVITIES.

(a) ESTABLISHMENT.—The Under Secretary of Defense for Research and Engineering shall establish activities to develop interaction between the Department of Defense and the commercial technology industry and academia with regard to emerging hardware products and technologies with national security applications.

(b) ELEMENTS.—The activities required by subsection (a) shall include the following:

(1) Informing and encouraging private investment in specific hardware technologies of interest to future defense technology needs with unique national security applications.

(2) Funding research and technology development in hardware-intensive capabilities that private industry has not sufficiently supported to meet rapidly emerging defense and national security needs.

(3) Contributing to the development of policies, policy implementation, and actions to deter strategic acquisition of industrial and technical capabilities in the private sector by foreign entities that could potentially exclude companies from participating in the Department of Defense technology and industrial base.

(4) Identifying promising emerging technology in industry and academia for the Department of Defense for potential support or research and development cooperation.

(c) TRANSFER OF PERSONNEL AND RESOURCES.—

(1) IN GENERAL.—Subject to paragraph (2), the Under Secretary may transfer such personnel, resources, and authorities that are under the control of the Under Secretary as the Under Secretary considers appropriate to carry out the activities established under subsection (a) from other elements of the Department under the control of the Under Secretary or upon approval of the Secretary of Defense.

(2) CERTIFICATION.—The Under Secretary may only make a transfer of personnel, resources, or authorities under paragraph (1) upon certification by the Under Secretary that the activities established under paragraph (a) can attract sufficient private sector investment, has personnel with sufficient technical and management expertise, and has identified relevant technologies and systems for potential investment in order to carry out the activities established under subsection (a), independent of further government funding beyond this authorization.

(d) ESTABLISHMENT OF NONPROFIT ENTITY.—The Under Secretary may establish or fund a nonprofit entity to carry out the program activities under subsection (a).

(e) ADVISORY ASSISTANCE.—

(1) IN GENERAL.—The Under Secretary shall establish a mechanism to seek advice from existing Federal advisory committees on matters relating to—

(A) the implementation and prioritization of activities established under subsection (a); and

(B) determining how such activities may be used to support the overall technology strategy of the Department of Defense.

(2) EXISTING FEDERAL ADVISORY COMMITTEES DEFINED.—In this subsection, the term "existing Federal advisory committee" means an advisory committee that—

(A) is established pursuant to a provision of Federal law other than this section; and

(B) has responsibilities relevant to the activities established under subsection (a), as determined by the Under Secretary.

(f) PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a detailed plan to carry out this section.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A description of the additional authorities needed to carry out the activities set forth in subsection (b).

(B) Plans for transfers under subsection (c), including plans for private fund-matching and investment mechanisms, oversight, treatment of rights relating to technical data developed, and relevant dates and goals of such transfers.

(C) Plans for attracting the participation of the commercial technology industry and academia and how those plans fit into the current Department of Defense research and engineering enterprise.

(g) AUTHORITIES.—In carrying out this section, the Under Secretary may use the following authorities:

(1) Section 1711 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), relating to a pilot program on strengthening the defense industrial and innovation base.

(2) Section 1599g of title 10 of the United States Code, relating to public-private talent exchanges.

(3) Section 2368 of such title, relating to Centers for Science, Technology, and Engineering Partnerships.

(4) Section 2374a of such title, relating to prizes for advanced technology achievements.

(5) Section 2474 of such title, relating to Centers of Industrial and Technical Excellence.

(6) Section 2521 of such title, relating to the Manufacturing Technology Program.

(7) Subchapter VI of chapter 33 of title 5, United States Code, relating to assignments to and from States.

(8) Chapter 47 of such title, relating to personnel research programs and demonstration projects.

(9) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.

(10) Such other authorities as the Under Secretary considers appropriate.

(h) NOTICE REQUIRED.—Not later than 15 days before the date on which the Under Secretary first exercises the authority granted under subsection (d) and not later than 15 days before the date on which the Under Secretary first obligates or expends any amount

authorized under subsection (h)[4], the Under Secretary shall notify the congressional defense committees of such exercise, obligation, or expenditure, as the case may be.

SEC. 231. PARTNERSHIP INTERMEDIARIES FOR PROMOTION OF DEFENSE RESEARCH AND EDUCATION.

Section 2368 of title 10, United States Code, is amended—

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

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

"(f) USE OF PARTNERSHIP INTERMEDIARIES TO PROMOTE DEFENSE RESEARCH AND EDUCATION.—(1) Subject to the approval of the Secretary or the head of the another department or agency of the Federal Government concerned, the Director of a Center may enter into a contract, memorandum of understanding or other transition with a partnership intermediary that provides for the partnership intermediary to perform services for the Department of Defense that increase the likelihood of success in the conduct of cooperative or joint activities of the Center with industry or academic institutions.

"(2) In this subsection, the term 'partnership intermediary' means an agency of a State or local government, or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local government, that assists, counsels, advises, evaluates, or otherwise cooperates with industry or academic institutions that need or can make demonstrably productive use of technology-related assistance from a Center.".

SEC. 232. LIMITATION ON USE OF FUNDS FOR SURFACE NAVY LASER WEAPON SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available by this Act may be used to exceed, in fiscal year 2019, a procurement quantity of one Surface Navy Laser Weapon System, also known as the High Energy Laser and Integrated Optical-dazzler with Surveillance (HELIOS), unless the Secretary of the Navy submits to the congressional defense committees a report on such system with the elements set forth in subsection (b).

(b) ELEMENTS.—The elements set forth in this subsection are, with respect to the system described in subsection (a), the following:

(1) A document setting forth the requirements for the system, including desired performance characteristics.

(2) An acquisition plan that includes the following:

(A) A program schedule to accomplish design completion, technology maturation, risk reduction, and other activities, including dates of key design reviews (such as Preliminary Design Review and Critical Design Review) and program initiation decision (such as Milestone B) if applicable.

(B) A contracting strategy, including requests for proposals, the extent to which contracts will be competitively

[4] Subsection (h) (related to funding) was repealed by section 213(a)(1) of Public Law 116–283.

awarded, option years, option quantities, option prices, and ceiling prices.

(C) The fiscal years of procurement and delivery for each engineering development model, prototype, or similar unit planned to be acquired.

(D) A justification for the fiscal years of procurement and delivery for each engineering development model, prototype, or similar unit planned to be acquired.

(3) A test plan and schedule sufficient to achieve operational effectiveness and operational suitability determinations (such as Early Operational Capability and Initial Operational Capability) related to the requirements set forth in paragraph (1).

(4) Associated funding and item quantities, disaggregated by fiscal year and appropriation, requested in the Fiscal Year 2019 Future Years Defense Program.

(5) An estimate of the acquisition costs, including the total costs for procurement, research, development, test, and evaluation.

SEC. 233. EXPANSION OF COORDINATION REQUIREMENT FOR SUPPORT FOR NATIONAL SECURITY INNOVATION AND ENTREPRENEURIAL EDUCATION.

Section 225(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2359 note) is amended by adding at the end the following new paragraphs:

"(16) The National Security Technology Accelerator.

"(17) The I-Corps Program.".

SEC. 234. [10 U.S.C. 2358 note] DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a quantum information science and technology research and development program.

(b) PURPOSES.—The purposes of the program required by subsection (a) are as follows:

(1) To ensure global superiority of the United States in quantum information science necessary for meeting national security requirements.

(2) To coordinate all quantum information science and technology research and development within the Department of Defense and to provide for interagency cooperation and collaboration on quantum information science and technology research and development between the Department of Defense and other departments and agencies of the United States and appropriate private sector and international entities that are involved in quantum information science and technology research and development.

(3) To develop and manage a portfolio of fundamental and applied quantum information science and technology and engineering research initiatives that is stable, consistent, and balanced across scientific disciplines.

(4) To accelerate the transition and deployment of technologies and concepts derived from quantum information science and technology research and development into the

Armed Forces, and to establish policies, procedures, and standards for measuring the success of such efforts.

(5) To collect, synthesize, and disseminate critical information on quantum information science and technology research and development.

(6) To establish and support appropriate research, innovation, and industrial base, including facilities, workforce, and infrastructure, to support the needs of Department of Defense missions and systems related to quantum information science and technology.

(c) ADMINISTRATION.—In carrying out the program required by subsection (a), the Secretary shall act through the Under Secretary of Defense for Research and Engineering, who shall supervise the planning, management, and coordination of the program. The Under Secretary, in consultation with the Secretaries of the military departments and the heads of participating Defense Agencies and other departments and agencies of the United States, shall—

(1) prescribe a set of long-term challenges and a set of specific technical goals for the program, including—

(A) optimization of analysis of national security data sets;

(B) development of defense related quantum computing algorithms;

(C) design of new materials and molecular functions;

(D) secure communications and cryptography, including development of quantum communications protocols;

(E) quantum sensing and metrology;

(F) development of mathematics relating to quantum enhancements to sensing, communications, and computing; and

(G) processing and manufacturing of low-cost, robust, and reliable quantum information science and technology-enabled devices and systems;

(2) develop a coordinated and integrated research and investment plan for meeting the near-, mid-, and long-term challenges with definitive milestones while achieving the specific technical goals that builds upon the Department's increased investment in quantum information science and technology research and development, commercial sector and global investments, and other United States Government investments in the quantum information sciences, including through consultation with—

(A) the National Quantum Coordination Office;

(B) the subcommittee on Quantum Information Science of the National Science and Technology Council;

(C) other organizations and elements of the Department of Defense;

(D) other Federal agencies; and

(E) appropriate private sector organizations;

(3) in consultation with the entities listed in paragraph (2), develop plans for—

(A) the development of the quantum information science and technology workforce;

(B) enhancing awareness of quantum information science and technology;

(C) reducing the risk of cybersecurity threats posed by quantum information science technology; and

(D) development of ethical guidelines for the use of quantum information science technology;

(4) in consultation with the National Institute of Standards and Technology and other appropriate Federal entities, develop a quantum information science taxonomy and standards and requirements for quantum information technology;

(5) support efforts to increase the technology readiness level of quantum information science technologies under development in the United States;

(6) not later than 180 days after the date of the enactment of this Act, develop and continuously update guidance, including classification and data management plans for defense-related quantum information science and technology activities, and policies for control of personnel participating on such activities to minimize the effects of loss of intellectual property in basic and applied quantum information science and information considered sensitive to the leadership of the United States in the field of quantum information science and technology; and

(7) develop memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for carrying out the program under subsection (a).

(d) QUANTUM INFORMATION SCIENCE RESEARCH CENTERS.—The Secretary of each military department may establish or designate a defense laboratory or establish activities to engage with appropriate public and private sector organizations, including academic organizations, to enhance and accelerate the research, development, and deployment of quantum information sciences and quantum information science-enabled technologies and systems. The Secretary of Defense shall ensure that not less than one such laboratory or center is established or designated.

(e) USE OF QUANTUM COMPUTING CAPABILITIES.—The Secretary of each military department shall—

(1) develop and annually update a list of technical problems and research challenges which are likely to be addressable by quantum computers available for use within in the next one to three years, with a priority for technical problems and challenges where quantum computing systems have performance advantages over traditional computing systems, in order to enhance the capabilities of such quantum computers and support the addressing of relevant technical problems and research challenges; and

(2) establish programs and enter into agreements with appropriate medium and small businesses with functional quantum computing capabilities to provide such private sector capabilities to government, industry, and academic researchers working on relevant technical problems and research activities.

(f) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2020, the Secretary shall submit to the congressional defense committees

a report on the program, in both classified and unclassified format.

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

(A) A description of the knowledge-base of the Department with respect to quantum information sciences, plans to defend against quantum based attacks, and any plans of the Secretary to enhance such knowledge-base.

(B) A plan that describes how the Secretary intends to use quantum information sciences for military applications and to meet other needs of the Department, including a discussion of likely impacts of quantum information science and technology on military capabilities.

(C) An assessment of the efforts of foreign powers to use quantum information sciences for military applications and other purposes.

(D) A description of the activities carried out in accordance with this section, including, for each such activity—

(i) a roadmap for the activity;

(ii) a summary of the funding provided for the activity; and

(iii) an estimated timeline for the development and military deployment of quantum technologies supported through the activity.

(E) A description of the efforts of the Department of Defense to update classification and cybersecurity practices relating to quantum technology, including—

(i) security processes and requirements for engagement with allied countries; and

(ii) a plan for security-cleared government and contractor workforce development.

(F) Such other matters as the Secretary considers appropriate.

SEC. 235. JOINT DIRECTED ENERGY TEST ACTIVITIES.

(a) TEST ACTIVITIES.—The Under Secretary of Defense for Research and Engineering shall, in the Under Secretary's capacity as the official with principal responsibility for the development and demonstration of directed energy weapons for the Department of Defense pursuant to section 219(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2431 note), develop, establish, and coordinate directed energy testing activities adequate to ensure the achievement by the Department of Defense of goals of the Department for developing and deploying directed energy systems to match national security needs.

(b) ELEMENTS.—The activity established under subsection (a) shall include the following:

(1) The High Energy Laser System Test Facility of the Army Test and Evaluation Command.

(2) Such other test resources and activities as the Under Secretary may designate for purposes of this section.

(c) DESIGNATION.—The test activities established under subsection (a) shall be considered part of the Major Range and Test Facility Base (as defined in 196(i) of title 10, United States Code).

(d) PRIORITIZATION OF EFFORT.—In developing and coordinating testing activities pursuant to subsection (a), the Under Secretary shall prioritize efforts consistent with the following:

(1) Paragraphs (2) through (5) of section 219(a) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2431 note).

(2) Enabling the standardized collection and evaluation of testing data to establish testing references and benchmarks.

(3) Concentrating sufficient personnel expertise of directed energy weapon systems in order to validate the effectiveness of new weapon systems against a variety of targets.

(4) Consolidating modern state-of-the-art testing infrastructure including telemetry, sensors, and optics to support advanced technology testing and evaluation.

(5) Formulating a joint lethality or vulnerability information repository that can be accessed by any of the military departments of Defense Agencies, similar to a Joint Munitions Effectiveness Manuals (JMEMs).

(6) Reducing duplication of directed energy weapon testing.

(7) Ensuring that an adequate workforce and adequate testing facilities are maintained to support missions of the Department of Defense.

SEC. 236. [10 U.S.C. 2358 note] REQUIREMENT FOR ESTABLISHMENT OF ARRANGEMENTS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS TO SUPPORT DEPARTMENT OF DEFENSE MISSIONS.

(a) IN GENERAL.—Subsection (a)(1) of section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2358 note) is amended by striking "and each secretary of a military department may establish one or more" and inserting "shall, acting through the secretaries of the military departments, establish not fewer than three".

(b) EXTENSION.—Subsection (f) of such section is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 237. AUTHORITY FOR JOINT DIRECTED ENERGY TRANSITION OFFICE TO CONDUCT RESEARCH RELATING TO HIGH POWERED MICROWAVE CAPABILITIES.

Section 219(b)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2431 note) is amended by inserting ", including high-powered microwaves," after "energy systems and technologies".

SEC. 238. [10 U.S.C. 2358 note] JOINT ARTIFICIAL INTELLIGENCE RESEARCH, DEVELOPMENT, AND TRANSITION ACTIVITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a set of activities within the Department of Defense to coordinate the efforts of the Department to acquire, develop, mature, and transition artificial intelligence technologies into operational use.

(2) EMPHASIS.—The set of activities established under paragraph (1) shall include—

(A) acquisition and development of mature artificial intelligence technologies in support of defense missions;

(B) applying artificial intelligence and machine learning solutions to operational problems by directly delivering artificial intelligence capabilities to the Armed Forces and other organizations and elements of the Department of Defense;

(C) accelerating the development, testing, and fielding of new artificial intelligence and artificial intelligence-enabling capabilities; and

(D) coordinating and deconflicting activities involving artificial intelligence and artificial intelligence-enabled capabilities within the Department.

(b) DESIGNATION.—Not later than one year after the date of the enactment of this Act, the Secretary shall designate a senior official of the Department with principal responsibility for the coordination of activities relating to the development and demonstration of artificial intelligence and machine learning for the Department.

(c) ORGANIZATION AND ROLES.—

(1) ASSIGNMENT OF ROLES AND RESPONSIBILITIES.—

(A) IN GENERAL.—In addition to designating an official under subsection (b), the Secretary of Defense shall assign to appropriate officials within the Department of Defense roles and responsibilities relating to the research, development, prototyping, testing, procurement of, requirements for, and operational use of artificial intelligence technologies.

(B) APPROPRIATE OFFICIALS.—The officials assigned roles and responsibilities under subparagraph (A) shall include—

(i) the Under Secretary of Defense for Research and Engineering;

(ii) the Under Secretary of Defense for Acquisition and Sustainment;

(iii) the Director of the Joint Artificial Intelligence Center;

(iv) one or more officials in each military department;

(v) officials of appropriate Defense Agencies; and

(vi) such other officials as the Secretary of Defense determines appropriate.

(2) ROLE OF DIRECTOR OF THE JOINT ARTIFICIAL INTELLIGENCE CENTER.—

(A) DIRECT REPORT TO DEPUTY SECRETARY OF DEFENSE.—During the covered period, the Director of the Joint Artificial Intelligence Center shall report directly to the Deputy Secretary of Defense without intervening authority.

(B) CONTINUATION.—The Director of the Joint Artificial Intelligence Center shall continue to report to the Deputy Secretary of Defense as described in subparagraph (A) after the expiration of the covered period if, not later than 30 days before such period expires, the Deputy Secretary—

(i) determines that the Director should continue to report to Deputy Secretary without intervening authority; and

(ii) transmits notice of such determination to the congressional defense committees.

(C) COVERED PERIOD DEFINED.—In this paragraph, the term "covered period" means the period of two years beginning on the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.

(d) DUTIES.—The duties of the official designated under subsection (b) shall include the following:

(1) STRATEGIC PLAN.—Developing a detailed strategic plan to acquire, develop, mature, adopt, and transition artificial intelligence technologies into operational use. Such plan shall include the following:

(A) A strategic roadmap for the identification and coordination of the development and fielding of artificial intelligence technologies and key enabling capabilities.

(B) The continuous evaluation and adaptation of relevant artificial intelligence capabilities developed both inside the Department and in other organizations for military missions and business operations.

(2) ACCELERATION OF ACQUISITION, DEVELOPMENT AND FIELDING OF ARTIFICIAL INTELLIGENCE.—The official designated under subsection (b) shall—

(A) use the flexibility of regulations, personnel, acquisition, partnerships with industry and academia, or other relevant policies of the Department to accelerate the acquisition and fielding of artificial intelligence capabilities;

(B) ensure engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions;

(C) provide technical advice and support to entities in the Department and the military departments to optimize the use of artificial intelligence and machine learning technologies to meet Department missions;

(D) support the development of requirements for artificial intelligence capabilities that address the highest priority capability gaps of the Department and technical feasibility;

(E) develop and support capabilities for technical analysis and assessment of threat capabilities based on artificial intelligence;

(F) ensure that the Department has appropriate workforce and capabilities at laboratories, test ranges, and within the organic defense industrial base to support the artificial intelligence capabilities and requirements of the Department;

(G) develop classification guidance for all artificial intelligence related activities of the Department;

(H) develop standard data formats for the Department that—

(i) aid in defining the relative maturity of datasets; and

(ii) inform best practices for cost and schedule computation, data collection strategies aligned to mission outcomes, and dataset maintenance practices;

(I) establish data and model usage agreements and collaborative partnership agreements for artificial intelligence product development with each organization and element of the Department, including each of the Armed Forces;

(J) work with appropriate officials to develop appropriate ethical, legal, and other policies for the Department governing the development and use of artificial intelligence enabled systems and technologies in operational situations; and

(K) ensure—

(i) that artificial intelligence programs of each military department and of the Defense Agencies are consistent with the priorities identified under this section;

(ii) appropriate coordination of artificial intelligence activities of the Department with interagency, industry, and international efforts relating to artificial intelligence, including relevant participation in standards setting bodies; and

(iii) that appropriate entities in the Department are reviewing all open source publications from both the United States and outside the United States that contribute to, affect, or advance—

(I) artificial intelligence research and development; or

(II) the understanding of the Secretary concerning the investments by adversaries of the United States in artificial intelligence and the development by such adversaries of capabilities relating to artificial intelligence.

(3) GOVERNANCE AND OVERSIGHT OF ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING POLICY.—Regularly convening appropriate officials across the Department—

(A) to integrate the functional activities of the organizations and elements of the Department with respect to artificial intelligence and machine learning;

(B) to ensure there are efficient and effective artificial intelligence and machine learning capabilities throughout the Department; and

(C) to develop and continuously improve research, innovation, policy, joint processes, and procedures to facilitate the development, acquisition, integration, advancement, oversight, and sustainment of artificial intelligence and machine learning throughout the Department.

(e) ACCESS TO INFORMATION.—Not later than 180 days after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary of Defense shall issue regulations to ensure that the official

designated under subsection (b) has access to such information on programs and activities of the military departments and other Defense Agencies as the Secretary considers appropriate to carry out the duties set forth in subsection (d). At a minimum, such access shall ensure that the Director of the Joint Artificial Intelligence Center has the ability to discover, access, share, and appropriately reuse data and models of the Armed Forces and other organizations and elements of the Department of Defense, build and maintain artificial intelligence capabilities for the Department, and execute the duties assigned to the Director by the Secretary.

(f) DELINEATION OF DEFINITION OF ARTIFICIAL INTELLIGENCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall delineate a definition of the term "artificial intelligence" for use within the Department.

(g) ARTIFICIAL INTELLIGENCE DEFINED.—In this section, the term "artificial intelligence" includes the following:

(1) Any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight, or that can learn from experience and improve performance when exposed to data sets.

(2) An artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.

(3) An artificial system designed to think or act like a human, including cognitive architectures and neural networks.

(4) A set of techniques, including machine learning, that is designed to approximate a cognitive task.

(5) An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision making, and acting.

(h) JOINT ARTIFICIAL INTELLIGENCE CENTER DEFINED.—In this section, term "Joint Artificial Intelligence Center" means the Joint Artificial Intelligence Center of the Department of Defense established pursuant to the memorandum of the Secretary of Defense dated June 27, 2018, and titled "Establishment of the Joint Artificial Intelligence Center", or any successor to such Center.

Subtitle C—Reports and Other Matters

SEC. 241. REPORT ON SURVIVABILITY OF AIR DEFENSE ARTILLERY.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Army to improve the survivability of air defense artillery, with a particular focus on the efforts of the Army to improve passive and active nonkinetic capabilities and training with respect to such artillery.

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

(1) An analysis of the utility of relevant passive and active non-kinetic integrated air and missile defense capabilities, in-

cluding tactical mobility, new passive and active sensors, signature reduction, concealment, and deception systems, and electronic warfare and high-powered radio frequency systems.

(2) An analysis of the utility of relevant active kinetic capabilities, such as a new, long-range counter-maneuvering threat missile and additional indirect fire protection capability units to defend Patriot and Terminal High Altitude Area Defense batteries.

(c) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 242. T-45 AIRCRAFT PHYSIOLOGICAL EPISODE MITIGATION ACTIONS.

Section 1063(b) of the National Defense Authorization Act for Fiscal Year 2018 (131 Stat. 1576; Public Law 115-91) is amended by adding at the end the following new paragraphs:

"(5) A list of all modifications to the T-45 aircraft and associated ground equipment carried out during fiscal years 2017 through 2019 to mitigate the risk of physiological episodes among T-45 crewmembers.

"(6) The results achieved by the modifications listed pursuant to paragraph (5), as determined by relevant testing and operational activities.

"(7) The cost of the modifications listed pursuant to paragraph (5).

"(8) Any plans of the Navy for future modifications to the T-45 aircraft that are intended to mitigate the risk of physiological episodes among T-45 crewmembers.".

SEC. 243. REPORT ON EFFORTS OF THE AIR FORCE TO MITIGATE PHYSIOLOGICAL EPISODES AFFECTING AIRCRAFT CREWMEMBERS.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on all efforts of the Air Force to reduce the occurrence of, and mitigate the risk posed by, physiological episodes affecting crewmembers of covered aircraft.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) information on the rate of physiological episodes affecting crewmembers of covered aircraft;

(2) a description of the specific actions carried out by the Air Force to address such episodes, including a description of any upgrades or other modifications made to covered aircraft to address such episodes;

(3) schedules and cost estimates for any upgrades or modifications identified under paragraph (3); and

(4) an explanation of any organizational or other changes to the Air Force carried out to address such physiological episodes.

(c) COVERED AIRCRAFT DEFINED.—In this section, the term "covered aircraft" means—

(1) F-35A aircraft of the Air Force;

(2) T-6A aircraft of the Air Force; and

(3) any other aircraft of the Air Force as determined by the Secretary of the Air Force.

SEC. 244. REPORT ON DEFENSE INNOVATION UNIT EXPERIMENTAL.

Not later than May 1, 2019, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a report on Defense Innovation Unit Experimental (in this section referred to as the "Unit"). Such a report shall include the following:

(1) The integration of the Unit into the broader Department of Defense research and engineering community to coordinate and de-conflict activities of the Unit with similar activities of the military departments, Defense Agencies, Department of Defense laboratories, the Defense Advanced Research Project Agency, the Small Business Innovation Research Program, and other entities.

(2) The metrics used to measure the effectiveness of the Unit and the results of these metrics.

(3) The number and types of transitions by the Unit to the military departments or fielded to the warfighter.

(4) The impact of the Unit's initiatives, outreach, and investments on Department of Defense access to technology leaders and technology not otherwise accessible to the Department including—

(A) identification of—

(i) the number of non-traditional defense contractors with Department of Defense contracts or other transactions resulting directly from the Unit's initiatives, investments, or outreach; and

(ii) the number of traditional defense contractors with contracts or other transactions resulting directly from the Unit's initiatives;

(B) the number of innovations delivered into the hands of the warfighter; and

(C) how the Department is notifying its internal components about participation in the Unit.

(5) The workforce strategy of the Unit, including whether the Unit has appropriate personnel authorities to attract and retain talent with technical and business expertise.

(6) How the Department of Defense is documenting and institutionalizing lessons learned and best practices of the Unit to alleviate the systematic problems with technology access and timely contract or other transaction execution.

(7) An assessment of management and bureaucratic challenges to the effective and efficient execution of the Unit's missions, especially with respect to contracting and personnel management.

SEC. 245. MODIFICATION OF FUNDING CRITERIA UNDER HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS PROGRAM.

Section 2362(d) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "Priority" and inserting "Criteria"; and

(2) by striking "give priority in providing" and inserting "limit".

SEC. 246. REPORT ON OA-X LIGHT ATTACK AIRCRAFT APPLICABILITY TO PARTNER NATION SUPPORT.

(a) REPORT REQUIRED.—Not later than February 1, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on the OA-X light attack aircraft experiment and how the program incorporates partner nation requirements.

(b) ELEMENTS.—The report under subsection (a) shall include a description of—

(1) how the OA-X light attack experiment will support partner nations' low-cost counter terrorism light attack capability;

(2) the extent to which the attributes of affordability, interoperability, sustainability, and simplicity of maintenance and operations are included in the requirements for the OA-X; and

(3) how Federal Aviation Administration certification and a reasonable path for military type certifications for commercial derivative aircraft are factored into foreign military sales for a partner nation.

SEC. 247. REPORTS ON COMPARATIVE CAPABILITIES OF ADVERSARIES IN KEY TECHNOLOGY AREAS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of the Defense Intelligence Agency, submit to the appropriate committees of Congress a set of classified reports that set forth a direct comparison between the capabilities of the United States in emerging technology areas and the capabilities of adversaries of the United States in such areas.

(b) ELEMENTS.—The reports required by subsection (a) shall include, for each technology area covered, the following:

(1) An evaluation of spending by the United States and adversaries on such technology.

(2) An evaluation of the quantity and quality of research on such technology.

(3) An evaluation of the test infrastructure and workforce supporting such technology.

(4) An assessment of the technological progress of the United States and adversaries on such technology.

(5) Descriptions of timelines for operational deployment of such technology.

(6) An assessment of the intent or willingness of adversaries to use such technology.

(c) TECHNICAL AREAS.—The Secretary shall ensure that the reports submitted under subsection (a) cover the following:

(1) Hypersonics.

(2) Artificial intelligence.

(3) Quantum information science.

(4) Directed energy weapons.

(5) Such other emerging technical areas as the Secretary considers appropriate.

(d) COORDINATION.—The Secretary shall prepare the reports in coordination with other appropriate officials of the intelligence com-

munity and with such other partners in the technology areas covered by the reports as the Secretary considers appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 248. REPORT ON ACTIVE PROTECTION SYSTEMS FOR ARMORED COMBAT AND TACTICAL VEHICLES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on technologies related to active protection systems (APS) for armored combat and tactical vehicles.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) With respect to the active protection systems that the Army has recently tested on the M1A2 Abrams, the M2A3 Bradley, and the STRYKER, the following:

(A) An assessment of the effectiveness of such systems.

(B) Plans of the Secretary to further test such systems.

(C) Proposals for future development of such systems.

(D) A timeline for fielding such systems.

(2) Plans for how the Army will incorporate active protection systems into new armored combat and tactical vehicle designs, such as Mobile Protection Firepower (MPF), Armored Multi-Purpose Vehicle (AMPV), and Next Generation Combat Vehicle (NGCV).

SEC. 249. NEXT GENERATION COMBAT VEHICLE.

(a) PROTOTYPE.—The Secretary of the Army shall take appropriate actions to ensure that all necessary resources are planned and programmed for accelerated prototyping, component development, testing, or acquisition for the Next Generation Combat Vehicle (NGCV).

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2019, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the development of the Next Generation Combat Vehicle.

(2) ANALYSIS.—

(A) IN GENERAL.—The report required by paragraph (1) shall include a thorough analysis of the requirements of the Next Generation Combat Vehicle.

(B) RELEVANCE TO NATIONAL DEFENSE STRATEGY.—In carrying out subparagraph (A), the Secretary shall ensure that the requirements are relevant to the most recently published National Defense Strategy.

(C) THREATS AND TERRAIN.—The Secretary shall ensure that the analysis includes consideration of threats and terrain.

(D) COMPONENT TECHNOLOGIES.—The Secretary shall ensure that the analysis includes consideration of the latest enabling component technologies developed by the Tank Automotive, Research, Development, Engineering Center of the Army that have the potential to dramatically change basic combat vehicle design and improve lethality, protection, mobility, range, and sustainment.

(c) LIMITATION.—Of the funds authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, testing, and evaluation, Army, for the Next Generation Combat Vehicle, not more than 90 percent may be obligated or expended until the Secretary submits the report required by subsection (b).

SEC. 250. MODIFICATION OF REPORTS ON MECHANISMS TO PROVIDE FUNDS TO DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

Subsection (c) of section 2363 of title 10, United States Code, is amended to read as follows:

"(c) RELEASE AND DISSEMINATION OF INFORMATION ON CONTRIBUTIONS FROM USE OF AUTHORITY TO MILITARY MISSIONS.—

"(1) COLLECTION OF INFORMATION.—The Secretary shall establish and maintain mechanisms for the continuous collection of information on achievements, best practices identified, lessons learned, and challenges arising in the exercise of the authority in this section.

"(2) RELEASE OF INFORMATION.—The Secretary shall establish and maintain mechanisms as follows:

"(A) Mechanisms for the release to the public of information on achievements and best practices described in paragraph (1) in unclassified form.

"(B) Mechanisms for dissemination to appropriate civilian and military officials of information on achievements and best practices described in paragraph (1) in classified form.".

SEC. 251. BRIEFINGS ON MOBILE PROTECTED FIREPOWER AND FUTURE VERTICAL LIFT PROGRAMS.

(a) IN GENERAL.—Not later than March 1, 2019, the Secretary of the Army shall provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the requirements of the Army for Mobile Protected Firepower (MPF) and Future Vertical Lift (FVL).

(b) CONTENTS.—The briefing provided pursuant to subsection (a) shall include the following:

(1) With respect to the Mobile Protected Firepower program, the following:

(A) An explanation of how Mobile Protected Firepower could survive against the effects of anti-armor and anti-aircraft networks established within anti-access, area-denial defenses.

(B) An explanation of how Mobile Protected Firepower would improve offensive overmatch against a peer adversary.

(C) Details regarding the total number of Mobile Protected Firepower systems needed by the Army.

(D) An explanation of how the Mobile Protected Firepower system will be logistically supported within light formations.

(E) Plans to integrate active protection systems into the designs of the Mobile Protected Firepower program.

(2) With respect to the Future Vertical Lift program, the following:

(A) An explanation of how Future Vertical Lift could survive against the effects of anti-aircraft networks established within anti-access, area-denial defenses.

(B) An explanation of how Future Vertical Lift would improve offensive overmatch against a peer adversary.

(C) A review of the doctrine, organization, training, materiel, leadership, education, personnel, and facilities applicable to determine the total number of Future Vertical Lift Capability Set 1 or Future Attack Reconnaissance Aircraft (FARA), required by the Army.

(D) An implementation plan for the establishment of Future Vertical Lift, including a timeline for achieving initial and full operational capability.

(E) A description of the budget requirements for Future Vertical Lift to reach full operational capability, including an identification and cost of any infrastructure and equipment requirements.

(F) A detailed list of all analysis used to determine the priority of Future Vertical Lift and which programs were terminated, extended, de-scoped, or delayed in order to fund Future Vertical Lift Capability Set 1 or Future Attack Reconnaissance Aircraft in the Future Year's Defense Plan.

(G) An assessment of the analysis of alternatives on the Future Vertical Lift Capability Set 3 program.

(H) An identification of any additional authorities that may be required for achieving full operational capability of Future Vertical Lift.

(I) Any other matters deemed relevant by the Secretary.

SEC. 252. IMPROVEMENT OF THE AIR FORCE SUPPLY CHAIN.

(a) IN GENERAL.—The Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics may use funds described in subsection (b) as follows:

(1) For nontraditional technologies and sustainment practices (such as additive manufacturing, artificial intelligence, predictive maintenance, and other software-intensive and software-defined capabilities) to—

(A) increase the availability of aircraft to the Air Force; and

(B) decrease backlogs and lead times for the production of parts for such aircraft.

(2) To advance the qualification, certification, and integration of additive manufacturing into the Air Force supply chain.

(3) To otherwise identify and reduce supply chain risk for the Air Force.

(4) To define workforce development requirements and training for personnel who implement and support additive manufacturing for the Air Force at the warfighter, end-item designer and equipment operator, and acquisition officer levels.

(b) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2019 by section 201 for research, development, test, and evaluation for the Air Force and available for Tech Transition Program (Program Element (0604858F)), up to $42,800,000 may be available as described in subsection (a).

SEC. 253. [10 U.S.C. 2001 note] REVIEW OF GUIDANCE ON BLAST EXPOSURE DURING TRAINING.

(a) INITIAL REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review the decibel level exposure, concussive effects exposure, and the frequency of exposure to heavy weapons fire of an individual during training exercises to establish appropriate limitations on such exposures.

(b) ELEMENTS.—The review required by subsection (a) shall take into account current data and evidence on the cognitive effects of blast exposure and shall include consideration of the following:

(1) The impact of exposure over multiple successive days of training.

(2) The impact of multiple types of heavy weapons being fired in close succession.

(3) The feasibility of cumulative annual or lifetime exposure limits.

(4) The minimum safe distance for observers and instructors.

(c) UPDATED TRAINING GUIDANCE.—Not later than 180 days after the date of the completion of the review under subsection (a), each Secretary of a military department shall update any relevant training guidance to account for the conclusions of the review.

(d) UPDATED REVIEW.—

(1) IN GENERAL.—Not later than two years after the initial review conducted under subsection (a), and not later than two years thereafter, the Secretary of Defense shall conduct an updated review under such subsection, including consideration of the matters set forth under subsection (b), and update training guidance under subsection (c).

(2) CONSIDERATION OF NEW RESEARCH AND EVIDENCE.—Each updated review conducted under paragraph (1) shall take into account new research and evidence that has emerged since the previous review.

(e) BRIEFING REQUIRED.—The Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on a summary of the results of the initial review under subsection (a), each updated review conducted under sub-

section (d), and any updates to training guidance and procedures resulting from any such review or updated review.

SEC. 254. COMPETITIVE ACQUISITION STRATEGY FOR BRADLEY FIGHTING VEHICLE TRANSMISSION REPLACEMENT.

(a) PLAN REQUIRED.—The Secretary of the Army shall develop a strategy to competitively procure a new transmission for the Bradley Fighting Vehicle family of vehicles.

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

(1) An analysis of the potential cost savings and performance improvements associated with developing or procuring a new transmission common to the Bradley Fighting Vehicle family of vehicles, including the Armored Multipurpose Vehicle and the Paladin Integrated Management artillery system.

(2) A plan to use full and open competition as required by the Federal Acquisition Regulation.

(c) TIMELINE.—Not later than February 15, 2019, the Secretary of the Army shall submit to the congressional defense committees the strategy developed under subsection (a).

(d) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2019 by this Act for Weapons and Tracked Combat Vehicles, Army, may be obligated or expended to procure a Bradley Fighting Vehicle replacement transmission until the date that is 30 days after the date on which the Secretary of the Army submits to the congressional defense committees the plan required by subsection (a).

SEC. 255. INDEPENDENT ASSESSMENT OF ELECTRONIC WARFARE PLANS AND PROGRAMS.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the private scientific advisory group known as "JASON" to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 120 days after the date of the enactment of this Act.

(b) INDEPENDENT ASSESSMENT.—Under an agreement between the Secretary and JASON under this section, JASON shall—

(1) assess the strategies, programs, order of battle, and doctrine of the Department of Defense related to the electronic warfare mission area and electromagnetic spectrum operations;

(2) assess the strategies, programs, order of battle, and doctrine of potential adversaries, such as China, Iran, and the Russian Federation, related to the same;

(3) develop recommendations for improvements to the strategies, programs, and doctrine of the Department of Defense in order to enable the United States to achieve and maintain superiority in the electromagnetic spectrum in future conflicts; and

(4) develop recommendations for the Secretary, Congress, and such other Federal entities as JASON considers appropriate, including recommendations for—

(A) closing technical, policy, or resource gaps;

(B) improving cooperation and appropriate integration within the Department of Defense entities;

(C) improving cooperation between the United States and other countries and international organizations as appropriate; and

(D) such other important matters identified by JASON that are directly relevant to the strategies of the Department of Defense described in paragraph (3).

(c) LIAISONS.—The Secretary shall appoint appropriate liaisons to JASON to support the timely conduct of the services covered by this section.

(d) MATERIALS.—The Secretary shall provide access to JASON to materials relevant to the services covered by this section, consistent with the protection of sources and methods and other critically sensitive information.

(e) CLEARANCES.—The Secretary shall ensure that appropriate members and staff of JASON have the necessary clearances, obtained in an expedited manner, to conduct the services covered by this section.

(f) REPORT.—Not later than October 1, 2019, the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of JASON with respect to the assessments carried out under subsection (b); and

(2) the recommendations developed by JASON pursuant to such subsection.

(g) ALTERNATE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Secretary is unable within the period prescribed in paragraph (2) of subsection (a) to enter into an agreement described in paragraph (1) of such subsection with JASON on terms acceptable to the Secretary, the Secretary shall seek to enter into such agreement with another appropriate scientific organization that—

(A) is not part of the government; and

(B) has expertise and objectivity comparable to that of JASON.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to JASON shall be treated as a reference to the other organization.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Explosive Ordnance Disposal Defense Program.
Sec. 312. Further improvements to energy security and resilience.
Sec. 313. Use of proceeds from sales of electrical energy derived from geothermal resources for projects at military installations where resources are located.
Sec. 314. Operational energy policy.

Sec. 315. Funding of study and assessment of health implications of per- and polyfluoroalkyl substances contamination in drinking water by agency for toxic substances and disease registry.
Sec. 316. Extension of authorized periods of permitted incidental takings of marine mammals in the course of specified activities by Department of Defense.
Sec. 317. Department of Defense environmental restoration programs.
Sec. 318. Joint study on the impact of wind farms on weather radars and military operations.
Sec. 319. Core sampling at Joint Base San Antonio, Texas.
Sec. 320. Production and use of natural gas at Fort Knox, Kentucky.

Subtitle C—Logistics and Sustainment

Sec. 321. Authorizing use of working capital funds for unspecified minor military construction projects related to revitalization and recapitalization of defense industrial base facilities.
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Subtitle D—Reports

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Sec. 338. Report on relocation of steam turbine production from Nimitz-class and Ford-class aircraft carriers and Virginia-class and Columbia-class submarines.
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Sec. 341. Report on Navy surface ship repair contract costs.

Subtitle E—Other Matters

Sec. 351. Coast Guard representation on explosive safety board.
Sec. 352. Transportation to continental United States of retired military working dogs outside the continental United States that are suitable for adoption in the United States.
Sec. 353. Scope of authority for restoration of land due to mishap.
Sec. 354. Repurposing and reuse of surplus Army firearms.
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Sec. 356. Notification requirements relating to changes to uniform of members of the uniformed services.
Sec. 357. Reporting on future years budgeting by subactivity group.
Sec. 358. Limitation on availability of funds for service-specific Defense Readiness Reporting Systems.
Sec. 359. Prioritization of environmental impacts for facilities sustainment, restoration, and modernization demolition.
Sec. 360. Sense of Congress relating to Soo Locks, Sault Sainte Marie, Michigan.
Sec. 361. U.S. Special Operations Command Civilian Personnel.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PROGRAM.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, as amended by section 851, is further amended by inserting after section 2283, as added by such section 851, the following new section:

"SEC. SEC. 2284. [10 U.S.C. 2284] EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PROGRAM

"(a) IN GENERAL.—The Secretary of Defense shall carry out a program to be known as the 'Explosive Ordnance Disposal Defense Program' (in this section referred to as the 'Program') under which the Secretary shall ensure close and continuous coordination between military departments on matters relating to explosive ordnance disposal support for commanders of geographic and functional combatant commands.

"(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The plan under subsection (a) shall include provisions under which—

"(1) the Secretary of Defense shall—

"(A) assign the responsibility for the direction, coordination, integration of the Program within the Department of Defense to an Assistant Secretary of Defense;

"(B) the Assistant Secretary of Defense to whom responsibility is assigned under paragraph (1) shall serve as the key individual for the Program responsible for developing and overseeing policy, plans, programs, and budgets, and issuing guidance and providing direction on Department of Defense explosive ordnance disposal activities;

"(C) designate the Secretary of the Navy, or a designee of the Secretary's choice, as the executive agent for the Department of Defense responsible for providing oversight of the joint program executive officer who coordinates and integrates joint requirements for explosive ordnance disposal and carries out joint research, development, test, and evaluation and procurement activities on behalf of the military departments and combatant commands with respect to explosive ordnance disposal;

"(D) designate a combat support agency to exercise fund management responsibility of the Department of Defense-wide program element for explosive ordnance disposal research, development, test, and evaluation, transactions other than contracts, cooperative agreements, and

grants related to section 2371 of this title during research projects including rapid prototyping and limited procurement urgent activities, and acquisition; and

"(E) designate an Army explosive ordnance disposal-qualified general officer from the combat support agency designated under subparagraph (D) to serve as the Chairman of the Department of Defense explosive ordnance disposal defense program board; and

"(2) the Secretary of each military department shall assess the needs of the military department concerned with respect to explosive ordnance disposal and may carry out research, development, test, and evaluation activities, including other transactions and procurement activities to address military department unique needs such as weapon systems, manned and unmanned vehicles and platforms, cyber and communication equipment, and the integration of explosive ordnance disposal sets, kits and outfits and explosive ordnance disposal tools, equipment, sets, kits, and outfits developed by the department.

"(c) ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—

"(1) For fiscal year 2021 and each fiscal year thereafter, the Secretary of Defense shall submit to Congress with the defense budget materials a consolidated budget justification display, in classified and unclassified form, that includes all of activities of the Department of Defense relating to the Program.

"(2) The budget display under paragraph (1) for a fiscal year shall include a single program element for each of the following:

"(A) Civilian and military pay.

"(B) Research, development, test, and evaluation.

"(C) Procurement.

"(D) Other transaction agreements.

"(E) Military construction.

"(3) The budget display shall include funding data for each of the military department's respective activities related to explosive ordnance disposal, including—

"(A) operation and maintenance; and

"(B) overseas contingency operations.".

(b) [10 U.S.C. 2281] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 851, is further amended by inserting after the item relating to section 2283, as added by such section 851, the following new section:

"2284. Explosive Ordnance Disposal Defense Program.".

SEC. 312. FURTHER IMPROVEMENTS TO ENERGY SECURITY AND RESILIENCE.

(a) ENERGY POLICY AUTHORITY.—Section 2911(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

"(1) establish metrics and standards for the assessment of energy resilience;

"(2) require the Secretary of a military department to perform mission assurance and readiness assessments of energy power systems for mission critical assets and supporting infrastructure, applying uniform mission standards established by the Secretary of Defense;".

(b) REPORTING ON ENERGY SECURITY AND RESILIENCE GOALS.—Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall include the energy security and resilience goals of the Department of Defense in the installation energy report submitted under section 2925(a) of this title for fiscal year 2018 and every fiscal year thereafter. In the development of energy security and resilience goals, the Department of Defense shall conform with the definitions of energy security and resilience under this title. The report shall include the amount of critical energy load, together with the level of availability and reliability by fiscal year the Department of Defense deems necessary to achieve energy security and resilience.".

(c) REPORTING ON INSTALLATIONS ENERGY MANAGEMENT, ENERGY RESILIENCE, AND MISSION ASSURANCE.—Section 2925(a) of title 10, United States Code, is amended—

(1) by inserting ", including progress on energy resilience at military installations according to metrics developed by the Secretary" after "under section 2911 of this title";

(2) in paragraph (3), by striking "the mission requirements associated with disruption tolerances based on risk to mission" and inserting "the downtimes (in minutes or hours) these missions can afford based on their mission requirements and risk tolerances";

(3) in paragraph (4), by inserting "(including critical energy loads in megawatts and the associated downtime tolerances for critical energy loads)" after "energy requirements and critical energy requirements";

(4) by redesignating paragraph (5) as paragraph (7); and

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

"(5) A list of energy resilience projects awarded by the Department of Defense by military department and military installation, whether appropriated or alternative financed for the reporting fiscal year, including project description, award date, the critical energy requirements serviced (including critical energy loads in megawatts), expected reliability of the project (as indicated in the awarded contract), life cycle costs, savings to investment, fuel type, and the type of appropriation or alternative financing used.

"(6) A list of energy resilience projects planned by the Department of Defense by military department and military installation, whether appropriated or alternative financed for the next two fiscal years, including project description, fuel type, expected award date, and the type of appropriation or alternative financing expected for use.".

(d) INCLUSION OF ENERGY SECURITY AND RESILIENCE AS PRIORITIES IN CONTRACTS FOR ENERGY OR FUEL FOR MILITARY INSTALLA-

TIONS.—Section 2922a(d) of title 10, United States Code, is amended to read as follows:

"(d) The Secretary concerned shall ensure energy security and resilience are prioritized and included in the provision and operation of energy production facilities under this section.".

(e) CONVEYANCE AUTHORITY FOR UTILITY SYSTEMS.—Section 2688 of title 10, United States Code, is amended—

(1) in subsection (d)(2), by adding at the end the following: "The business case analysis must also demonstrate how a 132 STAT. 1711 privatized system will operate in a manner consistent with subsection (g)(3).."; and

(2) in subsection (g)(3)—

(A) by striking "may require" and inserting "shall require"; and

(B) by striking "consistent with energy resilience requirements and metrics" and inserting "consistent with energy resilience and cybersecurity requirements and associated metrics".

(f) MODIFICATION OF ENERGY RESILIENCE DEFINITION.—Section 101(e)(6) of title 10, United States Code, is amended by striking "task critical assets and other".

(g) AUTHORITY TO ACCEPT ENERGY PERFORMANCE FINANCIAL INCENTIVES FROM STATE AND LOCAL GOVERNMENTS.—Section 2913(c) of title 10, United States Code, is amended by inserting "a State or local government" after "generally available from".

(h) USE OF ENERGY COST SAVINGS TO IMPLEMENT ENERGY RESILIENCE AND ENERGY CONSERVATION CONSTRUCTION PROJECTS.—Section 2912(b)(1) of title 10, United States Code, is amended by inserting ", including energy resilience and energy conservation construction projects," after "energy security measures".

(i) ADDITIONAL BASIS FOR PRESERVATION OF PROPERTY IN THE VICINITY OF MILITARY INSTALLATIONS IN AGREEMENTS WITH NON-FEDERAL ENTITIES ON USE OF SUCH PROPERTY.—Section 2684a(a)(2)(B) of title 10, United States Code, is amended—

(1) by striking "(B)" and inserting "(B)(i)"; and

(2) by adding at the end of the following new clause:

"(ii) maintains or improves military installation resilience; or".

SEC. 313. USE OF PROCEEDS FROM SALES OF ELECTRICAL ENERGY DERIVED FROM GEOTHERMAL RESOURCES FOR PROJECTS AT MILITARY INSTALLATIONS WHERE RESOURCES ARE LOCATED.

Subsection (b) of section 2916 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "Proceeds" and inserting "Except as provided in paragraph (3), proceeds"; and

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

"(3) In the case of proceeds from a sale of electrical energy generated from any geothermal energy resource—

"(A) 50 percent shall be credited to the appropriation account described in paragraph (1); and

"(B) 50 percent shall be deposited in a special account in the Treasury established by the Secretary concerned which shall be available, for military construction projects described

in paragraph (2) or for installation energy or water security projects directly coordinated with local area energy or groundwater governing authorities, for the military installation in which the geothermal energy resource is located.".

SEC. 314. OPERATIONAL ENERGY POLICY.

(a) IN GENERAL.—Section 2926 of title 10, United States Code, is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (c), (d), (e), (f), respectively;

(2) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

"(a) OPERATIONAL ENERGY POLICY.—In carrying out section 2911(a) of this title, the Secretary of Defense shall ensure the types, availability, and use of operational energy promote the readiness of the armed forces for their military missions.

"(b) AUTHORITIES.—The Secretary of Defense may—

"(1) require the Secretary of a military department or the commander of a combatant command to assess the energy supportability of systems, capabilities, and plans;

"(2) authorize the use of energy security, cost of backup power, and energy resilience as factors in the cost-benefit analysis for procurement of operational equipment; and

"(3) in selecting equipment that will use operational energy, give favorable consideration to the acquisition of equipment that enhances energy security, energy resilience, energy conservation, and reduces logistical vulnerabilities."; and

(3) in subsection (c), as redesignated by subparagraph (A)—

(A) in the subsection heading, by striking "Alternative Fuel Activities" and inserting "Functions of the Assistant Secretary of Defense for Energy, Installations, and Environment";

(B) by striking "heads of the military departments and the Assistant Secretary of Defense for Research and Engineering" and inserting "heads of the appropriate Department of Defense components";

(C) in paragraph (1), by striking "lead the alternative fuel activities" and inserting "oversee the operational energy activities";

(D) in paragraph (2), by striking "regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense" and inserting "regarding the policies and investments that affect the use of operational energy across the Department of Defense";

(E) in paragraph (3), by striking "prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense" and inserting "recommend to the Secretary policy to improve warfighting capability through energy security and energy resilience"; and

(F) in paragraph (5), by striking "subsection (c)(4)" and inserting "subsection (e)(4)".

(b) CONFORMING AMENDMENTS.—(1) Section 2925(b)(1) of title 10, United States Code, is amended by striking "section 2926(b)" and inserting "section 2926(d)".

(2) Section 1061(c)(55) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note) is amended by striking "Section 2926(c)(4)" and inserting "Section 2926(e)(4)".

SEC. 315. FUNDING OF STUDY AND ASSESSMENT OF HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

(a) FUNDING.—Paragraph (2) of section 316(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) is amended to read as follows:

"(2) FUNDING.—

"(A) SOURCE OF FUNDS.—The study and assessment performed pursuant to this section may be paid for using funds authorized to be appropriated to the Department of Defense under the heading **'Operation and Maintenance, Defense-Wide'**.

"(B) TRANSFER AUTHORITY.—(i) Of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2018, not more than $10,000,000 shall be transferred by the Secretary of Defense, without regard to section 2215 of title 10, United States Code, to the Secretary of Health and Human Services to pay for the study and assessment required by this section.

"(ii) Without regard to section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $10,000,000 a year during fiscal years 2019 and 2020 to the Secretary of Health and Human Services to pay for the study and assessment required by this section.

"(C) EXPENDITURE AUTHORITY.—Amounts transferred to the Secretary of Health and Human Services shall be used to carry out the study and assessment under this section through contracts, cooperative agreements, or grants. In addition, such funds may be transferred by the Secretary of Health and Human Services to other accounts of the Department for the purposes of carrying out this section.

"(D) RELATIONSHIP TO OTHER TRANSFER AUTHORITIES.—The transfer authority provided under this paragraph is in addition to any other transfer authority available to the Department of Defense.".

(b) REPORT TO CONGRESS ON DEPARTMENT OF DEFENSE ASSESSMENT AND REMEDIATION PLAN.—Not later than 180 days after the date on which the Administrator of the Environmental Protection Agency establishes a maximum contaminant level for per- and polyfluoroalkyl substances (PFAS) contamination in drinking water in a national primary drinking water regulation under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1), the Secretary of Defense shall submit to the congressional defense committees a report containing a plan to—

(1) assess any contamination at Department of Defense installations and surrounding communities that may have occurred from PFAS usage by the Department of Defense;

(2) identify any remediation actions the Department plans to undertake using the maximum contaminant level established by the Environmental Protection Agency;

(3) provide an estimate of the cost of such remediation and a schedule for accomplishing such remediation; and

(4) provide an assessment of past expenditures by local water authorities to address contamination before the Environmental Protection Agency established a maximum contaminant level and an estimate of the cost to reimburse communities that remediated water to a level not greater than such level.

(c) ASSESSMENT OF HEALTH EFFECTS OF PFAS EXPOSURE.—The Secretary of Defense shall conduct an assessment of the human health implications of PFAS exposure. Such assessment shall include—

(1) a meta-analysis that considers the current scientific evidence base linking the health effects of PFAS on individuals who served as members of the Armed Forces and were exposed to PFAS at military installations;

(2) an estimate of the number of members of the Armed Forces and veterans who may have been exposed to PFAS while serving in the Armed Forces;

(3) the development of a process that would facilitate the transfer between the Department of Defense and the Department of Veterans Affairs of health information of individuals who served in the Armed Forces and may have been exposed to PFAS during such service; and

(4) a description of the amount of funding that would be required to administer a potential registry of individuals who may have been exposed to PFAS while serving in the Armed Forces.

SEC. 316. EXTENSION OF AUTHORIZED PERIODS OF PERMITTED INCIDENTAL TAKINGS OF MARINE MAMMALS IN THE COURSE OF SPECIFIED ACTIVITIES BY DEPARTMENT OF DEFENSE.

Section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)(A)) is amended—

(1) in clause (i), by striking "Upon request" and inserting "Except as provided by clause (ii), upon request";

(2) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(3) by inserting after clause (i) the following new clause (ii):

"(ii) In the case of a military readiness activity (as defined in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 16 U.S.C. 703 note), clause (i) shall be applied—

"(I) in the matter preceding clause (I), by substituting 'seven consecutive years' for 'five consecutive years'; and

"(II) in clause (I), by substituting 'seven-year' for 'five-year'.".

SEC. 317. DEPARTMENT OF DEFENSE ENVIRONMENTAL RESTORATION PROGRAMS.

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

(1) The Department of Defense has identified nearly 39,500 sites that fall under the installation restoration program sites and munitions response sites.

(2) The installation response program addresses contamination from hazardous substances, pollutants, or contaminants and active military installations, formerly used defense site properties, and base realignment and closure locations in the United States.

(3) Munitions response sites are known or suspected to contain unexploded ordnance, discarded military munitions, or munitions constitutes are addressed through the military munitions response program.

(4) The installation restoration program sites and munitions response sites have had significant impacts on state and local governments that have had to bear the increased costs of environmental degradation, notably groundwater contamination, and local populations that have had to live with the consequences of contaminated drinking, including increased health concerns and decreasing property values.

(5) Through the end of fiscal year 2017, the Department of Defense had achieved response complete at 86 percent of installation restoration program sites and munitions response sites, but projects that it will fall short of meeting its goal of 90 percent by the end of fiscal year 2018.

(6) The fiscal year 2019 budget request for environmental restoration and base realignment and closure amounted to nearly $1,318,320,000, a decrease of $53,429,000 from the amount authorized in the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

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

(1) the environmental restoration and base realignment and closure programs are important for the protection of the environment, the health of the military and civilian personnel and their families who live and work on military installations, to ensure that current and legacy military operations do not adversely affect the health or environments of surrounding communities;

(2) the Department of Defense and the Armed Forces should seek to reduce the financial burden on state and local government who are bearing significant costs of cleanup stemming from defense related activities;

(3) the Department of Defense and the Armed Forces should expedite and streamline cleanup at locations where contamination is having a direct impact on civilian access to clean drinking water;

(4) the Department of Defense and the Armed Forces should continue to engage with and help allay local community concerns about the safety of the drinking water due to environmental degradation caused by defense related activities; and

(5) the Department of Defense should seek opportunities to accelerate environmental restoration efforts where feasible, to

include programming additional resources for response actions, investing in technology solutions that may expedite response actions, improving contracting procedures, increasing contracting capacity, and seeking opportunities for partnerships and other cooperative approaches.

SEC. 318. JOINT STUDY ON THE IMPACT OF WIND FARMS ON WEATHER RADARS AND MILITARY OPERATIONS.

(a) IN GENERAL.—The Secretary of Defense shall enter into an arrangement with the National Oceanic and Atmospheric Administration to conduct a study on how to improve existing National Oceanic and Atmospheric Administration and National Weather Service tools to reflect the latest data and policies to improve consistency in weather radars, with a focus on a research and development and field test evaluation program to validate existing mitigation options and develop additional options for weather radar impact, in collaboration with the National Weather Service, the Department of Energy, and the Federal Aviation Administration, and with input from academia and industry.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall include the following:

(1) The potential impacts of wind farms on NEXRAD radars and other Federal radars for weather forecasts and warnings used by the Department of Defense, the National Oceanic and Atmospheric Administration, and the National Weather Service.

(2) Recommendations to reduce, mitigate, or eliminate the potential impacts.

(3) Recommendations for addressing the impacts to NEXRADs and weather radar due to increasing turbine heights.

(4) Recommendations to ensure wind farms do not impact the ability of the National Oceanic and Atmospheric Administration and the National Weather Service to warn or forecast hazardous weather.

(5) The cumulative impacts of multiple wind farms near a single radar on the ability of the National Oceanic and Atmospheric Administration and the National Weather Service to warn or forecast hazardous weather.

(6) An analysis of whether certain wind turbine projects, based on project layout, turbine orientation, number of turbines, density of turbines, proximity to radar, or turbine height result in greater impacts to the missions of Department of Defense, the National Oceanic and Atmospheric Administration, and the National Weather Service, and if so, how can those projects be better cited to reduce or eliminate NEXRAD impacts.

(7) Case studies where the Department of Defense, the National Weather Service, and industry have worked together to implement solutions.

(8) Mitigation options, including software and hardware upgrades, which the National Oceanic and Atmospheric Administration and the National Weather Service have researched and analyzed, and the results of such research and analysis.

(9) A review of mitigation research performed to date by the Government and or academia.

(10) Identification of future research opportunities, requirements, and recommendations for the SENSR program to mitigate energy development.

(c) SUBMITTAL TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted pursuant to subsection (a).

SEC. 319. CORE SAMPLING AT JOINT BASE SAN ANTONIO, TEXAS.

(a) SITE INVESTIGATION REQUIRED.—The Secretary of the Air Force shall conduct a core sampling study along the proposed route of the W-6 wastewater treatment line on Air Force real property, in compliance with best engineering practices, to determine if any regulated or hazardous substances are present in the soil along the proposed route.

(b) REPORT REQUIRED.—Not later than 15 months after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the core samples taken pursuant to subsection (a).

SEC. 320. PRODUCTION AND USE OF NATURAL GAS AT FORT KNOX, KENTUCKY.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Army is authorized to continue production, treatment, management, and use of the natural gas from covered wells at Fort Knox, without regard to section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), with the limitation that the Secretary of the Army shall comply with the Mineral Leasing Act, Mineral Leasing Act for Acquired Lands, and the Federal Oil and Gas Royalty Management Act, for additional oil or natural gas drilling operations and production activities beyond the production from the covered wells at Fort Knox.

(2) CONTRACT AUTHORITY.—The Secretary is authorized to enter into a contract with an appropriate entity to carry out paragraph (1), with the limitation that the authority provided in this section does not affect or authorize any interference with the Muldraugh Gas Storage Facility at Fort Knox.

(b) ROYALTIES TO THE STATE OF KENTUCKY.—

(1) IN GENERAL.—In implementing this section—

(A) The Secretary of the Interior shall calculate the value of royalty payments, calculated on a calendar year basis beginning on the date of enactment of this section, that the State of Kentucky would have received under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352) for future natural gas produced at Fort Knox under the authority of this section as though the natural gas had been produced under the Mineral Leasing Act for Acquired Lands, and provide the calculation to the Secretary of the Army.

(B) Upon request of the Secretary of the Interior, the Secretary of the Army or its contractor shall promptly pro-

vide all information, documents, or other materials the Secretary of the Interior deems necessary to conduct this calculation.

(C) The Secretary of the Army shall pay to the Treasury of the United States the value of royalty calculated under this section upon receipt of the calculation from the Secretary of the Interior.

(D) The Secretary of the Interior shall disburse the sums collected from the Secretary of the Army pursuant to this paragraph to the State of Kentucky as though the funds were being disbursed to the State under section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355) no later than 6 months after the date of the enactment of this Act.

(E) Regardless of the value of the royalty payments calculated under subparagraph (A), in no case may the amount of the sums disbursed under subparagraph (D) for any calendar year exceed $49,000.

(2) WAIVER AUTHORITY.—The Governor of Kentucky may waive paragraph (1) by providing written notice to the Secretary of the Interior to that effect.

(c) OWNERSHIP OF FACILITIES.—The Secretary of the Army may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from an entity with which the Secretary has entered into a contract under subsection (a) in accordance with the terms of the contract. The Secretary of the Interior shall have no responsibility for the plugging and abandonment of the covered wells at Fort Knox, the reclamation of the covered wells at Fort Knox, or any environmental damage caused or associated with the production of the covered wells at Fort Knox.

(d) APPLICABILITY.—The authority of the Secretary of the Army under this section is effective as of August 2, 2007.

(e) LIMITATION ON USES.—Any natural gas produced under the authority of this section may be used only to support energy security and energy resilience at Fort Knox. For purposes of this section, energy security and energy resilience include maintaining and continuing to produce natural gas from the covered wells at Fort Knox, and enhancing the Fort Knox energy grid through acquisition and maintenance of battery storage, loop transmission lines and pipelines, sub-stations, and automated circuitry.

(f) SAFETY STANDARDS FOR GAS WELLS.—The covered wells at Fort Knox shall meet the same technical installation and operating standards that they would have had to meet had they been installed under a lease pursuant to the Mineral Leasing Act for Acquired Lands. Such standards include the gas measurement requirements in the Federal Oil and Gas Royalty Management Act and the operational standards in the Onshore Oil and Gas Operating and Production regulations issued by the Bureau of Land Management. The Bureau of Land Management shall inspect and enforce the Army's and its contractor's compliance with the standards of the Mineral Leasing Act for Acquired Lands, the Federal Oil and Gas Royalty Management Act, and the Bureau of Land Management Onshore Oil and Gas Operating and Production regulations.

(g) COVERED WELLS AT FORT KNOX.—In this section, the term "covered wells at Fort Knox" means the 26 wells located at Fort Knox, Kentucky, as of the date of the enactment of this Act.

Subtitle C—Logistics and Sustainment

SEC. 321. AUTHORIZING USE OF WORKING CAPITAL FUNDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS RELATED TO REVITALIZATION AND RECAPITALIZATION OF DEFENSE INDUSTRIAL BASE FACILITIES.

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(u) USE FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS TO REVITALIZE AND RECAPITALIZE DEFENSE INDUSTRIAL BASE FACILITIES.—(1) The Secretary of a military department may use a working capital fund of the department under this section to carry out an unspecified minor military construction project under section 2805 for the revitalization and recapitalization of a defense industrial base facility owned by the United States and under the jurisdiction of the Secretary.

"(2) Section 2805 shall apply with respect to a project carried out with a working capital fund under the authority of this subsection in the same manner as such section applies to any unspecified minor military construction project under section 2805.

"(3) In this subsection, the term 'defense industrial base facility' means any Department of Defense depot, arsenal, shipyard, or plant located within the United States.

"(4) The authority to use a working capital fund to carry out a project under the authority of this subsection expires on September 30, 2023.".

SEC. 322. EXAMINATION OF NAVY VESSELS.

(a) NOTICE OF EXAMINATIONS.—Subsection (a) of section 7304 of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) The Secretary"; and

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

"(2)(A) Except as provided in subparagraph (B), any naval vessel examined under this section on or after January 1, 2020, shall be examined with minimal notice provided to the crew of the vessel.

"(B) Subparagraph (A) shall not apply to a vessel undergoing necessary trials before acceptance into the fleet.".

(b) ANNUAL REPORT.—Such section is further amended by adding at the end the following new subsection:

"(d) ANNUAL REPORT.—(1) Not later than March 1 each year, the board designated under subsection (a) shall submit to the congressional defense committees a report setting forth the following:

"(A) An overall narrative summary of the material readiness of Navy ships as compared to established material requirements standards.

"(B) The overall number and types of vessels inspected during the preceding fiscal year.

"(C) For in-service vessels, material readiness trends by inspected functional area as compared to the previous five years.

"(2) Each report under this subsection shall be submitted in an unclassified form that is releasable to the public without further redaction.

"(3) No report shall be required under this subsection after October 1, 2021.".

SEC. 323. LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF NAVAL VESSELS.

(a) LIMITATION.—

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

"SEC. 7320. [10 U.S.C. 7320] LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF NAVAL VESSEL

"(a) LIMITATION.—The Secretary of the Navy shall ensure that no naval vessel specified in subsection (b) that is listed in the Naval Vessel Register is forward deployed overseas for a period in excess of ten years. At the end of a period of overseas forward deployment, the vessel shall be assigned a homeport in the United States.

"(b) VESSELS SPECIFIED.—A naval vessel specified in this subsection is any of the following:

"(1) Aircraft carrier.

"(2) Amphibious ship.

"(3) Cruiser.

"(4) Destroyer.

"(5) Frigate.

"(6) Littoral Combat Ship.

"(c) WAIVER.—The Secretary of the Navy may waive the limitation under subsection (a) with respect to a naval vessel if the Secretary submits to the congressional defense committees notice in writing of—

"(1) the waiver of such limitation with respect to the vessel;

"(2) the date on which the period of overseas forward deployment of the vessel is expected to end; and

"(3) the factors used by the Secretary to determine that a longer period of deployment would promote the national defense or be in the public interest.".

(2) [10 U.S.C. 7291] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by adding at the end the following new section:

"7320. Limitation on length of overseas forward deployment of naval vessels.".

(b) [10 U.S.C. 7320 note] TREATMENT OF CURRENTLY DEPLOYED VESSELS.—In the case of any aircraft carrier, amphibious ship, cruiser, destroyer, frigate, or littoral combat ship that has been forward deployed overseas for a period in excess of ten years as of the date of the enactment of this Act, the Secretary of the Navy shall ensure that such vessel is assigned a homeport in the United States by not later than three years after the date of the enactment of this Act.

(c) EXTENSION OF LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT FOR U.S.S. SHILOH (CG–67).—Notwithstanding subsection (b), the Secretary of the Navy shall ensure that the U.S.S. Shiloh (CG–67) is assigned a homeport in the United States by not later than September 30, 2023.

(d) CONGRESSIONAL BRIEFING.—Not later than October 1, 2020, the Secretary of the Navy shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the plan of the Secretary for the rotation of forward deployed naval vessels.

SEC. 324. TEMPORARY MODIFICATION OF WORKLOAD CARRYOVER FORMULA.

During the period beginning on the date of the enactment of this Act and ending on September 30, 2021, in carrying out chapter 9, volume 2B (relating to Instructions for the Preparation of Exhibit Fund-11a Carryover Reconciliation) of Department of Defense regulation 7000.14-R, entitled "Financial Management Regulation (FMR)", in addition to any other applicable exemptions, the Secretary of Defense shall ensure that with respect to each military department depot or arsenal, outlay rates—

(1) reflect the timing of when during a fiscal year appropriations have historically funded workload; and

(2) account for the varying repair cycle times of the workload supported.

SEC. 325. LIMITATION ON USE OF FUNDS FOR IMPLEMENTATION OF ELEMENTS OF MASTER PLAN FOR REDEVELOPMENT OF FORMER SHIP REPAIR FACILITY IN GUAM.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the Navy for fiscal year 2019 may be obligated or expended for any construction, alteration, repair, or development of the real property consisting of the Former Ship Repair Facility in Guam.

(b) EXCEPTION.—The limitation under subsection (a) does not apply to any project that directly supports depot-level ship maintenance capabilities, including the mooring of a floating dry dock.

(c) FORMER SHIP REPAIR FACILITY IN GUAM.—In this section, the term "Former Ship Repair Facility in Guam" means the property identified by that name under the base realignment and closure authority carried out under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 326. BUSINESS CASE ANALYSIS FOR PROPOSED RELOCATION OF J85 ENGINE REGIONAL REPAIR CENTER.

(a) BUSINESS CASE ANALYSIS.—The Secretary of the Air Force shall prepare a business case analysis on the proposed relocation of the J85 Engine Regional Repair Center. Such analysis shall include each of the following:

(1) An overview of each alternative considered for the J85 Engine Regional Repair Center.

(2) The one-time and annual costs associated with each such alternative.

(3) The effect of each such alternative on workload capacity, capability, schedule, throughput, and costs.

(4) The effect of each such alternative on Government-furnished parts, components, and equipment, including mitigation strategies to address known limitations to T38 production throughput, especially such limitations caused by Government-furnished parts, equipment, or transportation.

(5) The effect of each such alternative on the transition of the Air Force to the T-X training aircraft.

(6) A detailed rationale for the selection of an alternative considered as part of the business case analysis under this section.

(b) LIMITATION ON USE OF FUNDS FOR RELOCATION.—None of the funds authorized to be appropriated by this Act, or otherwise made available for the Air Force, may be obligated or expended for any action to relocate the J85 Engine Regional Repair Center until the date that is 150 days after the date on which the Secretary of the Air Force provides to the Committees on Armed Services of the Senate and House of Representatives a briefing on the business case analysis required by subsection (a).

SEC. 327. REPORT ON PILOT PROGRAM FOR MICRO-REACTORS.

(a) REPORT REQUIRED.—Not later than 12 months after the date of enactment of this Act, the Secretary shall develop and submit to the Committee on Armed Services and the Committee on Energy and Commerce in the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources in the Senate a report describing the requirements for, and components of, a pilot program to provide resilience for critical national security infrastructure at Department of Defense facilities with high energy intensity and currently expensive utility rates and Department of Energy facilities by contracting with a commercial entity to site, construct, and operate at least one licensed micro-reactor at a facility identified under the report by December 31, 2027.

(b) CONSULTATION.—As necessary to develop the report required under subsection (a), the Secretary shall consult with—

(1) the Secretary of Defense;

(2) the Nuclear Regulatory Commission; and

(3) the Administrator of the General Services Administration.

(c) CONTENTS.—The report required under subsection (a) shall include—

(1) identification of potential locations to site, construct, and operate a micro-reactor at a Department of Defense or Department of Energy facility that contains critical national security infrastructure that the Secretary determines may not be energy resilient;

(2) assessments of different nuclear technologies to provide energy resiliency for critical national security infrastructure;

(3) a survey of potential commercial stakeholders with which to enter into a contract under the pilot program to construct and operate a licensed micro-reactor;

(4) options to enter into long-term contracting, including various financial mechanisms for such purpose;

(5) identification of requirements for micro-reactors to provide energy resilience to mission-critical functions at facilities identified under paragraph (1);

(6) an estimate of the costs of the pilot program;

(7) a timeline with milestones for the pilot program;

(8) an analysis of the existing authority of the Department of Energy and Department of Defense to permit the siting, construction, and operation of a micro-reactor; and

(9) recommendations for any legislative changes to the authorities analyzed under paragraph (8) necessary for the Department of Energy and the Department of Defense to permit the siting, construction, and operation of a micro-reactor.

(d) DEFINITIONS.—In this section:

(1) The term "critical national security infrastructure" means any site or installation that the Secretary of Energy or the Secretary of Defense determines supports critical mission functions of the national security enterprise.

(2) The term "licensed" means holding a license under section 103 or 104 of the Atomic Energy Act of 1954.

(3) The term "micro-reactor" means a nuclear reactor that has a power production capacity that is not greater than 50 megawatts.

(4) The term "pilot program" means the pilot program described in subsection (a).

(5) The term "Secretary" means Secretary of Energy.

(e) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified appendix.

(f) LIMITATIONS.—This Act does not authorize the Department of Energy or Department of Defense to enter into a contract with respect to the pilot program.

SEC. 328. [10 U.S.C. 8013 note] LIMITATION ON MODIFICATIONS TO NAVY FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION STRUCTURE AND MECHANISM.

The Secretary of the Navy may not make any modification to the existing Navy Facilities Sustainment, Restoration, and Modernization structure or mechanism that would modify duty relationships or significantly alter the existing structure until 90 days after providing notice of the proposed modification to the congressional defense committees.

Subtitle D—Reports

SEC. 331. REPORTS ON READINESS.

(a) UNIFORM APPLICABILITY OF READINESS REPORTING SYSTEM.—Subsection (b) of section 117 of title 10, United States Code, is amended—

(1) by inserting "and maintaining" after "establishing";

(2) in paragraph (1), by striking "reporting system is applied uniformly throughout the Department of Defense" and inserting "reporting system and associated policies are applied

uniformly throughout the Department of Defense, including between and among the joint staff and each of the armed forces";

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

(4) by inserting after paragraph (1) the following new paragraphs:

"(2) that is the single authoritative readiness reporting system for the Department, and that there shall be no military service specific systems;

"(3) that readiness assessments are accomplished at an organizational level at, or below, the level at which forces are employed;

"(4) that the reporting system include resources information, force posture, and mission centric capability assessments, as well as predicted changes to these attributes;"; and

(5) in paragraph (5), as redesignated by paragraph (3) of this subsection, by inserting ", or element of a unit," after "readiness status of a unit".

(b) CAPABILITIES OF READINESS REPORTING SYSTEM.—Such section is further amended in subsection (c)—

(1) in paragraph (1)—

(A) by striking "Measure, on a monthly basis, the capability of units" and inserting "Measure the readiness of units"; and

(B) by striking "conduct their assigned wartime missions" and inserting "conduct their designed and assigned missions";

(2) in paragraph (2)—

(A) by striking "Measure, on an annual basis," and inserting "Measure"; and

(B) by striking "wartime missions" and inserting "designed and assigned missions";

(3) in paragraph (3)—

(A) by striking "Measure, on an annual basis," and inserting "Measure"; and

(B) by striking "wartime missions" and inserting "designed and assigned missions";

(4) in paragraph (4), by striking "Measure, on a monthly basis," and inserting "Measure";

(5) in paragraph (5), by striking "Measure, on an annual basis," and inserting "Measure";

(6) by striking paragraphs (6) and (8) and redesignating paragraph (7) as paragraph (6); and

(7) in paragraph (6), as so redesignated, by striking "Measure, on a quarterly basis," and inserting "Measure".

(c) SEMI-ANNUAL AND MONTHLY JOINT READINESS REVIEWS.—Such section is further amended in subsection (d)(1)(A) by inserting ", which includes a validation of readiness data currency and accuracy" after "joint readiness review".

(d) QUARTERLY REPORT ON CHANGE IN CURRENT STATE OF UNIT READINESS.—Such section is further amended—

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

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

"(f) QUARTERLY REPORT ON MONTHLY CHANGES IN CURRENT STATE OF READINESS OF UNITS.—For each quarter that begins after the date of the enactment of this subsection and ends on or before September 30, 2023, the Secretary shall submit to the congressional defense committees a report on each monthly upgrade or downgrade of the current state of readiness of a unit that was issued by the commander of a unit during the previous quarter, together with the rationale of the commander for the issuance of such upgrade or downgrade.".

(e) ANNUAL REPORT TO CONGRESS ON OPERATIONAL CONTRACT SUPPORT.—Such section is further amended by inserting after the new subsection (f), as added by subsection (d)(2) of this section, the following new subsection:

"(g) ANNUAL REPORT ON OPERATIONAL CONTRACT SUPPORT.—The Secretary shall each year submit to the congressional defense committees a report in writing containing the results of the most recent annual measurement of the capability of operational contract support to support current and anticipated wartime missions of the armed forces. Each such report shall be submitted in unclassified form, but may include a classified annex.".

(f) REGULATIONS.—Such section is further amended in subsection (h), as redesignated by subsection (d)(1) of this section, by striking "prescribe the units that are subject to reporting in the readiness reporting system, what type of equipment is subject to such reporting" and inserting "prescribe the established information technology system for Department of Defense reporting, specifically authorize exceptions to a single-system architecture, and identify the organizations, units, and entities that are subject to reporting in the readiness reporting system, what organization resources are subject to such reporting".

(g) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Such section is further amended in the section heading by striking ": establishment; reporting to congressional committees".

(2) [10 U.S.C. 111] TABLE OF SECTIONS.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 117 and inserting the following new item:

"117. Readiness reporting system.".

SEC. 332. MATTERS FOR INCLUSION IN QUARTERLY REPORTS ON PERSONNEL AND UNIT READINESS.

Section 482 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting after "deficiency" the following: "in the ground, sea, air, space, and cyber forces, and in such other such areas as determined by the Secretary of Defense,"; and

(2) in subsection (d)—

(A) in the subsection heading, by striking "Assigned Mission";

(B) by striking paragraph (3);

(C) by redesignating paragraphs (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph (2):

"(2) A report for the second or fourth quarter of a calendar year under this section shall also include an assessment by each commander of a geographic or functional combatant command of the readiness of the command to conduct operations in a multidomain battle that integrates ground, air, sea, space, and cyber forces.".

SEC. 333. ANNUAL COMPTROLLER GENERAL REVIEWS OF READINESS OF ARMED FORCES TO CONDUCT FULL SPECTRUM OPERATIONS.

(a) REVIEWS REQUIRED.—For each of calendar years 2018 through 2021, the Comptroller General of the United States shall conduct an annual review of the readiness of the Armed Forces to conduct each of the following types of full spectrum operations:

(1) Ground.

(2) Sea.

(3) Air.

(4) Space.

(5) Cyber.

(b) ELEMENTS OF REVIEW.—In conducting a review under subsection (a), the Comptroller General shall—

(1) use standard methodology and reporting formats in order to show changes over time;

(2) evaluate, using fiscal year 2017 as the base year of analysis—

(A) force structure;

(B) the ability of major operational units to conduct operations; and

(C) the status of equipment, manning, and training; and

(3) provide reasons for any variances in readiness levels, including changes in funding, availability in parts, training opportunities, and operational demands.

(c) METRICS.—For purposes of the reviews required by this section, the Secretary of Defense shall identify and establish metrics for measuring readiness for the operations covered by subsection (a). In the first review conducted under this section, the Comptroller General shall evaluate and determine the validity of such metrics.

(d) ACCESS TO RELEVANT DATA.—For purposes of this section, the Secretary of Defense shall ensure that the Comptroller General has access to all relevant data, including—

(1) any assessments of the ability of the Department of Defense and the Armed Forces to execute operational and contingency plans;

(2) any internal Department readiness and force structure assessments; and

(3) the readiness databases of the Department and the Armed Forces.

(e) REPORTS.—

(1) ANNUAL REPORT.—Not later than February 28, 2019, and annually thereafter until 2022, the Comptroller General shall submit to the Committees on Armed Services of the Sen-

ate and House of Representatives an annual report on the review conducted under subsection (a) for the year preceding the year during which the report is submitted.

(2) ADDITIONAL REPORTS.—At the discretion of the Comptroller General, the Comptroller General may submit to the Committees on Armed Services of the Senate and House of Representatives additional reports addressing specific mission areas within the operations covered by subsection (a) in order to provide an independent assessment of readiness in the areas of equipping, mapping, and training.

SEC. 334. SURFACE WARFARE TRAINING IMPROVEMENT.

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

(1) In 2017, there were three collisions and one grounding involving United States Navy ships in the Western Pacific. The two most recent mishaps involved separate incidents of a Japan-based United States Navy destroyer colliding with a commercial merchant vessel, resulting in the combined loss of 17 sailors.

(2) The causal factors in these four mishaps are linked directly to a failure to take sufficient action in accordance with the rules of good seamanship.

(3) Because risks are high in the maritime environment, there are widely accepted standards for safe seamanship and navigation. In the United States, the International Convention on Standards of Training, Certification and Watchkeeping (hereinafter in this section referred to as the "STCW") for Seafarers, standardizes the skills and foundational knowledge a maritime professional must have in seamanship and navigation.

(4) Section 568 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2139) endorsed the STCW process and required the Secretary of Defense to maximize the extent to which Armed Forces service, training, and qualifications are creditable toward meeting merchant mariner licenses and certifications.

(5) The Surface Warfare Officer Course Curriculum is being modified to include ten individual Go/No Go Mariner Assessments/Competency Check Milestones to ensure standardization and quality of the surface warfare community.

(6) The Military-to-Mariner Transition report of September 2017 notes the Army maintains an extensive STCW qualifications program and that a similar Navy program does not exist.

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

(1) the Secretary of the Navy should establish a comprehensive individual proficiency assessment process and include such an assessment prior to all operational surface warfare officer tour assignments; and

(2) the Secretary of the Navy should significantly expand the STCW qualifications process to improve seamanship and navigation individual skills training for surface warfare candidates, surface warfare officers, quartermasters and operations specialists to include an increased set of courses that directly correspond to STCW standards.

(c) REPORT.—Not later than March 1, 2019, the Secretary of the Navy shall submit to the congressional defense committees a report that includes each of the following:

(1) A detailed description of the surface warfare officer assessments process.

(2) A list of programs that have been approved for credit toward merchant mariner credentials.

(3) A complete gap analysis of the existing surface warfare training curriculum and STCW.

(4) A complete gap analysis of the existing surface warfare training curriculum and the 3rd mate unlimited licensing requirement.

(5) An assessment of surface warfare options to complete the 3rd mate unlimited license and the STCW qualification.

SEC. 335. REPORT ON OPTIMIZING SURFACE NAVY VESSEL INSPECTIONS AND CREW CERTIFICATIONS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on optimizing surface Navy vessel inspections and crew certifications to reduce the burden of inspection type visits that vessels undergo. Such report shall include—

(1) an audit of all surface Navy vessel inspections, certifications, and required and recommended assist visits;

(2) an analysis of such inspections, certifications, and visits for redundancies, as well as any necessary items not covered;

(3) recommendations to streamline surface vessel inspections, certifications, and required and recommended assist visits to optimize effectiveness, improve material readiness, and restore training readiness; and

(4) recommendations for congressional action to address the needs of the Navy as identified in the report.

(b) CONGRESSIONAL BRIEFING.—Not later than January 31, 2019, the Secretary of the Navy shall provide to the Senate Committee on Armed Services and the House Committee on Armed Services an interim briefing on the matters to be included in the report required by subsection (a).

SEC. 336. REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

The Secretary of Defense, in consultation with the heads of each of the military departments and the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a report on labor hours and depot maintenance, which shall include—

(1) the amount of public and private funding of depot-level maintenance and repair (as defined in section 2460 of title 10 United States Code) for the Department of Defense, Army, Navy, Marine Corps, Air Force, Special Operations Command, and any other unified command identified by the Secretary, expressed by commodity group by percentage and actual numbers in terms of dollars and direct labor hours;

(2) within each category of depot level maintenance and repair for each entities, the amount of the subset of depot maintenance workload that meets the description under section

2464 of title 10, United States Code, that is performed in the public and private sectors by direct labor hours and by dollars;

(3) of the subset referred to in paragraph (2), the amount of depot maintenance workload performed in the public and private sector by direct labor hour and by dollars for each entity that would otherwise be considered core workload under such section 2464, but is not considered core because a weapon system or equipment has not been declared a program of record; and

(4) the projections for the upcoming future years defense program, including the distinction between the Navy and the Marine Corps for the Department of the Navy, as well as any unified command, including the Special Operations Command.

SEC. 337. REPORT ON WILDFIRE SUPPRESSION CAPABILITIES OF ACTIVE AND RESERVE COMPONENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that wildfires endanger national security.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the wildfire suppression capabilities within the active and reserve components of the Armed Forces, including the Modular Airborne Fire Fighting System Program, and interagency cooperation with the Forest Service and the Department of the Interior.

SEC. 338. REPORT ON RELOCATION OF STEAM TURBINE PRODUCTION FROM NIMITZ-CLASS AND FORD-CLASS AIRCRAFT CARRIERS AND VIRGINIA-CLASS AND COLUMBIA-CLASS SUBMARINES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the Assistant Secretary of the Navy for Research, Development, and Acquisition, shall develop and submit to Congress a report describing the potential impacts on national defense and the manufacturing base resulting from contractors or subcontractors relocating steam turbine production for Nimitz-class and Ford-class aircraft carriers and Virginia-class and Columbia-class submarines. Such report shall address each of the following:

(1) The overall risk of moving production on the national security of the United States, including the likelihood of production delay or reduction in quality of steam turbines.

(2) The impact on national security from a delay in production of aircraft carriers and submarines.

(3) The impacts on regional suppliers the current production of steam turbines draw on and their ability to perform other contracts should a relocation happen.

(4) The impact on the national industrial and manufacturing base and loss of a critically skilled workforce resulting from a relocation of production.

(5) The risk of moving production on total cost of the acquisition.

SEC. 339. REPORT ON SPECIALIZED UNDERGRADUATE PILOT TRAINING PRODUCTION, RESOURCING, AND LOCATIONS.

(a) IN GENERAL.—Not later than March 1, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on existing Specialized Undergraduate Pilot Training (SUPT) production, resourcing, and locations.

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

(1) A description of the strategy of the Air Force for utilizing existing SUPT locations to produce the number of pilots the Air Force requires.

(2) The number of pilots that each SUPT location has graduated, by year, over the previous 5 fiscal years.

(3) The forecast number of pilots that each SUPT location will produce for fiscal year 2019.

(4) The maximum production capacity of each SUPT location.

(5) The extent to which existing SUPT installations are operating at maximum capacity in terms of pilot production.

(6) A cost estimate of the resources required for each SUPT location to reach maximum production capacity.

(7) A determination as to whether increasing production capacity at existing SUPT locations will satisfy the Air Force's SUPT requirement.

(8) A timeline and cost estimation of establishing a new SUPT location.

(9) A discussion of whether the Air Force plans to operate existing SUPT installations at maximum capacity over the future years defense program.

(10) A business case analysis comparing the establishment of a new SUPT location to increasing production capacity at existing SUPT locations.

SEC. 340. REPORT ON AIR FORCE AIRFIELD OPERATIONAL REQUIREMENTS.

(a) IN GENERAL.—Not later than February 1, 2019, the Secretary of the Air Force shall conduct an assessment and submit to the congressional defense committees a report detailing the operational requirements for Air Force airfields.

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

(1) An assessment of the state of airfields where runway degradation currently poses a threat to operations and airfields where such degradation threatens operations in the next five and ten years.

(2) A description of the operational requirements for airfields, including an assessment of the impact to operations, cost to repair, cost to replace, remaining useful life, and the required daily maintenance to ensure runways are acceptable for full operations.

(3) A description of any challenges with infrastructure acquisition methods and processes.

(4) An assessment of the operational impact in the event a runway were to become inoperable due to a major degrada-

tion incident, such as a crack or fracture resulting from lack of maintenance and repair.

(5) A plan to address any shortfalls associated with the Air Force's runway infrastructure.

(c) FORM.—The report required under subsection (a) shall be in unclassified form but may contain a classified annex as necessary.

SEC. 341. REPORT ON NAVY SURFACE SHIP REPAIR CONTRACT COSTS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on Navy surface ship repair contract costs.

(b) ELEMENTS.—The report required under subsection (a) shall include, for each private sector maintenance availability for a conventionally-powered Navy surface ship for the prior two completed fiscal years, the following elements:

(1) Name of the ship.

(2) Location of the availability.

(3) Prime contractor performing the availability.

(4) Date of the contract award.

(5) Type of contract used, such as firm-fixed-price or cost-plus-fixed-fee.

(6) Solicitation number.

(7) Number of offers received in response to the solicitation.

(8) Contract target cost at the date of contract award.

(9) Contract ceiling cost of the contract at the date of contract award.

(10) Duration of the availability in days, including start and end dates, at the date of contract award.

(11) Final contract cost.

(12) Final delivery cost.

(13) Actual duration of the availability in days, including start and end dates.

(14) Description of growth work that was added after the contract award, including the associated cost.

(15) Explanation of why the growth work described in paragraph (14) was not included in the scope of work associated with the original contract award.

Subtitle E—Other Matters

SEC. 351. COAST GUARD REPRESENTATION ON EXPLOSIVE SAFETY BOARD.

Section 172(a) of title 10, United States Code, is amended—

(1) by striking "and Marine Corps" and inserting "Marine Corps, and Coast Guard"; and

(2) by adding at the end the following new sentence: "When the Coast Guard is not operating as a service in the Department of the Navy, the Secretary of Homeland Security shall appoint an officer of the Coast Guard to serve as a voting member of the board.".

SEC. 352. TRANSPORTATION TO CONTINENTAL UNITED STATES OF RETIRED MILITARY WORKING DOGS OUTSIDE THE CONTINENTAL UNITED STATES THAT ARE SUITABLE FOR ADOPTION IN THE UNITED STATES.

Section 2583(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) In the case of a military working dog located outside the continental United States at the time of retirement that is suitable for adoption at that time, the Secretary of the military department concerned shall undertake transportation of the dog to the continental United States (including transportation by contract at United States expense) for adoption under this section unless—

"(i) the dog is adopted as described in paragraph (2)(A); or

"(ii) transportation of the dog to the continental United States would not be in the best interests of the dog for medical reasons.

"(B) Nothing in this paragraph shall be construed to alter the preference in adoption of retired military working dogs for former handlers as set forth in subsection (g).".

SEC. 353. SCOPE OF AUTHORITY FOR RESTORATION OF LAND DUE TO MISHAP.

Subsection (e) of section 2691 of title 10, United States Code, as added by section 2814 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1849), is amended by adding at the end the following new paragraph:

"(3) The authority under paragraphs (1) and (2) includes activities and expenditures necessary to complete restoration to meet the regulations of the Federal department or agency with administrative jurisdiction over the affected land, which may be different than the regulations of the Department of Defense.".

SEC. 354. [10 U.S.C. 4681 note] REPURPOSING AND REUSE OF SURPLUS ARMY FIREARMS.

Section 348(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1365)is amended by inserting "shredded or" before "melted and repurposed".

SEC. 355. STUDY ON PHASING OUT OPEN BURN PITS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that includes—

(1) details of any ongoing use of open burn pits; and

(2) the feasibility of phasing out the use of open burn pits by using technology incinerators.

(b) OPEN BURN PIT DEFINED.—In this section, the term "open burn pit" means an area of land—

(1) that is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(2) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

SEC. 356. [10 U.S.C. 771 note] NOTIFICATION REQUIREMENTS RELATING TO CHANGES TO UNIFORM OF MEMBERS OF THE UNIFORMED SERVICES.

(a) CONTRACTOR NOTIFICATION.—The Director of the Defense Logistics Agency shall notify a contractor when one of the uniformed services plans to make a change to a uniform component that is provided by that contractor. Such a notification shall be made not less than 12 months prior to any announcement of a public solicitation for the manufacture of the new uniform component.

(b) WAIVER.—If the Secretary of a military department or the Director of the Defense Logistics Agency determines that the notification requirement under subsection (a) would adversely affect operational safety, force protection, or the national security interests of the United States, the Secretary or the Director may waive such requirement.

SEC. 357. [10 U.S.C. 221 note] REPORTING ON FUTURE YEARS BUDGETING BY SUBACTIVITY GROUP.

Along with the budget for each fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense and the Secretaries of the military departments shall include in the OP-5 Justification Books, as detailed by Department of Defense Financial Management Regulation 7000.14-R, the amount for each individual subactivity group, as detailed in the Department's future years defense program pursuant to section 221 of title 10, United States Code.

SEC. 358. [10 U.S.C. 117 note] LIMITATION ON AVAILABILITY OF FUNDS FOR SERVICE-SPECIFIC DEFENSE READINESS REPORTING SYSTEMS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2019 for research, development, test, and evaluation or procurement, and available to develop service-specific Defense Readiness Reporting Systems (referred to in this section as "DRRS") may be made available for such purpose except for required maintenance and in order to facilitate the transition to DRRS-Strategic (referred to in this section as "DRRS-S").

(b) PLAN.—Not later than February 1, 2019, the Under Secretary for Personnel and Readiness shall submit to the congressional defense committees a resource and funding plan to include a schedule with relevant milestones on the elimination of service-specific DRRS and the migration of the military services and other organizations to DRRS-S.

(c) TRANSITION.—The military services shall complete the transition to DRRS-S not later than October 1, 2020. The Secretary of Defense shall notify the congressional defense committees upon the complete transition of the services.

(d) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Under Secretary for Personnel and Readiness, the Under Secretary for Acquisition and Sustainment, and the Under Secretary for Research and Engineering, in coordination with the Secretaries of the military departments and other organizations with relevant technical expertise, shall establish a working group including individuals with expertise in application or software development, data

science, testing, and development and assessment of performance metrics to assess the current process for collecting, analyzing, and communicating readiness data, and develop a strategy for implementing any recommended changes to improve and establish readiness metrics using the current DRRS-Strategic platform.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include—

(A) identification of modern tools, methods, and approaches to readiness to more effectively and efficiently collect, analyze, and make decision based on readiness data; and

(B) consideration of cost and schedule.

(3) SUBMISSION TO CONGRESS.—Not later than February 1, 2020, the Secretary of Defense shall submit to the congressional defense committees the assessment conducted pursuant to paragraph (1).

(e) DEFENSE READINESS REPORTING REQUIREMENTS.—To the maximum extent practicable, the Secretary of Defense shall meet defense readiness reporting requirements consistent with the recommendations of the working group established under subsection (d)(1).

SEC. 359. [10 U.S.C. 2661 note] PRIORITIZATION OF ENVIRONMENTAL IMPACTS FOR FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION DEMOLITION.

The Secretary of Defense shall establish prioritization metrics for facilities deemed eligible for demolition within the Facilities Sustainment, Restoration, and Modernization (FSRM) process. Those metrics shall include full spectrum readiness and environmental impacts, including the removal of contamination.

SEC. 360. SENSE OF CONGRESS RELATING TO SOO LOCKS, SAULT SAINTE MARIE, MICHIGAN.

It is the sense of Congress that—

(1) the Soo Locks in Sault Ste. Marie, Michigan, are of critical importance to the national security of the United States;

(2) the Soo Locks are the only waterway connection from Lake Superior to the Lower Great Lakes and the St. Lawrence Seaway;

(3) only the Poe Lock is of sufficient size to allow for the passage of the largest cargo vessels that transport well over 90 percent of all iron ore mined in the United States, and this lock is nearing the end of its 50-year useful lifespan;

(4) a report issued by the Office of Cyber and Infrastructure Analysis of the Department of Homeland Security concluded that an unscheduled 6-month outage of the Poe Lock would cause—

(A) a dramatic increase in national and regional unemployment; and

(B) 75 percent of Great Lakes steel production, and nearly all North American appliance, automobile, railcar, and construction, farm, and mining equipment production to cease;

(5) the Corps of Engineers is reevaluating a past economic evaluation report to update the benefit-to-cost ratio for building a new lock at the Soo Locks; and

(6) the Secretary of the Army and all relevant Federal agencies should—

(A) expedite the completion of the report described in paragraph (5) and ensure the analysis adequately reflects the critical importance of the Soo Locks infrastructure to the national security and economy of the United States; and

(B) expedite all other necessary reviews, analysis, and approvals needed to speed the required upgrades at the Soo Locks.

SEC. 361. U.S. SPECIAL OPERATIONS COMMAND CIVILIAN PERSONNEL.

Notwithstanding section 143 of title 10, United States Code, of the funds authorized to be appropriated by this Act for Operation and Maintenance, Defense-wide for United States Special Operations Command civilian personnel, not less than $4,000,000 shall be used to fund additional civilian personnel in or directly supporting the office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict to support the Assistant Secretary in fulfilling the additional responsibilities of the Assistant Secretary that were added by the amendments to sections 138(b)(4), 139b, and 167 of title 10, United States Code, made by section 922 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2019, as follows:

(1) The Army, 487,500.

(2) The Navy, 335,400.

(3) The Marine Corps, 186,100.

(4) The Air Force, 329,100.

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

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

"(1) For the Army, 487,500.

"(2) For the Navy, 335,400.

"(3) For the Marine Corps, 186,100.

"(4) For the Air Force, 329,100.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2019, as follows:

(1) The Army National Guard of the United States, 343,500.

(2) The Army Reserve, 199,500.

(3) The Navy Reserve, 59,100.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 107,100.

(6) The Air Force Reserve, 70,000.

(7) The Coast Guard Reserve, 7,000.

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

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2019, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,595.

(2) The Army Reserve, 16,386.

(3) The Navy Reserve, 10,110.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 19,861.
(6) The Air Force Reserve, 3,849.

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2019 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 22,294.
(2) For the Army Reserve, 6,492.
(3) For the Air National Guard of the United States, 15,861.
(4) For the Air Force Reserve, 8,880.

SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2019, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2019.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Repeal of requirement for ability to complete 20 years of service by age 62 as qualification for original appointment as a regular commissioned officer.

Sec. 502. Enhancement of availability of constructive service credit for private sector training or experience upon original appointment as a commissioned officer.
Sec. 503. Standardized temporary promotion authority across the military departments for officers in certain grades with critical skills.
Sec. 504. Authority for promotion boards to recommend officers of particular merit be placed higher on a promotion list.
Sec. 505. Authority for officers to opt out of promotion board consideration.
Sec. 506. Applicability to additional officer grades of authority for continuation on active duty of officers in certain military specialties and career tracks.
Sec. 507. Alternative promotion authority for officers in designated competitive categories of officers.
Sec. 508. Attending Physician to the Congress.
Sec. 509. Matters relating to satisfactory service in grade for purposes of retirement grade of officers in highest grade of satisfactory service.
Sec. 510. Grades of Chiefs of Chaplains.
Sec. 511. Repeal of original appointment qualification requirement for warrant officers in the regular Army.
Sec. 512. Reduction in number of years of active naval service required for permanent appointment as a limited duty officer.
Sec. 513. Authority to designate certain reserve officers as not to be considered for selection for promotion.
Sec. 514. GAO review of surface warfare career paths.

Subtitle B—Reserve Component Management

Sec. 515. Authorized strength and distribution in grade.
Sec. 516. Repeal of prohibition on service on Army Reserve Forces Policy Committee by members on active duty.
Sec. 517. Expansion of personnel subject to authority of the Chief of the National Guard Bureau in the execution of functions and missions of the National Guard Bureau.
Sec. 518. Authority to adjust effective date of promotion in the event of undue delay in extending Federal recognition of promotion.
Sec. 519. National Guard Youth Challenge Program.
Sec. 520. Extension of authority for pilot program on use of retired senior enlisted members of the Army National Guard as Army National Guard recruiters.

Subtitle C—General Service Authorities and Correction of Military Records

Sec. 521. Enlistments vital to the national interest.
Sec. 522. Statement of benefits.
Sec. 523. Modification to forms of support that may be accepted in support of the mission of the Defense POW/MIA Accounting Agency.
Sec. 524. Assessment of Navy standard workweek and related adjustments.
Sec. 525. Notification on manning of afloat naval forces.[5]
Sec. 526. Navy watchstander records.
Sec. 527. Qualification experience requirements for certain Navy watchstations.

Subtitle D—Military Justice

Sec. 531. Inclusion of strangulation and suffocation in conduct constituting aggravated assault for purposes of the Uniform Code of Military Justice.
Sec. 532. Punitive article on domestic violence under the Uniform Code of Military Justice.
Sec. 533. Authorities of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.
Sec. 534. Report on feasibility of expanding services of the Special Victims' Counsel to victims of domestic violence.
Sec. 535. Uniform command action form on disposition of unrestricted sexual assault cases involving members of the Armed Forces.
Sec. 536. Standardization of policies related to expedited transfer in cases of sexual assault or domestic violence.

[5] Section 525 was repealed by section 597(f) of Public Law 116–92 without striking the item relating to such section in the table of sections.

Subtitle E—Other Legal Matters

Sec. 541. Clarification of expiration of term of appellate military judges of the United States Court of Military Commission Review.
Sec. 542. Security clearance reinvestigation of certain personnel who commit certain offenses.
Sec. 543. Development of oversight plan for implementation of Department of Defense harassment prevention and response policy.
Sec. 544. Oversight of registered sex offender management program.
Sec. 545. Development of resource guides regarding sexual assault for the military service academies.
Sec. 546. Improved crime reporting.
Sec. 547. Report on victims of sexual assault in reports of military criminal investigative organizations.

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

Sec. 551. Permanent career intermission program.
Sec. 552. Improvements to Transition Assistance Program.
Sec. 553. Repeal of program on encouragement of postseparation public and community service.
Sec. 554. Clarification of application and honorable service requirements under the Troops-to-Teachers Program to members of the Retired Reserve.
Sec. 555. Employment and compensation of civilian faculty members at the Joint Special Operations University.
Sec. 556. Program to assist members of the Armed Forces in obtaining professional credentials.
Sec. 557. Enhancement of authorities in connection with Junior Reserve Officers' Training Corps programs.
Sec. 558. Expansion of period of availability of Military OneSource program for retired and discharged members of the Armed Forces and their immediate families.
Sec. 559. Prohibition on use of funds for attendance of enlisted personnel at senior level and intermediate level officer professional military education courses.

Subtitle G—Defense Dependents' Education

Sec. 561. Assistance to schools with military dependent students.
Sec. 562. Department of Defense Education Activity policies and procedures on sexual harassment of students of Activity schools.
Sec. 563. Department of Defense Education Activity misconduct database.
Sec. 564. Assessment and report on active shooter threat mitigation at schools located on military installations.

Subtitle H—Military Family Readiness Matters

Sec. 571. Department of Defense Military Family Readiness Council matters.
Sec. 572. Enhancement and clarification of family support services for family members of members of special operations forces.
Sec. 573. Temporary expansion of authority for noncompetitive appointments of military spouses by Federal agencies.
Sec. 574. Improvement of My Career Advancement Account program for military spouses.
Sec. 575. Assessment and report on the effects of permanent changes of station on employment among military spouses.
Sec. 576. Provisional or interim clearances to provide childcare services at military childcare centers.
Sec. 577. Multidisciplinary teams for military installations on child abuse and other domestic violence.
Sec. 578. Pilot program for military families: prevention of child abuse and training on safe childcare practices.
Sec. 579. Assessment and report on small business activities of military spouses on military installations in the United States.

Subtitle I—Decorations and Awards

Sec. 581. Atomic veterans service certificate.
Sec. 582. Award of medals or other commendations to handlers of military working dogs.

Sec. 583. Authorization for award of distinguished-service cross to Justin T. Gallegos for acts of valor during Operation Enduring Freedom.

Subtitle J—Miscellaneous Reports and Other Matters

Sec. 591. Annual defense manpower requirements report matters.
Sec. 592. Burial of unclaimed remains of inmates at the United States Disciplinary Barracks Cemetery, Fort Leavenworth, Kansas.
Sec. 593. Standardization of frequency of academy visits of the Air Force Academy Board of Visitors with academy visits of boards of other military service academies.
Sec. 594. National Commission on Military, National, and Public Service matters.
Sec. 595. Public availability of top-line numbers of deployed members of the Armed Forces.
Sec. 596. Report on general and flag officer costs.
Sec. 597. Study on active service obligations for medical training with other service obligations for education or training and health professional recruiting.
Sec. 598. Criteria for interment at Arlington National Cemetery.
Sec. 599. Limitation on use of funds pending submittal of report on Army Marketing and Advertising Program.
Sec. 600. Proof of period of military service for purposes of interest rate limitation under the Servicemembers Civil Relief Act.

Subtitle A—Officer Personnel Policy

SEC. 501. REPEAL OF REQUIREMENT FOR ABILITY TO COMPLETE 20 YEARS OF SERVICE BY AGE 62 AS QUALIFICATION FOR ORIGINAL APPOINTMENT AS A REGULAR COMMISSIONED OFFICER.

(a) REPEAL.—Subsection (a) of section 532 of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

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

(b) CONFORMING AMENDMENT.—Such section is further amended by striking subsection (d).

(c) [10 U.S.C. 532 note] EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to original appointments of regular commissioned officers of the Armed Forces made on or after that date.

SEC. 502. ENHANCEMENT OF AVAILABILITY OF CONSTRUCTIVE SERVICE CREDIT FOR PRIVATE SECTOR TRAINING OR EXPERIENCE UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) REGULAR OFFICERS.—

(1) IN GENERAL.—Subsection (b) of section 533 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

"(D) Additional credit for special training or experience in a particular officer career field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned."; and

(B) in paragraph (2)—

(i) by striking "Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the

case of a medical or dental officer, the amount" and inserting "The amount"; and

(ii) by striking "in the grade of major in the Army, Air Force, or Marine Corps or lieutenant commander in the Navy" and inserting "in the grade of colonel in the Army, Air Force, or Marine Corps or captain in the Navy".

(2) REPEAL OF TEMPORARY AUTHORITY FOR SERVICE CREDIT FOR CRITICALLY NECESSARY CYBERSPACE-RELATED EXPERIENCE.—Such section is further amended—

(A) in subsections (a)(2) and (c), by striking "or (g)"; and

(B) by striking subsection (g).

(b) RESERVE OFFICERS.—

(1) IN GENERAL.—Subsection (b) of section 12207 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

"(D) Additional credit for special training or experience in a particular officer career field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned."; and

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

"(3) The amount of constructive service credit credited to an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of colonel or as a reserve officer of the Navy in the grade of captain.".

(2) REPEAL OF TEMPORARY AUTHORITY FOR SERVICE CREDIT FOR CRITICALLY NECESSARY CYBERSPACE-RELATED EXPERIENCE.—Such section is further amended—

(A) by striking subsection (e);

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

(C) in subsection (e), as redesignated by subparagraph (B), by striking ", (d), or (e)" and inserting "or (d)".

SEC. 503. STANDARDIZED TEMPORARY PROMOTION AUTHORITY ACROSS THE MILITARY DEPARTMENTS FOR OFFICERS IN CERTAIN GRADES WITH CRITICAL SKILLS.

(a) STANDARDIZED TEMPORARY PROMOTION AUTHORITY.—

(1) IN GENERAL.—Chapter 35 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 605. [10 U.S.C. 605] PROMOTION TO CERTAIN GRADES FOR OFFICERS WITH CRITICAL SKILLS: COLONEL, LIEUTENANT COLONEL, MAJOR, CAPTAIN; CAPTAIN, COMMANDER, LIEUTENANT COMMANDER, LIEUTENAN

"(a) IN GENERAL.—An officer in the grade of first lieutenant, captain, major, or lieutenant colonel in the Army, Air Force, or Marine Corps, or lieutenant (junior grade), lieutenant, lieutenant commander, or commander in the Navy, who is described in subsection (b) may be temporarily promoted to the grade of captain, major,

lieutenant colonel, or colonel in the Army, Air Force, or Marine Corps, or lieutenant, lieutenant commander, commander, or captain in the Navy, as applicable, under regulations prescribed by the Secretary of the military department concerned. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

"(b) COVERED OFFICERS.—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

"(1) has a skill in which the armed force concerned has a critical shortage of personnel (as determined by the Secretary of the military department concerned); and

"(2) is serving in a position (as determined by the Secretary of the military department concerned) that—

"(A) is designated to be held by a captain, major, lieutenant colonel, or colonel in the Army, Air Force, or Marine Corps, or lieutenant, lieutenant commander, commander, or captain in the Navy, as applicable; and

"(B) requires that an officer serving in such position have the skill possessed by such officer.

"(c) PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.—An appointment under this section does not change the position on the active-duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

"(d) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary of the military department concerned for the purpose of recommending officers for such promotions.

"(e) ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section from the date the appointment is made.

"(f) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

"(1) on the date the officer who received the appointment is promoted to the permanent grade of captain, major, lieutenant colonel, or colonel in the Army, Air Force, or Marine Corps, or lieutenant, lieutenant commander, commander, or captain in the Navy; or

"(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of captain, major, lieutenant colonel, or colonel in the Army, Air Force, or Marine Corps, or lieutenant, lieutenant commander, commander, or captain in the Navy, in which case the appointment terminates on the date the officer is promoted to that grade.

"(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary of the military department con-

cerned for the purposes of this section. The number of positions so designated may not exceed the following:

"(1) In the case of the Army—
"(A) as captain, 120;
"(B) as major, 350;
"(C) as lieutenant colonel, 200; and
"(D) as colonel, 100.

"(2) In the case of the Air Force—
"(A) as captain, 100;
"(B) as major, 325;
"(C) as lieutenant colonel, 175; and
"(D) as colonel, 80.

"(3) In the case of the Marine Corps—
"(A) as captain, 50;
"(B) as major, 175;
"(C) as lieutenant colonel, 100; and
"(D) as colonel, 50.

"(4) In the case of the Navy—
"(A) as lieutenant, 100;
"(B) as lieutenant commander, 325;
"(C) as commander, 175; and
"(D) as captain, 80.".

(2) [10 U.S.C. 601] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of such titleis amended by adding at the end the following new item:

"605. Promotion to certain grades for officers with critical skills: colonel, lieutenant colonel, major, captain; captain, commander, lieutenant commander, lieutenant.".

(b) REPEAL OF SUPERSEDED AUTHORITY APPLICABLE TO NAVY LIEUTENANTS.—

(1) [10 U.S.C. 5721] REPEAL.—Chapter 544 of title 10, United States Code, is repealed.

(2) [10 U.S.C. 5001] CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of subtitle C of such title, are each amended by striking the item relating to chapter 544.

SEC. 504. AUTHORITY FOR PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED HIGHER ON A PROMOTION LIST.

(a) IN GENERAL.—Section 616 of title 10, United States Code, is amended by adding at the end the following new subsection:

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

"(2) An officer may be recommended to be placed higher on a promotion list under paragraph (1) only if the officer receives the recommendation of at least a majority of the members of the board, unless the Secretary concerned establishes an alternative requirement. Any such alternative requirement shall be furnished to the board as part of the guidelines furnished to the board under section 615 of this title.

"(3) For the officers recommended to be placed higher on a promotion list under paragraph (1), the board shall recommend the order in which those officers should be placed on the list.".

(b) PROMOTION SELECTION BOARD REPORTS RECOMMENDING OFFICERS OF PARTICULAR MERIT BE PLACED HIGHER ON PROMOTION LIST.—Section 617 of such title is amended by adding at the end the following new subsection:

"(d) A selection board convened under section 611(a) of this title shall, when authorized under section 616(g) of this title, include in its report to the Secretary concerned the names of those officers recommended by the board to be placed higher on the promotion list and the order in which the board recommends that those officers should be placed on the list.".

(c) OFFICERS OF PARTICULAR MERIT APPEARING HIGHER ON PROMOTION LIST.—Section 624(a)(1) of such title is amended in the first sentence by adding at the end "or based on particular merit, as determined by the promotion board".

SEC. 505. AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION BOARD CONSIDERATION.

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

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

"(6) An officer excluded under subsection (e).'; and

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

"(e) AUTHORITY TO ALLOW OFFICERS TO OPT OUT OF SELECTION BOARD CONSIDERATION.—(1) The Secretary of a military department may provide that an officer under the jurisdiction of the Secretary may, upon the officer's request and with the approval of the Secretary, be excluded from consideration by a selection board convened under section 611(a) of this title to consider officers for promotion to the next higher grade.

"(2) The Secretary concerned may only approve a request under paragraph (1) if—

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

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

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

(b) RESERVE ACTIVE-STATUS LIST OFFICERS.—Section 14301 of such title is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking "Previously Selected Officers Not Eligible" and inserting "Certain Officers Not"; and

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

"(6) An officer excluded under subsection (j).'; and

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

"(j) AUTHORITY TO ALLOW OFFICERS TO OPT OUT OF SELECTION BOARD CONSIDERATION.—(1) The Secretary of a military department may provide that an officer under the jurisdiction of the Secretary may, upon the officer's request and with the approval of the Secretary, be excluded from consideration by a selection board convened under section 14101(a) of this title to consider officers for promotion to the next higher grade.

"(2) The Secretary concerned may only approve a request under paragraph (1) if—

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

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

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

SEC. 506. APPLICABILITY TO ADDITIONAL OFFICER GRADES OF AUTHORITY FOR CONTINUATION ON ACTIVE DUTY OF OFFICERS IN CERTAIN MILITARY SPECIALTIES AND CAREER TRACKS.

Section 637a(a) of title 10, United States Code, is amended—

(1) by striking "grade O-4" and inserting "grade O-2"; and

(2) by inserting "632," before "633,".

SEC. 507. ALTERNATIVE PROMOTION AUTHORITY FOR OFFICERS IN DESIGNATED COMPETITIVE CATEGORIES OF OFFICERS.

(a) ALTERNATIVE PROMOTION AUTHORITY.—

(1) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER SUBCHAPTER VI—ALTERNATIVE PROMOTION AUTHORITY FOR OFFICERS IN DESIGNATED COMPETITIVE CATEGORIES

"Sec.
"649a. Officers in designated competitive categories.
"649b. Selection for promotion.
"649c. Eligibility for consideration for promotion.
"649d. Opportunities for consideration for promotion.
"649e. Promotions.
"649f. Failure of selection for promotion.
"649g. Retirement: retirement for years of service; selective early retirement.
"649h. Continuation on active duty.
"649i. Continuation on active duty: officers in certain military specialties and career tracks.
"649j. Other administrative authorities.
"649k. Regulations.

"SEC. 649a. [10 U.S.C. 649a] OFFICERS IN DESIGNATED COMPETITIVE CATEGORIE

"(a) AUTHORITY TO DESIGNATE COMPETITIVE CATEGORIES OF OFFICERS.—Each Secretary of a military department may designate one or more competitive categories for promotion of officers under

section 621 of this title that are under the jurisdiction of such Secretary as a competitive category of officers whose promotion, retirement, and continuation on active duty shall be subject to the provisions of this subchapter.

"(b) LIMITATION ON EXERCISE OF AUTHORITY.—The Secretary of a military department may not designate a competitive category of officers for purposes of this subchapter until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the designation of the competitive category. The report on the designation of a competitive category shall set forth the following:

"(1) A detailed description of officer requirements for officers within the competitive category.

"(2) An explanation of the number of opportunities for consideration for promotion to each particular grade, and an estimate of promotion timing, within the competitive category.

"(3) An estimate of the size of the promotion zone for each grade within the competitive category.

"(4) A description of any other matters the Secretary considered in determining to designate the competitive category for purposes of this subchapter.

"SEC. 649b. [10 U.S.C. 649b] SELECTION FOR PROMOTIO

"(a) IN GENERAL.—Except as provided in this section, the selection for promotion of officers in any competitive category of officers designated for purposes of this subchapter shall be governed by the provisions of subchapter I of this chapter.

"(b) NO RECOMMENDATION FOR PROMOTION OF OFFICERS BELOW PROMOTION ZONE.—Section 616(b) of this title shall not apply to the selection for promotion of officers described in subsection (a).

"(c) RECOMMENDATION FOR OFFICERS TO BE EXCLUDED FROM FUTURE CONSIDERATION FOR PROMOTION.—In making recommendations pursuant to section 616 of this title for purposes of the administration of this subchapter, a selection board convened under section 611(a) of this title may recommend that an officer considered by the board be excluded from future consideration for promotion under this chapter.

"SEC. 649c. [10 U.S.C. 649c] ELIGIBILITY FOR CONSIDERATION FOR PROMOTIO

"(a) IN GENERAL.—Except as provided by this section, eligibility for promotion of officers in any competitive category of officers designated for purposes of this subchapter shall be governed by the provisions of section 619 of this title.

"(b) INAPPLICABILITY OF CERTAIN TIME-IN-GRADE REQUIREMENTS.—Paragraphs (2) through (4) of section 619(a) of this title shall not apply to the promotion of officers described in subsection (a).

"(c) INAPPLICABILITY TO OFFICERS ABOVE AND BELOW PROMOTION ZONE.—The following provisions of section 619(c) of this title shall not apply to the promotion of officers described in subsection (a):

"(1) The reference in paragraph (1) of that section to an officer above the promotion zone.

"(2) Paragraph (2)(A) of that section.

"(d) INELIGIBILITY OF CERTAIN OFFICERS.—The following officers are not eligible for promotion under this subchapter:

"(1) An officer described in section 619(d) of this title.

"(2) An officer not included within the promotion zone.

"(3) An officer who has failed of promotion to a higher grade the maximum number of times specified for opportunities for promotion for such grade within the competitive category concerned pursuant to section 649d of this title.

"(4) An officer recommended by a selection board to be removed from consideration for promotion in accordance with section 649b(c) of this title.

"SEC. 649d. [10 U.S.C. 649d] OPPORTUNITIES FOR CONSIDERATION FOR PROMOTIO

"(a) SPECIFICATION OF NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.—In designating a competitive category of officers pursuant to section 649a of this title, the Secretary of a military department shall specify the number of opportunities for consideration for promotion to be afforded officers of the armed force concerned within the category for promotion to each grade above the grade of first lieutenant or lieutenant (junior grade), as applicable.

"(b) LIMITED AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT TO MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of a military department may modify the number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as previously specified by the Secretary pursuant subsection (a) or this subsection, not more frequently than once every five years.

"(c) DISCRETIONARY AUTHORITY OF SECRETARY OF DEFENSE TO MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of Defense may modify the number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as previously specified or modified pursuant to any provision of this section, at the discretion of the Secretary.

"(d) LIMITATION ON NUMBER OF OPPORTUNITIES SPECIFIED.—The number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as specified or modified pursuant to any provision of this section, may not exceed five opportunities.

"(e) EFFECT OF CERTAIN REDUCTION IN NUMBER OF OPPORTUNITIES SPECIFIED.—If, by reason of a reduction in the number of opportunities for consideration for promotion under this section, an officer would no longer have one or more opportunities for consideration for promotion that were available to the officer before the reduction, the officer shall be afforded one additional opportunity for consideration for promotion after the reduction.

"SEC. 649e. [10 U.S.C. 649e] PROMOTION

Sections 620 through 626 of this title shall apply in promotions of officers in competitive categories of officers designated for purposes of this subchapter.

"SEC. 649f. [10 U.S.C. 649f] FAILURE OF SELECTION FOR PROMOTIO

"(a) IN GENERAL.—Except as provided in this section, sections 627 through 632 of this title shall apply to promotions of officers in competitive categories of officers designated for purposes of this subchapter.

"(b) INAPPLICABILITY OF FAILURE OF SELECTION FOR PROMOTION TO OFFICERS ABOVE PROMOTION ZONE.—The reference in section 627 of this title to an officer above the promotion zone shall not apply in the promotion of officers described in subsection (a).

"(c) SPECIAL SELECTION BOARD MATTERS.—The reference in section 628(a)(1) of this title to a person above the promotion zone shall not apply in the promotion of officers described in subsection (a).

"(d) EFFECT OF FAILURE OF SELECTION.—In the administration of this subchapter pursuant to subsection (a)—

"(1) an officer described in subsection (a) shall not be deemed to have failed twice of selection for promotion for purposes of section 629(e)(2) of this title until the officer has failed selection of promotion to the next higher grade the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned pursuant to section 649d of this title; and

"(2) any reference in section 631(a) or 632(a) of this title to an officer who has failed of selection for promotion to the next higher grade for the second time shall be deemed to refer instead to an officer described in subsection (a) who has failed of selection for promotion to the next higher grade for the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned pursuant to such section 649d.

"SEC. 649g. [10 U.S.C. 649g] RETIREMENT: RETIREMENT FOR YEARS OF SERVICE; SELECTIVE EARLY RETIREMEN

"(a) RETIREMENT FOR YEARS OF SERVICES.—Sections 633 through 636 of this title shall apply to the retirement of officers in competitive categories of officers designated for purposes of this subchapter.

"(b) SELECTIVE EARLY RETIREMENT.—Sections 638 and 638a of this title shall apply to the retirement of officers described in subsection (a).

"SEC. 649h. [10 U.S.C. 649h] CONTINUATION ON ACTIVE DUT

"(a) IN GENERAL.—An officer subject to discharge or retirement pursuant to this subchapter may, subject to the needs of the service, be continued on active duty if the officer is selected for continuation on active duty in accordance with this section by a selection board convened under section 611(b) of this title.

"(b) IDENTIFICATION OF POSITIONS FOR OFFICERS CONTINUED ON ACTIVE DUTY.—

"(1) IN GENERAL.—Officers may be selected for continuation on active duty pursuant to this section only for assignment to positions identified by the Secretary of the military department concerned for which vacancies exist or are anticipated to exist.

"(2) IDENTIFICATION.—Before convening a selection board pursuant to section 611(b) of this title for purposes of selection of officers for continuation on active duty pursuant to this section, the Secretary of the military department concerned shall specify for purposes of the board the positions identified by the Secretary to which officers selected for continuation on active duty may be assigned.

"(c) RECOMMENDATION FOR CONTINUATION.—A selection board may recommend an officer for continuation on active duty pursuant to this section only if the board determines that the officer is qualified for assignment to one or more positions identified pursuant to subsection (b) on the basis of skills, knowledge, and behavior required of an officer to perform successfully in such position or positions.

"(d) APPROVAL OF SECRETARY OF MILITARY DEPARTMENT.—Continuation of an officer on active duty under this section pursuant to the action of a selection board is subject to the approval of the Secretary of the military department concerned.

"(e) NONACCEPTANCE OF CONTINUATION.—An officer who is selected for continuation on active duty pursuant to this section, but who declines to continue on active duty, shall be discharged or retired, as appropriate, in accordance with section 632 of this title.

"(f) PERIOD OF CONTINUATION.—

"(1) IN GENERAL.—An officer continued on active duty pursuant to this section shall remain on active duty, and serve in the position to which assigned (or in another position to which assigned with the approval of the Secretary of the military department concerned), for a total of not more than three years after the date of assignment to the position to which first so assigned.

"(2) ADDITIONAL CONTINUATION.—An officer whose continued service pursuant to this section would otherwise expire pursuant to paragraph (1) may be continued on active duty if selected for continuation on active duty in accordance with this section before the date of expiration pursuant to that paragraph.

"(g) EFFECT OF EXPIRATION OF CONTINUATION.—Each officer continued on active duty pursuant to this subsection who is not selected for continuation on active duty pursuant to subsection (f)(2) at the completion of the officer's term of continued service shall, unless sooner discharged or retired under another provision of law—

"(1) be discharged upon the expiration of the term of continued service; or

"(2) if eligible for retirement under another other provision of law, be retired under that law on the first day of the first month following the month in which the officer completes the term of continued service.

"(h) TREATMENT OF DISCHARGE OR RETIREMENT.—The discharge or retirement of an officer pursuant to this section shall be considered to be an involuntary discharge or retirement for purposes of any other provision of law.

"SEC. 649i. [10 U.S.C. 649i] CONTINUATION ON ACTIVE DUTY: OFFICERS IN CERTAIN MILITARY SPECIALTIES AND CAREER TRACK

In addition to continuation on active duty provided for in section 649h of this title, an officer to whom section 637a of this title applies may be continued on active duty in accordance with the provisions of such section 637a.

"SEC. 649j. [10 U.S.C. 649j] OTHER ADMINISTRATIVE AUTHORITIE

"(a) IN GENERAL.—The following provisions of this title shall apply to officers in competitive categories of officers designated for purposes of this subchapter:

"(1) Section 638b, relating to voluntary retirement incentives.

"(2) Section 639, relating to continuation on active duty to complete disciplinary action.

"(3) Section 640, relating to deferment of retirement or separation for medical reasons.

"SEC. 649k. [10 U.S.C. 649k] REGULATION

The Secretary of Defense shall prescribe regulations regarding the administration of this subchapter. The elements of such regulations shall include mechanisms to clarify the manner in which provisions of other subchapters of this chapter shall be used in the administration of this subchapter in accordance with the provisions of this subchapter.".

(2) [10 U.S.C. 611] CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 36 of such titleis amended by adding at the end the following new item:

VI. ALTERNATIVE PROMOTION AUTHORITY FOR OFFICERS IN DESIGNATED COMPETITIVE CATEGORIES "

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the authorities in subchapter VI of chapter 36 of title 10, United States Code (as added by subsection (a)).

(2) ELEMENTS.—The report shall include the following:

(A) A detailed analysis and assessment of the manner in which the exercise of the authorities in subchapter VI of chapter 36 of title 10, United States Code (as so added), will effect the career progression of commissioned officers in the Armed Forces.

(B) A description of the competitive categories of officers that are anticipated to be designated as competitive categories of officers for purposes of such authorities.

(C) A plan for implementation of such authorities.

(D) Such recommendations for legislative or administrative action as the Secretary of Defense considers appropriate to improve or enhance such authorities.

SEC. 508. ATTENDING PHYSICIAN TO THE CONGRESS.

(a) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by inserting before section 716 the following new section:

"SEC. 715. [10 U.S.C. 715] ATTENDING PHYSICIAN TO THE CONGRESS: GRAD

A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral (upper half).".

(b) [10 U.S.C. 711] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by inserting before the item relating to section 716 the following new item:

"715. Attending Physician to the Congress: grade".

SEC. 509. MATTERS RELATING TO SATISFACTORY SERVICE IN GRADE FOR PURPOSES OF RETIREMENT GRADE OF OFFICERS IN HIGHEST GRADE OF SATISFACTORY SERVICE.

(a) CONDITIONAL DETERMINATIONS OF GRADE OF SATISFACTORY SERVICE.—

(1) IN GENERAL.—Subsection (a)(1) of section 1370 of title 10, United States Code, is amended by adding at the end the following new sentences: "When an officer is under investigation for alleged misconduct at the time of retirement, the Secretary concerned may conditionally determine the highest grade of satisfactory service of the officer pending completion of the investigation. Such grade is subject to resolution under subsection (b)(3).".

(2) OFFICERS IN O-9 AND O-10 GRADES.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense may make a conditional certification regarding satisfactory service in grade under paragraph (1) with respect to an officer under that paragraph notwithstanding the fact that there is pending the disposition of an adverse personnel action against the officer for alleged misconduct. The retired grade of an officer following such a conditional certification is subject to resolution under subsection (b)(3).".

(3) RESERVE OFFICERS.—Subsection (d)(1) of such section is amended by adding at the end the following new sentences: "When an officer is under investigation for alleged misconduct 132 STAT. 1750 at the time of retirement, the Secretary concerned may conditionally determine the highest grade of satisfactory service of the officer pending completion of the investigation. Such grade is subject to resolution under subsection (b)(3).".

(b) CODIFICATION OF LOWERED GRADE FOR RETIRED OFFICERS OR PERSONS WHO COMMITTED MISCONDUCT IN A LOWER GRADE.—

(1) IN GENERAL.—Subsection (b) of such section is amended—

(A) in the heading, by striking "Next";

(B) by inserting "(1)" before "An"; and

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

"(2) In the case of an officer or person whom the Secretary concerned determines committed misconduct in a lower grade, the Secretary concerned may determine the officer or person has not served satisfactorily in any grade equal to or higher than that lower grade.

"(3) A determination or certification of the retired grade of an officer shall be resolved following a conditional determination under subsection (a)(1) or (d)(1) or conditional certification under subsection (c)(4), if the investigation of or personnel action against the officer, as applicable, results in adverse findings. If the retired grade of an officer is reduced, the retired pay of the officer under chapter 71 of this title shall be recalculated, and any modification of the retired pay of the officer shall go into effect on the effective date of the reduction in retired grade.".

(2) CONFORMING AMENDMENTS.—Such section is amended—

(A) in subsection (a)(1)—

(i) by striking "higher" and inserting "different"; and

(ii) by striking "except as provided in paragraph (2)" and inserting "subject to paragraph (2) and subsection (b)";

(B) in subsection (c)(1), by striking "An officer" and inserting "Subject to subsection (b), an officer"; and

(C) in subsection (d)(1)—

(i) by striking "higher" each place it appears and inserting "different"; and

(ii) by inserting ", subject to subsection (b)," before "shall".

(c) FINALITY OF RETIRED GRADE DETERMINATIONS.—Such section is further amended by adding at the end the following new subsection:

"(f) FINALITY OF RETIRED GRADE DETERMINATIONS.—(1) Except as otherwise provided by law, a determination or certification of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened.

"(2) A determination or certification of the retired grade of an officer may be reopened as follows:

"(A) If the retirement or retired grade of the officer was procured by fraud.

"(B) If substantial evidence comes to light after the retirement that could have led to a lower retired grade under this section if known by competent authority at the time of retirement.

"(C) If a mistake of law or calculation was made in the determination of the retired grade.

"(D) In the case of a retired grade following a conditional determination under subsection (a)(1) or (d)(1) or conditional certification under subsection (c)(4), if the investigation of or personnel action against the officer, as applicable, results in adverse findings.

"(E) If the Secretary concerned determines, pursuant to regulations prescribed by the Secretary of Defense, that good cause exists to reopen the determination or certification.

"(3) If a determination or certification of the retired grade of an officer is reopened, the Secretary concerned—

"(A) shall notify the officer of the reopening; and

"(B) may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis of the reopening.

"(4) If a certification of the retired grade of an officer covered by subsection (c) is reopened, the Secretary concerned shall also notify the President and Congress of the reopening.

"(5) If the retired grade of an officer is reduced through the reopening of the officer's retired grade, the retired pay of the officer under chapter 71 of this title shall be recalculated, and any modification of the retired pay of the officer shall go into effect on the effective date of the reduction of the officer's retired grade.".

SEC. 510. GRADES OF CHIEFS OF CHAPLAINS.

(a) ARMY.—Section 3073 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "There"; and

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

"(b) The Chief of Chaplains, while so serving, holds the grade of major general.".

(b) NAVY.—Section 5142 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) The Chief of Chaplains, while so serving, holds the grade of rear admiral (upper half).".

(c) AIR FORCE.—Section 8039 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) GRADE OF CHIEF OF CHAPLAINS.—The Chief of Chaplains, while so serving, holds the grade of major general.".

SEC. 511. REPEAL OF ORIGINAL APPOINTMENT QUALIFICATION REQUIREMENT FOR WARRANT OFFICERS IN THE REGULAR ARMY.

(a) IN GENERAL.—Section 3310 of title 10, United States Code, is repealed.

(b) [10 U.S.C. 3281] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 335 of such titleis amended by striking the item relating to section 3310.

SEC. 512. REDUCTION IN NUMBER OF YEARS OF ACTIVE NAVAL SERVICE REQUIRED FOR PERMANENT APPOINTMENT AS A LIMITED DUTY OFFICER.

Section 5589(d) of title 10, United States Code, is amended by striking "10 years" and inserting "8 years".

SEC. 513. AUTHORITY TO DESIGNATE CERTAIN RESERVE OFFICERS AS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.

Section 14301 of title 10, United States Code, as amended by section 505, is further amended by adding at the end the following new subsection:

"(k) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the military department con-

cerned may provide that an officer who is in an active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section (relating to membership in a reserve component), shall not be considered for selection for promotion until completion of two years of service in such duty status. Any such officer may remain on the reserve active-status list.".

SEC. 514. GAO REVIEW OF SURFACE WARFARE CAREER PATHS.

(a) GAO REVIEW.—The Comptroller General of the United States shall conduct a review of Navy surface warfare career paths.

(b) ELEMENTS.—The review under subsection (a) shall include the following:

(1) A description of current and previous career paths for officers in the regular and reserve components of the Navy that are related to surface warfare, including career paths for—

(A) unrestricted line officers;

(B) limited duty officers;

(C) engineering duty officers; and

(D) warrant officers.

(2) Any prior study that examined career paths described in paragraph (1).

(3) The current and historical personnel levels (fit/fill rates) and deployment tempos aboard naval vessels for each of the career paths described in paragraph (1).

(4) A comparison of the career paths of surface warfare officers with the career paths of surface warfare officers of foreign navies including—

(A) initial training;

(B) follow-on training;

(C) career milestones;

(D) qualification standards; and

(E) watch standing requirements.

(5) Any other matter the Comptroller General determines appropriate.

(c) DEADLINES.—Not later than March 1, 2019, the Comptroller General shall brief the congressional defense committees on the preliminary findings of the study under this section. The Comptroller General shall submit a final report to the congressional defense committees as soon as practicable after such briefing.

Subtitle B—Reserve Component Management

SEC. 515. AUTHORIZED STRENGTH AND DISTRIBUTION IN GRADE.

(a) STRENGTH AND GRADE AUTHORIZATIONS.—Section 12011(a) of title 10, United States Codeis amended by striking those parts of the table pertaining to the Air National Guard and inserting the following:

Air National Guard:	Major	Lieutenant Colonel	Colonel
10,000	763	745	333

Air National Guard:	:	:	:
:	Major	Lieutenant Colonel	Colonel
12,000	915	923	377
14,000	1,065	1,057	402
16,000	1,211	1,185	426
18,000	1,347	1,313	450
20,000	1,463	1,440	468
22,000	1,606	1,569	494
24,000	1,739	1,697	517
26,000	1,872	1,825	539
28,000	2,005	1,954	562
30,000	2,138	2,082	585
32,000	2,271	2,210	608
34,000	2,404	2,338	630
36,000	2,537	2,466	653
38,000	2,670	2,595	676
40,000	2,803	2,723	698

(b) STRENGTH AND GRADE AUTHORIZATIONS.—Section 12012(a) of title 10, United States Codeis amended by striking those parts of the table pertaining to the Air National Guard and inserting the following:

Air National Guard:	:	:
:	E-8	E-9
10,000	1,350	550
12,000	1,466	594
14,000	1,582	636
16,000	1,698	676
18,000	1,814	714
20,000	1,930	752
22,000	2,046	790
24,000	2,162	828
26,000	2,278	866
28,000	2,394	904
30,000	2,510	942
32,000	2,626	980
34,000	2,742	1,018
36,000	2,858	1,056
38,000	2,974	1,094
40,000	3,090	1,132

SEC. 516. REPEAL OF PROHIBITION ON SERVICE ON ARMY RESERVE FORCES POLICY COMMITTEE BY MEMBERS ON ACTIVE DUTY.

Section 10302 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "not on active duty" each place it appears; and

(2) in subsection (c)—

(A) by inserting "of the reserve components" after "among the members"; and

(B) by striking "not on active duty".

SEC. 517. EXPANSION OF PERSONNEL SUBJECT TO AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU IN THE EXECUTION OF FUNCTIONS AND MISSIONS OF THE NATIONAL GUARD BUREAU.

Section 10508(b)(1) of title 10, United States Code, is amended by striking "sections 2103," and all that follows through "of title 32," and inserting "sections 2102, 2103, 2105, and 3101 of title 5, subchapter IV of chapter 53 of title 5, or section 328 of title 32,".

SEC. 518. AUTHORITY TO ADJUST EFFECTIVE DATE OF PROMOTION IN THE EVENT OF UNDUE DELAY IN EXTENDING FEDERAL RECOGNITION OF PROMOTION.

(a) IN GENERAL.—Section 14308(f) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The effective date of promotion"; and

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

"(2) If the Secretary concerned determines that there was an undue delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force, and the delay was not attributable to the action (or inaction) of such officer, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion.".

(b) [10 U.S.C. 14308 note] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to promotions of officers whose State effective date is on or after that date.

SEC. 519. NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Section 509(h) of title 32, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Equipment and facilities of the Department of Defense may be used by the National Guard for purposes of carrying out the Program.".

SEC. 520. [10 U.S.C. 3013 note] EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON USE OF RETIRED SENIOR ENLISTED MEMBERS OF THE ARMY NATIONAL GUARD AS ARMY NATIONAL GUARD RECRUITERS.

Section 514 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91)is amended—

(1) in subsection (d), by striking "2020" and inserting "2021"; and

(2) in subsection (f), by striking "2019" and inserting "2020".

Subtitle C—General Service Authorities and Correction of Military Records

SEC. 521. ENLISTMENTS VITAL TO THE NATIONAL INTEREST.

(a) IN GENERAL.—Section 504(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "and subject to paragraph (3)," after "Notwithstanding paragraph (1),";

(B) by striking "enlistment is vital to the national interest." and inserting "person possesses a critical skill or expertise—"; and

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

"(A) that is vital to the national interest; and

"(B) that the person will use in the primary daily duties of that person as a member of the armed forces."; and

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

"(3)(A) No person who enlists under paragraph (2) may report to initial training until after the Secretary concerned has completed all required background investigations and security and suitability screening as determined by the Secretary of Defense regarding that person.

"(B) A Secretary concerned may not authorize more than 1,000 enlistments under paragraph (2) per military department in a calendar year until after—

"(i) the Secretary of Defense submits to Congress written notice of the intent of that Secretary concerned to authorize more than 1,000 such enlistments in a calendar year; and

"(ii) a period of 30 days has elapsed after the date on which Congress receives the notice.".

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2019, and annually thereafter for each of the subsequent four years, the Secretary concerned shall submit a report to the Committees on Armed Services and the Judiciary of the Senate and the House of Representatives regarding persons who enter into enlistment contracts under section 504(b)(2) of title 10, United States Code, as amended by subsection (a).

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) The number of such persons who have entered into such contracts during the preceding calendar year.

(B) How many such persons have successfully completed background investigations and vetting procedures.

(C) How many such persons have begun initial training.

(D) The skills that are vital to the national interest that such persons possess.

SEC. 522. STATEMENT OF BENEFITS.

(a) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 1155. [10 U.S.C. 1155] STATEMENT OF BENEFIT

"(a) BEFORE SEPARATION.—Not later than 30 days before a member retires, is released, is discharged, or otherwise separates from the armed forces (or as soon as is practicable in the case of an unanticipated separation), the Secretary concerned shall provide that member with a current assessment of all benefits to which that member may be entitled under laws administered by—

"(1) the Secretary of Defense; and

"(2) the Secretary of Veterans Affairs.

"(b) STATEMENT FOR RESERVES.—The Secretary concerned shall provide a member of a reserve component with a current assess-

ment of benefits described in subsection (a) upon release of that member from active duty.".

(b) [10 U.S.C. 1141] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by inserting after the item relating to section 1154 the following new item:

"1155. Statement of benefits.".

SEC. 523. MODIFICATION TO FORMS OF SUPPORT THAT MAY BE ACCEPTED IN SUPPORT OF THE MISSION OF THE DEFENSE POW/MIA ACCOUNTING AGENCY.

(a) PUBLIC-PRIVATE PARTNERSHIPS.—Subsection (a) of section 1501a of title 10, United States Code, is amended by adding at the end the following new sentence: "An employee of an entity outside the Government that has entered into a public-private partnership, cooperative agreement, or a grant arrangement with, or in direct support of, the designated Defense Agency under this section shall be considered to be an employee of the Federal Government by reason of participation in such partnership, cooperative agreement, or grant, only for the purposes of section 552a of title 5 (relating to maintenance of records on individuals).".

(b) AUTHORITY TO ACCEPT GIFTS IN SUPPORT OF MISSION TO ACCOUNT FOR MISSING PERSONS FROM PAST CONFLICTS.—Such section is further amended—

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

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

"(e) ACCEPTANCE OF GIFTS.—

"(1) AUTHORITY TO ACCEPT.—Subject to subsection (f)(2), the Secretary may accept, hold, administer, spend, and use any gift of personal property, money, or services made on the condition that the gift be used for the purpose of facilitating accounting for missing persons pursuant to section 1501(a)(2)(C) of this title.

"(2) GIFT FUNDS.—Gifts and bequests of money accepted under this subsection shall be deposited in the Treasury in the Department of Defense General Gift Fund.

"(3) USE OF GIFTS.—Personal property and money accepted under this subsection may be used by the Secretary, and services accepted under this subsection may be performed, without further specific authorization in law.

"(4) EXPENSES OF TRANSFER.—The Secretary may pay all necessary expenses in connection with the conveyance or transfer of a gift accepted under this subsection.

"(5) EXPENSES OF CARE.—The Secretary may pay all reasonable and necessary expenses in connection with the care of a gift accepted under this subsection."; and

(3) by adding at the end of subsection (g), as redesignated by paragraph (1) of this subsection, the following new paragraph:

"(3) GIFT.—The term 'gift' includes a devise or bequest.".

(c) CONFORMING AMENDMENT.—Subsection (a) of such section is further amended by striking "subsection (e)(1)" and inserting "subsection (f)(1)".

SEC. 524. ASSESSMENT OF NAVY STANDARD WORKWEEK AND RELATED ADJUSTMENTS.

(a) ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall—

(1) complete a comprehensive assessment of the standard workweek of the Navy;

(2) carry out the activities required under subsections (b) and (c).

(b) ADJUSTMENTS.—The Secretary of the Navy shall—

(1) update instruction 1000.16L of the Office of the Chief of Naval Operations titled "Navy Total Force Manpower Policies and Procedures" in order to—

(A) analyze and quantify current in-port workloads; and

(B) based on the analysis carried out pursuant to subparagraph (A), identify the manpower necessary to execute in-port workloads for all surface ship classes;

(2) update the criteria set forth in the instruction that are used to reassess the factors for calculating manpower requirements periodically or when conditions change; and

(3) taking into account the updates required by paragraphs (1) and (2), identify personnel needs and costs associated with the planned larger size of the Navy fleet.

(c) ADDED DEMANDS.—The Secretary of the Navy shall identify and quantify any increased or new requirements with respect to Navy ship crews, including Ready, Relevant Learning training periods and additional work that affects readiness and technical qualifications for Navy ship crews.

[Section 525 was repealed by section 597(f) of division A of Public Law 116–92.]

SEC. 526. [10 U.S.C. 8013 note] NAVY WATCHSTANDER RECORDS.

(a) IN GENERAL.—The Secretary of the Navy shall require that, commencing not later than 180 days after the date of the enactment of this Act, key watchstanders on Navy surface ships shall maintain a career record of watchstanding hours and specific operational evolutions.

(b) KEY WATCHSTANDER DEFINED.—In this section, the term "key watchstander" means each of the following:

(1) Officer of the Deck.

(2) Engineering Officer of the Watch.

(3) Conning Officer or Piloting Officer.

(4) Any other officer specified by the Secretary for purposes of this section.

(c) BRIEFINGS OF CONGRESS.—

(1) INITIAL BRIEFING.—Not later than 150 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the plan of the Secretary for the maintenance of watchstander records, including updates to policy documents.

(2) UPDATE BRIEFINGS.—Not later than one year after the briefing pursuant to paragraph (1), and annually thereafter for the next two years, the Secretary shall provide to the commit-

tees of Congress referred to in that paragraph an update briefing on the status of the implementation of the plan described in that paragraph.

SEC. 527. QUALIFICATION EXPERIENCE REQUIREMENTS FOR CERTAIN NAVY WATCHSTATIONS.

(a) IN GENERAL.—Not later than 180 days after the date the of enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of individual training for certain watchstations, including any planned or recommended changes in qualification standards for such watchstations.

(b) WATCHSTATIONS.—The watchstations covered by the report required by subsection (a) are the following:

(1) Officer of the Deck.

(2) Combat Information Center Watch Officer.

(3) Tactical Action Officer.

(4) Engineering Officer of the Watch.

(5) Conning Officer or Piloting Officer.

Subtitle D—Military Justice

SEC. 531. INCLUSION OF STRANGULATION AND SUFFOCATION IN CONDUCT CONSTITUTING AGGRAVATED ASSAULT FOR PURPOSES OF THE UNIFORM CODE OF MILITARY JUSTICE.

(a) IN GENERAL.—Subsection (b) of section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by adding "or" after the semicolon; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) who commits an assault by strangulation or suffocation;".

(b) [10 U.S.C. 928 note] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2019, immediately after the coming into effect of the amendment made by section 5441 of the Military Justice Act of 2016 (division E of Public Law 114-328; 130 Stat. 2954) as provided in section 5542 of that Act (130 Stat. 2967; 10 U.S.C. 801 note).

SEC. 532. PUNITIVE ARTICLE ON DOMESTIC VIOLENCE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PUNITIVE ARTICLE.—

(1) IN GENERAL.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 928a (article 128a) the following new section (article):

"SEC. 928b. [10 U.S.C. 928b note] ART. 128B

Any person who—

"(1) commits a violent offense against a spouse, an intimate partner, or an immediate family member of that person;

"(2) with intent to threaten or intimidate a spouse, an intimate partner, or an immediate family member of that person—

"(A) commits an offense under this chapter against any person; or

"(B) commits an offense under this chapter against any property, including an animal;

"(3) with intent to threaten or intimidate a spouse, an intimate partner, or an immediate family member of that person, violates a protection order;

"(4) with intent to commit a violent offense against a spouse, an intimate partner, or an immediate family member of that person, violates a protection order; or

"(5) assaults a spouse, an intimate partner, or an immediate family member of that person by strangling or suffocating;shall be punished as a court-martial may direct.".

(2) [10 U.S.C. 877] CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of such title (the Uniform Code of Military Justice)is amended by inserting after the item relating to section 928a (article 128a) the following new item:

"928b. 128b. Domestic violence.".

(b) [10 U.S.C. 928b note] EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2019, immediately after the coming into effect of the amendments made by the Military Justice Act of 2016 (division E of Public Law 114-328) as provided in section 5542 of that Act (130 Stat. 2967; 10 U.S.C. 801 note).

SEC. 533. AUTHORITIES OF DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 546 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

"(d) AUTHORITIES.—

"(1) HEARINGS.—The Advisory Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the committee considers appropriate to carry out its duties under this section.

"(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chair of the Advisory Committee, a department or agency of the Federal Government shall provide information that the Advisory Committee considers necessary to carry out its duties under this section. In carrying out this paragraph, the department or agency shall take steps to prevent the unauthorized disclosure of personally identifiable information.".

SEC. 534. REPORT ON FEASIBILITY OF EXPANDING SERVICES OF THE SPECIAL VICTIMS' COUNSEL TO VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT REQUIRED.—Not later than February 1, 2019, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall submit a report to the Committees on Armed Services of the Senate and House of Representatives regard-

ing the feasibility and advisability of expanding eligibility for the Special Victims' Counsel programs under section 1044e of title 10, United States Code (hereinafter referred to as "the SVC programs"), to include victims of domestic violence.

(b) ELEMENTS.—The report under this section shall include the following:

(1) The current workload of the SVC programs.

(2) An analysis of the current personnel authorizations for the SVC programs.

(3) The optimal personnel levels for the SVC programs.

(4) An analysis of the effects that the expansion described in subsection (a) would have on the SVC programs, including—

(A) the estimated increase in workload;

(B) the estimated number of additional personnel that would be required to accommodate such increase; and

(C) the ability of the military departments to fill any additionally authorized billets for SVC programs with qualified judge advocates who possess military justice experience.

SEC. 535. [10 U.S.C. 1561 note] UNIFORM COMMAND ACTION FORM ON DISPOSITION OF UNRESTRICTED SEXUAL ASSAULT CASES INVOLVING MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall establish a uniform command action form, applicable across the Armed Forces, for reporting the final disposition of cases of sexual assault in which—

(1) the alleged offender is a member of the Armed Forces; and

(2) the victim files an unrestricted report on the alleged assault.

SEC. 536. [10 U.S.C. 673 note] STANDARDIZATION OF POLICIES RELATED TO EXPEDITED TRANSFER IN CASES OF SEXUAL ASSAULT OR DOMESTIC VIOLENCE.

(a) POLICIES FOR MEMBERS.—The Secretary of Defense shall modify, in accordance with section 673 of title 10, United States Code, all policies that the Secretary determines necessary to establish a standardized expedited transfer process for a member of the Army, Navy, Air Force, or Marine Corps who is the alleged victim of—

(1) sexual assault (regardless of whether the case is handled under the Sexual Assault Prevention and Response Program or Family Advocacy Program); or

(2) physical domestic violence (as defined by the Secretary in regulations prescribed under this section) committed by the spouse or intimate partner of the member, regardless of whether the spouse or intimate partner is a member of the Armed Forces.

(b) POLICY FOR DEPENDENTS OF MEMBERS.—The Secretary of Defense shall establish a policy to allow the transfer of a member of the Army, Navy, Air Force, or Marine Corps whose dependent is the victim of sexual assault perpetrated by a member of the Armed Forces who is not related to the victim.

Subtitle E—Other Legal Matters

SEC. 541. CLARIFICATION OF EXPIRATION OF TERM OF APPELLATE MILITARY JUDGES OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW.

(a) IN GENERAL.—Section 950f(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The term of an appellate military judge assigned to the Court under paragraph (2) or appointed to the Court under paragraph (3) shall expire on the earlier of the date on which—

"(A) the judge leaves active duty; or

"(B) the judge is reassigned to other duties in accordance with section 949b(b)(4) of this title.".

(b) [10 U.S.C. 950f note] APPLICABILITY.—The amendment made by subsection (a) shall apply to each judge of the United States Court of Military Commission Review serving on that court on the date of the enactment of this Act and each judge assigned or appointed to that court on or after such date.

SEC. 542. SECURITY CLEARANCE REINVESTIGATION OF CERTAIN PERSONNEL WHO COMMIT CERTAIN OFFENSES.

Section 1564 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsection (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) REINVESTIGATION OR READJUDICATION OF CERTAIN INDIVIDUALS.—(1) The Secretary of Defense shall conduct an investigation or adjudication under subsection (a) of any individual described in paragraph (2) upon—

"(A) conviction of that individual by a court of competent jurisdiction for—

"(i) sexual assault;

"(ii) sexual harassment;

"(iii) fraud against the United States; or

"(iv) any other violation that the Secretary determines renders that individual susceptible to blackmail or raises serious concern regarding the ability of that individual to hold a security clearance; or

"(B) determination by a commanding officer that that individual has committed an offense described in subparagraph (A).

"(2) An individual described in this paragraph in an individual who has a security clearance and is—

"(A) a flag officer;

"(B) a general officer; or

"(C) an employee of the Department of Defense in the Senior Executive Service.

"(3) The Secretary shall ensure that relevant information on the conviction or determination described in paragraph (1) of an individual described in paragraph (2) during the preceding year, regardless of whether the individual has retired or resigned or has been discharged, released, or otherwise separated from the armed

forces, is reported into Federal law enforcement records and security clearance databases, and that such information is transmitted, as appropriate, to other Federal agencies.

"(4) In this subsection:

"(A) The term 'sexual assault' includes rape, sexual assault, forcible sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit such offenses, as those terms are defined in chapter 47 of this title (the Uniform Code of Military Justice).

"(B) The term 'sexual harassment' has the meaning given that term in section 1561 of this title.

"(C) The term 'fraud against the United States' means a violation of section 932 of this title (article 132 of the Uniform Code of Military Justice).".

SEC. 543. DEVELOPMENT OF OVERSIGHT PLAN FOR IMPLEMENTATION OF DEPARTMENT OF DEFENSE HARASSMENT PREVENTION AND RESPONSE POLICY.

(a) DEVELOPMENT.—The Secretary of Defense shall develop a plan for overseeing the implementation of the instruction titled "Harassment Prevention and Response in the Armed Forces", published on February 8, 2018 (DODI-1020.03).

(b) ELEMENTS.—The plan under subsection (a) shall require the military services and other components of the Department of Defense to take steps by certain dates to implement harassment prevention and response programs under such instruction, including no less than the following:

(1) Submitting implementation plans to the Director, Force Resiliency.

(2) Incorporating performance measures that assess the effectiveness of harassment prevention and response programs.

(3) Adopting compliance standards for promoting, supporting, and enforcing policies, plans, and programs.

(4) Tracking, collecting, and reporting data and information on sexual harassment incidents based on standards established by the Secretary.

(5) Instituting anonymous complaint mechanisms.

(c) REPORT.—Not later than July 1, 2019, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the oversight plan developed under this section. The report shall include, for each military service and component of the Department of Defense, the implementation status of each element of the oversight plan.

SEC. 544. [10 U.S.C. 131 note] OVERSIGHT OF REGISTERED SEX OFFENDER MANAGEMENT PROGRAM.

(a) DESIGNATION OF OFFICIAL OR ENTITY.—The Secretary of Defense shall designate a single official or existing entity within the Office of the Secretary of Defense to serve as the official or entity (as the case may be) with principal responsibility in the Department of Defense for providing oversight of the registered sex offender management program of the Department.

(b) DUTIES.—The official or entity designated under subsection (a) shall—

(1) monitor compliance with Department of Defense Instruction 5525.20 and other relevant polices;

(2) compile data on members serving in the military departments who have been convicted of a qualifying sex offense, including data on the sex offender registration status of each such member;

(3) maintain statistics on the total number of active duty service members in each military department who are required to register as sex offenders; and

(4) perform such other duties as the Secretary of Defense determines to be appropriate.

(c) BRIEFING REQUIRED.—Not later than June 1, 2019, the Secretary of Defense shall provide to the Committee on Armed Services of the House of Representatives a briefing on—

(1) the compliance of the military departments with the policies of the Department of Defense relating to registered sex offenders;

(2) the results of the data compilation described in subsection (b)(2); and

(3) any other matters the Secretary determines to be appropriate.

(d) MILITARY DEPARTMENTS DEFINED.—In this section, the term "military departments" has the meaning given that term in section 101(a)(8) of title 10, United States Code.

SEC. 545. [10 U.S.C. 7461 note] DEVELOPMENT OF RESOURCE GUIDES REGARDING SEXUAL ASSAULT FOR THE MILITARY SERVICE ACADEMIES.

(a) DEVELOPMENT.—Not later than 30 days after the date of the enactment of this Act, each Superintendent of a military service academy shall develop and maintain a resource guide for students at the respective military service academies regarding sexual assault.

(b) ELEMENTS.—Each guide developed under this section shall include the following information with regards to the relevant military service academy:

(1) PROCESS OVERVIEW AND DEFINITIONS.—

(A) An explanation of prohibited conduct, including examples.

(B) An explanation of consent.

(C) Victims' rights.

(D) Clearly described complaint process, including to whom a complaint may be filed.

(E) Explanations of restricted and unrestricted reporting.

(F) List of mandatory reporters.

(G) Protections from retaliation.

(H) Assurance that leadership will take appropriate corrective action.

(I) References to specific policies.

(J) Resources for survivors.

(2) EMERGENCY SERVICES.—

(A) Contact information.

(B) Location.

(3) SUPPORT AND COUNSELING.—Contact information for the following support and counseling resources:

(A) The Sexual Assault Prevention and Response Victim Advocate or other equivalent advocate or counselor available to students in cases of sexual assault.

(B) The Sexual Harassment/Assault Response and Prevention Resource Program Center.

(C) Peer counseling.

(D) Medical care.

(E) Legal counsel.

(F) Hotlines.

(G) Chaplain or other spiritual representatives.

(c) DISTRIBUTION.—Each Superintendent shall provide the current guide developed by that Superintendent under this section—

(1) not later than 30 days after completing development under subsection (a) to each student who is enrolled at the military service academy of that Superintendent on the date of the enactment of this Act;

(2) at the beginning of each academic year after the date of the enactment of this Act to each student who enrolls at the military service academy of that Superintendent; and

(3) as soon as practicable to a student at the military service academy of that Superintendent who reports that such student is a victim of sexual assault.

SEC. 546. [10 U.S.C. 113 note] IMPROVED CRIME REPORTING.

(a) TRACKING PROCESS.—The Secretary of Defense, in consultation with the secretaries of the military departments, shall establish a consolidated tracking process for the Department of Defense to ensure increased oversight of the timely submission of crime reporting data to the Federal Bureau of Investigation under section 922(g) of title 18, United States Code, and Department of Defense Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements". The tracking process shall, to the maximum extent possible, standardize and automate reporting and increase the ability of the Department to track such submissions.

(b) LETTER REQUIRED.—Not later than July 1, 2019, the Secretary of Defense shall submit a letter to the Committees on Armed Services of the Senate and House of Representatives that details the tracking process under subsection (a).

SEC. 547. [10 U.S.C. 1561 note] REPORT ON VICTIMS OF SEXUAL ASSAULT IN REPORTS OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.

(a) REPORT.—Not later than September 30, 2019, and not less frequently than once every two years thereafter, the Secretary of Defense, acting through the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces shall submit to the congressional defense committees a report that includes, with respect to the period of two years preceding the date of the submittal of the report, the following:

(1) The number of instances in which a covered individual was suspected of misconduct or crimes considered collateral to the investigation of a sexual offense committed against the individual.

(2) The number of instances in which adverse action was taken against a covered individual who was suspected of collateral misconduct or crimes as described in paragraph (1).

(3) The percentage of investigations of sexual offenses that involved suspicion of or adverse action against a covered individual as described in paragraphs (1) and (2).

(b) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance to ensure the uniformity of the data collected by each Armed Force for purposes of subsection (a). At a minimum, such guidance shall establish—

(1) standardized methods for the collection of the data required to be reported under such subsection; and

(2) standardized definitions for the terms "sexual offense", "collateral miconduct", and "adverse action".

(c) DEFINITIONS.—In this section:

(1) The term "covered individual" means an individual who is identified in the case files of a military criminal investigative organization as a victim of a sexual offense that occurred while that individual was serving on active duty as a member of the Armed Forces.

(2) The term "suspected of", when used with respect to a covered individual suspected of collateral misconduct or crimes as described in subsection (a), means that an investigation by a military criminal investigative organization reveals facts and circumstances that would lead a reasonable person to believe that the individual committed an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

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

SEC. 551. PERMANENT CAREER INTERMISSION PROGRAM.

(a) CODIFICATION AND PERMANENT AUTHORITY.—Chapter 40 of title 10, United States Code, is amended by adding at the end the following new section 710:

"SEC. 710. [10 U.S.C. 710] CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBER

"(a) PROGRAMS AUTHORIZED.—Each Secretary of a military department may carry out programs under which members of the regular components and members on Active Guard and Reserve duty of the armed forces under the jurisdiction of such Secretary may be inactivated from active service in order to meet personal or professional needs and returned to active service at the end of such period of inactivation from active service.

"(b) PERIOD OF INACTIVATION FROM ACTIVE SERVICE; EFFECT OF INACTIVATION.—(1) The period of inactivation from active service under a program under this section of a member participating in the program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the member under subsection (c), except that such period may not exceed three years.

"(2) Any service by a Reserve officer while participating in a program under this section shall be excluded from computation of the total years of service of that officer pursuant to section 14706(a) of this title.

"(3) Any period of participation of a member in a program under this section shall not count toward—

"(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of this title; or

"(B) computation of retired or retainer pay under chapter 71 or 1223 of this title.

"(c) AGREEMENT.—Each member of the armed forces who participates in a program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

"(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the armed force concerned during the period of the inactivation of the member from active service under the program.

"(2) To undergo during the period of the inactivation of the member from active service under the program such inactive service training as the Secretary concerned shall require in order to ensure that the member retains proficiency, at a level determined by the Secretary concerned to be sufficient, in the military skills, professional qualifications, and physical readiness of the member during the inactivation of the member from active service.

"(3) Following completion of the period of the inactivation of the member from active service under the program, to serve two months as a member of the armed forces on active service for each month of the period of the inactivation of the member from active service under the program.

"(d) CONDITIONS OF RELEASE.—The Secretary of Defense shall prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c). At a minimum, the Secretary shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) of such subsection while the member is released from active service.

"(e) ORDER TO ACTIVE SERVICE.—Under regulations prescribed by the Secretary of the military department concerned, a member of the armed forces participating in a program under this section may, in the discretion of such Secretary, be required to terminate participation in the program and be ordered to active service.

"(f) PAY AND ALLOWANCES.—(1) During each month of participation in a program under this section, a member who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active service in the grade and years of service of the member when the member commences participation in the program.

"(2)(A) A member who participates in a program shall not, while participating in the program, be paid any special or incentive

pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37 that is in force when the member commences participation in the program.

"(B) The inactivation from active service of a member participating in a program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37 that is in force when the member commences participation in the program.

"(3)(A) Subject to subparagraph (B), upon the return of a member to active service after completion by the member of participation in a program—

"(i) any agreement entered into by the member under chapter 5 of title 37 for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the program; and

"(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

"(B)(i) Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active service as described in that subparagraph—

"(I) such pay or bonus is no longer authorized by law; or

"(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active service.

"(ii) Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

"(C) A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

"(D) Any service required of a member under an agreement covered by this paragraph after the member returns to active service as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (c).

"(4)(A) Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37 for—

"(i) travel performed from the residence of the member, at the time of release from active service to participate

in the program, to the location in the United States designated by the member as his residence during the period of participation in the program; and

"(ii) travel performed to the residence of the member upon return to active service at the end of the participation of the member in the program.

"(B) An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

"(5) A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of this title, but not to exceed 60 days.

"(g) PROMOTION.—(1)(A) An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under chapter 36 or 1405 of this title.

"(B) Upon the return of an officer to active service after completion by the officer of participation in a program—

"(i) the Secretary of the military department concerned shall adjust the date of rank of the officer in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

"(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

"(2) An enlisted member participating in a program shall not be eligible for consideration for promotion during the period that—

"(A) begins on the date of the inactivation of the member from active service under the program; and

"(B) ends at such time after the return of the member to active service under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the program.

"(h) CONTINUED ENTITLEMENTS.—A member participating in a program under this section shall, while participating in the program, be treated as a member of the armed forces on active duty for a period of more than 30 days for purposes of—

"(1) the entitlement of the member and of the dependents of the member to medical and dental care under the provisions of chapter 55 of this title; and

"(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) [10 U.S.C. 701] TABLE OF SECTIONS.—The table of sections at the beginning of such chapteris amended by inserting after the item relating to section 709a the following new item:

"710. Career flexibility to enhance retention of members.".

(2) CONFORMING REPEAL.—Section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is repealed.

SEC. 552. IMPROVEMENTS TO TRANSITION ASSISTANCE PROGRAM.

(a) PATHWAYS FOR TAP.—

(1) IN GENERAL.—Section 1142 of title 10, United States Code, is amended—

(A) in the section heading by striking "medical" and inserting "certain";

(B) in subsection (a)—

(i) in paragraph (1), by inserting "(regardless of character of discharge)" after "discharge";

(ii) in paragraph (3)(A)—

(I) by striking "as soon as possible during the 12-month period preceding" and inserting "not later than 365 days before";

(II) by striking "90 days" and inserting "365 days"; and

(III) by striking "discharge or release" and inserting "retirement or other separation"; and

(iii) in paragraph (3)(B)—

(I) by striking "90" and inserting "365"; and

(II) by striking "90-day" and inserting "365-day";

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

(D) by inserting after subsection (b) the following new subsection (c):

"(c) COUNSELING PATHWAYS.—(1) Each Secretary concerned, in consultation with the Secretaries of Labor and Veterans Affairs, shall establish at least three pathways for members of the military department concerned receiving individualized counseling under this section. The Secretaries shall design the pathways to address the needs of members, based on the following factors:

"(A) Rank.

"(B) Term of service.

"(C) Gender.

"(D) Whether the member was a member of a regular or reserve component of an armed force.

"(E) Disability.

"(F) Character of discharge (including expedited discharge and discharge under conditions other than honorable).

"(G) Health (including mental health).

"(H) Military occupational specialty.

"(I) Whether the member intends, after separation, retirement, or discharge, to—

"(i) seek employment;

"(ii) enroll in a program of higher education;

"(iii) enroll in a program of vocational training; or

"(iv) become an entrepreneur.

"(J) The educational history of the member.

"(K) The employment history of the member.

"(L) Whether the member has secured—

"(i) employment;

"(ii) enrollment in a program of education; or

"(iii) enrollment in a program of vocational training.

"(M) Other factors the Secretary of Defense and the Secretary of Homeland Security, in consultation with the Secretaries of Labor and Veterans Affairs, determine appropriate.

"(2) Each member described in subsection (a) shall meet in person or by video conference with a counselor before beginning counseling under this section to—

"(A) take a self-assessment designed by the Secretary concerned (in consultation with the Secretaries of Labor and Veterans Affairs) to ensure that the Secretary concerned places the member in the appropriate pathway under this subsection;

"(B) receive information from the counselor regarding reenlistment in the armed forces; and

"(C) receive information from the counselor regarding resources (including resources regarding military sexual trauma)—

"(i) for members of the armed forces separated, retired, or discharged;

"(ii) located in the community in which the member will reside after separation, retirement, or discharge.

"(3) At the meeting under paragraph (2), the member may elect to have the Secretary concerned (in consultation with the Secretaries of Labor and Veterans Affairs) provide the contact information of the member to the resources described in paragraph (2)(B)."; and

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

"(e) JOINT SERVICE TRANSCRIPT.—The Secretary concerned shall provide a copy of the joint service transcript of a member described in subsection (a) to—

"(1) that member—

"(A) at the meeting with a counselor under subsection (c)(2); and

"(B) on the day the member separates, retires, or is discharged; and

"(2) the Secretary of Veterans Affairs on the day the member separates, retires, or is discharged.".

(2) [10 U.S.C. 1142 note] DEADLINE.—Each Secretary concerned shall carry out subsection (c) of such section, as amended by paragraph (1), not later than 1 year after the date of the enactment of this Act.

(3) GAO STUDY.—Not later than 1 year after the Secretaries concerned carry out subsection (c) of such section, as amended by paragraph (1), the Comptroller General of the United States shall submit to Congress a review of the pathways for the Transition Assistance Program established under such subsection (c).

(b) CONTENTS OF TAP.—

(1) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "Such services" and inserting "Subject to subsection (f)(2), such services"; and

(B) by amending subsection (f) to read as follows:

"(f) PROGRAM CONTENTS.—(1) The program carried out under this section shall consist of instruction as follows:

"(A) One day of preseparation training specific to the armed force concerned, as determined by the Secretary concerned.

"(B) One day of instruction regarding—

"(i) benefits under laws administered by the Secretary of Veterans Affairs; and

"(ii) other subjects determined by the Secretary concerned.

"(C) One day of instruction regarding preparation for employment.

"(D) Two days of instruction regarding a topic selected by the member from the following subjects:

"(i) Preparation for employment.

"(ii) Preparation for education.

"(iii) Preparation for vocational training.

"(iv) Preparation for entrepreneurship.

"(v) Other options determined by the Secretary concerned.

"(2) The Secretary concerned may permit a member to attend training and instruction under the program established under this section—

"(A) before the time periods established under section 1142(a)(3) of this title;

"(B) in addition to such training and instruction required during such time periods.".

(2) [10 U.S.C. 1144 note] DEADLINE.—The Transition Assistance Program shall comply with the requirements of section 1144(f) of title 10, United States Code, as amended by paragraph (1), not later than 1 year after the date of the enactment of this Act.

(3) ACTION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit an action plan to the congressional defense committees that—

(A) details how the Secretary shall implement the requirements of section 1144(f) of title 10, United States Code, as amended by paragraph (1); and

(B) details how the Secretary, in consultation with the Secretaries of Veterans Affairs and Labor, shall establish standardized performance metrics to measure Transition Assistance Program participation and outcome-based objective benchmarks in order to—

(i) provide feedback to the Departments of Defense, Veterans Affairs, and Labor;

(ii) improve the curriculum of the Transition Assistance Program;

(iii) share best practices;

(iv) facilitate effective oversight of the Transition Assistance Program; and

(v) ensure members obtain sufficient financial literacy to effectively leverage conferred benefits and opportunities for employment, education, vocational training, and entrepreneurship.

(4) REPORT.—On the date that is 2 years after the date of the enactment of this Act and annually thereafter for the subsequent 4 years, the Secretary of Defense shall submit to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a report regarding members of the Armed Forces who have attended Transition Assistance Program counseling during the preceding year. The report shall detail the following:

(A) The total number of members eligible to attend Transition Assistance Program counseling.

(B) The total number of members who attended Transition Assistance Program counseling.

(C) The number of members who attended Transition Assistance Program counseling under paragraph (1) of section 1144(f) of title 10, as amended by paragraph (1).

(D) The number of members who attended Transition Assistance Program counseling under paragraph (2) of such section.

(E) The number of members who elected to attend each two-day instruction under paragraph (1)(D) of such section.

(F) The evaluation of the Secretary regarding the effectiveness of the Transition Assistance Program for all members of the Armed Forces.

(G) The evaluation of the Secretary regarding the effectiveness of the Transition Assistance Program specifically for female members of the Armed Forces.

(H) The number of members who participated in programs under section 1143(e) of title 10, United States Code (commonly referred to as "Job Training, Employment Skills, Apprenticeships and Internships (JTEST-AI)" or "Skill Bridge").

(I) Such other information as is required to provide Congress with a comprehensive description of the participation of the members in the Transition Assistance Program and programs described in subparagraph (H).

SEC. 553. REPEAL OF PROGRAM ON ENCOURAGEMENT OF POSTSEPARATION PUBLIC AND COMMUNITY SERVICE.

(a) REPEAL.—

(1) IN GENERAL.—Section 1143a of title 10, United States Code, is repealed.

(2) [10 U.S.C. 1141] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such titleis amended by striking the item relating to section 1143a.

(b) CONFORMING AMENDMENTS.—

(1) Section 1144(b) of title 10, United States Code, is amended—

(A) by striking paragraph (8); and

(B) by redesignating paragraphs (9), (10), and (11) as paragraphs (8), (9), and (10), respectively.

(2) Section 1142(b)(4)(C) of such title is amended by striking "the public and community service jobs program carried out under section 1143a of this title, and".

(3) Section 159(c)(2)(D) of the National and Community Service Act of 1990 (42 U.S.C. 12619(c)(2)(D)) is amended by striking "and as employment with a public service or community service organization for purposes of section 4464 of that Act".

(4) Section 162(a)(2) of such Act (42 U.S.C. 12622(a)(2)) is amended by striking "shall" and all that follows through "provide other" and inserting "shall provide".

(5) Subsection (c) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1293 note) is amended to read as follows:

"(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—During the period specified in subsection (i)(2), this section does not apply as follows:

"(1) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1293 note).

"(2) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 1293 note).".

(c) CONFORMING REPEAL.—

(1) REPEAL.—Section 4464 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1143a note) is repealed.

(2) APPLICABILITY.—The repeal made under paragraph (1) shall apply with respect to an individual who retires from the Armed Forces on or after the date of the enactment of this Act.

SEC. 554. CLARIFICATION OF APPLICATION AND HONORABLE SERVICE REQUIREMENTS UNDER THE TROOPS-TO-TEACHERS PROGRAM TO MEMBERS OF THE RETIRED RESERVE.

(a) IN GENERAL.—Paragraph (2)(B) of section 1154(d) of title 10, United States Code, is amended—

(1) by inserting "(A)(iii)," after "(A)(i),";

(2) by inserting "transferred to the Retired Reserve, or" after "member is retired,"; and

(3) by striking "separated," and inserting "separated".

(b) CONFORMING AMENDMENTS.—The second sentence of paragraph (3)(D) of such section is amended—

(1) by inserting ", the transfer of the member to the Retired Reserve," after "retirement of the member"; and

(2) by inserting "transfer," after "after the retirement,".

SEC. 555. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS AT THE JOINT SPECIAL OPERATIONS UNIVERSITY.

Section 1595(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) The Joint Special Operations University.".

SEC. 556. PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

Section 2015(a) of title 10, United States Code, is amended by striking "related to military training" and all that follows through the period at the end of paragraph (2) and inserting "that translate into civilian occupations.".

SEC. 557. ENHANCEMENT OF AUTHORITIES IN CONNECTION WITH JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) FLEXIBILITY IN AUTHORITIES FOR MANAGEMENT OF PROGRAMS AND UNITS.—

(1) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2035. [10 U.S.C. 2035] FLEXIBILITY IN AUTHORITIES FOR MANAGEMENT OF PROGRAMS AND UNIT

"(a) AUTHORITY TO CONVERT OTHERWISE CLOSING UNITS TO NATIONAL DEFENSE CADET CORPS PROGRAM UNITS.—If the Secretary of a military department is notified by a local educational agency of the intent of the agency to close its Junior Reserve Officers' Training Corps, the Secretary shall offer the agency the option of converting the unit to a National Defense Cadet Corps (NDCC) program unit in lieu of closing the unit.

"(b) FLEXIBILITY IN ADMINISTRATION OF INSTRUCTORS.—

"(1) IN GENERAL.—The Secretaries of the military departments may, without regard to any other provision of this chapter, undertake initiatives designed to promote flexibility in the hiring and compensation of instructors for the Junior Reserve Officers' Training Corps program under the jurisdiction of such Secretaries.

"(2) ELEMENTS.—The initiatives undertaken pursuant to this subsection may provide for one or more of the following:

"(A) Termination of the requirement for a waiver as a condition of the hiring of well-qualified non-commissioned officers with a bachelor's degree for senior instructor positions within the Junior Reserve Officers' Training Corps.

"(B) Specification of a single instructor as the minimum number of instructors required to found and operate a Junior Reserve Officers' Training Corps unit.

"(C) Authority for Junior Reserve Officers' Training Corps instructors to undertake school duties, in addition to Junior Reserve Officers' Training Corps duties, at small schools.

"(D) Authority for the payment of instructor compensation for a limited number of Junior Reserve Officers' Training Corps instructors on a 10-month per year basis rather than a 12-month per year basis.

"(E) Such other actions as the Secretaries of the military departments consider appropriate.

"(c) FLEXIBILITY IN ALLOCATION AND USE OF TRAVEL FUNDING.—The Secretaries of the military departments shall take appropriate actions to provide so-called regional directors of the Junior Reserve Officers' Training Corps programs located at remote rural schools enhanced discretion in the allocation and use of funds for

travel in connection with Junior Reserve Officers' Training Corps activities.

"(d) STANDARDIZATION OF PROGRAM DATA.—The Secretary of Defense shall take appropriate actions to standardize the data collected and maintained on the Junior Reserve Officers' Training Corps programs in order to facilitate and enhance the collection and analysis of such data. Such actions shall include a requirement for the use of the National Center for Education Statistics (NCES) identification code for each school with a unit under a Junior Reserve Officers' Training Corps program in order to facilitate identification of such schools and their units under the Junior Reserve Officers' Training Corps programs.".

(2) [10 U.S.C. 2031] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 102 of such titleis amended by adding at the end the following new item:

"2035. Flexibility in authorities for management of programs and units.".

(b) AUTHORITY FOR ADDITIONAL UNITS.—The Secretaries of the military departments may, using amounts authorized to be appropriated by this Act and available in the funding tables in sections 4301 and 4401 for purposes of the Junior Reserve Officers' Training Corps programs, establish an aggregate of not more than 100 units under the Junior Reserve Officers' Training Corps programs in low-income and rural areas of the United States and areas of the United States currently underserved by the Junior Reserve Officers' Training Corps programs.

SEC. 558. [10 U.S.C. 1781 note] EXPANSION OF PERIOD OF AVAILABILITY OF MILITARY ONESOURCE PROGRAM FOR RETIRED AND DISCHARGED MEMBERS OF THE ARMED FORCES AND THEIR IMMEDIATE FAMILIES.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the period of eligibility for the Military OneSource program of the Department of Defense of an eligible individual retired, discharged, or otherwise released from the Armed Forces, and for the eligible immediate family members of such an individual, shall be the one-year period beginning on the date of the retirement, discharge, or release, as applicable, of such individual.

(b) INFORMATION TO FAMILIES.—The Secretary shall, in such manner as the Secretary considers appropriate, inform military families and families of veterans of the Armed Forces of the wide range of benefits available through the Military OneSource program.

SEC. 559. PROHIBITION ON USE OF FUNDS FOR ATTENDANCE OF ENLISTED PERSONNEL AT SENIOR LEVEL AND INTERMEDIATE LEVEL OFFICER PROFESSIONAL MILITARY EDUCATION COURSES.

(a) PROHIBITION.—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense may be obligated or expended for the purpose of the attendance of enlisted personnel at senior level and intermediate level officer professional military education courses.

(b) SENIOR LEVEL AND INTERMEDIATE LEVEL OFFICER PROFESSIONAL MILITARY EDUCATION COURSES DEFINED.—In this section, the term "senior level and intermediate level officer professional

military education courses" means any course for officers offered by a school specified in paragraph (1) or (2) of section 2151(b) of title 10, United States Code.

(c) REPEAL OF SUPERSEDED LIMITATION.—

(1) IN GENERAL.—Section 547 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) is repealed.

(2) PRESERVATION OF CERTAIN REPORTING REQUIREMENT.—The repeal in paragraph (1) shall not be interpreted to terminate the requirement of the Comptroller General of the United States to submit the report required by subsection (c) of section 547 of the National Defense Authorization Act for Fiscal Year 2018.

Subtitle G—Defense Dependents' Education

SEC. 561. ASSISTANCE TO SCHOOLS WITH MILITARY DEPENDENT STUDENTS.

(a) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2019 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 20 U.S.C. 7703a).

(2) USE OF CERTAIN AMOUNT.—Of the amount available under paragraph (1) for payments as described in that paragraph, $5,000,000 shall be available for such payments to local educational agencies determined by the Secretary of Defense, in the discretion of the Secretary, to have higher concentrations of military children with severe disabilities.

(b) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2019 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $40,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. [10 U.S.C. 921 note] DEPARTMENT OF DEFENSE EDUCATION ACTIVITY POLICIES AND PROCEDURES ON SEXUAL HARASSMENT OF STUDENTS OF ACTIVITY SCHOOLS.

(a) APPLICABILITY OF TITLE IX PROTECTIONS.—The provisions of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (in this section referred to as "title IX") with respect to education programs or activities receiving Federal financial assistance

shall apply equally to education programs and activities administered by the Department of Defense Education Activity (DODEA).

(b) POLICIES AND PROCEDURES.—Not later than March 31, 2019, the Department of Defense Education Activity shall establish policies and procedures to protect students at schools of the Activity who are victims of sexual harassment. Such policies and procedures shall afford protections at least comparable to the protections afforded under title IX.

(c) ELEMENTS.—The policies and procedures required by subsection (b) shall include, at a minimum, the following:

(1) A policy addressing sexual harassment of students at the schools of the Department of Defense Education Activity that uses and incorporates terms, procedures, protections, investigation standards, and standards of evidence consistent with title IX.

(2) A procedure by which—

(A) a student of a school of the Activity, or a parent of such a student, may file a complaint with the school alleging an incident of sexual harassment at the school; and

(B) such a student or parent may appeal the decision of the school regarding such complaint.

(3) A procedure and mechanisms for the appointment and training of, and allocation of responsibility to, a coordinator at each school of the Activity for sexual harassment matters involving students from the military community served by such school.

(4) Training of employees of the Activity, and volunteers at schools of the Activity, on the policies and procedures.

(5) Mechanisms for the broad distribution and display of the policy described in paragraph (1), including on the Internet website of the Activity and on Internet websites of schools of the Activity, in printed and online versions of student handbooks, and in brochures and flyers displayed on school bulletin boards and in guidance counselor offices.

(6) Reporting and recordkeeping requirements designed to ensure that—

(A) complaints of sexual harassment at schools of the Activity are handled—

(i) with professionalism and consistency; and

(ii) in a manner that permits coordinators referred to in paragraph (3) to track trends in incidents of sexual harassment and to identify repeat offenders of sexual harassment; and

(B) appropriate members of the local leadership of military communities are held accountable for acting upon complaints of sexual harassment at schools of the Activity.

SEC. 563. [10 U.S.C. 921 note] DEPARTMENT OF DEFENSE EDUCATION ACTIVITY MISCONDUCT DATABASE.

(a) COMPREHENSIVE DATABASE.—The Secretary of Defense shall consolidate the various databases and mechanisms for the reporting and tracking of juvenile misconduct in Department of Defense Education Activity (hereinafter in this section referred to as "DODEA") schools into one comprehensive database for DODEA juvenile misconduct. The comprehensive database shall include all

unresolved and all substantiated allegations of juvenile-on-juvenile sexual misconduct.

(b) POLICY.—The Secretary shall establish a comprehensive policy regarding the reporting and tracking of juvenile misconduct cases occurring in DODEA schools, including policies establishing appropriate safeguards to prevent unauthorized disclosure of sensitive information contained in the comprehensive database required by subsection (a).

SEC. 564. ASSESSMENT AND REPORT ON ACTIVE SHOOTER THREAT MITIGATION AT SCHOOLS LOCATED ON MILITARY INSTALLATIONS.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of strategies that may be used to address any security threat posed by active shooter incidents at public elementary schools and secondary schools located on the grounds of Federal military installations.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the results of the assessment conducted under subsection (a).

Subtitle H—Military Family Readiness Matters

SEC. 571. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL MATTERS.

(a) MEMBER MATTERS.—

(1) MEMBERSHIP.—Paragraph (1)(B) of subsection (b) of section 1781a of title 10, United States Code, is amended—

(A) in clause (i), by striking "a member of the armed force to be represented" and inserting "a member or civilian employee of the armed force to be represented"; and

(B) by striking clause (ii) and inserting the following new clause (ii):

"(ii) One representative, who shall be a member or civilian employee of the National Guard Bureau, to represent both the Army National Guard and the Air National Guard.".

(2) TERMS.—Paragraph (2) of such subsection is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "clauses (i) and (iii) of"; and

(ii) by striking the second sentence; and

(B) in subparagraph (B), by striking "three years" and inserting "two years".

(b) DUTIES.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking "military family readiness by the Department of Defense" and inserting "military family readiness programs and activities of the Department of Defense"; and

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

"(4) To make recommendations to the Secretary of Defense to improve collaboration, awareness, and promotion of accurate and timely military family readiness information and support services by policy makers, service providers, and targeted beneficiaries.".

(c) ANNUAL REPORTS.—Subsection (e) of such section is amended by striking "February 1" and inserting "July 1".

(d) [10 U.S.C. 1781a note] EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY OF MEMBERSHIP AND TERM AMENDMENTS.—The amendments made by subsection (a) shall apply to members of the Department of Defense Military Family Readiness Council appointed after the date of the enactment of this Act.

SEC. 572. ENHANCEMENT AND CLARIFICATION OF FAMILY SUPPORT SERVICES FOR FAMILY MEMBERS OF MEMBERS OF SPECIAL OPERATIONS FORCES.

Section 1788a of title 10, United States Code, is amended—

(1) by striking "activities" each place it appears and inserting "services";

(2) in subsection (b)(2), by striking "activity" and inserting "service";

(3) in subsection (c), by striking "$5,000,000" and inserting "$10,000,000"; and

(4) in subsection (e), by adding at the end the following new paragraph:

"(4) The term 'family support services' includes costs of transportation, food, lodging, child care, supplies, fees, and training materials for immediate family members of members of the armed forces assigned to special operations forces while participating in programs under subsection (a).".

SEC. 573. TEMPORARY EXPANSION OF AUTHORITY FOR NONCOMPETITIVE APPOINTMENTS OF MILITARY SPOUSES BY FEDERAL AGENCIES.

(a) EXPANSION TO INCLUDE ALL SPOUSES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 3330d of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraphs (3), (4), and (5); and

(B) by redesignating paragraph (6) as paragraph (3);

(2) by striking subsections (b) and (c) and inserting the following new subsection (b):

"(b) APPOINTMENT AUTHORITY.—The head of an agency may appoint noncompetitively—

"(1) a spouse of a member of the Armed Forces on active duty; or

"(2) a spouse of a disabled or deceased member of the Armed Forces.";

(3) by redesignating subsection (d) as subsection (c); and

(4) in subsection (c), as so redesignated, by striking "subsection (a)(6)" in paragraph (1) and inserting "subsection (a)(3)".

(b) [5 U.S.C. 3301] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such titleis amended by striking the item relating to section 3330d and inserting the following new item:

"3330d. Appointment of military spouses.".

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

"SEC. 3330d. APPOINTMENT OF MILITARY SPOUSES".

(d) [5 U.S.C. 3330d note] OPM LIMITATION AND REPORTS.—

(1) RELOCATING SPOUSES.—With respect to the noncompetitive appointment of a relocating spouse of a member of the Armed Forces under subsection (b)(1) of section 3330d of title 5, United States Code, as amended by subsection (a), the Director of the Office of Personnel Management—

(A) shall monitor the number of such appointments;

(B) shall require the head of each agency with authority to make such appointments under such section to submit an annual report to the Director on such appointments, including information on the number of individuals so appointed, the types of positions filled, and the effectiveness of the authority for such appointments; and

(C) not later than 18 months after the date of the enactment of this Act, shall submit a report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate on the use and effectiveness of such authority.

(2) NON-RELOCATING SPOUSES.—With respect to the noncompetitive appointment of a spouse of a member of the Armed Forces other than a relocating spouse described in paragraph (1), the Director of the Office of Personnel Management—

(A) shall treat the spouse as a relocating spouse under paragraph (1); and

(B) may limit the number of such appointments.

(e) [5 U.S.C. 3330d note] SUNSET.—Effective on the date that is 5 years after the date of the enactment of this Act—

(1) the authority provided by this section, and the amendments made by this section, shall expire; and

(2) the provisions of section 3330d of title 5, United States Code, amended or repealed by such section are restored or revived as if such section had not been enacted.

SEC. 574. [10 U.S.C. 1784a note] IMPROVEMENT OF MY CAREER ADVANCEMENT ACCOUNT PROGRAM FOR MILITARY SPOUSES.

(a) OUTREACH ON AVAILABILITY OF PROGRAM.—The Secretary of Defense shall take appropriate actions to ensure that military spouses who are eligible for participation in the My Career Advancement Account program of the Department of Defense are, to the extent practicable, made aware of the program.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report

setting forth such recommendations as the Comptroller General considers appropriate regarding the following:

(1) Mechanisms to increase awareness of the My Career Advancement Account program of the Department of Defense among military spouses who are eligible to participate in the program.

(2) Mechanisms to increase participation in the My Career Advancement Account program among military spouses who are eligible to participate in the program.

(c) TRAINING FOR INSTALLATION CAREER COUNSELORS ON PROGRAM.—The Secretaries of the military departments shall take appropriate actions to ensure that career counselors at military installations receive appropriate training and current information on eligibility for and use of benefits under the My Career Advancement Account program, including financial assistance to cover costs associated with professional recertification, portability of occupational licenses, professional credential exams, and other mechanisms in connection with the portability of professional licenses.

SEC. 575. ASSESSMENT AND REPORT ON THE EFFECTS OF PERMANENT CHANGES OF STATION ON EMPLOYMENT AMONG MILITARY SPOUSES.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the effects of frequent, permanent changes of station on the stability of employment among spouses of members of the Armed Forces.

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

(1) An assessment of how frequent, permanent changes of station may contribute to unemployment or underemployment among spouses of members of the Armed Forces.

(2) An assessment of how unemployment and underemployment among military spouses may affect force readiness.

(3) Such recommendations as the Secretary considers appropriate regarding legislative or administration actions that may be carried out to achieve force readiness and stabilization through the minimization of the impacts of frequent, permanent changes in station on the stability of employment among military spouses.

(c) REPORT.—Not later than February 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the results of the assessment with respect to each element described in subsection (b).

SEC. 576. [10 U.S.C. 1792 note] PROVISIONAL OR INTERIM CLEARANCES TO PROVIDE CHILDCARE SERVICES AT MILITARY CHILDCARE CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall implement a policy to permit the issuance on a provisional or interim basis of clearances for the provision of childcare services at military childcare centers.

(b) ELEMENTS.—The policy required by subsection (a) shall provide for the following:

(1) Any clearance issued under the policy shall be temporary and contingent upon the satisfaction of such requirements for the issuance of a clearance on a permanent basis as the Secretary considers appropriate.

(2) Any individual issued a clearance on a provisional or interim basis under the policy shall be subject to such supervision in the provision of childcare services using such clearance as the Secretary considers appropriate.

(c) CLEARANCE DEFINED.—In this section, the term "clearance", with respect to an individual and the provision of childcare services, means the formal approval of the individual, after appropriate background checks and other review, to provide childcare services to children at a military childcare center of the Department of Defense.

SEC. 577. [10 U.S.C. 1561 note] MULTIDISCIPLINARY TEAMS FOR MILITARY INSTALLATIONS ON CHILD ABUSE AND OTHER DOMESTIC VIOLENCE.

(a) MULTIDISCIPLINARY TEAMS REQUIRED.—

(1) IN GENERAL.—Under regulations prescribed by each Secretary concerned, there shall be established and maintained for each military installation, except as provided in paragraph (2), one or more multidisciplinary teams on child abuse and other domestic violence for the purposes specified in subsection (b).

(2) SINGLE TEAM FOR PROXIMATE INSTALLATIONS.—A single multidisciplinary team described in paragraph (1) may be established and maintained under this subsection for two or more military installations in proximity with one another if the Secretary concerned determines, in consultation with the Secretary of Defense, that a single team for such installations suffices to carry out the purposes of such teams under subsection (b) for such installations.

(b) PURPOSES.—The purposes of each multidisciplinary team maintained pursuant to subsection (a) shall be as follows:

(1) To provide for the sharing of information among such team and other appropriate personnel on the installation or installations concerned regarding the progress of investigations into and resolutions of incidents of child abuse and other domestic violence involving members of the Armed Forces stationed at or otherwise assigned to the installation or installations.

(2) To provide for and enhance collaborative efforts among such team and other appropriate personnel of the installation or installations regarding investigations into and resolutions of such incidents.

(3) To enhance the social services available to military families at the installation or installations in connection with such incidents, including through the enhancement of cooperation among specialists and other personnel providing such services to such military families in connection with such incidents.

(4) To carry out such other duties regarding the response to child abuse and other domestic violence at the installation

or installations as the Secretary concerned considers appropriate for such purposes.

(c) PERSONNEL.—

(1) IN GENERAL.—Each multidisciplinary team maintained pursuant to subsection (a) shall be composed of the following:

(A) One or more judge advocates.

(B) Appropriate personnel of one or more military criminal investigation services.

(C) Appropriate mental health professionals.

(D) Appropriate medical personnel.

(E) Family advocacy case workers.

(F) Such other personnel as the Secretary or Secretaries concerned consider appropriate.

(2) EXPERTISE AND TRAINING.—Any individual assigned to a multidisciplinary team shall possess such expertise, and shall undertake such training as is required to maintain such expertise, as the Secretary concerned shall specify for purposes of this section in order to ensure that members of the team remain appropriately qualified to carry out the purposes of the team under this section. The training and expertise so specified shall include training and expertise on special victims' crimes, including child abuse and other domestic violence.

(d) COORDINATION AND COLLABORATION WITH NON-MILITARY RESOURCES.—

(1) USE OF COMMUNITY RESOURCES SERVING INSTALLATIONS.—In providing under this section for a multidisciplinary team for a military installation or installations that benefit from services or resources on child abuse or other domestic violence that are provided by civilian entities in the vicinity of the installation or installations, the Secretary concerned may take the availability of such services or resources to the installation or installations into account in providing for the composition and duties of the team.

(2) BEST PRACTICES.—The Secretaries concerned shall take appropriate actions to ensure that multidisciplinary teams maintained pursuant to subsection (a) remain fully and currently apprised of best practices in the civilian sector on investigations into and resolutions of incidents of child abuse and other domestic violence and on the social services provided in connection with such incidents.

(3) COLLABORATION.—In providing for the enhancement of social services available to military families in accordance with subsection (b)(3), the Secretaries concerned shall permit, facilitate, and encourage multidisciplinary teams to collaborate with appropriate civilian agencies in the vicinity of the military installations concerned with regard to availability, provision, and use of such services to and by such families.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2020 through 2022, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities of multidisciplinary teams maintained pursuant to subsection (a) under the jurisdiction of such Secretary during the preceding year. Each report shall set forth, for the period covered by such report, the following:

(1) A summary description of the activities of the multidisciplinary teams concerned, including the number and composition of such teams, the recurring activities of such teams, and any notable achievements of such teams.

(2) A description of any impediments to the effectiveness of such teams.

(3) Such recommendations for legislative or administrative action as such Secretary considers appropriate in order to improve the effectiveness of such teams.

(4) Such other matters with respect to such teams as such Secretary considers appropriate.

(f) SECRETARY CONCERNED.—

(1) DEFINITION.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(2) USAGE WITH RESPECT TO MULTIPLE INSTALLATIONS.—For purposes of this section, any reference to "Secretary concerned" with respect to a single multidisciplinary team established and maintained pursuant to subsection (a) for two or more military installations that are under the jurisdiction of different Secretaries concerned, shall be deemed to refer to each Secretary concerned who has jurisdiction of such an installation, acting jointly.

SEC. 578. [10 U.S.C. 1788 note] PILOT PROGRAM FOR MILITARY FAMILIES: PREVENTION OF CHILD ABUSE AND TRAINING ON SAFE CHILDCARE PRACTICES.

(a) PILOT PROGRAM.—

(1) PURPOSE.—In order to reduce child abuse and fatalities due to abuse or neglect in covered households, the Secretary of Defense, acting through the Defense Health Agency, shall carry out a pilot program to—

(A) provide information regarding safe childcare practices to covered households;

(B) identify and assess risk factors for child abuse in covered households; and

(C) facilitate connections between covered households and community resources.

(2) PROHIBITION ON DELEGATION.—The Secretary may not carry out the pilot program through the Family Advocacy Program.

(3) LOCATIONS.—The Secretary shall carry out the pilot program at no fewer than five military installations that reflect a range of characteristics including the following:

(A) Urban location.

(B) Rural location.

(C) Large population.

(D) Small population.

(E) High incidence of child abuse, neglect, or both.

(F) Low incidence of child abuse, neglect, or both.

(G) Presence of a hospital or clinic.

(H) Lack of a hospital or clinic.

(I) Joint installation.

(J) Serving only one Armed Force.

(4) TERM.—The pilot program shall terminate two years after implementation.

(5) DESIGN.—The Secretary shall design the pilot program in consultation with military family groups to respond to the needs of covered households.

(6) ELEMENTS.—The pilot program shall include the following elements:

(A) Postnatal services, including screening to identify family needs and potential risk factors, and make referrals to appropriate community services with the use of the electronic data described in subparagraphs (F) and (G).

(B) The Secretary shall identify at least three approaches to screening, identification, and referral under subparagraph (A) that empirically improve outcomes for parents and infants.

(C) Services and resources designed for a covered household by the Secretary after considering the information gained from the screening and identification under subparagraph (A). Such services and resources may include or address the following:

(i) General maternal and infant health exam.

(ii) Safe sleeping environments.

(iii) Feeding and bathing.

(iv) Adequate child supervision.

(v) Common hazards.

(vi) Self-care.

(vii) Postpartum depression, substance abuse, or domestic violence.

(viii) Community violence.

(ix) Skills for management of infant crying.

(x) Other positive parenting skills and practices.

(xi) The importance of participating in ongoing healthcare for an infant and for treating postpartum depression.

(xii) Finding, qualifying for, and participating in available community resources with respect to infant care, childcare, parenting support, and home visits.

(xiii) Planning for parenting or guardianship of children during deployment and reintegration.

(xiv) Such other matters as the Secretary, in consultation with military families, considers appropriate.

(D) Home visits to provide support, screening and referral services shall be offered as needed. The number of visits offered shall be guided by parental interest and family need, but in general is expected to be no more than three.

(E) If a parent is deployed at the time of birth—

(i) the first in-home visit under subparagraph (D) shall, to the extent practicable, incorporate both parents, in person with the local parent and by electronic means with the deployed parent; and

(ii) another such home visit shall be offered upon the return of the parent from deployment, and shall

include both parents, if determined in the best interest of the family.

(F) An electronic directory of community resources available to covered households and pilot program personnel to help covered households access such resources.

(G) An electronic integrated data system to—

(i) help pilot program personnel refer eligible covered beneficiaries to services and resources under the pilot program;

(ii) track usage of such services and resources and interactions between such personnel and covered households; and

(iii) evaluate the implementation, outcomes, and effectiveness of the pilot program.

(b) VOLUNTARY PARTICIPATION.—Participation in the pilot program shall be at the election of a covered beneficiary in an eligible household.

(c) OUTREACH.—

(1) IN GENERAL.—Not later than 30 days after implementing the pilot program, the Secretary shall notify each covered household of the services provided under subsection (b).

(2) COVERED HOUSEHOLDS WITH NEWBORNS.—No later than 30 days after a birth in a covered household, the Secretary shall contact such covered household to encourage participation in the pilot program.

(d) ASSESSMENTS.—

(1) NUMBER.—The Secretary shall carry out no fewer than five assessments of the pilot program.

(2) COMPARISON INSTALLATIONS.—For purposes of this subsection, the Secretary shall also select such number of other military installations the Secretary determines appropriate as comparison installations for purposes of assessing the outcomes of the pilot.

(3) ASSESSMENT.—The Secretary shall assess each of the following:

(A) Success in contacting covered households for participation in the pilot.

(B) The percentage of covered households that elect to participate in the pilot program.

(C) The extent to which covered households participating in the pilot program are connected to services and resources under the pilot program.

(D) The extent to which covered households participating in the pilot program use services and resources under the pilot program.

(E) Compliance of pilot program personnel with pilot program protocols.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the pilot program under this section. The report shall include a comprehensive description

of the assessments under subsection (d), as well as the following:

(A) Which installations the Secretary selected for the pilot program under subsection (a)(2).

(B) Why the Secretary selected the installations described in subparagraph (A).

(C) Names of the installations the Secretary selected as comparison installations under subsection (d)(2).

(D) How the pilot program is carried out, including strategy and metrics for evaluating effectiveness of the pilot program.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the Secretary shall submit to the committees specified in paragraph (1) a final report on the pilot program. The report shall include the following:

(A) A comprehensive description of, and findings of, the assessments under subsection (d).

(B) A comprehensive description and assessment of the pilot.

(C) Such recommendations for legislative or administrative action the Secretary determines appropriate, including whether to—

(i) extend the term of the pilot program;

(ii) expand the pilot program to additional installations; or

(iii) make the pilot program permanent.

(f) DEPARTMENTAL IMPLEMENTATION.—If the Secretary determines that any element of the pilot program is effective, the Secretary shall implement such element permanently for the Department of Defense.

(g) DEFINITIONS.—In this section:

(1) The term "covered household" means a household that—

(A) contains an eligible covered beneficiary; and

(B) is located at a location selected by the Secretary for the pilot program.

(2) The term "eligible covered beneficiary" means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who obtains prenatal or obstetrical care in a military medical treatment facility in connection with a birth covered by the pilot program.

(3) With respect to a military installation, the term "community" means the catchment area for community services of the installation, including services provided on the installation by the Secretary and services provided by State, county, and local jurisdictions in which the installation is located, or in the vicinity of the installation.

SEC. 579. ASSESSMENT AND REPORT ON SMALL BUSINESS ACTIVITIES OF MILITARY SPOUSES ON MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the feasibility and advisability of permitting military spouses to engage in small business activities on military installations in the United States and in partnership with

commissaries, exchange stores, and other morale, welfare, and recreation facilities of the Armed Forces in the United States.

(b) ELEMENTS.—The assessment required under subsection (a) shall—

(1) take into account the usage by military spouses of installation facilities, utilities, and other resources in the conduct of small business activities on military installations in the United States and such other matters in connection with the conduct of such business activities by military spouses as the Secretary considers appropriate; and

(2) seek to identify mechanisms to ensure that costs and fees associated with the usage by military spouses of such facilities, utilities, and other resources in connection with such business activities does not meaningfully curtail or eliminate the opportunity for military spouses to profit reasonably from such business activities.

(c) REPORT.—Not later than March 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the results of the assessment, including the results with respect to each element described in subsection (b).

Subtitle I—Decorations and Awards

SEC. 581. [10 U.S.C. 1121 note] ATOMIC VETERANS SERVICE CERTIFICATE.

(a) SERVICE CERTIFICATE REQUIRED.—The Secretary of Defense shall design and produce a military service certificate, to be known as the "Atomic Veterans Service Certificate", to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1112(c)(3) of title 38, United States Code).

(b) DISTRIBUTION OF CERTIFICATE.—

(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Certificate to the veteran.

(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a radiation-exposed veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Service Certificate to the next-of-kin of the person.

SEC. 582. [10 U.S.C. 1121 note] AWARD OF MEDALS OR OTHER COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS.

(a) PROGRAM OF AWARD REQUIRED.—Each Secretary of a military department shall carry out a program to provide for the award of one or more medals or other commendations to handlers of military working dogs under the jurisdiction of such Secretary to recognize valor or meritorious achievement by such handlers and dogs.

(b) MEDALS AND COMMENDATIONS.—Any medal or commendation awarded pursuant to a program under subsection (a) shall be of such design, and include such elements, as the Secretary of the

military department concerned shall specify. The Secretary concerned may use an existing award to carry out such program.

(c) PRESENTATION AND ACCEPTANCE.—Any medal or commendation awarded pursuant to a program under subsection (a) may be presented to and accepted by the handler concerned on behalf of the handler and the military working dog concerned.

(d) REGULATIONS.—Medals and commendations shall be awarded under programs under subsection (a) in accordance with regulations prescribed by the Secretary of Defense for purposes of this section.

SEC. 583. AUTHORIZATION FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JUSTIN T. GALLEGOS FOR ACTS OF VALOR DURING OPERATION ENDURING FREEDOM.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitations with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished-Service Cross under section 3742 of such title to Justin T. Gallegos for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Justin T. Gallegos on October 3, 2009, as a member of the Army in the grade of Staff Sergeant, serving in Afghanistan with the 61st Cavalry Regiment, 4th Brigade Combat Team, 4th Infantry Division.

Subtitle J—Miscellaneous Reports and Other Matters

SEC. 591. ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT MATTERS.

(a) DATE OF SUBMITTAL.—Subsection (a) of section 115a of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking "not later than 45 days after the date on which" and inserting "on the date on which".

(b) SPECIFICATION OF ANTICIPATED OPPORTUNITIES FOR PROMOTION OF COMMISSIONED OFFICERS.—Subsection (d) of such section is amended by adding the following new paragraph:

"(4) The opportunities for promotion of commissioned officers anticipated to be estimated pursuant to section 623(b)(4) of this title for the fiscal year in which such report is submitted for purposes of promotion selection boards convened pursuant to section 611 of this title during such fiscal year.".

SEC. 592. BURIAL OF UNCLAIMED REMAINS OF INMATES AT THE UNITED STATES DISCIPLINARY BARRACKS CEMETERY, FORT LEAVENWORTH, KANSAS.

Section 985 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "A person who is ineligible" in the matter preceding paragraph (1) and inserting "Except as provided in subsection (c), a person who is ineligible";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) UNCLAIMED REMAINS OF MILITARY PRISONERS.—Subsection (b) shall not preclude the burial at the United States Disciplinary Barracks Cemetery at Fort Leavenworth, Kansas, of a military prisoner, including a military prisoner who is a person described in section 2411(b) of title 38, who dies while in custody of a military department and whose remains are not claimed by the person authorized to direct disposition of the remains or by other persons legally authorized to dispose of the remains.".

SEC. 593. STANDARDIZATION OF FREQUENCY OF ACADEMY VISITS OF THE AIR FORCE ACADEMY BOARD OF VISITORS WITH ACADEMY VISITS OF BOARDS OF OTHER MILITARY SERVICE ACADEMIES.

Section 9355 of title 10, United States Code, is amended by striking subsection (d) and inserting the following new subsection:

"(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Air Force, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.".

SEC. 594. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE MATTERS.

(a) DEFINITIONS.—Section 551(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2130) is amended—

(1) in paragraph (1), by inserting after "United States Code)" the following: "or active status (as that term is defined in subsection (d)(4) of such section)";

(2) in paragraph (2)—

(A) by striking " 'national service' " and inserting " 'public service' "; and

(B) by striking "or State Government" and inserting ", State, Tribal, or local government";

(3) in paragraph (3)—

(A) by striking " 'public service' " and inserting " 'national service' "; and

(B) by striking "employment" and inserting "participation"; and

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

"(4) The term 'establishment date' means September 19, 2017.".

(b) EXCEPTION TO PAPERWORK REDUCTION ACT.—Section 555(e) of that Act (130 Stat. 2134) is amended by adding at the end the following new paragraph:

"(4) PAPERWORK REDUCTION ACT.—For purposes of developing its recommendations, the information collection of the Commission may be treated as a pilot project under section 3505(a) of title 44, United States Code. In addition, the Commission shall not be subject to the requirements of section 3506(c)(2)(A) of such title.".

SEC. 595. [10 U.S.C. 122a note] PUBLIC AVAILABILITY OF TOP-LINE NUMBERS OF DEPLOYED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Defense shall make publicly available, on a quarterly basis, on a website of the Department the top-line numbers of members of the Armed Forces deployed for each country as of the date of the submittal of the report and the total number of members of the Armed Forces so deployed during the quarter covered by the report.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary may waive the requirement under subsection (a) in the case of a sensitive military operation if—

(A) the Secretary determines the public disclosure of the number of deployed members of the Armed Forces could reasonably be expected to provide an operational military advantage to an adversary; or

(B) members of the Armed Forces are deployed for a period that does not exceed 30 days.

(2) NOTICE.— If the Secretary issues a waiver under this subsection, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a notice of the waiver; and

(B) the reasons for the determination to issue the waiver.

(c) SENSITIVE MILITARY OPERATION DEFINED.—The term "sensitive military operation" has the meaning given that term in section 130f(d) of title 10, United States Code.

SEC. 596. REPORT ON GENERAL AND FLAG OFFICER COSTS.

(a) REPORT REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on general and flag officer costs.

(b) ELEMENTS.—The report required under subsection (a) shall include cost estimates for direct and indirect costs associated with general and flag officers generally and for specific positions in accordance with the recommendations of the report of the Office of the Secretary of Defense, Office of Cost Assessment and Program Evaluation titled "Defining General and Flag Officer Costs" dated December 2017, including—

(1) direct compensation for all general and flag officers and for specific general and flag officer positions, using the full cost of manpower model to estimate where possible;

(2) personal money allowances for positions that receive an allowance;

(3) deferred compensation and health care costs for all general and flag officers and for specific general and flag officer positions;

(4) costs associated with providing security details for specific general and flag officer positions that merit continuous security;

(5) costs associated with Government and commercial travel for general and flag officers who qualify for tier one or two

travel, including commercial travel costs using defense travel system data;

(6) general flag officer per diems for specific positions, based on average travel per diem costs;

(7) costs for enlisted and officer aide housing for general and flag officers generally and for specific general and flag officer positions, including basic housing assistance costs for staff;

(8) on a case-by-case basis, costs associated with enlisted and officer aide travel, taking into consideration the cost of data collection;

(9) costs associated with additional support staff for general and flag officers and their travel, equipment, and per diem costs for all general and flag officers and specific general and flag officer positions based on the average numbers per general or flag officer and estimations using the full cost of manpower model;

(10) costs associated with the upkeep and maintenance of official residences not captured by basic housing assistance; and

(11) costs associated with training for general and flag officers generally and specific general and flag officer positions using estimations from the full cost of manpower model.

SEC. 597. STUDY ON ACTIVE SERVICE OBLIGATIONS FOR MEDICAL TRAINING WITH OTHER SERVICE OBLIGATIONS FOR EDUCATION OR TRAINING AND HEALTH PROFESSIONAL RECRUITING.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing and report on the effects of consecutive service on active duty service obligations for medical training as they relate to other service obligations for education or training.

(b) MATTERS INCLUDED.—The briefing and report under subsection (a) shall include the following:

(1) The extent to which consecutive active duty service obligations for medical education and training may affect recruiting and retention of health professionals in the military health system.

(2) The extent to which the military departments and the Department of Defense use incentive pay authority to recruit and retain health professionals.

(3) The extent to which the military departments and the Department of Defense consider geographic location and competition in the civilian health professional marketplace when developing incentive pay and competitive salaries.

(4) A comparison of salaries for—

(A) military physicians and dentists with critical medical and dental skills; and

(B) civilian physicians and dentists with comparable skills.

(5) The extent to which consecutive service obligations may result in unintended consequences relating to—

(A) general medical officers;

(B) residency training;

(C) enrollment at the Uniformed Services University; and

(D) other matters related to consecutive service obligations on medical training.

(6) Any other matter the Comptroller General determines is appropriate.

SEC. 598. [38 U.S.C. 2402 note] CRITERIA FOR INTERMENT AT ARLINGTON NATIONAL CEMETERY.

(a) CRITERIA.—The Secretary of the Army, in consultation with the Secretary of Defense, shall prescribe revised criteria for interment at Arlington National Cemetery that preserve Arlington National Cemetery as an active burial ground "well into the future," as that term is used in the report submitted by the Secretary of the Army to the Committees on Veterans' Affairs and the Committees on Armed Services of the House of Representatives and the Senate, dated February 14, 2017, and titled "The Future of Arlington National Cemetery: Report on the Cemetery's Interment and Inurnment Capacity 2017".

(b) DEADLINE.—The Secretary of the Army shall establish the criteria under subsection (a) not later than September 30, 2019.

SEC. 599. LIMITATION ON USE OF FUNDS PENDING SUBMITTAL OF REPORT ON ARMY MARKETING AND ADVERTISING PROGRAM.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the recommendations contained in the audit conducted by the Army Audit Agency of the Army's Marketing and Advertising Program concerning contract oversight and return on investment.

(2) CONTENTS.—The report required by paragraph (1) shall address each of the following:

(A) The mitigation and oversight measures implemented to assure improved program return and contract management including the establishment of specific goals to measure long-term effects of investments in marketing efforts.

(B) The establishment of a review process to regularly evaluate the effectiveness and efficiency of marketing efforts including efforts to better support the accessions missions of the Army.

(C) The increase of acquisition and marketing experience within the Army Marketing and Research Group (hereafter in this section referred to as the "AMRG").

(D) A workforce analysis of the AMRG in cooperation with the Office of Personnel Management and industry experts assessing the AMRG organizational structure, staffing, and training, including an assessment of the workplace climate and culture internal to the AMRG.

(E) The establishment of an Army Marketing and Advisory Board comprised of senior Army and marketing and advertising leaders and an assessment of industry and

service marketing and advertising best practices, including a plan to incorporate relevant practices.

(F) The status of the implementation of contracting practices recommended by the Army Audit Agency's audit of contracting oversight of the AMRG contained in Audit Report A-2018-0033-MTH.

(b) LIMITATION ON USE OF FUNDS.—Not more than 60 percent of the amounts authorized to be appropriated or otherwise made available in this Act for the AMRG for fiscal year 2019 for advertising and marketing activities may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).

(c) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall conduct a review of the results and implementation of the recommendations of the Army Audit Agency Audits of the AMRG on contract oversight and return on investment. Such review shall include an assessment of the effects of the implementation of the recommendations on the AMRG leadership, workforce and business practices, and return on investment.

SEC. 600. PROOF OF PERIOD OF MILITARY SERVICE FOR PURPOSES OF INTEREST RATE LIMITATION UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT.

Section 207(b)(1) of the Servicemembers Civil Relief Act (50 U.S.C. 3937(b)(1)) is amended to read as follows:

"(1) PROOF OF MILITARY SERVICE.—

"(A) IN GENERAL.—Not later than 180 days after the date of a servicemember's termination or release from military service, in order for an obligation or liability of the servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor written notice and a copy of—

"(i) the military orders calling the servicemember to military service and any orders further extending military service; or

"(ii) any other appropriate indicator of military service, including a certified letter from a commanding officer.

"(B) INDEPENDENT VERIFICATION BY CREDITOR.—

"(i) IN GENERAL.—A creditor may use, in lieu of notice and documentation under subparagraph (A), information retrieved from the Defense Manpower Data Center through the creditor's normal business reviews of such Center for purposes of obtaining information indicating that the servicemember is on active duty.

"(ii) SAFE HARBOR.—A creditor that uses the information retrieved from the Defense Manpower Data Center under clause (i) with respect to a servicemember has not failed to treat the debt of the servicemember in accordance with subsection (a) if—

"(I) such information indicates that, on the date the creditor retrieves such information, the servicemember is not on active duty; and

"(II) the creditor has not, by the end of the 180-day period under subparagraph (A), received the written notice and documentation required under that subparagraph with respect to the servicemember.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Repeal of authority for payment of personal money allowances to Navy officers serving in certain positions.
Sec. 602. Eligibility of reserve component members for high-deployment allowance for lengthy or numerous deployments and frequent mobilizations.
Sec. 603. Prohibition on per diem allowance reductions based on the duration of temporary duty assignment or civilian travel.
Sec. 604. Extension of parking expenses allowance to civilian employees at recruiting facilities.
Sec. 605. Eligibility of reserve component members for nonreduction in pay while serving in the uniformed services or National Guard.
Sec. 606. Military Housing Privatization Initiative.

Subtitle B—Bonuses and Special Incentive Pays

Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
Sec. 612. Report on imminent danger pay and hostile fire pay.

Subtitle C—Other Matters

Sec. 621. Extension of certain morale, welfare, and recreation privileges to certain veterans and their caregivers.
Sec. 622. Technical corrections in calculation and publication of special survivor indemnity allowance cost of living adjustments.
Sec. 623. Authority to award damaged personal protective equipment to members separating from the Armed Forces and veterans as mementos of military service.
Sec. 624. Space-available travel on Department of Defense aircraft for veterans with service-connected disabilities rated as total.
Sec. 625. Mandatory increase in insurance coverage under Servicemembers' Group Life Insurance for members deployed to combat theaters of operation.
Sec. 626. Access to military installations for certain surviving spouses and other next of kin of members of the Armed Forces who die while on active duty or certain reserve duty.
Sec. 627. Study and report on development of a single defense resale system.

Subtitle A—Pay and Allowances

SEC. 601. REPEAL OF AUTHORITY FOR PAYMENT OF PERSONAL MONEY ALLOWANCES TO NAVY OFFICERS SERVING IN CERTAIN POSITIONS.

(a) REPEAL.—Section 414 of title 37, United States Code, is amended—

(1) by striking subsection (b); and

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

(b) [37 U.S.C. 414 note] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on December 31, 2018, and shall apply with respect to personal money allowances payable under section 414 of title 37, United States Code, for years beginning after that date.

SEC. 602. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR HIGH-DEPLOYMENT ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS AND FREQUENT MOBILIZATIONS.

Section 436(a)(2)(C)(ii) of title 37, United States Code, is amended by inserting "section 12304b of title 10 or" after "under" the first place it appears.

SEC. 603. PROHIBITION ON PER DIEM ALLOWANCE REDUCTIONS BASED ON THE DURATION OF TEMPORARY DUTY ASSIGNMENT OR CIVILIAN TRAVEL.

(a) MEMBERS.—Section 474(d)(3) of title 37, United States Code, is amended by adding at the end the following new sentence: "The Secretary of a military department shall not alter the amount of the per diem allowance, or the maximum amount of reimbursement, for a locality based on the duration of the temporary duty assignment in the locality of a member of the armed forces under the jurisdiction of the Secretary.".

(b) CIVILIAN EMPLOYEES.—Section 5702(a)(2) of title 5, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense shall not alter the amount 132 STAT. 1795 of the per diem allowance, or the maximum amount of reimbursement, for a locality based on the duration of the travel in the locality of an employee of the Department.".

(c) REPEALS.—

(1) [37 U.S.C. 474 note] EXISTING POLICY AND REGULATIONS.—The policy, and any regulations issued pursuant to such policy, implemented by the Secretary of Defense on November 1, 2014, with respect to reductions in per diem allowances based on duration of temporary duty assignment or civilian travel shall have no force or effect.

(2) ATTEMPTED STATUTORY FIX.—Section 672 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 37 U.S.C. 474 note; 130 Stat. 2178) is repealed.

SEC. 604. EXTENSION OF PARKING EXPENSES ALLOWANCE TO CIVILIAN EMPLOYEES AT RECRUITING FACILITIES.

Section 481i(b)(1) of title 37, United States Code, is amended by striking "as a recruiter for any" and inserting "at a recruiting facility".

SEC. 605. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR NONREDUCTION IN PAY WHILE SERVING IN THE UNIFORMED SERVICES OR NATIONAL GUARD.

Section 5538(a) of title 5, United States Code, is amended in the matter preceding paragraph (1) by inserting "section 12304b of title 10 or" after "under".

SEC. 606. [10 U.S.C. 2871 note] MILITARY HOUSING PRIVATIZATION INITIATIVE.

(a) USE OF FUNDS IN CONNECTION WITH MHPI.—

(1) PAYMENTS TO LESSORS GENERALLY.—

(A) PAYMENT AUTHORITY.—Each month beginning with the first month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, each Secretary of a military department shall use funds, in an amount determined under subparagraph (B), to make monthly payments to lessors of covered housing in the manner provided by this subsection, as in effect on the day

before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.

(B) CALCULATION OF MONTHLY PAYMENTS.—For purposes of making payments under subparagraph (A) for a month, the Secretary of the military department concerned shall determine the amount equal to 50 percent of the aggregate of the amounts calculated under section 403(b)(3)(A)(ii) of title 37, United States Code, for covered housing under the jurisdiction of the Secretary for that month.

(2) ADDITIONAL PAYMENTS TO LESSORS RESPONSIBLE FOR UNDERFUNDED PROJECTS.—

(A) PAYMENT AUTHORITY.—Each month beginning with the first month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, each Secretary of a military department shall use funds, in an amount determined under subparagraph (B), to make additional monthly payments, under such terms and in such amounts as determined by the Secretary, to one of more lessors responsible for underfunded MHPI housing projects identified pursuant to subparagraph (C) under the jurisdiction of the Secretary for the purposes of future sustainment, recapitalization, and financial sustainability of the projects.

(B) CALCULATION OF MONTHLY PAYMENTS.—For purposes of making payments under subparagraph (A) for a month, the Secretary of the military department concerned shall determine the amount equal to 50 percent of the aggregate of the amounts calculated under section 403(b)(3)(A)(ii) of title 37, United States Code, for covered housing under the jurisdiction of the Secretary for that month.

(C) IDENTIFICATION OF UNDERFUNDED PROJECTS.—The Chief Housing Officer of the Department of Defense, in conjunction with the Secretaries of the military departments, shall assess MHPI housing projects for the purpose of identifying all MHPI housing projects that are underfunded. Once identified, the Chief Housing Officer shall prioritize for payments under subparagraph (A) those MHPI housing projects most in need of funding to rectify such underfunding.

(3) ALTERNATIVE AUTHORITY IN EVENT OF LACK OF UNDERFUNDED PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), if the Chief Housing Officer determines that no MHPI housing projects for a military department require additional funding under paragraph (2) for a month, the Secretary of the military department concerned, in consultation with the Chief Housing Officer, may allocate the funds otherwise available to the Secretary under such paragraph for that month to support improvements designed to enhance the quality of life of members of the uniformed services and their families who reside in MHPI housing.

(B) CONDITIONS.—Before the Secretary of a military department may allocate funds as authorized by subparagraph (A), the Chief Housing Officer shall certify to the Committees on Armed Services of the Senate and the House of Representatives that there are no MHPI housing projects for the military department that require additional funding under paragraph (2). The certification shall include sufficient details to show why no projects are determined to need the additional funds.

(4) BRIEFING REQUIRED.—Not later than March 1, 2020, and each year thereafter, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the Senate and the House of Representatives detailing the expenditure of funds under paragraphs (2) and (3), the MHPI housing projects receiving funds under such paragraphs, and any other information the Secretary considers relevant.

(b) PLAN FOR MHPI HOUSING.—Not later than December 1, 2018, the Secretary shall submit to the congressional defense committees a long-range plan to develop measures to consistently address the future sustainment, recapitalization, and financial condition of MHPI housing. The plan shall include—

(1) efforts to mitigate the losses incurred by MHPI housing projects because of the reductions to BAH under section 603 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 37 U.S.C. 403(b)(3)(B)); and

(2) a full assessment of the effects of such reductions (in relation to calculations of market rates for rent and utilities) on the financial condition of MHPI housing.

(c) REPORTING.—The Secretary shall direct the Assistant Secretary of Defense for Energy, Installations, and Environment to take the following steps regarding reports under section 2884(c) of title 10, United States Code:

(1) Provide additional contextual information on MHPI housing to identify any differences in the calculation of debt coverage ratios and any effect of such differences on their comparability.

(2) Immediately resume issuing such reports on the financial condition of MHPI housing.

(3) Revise Department of Defense guidance on MHPI housing—

(A) to ensure that relevant financial data (such as debt coverage ratios) in such reports are consistent and comparable in terms of the time periods of the data collected;

(B) to include a requirement that the secretary of each military department includes measures of future sustainment into each assessments of MHPI housing projects; and

(C) to require the secretary of each military department to define risk tolerance regarding the future sustainability of MHPI housing projects.

(4) Report financial information on future sustainment of each MHPI housing project in such reports.

(5) Provide Department of Defense guidance to the secretaries of the military departments to—

(A) assess the significance of the specific risks to individual MHPI housing projects from the reduction in BAH; and

(B) identify methods to mitigate such risks based on their significance.

(6) Not later than December 1, 2018, finalize Department of Defense guidance that clearly defines—

(A) the circumstances in which the military departments shall provide notification of housing project changes to the congressional defense committees; and

(B) which types of such changes require prior notification to or prior approval from the congressional defense committees.

(d) DEFINITIONS.—In this section:

(1) The term "BAH" means the basic allowance for housing under section 403 of title 37, United States Code.

(2) The term "covered housing" means a unit of MHPI housing that is leased to a member of a uniformed service who resides in such unit.

(3) The term "MHPI housing" means housing procured, acquired, constructed, or for which any phase or portion of a project agreement was first finalized and signed, under the alternative authority of subchapter IV of chapter 169 of title 10, United States Code (known as the Military Housing Privatization Initiative), on or before September 30, 2014.

Subtitle B—Bonuses and Special Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking "December 31, 2018" and inserting "December 31, 2019".

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking "December 31, 2018" and inserting "December 31, 2019":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37, United States Code, is amended by striking "December 31, 2018" and inserting "December 31, 2019".

(d) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2018" and inserting "December 31, 2019":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2018" and inserting "December 31, 2019".

SEC. 612. REPORT ON IMMINENT DANGER PAY AND HOSTILE FIRE PAY.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report examining the current processes for awarding imminent danger pay and hostile fire pay to members of the Armed Forces.

(b) ELEMENTS.—This report under this section shall include the following:

(1) An analysis of difficulties in implementing the current system.

(2) An explanation of how geographic regions are selected to be eligible for such pay and the criteria used to define these regions.

(3) An examination of whether the current geographic model is the most appropriate way to award such pay, including the following:

(A) A discussion of whether the current model most accurately reflects the realities of modern warfare and is responsive enough to the needs of members.

(B) Whether the Secretary believes it would be appropriate to tie such pay to specific authorizations for deployments (including deployments of special operations forces) in addition to geographic criteria.

(C) A description of any change the Secretary would consider to update such pay to reflect the current operational environment.

(D) How the Secretary would implement each change under subparagraph (C).

(E) Recommendations of the Secretary for related regulations or legislative action.

Subtitle C—Other Matters

SEC. 621. EXTENSION OF CERTAIN MORALE, WELFARE, AND RECREATION PRIVILEGES TO CERTAIN VETERANS AND THEIR CAREGIVERS.

(a) [10 U.S.C. 101 note] SHORT TITLE.—This section may be cited as the "Purple Heart and Disabled Veterans Equal Access Act of 2018".

(b) COMMISSARY STORES AND MWR FACILITIES PRIVILEGES FOR CERTAIN VETERANS AND VETERAN CAREGIVERS.—

(1) EXTENSION OF PRIVILEGES.—Chapter 54 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 1065. [10 U.S.C. 1065] USE OF COMMISSARY STORES AND MWR FACILITIES: CERTAIN VETERANS AND CAREGIVERS FOR VETERAN

"(a) ELIGIBILITY OF VETERANS AWARDED THE PURPLE HEART.—A veteran who was awarded the Purple Heart shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(b) ELIGIBILITY OF VETERANS WHO ARE MEDAL OF HONOR RECIPIENTS.—A veteran who is a Medal of Honor recipient shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(c) ELIGIBILITY OF VETERANS WHO ARE FORMER PRISONERS OF WAR.—A veteran who is a former prisoner of war shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(d) ELIGIBILITY OF VETERANS WITH SERVICE-CONNECTED DISABILITIES.—A veteran with a service-connected disability shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(e) ELIGIBILITY OF CAREGIVERS FOR VETERANS.—A caregiver or family caregiver shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(f) USER FEE AUTHORITY.—(1) The Secretary of Defense shall prescribe regulations that impose a user fee on individuals who are eligible solely under this section to purchase merchandise at a commissary store or MWR retail facility.

"(2) The Secretary shall set the user fee under this subsection at a rate that the Secretary determines will offset any increase in expenses arising from this section borne by the Department of the Treasury on behalf of commissary stores associated with the use of credit or debit cards for customer purchases, including expenses related to card network use and related transaction processing fees.

"(3) The Secretary shall deposit funds collected pursuant to a user fee under this subsection in the General Fund of the Treasury.

"(4) Any fee under this subsection is in addition to the uniform surcharge under section 2484(d) of this title.

"(g) DEFINITIONS.—In this section:

"(1) The term 'MWR facilities' includes—

"(A) MWR retail facilities, as that term is defined in section 1063(e) of this title; and

"(B) military lodging operated by the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

"(2) The term 'Medal of Honor recipient' has the meaning given that term in section 1074h(c) of this title.

"(3) The terms 'veteran', 'former prisoner of war', and 'service-connected' have the meanings given those terms in section 101 of title 38.

"(4) The terms 'caregiver' and 'family caregiver' have the meanings given those terms in section in section 1720G(d) of title 38.".

(2) [10 U.S.C. 1061] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of title 10, United States Code, is amended by adding at the end the following new item:

"1065. Use of commissary stores and MWR facilities: certain veterans and caregivers for veterans.".

(3) [10 U.S.C. 1065 note] EFFECTIVE DATE.—Section 1065 of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2020.

(4) BRIEFING REQUIRED.—Not later than October 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing on the plan of the Secretary to implement section 1065 of title 10, United States Code, as added by paragraph (1).

SEC. 622. TECHNICAL CORRECTIONS IN CALCULATION AND PUBLICATION OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE COST OF LIVING ADJUSTMENTS.

(a) MONTHS FOR WHICH ADJUSTMENT APPLICABLE.—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (I), by striking "December" and inserting "November"; and

(2) in subparagraph (J), by striking "for months during any calendar year after 2018" and inserting "for months after November 2018".

(b) COST OF LIVING ADJUSTMENT.—Paragraph (6) of such section is amended—

(1) in the paragraph heading, by striking "after 2018" and inserting "after november 2018"; and

(2) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) IN GENERAL.—Whenever retired pay is increased for a month under section 1401a of this title (or any other provision of law), the amount of the allowance payable under paragraph (1) for that month shall also be increased.

"(B) AMOUNT OF INCREASE.—With respect to an eligible survivor of a member of the uniformed services, the increase for a month shall be—

"(i) the amount payable pursuant to paragraph (2) for months during the preceding 12-month period; plus

"(ii) an amount equal to a percentage of the amount determined pursuant to clause (i), which percentage is the percentage by which the retired pay of the member would have increased for the month, as described in subparagraph (A), if the member was alive (and otherwise entitled to such pay).

"(C) ROUNDING DOWN.—The monthly amount of an allowance payable under this subsection, if not a multiple of $1, shall be rounded to the next lower multiple of $1.

"(D) PUBLIC NOTICE ON AMOUNT OF ALLOWANCE PAYABLE.—Whenever an increase in the amount of the allowance payable under paragraph (1) is made pursuant to this paragraph, the Secretary of Defense shall publish the amount of the allowance so payable by reason of such increase, including the months for which payable.".

(c) [10 U.S.C. 1450 note] EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2018.

SEC. 623. AUTHORITY TO AWARD DAMAGED PERSONAL PROTECTIVE EQUIPMENT TO MEMBERS SEPARATING FROM THE ARMED FORCES AND VETERANS AS MEMENTOS OF MILITARY SERVICE.

(a) IN GENERAL.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2568a. [10 U.S.C. 2568a] DAMAGED PERSONAL PROTECTIVE EQUIPMENT: AWARD TO MEMBERS SEPARATING FROM THE ARMED FORCES AND VETERAN

"(a) IN GENERAL.—The Secretary of a military department, acting through a disposition service distribution center of the Defense Logistics Agency, may award to a covered individual the demilitarized PPE of that covered individual. The award of PPE under this section shall be without cost to the covered individual.

"(b) DEFINITIONS.—In this section:

"(1) The term 'covered individual' means—

"(A) a member of the armed forces—

"(i) under the jurisdiction of the Secretary concerned; and

"(ii) who is separating from the armed forces; or

"(B) a veteran who was under the jurisdiction of the Secretary concerned while a member of the armed forces.

"(2) The term 'PPE' means personal protective equipment that was damaged in combat or otherwise—

"(A) during the deployment of a covered individual; and

"(B) after September 11, 2001.".

(b) [10 U.S.C. 2551] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 152 of such titleis amended by adding at the end the following new item:

"2568a. Damaged personal protective equipment: award to members separating from the armed forces and veterans.".

SEC. 624. SPACE-AVAILABLE TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.

(a) IN GENERAL.—Subsection (c) of section 2641b of title 10, United States Code, is amended—

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

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Subject to subsection (f), veterans with a permanent service-connected disability rated as total.".

(b) CONDITIONS AND LIMITATIONS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

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

"(f) VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.—(1) Travel may not be provided under this section to a veteran eligible for travel pursuant to subsection (c)(4) in priority over any member eligible for travel under subsection (c)(1) or any dependent of such a member eligible for travel under this section.

"(2) The authority in subsection (c)(4) may not be construed as affecting or in any way imposing on the Department of Defense, any armed force, or any commercial company with which they contract an obligation or expectation that they will retrofit or alter, in any way, military aircraft or commercial aircraft, or related equipment or facilities, used or leased by the Department or such armed force to accommodate passengers provided travel under such authority on account of disability.

"(3) The authority in subsection (c)(4) may not be construed as preempting the authority of a flight commander to determine who boards the aircraft and any other matters in connection with safe operation of the aircraft.".

SEC. 625. MANDATORY INCREASE IN INSURANCE COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE FOR MEMBERS DEPLOYED TO COMBAT THEATERS OF OPERATION.

Section 1967(a)(3) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (D)"; and

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

"(D) In the case of a member who elects under paragraph (2)(A) not to be insured under this section, or who elects under subparagraph (B) to be insured for an amount less than the maximum amount provided under subparagraph (A), and who is deployed to a combat theater of operations the member—

"(i) shall be insured under this subchapter for the maximum amount provided under subparagraph (A) for the period of such deployment; and

"(ii) upon the end of such deployment—

"(I) shall be insured in the amount elected by the member under subparagraph (B); or

"(II) shall not be insured, if so elected under paragraph (2)(A).".

SEC. 626. [10 U.S.C. 113 note] ACCESS TO MILITARY INSTALLATIONS FOR CERTAIN SURVIVING SPOUSES AND OTHER NEXT OF KIN OF MEMBERS OF THE ARMED FORCES WHO DIE WHILE ON ACTIVE DUTY OR CERTAIN RESERVE DUTY.

(a) PROCEDURES FOR ACCESS OF SURVIVING SPOUSES REQUIRED.—The Secretary of Defense, acting jointly with the Secretary of Homeland Security, shall establish procedures by which an eligible surviving spouse may obtain unescorted access, as appropriate, to military installations in order to receive benefits to which the eligible surviving spouse may be entitled by law or policy.

(b) PROCEDURES FOR ACCESS OF NEXT OF KIN AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense, acting jointly with the Secretary of Homeland Security, may establish procedures by which the next of kin of a covered member of the Armed Forces, in addition to an eligible surviving spouse, may obtain access to military installations for such purposes and under such conditions as the Secretaries jointly consider appropriate.

(2) NEXT OF KIN.—If the Secretaries establish procedures pursuant to paragraph (1), the Secretaries shall jointly specify the individuals who shall constitute next of kin for purposes of such procedures.

(c) CONSIDERATIONS.—Any procedures established under this section shall—

(1) be applied consistently across the Department of Defense and the Department of Homeland Security, including all components of the Departments;

(2) minimize any administrative burden on a surviving spouse or dependent child, including through the elimination of any requirement for a surviving spouse to apply as a personal agent for continued access to military installations in accompaniment of a dependent child;

(3) take into account measures required to ensure the security of military installations, including purpose and eligibility for access and renewal periodicity; and

(4) take into account such other factors as the Secretary of Defense or the Secretary of Homeland Security considers appropriate.

(d) DEADLINE.—The procedures required by subsection (a) shall be established by the date that is not later than one year after the date of the enactment of this Act.

(e) DEFINITIONS.—In this section:

(1) The term "eligible surviving spouse" means an individual who is a surviving spouse of a covered member of the Armed Forces, without regard to whether the individual remarries after the death of the covered member of the Armed Forces.

(2) The term "covered member of the Armed Forces" means a member of the Armed Forces who dies while serving—

(A) on active duty; or

(B) on such reserve duty as the Secretary of Defense and the Secretary of Homeland Security may jointly specify for purposes of this section.

SEC. 627. STUDY AND REPORT ON DEVELOPMENT OF A SINGLE DEFENSE RESALE SYSTEM.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility of consolidating the military resale entities into a single defense resale system. Such study shall include the following:

(1) A financial assessment of consolidation of the military resale entities.

(2) A business case analysis of consolidation of the military resale entities.

(3) Organizational, operational, and business model integration plans for consolidation of the military resale entities.

(4) Determinations of which back-office processes and systems associated with finance and payment processing technologies the Secretary could convert to common technologies.

(b) REPORT.—Not later than January 1, 2019, the Secretary shall submit a report to the congressional defense committees regarding the study under subsection (a). That report shall contain the following:

(1) Details of the internal and external organizational structures of a consolidated defense resale system.

(2) Recommendations of the Secretaries of each of the military departments regarding the plan to consolidate the military resale entities.

(3) The costs and associated plan for the merger of technologies or implementation of new technology from a third-party provider to standardize financial management and accounting processes of a consolidated defense resale system.

(4) Best practices to maximize reductions in costs associated with back-office retail payment processing for a consolidated defense resale system.

(5) A timeline for converting the Defense Commissary Agency into a non-appropriated fund instrumentality under section 2484(j) of title 10, United States Code.

(6) A determination whether the business case analysis supports consolidation of the military resale entities.

(7) Recommendations of the Secretary for legislation related to consolidation of the military resale entities.

(8) Other elements the Secretary determines are necessary for a successful evaluation of a consolidation of the military resale entities.

(c) PROHIBITION ON USE OF FUNDS.—None of the amounts authorized to be appropriated or otherwise made available in this Act may be obligated or expended for the purpose of implementing consolidation of the military resale entities until October 1, 2019.

(d) MILITARY RESALE ENTITIES DEFINED.—In this section the term "military resale entities" means—

(1) the Defense Commissary Agency;

(2) the Army and Air Force Exchange Service;

(3) the Navy Exchange; and

(4) the Marine Corps Exchange.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Cessation of requirement for mental health assessment of members after redeployment from a contingency operation upon discharge or release from the Armed Forces.
Sec. 702. Pilot program on treatment of members of the Armed Forces for post-traumatic stress disorder related to military sexual trauma.

Subtitle B—Health Care Administration

Sec. 711. Improvement of administration of the Defense Health Agency and military medical treatment facilities.
Sec. 712. Organizational framework of the military healthcare system to support the medical requirements of the combatant commands.
Sec. 713. Administration of TRICARE dental plans through the Federal Employees Dental and Vision Insurance Program.[6]
Sec. 714. Streamlining of TRICARE Prime beneficiary referral process.
Sec. 715. Sharing of information with State prescription drug monitoring programs.
Sec. 716. Pilot program on opioid management in the military health system.
Sec. 717. Wounded warrior policy review.
Sec. 718. Medical simulation technology and live tissue training within the Department of Defense.
Sec. 719. Improvements to trauma center partnerships.
Sec. 720. Improvement to notification to Congress of hospitalization of combat-wounded members of the Armed Forces.

Subtitle C—Reports and Other Matters

Sec. 731. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
Sec. 732. Joint forces medical capabilities development and standardization.
Sec. 733. Inclusion of gambling disorder in health assessments of members of the Armed Forces and related research efforts.
Sec. 734. Report on requirement for certain former members of the Armed Forces to enroll in Medicare Part B to be eligible for TRICARE for Life.
Sec. 735. Pilot program on earning by special operations forces medics of credit toward a physician assistant degree.
Sec. 736. Strategic medical research plan.
Sec. 737. Comptroller General of the United States review of Defense Health Agency oversight of transition between managed care support contractors for the TRICARE program.
Sec. 738. Comptroller General study on availability of long-term care options for veterans from Department of Veterans Affairs.
Sec. 739. Increase in number of appointed members of the Henry M. Jackson Foundation for the Advancement of Military Medicine.

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. CESSATION OF REQUIREMENT FOR MENTAL HEALTH ASSESSMENT OF MEMBERS AFTER REDEPLOYMENT FROM A CONTINGENCY OPERATION UPON DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1074m of title 10, United States Code, is amended—

(1) in subsection (a)(1)(C), by striking "Once" and inserting "Subject to subsection (d), once"; and

(2) in subsection (d), by striking "subsection (a)(1)(D)" and inserting "subparagraph (C) or (D) of subsection (a)(1)".

[6] Section 713 was repealed by section 711(c) of Public Law 116–283 without striking the item relating to such section in the table of sections.

SEC. 702. [10 U.S.C. 1092 note] PILOT PROGRAM ON TREATMENT OF MEMBERS OF THE ARMED FORCES FOR POST-TRAUMATIC STRESS DISORDER RELATED TO MILITARY SEXUAL TRAUMA.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance abuse, depression, and other issues related to such conditions.

(b) DISCHARGE THROUGH PARTNERSHIPS.—The pilot program authorized by subsection (a) shall be carried out through partnerships with public, private, and non-profit health care organizations, universities, and institutions that—

(1) provide health care to members of the Armed Forces;

(2) provide evidence-based treatment for psychological and neurological conditions that are common among members of the Armed Forces, including post-traumatic stress disorder, traumatic brain injury, substance abuse, and depression;

(3) provide health care, support, and other benefits to family members of members of the Armed Forces; and

(4) provide health care under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code).

(c) PROGRAM ACTIVITIES.—Each organization or institution that participates in a partnership under the pilot program authorized by subsection (a) shall—

(1) carry out intensive outpatient programs of short duration to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance abuse, depression, and other issues related to such conditions;

(2) use evidence-based and evidence-informed treatment strategies in carrying out such programs;

(3) share clinical and outreach best practices with other organizations and institutions participating in the pilot program; and

(4) annually assess outcomes for members of the Armed Forces individually and among the organizations and institutions participating in the pilot program with respect to the treatment of conditions described in paragraph (1).

(d) EVALUATION METRICS.—Before commencement of the pilot program, the Secretary shall establish metrics to be used to evaluate the effectiveness of the pilot program and the activities under the pilot program.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program authorized by subsection (a). The report shall include a description of the pilot program and such other matters on the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the cessation of the pilot program under subsection (f), the Secretary

shall submit to the committees of Congress referred to in paragraph (1) a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including the partnerships under the pilot program as described in subsection (b).

(B) An assessment of the effectiveness of the pilot program and the activities under the pilot program.

(C) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program, including recommendations for extension or making permanent the authority for the pilot program.

(f) TERMINATION.—The Secretary may not carry out the pilot program authorized by subsection (a) after the date that is three years after the date of the enactment of this Act.

Subtitle B—Health Care Administration

SEC. 711. IMPROVEMENT OF ADMINISTRATION OF THE DEFENSE HEALTH AGENCY AND MILITARY MEDICAL TREATMENT FACILITIES.

(a) ADMINISTRATION OF FACILITIES BY DIRECTOR OF DEFENSE HEALTH AGENCY.—

(1) IN GENERAL.—Subsection (a) of section 1073c of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "Beginning October 1, 2018," and inserting "In accordance with paragraph (4), by not later than September 30, 2021,";

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

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) In addition to the responsibilities set forth in paragraph (1), the Director of the Defense Health Agency shall, commencing when the Director begins to exercise responsibilities under that paragraph, have the authority—

"(A) to direct, control, and serve as the primary rater of the performance of commanders or directors of military medical treatment facilities;

"(B) to direct and control any intermediary organizations between the Defense Health Agency and military medical treatment facilities;

"(C) to determine the scope of medical care provided at each military medical treatment facility to meet the military personnel readiness requirements of the senior military operational commander of the military installation;

"(D) to determine total workforce requirements at each military medical treatment facility;

"(E) to direct joint manning at military medical treatment facilities and intermediary organizations;

"(F) to address personnel staffing shortages at military medical treatment facilities; and

"(G) to select among service nominations for commanders or directors of military medical treatment facilities.";

(D) by inserting after paragraph (3), as redesignated by subparagraph (B), the following new paragraph (4):

"(4) The Secretary of Defense shall establish a timeline to ensure that each Secretary of a military department transitions the administration of military medical treatment facilities from such Secretary to the Director of the Defense Health Agency pursuant to paragraph (1) by the date specified in such paragraph."; and

(E) in paragraph (5), as so redesignated, by striking "subsection (a)" and inserting "paragraphs (1) and (2)".

(2) COMBAT SUPPORT RESPONSIBILITIES.—Subsection (d)(2) of such section is amended by adding at the end the following new subparagraph:

"(C) Ensuring that the Defense Health Agency meets the military medical readiness requirements of the senior military operational commanders of the military installations.".

(3) [10 U.S.C. 1073c note] LIMITATION ON CLOSURES AND DOWNSIZINGS IN CONNECTION WITH TRANSITION OF ADMINISTRATION.—In carrying out the transition of responsibility for the administration of military medical treatment facilities pursuant to subsection (a) of section 1073c of title 10, United States Code (as amended by paragraph (1)), and in addition to any other applicable requirements under section 1073d of that title, the Secretary of Defense may not close any military medical treatment facility, or downsize any medical center, hospital, or ambulatory care center (as specified in section 1073d of that title), that addresses the medical needs of beneficiaries and the community in the vicinity of such facility, center, hospital, or care center until the Secretary submits to the congressional defense committees a report setting forth the following:

(A) A description of the methodology and criteria to be used by the Secretary to make decisions to close any military medical treatment facility, or to downsize any medical center, hospital, or ambulatory care center, in connection with the transition, including input from the military department concerned.

(B) A requirement that no closure of a military medical treatment facility, or downsizing of a medical center, hospital, or ambulatory care center, in connection with the transition will occur until 90 days after the date on which Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the closure or downsizing.

(b) ADDITIONAL DEFENSE HEALTH AGENCY ORGANIZATIONS.—

(1) IN GENERAL.—Section 1073c of such title is further amended—

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

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

"(e) ADDITIONAL DHA ORGANIZATIONS.—Not later than September 30, 2022, the Secretary of Defense shall, acting though the

Director of the Defense Health Agency, establish within the Defense Health Agency the following:

"(1) A subordinate organization, to be called the Defense Health Agency Research and Development—

"(A) led, at the election of the Director, by a director or commander (to be called the Director or Commander of Defense Health Agency Research and Development);

"(B) comprised of the Army Medical Research and Materiel Command and such other medical research organizations and activities of the armed forces as the Secretary considers appropriate; and

"(C) responsible for coordinating funding for Defense Health Program Research, Development, Test, and Evaluation, the Congressionally Directed Medical Research Program, and related Department of Defense medical research.

"(2) A subordinate organization, to be called the Defense Health Agency Public Health—

"(A) led, at the election of the Director, by a director or commander (to be called the Director or Commander of Defense Health Agency Public Health); and

"(B) comprised of the Army Public Health Command, the Navy-Marine Corps Public Health Command, Air Force public health programs, and any other related defense health activities that the Secretary considers appropriate, including overseas laboratories focused on preventive medicine, environmental health, and similar matters.".

(2) REPORT ON FEASIBILITY OF FURTHER ADDITIONAL ORGANIZATION IN DHA.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary for purposes of the report, of the feasibility of establishing with the Defense Health Agency a subordinate organization, to be called the Defense Health Agency Education and Training, to be led by the President of the Uniformed Services University of the Health Sciences and to be comprised of the current Medical Education and Training Campus, the Uniformed Services University of the Health Sciences, the medical education and training commands of the Armed Forces, and such other elements, facilities, and commands of the Department of Defense as the Secretary considers appropriate.

(c) REPORT ON FEASIBILITY OF SUPERSEDING ORGANIZATION FOR DHA.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary for purposes of the report, of the feasibility of establishing a command, to be called the Defense Health Command, as a superseding organization to the Defense Health Agency.

(2) ELEMENTS.—If the Secretary determines in the report under paragraph (1) that a command as a superseding organization to the Defense Health Agency is feasible, the report shall include the following:

(A) A description of the required responsibilities of the commander of the command.

(B) A description of any current organizations that support the Defense Health Agency to be included in the command.

(C) A description of any authorities required for the leadership and direction of the command.

(D) Any other matters in the connection with the establishment, operations, and activities of the command that the Secretary considers appropriate.

SEC. 712. [10 U.S.C. 1073c note] SUPPORT BY MILITARY HEALTHCARE SYSTEM OF MEDICAL REQUIREMENTS OF COMBATANT COMMANDS.

(a) ORGANIZATIONAL FRAMEWORK REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, acting through the Secretaries of the military departments, the Defense Health Agency, and the Joint Staff, implement an organizational framework of the military health system that effectively and efficiently implements chapter 55 of title 10, United States Code, to maximize the readiness of the medical force, promote interoperability, and integrate medical capabilities of the Armed Forces in order to enhance joint military medical operations in support of requirements of the combatant commands.

(2) COMPLIANCE WITH CERTAIN REQUIREMENTS.—The organizational framework, as implemented, shall comply with all requirements of section 1073c of title 10, United States Code, except for the implementation date specified in subsection (a) of such section.

(b) ADDITIONAL DUTIES OF SURGEONS GENERAL OF THE ARMED FORCES.—The Surgeons General of the Armed Forces shall have the following duties:

(1) To ensure the readiness for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

(2) To meet medical readiness standards, subject to standards and metrics established by the Assistant Secretary of Defense for Health Affairs.

(3) With respect to uniformed medical and dental personnel of the military department concerned—

(A) to assign such personnel—

(i) primarily to military medical treatment facilities, under the operational control of the commander or director of the facility; or

(ii) secondarily to partnerships with civilian or other medical facilities for training activities specific to such military department; and

(B) to maintain readiness of such personnel for operational deployment.

(4) To provide logistical support for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

(5) To oversee mobilization and demobilization in connection with the operational deployment of medical and dental personnel of the Armed Force or Armed Forces concerned.

(6) To develop operational medical capabilities required to support the warfighter, and to develop policy relating to such capabilities.

(7) To provide health professionals to serve in leadership positions across the military healthcare system.

(8) To deliver operational clinical services under the operational control of the combatant commands—

(A) on ships and planes; and

(B) on installations outside of military medical treatment facilities.

(9) To manage privileging, scope of practice, and quality of health care in the settings described in paragraph (8).

(c) DEFENSE HEALTHAGENCY REGIONS IN CONUS.—The organizational framework required by subsection (a) shall meet the requirements as follows:

(1) DEFENSE HEALTH AGENCY REGIONS.—There shall be not more than two Defense Health Agency regions in the continental United States.

(2) LEADERS.—Each region under paragraph (1) shall be led by a commander or director who is a member of the Armed Forces serving in a grade not higher than major general or rear admiral, and who—

(A) shall be selected by the Director of the Defense Health Agency from among members of the Armed Forces recommended by the Secretaries of the military departments for service in such position; and

(B) shall be under the authority, direction, and control of the Director while serving in such position.

(d) DEFENSE HEALTH AGENCY REGIONS OCONUS.—The organizational framework required by subsection (a) shall provide for the establishment of not more than two Defense Health Agency regions outside the continental United States in order—

(1) to enhance joint military medical operations in support of the requirements of the combatant commands in such region or regions, with a specific focus on current and future contingency and operational plans;

(2) to ensure the provision of high-quality healthcare services to beneficiaries; and

(3) to improve the interoperability of healthcare delivery systems in the defense health regions (whether under this subsection, subsection (c), or both).

(e) PLANNING AND COORDINATION.—

(1) SUSTAINMENT OF CLINICAL COMPETENCIES AND STAFFING.—The Director of the Defense Health Agency shall—

(A) provide in each defense health region under this section healthcare delivery venues for uniformed medical

and dental personnel to obtain operational clinical competencies; and

(B) coordinate with the military departments to ensure that staffing at military medical treatment facilities in each region supports readiness requirements for members of the Armed Forces and military medical personnel.

(2) OVERSIGHT AND ALLOCATION OF RESOURCES.—

(A) IN GENERAL.—The Secretaries of the military departments shall coordinate with the Chairman of the Joint Chiefs of Staff to direct resources allocated to the military departments to support requirements related to readiness and operational medicine support that are established by the combatant commands and validated by the Joint Staff.

(B) SUPPLY AND DEMAND FOR MEDICAL SERVICES.—The Director of the Defense Health Agency, in coordination with the Assistant Secretary of Defense for Health Affairs, shall—

(i) validate supply and demand requirements for medical and dental services at each military medical treatment facility;

(ii) in coordination with the Surgeons General of the Armed Forces, provide currency workload for uniformed medical and dental personnel at each such facility to maintain skills proficiency; and

(iii) if workload is insufficient to meet requirements, identify alternative training and clinical practice sites for uniformed medical and dental personnel, and establish military-civilian training partnerships, to provide such workload.

(3) MEDICAL FORCE REQUIREMENTS OF THE COMBATANT COMMANDS.—The Surgeon General of each Armed Force shall, on behalf of the Secretary concerned, ensure that the uniformed medical and dental personnel serving in such Armed Force receive training and clinical practice opportunities necessary to ensure that such personnel are capable of meeting the operational medical force requirements of the combatant commands applicable to such personnel. Such training and practice opportunities shall be provided primarily through programs and activities of the Defense Health Agency, in coordination with the Secretaries of the military departments, and by such other mechanisms as the Secretary of Defense shall designate for purposes of this paragraph.

(4) CONSTRUCTION OF DUTIES.—The duties of a Surgeon General of the Armed Forces under this subsection are in addition to the duties of such Surgeon General under section 3036, 5137, or 8036 of title 10, United States Code, as applicable.

(5) MANPOWER.—

(A) ADMINISTRATIVE CONTROL OF MILITARY PERSONNEL.—Each Secretary of a military department shall exercise administrative control of members of the Armed Forces assigned to military medical treatment facilities, including personnel assignment and issuance of military orders.

(B) OVERSIGHT OF CERTAIN PERSONNEL BY THE DIRECTOR OF THE DEFENSE HEALTH AGENCY.—In situations in which members of the Armed Forces provide health care services at a military medical treatment facility, the Director of the Defense Health Agency shall maintain operational control over such members and oversight for the provision of care delivered by such members through policies, procedures, and privileging responsibilities of the military medical treatment facility.

(f) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth the following:

(1) A description of the organizational structure of the office of each Surgeon General of the Armed Forces, and of any subordinate organizations of the Armed Forces that will support the functions and responsibilities of a Surgeon General of the Armed Forces.

(2) The manning documents for staffing in support of the organizational structures described pursuant to paragraph (1), including manning levels before and after such organizational structures are implemented.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in connection with the implementation of such organizational structures and, in particular, to avoid duplication of functions and tasks between the organizations in such organizational structures and the Defense Health Agency.

[Section 713 was repealed by section 711(c) of Public Law 116–283.]

SEC. 714. [10 U.S.C. 1095f note] STREAMLINING OF TRICARE PRIME BENEFICIARY REFERRAL PROCESS.

(a) IN GENERAL.—The Secretary of Defense shall streamline the process under section 1095f of title 10, United States Code, by which beneficiaries enrolled in TRICARE Prime are referred to the civilian provider network for inpatient or outpatient care under the TRICARE program.

(b) OBJECTIVES.—In carrying out the requirement in subsection (a), the Secretary shall meet the following objectives:

(1) The referral process shall model best industry practices for referrals from primary care managers to specialty care providers.

(2) The process shall limit administrative requirements for enrolled beneficiaries.

(3) Beneficiary preferences for communications relating to appointment referrals using state-of-the-art information technology shall be used to expedite the process.

(4) There shall be effective and efficient processes to determine the availability of appointments at military medical treatment facilities and, when unavailable, to make prompt referrals to network providers under the TRICARE program.

(c) DEADLINE FOR IMPLEMENTATION.—The requirement in subsection (a) shall be implemented for referrals under TRICARE Prime in calendar year 2019.

(d) EVALUATION AND IMPROVEMENT.—After 2019, the Secretary shall—

(1) evaluate the referral process described in subsection (a) not less often than annually; and

(2) make appropriate improvements to the process in light of such evaluations.

(e) DEFINITIONS.—In this section, the terms "TRICARE program" and "TRICARE Prime" have the meaning given such terms in section 1072 of title 10, United States Code.

SEC. 715. SHARING OF INFORMATION WITH STATE PRESCRIPTION DRUG MONITORING PROGRAMS.

(a) IN GENERAL.—Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

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

"(g) SHARING OF INFORMATION WITH STATE PRESCRIPTION DRUG MONITORING PROGRAMS.—(1) The Secretary of Defense shall establish and maintain a program (to be known as the 'Military Health System Prescription Drug Monitoring Program') in accordance with this subsection. The program shall include a special emphasis on drugs provided through facilities of the uniformed services.

"(2) The program shall be—

"(A) comparable to prescription drug monitoring programs operated by States, including such programs approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g-3); and

"(B) applicable to designated controlled substance prescriptions under the pharmacy benefits program.

"(3)(A) The Secretary shall establish appropriate procedures for the bi-directional sharing of patient-specific information regarding prescriptions for designated controlled substances between the program and State prescription drug monitoring programs.

"(B) The purpose of sharing of information under this paragraph shall be to prevent misuse and diversion of opioid medications and other designated controlled substances.

"(C) Any disclosure of patient-specific information by the Secretary under this paragraph is an authorized disclosure for purposes of the health information privacy regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

"(4)(A) Any procedures developed pursuant to paragraph (3)(A) shall include appropriate safeguards, as determined by the Secretary, concerning cyber security of Department of Defense systems and operational security of Department personnel.

"(B) To the extent the Secretary considers appropriate, the program may be treated as comparable to a State program for purposes of bi-directional sharing of controlled substance prescription information.

"(5) For purposes of this subsection, any reference to a program operated by a State includes any program operated by a county, municipality, or other subdivision within that State.".

(b) CONFORMING AMENDMENT.—Section 1079(q) of such title is amended by striking "section 1074g(g)" and inserting "section 1074g(h)".

SEC. 716. [10 U.S.C. 1090 note] PILOT PROGRAM ON OPIOID MANAGEMENT IN THE MILITARY HEALTH SYSTEM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Director of the Defense Health Agency shall implement a comprehensive pilot program to assess the feasability and advisability of mechanisms to minimize early exposure of beneficiaries under the TRICARE program to opioids and to prevent the progression of beneficiaries to misuse or abuse of opioid medications.

(2) OPIOID SAFETY ACROSS CONTINUUM OF CARE.—The pilot program shall include elements to maximize opioid safety across the entire continuum of care consisting of patient, physician or dentist, and pharmacist.

(b) ELEMENTS OF PILOT PROGRAM.—The pilot program shall include the following:

(1) Identification of potential misuse or abuse of opioid medications in pharmacies of military treatment facilities, retail network pharmacies, and the home delivery pharmacy, and the transmission of alerts regarding such potential misuse or abuse of opioids to prescribing physicians and dentists.

(2) Direct engagement with, education for, and management of beneficiaries under the TRICARE program to help such beneficiaries avoid misuse or abuse of opioid medications.

(3) Proactive outreach by specialist pharmacists to beneficiaries under the TRICARE program when identifying potential misuse or abuse of opioid medications.

(4) Monitoring of beneficiaries under the TRICARE program through the use of predictive analytics to identify the potential for opioid abuse and addiction before beneficiaries begin an opioid prescription.

(5) Detection of fraud, waste, and abuse in connection with opioids.

(c) DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director shall carry out the pilot program for a period of not more than three years.

(2) EXPANSION.—The Director may carry out the pilot program on a permanent basis if the Director determines that the mechanisms under the pilot program successfully reduce early opioid exposure in beneficiaries under the TRICARE program and prevent the progression of beneficiaries to misuse or abuse of opioid medications.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days before completion of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

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

(A) A description of the pilot program, including outcome measures developed to determine the overall effectiveness of the mechanisms under the pilot program.

(B) A description of the ability of the mechanisms under the pilot program to identify misuse and abuse of opioid medications among beneficiaries under the TRICARE program in each pharmacy venue of the pharmacy program of the military health system.

(C) A description of the impact of the use of predictive analytics to monitor beneficiaries under the TRICARE program in order to identify the potential for opioid abuse and addiction before beneficiaries begin an opioid prescription.

(D) A description of any reduction in the misuse or abuse of opioid medications among beneficiaries under the TRICARE program as a result of the pilot program.

(e) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 717. [10 U.S.C. 1071 note] WOUNDED WARRIOR POLICY REVIEW.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review and update policies and procedures relating to the care and management of recovering service members. In conducting such review, the Secretary shall consider best practices—

(1) in the care of recovering service members;

(2) in the administrative management relating to such care;

(3) to carry out applicable provisions of Federal law; and

(4) recommended by the Comptroller General of the United States in the report titled "Army Needs to Improve Oversight of Warrior Transition Units".

(b) SCOPE OF POLICY.—In carrying out subsection (a), the Secretary shall update policies of the Department of Defense with respect to each of the following:

(1) The case management coordination of members of the Armed Forces between the military departments and the military medical treatment facilities administered by the Director of the Defense Health Agency pursuant to section 1073c of title 10, United States Code, including with respect to the coordination of—

(A) appointments;

(B) rehabilitative services;

(C) recuperation in an outpatient status;

(D) contract care provided by a private health care provider outside of a military medical treatment facility;

(E) the disability evaluation system; and

(F) other administrative functions relating to the military department.

(2) The transition of a member of the Armed Forces who is retired under chapter 61 of title 10, United States Code,

from receiving treatment furnished by the Secretary of Defense to treatment furnished by the Secretary of Veterans Affairs.

(3) Facility standards related to lodging and accommodations for recovering service members and the family members and non-medical attendants of recovering service members.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and Secretaries of the military departments shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under subsection (a), including a description of the policies updated pursuant to subsection (b).

(d) DEFINITIONS.—In this section, the terms "disability evaluation system", "outpatient status", and "recovering service members" have the meaning given those terms in section 1602 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note).

SEC. 718. [10 U.S.C. 1071 note] MEDICAL SIMULATION TECHNOLOGY AND LIVE TISSUE TRAINING WITHIN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—

(1) USE OF SIMULATION TECHNOLOGY.—Except as provided by paragraph (2), the Secretary of Defense shall use medical simulation technology, to the maximum extent practicable, before the use of live tissue training to train medical professionals and combat medics of the Department of Defense.

(2) DETERMINATION.—The use of live tissue training within the Department of Defense may be used as determined necessary by the medical chain of command.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate on the use and benefit of medical simulation technology and live tissue training within the Department of Defense to train medical professionals, combat medics, and members of the Special Operations Forces.

(c) ELEMENTS.—The briefing under subsection (b) shall include the following:

(1) A discussion of the benefits and needs of both medical simulation technology and live tissue training.

(2) Ways and means to enhance and advance the use of simulation technologies in training.

(3) An assessment of current medical simulation technology requirements, gaps, and limitations.

(4) An overview of Department of Defense medical training programs, as of the date of the briefing, that use live tissue training and medical simulation technologies.

(5) Any other matters the Secretary determines appropriate.

SEC. 719. IMPROVEMENTS TO TRAUMA CENTER PARTNERSHIPS.

Section 708(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1071 note) is amended—

(1) in paragraph (1), by striking "large metropolitan teaching hospitals that have level I civilian";

(2) in paragraph (2)—

(A) by striking "with civilian academic medical centers and large metropolitan teaching hospitals"; and

(B) by striking "the trauma centers of the medical centers and hospitals" and inserting "trauma centers"; and

(3) in paragraph (3), by striking "large metropolitan teaching hospitals" and inserting "trauma centers".

SEC. 720. IMPROVEMENT TO NOTIFICATION TO CONGRESS OF HOSPITALIZATION OF COMBAT-WOUNDED MEMBERS OF THE ARMED FORCES.

Section 1074l(a) of title 10, United States Code, is amended by striking "admitted to a military treatment facility within the United States" and inserting "admitted to any military medical treatment facility".

Subtitle C—Reports and Other Matters

SEC. 731. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2573), as most recently amended by section 719 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1440), is further amended by striking "September 30, 2019" and inserting "September 30, 2020".

SEC. 732. JOINT FORCES MEDICAL CAPABILITIES DEVELOPMENT AND STANDARDIZATION.

(a) PROCESS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, develop a process to establish required joint force medical capabilities for members of the Armed Forces that meet the operational planning requirements of the combatant commands.

(b) PROCESS ELEMENTS.—The process developed under subsection (a) shall include the following:

(1) A joint medical estimate to determine the medical requirements for treating members of the Armed Forces who are wounded, ill, or injured during military operations, including with respect to environmental health and force health protection.

(2) A process to review and revise military health related mission essential tasks in order to ensure that such tasks are aligned with health professional knowledge, skills, and abilities.

(3) A process to standardize the interoperability of medical equipment and capabilities to support the joint force.

(c) REPORT.—Not later than June 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the process developed under subsection (a).

SEC. 733. [10 U.S.C. 1071 note] INCLUSION OF GAMBLING DISORDER IN HEALTH ASSESSMENTS OF MEMBERS OF THE ARMED FORCES AND RELATED RESEARCH EFFORTS.

(a) INCLUSION IN NEXT ANNUAL PERIODIC HEALTH ASSESSMENTS.—The Secretary of Defense shall incorporate medical screening questions specific to gambling disorder into the Annual Periodic Health Assessments of members of the Armed Forces conducted by the Department of Defense during the one-year period beginning 180 days after the date of the enactment of this Act.

(b) INCLUSION IN CERTAIN SURVEYS.—The Secretary shall incorporate into ongoing research efforts of the Department questions on gambling disorder, as appropriate, including by restoring such questions to the following:

(1) The first Health Related Behaviors Survey of Active Duty Military Personnel conducted after the date of the enactment of this Act.

(2) The first Health Related Behaviors Survey of Reserve Component Personnel conducted after that date.

(c) REPORTS.—Not later than one year after the date of the completion of the assessment referred to in subsection (a), and of each survey referred to in subsection (b), as modified pursuant to this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the assessment or survey in connection with the prevalence of gambling disorder among members of the Armed Forces.

SEC. 734. REPORT ON REQUIREMENT FOR CERTAIN FORMER MEMBERS OF THE ARMED FORCES TO ENROLL IN MEDICARE PART B TO BE ELIGIBLE FOR TRICARE FOR LIFE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Health and Human Services, and the Commissioner of Social Security shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate a report on the findings of a study, conducted by the Secretaries for purposes of the report, on the requirement that a covered individual enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) in order to be eligible for TRICARE for Life.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) An analysis of whether the requirement described in such subsection affects covered individuals from returning to work.

(2) The number of individuals who—

(A) are retired from the Armed Forces under chapter 61 of title 10, United States Code;

(B) are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to receiving benefits for 24 months as described in subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)); and

(C) because of such entitlement, are no longer enrolled in TRICARE Standard, TRICARE Prime, TRICARE Extra, or TRICARE Select.

(3) The number of covered individuals who would potentially enroll in TRICARE for Life but not enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) if able.

(c) DEFINITIONS.—In this section:

(1) The term "covered individual" means an individual—

(A) who is under 65 years of age;

(B) who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

(C) whose entitlement to a benefit described in subparagraph (A) of such section has terminated due to performance of substantial gainful activity; and

(D) who is retired under chapter 61 of title 10, United States Code.

(2) The terms "TRICARE for Life", "TRICARE Extra", "TRICARE Standard", "TRICARE Select", and "TRICARE Prime" have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 735. [10 U.S.C. 2015 note] PILOT PROGRAM ON EARNING BY SPECIAL OPERATIONS FORCES MEDICS OF CREDIT TOWARD A PHYSICIAN ASSISTANT DEGREE.

(a) IN GENERAL.—The Assistant Secretary of Defense for Health Affairs may conduct a pilot program to assess the feasibility and advisability of partnerships between special operations forces and institutions of higher education, and health care systems if determined appropriate by the Assistant Secretary for purposes of the pilot program, through which special operations forces medics earn credit toward the master's degree of physician assistant for military operational work and training performed by the medics.

(b) DURATION.—The Assistant Secretary shall conduct the pilot program for a period not to exceed five years.

(c) CLINICAL TRAINING.—Partnerships under subsection (a) shall permit medics participating in the pilot program to conduct clinical training at medical facilities of the Department of Defense and the civilian sector.

(d) EVALUATION.—The evaluation of work and training performed by medics for which credits are earned under the pilot program shall comply with civilian clinical evaluation standards applicable to the awarding of the master's degree of physician assistant.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense

shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program that shall include the following:

(A) A comprehensive framework for the military education to be provided to special operations forces medics under the pilot program, including courses of instruction at institutions of higher education and any health care systems participating in the pilot program.

(B) Metrics to be used to assess the effectiveness of the pilot program.

(C) A description of the mechanisms to be used by the Department, medics, or both to cover the costs of education received by medics under the pilot program through institutions of higher education or health care systems, including payment by the Department in return for a military service commitment, tuition or other educational assistance by the Department, use by medics of post-9/11 educational assistance available through the Department of Veterans Affairs, and any other mechanisms the Secretary considers appropriate for purposes of the pilot program.

(2) FINAL REPORT.—Not later than 180 days after completion of the pilot program, the Secretary shall submit to the committees of Congress referred to in paragraph (1) a final report on the pilot program. The report shall include the following:

(A) An evaluation of the pilot program using the metrics of assessment set forth pursuant to paragraph (1)(B).

(B) An assessment of the utility of the funding mechanisms set forth pursuant to paragraph (1)(C).

(C) An assessment of the effects of the pilot program on recruitment and retention of medics for special operations forces.

(D) An assessment of the feasibility and advisability of extending one or more authorities for joint professional military education under chapter 107 of title 10, United States Code, to warrant officers or enlisted personnel, and if the Secretary considers the extension of any such authorities feasible and advisable, recommendations for legislative or administrative action to so extend such authorities.

(f) CONSTRUCTION OF AUTHORITIES.—Nothing in this section may be construed to—

(1) authorize an officer or employee of the Federal Government to create, endorse, or otherwise incentivize a particular curriculum or degree track; or

(2) require, direct, review, or control a State or educational institution, or the instructional content, curriculum, and related activities of a State or educational institution.

SEC. 736. STRATEGIC MEDICAL RESEARCH PLAN.

(a) PLAN.—Not later than 30 days after the date on which the budget of the President for fiscal year 2020 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the

Secretary of Defense, in consultation with the Secretaries of the military departments, shall submit to the congressional defense committees a comprehensive strategic medical research plan.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A description of all medical research focus areas of the Department of Defense and a description of the coordination process to ensure the focus areas are linked to military readiness, joint force requirements, and relevance to individuals eligible for care at military medical treatment facilities or through the TRICARE program.

(2) A description of the medical research projects funded under the Defense Health Program account and the projects under the Congressional Directed Medical Research Program.

(3) A description of the process to ensure synergy across the military medical research community in order to address gaps in military medical research, minimize duplication of research, and promote collaboration within research focus areas.

(4) A description of the efforts of the Secretary to coordinate with other departments and agencies of the Federal Government to increase awareness of complementary medical research efforts that are being carried out through the Federal Government.

SEC. 737. [10 U.S.C. 1073a note] COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF DEFENSE HEALTH AGENCY OVERSIGHT OF TRANSITION BETWEEN MANAGED CARE SUPPORT CONTRACTORS FOR THE TRICARE PROGRAM.

(a) BRIEFING AND REPORT ON CURRENT TRANSITION.—

(1) IN GENERAL.—The Comptroller General of the United States shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing and a report on a review by the Comptroller General of the oversight conducted by the Defense Health Agency with respect to the current transition between managed care support contractors for the TRICARE program. The briefing shall be provided by not later than July 1, 2019.

(2) ELEMENTS.—The briefing and report under paragraph (1) shall each include the following:

(A) A description and assessment of the extent to which the Defense Health Agency provided guidance and oversight to the outgoing and incoming managed care support contractors for the TRICARE program during the transition described in paragraph (1) and before the start of health care delivery by the incoming contractor.

(B) A description and assessment of any issues with health care delivery under the TRICARE program as a result of or in connection with the transition, and, with respect to such issues—

(i) the effect, if any, of the guidance and oversight provided by the Defense Health Agency during the transition on such issues; and

(ii) the solutions developed by the Defense Health Agency for remediating any deficiencies in managed

care support for the TRICARE program in connection with such issues.

(C) A description and assessment of the extent to which the Defense Health Agency has reviewed any lessons learned from past transitions between managed care support contractors for the TRICARE program, and incorporated such lessons into the transition.

(D) A review of the Department of Defense briefing provided in accordance with the provisions of the Report of the Committee on Armed Services of the House of Representatives to Accompany H.R. 5515 (115th Congress; House Report 115-676) on TRICARE Managed Care Support Contractor Reporting.

(b) REPORT ON FUTURE TRANSITIONS.—Not later than 270 days after the completion of any future transition between managed care support contractors for the TRICARE program, the Comptroller General shall submit to the committees of Congress referred to in subsection (a)(1) a report on a review by the Comptroller General of the oversight conducted by the Defense Health Agency with respect to such transition. The report shall include each description and assessment specified in subparagraphs (A) through (C) of subsection (a)(2) with respect to such transition.

(c) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 738. COMPTROLLER GENERAL STUDY ON AVAILABILITY OF LONG-TERM CARE OPTIONS FOR VETERANS FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the availability of long-term care options from the Department of Veterans Affairs for veterans with combat-related disabilities, including veterans who served in the Armed Forces after September 11, 2001.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) determine the potential demand for long-term care by veterans eligible for health care from the Department;

(2) determine the capacity of the Department for providing all four levels of long-term care, which are independent living, assisted living, nursing home care, and memory care;

(3) identify the number of veterans with combat-related disabilities who require a personal care assistant and which facilities of the Department provide this service; and

(4) examine the value of long-term care benefits provided by the Department, including personal care assistant services, to identify the potential elements of a pilot program that affords aging veterans the choice of receiving long-term care benefits at nonprofit continuing care retirement communities.

(c) REPORT.—Not later than January 1, 2020, the Comptroller General shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives a report on the study conducted under this section.

SEC. 739. INCREASE IN NUMBER OF APPOINTED MEMBERS OF THE HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE.

Section 178(c)(1)(C) of title 10, United States Code, is amended by striking "four members" and inserting "six members".

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 800. Effective dates; coordination of amendments.

Subtitle A—Streamlining of Defense Acquisition Statutes and Regulations

PART I—CONSOLIDATION OF DEFENSE ACQUISITION STATUTES IN NEW PART V OF SUBTITLE A OF TITLE 10, UNITED STATES CODE

Sec. 801. Framework for new part V of subtitle A.

PART II—REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLES B, C, AND D TO PROVIDE ROOM FOR NEW PART V OF SUBTITLE A

Sec. 806. Redesignation of sections and chapters of subtitle D of title 10, United States Code—Air Force.
Sec. 807. Redesignation of sections and chapters of subtitle C of title 10, United States Code—Navy and Marine Corps.
Sec. 808. Redesignation of sections and chapters of subtitle B of title 10, United States Code—Army.
Sec. 809. Cross references to redesignated sections and chapters.

PART III—REPEALS OF CERTAIN PROVISIONS OF DEFENSE ACQUISITION LAW

Sec. 811. Amendment to and repeal of statutory requirements for certain positions or offices in the Department of Defense.
Sec. 812. Repeal of certain defense acquisition laws.
Sec. 813. Repeal of certain Department of Defense reporting requirements.

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

Sec. 816. Modification of limitations on single source task or delivery order contracts.
Sec. 817. Preliminary cost analysis requirement for exercise of multiyear contract authority.
Sec. 818. Revision of requirement to submit information on services contracts to Congress.
Sec. 819. Data collection and inventory for services contracts.
Sec. 820. Report on clarification of services contracting definitions.
Sec. 821. Increase in micro-purchase threshold applicable to Department of Defense.
Sec. 822. Department of Defense contracting dispute matters.
Sec. 823. Inclusion of best available information regarding past performance of subcontractors and joint venture partners.
Sec. 824. Subcontracting price and approved purchasing systems.
Sec. 825. Modification of criteria for waivers of requirement for certified cost and price data.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

Sec. 831. Revisions in authority relating to program cost targets and fielding targets for major defense acquisition programs.
Sec. 832. Implementation of recommendations of the Independent Study on Consideration of Sustainment in Weapons Systems Life Cycle.
Sec. 833. Comptroller General assessment of acquisition programs and related initiatives.

Subtitle D—Provisions Relating to Commercial Items

Sec. 836. Revision of definition of commercial item for purposes of Federal acquisition statutes.
Sec. 837. Limitation on applicability to Department of Defense commercial contracts of certain provisions of law.
Sec. 838. Modifications to procurement through commercial e-commerce portals.
Sec. 839. Review of Federal acquisition regulations on commercial products, commercial services, and commercially available off-the-shelf items.

Subtitle E—Industrial Base Matters

Sec. 841. Report on limited sourcing of specific components for Naval vessels.
Sec. 842. Removal of national interest determination requirements for certain entities.
Sec. 843. Pilot program to test machine-vision technologies to determine the authenticity and security of microelectronic parts in weapon systems.
Sec. 844. Limitation on certain procurements application process.
Sec. 845. Report on defense electronics industrial base.
Sec. 846. Support for defense manufacturing communities to support the defense industrial base.
Sec. 847. Limitation on procurement of certain items for T-AO-205 program.

Subtitle F—Small Business Matters

Sec. 851. Department of Defense small business strategy.
Sec. 852. Prompt payments of small business contractors.
Sec. 853. Increased participation in the Small Business Administration microloan program.
Sec. 854. Amendments to Small Business Innovation Research Program and Small Business Technology Transfer Program.
Sec. 855. Construction contract administration.
Sec. 856. Comptroller General study of impact of broadband speed and price on small businesses.
Sec. 857. Consolidated budget display for the Department of Defense Small Business Innovation Research Program and Small Business Technology Transfer Program.
Sec. 858. Funding for procurement technical assistance program.
Sec. 859. Authorization for payment of certain costs relating to procurement technical assistance centers.
Sec. 860. Commercialization Assistance Pilot Program.
Sec. 861. Puerto Rico businesses.
Sec. 862. Opportunities for employee-owned business concerns through Small Business Administration loan programs.

Subtitle G—Provisions Related to Software and Technical Data Matters

Sec. 865. Validation of proprietary and technical data.
Sec. 866. Continuation of technical data rights during challenges.
Sec. 867. Requirement for negotiation of technical data price before sustainment of major weapon systems.
Sec. 868. Implementation of recommendations of the final report of the Defense Science Board Task Force on the Design and Acquisition of Software for Defense Systems.
Sec. 869. Implementation of pilot program to use agile or iterative development methods required under section 873 of the National Defense Authorization Act for Fiscal Year 2018.
Sec. 870. Report on requiring access to digital technical data in future acquisitions of combat, combat service, and combat support systems.

Subtitle H—Other Matters

Sec. 871. Prohibition on acquisition of sensitive materials from non-allied foreign nations.
Sec. 872. Extension of prohibition on providing funds to the enemy.
Sec. 873. Data, policy, and reporting on the use of other transactions.
Sec. 874. Standardization of formatting and public accessibility of Department of Defense reports to Congress.
Sec. 875. Promotion of the use of Government-wide and other interagency contracts.
Sec. 876. Increasing competition at the task order level.

Sec. 877. Individual acquisition for commercial leasing services.
Sec. 878. Procurement administrative lead time definition and plan.
Sec. 879. Briefing on funding of product support strategies.
Sec. 880. Use of lowest price technically acceptable source selection process.
Sec. 881. Permanent Supply Chain Risk Management Authority.
Sec. 882. Review of market research.
Sec. 883. Establishment of integrated review team on defense acquisition industry-government exchange.
Sec. 884. Exchange program for acquisition workforce employees.
Sec. 885. Process to limit foreign access to technology.
Sec. 886. Procurement of telecommunications supplies for experimental purposes.
Sec. 887. Access by developmental and operational testing activities to data regarding modeling and simulation activity.
Sec. 888. Instruction on pilot program regarding employment of persons with disabilities.
Sec. 889. Prohibition on certain telecommunications and video surveillance services or equipment.
Sec. 890. Pilot program to accelerate contracting and pricing processes.

SEC. 800. [10 U.S.C. 3001 note] EFFECTIVE DATES; COORDINATION OF AMENDMENTS.

(a) EFFECTIVE DATES.—

(1) PARTS I AND II.—Parts I and II of this subtitle, and the redesignations and amendments made by such parts, shall take effect on February 1, 2019.

(2) PART III.—Part III of this subtitle shall take effect on the date of the enactment of this Act.

(b) COORDINATION OF AMENDMENTS.—The redesignations and amendments made by part II of this subtitle shall be executed before the amendments made by part I of this subtitle.

(c) RULE FOR CERTAIN REDESIGNATIONS.—In the case of a redesignation specified in part II of this subtitle (1) that is to be made to a section of subtitle B, C, or D of title 10, United States Code, for which the current section designation consists of a four-digit number and a letter, and (2) that is directed to be made by the addition of a specified number to the current section designation, the new section designation shall consist of a new four-digit number and the same letter, with the new four-digit number being the number that is the sum of the specified number and the four-digit number in the current section designation.

Subtitle A—Streamlining of Defense Acquisition Statutes and Regulations

PART I—CONSOLIDATION OF DEFENSE ACQUISITION STATUTES IN NEW PART V OF SUBTITLE A OF TITLE 10, UNITED STATES CODE

SEC. 801. FRAMEWORK FOR NEW PART V OF SUBTITLE A.

(a) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by adding at the end the following new part:

"PART V—ACQUISITION

Chap. Sec.
"Subpart a—general

"201. Definitions 3001
"203. General Matters 3021
"205. Defense Acquisition System 3051
"207. Budgeting and Appropriations Matters 3101
"209. Operational Contract Support 3151
"221. Planning and Solicitation Generally 3201
"223. Planning and Solicitation Relating to Particular Items or Services 3251
"241. Awarding of Contracts 3301
"243. Specific Types of Contracts 3351
"245. Task and Delivery Order Contracts (Multiple Award Contracts) 3401
"247. Acquisition of Commercial Items 3451
"249. Multiyear Contracts 3501
"251. Simplified Acquisition Procedures 3551
"253. Emergency and Rapid Acquisitions 3601
"255. Contracting With or Through Other Agencies 3651
"271. Truthful Cost or Pricing Data 3701
"273. Allowable Costs 3741
"275. Proprietary Contractor Data and Technical Data 3771
"277. Contract Financing 3801
"279. Contractor Audits and Accounting 3841
"281. Claims and Disputes 3861
"283. Foreign Acquisitions 3881
"285. Small Business Programs 3901
"287. Socioeconomic Programs 3961
"301. Major Defense Acquisition Programs 4001
"303. Weapon Systems Development and Related Matters 4071
"305. Other Matters Relating to Major Systems 4121
"321. Research and Development Generally 4201
"323. Innovation 4301
"325. Department of Defense Laboratories 4351
"327. Research and Development Centers and Facilities 4401
"329. Operational Test and Evaluation; Developmental Test and Evaluation 4451
"341. Contracting for Performance of Civilian Commercial or Industrial Type Functions 4501
"343. Acquisition of Services 4541
"345. Acquisition of Information Technology 4571
"361. Contract Administration 4601
"363. Prohibitions and Penalties 4651
"365. Contractor Workforce 4701
"367. Other Administrative and Miscellaneous Provisions 4751
"381. Defense Industrial Base Generally 4801
"383. Loan Guarantee Programs 4861
"385. Procurement Technical Assistance Cooperative Agreement Program ... 4881

"Subpart A—General

"CHAPTER 201—DEFINITIONS

"§ 3001. [Reserved]

"[Reserved]

"CHAPTER 203—GENERAL MATTERS

"§ 3021. [Reserved]

"[Reserved]

"CHAPTER 205—DEFENSE ACQUISITION SYSTEM

"§ 3051. [Reserved]

"[Reserved]

"CHAPTER 207—BUDGETING AND APPROPRIATIONS MATTERS

"§ 3101. [Reserved]

"[Reserved]

"CHAPTER 209—OPERATIONAL CONTRACT SUPPORT

"§ 3151. [Reserved]

"[Reserved]

"Subpart B—ACQUISITION PLANNING

"CHAPTER 221—PLANNING AND SOLICITATION GENERALLY

"§ 3201. [Reserved]

"[Reserved]

"CHAPTER 223—PLANNING AND SOLICITATION RELATING TO PARTICULAR ITEMS OR SERVICES

"§ 3251. [Reserved]

"[Reserved]

"Subpart C—CONTRACTING METHODS AND CONTRACT TYPES

"CHAPTER 241—AWARDING OF CONTRACTS

"§ 3301. [Reserved]

"[Reserved]

"CHAPTER 243—SPECIFIC TYPES OF CONTRACTS

"§ 3351. [Reserved]

"[Reserved]

"CHAPTER 245—TASK AND DELIVERY ORDER CONTRACTS (MULTIPLE AWARD CONTRACTS)

"§ 3401. [Reserved]

"[Reserved]

"CHAPTER 247—ACQUISITION OF COMMERCIAL ITEMS

"§ 3451. [Reserved]

"[Reserved]

"CHAPTER 249—MULTIYEAR CONTRACTS

"§ 3501. [Reserved]

"[Reserved]

"CHAPTER 251—SIMPLIFIED ACQUISITION PROCEDURES

"§ 3551. [Reserved]

"[Reserved]

"CHAPTER 253—EMERGENCY AND RAPID ACQUISITIONS

"§ 3601. [Reserved]

"[Reserved]

"CHAPTER 255—CONTRACTING WITH OR THROUGH OTHER AGENCIES

"§ 3651. [Reserved]

"[Reserved]

"Subpart D—GENERAL CONTRACTING REQUIREMENTS

"CHAPTER 271—TRUTHFUL COST OR PRICING DATA

"§ 3701. [Reserved]

"[Reserved]

"CHAPTER 273—ALLOWABLE COSTS

"§ 3741. [Reserved]

"[Reserved]

"CHAPTER 275—PROPRIETARY CONTRACTOR DATA AND TECHNICAL DATA

"§ 3771. [Reserved]

"[Reserved]

"CHAPTER 277—CONTRACT FINANCING

"§ 3801. [Reserved]

"[Reserved]

"CHAPTER 279—CONTRACTOR AUDITS AND ACCOUNTING

"§ 3841. [Reserved]

"[Reserved]

"CHAPTER 281—CLAIMS AND DISPUTES

"§ 3861. [Reserved]

"[Reserved]

"CHAPTER 283—FOREIGN ACQUISITIONS

"§ 3881. [Reserved]

"[Reserved]

"CHAPTER 285—SMALL BUSINESS PROGRAMS

"§ 3901. [Reserved]

"[Reserved]

"CHAPTER 287—SOCIOECONOMIC PROGRAMS

"§ 3961. [Reserved]

"[Reserved]

"Subpart E—SPECIAL CATEGORIES OF CONTRACTING: MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS

"CHAPTER 301—MAJOR DEFENSE ACQUISITION PROGRAMS

"§ 4001. [Reserved]

"[Reserved]

"CHAPTER 303—WEAPON SYSTEMS DEVELOPMENT AND RELATED MATTERS

"§ 4071. [Reserved]

"[Reserved]

"CHAPTER 305—OTHER MATTERS RELATING TO MAJOR SYSTEMS

"§ 4121. [Reserved]

"[Reserved]

"Subpart F—SPECIAL CATEGORIES OF CONTRACTING: RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"CHAPTER 321—RESEARCH AND DEVELOPMENT GENERALLY

"§ 4201. [Reserved]

"[Reserved]

"CHAPTER 323—INNOVATION

"§ 4301. [Reserved]

"[Reserved]

"CHAPTER 325—DEPARTMENT OF DEFENSE LABORATORIES

"§ 4351. [Reserved]

"[Reserved]

"CHAPTER 327—RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES

"§ 4401. [Reserved]

"[Reserved]

"CHAPTER 329—OPERATIONAL TEST AND EVALUATION; DEVELOPMENTAL TEST AND EVALUATION

"§ 4451. [Reserved]

"[Reserved]

"Subpart G—OTHER SPECIAL CATEGORIES OF CONTRACTING

"CHAPTER 341—CONTRACTING FOR PERFORMANCE OF CIVILIAN COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS

"§ 4501. [Reserved]

"[Reserved]

"CHAPTER 343—ACQUISITION OF SERVICES

"§ 4541. [Reserved]

"[Reserved]

"CHAPTER 345—ACQUISITION OF INFORMATION TECHNOLOGY

"§ 4571. [Reserved]

"[Reserved]

"Subpart H—CONTRACT MANAGEMENT

"CHAPTER 361—CONTRACT ADMINISTRATION

"§ 4601. [Reserved]

"[Reserved]

"CHAPTER 363—PROHIBITIONS AND PENALTIES

"§ 4651. [Reserved]

"[Reserved]

"CHAPTER 365—CONTRACTOR WORKFORCE

"§ 4701. [Reserved]

"[Reserved]

"CHAPTER 367—OTHER ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

"§ 4751. [Reserved]

"[Reserved]

"Subpart I—DEFENSE INDUSTRIAL BASE

"CHAPTER 381—DEFENSE INDUSTRIAL BASE GENERALLY

"§ 4801. [Reserved]

"[Reserved]

"CHAPTER 383—LOAN GUARANTEE PROGRAMS

"§ 4861. [Reserved]

"[Reserved]

"CHAPTER 385—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

"§ 4881. [Reserved]

"[Reserved]".

(b) [10 U.S.C. 101] TABLE OF CHAPTERS AMENDMENT.—The table of chapters at the beginning of subtitle A is amended by adding at the end the following new items:

Chap.	Sec.
"Subpart a—general	
""201. Definitions	3001
""203. General Matters	3021
""205. Defense Acquisition System	3051
""207. Budgeting and Appropriations Matters	3101
""209. Operational Contract Support	3151
""221. Planning and Solicitation Generally	3201
""223. Planning and Solicitation Relating to Particular Items or Services	3251
""241. Awarding of Contracts	3301
""243. Specific Types of Contracts	3351
""245. Task and Delivery Order Contracts (Multiple Award Contracts)	3401
""247. Acquisition of Commercial Items	3451
""249. Multiyear Contracts	3501
""251. Simplified Acquisition Procedures	3551
""253. Emergency and Rapid Acquisitions	3601
""255. Contracting With or Through Other Agencies	3651
""271. Truthful Cost or Pricing Data	3701
""273. Allowable Costs	3741
""275. Proprietary Contractor Data and Technical Data	3771
""277. Contract Financing	3801
""279. Contractor Audits and Accounting	3841
""281. Claims and Disputes	3861
""283. Foreign Acquisitions	3881
""285. Small Business Programs	3901
""287. Socioeconomic Programs	3961
""301. Major Defense Acquisition Programs	4001
""303. Weapon Systems Development and Related Matters	4071
""305. Other Matters Relating to Major Systems	4121
""321. Research and Development Generally	4201
""323. Innovation	4301
""325. Department of Defense Laboratories	4351
""327. Research and Development Centers and Facilities	4401
""329. Operational Test and Evaluation; Developmental Test and Evaluation	4451
""341. Contracting for Performance of Civilian Commercial or Industrial Type Functions	4501
""343. Acquisition of Services	4541
""345. Acquisition of Information Technology	4571
""361. Contract Administration	4601
""363. Prohibitions and Penalties	4651
""365. Contractor Workforce	4701
""367. Other Administrative and Miscellaneous Provisions	4751

""381. Defense Industrial Base Generally 4801
""383. Loan Guarantee Programs 4861
""385. Procurement Technical Assistance Cooperative Agreement Program ... 4881".

PART II—REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLES B, C, AND D TO PROVIDE ROOM FOR NEW PART V OF SUBTITLE A

SEC. 806. REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLE D OF TITLE 10, UNITED STATES CODE—AIR FORCE.

(a) SUBTITLE D, PART III, SECTION NUMBERS.—The sections in part III of subtitle D of title 10, United States Code, are redesignated as follows:

(1) CHAPTER 909.—Each section in chapter 909 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 50.

(2) CHAPTER 907.—Each section in chapter 907 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 70.

(3) CHAPTERS 901 AND 903.—Each section in chapter 901 and chapter 903 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 100.

(b) SUBTITLE D, PART II, SECTION NUMBERS.—The sections in part II of such subtitle are redesignated as follows:

(1) CHAPTER 831.—Section 8210 is redesignated as section 9110.

(2) CHAPTER 833.—Sections 8251, 8252, 8257, and 8258 are redesignated as sections 9131, 9132, 9137, and 9138, respectively.

(3) CHAPTER 835.—Sections 8281 and 8310 are redesignated as sections 9151 and 9160, respectively.

(4) CHAPTER 839.—Section 8446 is redesignated as section 9176.

(5) CHAPTER 841.—Sections 8491 and 8503 are redesignated as sections 9191 and 9203, respectively.

(6) CHAPTER 843.—Sections 8547 and 8548 are redesignated as sections 9217 and 9218, respectively.

(7) CHAPTER 845.—Sections 8572, 8575, 8579, 8581, and 8583 are redesignated as sections 9222, 9225, 9229, 9231, and 9233, respectively.

(8) CHAPTER 849.—Section 8639 is redesignated as section 9239.

(9) CHAPTER 853.—Sections 8681, 8684, and 8691 are redesignated as sections 9251, 9252, and 9253, respectively.

(10) CHAPTER 855.—Section 8723 is redesignated as section 9263.

(11) CHAPTER 857.—Each section in chapter 857 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 530.

(12) CHAPTER 861.—Section 8817 is redesignated as section 9307.

(13) CHAPTER 867.—Each section in chapter 867 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 400.

(14) CHAPTER 869.—Sections 8961, 8962, 8963, 8964, 8965, and 8966 are redesignated as sections 9341, 9342, 9343, 9344, 9345, and 9346, respectively.

(15) CHAPTER 871.—Sections 8991 and 8992 are redesignated as sections 9361 and 9362, respectively.

(16) CHAPTER 873.—Sections 9021, 9025, and 9027 are redesignated as sections 9371, 9375, and 9377, respectively.

(17) CHAPTER 875.—Section 9061 is redesignated as section 9381.

(c) [10 U.S.C. 9401 10 U.S.C. 9110] SUBTITLE D, PART I, SECTION NUMBERS.—Each section in part I of such subtitle is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,000.

(d) SUBTITLE D CHAPTER NUMBERS.—

(1) PART IV CHAPTER NUMBERS.—Each chapter in part IV of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 30.

(2) PART III CHAPTER NUMBERS.—Each chapter in part III of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 50.

(3) PART II CHAPTER NUMBERS.—

(A) [10 U.S.C. 9307] IN GENERAL.—Except as provided in subparagraph (B), each chapter in part II of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 80.

(B) OTHER CHAPTERS.—

(i)

[10 U.S.C. 9311] Chapter 861 is redesignated as chapter 939.

(ii)

[10 U.S.C. 9011] Chapters 867, 869, 871, 873, and 875 are each redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 74.

(4) [10 U.S.C. 9011] PART I CHAPTER NUMBERS.—Each chapter in part I of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 100.

(e) SUBTITLE D TABLES OF SECTIONS AND TABLES OF CHAPTERS.—

(1) TABLES OF SECTIONS.—The tables of sections at the beginning of the chapters of such subtitle are revised so as to conform the section references in those tables to the redesignations made by subsections (a), (b), and (c).

(2) [10 U.S.C. 9011] TABLES OF CHAPTERS.—The table of chapters at the beginning of such subtitle, and the tables of chapters at the beginning of each part of such subtitle, are revised so as to conform the chapter references and section references in those tables to the redesignations made by this section.

SEC. 807. REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLE C OF TITLE 10, UNITED STATES CODE—NAVY AND MARINE CORPS.

(a) SUBTITLE C, PART I, SECTION NUMBERS.—

(1) [10 U.S.C. 8001] IN GENERAL.—Except as provided in paragraph (2), each section in part I of subtitle C of title 10, United States Code, is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,000.

(2) [10 U.S.C. 8071] CHAPTER 513.—For sections in chapter 513, each section is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,940.

(b) SUBTITLE C, PART II, SECTION NUMBERS.—The sections in part II of such subtitle are redesignated as follows:

(1) CHAPTER 533.—Sections 5441, 5450, and 5451 are redesignated as sections 8101, 8102, and 8103, respectively.

(2) CHAPTER 535.—Sections 5501, 5502, 5503, and 5508 are redesignated as sections 8111, 8112, 8113, and 8118, respectively.

(3) CHAPTER 537.—Section 5540 is redesignated as section 8120.

(4) CHAPTER 539.—Sections 5582, 5585, 5587, 5587a, 5589, and 5596 are redesignated as sections 8132, 8135, 8137, 8138, 8139, and 8146, respectively.

(5) CHAPTER 551.—Each section in chapter 551 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,220.

(6) CHAPTER 553.—Sections 5983, 5985, and 5986 are redesignated as sections 8183, 8185, and 8186, respectively.

(7) CHAPTER 555.—The sections in chapter 555 are redesignated as follows:

Section	Redesignated Section
6011	8211
6012	8212
6013	8213
6014	8214
6019	8215
6021	8216
6022	8217
6024	8218
6027	8219
6029	8220
6031	8221
6032	8222
6035	8225
6036	8226

(8) CHAPTER 557.—Each section in chapter 557 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,160.

(9) CHAPTER 559.—Section 6113 is redesignated as section 8253.

(10) CHAPTER 561.—The sections in chapter 561 are redesignated as follows:

Section	Redesignated Section
6141	8261
6151	8262
6152	8263
6153	8264
6154	8265
6155	8266
6156	8267
6160	8270
6161	8271

(11) CHAPTER 563.—Sections 6201, 6202, and 6203 are redesignated as sections 8281, 8282, and 8283, respectively.

(12) CHAPTER 565.—Sections 6221 and 6222 are redesignated as sections 8286 and 8287, respectively.

(13) CHAPTER 567.—Each section in chapter 567 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,050.

(14) CHAPTER 569.—Section 6292 is redesignated as section 8317.

(15) CHAPTER 571.—Each section in chapter 571 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,000.

(16) CHAPTER 573.—Sections 6371, 6383, 6389, 6404, and 6408 are redesignated as sections 8371, 8372, 8373, 8374, and 8375, respectively.

(17) CHAPTER 575.—Sections 6483, 6484, 6485, and 6486 are redesignated as sections 8383, 8384, 8385, and 8386, respectively.

(18) CHAPTER 577.—Section 6522 is redesignated as section 8392.

(c) SUBTITLE C, PART III, SECTION NUMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each section in part III of such subtitle is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,500.

(2) CHAPTER 609.—Sections 7101, 7102, 7103, and 7104 are redesignated as sections 8591, 8592, 8593, and 8594, respectively.

(d) SUBTITLE C, PART IV, SECTION NUMBERS.—The sections in part IV of such subtitle are redesignated as follows:

(1) [10 U.S.C. 8604] CHAPTER 631.—Each section in chapter 631 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,400.

(2) CHAPTER 633.—Each section in chapter 633 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,370.

(3) CHAPTER 637.—Sections 7361, 7362, 7363, and 7364 are redesignated as sections 8701, 8702, 8703, and 8704, respectively.

(4) CHAPTER 639.—Sections 7395 and 7396 are redesignated as sections 8715 and 8716, respectively.

(5) CHAPTER 641.—Each section in chapter 641 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,300.

(6) CHAPTER 643.—Sections 7472, 7473, 7476, 7477, 7478, 7479, 7479a, and 7480 are redesignated as sections 8742, 8743, 8746, 8747, 8748, 8749, 8749a, and 8750, respectively.

(7) CHAPTER 645.—Sections 7522, 7523, and 7524 are redesignated as sections 8752, 8753, and 8754, respectively.

(8) CHAPTER 647.—The sections in chapter 647 are redesignated as follows:

Section	Redesignated Section
7541	8761
7541a	8761a
7541b	8761b
7542	8762
7543	8763
7544	8764
7545	8765
7546	8766
7547	8767

(9) CHAPTERS 649, 651, 653, AND 655.—Each section in chapters 649, 651, 653, and 655 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,200.

(10) CHAPTER 657.—Each section in chapter 657 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,170.

(11) CHAPTER 659.—Sections 7851, 7852, 7853, and 7854 are redesignated as sections 8901, 8902, 8903, and 8904, respectively.

(12) CHAPTER 661.—Sections 7861, 7862, and 7863 are redesignated as sections 8911, 8912, and 8913, respectively.

(13) CHAPTER 663.—Section 7881 is redesignated as section 8921.

(14) CHAPTER 665.—Sections 7901, 7902, and 7903 are redesignated as sections 8931, 8932, and 8933, respectively.

(15) CHAPTER 667.—Sections 7912 and 7913 are redesignated as sections 8942 and 8943, respectively.

(16) CHAPTER 669.—Section 7921 is redesignated as section 8951.

(e) SUBTITLE C CHAPTER NUMBERS.—

(1) [10 U.S.C. 8001] PART I CHAPTER NUMBERS.—Each chapter in part I of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 300, except that chapter 513 is redesignated as chapter 809.

(2) PART II CHAPTER NUMBERS.—

(A) [10 U.S.C. 8162] IN GENERAL.—Except as provided in subparagraph (B), each chapter in part II of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 270.

(B) OTHER CHAPTERS.—Chapter 533 is redesignated as chapter 811, chapter 535 is redesignated as chapter 812, chapter 537 is redesignated as chapter 813, and chapter 539 is redesignated as chapter 815.

(3) [10 U.S.C. 8411] PART III CHAPTER NUMBERS.—Each chapter in part III of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 250.

(4) [10 U.S.C. 8604 10 U.S.C. 8001 10 U.S.C. 8001 10 U.S.C. 7001] PART IV CHAPTER NUMBERS.—Each chapter in part IV of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 228, except that chapter 631 is redesignated as chapter 861 and chapter 633 is redesignated as chapter 863.

(f) SUBTITLE C TABLES OF SECTIONS AND TABLES OF CHAPTERS.—

(1) TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of such subtitle is revised so as to conform the section references in the table to the redesignations made by subsections (a), (b), (c), and (d).

(2) TABLES OF CHAPTERS.—The table of chapters at the beginning of such subtitle, and the tables of chapters at the beginning of each part of such subtitle, are revised so as to conform the chapter references and section references in those tables to the redesignations made by this section.

SEC. 808. REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLE B OF TITLE 10, UNITED STATES CODE—ARMY.

(a) SUBTITLE B, PART I, SECTION NUMBERS.—Each section in part I of subtitle B of title 10, United States Code, is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 4,000.

(b) SUBTITLE B, PART II, SECTION NUMBERS.—The sections in part II of such subtitle are redesignated as follows:

(1) CHAPTER 331.—Sections 3201 and 3210 are redesignated as sections 7101 and 7110, respectively.

(2) CHAPTER 333.—Sections 3251, 3258, and 3262 are redesignated as sections 7131, 7138, and 7142, respectively.

(3) CHAPTER 335.—Sections 3281, 3282, and 3283 are redesignated as sections 7151, 7152, and 7153, respectively.

(4) CHAPTER 339.—Section 3446 is redesignated as sections 7176.

(5) CHAPTER 341.—Sections 3491 and 3503 are redesignated as sections 7191 and 7203, respectively.

(6) CHAPTER 343.—Sections 3533, 3534, 3536, 3547 and 3548 are redesignated as sections 7213, 7214, 7216, 7217, and 7218, respectively.

(7) CHAPTER 345.—Sections 3572, 3575, 3579, 3581, and 3583 are redesignated as sections 7222, 7225, 7229, 7231, and 7233, respectively.

(8) CHAPTER 349.—Section 3639 is redesignated as section 7239.

(9) CHAPTER 353.—Sections 3681, 3684, and 3691 are redesignated as sections 7251, 7252, and 7253, respectively.

(10) CHAPTER 355.—Section 3723 is redesignated as section 7263.

(11) CHAPTER 357.—Each section in chapter 357 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,530.

(12) [10 U.S.C. 7311] CHAPTER 367.—Each section in chapter 367 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,400.

(13) CHAPTER 369.—Sections 3961, 3962, 3963, 3964, 3965, and 3966 are redesignated as sections 7341, 7342, 7343, 7344, 7345, and 7346, respectively.

(14) CHAPTER 371.—Sections 3991 and 3992 are redesignated as sections 7361 and 7362, respectively.

(15) CHAPTER 373.—Sections 4021, 4024, 4025, and 4027 are redesignated as sections 7371, 7374, 7375, and 7377, respectively.

(16) CHAPTER 375.—Section 4061 is redesignated as section 7381.

(c) SUBTITLE B, PART III, SECTION NUMBERS.—

(1) [10 U.S.C. 7532] IN GENERAL.—Except as provided in paragraph (2), each section in part III of such subtitle is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,100.

(2) CHAPTER 407.—Each section in chapter 407 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,070.

(d) SUBTITLE B, PART IV, SECTION NUMBERS.—Each section in part IV of such subtitle is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,000.

(e) SUBTITLE B CHAPTER NUMBERS.—

(1) PART I CHAPTER NUMBERS.—Each chapter in part I of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 400.

(2) PART II CHAPTER NUMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each chapter in part II of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 380.

(B) OTHER CHAPTERS.—Chapters 367, 369, 371, 373, and 375 are each redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 374.

(3) [10 U.S.C. 7401] PART III CHAPTER NUMBERS.—Each chapter in part III of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 350.

(4) [10 U.S.C. 7532] PART IV CHAPTER NUMBERS.—Each chapter in part IV of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 330.

[* Note: Classifications for section 808(f)(1): 10 USC 7001 prec., 7011 prec., 7031 prec., 7061 prec., 7101 prec., 7131 prec., 7151 prec., 7176 prec., 7191 prec., 7213 prec., 7222 prec., 7239 prec., 7251 prec., 7263 prec., 7271 prec., 7311 prec., 7341 prec., 7361 prec., 7371 prec., 7381 prec., 7401 prec., 7431 prec., 7481 prec., 7532 prec., 7551 prec., 7561 prec., 7591 prec., 7621 prec., 7652 prec., 7682 prec., 7712 prec., 7721 prec., 7749 prec., 7771 prec., 7801 prec., 7831 prec.]

(f) SUBTITLE B TABLES OF SECTIONS AND TABLES OF CHAPTERS.—

(1) TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of such subtitle is revised so as to conform the section references in the table to the redesignations made by subsections (a), (b), (c), and (d).

(2) [10 U.S.C. 7001] TABLES OF CHAPTERS.—The table of chapters at the beginning of such subtitle, and the tables of chapters at the beginning of each part of such subtitle, are revised so as to conform the chapter references and section references in those tables to the redesignations made by this section.

SEC. 809. CROSS REFERENCES TO REDESIGNATED SECTIONS AND CHAPTERS.

(a) [10 U.S.C. 101] TITLE 10, UNITED STATES CODE.—Each provision of title 10, United States Code (including the table of subtitles preceding subtitle A), that contains a reference to a section or chapter redesignated by this part is amended so that the reference refers to the number of the section or chapter as redesignated.

(b) LAWS CLASSIFIED AS TITLE 10, UNITED STATES CODE, NOTE SECTIONS.—

(1) Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 143 note) is amended by striking "sections 143, 194, 3014, 5014, and 8014" in subsections (a) and (b) and inserting "sections 143, 194, 7014, 8014, and 9014".

(2) Section 4403(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1293 note) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "section 3911" and inserting "section 7311"; and

(ii) in subparagraph (B), by striking "section 3914" and inserting "section 7314";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "section 6323" and inserting "section 8323"; and

(ii) in subparagraph (B), by striking "section 6330" and inserting "section 8330"; and

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "section 8911" and inserting "section 9311"; and

(ii) in subparagraph (B), by striking "section 8914" and inserting "section 9314".

(3) Section 563(d)(4) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 1561 note is amended by striking "sections 4361, 6980, and 9361" and inserting "sections 7461, 8480, and 9461".

(4) Section 549(a)(2)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 1580 note prec.) is amended by striking "section 4348, 6959, or 9348" and inserting "section 7448, 8459, or 9448".

(5) Section 505(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 3201 note) is amended by striking "section 3201" and inserting "section 7101".

(6) Section 586(g)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 3741 note) is amended by striking "section 3744, 6248, or 8744" and inserting "section 7274, 8296, or 9274".

(7) Section 2 of Public Law 89-650 (10 U.S.C. 4343 note) is amended—

(A) by striking "sections 4342(b)(1), 6954(b), and 9342(b)(1)" and inserting "sections 7442(b)(1), 8454(b), and 9442(b)(1) of title 10, United States Code,"; and

(B) by striking "sections 4343, 6956, and 9343 of title 10, United States Code" and inserting "sections 7443, 8456, and 9443 of such title".

(8) Section 323 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 4551 note) is amended by striking "section 4551(2)" and inserting "section 7551(2)".

(9) Section 343 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 4554 note) is amended by striking "section 4554(a)(3)(A)" and inserting "section 7554(a)(3)(A)".

(10) Section 589(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 7049 note) is amended by striking "sections 7049(a) and 9314a(a)" and inserting "sections 8549(a) and 9414a(a)".

(11) Section 131(d) of the National Defense Authorization Act for Fiscal Year (Public Law 115-91; 10 U.S.C. 8062 note) is amended by striking "section 8062" and inserting "section 9062".

(12) Section 2 of Public Law 86-593 (10 U.S.C. 8744 note) is amended by striking "sections 8744(a) and 8750(b)" and inserting "sections 9274(a) and 9280(b)".

(c) TITLE 5, UNITED STATES CODE.—

(1) Section 5102(c) of title 5, United States Code, is amended—

(A) in paragraph (10)—

(i) by striking "section 1595, 4021, 7478, or 9021 of title 10" and inserting "section 1595, 7371, 8748, or 9371 of title 10";

(ii) by striking "sections 4338, 6952, and 9338, respectively, of title 10" and inserting "sections 7438, 8452, and 9438, respectively, of title 10";

(iii) by striking "section 7044 of title 10" and inserting "section 8544 of title 10"; and

(iv) by striking "section 7043 of title 10" and inserting "section 8543 of title 10"; and

(B) in paragraph (28), by striking "section 9314 of title 10" and inserting "section 9414 of title 10".

(2) Section 504(c) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 5 U.S.C. 5102 note), is amended by striking "Section 9314(b)(2) of title 10, United States Code" and inserting "Section 9414(b)(2) of title 10, United States Code".

(3) Section 5514(c) of title 5, United States Code, is amended by striking "section 4837(d) or 9837(d) of title 10" and inserting "section 7837(d) or 9837(d) of title 10".

(4) Section 8150(b) of title 5, United States Code, is amended by striking "section 9441 of title 10" and inserting "section 9491 of title 10".

(d) LAWS CLASSIFIED IN TITLE 7, UNITED STATES CODE.—The 7th proviso in the paragraph under the heading **"SALARIES"** in the Department of Agriculture Appropriation Act, 1937 (7 U.S.C. 2238), is amended by striking "the Act of March 3, 1879 (20 Stat. 412)" and inserting "section 7655 of title 10, United States Code".

(e) TITLE 18, UNITED STATES CODE.—

(1) Section 704 of title 18, United States Code, is amended—

(A) in subsection (c)(2)—

(i) by striking "section 3741, 6241, or 8741 of title 10" in subparagraph (A) and inserting "section 7271, 8291, or 9271 of title 10";

(ii) by striking "section 3754, 6256, or 8754 of title 10" in subparagraph (B) and inserting "section 7284, 8306, or 9284 of title 10"; and

(iii) by striking "section 3747, 6253, or 8747 of title 10" in subparagraph (C) and inserting "section 7277, 8303, or 9277 of title 10"; and

(B) in subsection (d)(1)—

(i) by striking "section 3742 of title 10" and inserting "section 7272 of title 10";

(ii) by striking "section 6242 of title 10" and inserting "section 8292 of title 10";

(iii) by striking "section 8742 of section 10" and inserting "section 9272 of title 10"; and

(iv) by striking "section 3746, 6244, or 8746 of title 10" and inserting "section 7276, 8294, or 9276 of title 10".

(2) [18 U.S.C. 921] Section 921(a)(4) of such titleis amended by striking "section 4684(2), 4685, or 4686 of title 10" in the matter after subparagraph (C) and inserting "section 7684(2), 7685, or 7686 of title 10"

(3) Section 925(d)(1) of such title is amended by striking "chapter 401 of title 10" and inserting "chapter 751 of title 10".

(f) LAWS CLASSIFIED IN TITLE 22, UNITED STATES CODE.—Section 44 of the Arms Export Control Act (22 U.S.C. 2793) is amend-

ed by striking "section 7307 of title 10 of the United States Code" and inserting "section 8677 of title 10, United States Code".

(g) LAWS CLASSIFIED IN TITLE 24, UNITED STATES CODE.—Section 1520(a) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 420(a)) is amended by striking "sections 4712(f) and 9712(f) of title 10, United States Code" in the matter before paragraph (1) and inserting "sections 7712(f) and 9712(f) of title 10, United States Code".

(h) LAWS CLASSIFIED IN TITLE 26, UNITED STATES CODE.—

(1) [26 U.S.C. 170] Section 170(p)(6) of the Internal Revenue Code of 1986 is amended by striking "section 6973 of title 10, United States Code" and inserting "section 8473 of title 10, United States Code".

(2) Section 2055(g) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (4), by striking "section 7222 of title 10, United States Code" and inserting "section 8622 of title 10, United States Code";

(B) in paragraph (9), by striking "section 6973 of title 10, United States Code" and inserting "section 8473 of title 10, United States Code"; and

(C) in paragraph (10), by striking "section 6974 of title 10, United States Code" and inserting "section 8474 of title 10, United States Code".

(3) Section 5845(f) of the Internal Revenue Code of 1986 is amended by striking "section 4684(2), 4685, or 4686 of title 10 of the United States Code" and inserting "section 7684(2), 7685, or 7686 of title 10, United States Code".

(i) LAWS CLASSIFIED IN TITLE 30, UNITED STATES CODE.—

(1) Section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)) is amended by striking "the Act of June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252)" before the period at the end of the first sentence and inserting "section 8733(b) of title 10, United States Code".

(2) Section 4 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 353) is amended by striking "the Act of June 30, 1938 (32 Stat. 1252), amending the Act of June 4, 1920 (41 Stat. 813)" before the period at the end and inserting "chapter 869 of title 10, United States Code".

(j) TITLE 32, UNITED STATES CODE.—Section 113(b)(1)(A) of title 32, United States Code, is amended by striking "section 3013(b) of title 10" and inserting "section 7013(b) of title 10".

(k) LAWS CLASSIFIED IN TITLE 33, UNITED STATES CODE.—

(1) Section 902(c)(2) of the Oceans and Human Health Act (33 U.S.C. 3101(c)(2)) is amended by striking "(10 U.S.C. 7902(a))" and inserting "(10 U.S.C. 8932(a))".

(2) Section 12406(a)(3) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3705(a)(3)) is amended by striking "section 7901 of title 10, United States Code" and inserting "section 8931 of title 10, United States Code".

(l) TITLE 36, UNITED STATES CODE.—

(1) Section 903(b) of title 36, United States Code, is amended by striking "sections 3755, 6257, and 8755 of title 10" and inserting "sections 7285, 8307, and 9285 of title 10".

(2) Section 40303(b) of such title is amended by striking "section 9447 of title 10" and inserting "section 9497 of title 10".

(m) TITLE 37, UNITED STATES CODE.—

(1) Section 207(c) of title 37, United States Code, is amended by striking "section 6222 of title 10" and inserting "section 8287 of title 10".

(2) Section 301a(a)(6)(D) of such title is amended by striking "section 6911 of title 10" and inserting "section 8411 of title 10".

(3) Section 334(h)(4) of such title is amended by striking "section 6911 of title 10" and inserting "section 8411 of title 10".

(4) Section 424(c) of such title is amended by striking "section 6222 of title 10" and inserting "section 8287 of title 10".

(n) TITLE 38, UNITED STATES CODE.—

(1) The following provisions of chapter 17 of title 38, United States Code, are amended by striking "section 3741, 6241, or 8741 of title 10" and inserting "section 7271, 8291, or 9271 of title 10":

(A) Section 1705(a)(1).

(B) Section 1710(a)(2)(D).

(C) Section 1710B(c)(2)(D).

(D) Section 1722A(a)(3)(D).

(2) Section 2306(d)(5) of such title is amended by striking "section 3741, 6241, or 8741 of title 10" in subparagraphs (C)(iii) and (D) and inserting "section 7271, 8291, or 9271 of title 10".

(3) [38 U.S.C. 3311] Section 3311(d)(2) of such titleis amended by striking "section 4348, 6959, or 9348 of title 10" and inserting "section 7448, 8459, or 9448 of title 10".

(n) LAWS CLASSIFIED IN TITLE 42, UNITED STATES CODE.—

(1) Section 106 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506) is amended by striking "section 7430 of title 10, United States Code" and inserting "section 8730 of title 10, United States Code".

(2) Section 3022 of the Solid Waste Disposal Act (42 U.S.C. 6939d) is amended—

(A) in subsection (c)(2), by striking "section 7293 and sections 7304 through 7308 of title 10, United States Code" and inserting "section 8663 and sections 8674 through 8678 of title 10, United States Code"; and

(B) in subsection (d), by striking "section 7311 of title 10, United States Code" and inserting "section 8681 of title 10, United States Code".

(3) The Department of Energy Organization Act is amended—

(A) in section 307 (42 U.S.C. 7156), by striking "chapter 641 of title 10, United States Code" in the matter before paragraph (1) and inserting "chapter 869 of title 10, United States Code"; and

(B) in section 625(a) (42 U.S.C. 7235(a)), by striking "chapter 641 of title 10, United States Code" and inserting "chapter 869 of title 10, United States Code".

(4) Section 102(f)(3) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(f)(3)) is amended by striking "(10 U.S.C. 7420 note; Public Law 105-261)" in the matter before subparagraph (A) and inserting "(10 U.S.C. 8720 note; Public Law 105-261)".

(p) LAWS CLASSIFIED IN TITLE 43, UNITED STATES CODE.—Section 2(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601(e)) is amended by striking "sections 7421 through 7438 of title 10 of the United States Code" and inserting "sections 8721 through 8738 of title 10, United States Code,".

(q) TITLE 46, UNITED STATES CODE.—Section 57100(d)(1) of title 46, United States Code, is amended by striking "section 7310 of title 10, United States Code," and inserting "section 8680 of title 10".

(r) LAWS CLASSIFIED IN TITLE 50, UNITED STATES CODE.—Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 3095(a)(2)(B)(i)) is amended by striking "(including a law enacted pursuant to section 7307(a) of that title)" and inserting "(including a law enacted pursuant to section 8677(a) of title 10)".

(s) TITLE 54, UNITED STATES CODE.—Section 303102 of title 54, United States Code, is amended by striking "section 7433(b) of title 10" and inserting "section 8733(b) of title 10".

(t) [10 U.S.C. 7001 note] DEEMING RULE FOR OTHER REFERENCES.—Any reference in a provision of law (other than a provision amended by this section) to a section or chapter redesignated by this part shall be deemed to refer to the section or chapter as so redesignated.

PART III—REPEALS OF CERTAIN PROVISIONS OF DEFENSE ACQUISITION LAW

SEC. 811. AMENDMENT TO AND REPEAL OF STATUTORY REQUIREMENTS FOR CERTAIN POSITIONS OR OFFICES IN THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT RELATING TO DIRECTOR OF CORROSION POLICY AND OVERSIGHT.—Section 2228(a) of title 10, United States Code, is amended—

(1) by striking ", Technology, and Logistics" and inserting "and Sustainment" both places it appears; and

(2) by striking "The Director shall report directly to the Under Secretary" at the end of paragraph (2).

(b) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE OF TECHNOLOGY TRANSITION.—

(1) REPEAL.—Section 2515 of title 10, United States Code, is repealed.

(2) [10 U.S.C. 2511] CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 148 of such titleis amended by striking the item relating to section 2515.

(c) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE FOR FOREIGN DEFENSE CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT.—

(1) REPEAL.—Section 2517 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 148 of such title is amended by striking the item relating to section 2517.

(d) REPEAL OF STATUTORY REQUIREMENT FOR DEFENSE LOGISTICS AGENCY ADVOCATE FOR COMPETITION.—

(1) REPEAL.—Section 2318 of title 10, United States Code, is amended—

(A) by striking subsection (a); and

(B) by striking "(b)" before "Each advocate".

(2) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) by striking "advocate for competition of" and inserting "advocate for competition designated pursuant to section 1705(a) of title 41 for"; and

(B) by striking "a grade GS-16 or above under the General Schedule (or in a comparable or higher position under another schedule)" and inserting "in a position classified above GS-15 pursuant to section 5108 of title 5".

(e) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF INDIVIDUAL TO SERVE AS PRIMARY LIAISON BETWEEN THE PROCUREMENT AND RESEARCH AND DEVELOPMENT ACTIVITIES OF THE UNITED STATES ARMED FORCES AND THOSE OF THE STATE OF ISRAEL.—Section 1006 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2040; 10 U.S.C. 133a note) is repealed.

(f) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL TO COORDINATE AND MANAGE HUMAN SYSTEMS INTEGRATION ACTIVITIES RELATED TO ACQUISITION PROGRAMS.—Section 231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 45; 10 U.S.C. 1701 note) is amended—

(1) by striking "(a) In General.—"; and

(2) by striking subsections (b), (c), and (d).

(g) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.—Section 902 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1865; 10 U.S.C. 2302 note) is repealed.

(h) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR DUAL-USE PROJECTS UNDER DUAL-USE SCIENCE AND TECHNOLOGY PROGRAM.—Section 203 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 2511 note) is amended by striking subsection (c).

(i) [10 U.S.C. 2228 note] SUBMISSION OF NOTICE AND PLAN TO CONGRESS.—Not less than 30 days before reorganizing, restructuring, or eliminating any position or office specified in this section, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of such reorga-

nization, restructuring, or elimination together with a plan to ensure that mission requirements are met and appropriate oversight is conducted in carrying out such reorganization, restructuring, or elimination. Such plan shall address how user needs will be met and how associated roles and responsibilities will be accomplished for each position or office that the Secretary determines requiring reorganization, restructuring, or elimination.

SEC. 812. REPEAL OF CERTAIN DEFENSE ACQUISITION LAWS.

(a) TITLE 10, UNITED STATES CODE.—

(1) SECTION 167A.—

(A) REPEAL.—Section 167a of title 10, United States Code, is repealed.

(B) [10 U.S.C. 161] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such titleis amended by striking the item relating to section 167a.

(C) CONFORMING AMENDMENT.—Section 905(a)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 133a note) is amended by striking "166b, 167, or 167a" and inserting "166b or 167".

(2) SECTION 2323.—

(A) REPEAL.—Section 2323 of title 10, United States Code, is repealed.

(B) [10 U.S.C. 2301] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such titleis amended by striking the item relating to section 2323.

(C) CONFORMING AMENDMENTS.—

(i) Section 853(c) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 2302 note) is amended by striking "section 2323 of title 10, United States Code, and".

(ii) Section 831(n) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended—

(I) in paragraph (4), by inserting ", as in effect on March 1, 2018" after "section 2323 of title 10, United States Code"; and

(II) in paragraph (6), by striking "section 2323 of title 10, United States Code, and".

(iii) Section 8304(1) of the Federal Acquisition Streamlining Act of 1994 (10 U.S.C. 2375 note) is amended by striking "section 2323 of title 10, United States Code, or".

(iv) Section 10004(a)(1) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 1122 note) is amended by striking "section 2323 of title 10, United States Code, or".

(v) Section 2304(b)(2) of title 10, United States Code, is amended by striking "and concerns other than" and all that follows through "this title".

(vi) Section 2304e(b) of title 10, United States Code, is amended—

(I) by striking "other than—" and all that follows through "small" and inserting "other than small";

(II) by striking "; or" and inserting a period; and

(III) by striking paragraph (2).

(vii) Section 2323a(a) of title 10, United States Code, is amended by striking "section 2323 of this title and".

(viii) Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(I) in subsection (j)(3), by striking "section 2323 of title 10, United States Code,";

(II) in subsection (k)(10)—

(aa) by striking "or section 2323 of title 10, United States Code," and all that follows through "subsection (m),"; and

(bb) by striking "subsection (a)," and inserting "subsection (a) or"; and

(III) by amending subsection (m) to read as follows:

"(m) ADDITIONAL DUTIES OF PROCUREMENT CENTER REPRESENTATIVES.—All procurement center representatives (including those referred to in subsection (k)(6)), in addition to such other duties as may be assigned by the Administrator, shall increase, insofar as possible, the number and dollar value of procurements that may be used for the programs established under this section and section 8(a).".

(ix) Section 1902(b)(1) of title 41, United States Code, is amended by striking ", section 2323 of title 10,".

(3) SECTION 2332.—

(A) REPEAL.—Section 2332 of title 10, United States Code, is repealed.

(B) [10 U.S.C. 2301] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such titleis amended by striking the item relating to section 2332.

(b) OTHER PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 934 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2223a note).

(2) Section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2223a note).

(3) Section 804 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2302 note).

(4) Section 829 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2302 note).

(5) Section 818(g) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 2302 note).

(6) Section 815(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note).

(7) Section 141 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 2302 note).

(8) Section 801(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 2302 note).

(9) Section 352 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2302 note).

(10) Section 9004 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165; 10 U.S.C. 2302 note).

(11) Section 802 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2304 note).

(12) Section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2304 note).

(13) Section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 2304 note).

(14) Section 927(b) of Public Laws 99-500, 99-591, and 99-661 (10 U.S.C. 2304 note).

(15) Section 1222(b) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 10 U.S.C. 2304 note).

(16) Section 814(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2304a note).

(17) Section 834 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2304b note).

(18) Section 803 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 10 U.S.C. 2306a note).

(19) Section 1075 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 2315 note).

(20) Section 818 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 2324 note).

(21) Sections 908(a), (b), (c), and (e) of Public Laws 99-500, 99-591, and 99-661 (10 U.S.C. 2326 note).

(22) Section 807 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 2330 note).

(23) Section 808(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2330 note).

(24) Section 812(b)-(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2330 note).

(25) Section 801(d)-(f) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2330 note).

(26) Section 802 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2330 note).

(27) Section 831 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2330a note).

(28) Section 1032 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note).

(29) Section 241 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note).

(30) Section 913(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2364 note).

(31) Sections 234(a) and (b) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 10 U.S.C. 2364 note).

(32) Section 943(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2366a note).

(33) Section 801 of the National Defense Authorization Act for Fiscal Year 1990 (Public Law 101-189; 10 U.S.C. 2399 note).

(34) Section 8133 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 10 U.S.C. 2401a note).

(35) Section 807(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2410p note).

(36) Section 1058 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 2430 note).

(37) Section 838 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2430 note).

(38) Section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2430 note).

(39) Section 833 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2430 note).

(40) Section 839 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2430 note).

(41) Section 819 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 2430 note).

(42) Section 5064 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 10 U.S.C. 2430 note).

(43) Section 803 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 2430 note).

(44) Section 328 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2458 note).

(45) Section 347 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 10 U.S.C. 2458 note).

(46) Section 349 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 10 U.S.C. 2458 note).

(47) Section 395 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 2458 note).

(48) Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 2461 note).

(49) Section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 2461 note).

(50) Section 353(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 2461 note).

(51) Section 353(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 2461 note).

(52) Section 356 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 2461 note).

(53) Section 1010 of the USA Patriot Act of 2001 (Public Law 107-56; 10 U.S.C. 2465 note).

(54) Section 4101 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2500 note).

(55) Section 852 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 2504 note).

(56) Section 823 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 2521 note).

(57) Section 823 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2533b note).

(58) Section 804(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2533b note).

(59) Section 842(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2533b note).

(60) Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 10 U.S.C. 4551 note).

SEC. 813. REPEAL OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) SECTION 231A.—

(A) REPEAL.—Section 231a is repealed.

(B) [10 U.S.C. 221] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9is amended by striking the item relating to section 231a.

(2) SECTION 2276.—Section 2276 is amended by striking subsection (e).

(b) NDAA FOR FY 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended—

(1) in section 911(f) (10 U.S.C. 2271 note)—

(A) in the subsection heading, by striking "; Biennial Update";

(B) in paragraph (3), by striking ", and each update required by paragraph (2),"; and

(C) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(2) [10 U.S.C. 272 note] in section 1034—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(c) NDAA FOR FY 2009.—Section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2366b note) is amended—

(1) in the subsection heading, by striking "Bandwidth" and all that follows through "The Secretary" and inserting "Bandwidth Requirements.—The Secretary"; and

(2) by striking paragraph (2).

(d) NDAA FOR FY 2010.—Section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 22 U.S.C. 1928 note) is amended by striking subsection (d).

(e) NDAA FOR FY 2011.—Section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 22 U.S.C. 7513 note) is amended by striking subsection (i).

(f) NDAA FOR FY 2013.—Section 524 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1723; 10 U.S.C. 1222 note) is amended by striking subsection (c).

(g) NDAA FOR FY 2015.—Section 1026(d) of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3490) is repealed.

(h) MILITARY CONSTRUCTION AUTHORIZATION ACT, 1982.—Section 703 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1376) is amended by striking subsection (g).

(i) CONFORMING AMENDMENTS.—

(1) NDAA FOR FY 2017.—Section 1061 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note) is amended—

(A) in subsection (c), by striking paragraphs (16) and (41);

(B) in subsection (d), by striking paragraph (3);

(C) in subsection (f), by striking paragraph (1);

(D) in subsection (g), by striking paragraph (3);

(E) in subsection (h), by striking paragraph (3); and

(F) in subsection (i), by striking paragraphs (15), (17), and (24).

(2) NDAA FOR FY 2000.—Section 1031 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 749; 31 U.S.C. 1113 note) is amended by striking paragraph (32).

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

SEC. 816. MODIFICATION OF LIMITATIONS ON SINGLE SOURCE TASK OR DELIVERY ORDER CONTRACTS.

Section 2304a(d)(3)(A) of title 10, United States Code, is amended by striking "reasonably perform the work" and inserting "efficiently perform the work".

SEC. 817. PRELIMINARY COST ANALYSIS REQUIREMENT FOR EXERCISE OF MULTIYEAR CONTRACT AUTHORITY.

Section 2306b(i)(2)(B) of title 10, United States Code, is amended—

(1) by striking "made after the completion of a cost analysis" and inserting "supported by a preliminary cost analysis"; and

(2) by striking "for the purpose of section 2334(e)(1) of this title, and that the analysis supports those preliminary findings".

SEC. 818. REVISION OF REQUIREMENT TO SUBMIT INFORMATION ON SERVICES CONTRACTS TO CONGRESS.

(a) REVISION.—Section 2329(b) of title 10, United States Code, is amended—

(1) by striking "October 1, 2022" and inserting "October 1, 2021"; and

(2) in paragraph (1)—

(A) by striking "at or about" and inserting "at or before"; and

(B) by inserting "or on the date on which the future-years defense program is submitted to Congress under section 221 of this title" after "title 31";

(3) in paragraph (3), by striking "and" at the end;

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

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

"(5) be included in the future-years defense program submitted to Congress under section 221 of this title.".

(b) BRIEFING REQUIREMENT ON SERVICES CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the requirements of section 2329(b) of title 10, United States Code, are met, the Under Secretary of Defense (Comptroller) and Director of Cost Assessment and Program Evaluation shall brief the congressional defense committees on the

progress of Department of Defense efforts to meet the requirements of such section, including relevant information on the methodology and implementation plans for future compliance.

SEC. 819. DATA COLLECTION AND INVENTORY FOR SERVICES CONTRACTS.

Section 2330a of title 10, United States Code, is amended in subsection (c)(1)—

(1) by inserting "and contracts closely associated with inherently governmental functions" after "staff augmentation contracts"; and

(2) by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "Under Secretary of Defense for Acquisition and Sustainment".

SEC. 820. REPORT ON CLARIFICATION OF SERVICES CONTRACTING DEFINITIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report clarifying the definitions of and relationships between terms used by the Department of Defense related to services contracting, including the appropriate use of personal services contracts and nonpersonal services contracts, and the responsibilities of individuals in the acquisition workforce with respect to such contracts.

SEC. 821. INCREASE IN MICRO-PURCHASE THRESHOLD APPLICABLE TO DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2338 of title 10, United States Code, is amended by striking "Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000" and inserting "The micro-purchase threshold for the Department of Defense is $10,000".

(b) CONFORMING AMENDMENT.—Section 1902(a)(1) of title 41, United States Code, is amended by striking "sections 2338 and 2339 of title 10 and".

(c) REPEAL OF OBSOLETE AUTHORITY.—

(1) IN GENERAL.—Section 2339 of title 10, United States Code, is repealed.

(2) [10 U.S.C. 2301] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking the item relating to section 2339.

SEC. 822. [10 U.S.C. 2302 note] DEPARTMENT OF DEFENSE CONTRACTING DISPUTE MATTERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a study of the frequency and effects of bid protests involving the same contract award or proposed award that have been filed at both the Government Accountability Office and the United States Court of Federal Claims. The study shall cover Department of Defense contracts and include, at a minimum—

(1) the number of protests that have been filed with both tribunals and results;

(2) the number of such protests where the tribunals differed in denying or sustaining the action;

(3) the length of time, in average time and median time—

(A) from initial filing at the Government Accountability Office to decision in the United States Court of Federal Claims;

(B) from filing with each tribunal to decision by such tribunal;

(C) from the time at which the basis of the protest is known to the time of filing in each tribunal; and

(D) in the case of an appeal from a decision of the United States Court of Federal Claims, from the date of the initial filing of the appeal to decision in the appeal;

(4) the number of protests where performance was stayed or enjoined and for how long;

(5) if performance was stayed or enjoined, whether the requirement was obtained in the interim through another vehicle or in-house, or whether during the period of the stay or enjoining the requirement went unfulfilled;

(6) separately for each tribunal, the number of protests where performance was stayed or enjoined and monetary damages were awarded, which shall include for how long performance was stayed or enjoined and the amount of monetary damages;

(7) whether the protestor was a large or small business; and

(8) whether the protestor was the incumbent in a prior contract for the same or similar product or service.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the results of the study, along with related recommendations for improving the expediency of the bid protest process. In preparing the report, the Secretary shall consult with the Attorney General of the United States, the Comptroller General of the United States, and the United States Court of Federal Claims.

(c) ONGOING DATA COLLECTION.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall establish and continuously maintain a data repository to collect on an ongoing basis the information described in subsection (a) and any additional relevant bid protest data the Secretary determines necessary and appropriate to allow the Department of Defense, the Government Accountability Office, and the United States Court of Federal Claims to assess and review bid protests over time.

(d) ESTABLISHMENT OF EXPEDITED PROCESS FOR SMALL VALUE CONTRACTS.—

(1) IN GENERAL.—Not later than December 1, 2019, the Secretary of Defense shall develop a plan and schedule for an expedited bid protest process for Department of Defense contracts with a value of less than $100,000.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary of Defense may consult with the Government Accountability Office and the United States Court of Federal Claims to the extent such entities may establish a similar process at their election.

(3) REPORT.—Not later than May 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on the plan and schedule for implementation of the expedited bid protest process, which shall include a request for any additional authorities the Secretary determines appropriate for such efforts.

SEC. 823. [10 U.S.C. 2305 note] INCLUSION OF BEST AVAILABLE INFORMATION REGARDING PAST PERFORMANCE OF SUBCONTRACTORS AND JOINT VENTURE PARTNERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Federal Acquisition Regulatory Council and the Administrator for Federal Procurement Policy, shall develop policies for the Department of Defense to ensure the best information regarding past performance of certain subcontractors and joint venture partners is available when awarding Department of Defense contracts. The policies shall include proposed revisions to the Defense Federal Acquisition Regulation Supplement as follows:

(1) Required performance evaluations, as part of a government-wide evaluation reporting tool, for first-tier subcontractors on construction and architect-engineer contracts performing a portion of the contract valued at the threshold set forth in section 42.1502(e) of the Federal Acquisition Regulation, or 20 percent of the value of the prime contract, whichever is higher, provided—

(A) the information included in rating the subcontractor is not inconsistent with the information included in the rating for the prime contractor;

(B) the subcontractor evaluation is conducted consistent with the provisions of section 42.15 of the Federal Acquisition Regulation;

(C) negative evaluations of a subcontractor in no way obviate the prime contractor's responsibility for successful completion of the contract and management of its subcontractors; and

(D) that in the judgment of the contracting officer, the overall execution of the work is impacted by the performance of the subcontractor or subcontractors.

(2) Required performance evaluations, as part of a government-wide evaluation reporting tool, of individual partners of joint venture-awarded construction and architect-engineer contracts valued at the threshold set forth in section 42.1502(e) of the Federal Acquisition Regulation, to ensure that past performance on joint venture projects is considered in future awards to individual joint venture partners, provided—

(A) at a minimum, the rating for joint ventures includes an identification that allows the evaluation to be retrieved for each partner of the joint venture;

(B) each partner, through the joint venture, is given the same opportunity to submit comments, rebutting statements, or additional information, consistent with the provisions of section 42.15 of the Federal Acquisition Regulation; and

(C) the rating clearly identifies the responsibilities of joint venture partners for discrete elements of the work where the partners are not jointly and severally responsible for the project.

(3) Processes to request exceptions from the annual evaluation requirement under section 42.1502(a) of the Federal Acquisition Regulation for construction and architect-engineer contracts where submission of the annual evaluations would not provide the best representation of the performance of a contractor, including subcontractors and joint venture partners, including—

(A) where no severable element of the work has been completed;

(B) where the contracting officer determines that—

(i) an insubstantial portion of the contract work has been completed in the preceding year; and

(ii) the lack of performance is at no fault to the contractor; or

(C) where the contracting officer determines that there is an issue in dispute which, until resolved, would likely cause the annual rating to inaccurately reflect the past performance of the contractor.

SEC. 824. SUBCONTRACTING PRICE AND APPROVED PURCHASING SYSTEMS.

(a) AMENDMENT.—Section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2302 note) is amended—

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

"(5) The term 'approved purchasing system' has the meaning given the term in section 44.101 of the Federal Acquisition Regulation (or any similar regulation).."; and

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

"(i) CONSENT TO SUBCONTRACT.—If the contractor on a Department of Defense contract requiring a contracting officer's written consent prior to the contractor entering into a subcontract has an approved purchasing system, the contracting officer may not withhold such consent without the written approval of the program manager.".

(b) [10 U.S.C. 2302 note] CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Federal Acquisition Regulation Supplement to conform with the amendments to section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2302 note) made by this section.

SEC. 825. MODIFICATION OF CRITERIA FOR WAIVERS OF REQUIREMENT FOR CERTIFIED COST AND PRICE DATA.

Section 817(b)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2306a note) is amended by striking "; and" and inserting "; or".

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. REVISIONS IN AUTHORITY RELATING TO PROGRAM COST TARGETS AND FIELDING TARGETS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVISIONS IN AUTHORITY RELATING TO PROGRAM COST AND FIELDING TARGETS.—Section 2448a of title 10, United States Code, is amended—

(1) in subsection (a), by striking "Secretary of Defense" and inserting "designated milestone decision authority for the program";

(2) by striking "the milestone decision authority for the major defense acquisition program approves a program that" and inserting "the program";

(3) by striking subsection (b); and

(4) by redesignating subsection (c) as subsection (b).

(b) CONFORMING AMENDMENTS.—

(1) Section 181(b) of title 10, United States Code, is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively.

(2) Section 2366a(c)(1)(A) of such title is amended by striking "by the Secretary of Defense".

(3) Section 2366b of such title is amended—

(A) in subsection (a)(3)(D), by striking "Secretary of Defense after a request for such increase or delay by the"; and

(B) in subsection (c)(1)(A), by striking "by the Secretary of Defense".

(4) Section 925(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2361; 10 U.S.C. 2448a note) is amended by striking "Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff" and inserting "designated milestone decision authority for the major defense acquisition program and the Vice Chief of Staff of the armed force concerned or, in the case of a program for which an alternate milestone decision authority is designated under section 2430(d)(2) of such title, the Vice Chairman of the Joint Chiefs of Staff".

SEC. 832. [10 U.S.C. 2443 note] IMPLEMENTATION OF RECOMMENDATIONS OF THE INDEPENDENT STUDY ON CONSIDERATION OF SUSTAINMENT IN WEAPONS SYSTEMS LIFE CYCLE.

(a) IMPLEMENTATION REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall, except as provided under subsection (b), commence im-

plementation of each recommendation submitted as part of the independent assessment produced under section 844 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2290).

(b) EXCEPTIONS.—

(1) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described under subsection (a) later than the date required under such subsection if the Secretary provides the congressional defense committees with a specific justification for the delay in implementation of such recommendation.

(2) NONIMPLEMENTATION.—The Secretary of Defense may opt not to implement a recommendation described under subsection (a) if the Secretary provides to the congressional defense committees—

(A) the reasons for the decision not to implement the recommendation; and

(B) a summary of the alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(c) IMPLEMENTATION PLANS.—For each recommendation that the Secretary is implementing, or that the Secretary plans to implement, the Secretary shall submit to the congressional defense committees—

(1) a summary of actions that have been taken to implement the recommendation; and

(2) a schedule, with specific milestones, for completing the implementation of the recommendation.

SEC. 833. COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND RELATED INITIATIVES.

(a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2229b. [10 U.S.C. 2229b] COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND INITIATIVE

"(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall submit to the congressional defense committees an annual assessment of selected acquisition programs and initiatives of the Department of Defense by March 30th of each year from 2020 through 2023.

"(b) ANALYSES TO BE INCLUDED.—The assessment required under subsection (a) shall include—

"(1) a macro analysis of how well acquisition programs and initiatives are performing and reasons for that performance;

"(2) a summary of organizational and legislative changes and emerging assessment methodologies since the last assessment, and a discussion of the implications for execution and oversight of programs and initiatives; and

"(3) specific analyses of individual acquisition programs and initiatives.

"(c) ACQUISITION PROGRAMS AND INITIATIVES TO BE CONSIDERED.—The assessment required under subsection (a) shall consider the following programs and initiatives:

"(1) Selected weapon systems, as determined appropriate by the Comptroller General.

"(2) Selected information technology systems and initiatives, including defense business systems, networks, and software-intensive systems, as determined appropriate by the Comptroller General.

"(3) Selected prototyping and rapid fielding activities and initiatives, as determined appropriate by the Comptroller General.".

(b) [10 U.S.C. 2201] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by inserting after the item relating to section 2229a the following new item:

"2229b. Comptroller General assessment of acquisition programs and related initiatives.".

(c) [10 U.S.C. 2222 note] REPEAL OF SUPERSEDED AUTHORITY.—Section 883(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2222 note) is amended by striking paragraph (1), effective on January 1, 2020.

Subtitle D—Provisions Relating to Commercial Items

SEC. 836. REVISION OF DEFINITION OF COMMERCIAL ITEM FOR PURPOSES OF FEDERAL ACQUISITION STATUTES.

(a) DEFINITIONS IN CHAPTER 1 OF TITLE 41, UNITED STATES CODE.—

(1) SEPARATION OF "COMMERCIAL ITEM" DEFINITION INTO DEFINITIONS OF "COMMERCIAL PRODUCT" AND "COMMERCIAL SERVICE".—Chapter 1 of title 41, United States Code, is amended by striking section 103 and inserting the following new sections:

"SEC. 103. [41 U.S.C. 103] COMMERCIAL PRODUC

In this subtitle, the term 'commercial product' means any of the following:

"(1) A product, other than real property, that—

"(A) is of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes; and

"(B) has been sold, leased, or licensed, or offered for sale, lease, or license, to the general public.

"(2) A product that—

"(A) evolved from a product described in paragraph (1) through advances in technology or performance; and

"(B) is not yet available in the commercial marketplace but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Federal Government solicitation.

"(3) A product that would satisfy the criteria in paragraph (1) or (2) were it not for—

"(A) modifications of a type customarily available in the commercial marketplace; or

"(B) minor modifications made to meet Federal Government requirements.

"(4) Any combination of products meeting the requirements of paragraph (1), (2), or (3) that are of a type customarily combined and sold in combination to the general public.

"(5) A product, or combination of products, referred to in paragraphs (1) through (4), even though the product, or combination of products, is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.

"(6) A nondevelopmental item if the procuring agency determines, in accordance with conditions in the Federal Acquisition Regulation, that—

"(A) the product was developed exclusively at private expense; and

"(B) has been sold in substantial quantities, on a competitive basis, to multiple State and local governments or to multiple foreign governments.

"SEC. 103a. [41 U.S.C. 103a] COMMERCIAL SERVIC

In this subtitle, the term 'commercial service' means any of the following:

"(1) Installation services, maintenance services, repair services, training services, and other services if—

"(A) those services are procured for support of a commercial product, regardless of whether the services are provided by the same source or at the same time as the commercial product; and

"(B) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government;

"(2) Services of a type offered and sold competitively, in substantial quantities, in the commercial marketplace—

"(A) based on established catalog or market prices;

"(B) for specific tasks performed or specific outcomes to be achieved; and

"(C) under standard commercial terms and conditions.

"(3) A service described in paragraph (1) or (2), even though the service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.".

(2) CONFORMING AMENDMENTS TO TITLE 41 DEFINITIONS.—

(A) DEFINITION OF COMMERCIAL COMPONENT.—Section 102 of such title is amended by striking "commercial item" and inserting "commercial product".

(B) DEFINITION OF COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM.—Section 104(1)(A) of such title is amended by striking "commercial item" and inserting "commercial product".

(C) DEFINITION OF NONDEVELOPMENTAL ITEM.—Section 110(1) of such title is amended by striking "commercial item" and inserting "commercial product".

(3) [41 U.S.C. 101] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 41, United States

Code, is amended by striking the item relating to section 103 and inserting the following new items:

"103. Commercial product.
"103a. Commercial service.".

(b) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF TITLE 41, UNITED STATES CODE.—Title 41, United States Code, is further amended as follows:

(1) Section 1502(b) is amended—

(A) in paragraph (1)(A), by striking "commercial items" and inserting "commercial products or commercial services";

(B) in paragraph (1)(C)(i), by striking "commercial item" and inserting "commercial product or commercial service"; and

(C) in paragraph (3)(A)(i), by striking "commercial items" and inserting "commercial products or commercial services".

(2) [41 U.S.C. 1705] Section 1705(c)is amended by striking "commercial items" and inserting "commercial products and commercial services".

(3) Section 1708 is amended by striking "commercial items" in subsections (c)(6) and (e)(3) and inserting "commercial products or commercial services".

(4) Section 1901 is amended—

(A) in subsection (a)(2), by striking "commercial items" and inserting "commercial products or commercial services"; and

(B) in subsection (e)—

(i) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products and Commercial Services"; and

(ii) by striking "commercial items" and inserting "commercial products or commercial services".

(5) Section 1903(c) is amended—

(A) in the subsection heading, by striking "Commercial Item" and inserting "Commercial Product or Commercial Service";

(B) in paragraph (1), by striking "as a commercial item" and inserting "as a commercial product or a commercial service"; and

(C) in paragraph (2), by striking "for an item or service treated as a commercial item" and inserting "for a product or service treated as a commercial product or a commercial service".

(6)(A) Section 1906 is amended by striking "commercial items" each place it appears in subsections (b), (c), and (d) and inserting "commercial products or commercial services".

(B)(i) The heading of such section is amended to read as follows:

"SEC. 1906. LIST OF LAWS INAPPLICABLE TO PROCUREMENTS OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES".

(ii)

[41 U.S.C. 1901] The table of sections at the beginning of chapter 19 is amended by striking the item relating to section 1906 and inserting the following new item:

"1906. List of laws inapplicable to procurements of commercial products and commercial services.".

(7) Section 3304 is amended by striking "commercial item" in subsections (a)(5) and (e)(4)(B) and inserting "commercial product".

(8) Section 3305(a)(2) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(9) Section 3306(b) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(10)(A) Section 3307 is amended—

(i) in subsection (a)—

(I) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products and Commercial Services";

(II) in paragraph (1), by striking "commercial items" and inserting "commercial products and commercial services"; and

(III) in paragraph (2), by striking "a commercial item" and inserting "a commercial product or commercial service";

(ii) in subsection (b)—

(I) in paragraph (2), by striking "commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial products"; and

(II) in paragraph (3), by striking "commercial items and nondevelopmental items other than commercial items" and inserting "commercial services, commercial products, and nondevelopmental items other than commercial products";

(iii) in subsection (c)—

(I) in paragraphs (1) and (2), by striking "commercial items or nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or nondevelopmental items other than commercial products";

(II) in paragraphs (3) and (4), by striking "commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial products"; and

(III) in paragraphs (5) and (6), by striking "commercial items" and inserting "commercial products and commercial services";

(iv) in subsection (d)(2), by striking "commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial products"; and

(v) in subsection (e)—

(I) in paragraph (1), by inserting "103a, 104," after "sections 102, 103,";

(II) in paragraph (2)(A), by striking "commercial items" and inserting "commercial products or commercial services";

(III) in the first sentence of paragraph (2)(B), by striking "commercial end items" and inserting "end items that are commercial products";

(IV) in paragraphs (2)(B)(i), (2)(C)(i) and (2)(D), by striking "commercial items or commercial components" and inserting "commercial products, commercial components, or commercial services";

(V) in paragraph (2)(C), in the matter preceding clause (i), by striking "commercial items" and inserting "commercial products or commercial services";

(VI) in paragraph (4)(A), by striking "commercial items" and inserting "commercial products or commercial services";

(VII) in paragraph (4)(C)(i), by striking "commercial item, as described in section 103(5)" and inserting "commercial product, as described in section 103a(1)"; and

(VIII) in paragraph (5), by striking "items" each place it appears and inserting "products".

(B)(i)

[41 U.S.C. 3307] The heading of such sectionis amended to read as follows:

"SEC. 3307. PREFERENCE FOR COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES".

(ii)

[41 U.S.C. 3301] The table of sections at the beginning of chapter 33 is amended by striking the item relating to section 3307 and inserting the following new item:

"3307. Preference for commercial products and commercial services.".

(11) Section 3501 is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

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

(iii) in paragraph (2) (as so redesignated), by striking "commercial items" and inserting "commercial products or commercial services"; and

(B) in subsection (b)—

(i) by striking "item" in the heading for paragraph (1); and

(ii) by striking "commercial items" in paragraphs (1) and (2)(A) and inserting "commercial services".

(12) Section 3503 is amended—

(A) in subsection (a)(2), by striking "a commercial item" and inserting "a commercial product or a commercial service"; and

(B) in subsection (b)—

(i) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products or Commercial Services"; and

(ii) by striking "a commercial item" each place it appears and inserting "a commercial product or a commercial service".

(13) Section 3505(b) is amended by striking "commercial items" each place it appears and inserting "commercial products or commercial services".

(14) [41 U.S.C. 3509] Section 3509(b) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(15) Section 3704(c)(5) is amended by striking "commercial item" and inserting "commercial product".

(16) Section 3901(b)(3) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(17) Section 4301(2) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(18)(A) Section 4505 is amended by striking "commercial items" in subsections (a) and (c) and inserting "commercial products or commercial services".

(B)(i) The heading of such section is amended to read as follows:

"SEC. 4505. PAYMENTS FOR COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES".

(ii)

[41 U.S.C. 4501] The table of sections at the beginning of chapter 45 is amended by striking the item relating to section 4505 and inserting the following new item:

"4505. Payments for commercial products and commercial services.".

(19) Section 4704(d) is amended by striking "commercial items" both places it appears and inserting "commercial products or commercial services".

(20) Sections 8102(a)(1), 8703(d)(2), and 8704(b) are amended by striking "commercial items (as defined in section 103 of this title)" and inserting "commercial products or commercial services (as defined in sections 103 and 103a, respectively, of this title)".

(c) AMENDMENTS TO CHAPTER 137 OF TITLE 10, UNITED STATES CODE.—Chapter 137 of title 10, United States Code, is amended as follows:

(1) Section 2302(3) is amended—

(A) by redesignating subparagraphs (J), (K), and (L) as subparagraphs (K), (L), and (M); and

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

"(I) The term 'commercial product'.

"(J) The term 'commercial service'.".

(2) Section 2304 is amended—

(A) in subsections (c)(5) and (f)(2)(B), by striking "brand-name commercial item" and inserting "brand-name commercial product";

(B) in subsection (g)(1)(B), by striking "commercial items" and inserting "commercial products or commercial services"; and

(C) in subsection (i)(3), by striking "commercial items" and inserting "commercial products".

(3) Section 2305 is amended—

(A) in subsection (a)(2), by striking "commercial items" and inserting "commercial products or commercial services"; and

(B) in subsection (b)(5)(B)(v), by striking "commercial item" and inserting "commercial product".

(4) [10 U.S.C. 2306] Section 2306(b)is amended by striking "commercial items" and inserting "commercial products or commercial services".

(5) Section 2306a is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B), by striking "a commercial item" and inserting "a commercial product or a commercial service";

(ii) in paragraph (2)—

(I) by striking "Commercial items" in the paragraph heading and inserting "Commercial products or commercial services"; and

(II) by striking "commercial item" each place it appears and inserting "commercial product or commercial services";

(iii) in paragraph (3)—

(I) by striking "Commercial items" in the paragraph heading and inserting "Commercial products"; and

(II) by striking "item" each place it appears and inserting "product"; and

(iv) in paragraph (4)—

(I) by striking "Commercial item" in the paragraph heading and inserting "Commercial product or commercial service";

(II) by striking "commercial item" in subparagraph (A) after "applying the";

(III) by striking "prior commercial item determination" in subparagraph (A) and inserting "prior commercial product or commercial service determination";

(IV) by striking "of such item" in subparagraph (A) and inserting "of such product or service";

(V) by striking "of an item previously determined to be a commercial item" in subparagraph (B) and inserting "of a product or service previously determined to be a commercial product or a commercial service";

(VI) by striking "of a commercial item," in subparagraph (B) and inserting "of a commercial product or a commercial service, as the case may be,";

(VII) by striking "the commercial item determination" in subparagraph (B) and inserting "the commercial product or commercial service determination"; and

(VIII) by striking "commercial item" in subparagraph (C); and

(v) in paragraph (5), by striking "commercial items" and inserting "commercial products or commercial services";

(B) in subsection (d)(3), by striking "commercial items" each place it appears and inserting "commercial products or commercial services"; and

(C) in subsection (h)—

(i) in paragraph (2), by striking "commercial items" and inserting "commercial products or commercial services"; and

(ii) by striking paragraph (3).

(6) [10 U.S.C. 2307] Section 2307(f)is amended—

(A) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products and Commercial Services"; and

(B) by striking "commercial items" in paragraphs (1) and (2) and inserting "commercial products and commercial services".

(7) Section 2320(b) is amended—

(A) in paragraph (1), by striking "a commercial item, the item" and inserting "a commercial product, the product"; and

(B) in paragraph (9)(A), by striking "any noncommercial item or process" and inserting "any noncommercial product or process".

(8) Section 2321(f) is amended by striking "commercial items" and inserting "commercial products".

(9) Section 2324(l)(1)(A) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(10) Section 2335(b) is amended by striking "commercial items" and inserting "commercial products and commercial services".

(d) AMENDMENTS TO CHAPTER 140 OF TITLE 10, UNITED STATES CODE.—Chapter 140 of title 10, United States Code, is amended as follows:

(1) Section 2375 is amended—

(A) in subsection (a), by striking "commercial item" in paragraphs (1) and (2) and inserting "commercial product or commercial service";

(B) in subsections (b) and (c)—

(i) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products and Commercial Services"; and

(ii) by striking "commercial items" each place it appears and inserting "commercial products and commercial services"; and

(C) in subsection (e)(3), by striking "commercial items" and inserting "commercial products and commercial services".

(2) Section 2376(1) is amended—

(A) by striking "terms 'commercial item'," and inserting "terms 'commercial product', 'commercial service',"; and

(B) by striking "chapter 1 of title 41" and inserting "sections 103, 103a, 110, 105, and 102, respectively, of title 41".

(3) Section 2377 is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the agency's needs are not available, nondevelopmental items other than commercial products"; and

(ii) in paragraph (3), by striking "commercial items and nondevelopmental items other than commercial items" and inserting "commercial services, commercial products, and nondevelopmental items other than commercial products";

(B) in subsection (b)—

(i) in paragraphs (1) and (2), by striking "commercial items or nondevelopmental items other than commercial items" and inserting "commercial services, commercial products, or nondevelopmental items other than commercial products";

(ii) in paragraphs (3) and (4), by striking "commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the agency's needs are not available, nondevelopmental items other than commercial products"; and

(iii) in paragraphs (5) and (6), by striking "commercial items" and inserting "commercial products and commercial services";

(C) in subsection (c)—

(i) in paragraph (2), by striking "commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the agency's needs are not available, nondevelopmental items other than commercial products"; and

(ii) in paragraph (5), by striking "items other than commercial items" and inserting "products other than commercial products or services other than commercial services";

(D) in subsection (d)—

(i) in the first sentence, by striking "commercial items" and inserting "commercial products or commercial services";

(ii) in paragraph (1), by striking "items" and inserting "products or services"; and

(iii) in paragraph (2), by striking "items" and inserting "products or services"; and

(E) in subsection (e)(1), by striking "commercial items" and inserting "commercial products and commercial services".

(4) ⟦10 U.S.C. 2379⟧ Section 2379is amended—

(A) by striking "Commercial Items" in the headings of subsections (b) and (c) and inserting "Commercial Products";

(B) in subsections (a)(1)(A), (b)(2), and (c)(1)(B), by striking ", as defined in section 103 of title 41"; and

(C) by striking "commercial item" and "commercial items" each place they appear and inserting "commercial product" and "commercial products", respectively.

(5) Section 2380 is amended—

(A) in subsection (a), by striking "commercial item determinations" in paragraphs (1) and (2) and inserting "commercial product and commercial service determinations"; and

(B) in subsection (b) (as added by section 848 of the National Defense Authorization Act for Fiscal Year 2018)—

(i) by striking "Item" in the subsection heading;

(ii) by striking "an item" each place it appears and inserting "a product or service";

(iii) by striking "item" after "using commercial" each place it appears;

(iv) by striking "prior commercial item determination" and inserting "prior commercial product or service determination";

(v) by striking "such item" and inserting "such product or service"; and

(vi) by striking "the item" both places it appears and inserting "the product or service".

(6) Section 2380a is amended—

(A) in subsection (a)—

(i) by striking "items and" and inserting "products and"; and

(ii) by striking "commercial items" and inserting "commercial products and commercial services, respectively,"; and

(B) in subsection (b), by striking "commercial items" and inserting "commercial services".

(7) Section 2380B is amended by striking "commercial item" and inserting "commercial product".

(8) AMENDMENTS TO HEADINGS, ETC.—

(A) [10 U.S.C. 2375] The heading of such chapter is amended to read as follows:

"CHAPTER 140—PROCUREMENT OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES"

(B) The heading of section 2375 is amended to read as follows:

"SEC. 2375. RELATIONSHIP OF OTHER PROVISIONS OF LAW TO PROCUREMENT OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES".

(C) The heading of section 2377 is amended to read as follows:

"SEC. 2377. PREFERENCE FOR COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES".

(D) [10 U.S.C. 2379] The heading of section 2379is amended to read as follows:

"SEC. 2379. PROCUREMENT OF A MAJOR WEAPON SYSTEM AS A COMMERCIAL PRODUCT: REQUIREMENT FOR PRIOR DETERMINATION BY SECRETARY OF DEFENSE AND NOTIFICATION TO CONGRESS".

(E) The heading of section 2380 is amended to read as follows:

"SEC. 2380. COMMERCIAL PRODUCT AND COMMERCIAL SERVICE DETERMINATIONS BY DEPARTMENT OF DEFENSE".

(F) The heading of section 2380a is amended to read as follows:

"SEC. 2380a. TREATMENT OF CERTAIN PRODUCTS AND SERVICES AS COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES".

(G) Section 2380B is redesignated as section 2380b and the heading of that section is amended to read as follows:

"SEC. 2380b. TREATMENT OF COMMINGLED ITEMS PURCHASED BY CONTRACTORS AS COMMERCIAL PRODUCTS".

(H) [10 U.S.C. 2375] The table of sections at the beginning of such chapter is amended to read as follows:

"2375. Relationship of other provisions of law to procurement of commercial products and commercial services.
"2376. Definitions.
"2377. Preference for commercial products and commercial services.
"2379. Procurement of a major weapon system as a commercial product: requirement for prior determination by Secretary of Defense and notification to Congress.
"2380. Commercial product and commercial service determinations by Department of Defense.

"2380a. Treatment of certain products and services as commercial products and commercial services.
"2380b. Treatment of commingled items purchased by contractors as commercial products.".

(e) OTHER AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is further amended as follows:

(1) Section 2226(b) is amended by striking "for services" and all that follows through "deliverable items" and inserting "for services or deliverable items".

(2) Section 2384(b)(2) is amended by striking "commercial items" and inserting "commercial products".

(3) Section 2393(d) is amended by striking "commercial items (as defined in section 103 of title 41)" and inserting "commercial products or commercial services (as defined in sections 103 and 103a, respectively, of title 41)".

(4) Section 2402(d) is amended—

(A) in paragraph (1), by striking "commercial items" both places it appears and inserting "commercial products or commercial services"; and

(B) in paragraph (2), by striking "the term" and all that follows and inserting "the terms 'commercial product' and 'commercial service' have the meanings given those terms in sections 103 and 103a, respectively, of title 41.".

(5) [10 U.S.C. 2408] Section 2408(a)(4)(B)is amended by striking "commercial items (as defined in section 103 of title 41)" and inserting "commercial products or commercial services (as defined in sections 103 and 103a, respectively, of title 41)".

(6) Section 2410b(c) is amended by striking "commercial items" and inserting "commercial products".

(7) Section 2410g(d)(1) is amended by striking "Commercial items (as defined in section 103 of title 41)" and inserting "Commercial products or commercial services (as defined in sections 103 and 103a, respectively, of title 41)".

(8) Section 2447a is amended—

(A) in subsection (a)(2), by striking "commercial items and technologies" and inserting "commercial products and technologies"; and

(B) in subsection (c), by inserting before the period at the end the following: "and the term 'commercial product' has the meaning given that term in section 103 of title 41".

(9) Section 2451(d) is amended by striking "commercial items" and inserting "commercial products (as defined in section 103 of title 41)".

(10) Section 2464 is amended—

(A) in subsection (a)—

(i) in paragraph (3), by striking "commercial items" and inserting "commercial products or commercial services"; and

(ii) in paragraph (5), by striking "The commercial items covered by paragraph (3) are commercial items" and inserting "The commercial products or commercial services covered by paragraph (3) are commercial products (as defined in section 103 of title 41) or commercial services (as defined in section 103a of such title)"; and

(B) in subsection (c)—

(i) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products or Commercial Services"; and

(ii) by striking "commercial item" and inserting "commercial product or commercial service".

(11) Section 2484(f) is amended—

(A) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products"; and

(B) by striking "commercial item" and inserting "commercial product".

(12) [10 U.S.C. 101] The items relating to chapter 140 in the tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, are amended to read as follows:

"140.Procurement of Commercial Products and Commercial Services"

(f) AMENDMENTS TO PROVISIONS OF NATIONAL DEFENSE AUTHORIZATION ACTS.—

(1) Section 806(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2302 note) is amended by striking "commercial items (as defined in section 103 of title 41, United States Code)" and inserting "commercial products or commercial services (as 132 STAT. 1871 defined in sections 103 and 103a, respectively, of title 41, United States Code)".

(2) Section 821(e) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 10 U.S.C. 2302 note) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Section 821(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2304 note) is amended—

(A) in paragraph (1), by striking "a commercial item" and inserting "a commercial product or a commercial service";

(B) in paragraph (2), by striking "commercial item" and inserting "commercial product"; and

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

"(3) The term 'commercial service' has the meaning provided by section 103a of title 41, United States Code.".

(4) Section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2306a note) is amended—

(A) in paragraph (1), by striking "commercial item exceptions" and inserting "commercial product-commercial service exceptions"; and

(B) in paragraph (2), by striking "commercial item exception" and inserting "commercial product-commercial service exception";

(5) Section 852(b)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2324 note) is amended by striking "a commercial item, as defined in section 103 of title 41" and inserting "a commercial

product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41".

(6) Section 805 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2330 note) is amended—

(A) in subsection (b), by striking "commercial items" in paragraphs (1) and (2)(A) and inserting "commercial services"; and

(B) in subsection (c)—

(i) by striking "item" in the headings for paragraphs (1) and (2) and inserting "services";

(ii) in the matter in paragraph (1) preceding subparagraph (A), by striking "commercial item" and inserting "commercial service";

(iii) in paragraph (1)(A), by striking "a commercial item, as described in section 103(5) of title 41" and inserting "a service, as described in section 103a(1) of title 41";

(iv) in paragraph (1)(C)(i), by striking "section 103(6) of title 41" and inserting "section 103a(2) of title 41"; and

(v) in paragraph (2), by striking "item" and inserting "service".

(7) Section 849(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2377 note) is amended—

(A) by striking "commercial items" in paragraph (1) and inserting "commercial products";

(B) by striking "commercial item" in paragraph (3)(B)(i) and inserting "commercial product"; and

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

"(5) DEFINITION.—In this subsection, the term 'commercial product' has the meaning given that term in section 103 of title 41.".

(8) Section 856(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2377 note) is amended by striking "commercial items or services" and inserting "a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41,".

(9) Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2302 note) is amended—

(A) in the section heading, by striking "commercial items" and inserting "commercial products";

(B) in subsection (a), by striking "commercial items" and inserting "commercial products";

(C) in subsection (c)(3)—

(i) by striking "Commercial items" in the paragraph heading and inserting "Commercial products or commercial services"; and

(ii) by striking "commercial items" and inserting "commercial products or commercial services"; and

(D) in subsection (e)(2), by striking "item" in subparagraphs (A) and (B) and inserting "products".

(10) Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 41 U.S.C. 3301 note) is amended by striking "commercial items" in subsection (a)(1) and inserting "commercial products".

(g) CONFORMING AMENDMENTS TO OTHER STATUTES.—

(1) Section 604(g) of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b(g)) is amended—

(A) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products";

(B) by striking "procurement of commercial" in the first sentence and all that follows through "items listed" and inserting "procurement of commercial products notwithstanding section 1906 of title 41, United States Code, with the exception of commercial products listed"; and

(C) in the second sentence—

(i) by inserting "product" after "commercial"; and

(ii) by striking "in the" and all that follows and inserting "in section 103 of title 41, United States Code.".

(2) Section 142 of the Higher Education Act of 1965 (20 U.S.C. 1018a) is amended—

(A) in subsection (e)—

(i) by striking "Commercial Items" in the subsection heading and inserting "Commercial Products and Commercial Services";

(ii) by striking "that commercial items" and inserting "that commercial products or commercial services";

(iii) by striking "special rules for commercial items" and inserting "special rules for commercial products and commercial services";

(iv) by striking "without regard to—" and all that follows through "dollar limitation" and inserting "without regard to any dollar limitation";

(v) by striking "; and" and inserting a period; and

(vi) by striking paragraph (2);

(B) in subsection (f)—

(i) by striking "Items" in the subsection heading and inserting "Products and Services";

(ii) by striking "Items" in the heading of paragraph (2) and inserting "Products and services"; and

(iii) by striking "a commercial item" in paragraph (2) and inserting "a commercial product or a commercial service";

(C) in subsection (h)—

(i) by striking "Items" in the subsection heading and inserting "Services"; and

(ii) by striking "commercial items" in paragraph (1) and inserting "commercial services"; and

(D) in subsection (l)—

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

(ii) by striking paragraph (1) and inserting the following new paragraphs:

"(1) COMMERCIAL PRODUCT.—The term 'commercial product' has the meaning given the term in section 103 of title 41, United States Code.

"(2) COMMERCIAL SERVICE.—The term 'commercial service' has the meaning given the term in section 103a of title 41, United States Code.";

(iii) in paragraph (3), as so redesignated, by striking "in section" and all that follows and inserting "in section 152 of title 41, United States Code.";

(iv) in paragraph (5), as so redesignated—

(I) by striking "Commercial items" in the paragraph heading and inserting "Commercial products and commercial services";

(II) by striking "commercial items" and inserting "commercial products and commercial services"; and

(III) by striking "pursuant to" and all that follows and inserting "pursuant to sections 1901 and 3305(a) of title 41, United States Code."; and

(v) in paragraph (6), as so redesignated, by striking "pursuant to" and all that follows and inserting "pursuant to sections 1901(a)(1) and 3305(a)(1) of title 41, United States Code.".

(3) Section 3901(a)(4)(A)(ii)(II) of title 31, United States Code, is amended by striking "commercial item" and inserting "commercial product".

(4) Section 2455(c)(1) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by striking "commercial items" and inserting "commercial products".

(5) Section 508(f) of the Federal Water Pollution Control Act (33 U.S.C. 1368(f)) is amended—

(A) in paragraph (1), by striking "commercial items" and inserting "commercial products or commercial services"; and

(B) in paragraph (2), by striking "the term" and all that follows and inserting "the terms 'commercial product' and 'commercial service' have the meanings given those terms in sections 103 and 103a, respectively, of title 41, United States Code.".

(6) Section 3707 of title 40, United States Code, is amended by striking "a commercial item (as defined in section 103 of title 41)" and inserting "a commercial product (as defined in section 103 of title 41) or a commercial service (as defined in section 103a of title 41)".

(7) Subtitle III of title 40, United States Code, is amended—

(A) in section 11101(1), by striking "Commercial item.—The term 'commercial item' has" and inserting "Commercial product.—The term 'commercial product' has"; and

(B) in section 11314(a)(3), by striking "items" each place it appears and inserting "products".

(8) Section 8301(g) of the Federal Acquisition Streamlining Act of 1994 (42 U.S.C. 7606 note) is amended by striking "com-

mercial items" and inserting "commercial products or commercial services".

(9) Section 40118(f) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking "commercial items" and inserting "commercial products"; and

(B) in paragraph (2), by striking "commercial item" and inserting "commercial product".

(10) Chapter 501 of title 51, United States Code, is amended—

(A) in section 50113(c)—

(i) by striking "Commercial Item" in the subsection heading and inserting "Commercial Product or Commercial Service"; and

(ii) by striking "commercial item" in the second sentence and inserting "commercial product or commercial service"; and

(B) in section 50115(b)—

(i) by striking "Commercial Item" in the subsection heading and inserting "Commercial Product or Commercial Service"; and

(ii) by striking "commercial item" in the second sentence and inserting "commercial product or commercial service"; and

(C) in section 50132(a)—

(i) by striking "Commercial Item" in the subsection heading and inserting "Commercial Service"; and

(ii) by striking "commercial item" in the second sentence and inserting "commercial service".

(h) [6 U.S.C. 453b note] EFFECTIVE DATE AND SAVINGS PROVISION.—The amendments made by subsections (a) through (g) shall take effect on January 1, 2020. Any provision of law that on the day before such effective date is on a list of provisions of law included in the Federal Acquisition Regulation pursuant to section 1907 of title 41, United States Code, shall be deemed as of that effective date to be on a list of provisions of law included in the Federal Acquisition Regulation pursuant to section 1906 of such title.

(i) IMPLEMENTATION PLAN REQUIRED.—Not later than April 1, 2019, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with members of the Defense Business Board, the Defense Science Board, and the Defense Innovation Board as appropriate, shall submit to the Committees on Armed Services of the Senate and the House of Representatives an implementation plan that contains the following elements:

(1) An implementation timeline and schedule, to include substantive, technical, and conforming changes to the law that the Under Secretary deems appropriate and necessary, to include revising definitions or categories of items, products, and services.

(2) A review of recommendations by the independent panel created under section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 889) pertaining to commercial items.

(3) A review of commercial item provisions from the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), and other relevant legislation.

(4) An analysis of the extent to which the Department of Defense should treat commercial service contracts and commercial products in a similar manner.

(5) Such other matters with respect to commercial item procurement as the Under Secretary considers appropriate.

SEC. 837. LIMITATION ON APPLICABILITY TO DEPARTMENT OF DEFENSE COMMERCIAL CONTRACTS OF CERTAIN PROVISIONS OF LAW.

(a) SECTION 2375.—Section 2375(b)(2) of title 10, United States Code, is amended by striking "January 1, 2015" and inserting "October 13, 1994".

(b) SECTION 2533A.—Section 2533a(i) of such title is amended—

(1) in the subsection heading, by striking "Items" and inserting "Products"; and

(2) by striking "commercial items" and inserting "commercial products".

(c) SECTION 2533B.—Section 2533b(h) of such title is amended—

(1) in the subsection heading, by striking "Items" and inserting "Products"; and

(2) by striking "commercial items" each place it appears and inserting "commercial products".

SEC. 838. MODIFICATIONS TO PROCUREMENT THROUGH COMMERCIAL E-COMMERCE PORTALS.

(a) IN GENERAL.—Section 846 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 41 U.S.C. 1901 note) is amended—

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

"(5) A procurement of a product made through a commercial e-commerce portal under the program established pursuant to subsection (a) is deemed to satisfy requirements for full and open competition pursuant to section 2304 of title 10, United States Code, and section 3301 of title 41, United States Code, if—

"(A) there are offers from two or more suppliers of such a product or similar product with substantially the same physical, functional, or performance characteristics on the online marketplace; and

"(B) the Administrator establishes procedures to implement subparagraph (A) and notifies Congress at least 30 days before implementing such procedures."; and

(2) in subsection (h), by striking paragraph (3) and inserting the following:

"(3) agree not to use, for pricing, marketing, competitive, or other purposes, any information, including any Government-owned data, such as purchasing trends or spending habits, re-

lated to a product from a third-party supplier featured on the commercial e-commerce portal or the transaction of such product, except as necessary to comply with the requirements of the program established in subsection (a).".

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

(1) the implementation of any e-commerce portal under such section 846 to procure commercial products will be done in a manner that will enhance competition, expedite procurement, and ensure reasonable pricing of commercial products;

(2) the implementation of the e-commerce portal will be completed with multiple contracts with multiple commercial e-commerce portal providers; and

(3) the Administrator of the General Services Administration should require any e-commerce portal provider to take the necessary precautions to safeguard data of all other e-commerce portal providers and any third-party suppliers.

SEC. 839. REVIEW OF FEDERAL ACQUISITION REGULATIONS ON COMMERCIAL PRODUCTS, COMMERCIAL SERVICES, AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) REVIEW OF DETERMINATIONS NOT TO EXEMPT CONTRACTS FOR COMMERCIAL PRODUCTS, COMMERCIAL SERVICES, AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS FROM CERTAIN LAWS AND REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall—

(1) review each determination of the Federal Acquisition Regulatory Council pursuant to section 1906(b)(2), section 1906(c)(3), or section 1907(a)(2) of title 41, United States Code, not to exempt contracts or subcontracts from laws which such contracts and subcontracts would otherwise be exempt from under section 1906(d) of title 41, United States Code; and

(2) propose revisions to the Federal Acquisition Regulation to provide an exemption from each law subject to such determination unless the Council determines that there is a specific reason not to provide the exemptions pursuant to section 1906 of such title or the Administrator for Federal Procurement Policy determines there is a specific reason not to provide the exemption pursuant to section 1907 of such title.

(b) REVIEW OF CERTAIN CONTRACT CLAUSE REQUIREMENTS APPLICABLE TO COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES CONTRACTS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall—

(1) review the Federal Acquisition Regulation to assess all regulations that require a specific contract clause for a contract using commercial product or commercial services acquisition procedures under part 12 of the Federal Acquisition Regulation, except for regulations required by law or Executive order; and

(2) propose revisions to the Federal Acquisition Regulation to eliminate regulations reviewed under paragraph (1) unless the Federal Acquisition Regulatory Council determines on a case-by-case basis that there is a specific reason not to eliminate the regulation.

(c) ELIMINATION OF CERTAIN CONTRACT CLAUSE REGULATIONS APPLICABLE TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM SUBCONTRACTS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall—

(1) review the Federal Acquisition Regulation to assess all regulations that require a prime contractor to include a specific contract clause in a subcontract for commercially available off-the-shelf items unless the inclusion of such clause is required by law or Executive order; and

(2) propose revisions to the Federal Acquisition Regulation to eliminate regulations reviewed under paragraph (1) unless the Federal Acquisition Regulatory Council determines on a case-by-case basis that there is a specific reason not to eliminate the regulation.

(d) REPORT TO CONGRESS.—

(1) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall submit to the committees listed in paragraph (2) a report on the results of the reviews under this section.

(2) COMMITTEES LISTED.—The committees listed in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

Subtitle E—Industrial Base Matters

SEC. 841. REPORT ON LIMITED SOURCING OF SPECIFIC COMPONENTS FOR NAVAL VESSELS.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of the Navy shall submit to the congressional defense committees a report that provides, for the components described in subsection (b), a market survey, a cost assessment, national security considerations, and a recommendation regarding whether competition for the procurement of the components should be limited to sources in the national technology and industrial base (as defined in section 2500 of title 10, United States Code).

(b) COMPONENTS.—The components described in this subsection are the following:

(1) Naval vessel components listed in section 2534(a)(3) of title 10, United States Code.

(2) The following components for auxiliary ships:

(A) Auxiliary equipment, including pumps.

(B) Propulsion system components, including engines, reduction gears, and propellers.

(C) Shipboard cranes.

(D) Spreaders for shipboard cranes.

SEC. 842. [10 U.S.C. 2536 note] REMOVAL OF NATIONAL INTEREST DETERMINATION REQUIREMENTS FOR CERTAIN ENTITIES.

(a) IN GENERAL.—Effective October 1, 2020, a covered NTIB entity operating under a special security agreement pursuant to the National Industrial Security Program shall not be required to obtain a national interest determination as a condition for access to proscribed information.

(b) ACCELERATION AUTHORIZED.—Notwithstanding the effective date of this section, the Secretary of Defense, in consultation with the Director of the Information Security Oversight Office, may waive the requirement to obtain a national interest determination for a covered NTIB entity operating under such a special security agreement that has—

(1) a demonstrated successful record of compliance with the National Industrial Security Program; and

(2) previously been approved for access to proscribed information.

(c) DEFINITIONS.—In this section:

(1) COVERED NTIB ENTITY.—The term "covered NTIB entity" means a person that is a subsidiary located in the United States—

(A) for which the ultimate parent company and any intermediate parent companies of such subsidiary are located in a country that is part of the national technology and industrial base (as defined in section 2500 of title 10, United States Code); and

(B) that is subject to the foreign ownership, control, or influence requirements of the National Industrial Security Program.

(2) PROSCRIBED INFORMATION.—The term "proscribed information" means information that is—

(A) classified at the level of top secret;

(B) communications security information (excluding controlled cryptographic items when un-keyed or utilized with unclassified keys);

(C) restricted data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(D) special access program information under section 4.3 of Executive Order No. 13526 (75 Fed. Reg. 707; 50 U.S.C. 3161 note) or successor order; or

(E) designated as sensitive compartmented information.

SEC. 843. [10 U.S.C. 2302 note] PILOT PROGRAM TO TEST MACHINE-VISION TECHNOLOGIES TO DETERMINE THE AUTHENTICITY AND SECURITY OF MICROELECTRONIC PARTS IN WEAPON SYSTEMS.

(a) PILOT PROGRAM AUTHORIZED.—The Undersecretary of Defense for Research and Engineering, in coordination with the Defense Microelectronics Activity, shall establish a pilot program to test the feasibility and reliability of using machine-vision technologies to determine the authenticity and security of microelectronic parts in weapon systems.

(b) OBJECTIVES OF PILOT PROGRAM.—The Undersecretary of Defense for Research and Engineering, in coordination with the De-

fense Microelectronics Activity, shall design any pilot program conducted under this section to determine the following:

(1) The effectiveness and technology readiness level of machine-vision technologies to determine the authenticity of microelectronic parts at the time of the creation of such part through final insertion of such part into weapon systems.

(2) The best method of incorporating machine-vision technologies into the process of developing, transporting, and inserting microelectronics into weapon systems.

(3) The rules, regulations, or processes that hinder the development and incorporation of machine-vision technologies, and the application of such rules, regulations, or processes to mitigate counterfeit microelectronics proliferation throughout the Department of Defense.

(c) CONSULTATION.—To develop the pilot program under this section, the Undersecretary of Defense for Research and Engineering, in coordination with the Defense Microelectronics Activity, may consult with the following entities:

(1) Manufacturers of semiconductors or electronics.

(2) Industry associations relating to semiconductors or electronics.

(3) Original equipment manufacturers of products for the Department of Defense.

(4) Nontraditional defense contractors (as defined in section 2302(9)[7] of title 10, United States Code) that are machine vision companies.

(5) Federal laboratories (as defined in section 2500(5)[8] of title 10, United States Code).

(6) Other elements of the Department of Defense that fall under the authority of the Undersecretary of Defense for Research and Engineering.

(d) COMMENCEMENT AND DURATION.—The pilot program established under this section shall be established not later than April 1, 2019, and all activities under such pilot program shall terminate not later than December 31, 2020.

SEC. 844. LIMITATION ON CERTAIN PROCUREMENTS APPLICATION PROCESS.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(k) LIMITATION ON CERTAIN PROCUREMENTS APPLICATION PROCESS.—

"(1) IN GENERAL.—The Secretary of Defense shall administer a process to analyze and assess potential items for consideration to be required to be procured from a manufacturer that is part of the national technology and industrial base.

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

[7] Sections 1806(e)(3)(C) and 1866(d)(1)(A) of Public Law 116–283 both provide for an amendment to paragraph (4). They both strike "section 2302(9)"; however, the first one inserts "section 3014" and the latter inserts "section 3021". The amendments have not been carried out above. Also, both amendments are subject to a delayed effective date of January 1, 2022 pursuant to section 1801(d)(1) of such Public Law.

[8] Effective on January 1, 2022, section 843(c)(5) is amended by section 1866(d)(1)(B) of Public Law 116–283 by striking "section 2500(5)" and inserting "section 4801(5)".

"(A) The Secretary shall designate an official within the Office of the Secretary of Defense responsible for administration of the limitation on certain procurements application process and associated policy.

"(B) A person or organization that meets the definition of national technology and industrial base under section 2500(1) of this title shall have the opportunity to apply for status as an item required to be procured from a manufacturer that is part of the national technology and industrial base. The application shall include, at a minimum, the following information:

"(i) Information demonstrating the applicant meets the criteria of a manufacturer in the national technology and industrial base under section 2500(1) of this title.

"(ii) For each item the applicant seeks to be required to be procured from a manufacturer that is part of the national technology and industrial base, the applicant shall include the following information:

"(I) The extent to which such item has commercial applications.

"(II) The number of such items to be procured by current programs of record.

"(III) The criticality of such item to a military unit's mission accomplishment.

"(IV) The estimated cost and other considerations of reconstituting the manufacturing capability of such item, if not maintained in the national technology and industrial base.

"(V) National security regulations or restrictions imposed on such item that may not be imposed on a non-national technology and industrial base competitor.

"(VI) Non-national security-related Federal, State, and local government regulations imposed on such item that may not be imposed on a non-national technology and industrial base competitor.

"(VII) The extent to which such item is fielded in current programs of record.

"(VIII) The extent to which cost and pricing data for such item has been deemed fair and reasonable.

"(3) CONSIDERATION OF APPLICATIONS.—

"(A) RESPONSIBILITY OF DESIGNATED OFFICIAL.—The official designated pursuant to paragraph (2)(A) shall be responsible for providing complete applications submitted pursuant to this subsection to the appropriate component acquisition executive for consideration not later than 15 days after receipt of such application.

"(B) REVIEW.—Not later than 120 days after receiving a complete application, the component acquisition executive shall review such application, make a determination,

and return the application to the official designated pursuant to paragraph (2)(A).

"(C) ELEMENTS OF DETERMINATION.—The determination required under subparagraph (B) shall, for each item proposed pursuant to paragraph (2)(B)(ii)—

"(i) recommend inclusion under this section;

"(ii) recommend inclusion under this section with further modifications; or

"(iii) not recommend inclusion under this section.

"(D) JUSTIFICATION.—The determination required under subparagraph (B) shall also include the rationale and justification for the determination.

"(4) RECOMMENDATIONS FOR LEGISLATION.—For applications recommended under subsection (3), the official designated pursuant to paragraph (2)(A) shall be responsible for preparing a legislative proposal for consideration by the Secretary.".

(b) [10 U.S.C. 2534 note] EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 845. REPORT ON DEFENSE ELECTRONICS INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than January 31, 2019, the Secretary of Defense, in consultation with the Executive Agent for Printed Circuit Board and Interconnect Technology and the Director of the Office of Management and Budget, shall submit to Congress a report examining the health of the defense electronics industrial base, including analog and passive electronic parts, substrates, printed boards, assemblies, connectors, cabling, and related areas, both domestically and within the national technology and industrial base.

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

(1) An examination of current and planned partnerships with the commercial industry.

(2) Analysis of the current and future defense electronics industrial base.

(3) Threat assessment related to system security.

(4) An assessment of the health of the engineering and production workforce.

(5) A description of the electronics supply chain requirements of defense systems integral to meeting the goals of the 2018 National Defense Strategy.

(6) Recommended actions to address areas deemed deficient or vulnerable, and a plan to formalize long-term resourcing for the Executive Agent.

(7) Any other areas matters determined relevant by the Secretary.

SEC. 846. [10 U.S.C. 2501 note] SUPPORT FOR DEFENSE MANUFACTURING COMMUNITIES TO SUPPORT THE DEFENSE INDUSTRIAL BASE.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may, in coordination with the Secretary of Commerce and working in coordination with the defense manufacturing institutes, establish

within the Department of Defense a program to make long-term investments in critical skills, facilities, research and development, and small business support in order to strengthen the national security innovation base by designating and supporting consortiums as defense manufacturing communities.

(2) DESIGNATION.—The program authorized by this section shall be known as the "Defense Manufacturing Community Support Program" (in this section referred to as the "Program").

(b) DESIGNATION OF DEFENSE MANUFACTURING COMMUNITIES COMPLEMENTARY TO DEFENSE MANUFACTURING INSTITUTES.—

(1) IN GENERAL.—The Secretary of Defense may designate eligible consortiums as defense manufacturing communities through a competitive process, and in coordination with the defense manufacturing institutes.

(2) ELIGIBLE CONSORTIUMS.—The Secretary may establish eligibility criteria for a consortium to participate in the Program. In developing such criteria, the Secretary may consider the merits of—

(A) including members from academia, defense industry, commercial industry, and State and local government organizations;

(B) supporting efforts in geographical regions that have capabilities in key technologies or industrial base supply chains that are determined critical to national security;

(C) optimal consortium composition and size to promote effectiveness, collaboration, and efficiency; and

(D) complementarity with defense manufacturing institutes.

(3) DURATION.—Each designation under paragraph (1) shall be for a period of five years.

(4) RENEWAL.—

(A) IN GENERAL.—The Secretary may renew a designation made under paragraph (1) for up to two additional two-year periods. Any designation as a defense manufacturing community or renewal of such designation that is in effect before the date of the enactment of this Act shall count toward the limit set forth in this subparagraph.

(B) EVALUATION FOR RENEWAL.—The Secretary shall establish criteria for the renewal of a consortium. In establishing such criteria, the Secretary may consider—

(i) the performance of the consortium in meeting the established goals of the Program;

(ii) the progress the consortium has made with respect to project-specific metrics, particularly with respect to those metrics that were designed to help communities track their own progress;

(iii) whether any changes to the composition of the eligible consortium or revisions of the plan for the consortium would improve the capabilities of the defense industrial base;

(iv) the effectiveness of coordination with defense manufacturing institutes; and

(v) such other criteria as the Secretary considers appropriate.

(5) APPLICATION FOR DESIGNATION.—An eligible consortium seeking a designation under paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may require. In developing such procedures, the Secretary may consider the inclusion of—

(A) a description of the regional boundaries of the consortium, and the defense manufacturing capacity of the region;

(B) an evidence-based plan for enhancing the defense industrial base through the efforts of the consortium;

(C) the investments the consortium proposes and the strategy of the consortium to address gaps in the defense industrial base;

(D) a description of the outcome-based metrics, benchmarks, and milestones that will track and the evaluation methods that will be used to gauge performance of the consortium;

(E) how the initiatives will complement defense manufacturing institutes; and

(F) such other matters as the Secretary considers appropriate.

(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Under the Program, the Secretary of Defense may award financial or technical assistance to a member of a consortium designated as a defense manufacturing community under the Program as appropriate for purposes of the Program.

(2) USE OF FUNDS.—A recipient of financial or technical assistance under the Program may use such financial or technical assistance to support an investment that will improve the defense industrial base.

(3) INVESTMENTS SUPPORTED.—Investments supported under this subsection may include activities not already provided for by defense manufacturing institutes on—

(A) equipment or facility upgrades;

(B) workforce training, retraining, or recruitment and retention, including that of women and underrepresented minorities;

(C) business incubators;

(D) advanced research and commercialization, including with Federal laboratories and depots;

(E) supply chain development; and

(F) small business assistance.

(d) RECEIPT OF TRANSFERRED FUNDS.—The Secretary of Defense may accept amounts transferred to the Secretary from the head of another agency or a State or local governmental organization to carry out this section.

SEC. 847. LIMITATION ON PROCUREMENT OF CERTAIN ITEMS FOR T-AO-205 PROGRAM.

Effective during fiscal year 2019, the Secretary of Defense may procure the following items for the T-AO-205 program only if the manufacturer of the item is in the United States:

(1) Auxiliary equipment, including pumps, for all shipboard services.

(2) Propulsion system components, including engines, reduction gears, and propellers.

(3) Shipboard cranes.

(4) Spreaders for shipboard cranes.

Subtitle F—Small Business Matters

SEC. 851. DEPARTMENT OF DEFENSE SMALL BUSINESS STRATEGY.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2283. [10 U.S.C. 2283] DEPARTMENT OF DEFENSE SMALL BUSINESS STRATEG

"(a) IN GENERAL.—The Secretary of Defense shall implement a small business strategy for the Department of Defense that meets the requirements of this section.

"(b) UNIFIED MANAGEMENT STRUCTURE.—As part of the small business strategy described in subsection (a), the Secretary shall ensure that there is a unified management structure within the Department for the functions of the Department relating to—

"(1) programs and activities related to small business concerns (as defined in section 3 of the Small Business Act);

"(2) manufacturing and industrial base policy; and

"(3) any procurement technical assistance program established under chapter 142 of this title.

"(c) PURPOSE OF SMALL BUSINESS PROGRAMS.—The Secretary shall ensure that programs and activities of the Department of Defense related to small business concerns are carried out so as to further national defense programs and priorities and the statements of purpose for Department of Defense acquisition set forth in section 801 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1449).

"(d) POINTS OF ENTRY INTO DEFENSE MARKET.—The Secretary shall ensure—

"(1) that opportunities for small business concerns to contract with the Department of Defense are identified clearly; and

"(2) that small business concerns are able to have access to program managers, contracting officers, and other persons using the products or services of such concern to the extent necessary to inform such persons of emerging and existing capabilities of such concerns.

"(e) ENHANCED OUTREACH UNDER PROCUREMENT TECHNICAL ASSISTANCE PROGRAM MARKET.—The Secretary shall enable and promote activities to provide coordinated outreach to small business concerns through any procurement technical assistance program established under chapter 142 of this title to facilitate small business contracting with the Department of Defense.".

(b) [10 U.S.C. 2283 note] IMPLEMENTATION.—

(1) DEADLINE.—The Secretary of Defense shall develop the small business strategy required by section 2283 of title 10,

United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

(2) NOTICE TO CONGRESS AND PUBLICATION.—Upon completion of the development of the small business strategy pursuant to paragraph (1), the Secretary shall—

(A) transmit the strategy to Congress; and

(B) publish the strategy on a public website of the Department of Defense.

(c) [10 U.S.C. 2281] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by adding at the end the following new item:

"2283. Department of Defense small business strategy.".

SEC. 852. PROMPT PAYMENTS OF SMALL BUSINESS CONTRACTORS.

Section 2307(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "The head of any agency may—" and inserting "(1) The head of any agency may"; and

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

"(2)(A) For a prime contractor (as defined in section 8701 of title 41) that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), the Secretary of Defense shall, to the fullest extent permitted by law, establish an accelerated payment date with a goal of 15 days after receipt of a proper invoice for the amount due if a specific payment date is not established by contract.

"(B) For a prime contractor that subcontracts with a small business concern, the Secretary of Defense shall, to the fullest extent permitted by law, establish an accelerated payment date with a goal of 15 days after receipt of a proper invoice for the amount due if—

"(i) a specific payment date is not established by contract; and

"(ii) the prime contractor agrees to make payments to the subcontractor in accordance with the accelerated payment date, to the maximum extent practicable, without any further consideration from or fees charged to the subcontractor.".

SEC. 853. INCREASED PARTICIPATION IN THE SMALL BUSINESS ADMINISTRATION MICROLOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) The term "intermediary" has the meaning given that term in section 7(m)(11) of the Small Business Act (15 U.S.C. 636(m)(11)).

(2) The term "microloan program" means the program established under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

(b) MICROLOAN INTERMEDIARY LENDING LIMIT INCREASED.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$5,000,000" and inserting "$6,000,000".

(c) SBA STUDY OF MICROENTERPRISE PARTICIPATION.—Not later than one year after the date of the enactment of this section,

the Administrator of the Small Business Administration shall conduct a study and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on—

(1) the operations (including services provided, structure, size, and area of operation) of a representative sample of—

(A) intermediaries that are eligible to participate in the microloan program and that do participate; and

(B) intermediaries that are eligible to participate in the microloan program and that do not participate;

(2) the reasons why eligible intermediaries described in paragraph (1)(B) choose not to participate in the microloan program;

(3) recommendations on how to encourage increased participation in the microloan program by eligible intermediaries described in paragraph (1)(B); and

(4) recommendations on how to decrease the costs associated with participation in the microloan program for eligible intermediaries.

(d) GAO STUDY ON MICROLOAN INTERMEDIARY PRACTICES.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report evaluating—

(1) oversight of the microloan program by the Small Business Administration, including oversight of intermediaries participating in the microloan program; and

(2) the specific processes used by the Small Business Administration to ensure—

(A) compliance by intermediaries participating in the microloan program; and

(B) the overall performance of the microloan program.

SEC. 854. AMENDMENTS TO SMALL BUSINESS INNOVATION RESEARCH PROGRAM AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) EXTENSION OF PILOT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (cc), by striking "2017" and inserting "2022";

(2) in subsection (gg)(7), by striking "2017" and inserting "2022";

(3) in subsection (jj)—

(A) in paragraph (4)(A), by striking "3" and inserting "4"; and

(B) in paragraph (7), by striking "2017" and inserting "2022";

(4) in subsection (mm)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "2017" and inserting "2022";

(ii) in subparagraph (I), by striking "and" at the end;

(iii) in subparagraph (J), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(K) funding for improvements that increase commonality across data systems, reduce redundancy, and improve data oversight and accuracy."; and

(5) by adding at the end the following:

"(tt) OUTSTANDING REPORTS AND EVALUATIONS.—

"(1) IN GENERAL.—Not later than March 30, 2019, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Science, Space, and Technology of the House of Representatives—

"(A) each report, evaluation, or analysis, as applicable, described in subsection (b)(7), (g)(9), (o)(10), (y)(6)(C), (gg)(6), (jj)(6), and (mm)(6); and

"(B) metrics regarding, and an evaluation of, the authority provided to the National Institutes of Health, the Department of Defense, and the Department of Education under subsection (cc).

"(2) INFORMATION REQUIRED.—Not later than December 31, 2018, the head of each agency that is responsible for carrying out a provision described in subparagraph (A) or (B) of paragraph (1) shall submit to the Administrator any information that is necessary for the Administrator to carry out the responsibilities of the Administrator under that paragraph.".

(b) ACCELERATING SBIR AND STTR AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (hh)—

(A) by striking "Federal agencies" and inserting the following:

"(1) IN GENERAL.—Federal agencies";

(B) in paragraph (1), as so designated, by striking "attempt to"; and

(C) by adding at the end the following:

"(2) PILOT PROGRAM TO ACCELERATE DEPARTMENT OF DEFENSE SBIR AND STTR AWARDS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Under Secretary of Defense for Research and Engineering, acting through the Director of Defense Procurement and Acquisition Policy of the Department of Defense, shall establish a pilot program to reduce the time for awards under the SBIR and STTR programs of the Department of Defense, under which the Department of Defense shall—

"(i) develop simplified and standardized procedures and model contracts throughout the Department of Defense for Phase I, Phase II, and Phase III SBIR awards;

"(ii) for Phase I SBIR and STTR awards, reduce the amount of time between solicitation closure and award;

"(iii) for Phase II SBIR and STTR awards, reduce the amount of time between the end of a Phase I award and the start of the Phase II award;

"(iv) for Phase II SBIR and STTR awards that skip Phase I, reduce the amount of time between solicitation closure and award;

"(v) for sequential Phase II SBIR and STTR awards, reduce the amount of time between Phase II awards; and

"(vi) reduce the award times described in clauses (ii), (iii), (iv), and (v) to be as close to 90 days as possible.

"(B) CONSULTATION.—In carrying out the pilot program under subparagraph (A), the Director of Defense Procurement and Acquisition Policy of the Department of Defense shall consult with the Director of the Office of Small Business Programs of the Department of Defense.

"(C) TERMINATION.—The pilot program under subparagraph (A) shall terminate on September 30, 2022."; and

(2) in subsection (ii)—

(A) by striking "Federal agencies" and inserting the following:

"(1) IN GENERAL.—Federal agencies"; and

(B) by adding at the end the following:

"(2) COMPTROLLER GENERAL REPORTS.—The Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Armed Services of the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Armed Services of the House of Representatives—

"(A) not later than 1 year after the date of enactment of this paragraph, and every year thereafter for 3 years, a report that—

"(i) provides the average and median amount of time that each component of the Department of Defense with an SBIR or STTR program takes to review and make a final decision on proposals submitted under the program; and

"(ii) compares that average and median amount of time with that of other Federal agencies participating in the SBIR or STTR program; and

"(B) not later than December 5, 2021, a report that—

"(i) includes the information described in subparagraph (A);

"(ii) assesses where each Federal agency participating in the SBIR or STTR program needs improvement with respect to the proposal review and award times under the program;

"(iii) identifies best practices for shortening the proposal review and award times under the SBIR and STTR programs, including the pros and cons of using contracts compared to grants; and

"(iv) analyzes the efficacy of the pilot program established under subsection (hh)(2).".

(c) IMPROVEMENTS TO TECHNICAL AND BUSINESS ASSISTANCE.—

(1) IN GENERAL.—Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(A) in the subsection heading, by inserting "and Business" after "Technical";

(B) in paragraph (1)—

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

(I) by striking "a vendor selected under paragraph (2)" and inserting "1 or more vendors selected under paragraph (2)(A)";

(II) by inserting "and business" before "assistance services"; and

(III) by inserting "assistance with product sales, intellectual property protections, market research, market validation, and development of regulatory plans and manufacturing plans," after "technologies,"; and

(ii) in subparagraph (D), by inserting ", including intellectual property protections" before the period at the end;

(C) in paragraph (2)—

(i) in the first sentence, by striking "Each agency may select a vendor to assist small business concerns to meet" and inserting the following:

"(A) IN GENERAL.—Each agency may select 1 or more vendors from which small business concerns may obtain assistance in meeting"; and

(ii) by adding at the end the following:

"(B) SELECTION BY SMALL BUSINESS CONCERN.—A small business concern may, by contract or otherwise, select 1 or more vendors to assist the small business concern in meeting the goals listed in paragraph (1)."; and

(D) in paragraph (3)—

(i) by inserting "(A)" after "paragraph (2)" each place that term appears;

(ii) in subparagraph (A), by striking "$5,000 per year" each place that term appears and inserting "$6,500 per year";

(iii) in subparagraph (B)—

(I) by striking "$5,000 per year" each place that term appears and inserting "$50,000 per project"; and

(II) in clause (ii), by striking "which shall be in addition to the amount of the recipient's award" and inserting "which may, as determined appropriate by the head of the Federal agency, be included as part of the recipient's award or be in addition to the amount of the recipient's award";

(iv) in subparagraph (C)—

(I) by inserting "or business" after "technical";

(II) by striking "the vendor" and inserting "a vendor"; and

(III) by adding at the end the following: "Business-related services aimed at improving the com-

mercialization success of a small business concern may be obtained from an entity, such as a public or private organization or an agency of or other entity established or funded by a State that facilitates or accelerates the commercialization of technologies or assists in the creation and growth of private enterprises that are commercializing technology.";

(v) in subparagraph (D)—

(I) by inserting "or business" after "technical" each place that term appears; and

(II) in clause (i), by striking "the vendor" and inserting "1 or more vendors"; and

(vi) by adding at the end the following:

"(E) MULTIPLE AWARD RECIPIENTS.—The Administrator shall establish a limit on the amount of technical and business assistance services that may be received or purchased under subparagraph (B) by a small business concern that has received multiple Phase II SBIR or STTR awards for a fiscal year."; and

(E) by adding at the end the following:

"(4) ANNUAL REPORTING.—

"(A) IN GENERAL.—A small business concern that receives technical or business assistance from a vendor under this subsection during a fiscal year shall submit to the Federal agency contracting with the vendor a description of the technical or business assistance provided and the benefits and results of the technical or business assistance provided.

"(B) USE OF EXISTING REPORTING MECHANISM.—The information required under subparagraph (A) shall be collected by a Federal agency as part of a report required to be submitted by small business concerns engaged in SBIR or STTR projects of the Federal agency for which the requirement was in effect on the date of enactment of this paragraph.".

(2) REVIEW.—Not later than the end of fiscal year 2019, the Administrator of the Small Business Administration shall—

(A) conduct a survey of vendors providing technical or business assistance under section 9(q) of the Small Business Act (15 U.S.C. 638(q)), as amended by paragraph (1), and small business concerns receiving the technical or business assistance; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report reviewing the efficacy of the provision of the technical or business assistance.

SEC. 855. CONSTRUCTION CONTRACT ADMINISTRATION.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(w) SOLICITATION NOTICE REGARDING ADMINISTRATION OF CHANGE ORDERS FOR CONSTRUCTION.—

"(1) IN GENERAL.—With respect to any solicitation for the award of a contract for construction anticipated to be awarded to a small business concern, the agency administering such contract shall provide a notice along with the solicitation to prospective bidders and offerors that includes—

"(A) information about the agency's policies or practices in complying with the requirements of the Federal Acquisition Regulation relating to the timely definitization of requests for an equitable adjustment; and

"(B) information about the agency's past performance in definitizing requests for equitable adjustments in accordance with paragraph (2).

"(2) REQUIREMENTS FOR AGENCIES.—An agency shall provide the past performance information described under paragraph (1)(B) as follows:

"(A) For the 3-year period preceding the issuance of the notice, to the extent such information is available.

"(B) With respect to an agency that, on the date of the enactment of this subsection, has not compiled the information described under paragraph (1)(B)—

"(i) beginning 1 year after the date of the enactment of this subsection, for the 1-year period preceding the issuance of the notice;

"(ii) beginning 2 years after the date of the enactment of this subsection, for the 2-year period preceding the issuance of the notice; and

"(iii) beginning 3 years after the date of the enactment of this subsection and each year thereafter, for the 3-year period preceding the issuance of the notice.

"(3) FORMAT OF PAST PERFORMANCE INFORMATION.—In the notice required under paragraph (1), the agency shall ensure that the past performance information described under paragraph (1)(B) is set forth separately for each definitization action that was completed during the following periods:

"(A) Not more than 30 days after receipt of a request for an equitable adjustment.

"(B) Not more than 60 days after receipt of a request for an equitable adjustment.

"(C) Not more than 90 days after receipt of a request for an equitable adjustment.

"(D) Not more than 180 days after receipt of a request for an equitable adjustment.

"(E) Not more than 365 days after receipt of a request for an equitable adjustment.

"(F) More than 365 days after receipt of a request for an equitable adjustment.

"(G) After the completion of the performance of the contract through a contract modification addressing all undefinitized requests for an equitable adjustment received during the term of the contract.".

SEC. 856. COMPTROLLER GENERAL STUDY OF IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) STUDY REQUIRED.—Subject to appropriations, the Comptroller General of the United States shall conduct a study evaluating the impact of broadband speed and price on small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

(b) REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives a report on the results of the study under subsection (a), including—

(1) a survey of broadband speeds available to small business concerns;

(2) a survey of the cost of broadband speeds available to small business concerns;

(3) a survey of the type of broadband technology used by small business concerns; and

(4) any policy recommendations that may improve the access of small business concerns to comparable broadband services at comparable rates in all regions of the United States.

SEC. 857. CONSOLIDATED BUDGET DISPLAY FOR THE DEPARTMENT OF DEFENSE SMALL BUSINESS INNOVATION RESEARCH PROGRAM AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) BUDGET DISPLAY SUBMISSION.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Research and Engineering, shall include in the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for each fiscal year (as submitted to Congress under section 1105 of title 31, United States Code), one or more budget displays for the funds assessed for the Small Business Innovation Research Program or the Small Business Technology Transfer Program (as such terms are defined, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e))) of the Department of Defense during the previous fiscal year.

(b) BUDGET DISPLAY REQUIREMENTS.—The budget displays under subsection (a) shall include—

(1) for funds assessed, the amount obligated and expended, by appropriation and functional area, for the Small Business Innovation Research Program or the Small Business Technology Transfer Program;

(2) information, by military department and other awarding organizations, on Phase I, II, and III awards;

(3) to the extent practicable, specific processes, products, technologies, or services that were transitioned to acquisition programs of record, or other follow-on contracts; and

(4) an estimate of the Small Business Innovation Research Program and the Small Business Technology Transfer Program funding to be assessed during the period covered by the cur-

rent future-years defense program (as defined under section 221 of title 10, United States Code).

(c) FIRST SUBMISSION.—The first budget display under subsection (a) shall be included with the budget for the President for fiscal year 2020.

(d) CONGRESSIONAL COMMITTEES.—The budget displays under subsection (a) shall be submitted to the congressional defense committees, with copies provided to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(e) TERMINATION.—The requirements of this section shall terminate on December 31, 2022.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify or otherwise affect the requirement to expend amounts for the Small Business Innovation Research Program and the Small Business Technology Transfer Program of the Department of Defense under subsections (f) and (n) of section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 858. FUNDING FOR PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) AMOUNT OF ASSISTANCE FROM SECRETARY.—Section 2413(b) of title 10, United States Code, is amended—

(1) by striking "not more than 65 percent" and inserting "not more than 75 percent"; and

(2) in paragraph (1), by striking "more than 65 percent, but not more than 75 percent" and inserting "more than 75 percent, but not more than 85 percent".

(b) FUNDING FOR ELIGIBLE ENTITIES.—Section 2414(a) of such title is amended—

(1) in paragraph (1), by striking "$750,000" and inserting "$1,000,000";

(2) in paragraph (2), by striking "$450,000" and inserting "$750,000";

(3) in paragraph (3), by striking "$300,000" and inserting "$450,000"; and

(4) in paragraph (4), by striking "$750,000" and inserting "$1,000,000".

SEC. 859. AUTHORIZATION FOR PAYMENT OF CERTAIN COSTS RELATING TO PROCUREMENT TECHNICAL ASSISTANCE CENTERS.

(a) AUTHORIZATION TO PAY COSTS RELATING TO MEETINGS OF ELIGIBLE ENTITIES.—Section 2417 of title 10, United States Code, is amended—

(1) in the heading, by inserting "and other" after "Administrative";

(2) by striking "chapter, an amount" and inserting"chapter—

"(1) an amount";

(3) by striking the period at the end and inserting "; and"; and

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

"(2) an amount determined appropriate by the Director to assist eligible entities in payment of costs of eligible entities —

"(A) for meetings to discuss best practices for the improvement of the operations of procurement technical assistance centers; and

"(B) for membership dues for any association of such centers created by eligible entities, training fees and associated travel for training to carry out the purposes of this chapter, and voluntary participation on any committees or board of such an association.".

(b) BRIEFING.—Not later than six months after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall brief the congressional defense committees on the recognition or lack of recognition by the Department of Defense of procurement technical assistance center associations and the rationale for the recognition or lack of recognition, including a discussion of whether the Department needs authority to recognize such associations.

SEC. 860. COMMERCIALIZATION ASSISTANCE PILOT PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

"(uu) COMMERCIALIZATION ASSISTANCE PILOT PROGRAMS.—

"(1) PILOT PROGRAMS IMPLEMENTED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than one year after the date of the enactment of this subsection, a covered agency shall implement a commercialization assistance pilot program, under which an eligible entity may receive a subsequent Phase II SBIR award.

"(B) EXCEPTION.—If the Administrator determines that a covered agency has a program that is sufficiently similar to the commercialization assistance pilot program established under this subsection, such covered agency shall not be required to implement a commercialization assistance pilot program under this subsection.

"(2) PERCENT OF AGENCY FUNDS.—The head of each covered agency may allocate not more than 5 percent of the funds allocated to the SBIR program of the covered agency for the purpose of making a subsequent Phase II SBIR award under the commercialization assistance pilot program.

"(3) TERMINATION.—A commercialization assistance pilot program established under this subsection shall terminate on September 30, 2022.

"(4) APPLICATION.—To be selected to receive a subsequent Phase II SBIR award under a commercialization assistance pilot program, an eligible entity shall submit to the covered agency implementing such pilot program an application at such time, in such manner, and containing such information as the covered agency may require, including—

"(A) an updated Phase II commercialization plan; and

"(B) the source and amount of the matching funding required under paragraph (5).

"(5) MATCHING FUNDING.—

"(A) IN GENERAL.—The Administrator shall require, as a condition of any subsequent Phase II SBIR award made to an eligible entity under this subsection, that a matching

amount (excluding any fees collected by the eligible entity receiving such award) equal to the amount of such award be provided from an eligible third-party investor.

"(B) INELIGIBLE SOURCES.—An eligible entity may not use funding from ineligible sources to meet the matching requirement of subparagraph (A).

"(6) AWARD.—A subsequent Phase II SBIR award made to an eligible entity under this subsection—

"(A) may not exceed the limitation described under subsection (aa)(1); and

"(B) shall be disbursed during Phase II.

"(7) USE OF FUNDS.—The funds awarded to an eligible entity under this subsection may only be used for research and development activities that build on eligible entity's Phase II program and ensure the research funded under such Phase II is rapidly progressing towards commercialization.

"(8) SELECTION.—In selecting eligible entities to participate in a commercialization assistance pilot program under this subsection, the head of a covered agency shall consider—

"(A) the extent to which such award could aid the eligible entity in commercializing the research funded under the eligible entity's Phase II program;

"(B) whether the updated Phase II commercialization plan submitted under paragraph (4) provides a sound approach for establishing technical feasibility that could lead to commercialization of such research;

"(C) whether the proposed activities to be conducted under such updated Phase II commercialization plan further improve the likelihood that such research will provide societal benefits;

"(D) whether the small business concern has progressed satisfactorily in Phase II to justify receipt of a subsequent Phase II SBIR award;

"(E) the expectations of the eligible third-party investor that provides matching funding under paragraph (5); and

"(F) the likelihood that the proposed activities to be conducted under such updated Phase II commercialization plan using matching funding provided by such eligible third-party investor will lead to commercial and societal benefit.

"(9) EVALUATION REPORT.—Not later than 6 years after the date of the enactment of this subsection, the Comptroller General of the United States shall submit to the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate, a report including—

"(A) a summary of the activities of commercialization assistance pilot programs carried out under this subsection;

"(B) a detailed compilation of results achieved by such commercialization assistance pilot programs, including the

number of eligible entities that received awards under such programs;

"(C) the rate at which each eligible entity that received a subsequent Phase II SBIR award under this subsection commercialized research of the recipient;

"(D) the growth in employment and revenue of eligible entities that is attributable to participation in a commercialization assistance pilot program;

"(E) a comparison of commercialization success of eligible entities participating in a commercialization assistance pilot program with recipients of an additional Phase II SBIR award under subsection (ff);

"(F) demographic information, such as ethnicity and geographic location, of eligible entities participating in a commercialization assistance pilot program;

"(G) an accounting of the funds used at each covered agency that implements a commercialization assistance pilot program under this subsection;

"(H) the amount of matching funding provided by eligible third-party investors, set forth separately by source of funding;

"(I) an analysis of the effectiveness of the commercialization assistance pilot program implemented by each covered agency; and

"(J) recommendations for improvements to the commercialization assistance pilot program.

"(10) DEFINITIONS.—For purposes of this subsection:

"(A) COVERED AGENCY.—The term 'covered agency' means a Federal agency required to have an SBIR program.

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a small business concern that has received a Phase II award under an SBIR program and an additional Phase II SBIR award under subsection (ff) from the covered agency to which such small business concern is applying for a subsequent Phase II SBIR award.

"(C) ELIGIBLE THIRD-PARTY INVESTOR.—The term 'eligible third-party investor' means a small business concern other than an eligible entity, a venture capital firm, an individual investor, a non-SBIR Federal, State or local government, or any combination thereof.

"(D) INELIGIBLE SOURCES.—The term 'ineligible sources' means the following:

"(i) The eligible entity's internal research and development funds.

"(ii) Funding in forms other than cash, such as in-kind or other intangible assets.

"(iii) Funding from the owners of the eligible entity, or the family members or affiliates of such owners.

"(iv) Funding attained through loans or other forms of debt obligations.

"(E) SUBSEQUENT PHASE II SBIR AWARD.—The term 'subsequent Phase II SBIR award' means an award granted to an eligible entity under this subsection to carry out

further commercialization activities for research conducted pursuant to an SBIR program.".

SEC. 861. PUERTO RICO BUSINESSES.

(a) DEFINITION OF PUERTO RICO BUSINESS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(ee) PUERTO RICO BUSINESS.—In this Act, the term 'Puerto Rico business' means a small business concern that has its principal office located in the Commonwealth of Puerto Rico.".

(b) SMALL BUSINESS CREDIT FOR PUERTO RICO BUSINESSES.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(x) SMALL BUSINESS CREDIT FOR PUERTO RICO BUSINESSES.—

"(1) CREDIT FOR MEETING CONTRACTING GOALS.—If an agency awards a prime contract to Puerto Rico business during the period beginning on the date of enactment of this subsection and ending on the date that is 4 years after such date of enactment, the value of the contract shall be doubled for purposes of determining compliance with the goals for procurement contracts under subsection (g)(1)(A)(i) during such period.

"(2) REPORT.—Along with the report required under subsection (h)(1), the head of each Federal agency shall submit to the Administrator, and make publicly available on the scorecard described in section 868(b) of the National Defense Authorization Act for Fiscal Year 2016 (15 U.S.C. 644 note), an analysis of the number and dollar amount of prime contracts awarded pursuant to paragraph (1) for each fiscal year of the period described in such paragraph.".

(c) PRIORITY FOR SURPLUS PROPERTY TRANSFERS.—Section 7(j)(13)(F) of the Small Business Act (15 U.S.C. 636(j)(13)(F)) is amended by adding at the end the following new clause:

"(iii)(I) In this clause, the term 'covered period' means the period beginning on the date of enactment of this clause and ending on the date on which the Oversight Board established under section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act (48 U.S.C. 2121) terminates.

"(II) The Administrator may transfer technology or surplus property under clause (i) to a Puerto Rico business if the Puerto Rico business meets the requirements for such a transfer, without regard to whether the Puerto Rico business is a Program Participant.".

(d) CONTRACTING INCENTIVES FOR PROTEGE FIRMS THAT ARE PUERTO RICO BUSINESSES.—

(1) IN GENERAL.—Section 45(a) of the Small Business Act (15 U.S.C. 657r(a)) is amended by adding at the end the following new paragraph:

"(3) PUERTO RICO BUSINESSES.—During the period beginning on the date of enactment of this paragraph and ending on the date on which the Oversight Board established under section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act (48 U.S.C. 2121) terminates, the Administrator shall identify potential incentives to a covered mentor that awards a subcontract to its covered protege, including—

"(A) positive consideration in any past performance evaluation of the covered mentor; and

"(B) the application of costs incurred for providing training to such covered protege to the subcontracting plan (as required under paragraph (4) or (5) of section 8(d)) of the covered mentor.".

(2) DEFINITIONS.—Section 45(d) of the Small Business Act (15 U.S.C. 657r(d)) is amended by adding at the end the following new paragraphs:

"(4) COVERED MENTOR.—The term 'covered mentor' means a mentor that enters into an agreement under this Act, or under any mentor-protege program approved under subsection (b)(1), with a covered protege.

"(5) COVERED PROTEGE.—The term 'covered protege' means a protege of a covered mentor that is a Puerto Rico business.".

(e) ADDITIONAL MENTOR-PROTEGE RELATIONSHIPS FOR PROTEGE FIRMS THAT ARE PUERTO RICO BUSINESSES.—Section 45(b)(3)(A) of the Small Business Act (15 U.S.C. 657r(b)(3)(A)) is amended by inserting ", except that such restrictions shall not apply to up to 2 mentor-protege relationships if such relationships are between a covered protege and covered mentor" after "each participant".

SEC. 862. OPPORTUNITIES FOR EMPLOYEE-OWNED BUSINESS CONCERNS THROUGH SMALL BUSINESS ADMINISTRATION LOAN PROGRAMS.

(a) [15 U.S.C. 648 note] DEFINITIONS.—In this Act—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "cooperative" means an entity that is determined to be a cooperative by the Administrator, in accordance with applicable Federal and State laws and regulations;

(3) the term "employee-owned business concern" means—

(A) a cooperative; and

(B) a qualified employee trust;

(4) the terms "qualified employee trust" and "small business concern" have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632); and

(5) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

(b) EXPANSION OF 7(A) LOANS.—

(1) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(A) in paragraph (15)—

(i) in subparagraph (A)—

(I) by striking "this subsection to qualified employee trusts" and inserting"this subsection—

"(i) to qualified employee trusts";

(II) in clause (i), as so designated—

(aa) by inserting ", and for any transaction costs associated with purchasing," after "purchasing";

(bb) by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following:

"(ii) to a small business concern under a plan approved by the Administrator, if the proceeds from the loan are only used to make a loan to a qualified employee trust, and for any transaction costs associated with making that loan, that results in the qualified employee trust owning at least 51 percent of the small business concern.";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "or by the small business concern" after "the trustee of such trust";

(II) in clause (ii), by striking "and" at the end;

(III) in clause (iii), by striking the period at the end and inserting ", and"; and

(IV) by adding at the end the following:

"(iv) with respect to a loan made to a trust, or to a cooperative in accordance with paragraph (35)—

"(I) a seller of the small business concern may remain involved as an officer, director, or key employee of the small business concern when a qualified employee trust or cooperative has acquired 100 percent of ownership of the small business concern; and

"(II) any seller of the small business concern who remains as an owner of the small business concern, regardless of the percentage of ownership interest, shall be required to provide a personal guarantee by the Administration."; and

(iii) by adding at the end the following:

"(F) A small business concern that makes a loan to a qualified employee trust under subparagraph (A)(ii) is not required to contain the same terms and conditions as the loan made to the small business concern that is guaranteed by the Administration under such subparagraph.

"(G) With respect to a loan made to a qualified employee trust under this paragraph, or to a cooperative in accordance with paragraph (35), the Administrator may, as deemed appropriate, elect to not require any mandatory equity to be provided by the qualified employee trust or cooperative to make the loan."; and

(B) by adding at the end the following:

"(35) LOANS TO COOPERATIVES.—

"(A) DEFINITION.—In this paragraph, the term 'cooperative' means an entity that is determined to be a cooperative by the Administrator, in accordance with applicable Federal and State laws and regulation.

"(B) AUTHORITY.—The Administration shall guarantee loans made to a cooperative for the purpose described in paragraph (15).".

(2) DELEGATION OF AUTHORITY TO PREFERRED LENDERS.—Section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)) is amended by inserting ", including loans guaranteed under paragraph (15) or (35) of section 7(a)" after "deferred participation loans".

(c) [15 U.S.C. 648 note] SMALL BUSINESS INVESTMENT COMPANY PROGRAM OUTREACH.—The Administrator shall provide outreach and educational materials to companies licensed under section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)) to increase the use of funds to make investments in company transitions to employee-owned business concerns.

(d) [15 U.S.C. 648 note] SMALL BUSINESS MICROLOAN PROGRAM OUTREACH.—The Administrator shall provide outreach and educational materials to intermediaries under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) to increase the use of funds to make loans to employee-owned business concerns, including transitions to employee-owned business concerns.

(e) [15 U.S.C. 648 note] SMALL BUSINESS DEVELOPMENT CENTER OUTREACH AND ASSISTANCE.—

(1) ESTABLISHMENT.—The Administrator shall establish a Small Business Employee Ownership and Cooperatives Promotion Program to offer technical assistance and training on the transition to employee ownership through cooperatives and qualified employee trusts.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the program established under subsection (a), the Administrator shall enter into agreements with small business development centers under which the centers shall—

(i) provide access to information and resources on employee ownership through cooperatives or qualified employee trusts as a business succession strategy;

(ii) conduct training and educational activities; and

(iii) carry out the activities described in subparagraph (U) of section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)).

(B) ADDITIONAL SERVICES.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(i) in subparagraph (S), by striking "and" at the end;

(ii) in subparagraph (T), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(U) encouraging and assisting the provision of succession planning to small business concerns with a focus on transitioning to cooperatives, as defined in section 7(a)(35), and qualified employee trusts (collectively referred to in this subparagraph as 'employee-owned business concerns'), including by—

"(i) providing training to individuals to promote the successful management, governance, or operation of a business purchased by those individuals in the formation of an employee-owned business concern;

"(ii) assisting employee-owned business concerns that meet applicable size standards established under section 3(a) with education and technical assistance with respect to financing and contracting programs administered by the Administration;

"(iii) coordinating with lenders on conducting outreach on financing through programs administered by the Administration that may be used to support the transition of ownership to employees;

"(iv) supporting small business concerns in exploring or assessing the possibility of transitioning to an employee-owned business concern; and

"(v) coordinating with the cooperative development centers of the Department of Agriculture, the land grant extension network, the Manufacturing Extension Partnership, community development financial institutions, employee ownership associations and service providers, and local, regional and national cooperative associations.".

(f) AMENDMENT TO REPORT TO CONGRESS ON STATUS OF EMPLOYEE-OWNED FIRMS.—Section 7(a)(15)(E) of the Small Business Act (15 U.S.C. 636(a)(15)(E)) is amended by striking "Administration." and inserting"Administration, which shall include—

"(i) the total number of loans made to employee-owned business concerns that were guaranteed by the Administrator under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696), including the number of loans made—

"(I) to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

"(II) to cooperatives;

"(ii) the total number of financings made to employee-owned business concerns by companies licensed under section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 696(c)), including the number of financings made—

"(I) to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

"(II) to cooperatives; and

"(iii) any outreach and educational activities conducted by the Administration with respect to employee-owned business concerns.".

(g) REPORT ON COOPERATIVE LENDING.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that cooperatives have a unique business structure and are unable to access the lending programs of the Administration effectively due to loan guarantee requirements that are incompatible with the business structure of cooperatives.

(2) STUDY AND REPORT.—

(A) STUDY.—The Administrator, in coordination with lenders, stakeholders, and Federal agencies, shall study and recommend practical alternatives for cooperatives that will satisfy the loan guarantee requirements of the Administration.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to

Congress the recommendations developed under paragraph (1) and a plan to implement such recommendations.

(h) AMENDMENT TO DEFINITION OF QUALIFIED EMPLOYEE TRUST.—Section 3(c)(2)(A)(ii) of the Small Business Act (15 U.S.C. 632(c)(2)(A)(ii)) is amended to read as follows:

"(ii) which provides that each participant is entitled to direct the plan trustee as to the manner of how to vote the qualified employer securities (as defined in section 4975(e)(8) of the Internal Revenue Code of 1986), which are allocated to the account of such participant with respect to a corporate matter which (by law or charter) must be decided by a vote conducted in accordance with section 409(e) of the Internal Revenue Code of 1986; and".

Subtitle G—Provisions Related to Software and Technical Data Matters

SEC. 865. VALIDATION OF PROPRIETARY AND TECHNICAL DATA.

Section 2321(f) of title 10, United States Code, is amended—

(1) by striking "(1) Except as provided in paragraph (2), in" and inserting "In"; and

(2) by striking paragraph (2).

[Section 866 was repealed by section 808(a) of division A of Public Law 116–92.]

SEC. 867. REQUIREMENT FOR NEGOTIATION OF TECHNICAL DATA PRICE BEFORE SUSTAINMENT OF MAJOR WEAPON SYSTEMS.

Section 2439 of title 10, United States Code, is amended—

(1) by inserting ", to the maximum extent practicable," after "shall ensure";

(2) by striking "or for the production of a major weapon system" and inserting "production of a major weapon system, or sustainment of a major weapon system";

(3) by striking "or production" and inserting ", production, or sustainment"; and

(4) in the heading, by striking "or production" and inserting ", production, or sustainment".

SEC. 868. [10 U.S.C. 2223a note] IMPLEMENTATION OF RECOMMENDATIONS OF THE FINAL REPORT OF THE DEFENSE SCIENCE BOARD TASK FORCE ON THE DESIGN AND ACQUISITION OF SOFTWARE FOR DEFENSE SYSTEMS.

(a) IMPLEMENTATION REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall, except as provided under subsection (b), commence implementation of each recommendation submitted as part of the final report of the Defense Science Board Task Force on the Design and Acquisition of Software for Defense Systems.

(b) EXCEPTIONS.—

(1) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described under subsection (a) later than the date required under such subsection if the Secretary provides the congressional defense committees with a specific justification for the delay in implementation of such recommendation.

(2) NONIMPLEMENTATION.—The Secretary of Defense may opt not to implement a recommendation described under subsection (a) if the Secretary provides to the congressional defense committees—

(A) the reasons for the decision not to implement the recommendation; and

(B) a summary of the alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(c) IMPLEMENTATION PLANS.—For each recommendation that the Secretary is implementing, or that the Secretary plans to implement, the Secretary shall submit to the congressional defense committees—

(1) a summary of actions that have been taken to implement the recommendation; and

(2) a schedule, with specific milestones, for completing the implementation of the recommendation.

SEC. 869. [10 U.S.C. 2223a note] IMPLEMENTATION OF PILOT PROGRAM TO USE AGILE OR ITERATIVE DEVELOPMENT METHODS REQUIRED UNDER SECTION 873 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall include the following systems in the pilot program to use agile or iterative development methods pursuant to section 873 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2223a note):

(1) Defense Retired and Annuitant Pay System 2 (DRAS2), Defense Logistics Agency.

(2) Army Integrated Air and Missile Defense (AIAMD), Army.

(3) Army Contract Writing System (ACWS), Army.

(4) Defense Enterprise Accounting and Management System (DEAMS) Inc2, Air Force.

(5) Item Master, Air Force.

(b) ADDITIONS TO LIST.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall identify three additional systems for participation in the pilot program pursuant to section 873 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2223a note) and notify the congressional defense committees of the additions.

(c) COMMUNITY OF PRACTICE ADVISING ON AGILE OR ITERATIVE DEVELOPMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall establish a Community of Practice on agile or iterative methods so that programs that have been incorporating agile or iterative methods can share with programs participating in the pilot the lessons learned, best practices, and recommendations for improvements to acquisition and supporting processes. The Service Acquisition Executives of the military departments shall send representation from the following programs, which have reported using agile or iterative methods:

(1) Air and Space Operations Center (AOC).

(2) Command Control Battle Management and Communications (C2BMC).

(3) The family of Distributed Common Ground Systems.

(4) The family of Global Command and Control Systems.

(5) Navy Personnel and Pay (NP2).

(6) Other programs and activities as appropriate.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on the status of the pilot program and each system participating in the pilot. The report shall include the following elements:

(1) A description of how cost and schedule estimates in support of the program are being conducted and using what methods.

(2) The contracting strategy and types of contracts that will be used in executing the program.

(3) A description of how intellectual property ownership issues associated with software applications developed with agile or iterative methods will be addressed to ensure future sustainment, maintenance, and upgrades to software applications after the applications are fielded.

(4) A description of the tools and software applications that are expected to be developed for the program and the costs and cost categories associated with each.

(5) A description of challenges the program has faced in realigning the program to use agile or iterative methods.

(e) MODIFICATIONS TO PILOT PROGRAM SELECTION CRITERIA.—Section 873(a)(3)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2223a note) is amended—

(1) by inserting "or subsystems" after "In selecting systems";

(2) in clause (i)(II), by striking "; and" and inserting "; or"; and

(3) in clause (ii)(II), by striking "; and" and inserting "; or".

SEC. 870. REPORT ON REQUIRING ACCESS TO DIGITAL TECHNICAL DATA IN FUTURE ACQUISITIONS OF COMBAT, COMBAT SERVICE, AND COMBAT SUPPORT SYSTEMS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of requiring access to digital technical data in all future acquisitions by the Department of Defense of combat, combat service, and combat support systems, including front-end negotiations for such access. Such report shall include a digital data standard for technical data for use by equipment manufacturers and the Department with regard to three-dimensional printed parts.

Subtitle H—Other Matters

SEC. 871. PROHIBITION ON ACQUISITION OF SENSITIVE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.

(a) IN GENERAL.—Subchapter V of chapter 148 of title 10, United States Code, is amended by inserting after section 2533b the following new section:

"SEC. 2533c. [10 U.S.C. 2533c] PROHIBITION ON ACQUISITION OF SENSITIVE MATERIALS FROM NON-ALLIED FOREIGN NATION

"(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense may not—

"(1) procure any covered material melted or produced in any covered nation, or any end item that contains a covered material manufactured in any covered nation, except as provided by subsection (c); or

"(2) sell any covered material from the National Defense Stockpile, if the National Defense Stockpile Manager determines that such a sale is not in the national interests of the United States, to—

"(A) any covered nation; or

"(B) any third party that the Secretary reasonably believes is acting as a broker or agent for a covered nation or an entity in a covered nation.

"(b) APPLICABILITY.—Subsection (a) shall apply to prime contracts and subcontracts at any tier.

"(c) EXCEPTIONS.—Subsection (a) does not apply under the following circumstances:

"(1) If the Secretary of Defense determines that covered materials of satisfactory quality and quantity, in the required form, cannot be procured as and when needed at a reasonable price.

"(2) To the procurement of an end item described in subsection (a)(1) or the sale of any covered material described under subsection (a)(1) by the Secretary outside of the United States for use outside of the United States.

"(3) To the purchase by the Secretary of an end item containing a covered material that is—

"(A) a commercially available off-the-shelf item (as defined in section 104 of title 41), other than—

"(i) a commercially available off-the-shelf item that is 50 percent or more tungsten by weight; or

"(ii) a mill product, such as bar, billet, slab, wire, cube, sphere, block, blank, plate, or sheet, that has not been incorporated into an end item, subsystem, assembly, or component;

"(B) an electronic device, unless the Secretary of Defense, upon the recommendation of the Strategic Materials Protection Board pursuant to section 187 of this title, determines that the domestic availability of a particular electronic device is critical to national security; or

"(C) a neodymium-iron-boron magnet manufactured from recycled material if the milling of the recycled material and sintering of the final magnet takes place in the United States.

"(d) DEFINITIONS.—In this section:

"(1) COVERED MATERIAL.—The term 'covered material' means—

"(A) samarium-cobalt magnets;

"(B) neodymium-iron-boron magnets;

"(C) tungsten metal powder; and

"(D) tungsten heavy alloy or any finished or semi-finished component containing tungsten heavy alloy.

"(2) COVERED NATION.—The term 'covered nation' means—

"(A) the Democratic People's Republic of North Korea;

"(B) the People's Republic of China;

"(C) the Russian Federation; and

"(D) the Islamic Republic of Iran.

"(3) END ITEM.—The term 'end item' has the meaning given in section 2533b(m) of this title.".

(b) [10 U.S.C. 2531] CLERICAL AMENDMENT.—The table of contents at the beginning of such subchapteris amended by inserting after the item relating to section 2533b the following item:

"2533c. Prohibition on acquisition of sensitive materials from non-allied foreign nations.".

SEC. 872. EXTENSION OF PROHIBITION ON PROVIDING FUNDS TO THE ENEMY.

Section 841(n) of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 127 Stat. 3455; 10 U.S.C. 2302 note) is amended by striking "December 31, 2019" and inserting "December 31, 2021".

SEC. 873. [10 U.S.C. 2371 note] DATA, POLICY, AND REPORTING ON THE USE OF OTHER TRANSACTIONS.

(a) COLLECTION AND STORAGE.—The Service Acquisition Executives of the military departments shall collect data on the use of other transactions by their respective departments, and the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment shall collect data on all other use by the Department of Defense of other transactions, including use by the Defense Agencies. The data shall be stored in a manner that allows the Assistant Secretary of Defense for Acquisition and other appropriate officials access at any time.

(b) USE OF DATA.—The Assistant Secretary of Defense for Acquisition shall—

(1) analyze and leverage the data collected under subsection (a) to update policy and guidance related to the use of other transactions; and

(2) make the data collected under subsection (a) accessible to any official designated by the Secretary of Defense for inclusion by such official in relevant reports made by such official.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2019, and annually thereafter through December 31, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the use of other transaction authority to carry out prototype projects during the preceding fiscal year. Each report shall summarize the data collected under subsection (a) on the nature and extent of each such use of the authority, including a description—

(A) of the participants to an agreement entered into pursuant to the authority of subsection (a) of section 2371b of title 10, United States Code, or a follow-on contract or transaction entered into pursuant to the authority of subsection (f) of such section;

(B) of the quantity of prototype projects to be produced pursuant to such an agreement, follow-on contract, or transaction;

(C) of the amount of payments made pursuant to each such agreement, follow-on contract, or transaction;

(D) of the purpose, description, and status of prototype projects carried out pursuant to each such agreement, follow-on contract, or transaction; and

(E) including case examples, of the successes and challenges with using the authority of such subsection (a) or (f).

(2) FORM OF REPORT.—A report required under this subsection shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex.

SEC. 874. STANDARDIZATION OF FORMATTING AND PUBLIC ACCESSIBILITY OF DEPARTMENT OF DEFENSE REPORTS TO CONGRESS.

(a) REPORT FORMATTING PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall provide a plan to the congressional defense committees on activities to standardize the formatting of unclassified Department of Defense reports required by Congress. Such plan shall include—

(1) a description of the method for ensuring that reports are created in a platform-independent, machine-readable format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications; and

(2) a cost estimate and schedule for implementation of the activities under paragraph (1), with a completion date of not later than March 1, 2020.

(b) ONLINE REPOSITORY PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall provide a briefing to the congressional defense committees on the feasibility of developing a publically accessible online repository of unclassified reports of the Department of Defense issued since January 1, 2010. Such briefing shall include—

(1) protocols for inclusion of unclassified reports that, as determined by the Secretary, may not be appropriate for public release in their entirety; and

(2) a cost estimate and schedule for implementation and maintenance of the online repository.

SEC. 875. PROMOTION OF THE USE OF GOVERNMENT-WIDE AND OTHER INTERAGENCY CONTRACTS.

Section 865(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 31 U.S.C. 1535 note) is amended—

(1) by striking "that all interagency acquisitions—" and inserting "that—";

(2) in subparagraph (A)—

(A) by inserting "all interagency assisted acquisitions" before "include"; and

(B) by inserting "and" after the semicolon;

(3) by striking subparagraph (B); and

(4) by redesignating subparagraph (C) as subparagraph (B), and in that subparagraph by inserting "all interagency assisted acquisitions" before "include".

SEC. 876. INCREASING COMPETITION AT THE TASK ORDER LEVEL.

Section 3306(c) of title 41, United States Code, is amended—

(1) in paragraph (1), by inserting "except as provided in paragraph (3)," in subparagraphs (B) and (C) after the subparagraph designation; and

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

"(3) EXCEPTIONS FOR CERTAIN INDEFINITE DELIVERY, INDEFINITE QUANTITY MULTIPLE-AWARD CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS FOR SERVICES ACQUIRED ON AN HOURLY RATE.—If an executive agency issues a solicitation for one or more contracts for services to be acquired on an hourly rate basis under the authority of sections 4103 and 4106 of this title or section 152(3) of this title and section 501(b) of title 40 and the executive agency intends to make a contract award to each qualifying offeror and the contract or contracts will feature individually competed task or delivery orders based on hourly rates—

"(A) the contracting officer need not consider price as an evaluation factor for contract award; and

"(B) if, pursuant to subparagraph (A), price is not considered as an evaluation factor for contract award, cost or price to the Federal Government shall be considered in conjunction with the issuance pursuant to sections 4106(c) and 152(3) of this title of any task or delivery order under any contract resulting from the solicitation.

"(4) DEFINITION.—In paragraph (3), the term 'qualifying offeror' means an offeror that—

"(A) is determined to be a responsible source;

"(B) submits a proposal that conforms to the requirements of the solicitation;

"(C) meets all technical requirements; and

"(D) is otherwise eligible for award.".

[Section 877 was repealed by section 893(a) of division A of Public Law 116–92.]

SEC. 878. [41 U.S.C. 1122 note] PROCUREMENT ADMINISTRATIVE LEAD TIME DEFINITION AND PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop, make available for public comment, and finalize—

(1) a definition of the term "Procurement administrative lead time" or "PALT", to be applied Government-wide, that describes the amount of time from the date on which a solicitation for a contract or task order is issued to the date of an initial award of the contract or task order; and

(2) a plan for measuring and publicly reporting data on PALT for Federal Government contracts and task orders in amounts greater than the simplified acquisition threshold.

(b) REQUIREMENT FOR DEFINITION.—Unless the Administrator determines otherwise, the amount of time in the definition of PALT developed under subsection (a) shall—

(1) begin on the date on which an initial solicitation is issued by a Federal department or agency for a contract or task order; and

(2) end on the date of the award of the contract or task order.

(c) COORDINATION.—In developing the definition of PALT, the Administrator shall coordinate with—

(1) the senior procurement executives of Federal agencies;

(2) the Secretary of Defense; and

(3) the Administrator of the General Services Administration on modifying the existing data system of the Federal Government to determine the date on which the initial solicitation is issued.

(d) USE OF EXISTING PROCUREMENT DATA SYSTEM.—In developing the plan for measuring and publicly reporting data on PALT required by subsection (a), the Administrator shall, to the maximum extent practicable, rely on the information contained in the Federal procurement data system established pursuant to section 1122(a)(4) of title 41, United States Code, including any modifications to that system.

SEC. 879. BRIEFING ON FUNDING OF PRODUCT SUPPORT STRATEGIES.

(a) BRIEFING REQUIRED.—For each of the fiscal years 2020, 2021, and 2022, the Secretary of Defense shall provide an annotated briefing to the congressional defense committees regarding the funding for product support strategies for major weapon systems.

(b) CONTENTS.—The briefing shall include for each major weapon system—

(1) a current estimate of the total funding required for the product support strategy for specific costs of the weapons system over its expected lifecycle;

(2) a current estimate of the funding required for the product support strategy per year over the future years defense program for the specific product support costs of the weapon system;

(3) a summary of the funding requested for the product support strategy in the future years defense program per year specifically for the weapon system;

(4) a summary of the amounts expended to support costs specific to the weapon system as described in the product support strategy of the weapon system during the prior fiscal year; and

(5) a summary of improvements made to data collection and analysis capabilities of the Department of Defense, including in the military services, to improve the analysis and cost estimation of lifecycle costs, improve the analysis and identification of cost drivers, reduce lifecycle cost variance, identify common and shared costs for multiple weapons systems, and isolate the lifecycle costs attributable to specific individual weapons systems.

SEC. 880. [41 U.S.C. 3701 note] USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States Government to avoid using lowest price technically acceptable source selection criteria in circumstances that would deny the Government the benefits of cost and technical tradeoffs in the source selection process.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that, for solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, lowest price technically acceptable source selection criteria are used only in situations in which—

(1) an executive agency is able to comprehensively and clearly describe the minimum requirements expressed in terms of performance objectives, measures, and standards that will be used to determine acceptability of offers;

(2) the executive agency would realize no, or minimal, value from a contract proposal exceeding the minimum technical or performance requirements set forth in the request for proposal;

(3) the proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;

(4) the executive agency has a high degree of confidence that a review of technical proposals of offerors other than the lowest bidder would not result in the identification of factors that could provide value or benefit to the executive agency;

(5) the contracting officer has included a justification for the use of a lowest price technically acceptable evaluation methodology in the contract file; and

(6) the executive agency has determined that the lowest price reflects full life-cycle costs, including for operations and support.

(c) AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN CERTAIN PROCUREMENTS.—To the maximum extent practicable, the use of lowest price technically acceptable source selection criteria shall be avoided in the case of a procurement that is predominately for the acquisition of—

(1) information technology services, cybersecurity services, systems engineering and technical assistance services, advanced electronic testing, audit or audit readiness services, health care services and records, telecommunications devices and services, or other knowledge-based professional services;

(2) personal protective equipment; or

(3) knowledge-based training or logistics services in contingency operations or other operations outside the United States, including in Afghanistan or Iraq.

(d) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 102 of title 40, United States Code, except that the term does not include the Department of Defense.

(2) CONTINGENCY OPERATION.—The term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 881. PERMANENT SUPPLY CHAIN RISK MANAGEMENT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2339a. [10 U.S.C. 2339a] REQUIREMENTS FOR INFORMATION RELATING TO SUPPLY CHAIN RIS

"(a) AUTHORITY.—Subject to subsection (b), the head of a covered agency may—

"(1) carry out a covered procurement action; and

"(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

"(b) DETERMINATION AND NOTIFICATION.—The head of a covered agency may exercise the authority provided in subsection (a) only after—

"(1) obtaining a joint recommendation by the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense, on the basis of a risk assessment by the Under Secretary of Defense for Intelligence, that there is a significant supply chain risk to a covered system;

"(2) making a determination in writing, in unclassified or classified form, with the concurrence of the Under Secretary of Defense for Acquisition and Sustainment, that—

"(A) use of the authority in subsection (a)(1) is necessary to protect national security by reducing supply chain risk;

"(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

"(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (a)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information; and

"(3) providing a classified or unclassified notice of the determination made under paragraph (2) to the appropriate congressional committees, which notice shall include—

"(A) the information required by section 2304(f)(3) of this title;

"(B) the joint recommendation by the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense as specified in paragraph (1);

"(C) a summary of the risk assessment by the Under Secretary of Defense for Intelligence that serves as the basis for the joint recommendation specified in paragraph (1); and

"(D) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

"(c) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (a) or the responsibility to make a determination under subsection (b) to an official below the level of the service acquisition executive for the agency concerned.

"(d) LIMITATION ON DISCLOSURE.—If the head of a covered agency has exercised the authority provided in subsection (a)(2) to limit disclosure of information—

"(1) no action undertaken by the agency head under such authority shall be subject to review in a bid protest before the Government Accountability Office or in any Federal court; and

"(2) the agency head shall—

"(A) notify appropriate parties of a covered procurement action and the basis for such action only to the extent necessary to effectuate the covered procurement action;

"(B) notify other Department of Defense components or other Federal agencies responsible for procurements that may be subject to the same or similar supply chain risk, in a manner and to the extent consistent with the requirements of national security; and

"(C) ensure the confidentiality of any such notifications.

"(e) DEFINITIONS.—In this section:

"(1) HEAD OF A COVERED AGENCY.—The term 'head of a covered agency' means each of the following:

"(A) The Secretary of Defense.

"(B) The Secretary of the Army.

"(C) The Secretary of the Navy.

"(D) The Secretary of the Air Force.

"(2) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

"(A) The exclusion of a source that fails to meet qualification standards established in accordance with the requirements of section 2319 of this title for the purpose of reducing supply chain risk in the acquisition of covered systems.

"(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

"(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a con-

tractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

"(3) COVERED PROCUREMENT.—The term 'covered procurement' means—

"(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 2305(a)(1)(C)(ii) of this title, or an evaluation factor, as provided in section 2305(a)(2)(A) of this title, relating to supply chain risk;

"(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 2304c(d)(3) of this title, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

"(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

"(4) SUPPLY CHAIN RISK.—The term 'supply chain risk' means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

"(5) COVERED SYSTEM.—The term 'covered system' means a national security system, as that term is defined in section 3542(b) of title 44.

"(6) COVERED ITEM OF SUPPLY.—The term 'covered item of supply' means an item of information technology (as that term is defined in section 11101 of title 40) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

"(7) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) in the case of a covered system included in the National Intelligence Program or the Military Intelligence Program, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the congressional defense committees; and

"(B) in the case of a covered system not otherwise included in subparagraph (A), the congressional defense committees.".

(2) [10 U.S.C. 2301] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by inserting after the item relating to section 2339 the following new item:

"2339a. Requirements for information relating to supply chain risk.".

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 806(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2304 note) is hereby repealed.

SEC. 882. REVIEW OF MARKET RESEARCH.

Not later than February 1, 2019, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Under Secretary of Defense for Research and Engineering, shall review the guidance of the Department of Defense with regard to those portions of the Federal Acquisition Regulation regarding commercially available market research, including sections 10.001(a)(2)(vi) and 10.002(b), and market research practices. The review shall, at a minimum—

(1) assess the impact that conducting market research has on the Department's resources;

(2) ensure that commercially available market research is considered among other sources of research, as appropriate, and reviewed prior to developing new requirements documents for an acquisition by the Department;

(3) assess the extent to which the legal or regulatory definitions of market research should be made consistent, revised, or expanded;

(4) assess the extent to which guidance pertaining to market research should be revised or expanded; and

(5) evaluate best practices in market research in public and private organizations, including use of information technologies to support such research.

SEC. 883. ESTABLISHMENT OF INTEGRATED REVIEW TEAM ON DEFENSE ACQUISITION INDUSTRY-GOVERNMENT EXCHANGE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Business Board to convene an integrated review team (in this section referred to as the "exchange team") to undertake a study on facilitating the exchange of defense industry personnel on term assignments within the Department of Defense.

(2) MEMBER PARTICIPATION.—

(A) DEFENSE BUSINESS BOARD.—The Chairman of the Defense Business Board shall select six members from the membership of the Board to participate on the exchange team, including one member to lead the team.

(B) DEFENSE INNOVATION BOARD.—The Chairman of the Defense Innovation Board shall select five appropriate members from the membership of their Board to participate on the exchange team.

(C) DEFENSE SCIENCE BOARD.—The Chairman of the Defense Science Board shall select five appropriate members from the membership of their Board to participate on the exchange team.

(D) REQUIRED EXPERIENCE.—The Chairmen referred to in subparagraphs (A) through (C) shall ensure that members have significant legislative or regulatory expertise and reflect diverse experiences in the public and private sector.

(3) SCOPE.—The study conducted pursuant to paragraph (1) shall—

(A) review legal, ethical, and financial disclosure requirements for industry-government exchanges;

(B) review existing or previous industry-government exchange programs such as the Department of State's Franklin Fellows Program and the Information Technology Exchange Program;

(C) review how the military departments address legal, ethical, and financial requirements for members of the reserve components who also maintain civilian employment in the defense industry;

(D) produce specific and detailed recommendations for any legislation, including the amendment or repeal of regulations, as well as non-legislative approaches, that the members of the exchange team conducting the study determine necessary to—

(i) reduce barriers to industry-government exchange to encourage the flow of acquisition best practices;

(ii) ensure continuing financial and ethical integrity; and

(iii) protect the best interests of the Department of Defense; and

(E) produce such additional recommendations for legislation as the members consider appropriate.

(4) ACCESS TO INFORMATION.—The Secretary of Defense shall provide the exchange team with timely access to appropriate information, data, resources, and analysis so that the exchange team may conduct a thorough and independent analysis as required under this subsection.

(b) BRIEFING.—Not later than December 31, 2018, the exchange team shall provide an interim briefing to the congressional defense committees on the study conducted under subsection (a)

(c) FINAL REPORT.—Not later than March 1, 2019, the exchange team shall submit a final report on the study to the Under Secretary of Defense for Acquisition and Sustainment and the congressional defense committees.

SEC. 884. [10 U.S.C. 1701 note] EXCHANGE PROGRAM FOR ACQUISITION WORKFORCE EMPLOYEES.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense shall establish an exchange program under which the Under Secretary of Defense for Acquisition and Sustainment shall arrange for the temporary assignment of civilian personnel in the Department of Defense acquisition workforce.

(b) PURPOSES.—The purposes of the exchange program established pursuant to subsection (a) are—

(1) to familiarize personnel from the acquisition workforce with the equities, priorities, processes, culture, and workforce of the acquisition-related defense agencies;

(2) to enable participants in the exchange program to return the expertise gained through their exchanges to their original organizations; and

(3) to improve communication between and integration of the organizations that support the policy, implementation, and oversight of defense acquisition through lasting relationships.

(c) PARTICIPANTS.—

(1) NUMBER OF PARTICIPANTS.—The Under Secretary shall select not less than 10 and no more than 20 participants per year for participation in the exchange program established under subsection (a).

(2) CRITERIA FOR SELECTION.—The Under Secretary shall select participants for the exchange program established under subsection (a) from among mid-career employees and based on—

(A) the qualifications and desire to participate in the program of the employee; and

(B) the technical needs and capacities of the acquisition workforce, as applicable.

(d) TERMS.—Exchanges pursuant to the exchange program established under subsection (a) shall be for terms of one to two years, as determined and negotiated by the Under Secretary. The terms may begin and end on a rolling basis.

(e) GUIDANCE AND IMPLEMENTATION.—

(1) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary shall develop and submit to the congressional defense committees interim guidance on the form and contours of the exchange program established under subsection (a).

(2) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall implement the guidance developed under paragraph (1).

SEC. 885. PROCESS TO LIMIT FOREIGN ACCESS TO TECHNOLOGY.

(a) PROCESS AND PROCEDURES.—The Secretary of Defense shall develop a process and procedures for limiting foreign access to technology through contracts, grants, cooperative agreements, or other transactions, when such limitation is in the interest of national security.

(b) REPORT.—Not later than September 1, 2019, the Secretary shall submit to the congressional defense committees a report on the process and procedures developed pursuant to subsection (a). The report shall include the following elements:

(1) An assessment of the Department of Defense's ability through existing authorities to limit foreign access to technology through contracts, grants, cooperative agreements, or other transactions.

(2) An assessment of the Department's need to implement a process to limit foreign access to technology.

(3) Recommendations for penalties for violations of access, including intellectual property forfeiture.

(c) CONSIDERATIONS.—The process and procedures developed under subsection (a) shall be consistent with all existing law, including laws relating to trade agreements, individual protections, export controls, and the National Technology and Industrial Base (NTIB).

SEC. 886. PROCUREMENT OF TELECOMMUNICATIONS SUPPLIES FOR EXPERIMENTAL PURPOSES.

Section 2373(a) of title 10, United States Code, is amended by inserting "telecommunications," after "space-flight,".

SEC. 887. ACCESS BY DEVELOPMENTAL AND OPERATIONAL TESTING ACTIVITIES TO DATA REGARDING MODELING AND SIMULATION ACTIVITY.

(a) IN GENERAL.—Section 139(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Director shall have prompt access to all data regarding modeling and simulation activity proposed to be used by military departments and defense agencies in support of operational or live fire test and evaluation of military capabilities. This access shall include data associated with verification, validation, and accreditation activities.".

(b) [10 U.S.C. 139 note] ADDITIONAL TESTING DATA.—Developmental Test and Evaluation activities under the leadership of the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment shall have prompt access to all data regarding modeling and simulation activity proposed to be used by military departments and defense agencies in support of developmental test and evaluation of military capabilities. This access shall include data associated with verification, validation, and accreditation activities.

SEC. 888. [10 U.S.C. 2302 note] INSTRUCTION ON PILOT PROGRAM REGARDING EMPLOYMENT OF PERSONS WITH DISABILITIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall update the Defense Federal Acquisition Regulatory Supplement to include an instruction on the pilot program regarding employment of persons with disabilities authorized under section 853 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 2302 note).

SEC. 889. [41 U.S.C. 3901 note] PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT.

(a) PROHIBITION ON USE OR PROCUREMENT.—(1) The head of an executive agency may not—

(A) procure or obtain or extend or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or

(B) enter into a contract (or extend or renew a contract) with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(2) Nothing in paragraph (1) shall be construed to—

(A) prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(B) cover telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(b) PROHIBITION ON LOAN AND GRANT FUNDS.—(1) The head of an executive agency may not obligate or expend loan or grant funds to procure or obtain, extend or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain the equipment, services, or systems described in subsection (a).

(2) In implementing the prohibition in paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs, including the heads of the Federal Communications Commission, the Department of Agriculture, the Department of Homeland Security, the Small Business Administration, and the Department of Commerce, shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(3) Nothing in this subsection shall be construed to—

(A) prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(B) cover telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) EFFECTIVE DATES.—The prohibition under subsection (a)(1)(A) shall take effect one year after the date of the enactment of this Act, and the prohibitions under subsections (a)(1)(B) and (b)(1) shall take effect two years after the date of the enactment of this Act.

(d) WAIVER AUTHORITY.—

(1) EXECUTIVE AGENCIES.—The head of an executive agency may, on a one-time basis, waive the requirements under subsection (a) with respect to an entity that requests such a waiver. The waiver may be provided, for a period of not more than two years after the effective dates described in subsection (c), if the entity seeking the waiver—

(A) provides a compelling justification for the additional time to implement the requirements under such subsection, as determined by the head of the executive agency; and

(B) submits to the head of the executive agency, who shall not later than 30 days thereafter submit to the appropriate congressional committees, a full and complete laydown of the presences of covered telecommunications or video surveillance equipment or services in the entity's supply chain and a phase-out plan to eliminate such covered telecommunications or video surveillance equipment or services from the entity's systems.

(2) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence may provide a waiver on a date later than the effective dates described in subsection (c) if the Direc-

tor determines the waiver is in the national security interests of the United States.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Oversight and Government Reform of the House of Representatives.

(2) COVERED FOREIGN COUNTRY.—The term "covered foreign country" means the People's Republic of China.

(3) COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES.—The term "covered telecommunications equipment or services" means any of the following:

(A) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(B) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(C) Telecommunications or video surveillance services provided by such entities or using such equipment.

(D) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(4) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 133 of title 41, United States Code.

SEC. 890. [10 U.S.C. 2306a note] PILOT PROGRAM TO ACCELERATE CONTRACTING AND PRICING PROCESSES.

(a) IN GENERAL.—The Secretary of Defense shall establish a pilot program to reform and accelerate the contracting and pricing processes associated with contracts in excess of $50,000,000 by—

(1) basing price reasonableness determinations on actual cost and pricing data for purchases of the same or similar products for the Department of Defense; and

(2) reducing the cost and pricing data to be submitted in accordance with section 2306a[9] of title 10, United States Code.

[9] Effective on January 1, 2022, section 890(a)(2) is amended by section 1831(j)(7) of Public Law 116–283 by striking "section 2306a" and inserting "of chapter 271".

Continued

(b) REPORT.—Not later than January 30, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the pilot program authorized under subsection (a).

(c) SUNSET.—The authority to carry out the pilot program under this section shall expire on January 2, 2023.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

Sec. 901. Report on allocation of former responsibilities of the Under Secretary of Defense for Acquisition, Technology, and Logistics.
Sec. 902. Modification of responsibilities of the Under Secretary of Defense for Policy.
Sec. 903. Clarification of responsibilities and duties of the Chief Information Officer of the Department of Defense.
Sec. 904. Technical corrections to Department of Defense Test Resource Management Center authority.
Sec. 905. Specification of certain duties of the Defense Technical Information Center.

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

Sec. 911. Comprehensive review of operational and administrative chains-of-command and functions of the Department of the Navy.
Sec. 912. Modification of certain responsibilities of the Chairman of the Joint Chiefs of Staff relating to joint force concept development.
Sec. 913. Clarification of certain risk assessment requirements of the Chairman of the Joint Chiefs of Staff in connection with the National Military Strategy.
Sec. 914. Assistant Secretary of Defense for Special Operations and Low Intensity Conflict review of United States Special Operations Command.
Sec. 915. Expansion of principal duties of Assistant Secretary of the Navy for Research, Development, and Acquisition.
Sec. 916. Qualifications for appointment as Deputy Chief Management Officer of a military department.
Sec. 917. Deadline for completion of full implementation of requirements in connection with organization of the Department of Defense for management of special operations forces and special operations.
Sec. 918. Cross-functional teams in the Department of Defense.
Sec. 919. Limitation on transfer of the Chemical, Biological, and Radiological Defense Division of the Navy.

Subtitle C—Comprehensive Pentagon Bureaucracy Reform and Reduction

Sec. 921. Authorities and responsibilities of the Chief Management Officer of the Department of Defense.
Sec. 922. Analysis of Department of Defense business management and operations datasets to promote savings and efficiencies.
Sec. 923. Periodic review of the Defense Agencies and Department of Defense Field Activities by the Chief Management Officer of the Department of Defense.
Sec. 924. Actions to increase the efficiency and transparency of the Defense Logistics Agency.
Sec. 925. Review of functions of Defense Contract Audit Agency and Defense Contract Management Agency.
Sec. 926. Review and improvement of the operations of the Defense Finance and Accounting Service.

The amendment will result in the phrase "...in accordance [with of] chapter 271...".

Sec. 927. Assessment of chief information officer functions in connection with transition to enterprise-wide management of information technology and computing.
Sec. 928. Comptroller General of the United States report on cross-enterprise activities of the Inspectors General of the Department of Defense.
Sec. 929. General provisions.

Subtitle D—Other Department of Defense Organization and Management Matters

Sec. 931. Limitation on availability of funds for major headquarters activities of the Department of Defense.
Sec. 932. John S. McCain Strategic Defense Fellows Program.
Sec. 933. Performance of civilian functions by military personnel.
Sec. 934. Report on implementation of requirements on estimation and comparison of costs of civilian and military manpower and contract support for the Department of Defense.
Sec. 935. Review of foreign currency exchange rates and analysis of Foreign Currency Fluctuations, Defense appropriation.
Sec. 936. Responsibility for policy on civilian casualty matters.
Sec. 937. Additional matters in connection with background and security investigations for Department of Defense personnel.
Sec. 938. Research and development to advance capabilities of the Department of Defense in data integration and advanced analytics in connection with personnel security.

Subtitle E—Other Matters

Sec. 941. Trusted information provider program for national security positions and positions of trust.
Sec. 942. Report on expedited processing of security clearances for mission-critical positions.
Sec. 943. Report on clearance in person concept.

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. REPORT ON ALLOCATION OF FORMER RESPONSIBILITIES OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

Not later than March 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A list of each provision of law, whether within or outside title 10, United States Code, in force as of the date of the report that, as of that date, assigns a duty, responsibility, or other requirement to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) For each duty, responsibility, or other requirement specified in a provision of law listed pursuant to paragraph (1), the allocation of such duty, responsibility, or requirement within the Department of Defense, including—

(A) solely to the Under Secretary of Defense for Research and Engineering;

(B) solely to the Under Secretary of Defense for Acquisition and Sustainment;

(C) on a shared basis between the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment;

(D) solely to another official or organization of the Department;

(E) on a shared basis between other officials and organizations of the Department; or

(F) not allocated.

SEC. 902. MODIFICATION OF RESPONSIBILITIES OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) GENERAL RESPONSIBILITIES.—Paragraph (2) of section 134(b) of title 10, United States Code, is amended to read as follows:

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall be responsible and have overall direction and supervision for—

"(A) the development, implementation, and integration across the Department of Defense of the National Defense Strategy (as described by section 113 of this title) and strategic policy guidance for the activities of the Department of Defense across all geographic regions and military functions and domains;

"(B) the integration of the activities of the Department into the National Security Strategy of the United States;

"(C) the development of policy guidance for the preparation of campaign and contingency plans by the combatant commands, and for the review of such plans;

"(D) the preparation of policy guidance for the development of the global force posture; and

"(E) the development of the Defense Planning Guidance that guides the formulation of program and budget requests by the military departments and other elements of the Department.".

(b) RESPONSIBILITIES IN CONNECTION WITH JOINT FORCE CAPABILITIES AND READINESS.—Such section is further amended by adding at the end the following new paragraph:

"(5) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall coordinate with the Chairman of the Joint Chiefs of Staff and the Director of Cost Assessment and Program Evaluation to—

"(A) develop planning scenarios that describe the present and future strategic and operational environments by which to assess joint force capabilities and readiness; and

"(B) develop specific objectives that the joint force should be ready to achieve, and conduct assessments of the capability (in terms of both capacity and readiness) of the joint force to achieve such objectives.".

SEC. 903. CLARIFICATION OF RESPONSIBILITIES AND DUTIES OF THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.

Section 142(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting "(other than with respect to business systems and management)" after "sections 3506(a)(2)";

(2) in subparagraph (B), by striking "section 11315 of title 40" and inserting "sections 11315 and 11319 of title 40 (other than with respect to business systems and management)"; and

(3) in subparagraph (C), by striking "sections 2222, 2223(a), and 2224 of this title" and inserting "sections 2223(a)

(other than with respect to business systems and management) and 2224 of this title".

SEC. 904. TECHNICAL CORRECTIONS TO DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER AUTHORITY.

Section 196 of title 10, United States Code, is amended in subsections (c)(1)(B) and (g) by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under Secretary of Defense for Research and Engineering".

SEC. 905. [10 U.S.C. 2364 note] SPECIFICATION OF CERTAIN DUTIES OF THE DEFENSE TECHNICAL INFORMATION CENTER.

(a) IN GENERAL.—In addition to any other duties specified for the Defense Technical Information Center by law, regulation, or Department of Defense directive or instruction, the duties of the Center shall include the following:

(1) To execute the Global Research Watch Program under section 2365 [10] of title 10, United States Code.

(2) To develop and maintain datasets and other data repositories on research and engineering activities being conducted within the Department.

(b) ACTION PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan of action for the commencement by the Defense Technical Information Center of the duties specified in subsection (a).

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

SEC. 911. COMPREHENSIVE REVIEW OF OPERATIONAL AND ADMINISTRATIVE CHAINS-OF-COMMAND AND FUNCTIONS OF THE DEPARTMENT OF THE NAVY.

(a) IN GENERAL.—The Secretary of the Navy shall conduct a comprehensive review of the operational and administrative chains-of-command and functions of the Department of the Navy.

(b) ELEMENTS.—In conducting the review required by subsection (a), the Secretary shall consider options to do each of the following:

(1) Increase visibility of unit-level readiness at senior levels.

(2) Reduce so-called "double-hatting" and "triple-hatting" commanders.

(3) Clarify organizations responsible and accountable for training and certification at the unit, group, and fleet level.

(4) Simplify reporting requirements applicable to commanding officers.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the

[10] Effective on January 1, 2022, section 905(a)(1) is amended by section 1842(c)(2) of Public Law 116–283 by striking "section 2365" and inserting "section 4066".

congressional defense committees a report on the results of the review required by subsection (a). The report shall include the following:

(A) The results of the review, including any findings of the Secretary as a result of the review.

(B) Any organizational changes in operational or administrative chains-of-command or functions of the Department undertaken or to be undertaken by the Secretary in light of the review.

(C) Any recommendations for legislative or administration action with respect to the operational or administrative chains-of-command or functions of the Department the Secretary considers appropriate in light of the review.

(2) FORM.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 912. MODIFICATION OF CERTAIN RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF RELATING TO JOINT FORCE CONCEPT DEVELOPMENT.

Subparagraph (D) of section 153(a)(6) of title 10, United States Code, is amended to read as follows:

"(D) formulating policies for development and experimentation on both urgent and long-term concepts for joint force employment, including establishment of a process within the Joint Staff for analyzing and prioritizing gaps in capabilities that could potentially be addressed by joint concept development using existing or modified joint force capabilities;".

SEC. 913. CLARIFICATION OF CERTAIN RISK ASSESSMENT REQUIREMENTS OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF IN CONNECTION WITH THE NATIONAL MILITARY STRATEGY.

Section 153(b) of title 10, United States Code, is amended—

(1) in paragraph (1)(D)(iii), by striking "military strategic and operational risks" and inserting "military risk"; and

(2) in paragraph (2)(B)(ii), by striking "military strategic and operational risks to United States interests and the military strategic and operational risks in executing the National Military Strategy (or update)" and inserting "military strategic risks to United States interests and military risks in executing the National Military Strategy (or update)".

SEC. 914. ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT REVIEW OF UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) REVIEW REQUIRED.—The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall, in coordination with the Commander of the United States Special Operations Command, conduct a comprehensive review of the United States Special Operations Command for purposes of ensuring that the institutional and operational capabilities of special operations forces are appropriate to counter anticipated future threats across the spectrum of conflict.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall include, at a minimum, the following:

(1) An assessment of the adequacy of special operations forces doctrine, organization, training, materiel, education, personnel, and facilities to implement the 2018 National Defense Strategy, and recommendations, if any, for modifications for that purpose.

(2) An assessment of the roles and responsibilities of special operations forces as assigned by law, Department of Defense guidance, or other formal designation, and recommendations, if any, for additions to or divestitures of such roles or responsibilities.

(3) An assessment of the adequacy of the processes through which the United States Special Operations Command evaluates and prioritizes the requirements at the geographic combatant commands for special operations forces and special operations-unique capabilities and makes recommendations on the allocation of special operations forces and special operations-unique capabilities to meet such requirements, and recommendations, if any, for modifications of such processes.

(4) Any other matters the Assistant Secretary considers appropriate.

(c) DEADLINES.—

(1) COMPLETION OF REVIEW.—The review required by subsection (a) shall be completed by not later than 270 days after the date of the enactment of this Act.

(2) REPORT.—Not later than 30 days after completion of the review, the Assistant Secretary shall submit to the congressional defense committees a report on the review, including the findings and any recommendations of the Assistant Secretary as a result of the review.

SEC. 915. EXPANSION OF PRINCIPAL DUTIES OF ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, AND ACQUISITION.

Section 5016(b)(4)(A) of title 10, United States Code, is amended by striking "and acquisition matters" and inserting "acquisition, and sustainment (including maintenance) matters".

SEC. 916. [10 U.S.C. 132a note] QUALIFICATIONS FOR APPOINTMENT AS DEPUTY CHIEF MANAGEMENT OFFICER OF A MILITARY DEPARTMENT.

(a) DEPARTMENT OF THE ARMY.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Army unless the individual—

(1) has significant experience in business operations or management in the public sector; or

(2) has significant experience managing an enterprise in the private sector.

(b) DEPARTMENT OF THE NAVY.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Navy unless the individual—

(1) has significant experience in business operations or management in the public sector; or

(2) has significant experience managing an enterprise in the private sector.

(c) DEPARTMENT OF THE AIR FORCE.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Air Force unless the individual—

(1) has significant experience in business operations or management in the public sector; or

(2) has significant experience managing an enterprise in the private sector.

SEC. 917. [10 U.S.C. 138 note] DEADLINE FOR COMPLETION OF FULL IMPLEMENTATION OF REQUIREMENTS IN CONNECTION WITH ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

The Secretary of Defense shall ensure that the implementation of section 922 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2354) and the amendments made by that section is fully complete by not later than 90 days after the date of the enactment of this Act.

SEC. 918. [10 U.S.C. 111 note] CROSS-FUNCTIONAL TEAMS IN THE DEPARTMENT OF DEFENSE.

(a) CROSS-FUNCTIONAL TEAM ON ELECTRONIC WARFARE.—

(1) IN GENERAL.—Among the cross-functional teams established by the Secretary of Defense pursuant to subsection (c) of section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2345; 10 U.S.C. 111 note) in support of the organizational strategy for the Department of Defense required by subsection (a) of that section, the Secretary shall establish a cross-functional team on electronic warfare.

(2) ESTABLISHMENT AND ACTIVITIES.—The cross-functional team established pursuant to paragraph (1) shall be established in accordance with subsection (c) of section 911 of the National Defense Authorization Act for Fiscal Year 2017, and shall be governed in its activities in accordance with the provisions of such subsection (c).

(3) DEADLINE FOR ESTABLISHMENT.—The cross-functional team required by paragraph (1) shall be established by not later than 90 days after the date of the enactment of this Act.

(b) ADDITIONAL CROSS-FUNCTIONAL TEAMS MATTERS.—

(1) CRITERIA FOR DISTINGUISHING AMONG CROSS-FUNCTIONAL TEAMS.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue criteria that distinguish cross-functional teams under section 911 of the National Defense Authorization Act for Fiscal Year 2017 from other types of cross-functional working groups, committees, integrated product teams, and task forces of the Department.

(2) PRIMARY RESPONSIBILITY FOR IMPLEMENTATION OF TEAMS.—The Deputy Secretary of Defense shall establish or designate an office within the Department that shall have primary responsibility for implementing section 911 of the National Defense Authorization Act for Fiscal Year 2017.

SEC. 919. LIMITATION ON TRANSFER OF THE CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL DEFENSE DIVISION OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall sub-

mit to the congressional defense committees a report that includes the following:

(1) A detailed timeline for the proposed transfer of the Chemical, Biological, and Radiological Defense Division of the Navy from Virginia to another location.

(2) A full accounting of the costs associated with the proposed transfer, including—

(A) all personnel costs;

(B) all equipment costs; and

(C) all facility renovation costs for the existing facilities of the Division and the facilities to which the Division is proposed to be transferred.

(3) A risk assessment of the operational impact of the transfer during the transition period.

(4) An explanation of the operational benefit expected to be achieved by collocating all Chemical, Biological, and Radiological elements of the Department of the Navy.

(b) LIMITATION.—The Secretary may not transfer, or prepare to transfer, the Chemical, Biological, and Radiological Defense Division of the Navy from Dahlgren, Virginia, to another location until a period of 45 days has elapsed following the date on which the report is submitted to the congressional defense committees under subsection (a).

Subtitle C—Comprehensive Pentagon Bureaucracy Reform and Reduction

SEC. 921. AUTHORITIES AND RESPONSIBILITIES OF THE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) AUTHORITIES AND RESPONSIBILITIES.—

(1) IN GENERAL.—Subsection (b) of section 132a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) Serving as the official with principal responsibility in the Department for minimizing the duplication of efforts, maximizing efficiency and effectiveness, and establishing metrics for performance among and for all organizations and elements of the Department.".

(2) BUDGET AUTHORITY.—

(A) IN GENERAL.—Such section is further amended—

(i) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(ii) by inserting after subsection (b) the following new subsection (c):

"(c) BUDGET AUTHORITY.—(1)(A) Beginning in fiscal year 2020, the Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require the head of each Defense Agency and Department of Defense Field Activity specified by the Secretary for purposes of this subsection to transmit the proposed budget of such Agency or Activity for enterprise business operations for a fiscal year, and for the period covered by the future-years defense program submitted to Congress under section 221 of this title for that fiscal year, to the Chief Management Officer for

review under subparagraph (B) at the same time the proposed budget is submitted to the Under Secretary of Defense (Comptroller).

"(B) The Chief Management Officer shall review each proposed budget transmitted under subparagraph (A) and, not later than January 31 of the year preceding the fiscal year for which the budget is proposed, shall submit to the Secretary a report containing the comments of the Chief Management Officer with respect to all such proposed budgets, together with the certification of the Chief Management Officer regarding whether each such proposed budget achieves the required level of efficiency and effectiveness for enterprise business operations, consistent with guidance for budget review established by the Chief Management Officer.

"(C) Not later than March 31 each year, the Secretary shall submit to Congress a report that includes the following:

"(i) Each proposed budget for the enterprise business operations of a Defense Agency or Department of Defense Field Activity that was transmitted to the Chief Management Officer under subparagraph (A).

"(ii) Identification of each proposed budget contained in the most recent report submitted under subparagraph (B) that the Chief Management Officer did not certify as achieving the required level of efficiency and effectiveness for enterprise business operations.

"(iii) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets identified in the report.

"(iv) Any additional comments that the Secretary considers appropriate regarding inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets.

"(2) Nothing in this subsection shall be construed to modify or interfere with the budget-related responsibilities of the Director of National Intelligence.".

(B) [10 U.S.C. 132a note] EXECUTION OF AUTHORITY.—In order to execute the authority in subsection (c) of section 132a of title 10, United States Code (as amended by subparagraph (A)), the Chief Management Officer of the Department of Defense shall do the following:

(i) By April 1, 2019, develop an assessment of cost and expertise requirements to execute such authority.

(ii) By September 1, 2019, develop guidance for Defense Agencies and Department of Defense Field Activities to delineate spending on enterprise business operations and develop a process to determine the adequacy of their budgets for such operations.

(b) [10 U.S.C. 2222 note] REFORM OF BUSINESS ENTERPRISE OPERATIONS IN SUPPORT OF CERTAIN ACTIVITIES ACROSS DEPARTMENT OF DEFENSE.—

(1) PERIODIC REFORM.—

(A) IN GENERAL.—Not later than January 1, 2020, and not less frequently than once every five years thereafter, the Secretary of Defense shall, acting through the Chief Management Officer of the Department of Defense, reform enterprise business operations of the Department of Defense, through reductions, eliminations, or improvements, across all organizations and elements of the Department with respect to covered activities in order to increase effectiveness and efficiency of mission execution.

(B) CMO REPORTS.—Not later than January 1 of every fifth calendar year beginning with January 1, 2025, the Chief Management Officer shall submit to the congressional defense committees a report that describes the activities carried out by the Chief Management Officer under this subsection during the preceding five years, including an estimate of any cost savings achieved as a result of such activities.

(2) COVERED ACTIVITIES DEFINED.—In this subsection, the term "covered activities" means any activity relating to civilian resources management, logistics management, services contracting, or real estate management.

(3) REPORTING FRAMEWORK.—Not later than January 1, 2020, the Chief Management Officer shall establish a consistent reporting framework to establish a baseline for the costs to perform all covered activities, and shall submit to Congress a report that, for each individual covered activity performed in fiscal year 2019, identifies the following:

(A) The component or components of the Department responsible for performing such activity, and a business process map of such activity, in fiscal year 2019.

(B) The number of the military, civilian, and contractor personnel of the component or components of the Department who performed such activity in that fiscal year.

(C) The manpower requirements for such activity as of that fiscal year.

(D) The systems and other resources associated with such activity as of that fiscal year.

(E) The cost in dollars of performing such activity in fiscal year 2019.

(4) INITIAL PLAN.—Not later than February 1, 2019, the Chief Management Officer shall submit to the congressional defense committees a plan, schedule, and cost estimate for conducting the reforms required under paragraph (1)(A).

(5) CERTIFICATION OF COST SAVINGS.—Not later than January 1, 2020, the Chief Management Officer shall certify to the congressional defense committees that the savings and costs incurred as a result of activities carried out under paragraph (1) will achieve savings in fiscal year 2020 against the total amount obligated and expended for covered activities in fiscal year 2019 of—

(A) not less than 25 percent of the cost in dollars of performing covered activities in fiscal year 2019 as specified pursuant to paragraph (3)(E); or

(B) if the Chief Management Officer determines that achievement of savings of 25 percent or more will create overall inefficiencies for the Department, notice and justification will be submitted to the congressional defense committees specifying a lesser percentage of savings that the Chief Management Officer determines to be necessary to achieve efficiencies in the delivery of covered activities, which notice and justification shall be submitted by not later than October 1, 2019, together with a description of the efficiencies to be achieved.

(6) COMPTROLLER GENERAL REPORTS.—The Comptroller General of the United States shall submit to the congressional defense committees the following:

(A) Not later than 90 days after the submittal of the plan under paragraph (4), a report that verifies whether the plan is feasible.

(B) Not later than 270 days after the date of enactment of this Act, a report setting forth an assessment of the actions taken under paragraph (1)(A) since the date of the enactment of this Act.

(C) Not later than 270 days after the submittal of the reporting framework under paragraph (3), a report that verifies whether the baseline established in the framework is accurate.

(D) Not later than 270 days after the submittal of the report under paragraph (5), a report that verifies—

(i) whether the activities described in the report were carried out; and

(ii) whether any cost savings estimated in the report are accurate.

SEC. 922. [10 U.S.C. 2222 note] ANALYSIS OF DEPARTMENT OF DEFENSE BUSINESS MANAGEMENT AND OPERATIONS DATASETS TO PROMOTE SAVINGS AND EFFICIENCIES.

(a) IN GENERAL.—The Chief Management Officer of the Department of Defense shall develop a policy on analysis of Department of Defense datasets on business management and business operations by the public for purposes of accessing data analysis capabilities that would promote savings and efficiencies and otherwise enhance the utility of such datasets to the Department.

(b) INITIAL DISCHARGE OF POLICY.—

(1) IN GENERAL.—The Chief Management Officer shall commence the discharge of the policy required pursuant to subsection (a) by—

(A) identifying one or more matters—

(i) that are of significance to the Department of Defense;

(ii) that are currently unresolved; and

(iii) whose resolution from a business management or business operations dataset of the Department could benefit from a method or technique of analysis not currently familiar to the Department;

(B) identifying between three and five business management or business operations datasets of the Department not currently available to the public whose evalua-

tion could result in novel data analysis solutions toward management or operations problems of the Department identified by the Chief Management Officer; and

(C) encouraging, whether by competition or other mechanisms, the evaluation of the datasets described in subparagraph (B) by appropriate persons and entities in the public or private sector (including academia).

(2) PROTECTION OF SECURITY AND CONFIDENTIALITY.—In providing for the evaluation of datasets pursuant to this subsection, the Chief Management Officer shall take appropriate actions to protect the security and confidentiality of any information contained in the datasets, including through special precautions to ensure that any personally identifiable information is not included and no release of information will adversely affect national security missions.

SEC. 923. PERIODIC REVIEW OF THE DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES BY THE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) PERIODIC REVIEW.—Subsection (c) of section 192 of title 10, United States Code, is amended—

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

(2) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

"(1)(A) Not later than January 1, 2020, and periodically (but not less frequently than every four years) thereafter, the Chief Management Officer of the Department of Defense shall conduct a review of the efficiency and effectiveness of each Defense Agency and Department of Defense Field Activity. Each review shall, to the maximum extent practicable, be conducted in coordination with other ongoing efforts in connection with business enterprise reform.

"(B) As part of each review under this paragraph, the Chief Management Officer shall identify each activity of an Agency or Activity that is substantially similar to, or duplicative of, an activity carried out by another organization or element of the Department of Defense, or is not being performed to an adequate level to meet Department needs.

"(C) For purposes of conducting reviews under this paragraph, the Chief Management Officer shall develop internal guidance that defines requirements for such reviews and provides clear direction for conducting and recording the results of reviews.

"(2)(A) Not later than 90 days after the completion of a review under paragraph (1), the Chief Management Officer shall submit to the congressional defense committees a report that sets forth the results of the review.

"(B) The report on a review under this paragraph shall, based on the results of the review, include the following:

"(i) A list of each Defense Agency and Department of Defense Field Activity that the Chief Management Officer has determined—

"(I) operates efficiently and effectively; and

"(II) does not carry out any function that is substantially similar to, or duplicative of, a function car-

ried out by another organization or element of the Department of Defense.

"(ii) With respect to each Agency or Activity not included on the list under clause (i), a plan, aimed at better meeting Department needs, for—

"(I) rationalizing the functions within such Agency or Activity; or

"(II) transferring some or all of the functions of such Agency or Activity to another organization or element of the Department.

"(iii) Recommendations for functions, if any, currently conducted separately by the military departments that should be consolidated into an Agency or Activity.".

(b) REPEAL OF SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—Such section is further amended by striking subsection (e).

(c) LIMITATION ON TERMINATION.—Such section is further amended by adding at the end the following new subsection (e):

"(e) LIMITATION ON TERMINATION.—The Secretary of Defense may not terminate a Defense Agency or Department of Defense Field Activity until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the following:

"(1) Notice of the intent of the Secretary to terminate the Agency or Activity.

"(2) Such recommendations for legislative action as the Secretary considers appropriate in connection with the termination of the Agency or Activity.".

SEC. 924. [10 U.S.C. 191 note] ACTIONS TO INCREASE THE EFFICIENCY AND TRANSPARENCY OF THE DEFENSE LOGISTICS AGENCY.

(a) SYSTEM AND CAPABILITY.—Not later than January 1, 2020, the Director of the Defense Logistics Agency and the Chief Management Officer of the Department of Defense shall jointly, in consultation with the customers served by the Agency, develop and implement—

(1) a comprehensive system that enables customers of the Agency to view—

(A) the inventory of items and materials available to customers from the Agency; and

(B) the delivery status of items and materials that are in transit to customers; and

(2) a predictive analytics capability designed to increase the efficiency of the system described in paragraph (1) by identifying emerging customer needs with respect to items and materials supplied by the Agency, including any emerging needs arising from the use of new weapon systems by customers.

(b) ACTIONS TO INCREASE EFFICIENCY.—Not later than January 1, 2020, the Director and the Chief Management Officer shall jointly—

(1) develop a plan to reduce the rates charged by the Agency to customers, in aggregate—

(A) by not less than 10 percent; or

(B) if the Chief Management Officer determines that a reduction of rates in aggregate of 10 percent or more will create overall inefficiencies for the Department, by such percentage less than 10 percent as the Chief Management Officer considers appropriate to avoid such inefficiencies, but only after notifying the congressional defense committees of such lesser percentage in reduction of rates pursuant to this subparagraph;

(2) eliminate the duplication of services within the Agency; and

(3) establish specific goals and metrics to ensure that the Agency is fulfilling its mission of providing items and materials to customers with sufficient speed and in sufficient quantities to ensure the lethality and readiness of warfighters.

(c) PLAN REQUIRED.—Not later than February 1, 2019, the Director and the Chief Management Officer shall jointly submit to the congressional defense committees a plan that describes how the Director and the Chief Management Officer will achieve compliance with the requirements of subsections (a) and (b).

SEC. 925. REVIEW OF FUNCTIONS OF DEFENSE CONTRACT AUDIT AGENCY AND DEFENSE CONTRACT MANAGEMENT AGENCY.

(a) REVIEW.—The Secretary of Defense shall, acting through the Chief Management Officer of the Department of Defense, direct the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense (Comptroller) to conduct a joint review of the functions of the Defense Contract Audit Agency and the Defense Contract Management Agency. The review shall include the following:

(1) A validation of the missions and functions of each Agency.

(2) An assessment of the effectiveness of each Agency in performing designated functions, including identification and analysis of qualitative and quantitative metrics of performance.

(3) An assessment of the adequacy of the resources, authorities, workforce training, and size of each Agency to perform designated functions.

(4) An assessment of cost savings or avoidance attributable to the conduct of the activities of each Agency.

(5) A determination whether functions performed by either Agency could be performed more appropriately and effectively by any combination of the following:

(A) The other Agency.

(B) Any other organization or element of the Department of Defense, including the military departments.

(C) Commercial providers.

(6) A validation of the continued need for two separate Agencies with oversight for defense contracting.

(b) REPORT.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the results of the review conducted under subsection (a).

SEC. 926. REVIEW AND IMPROVEMENT OF THE OPERATIONS OF THE DEFENSE FINANCE AND ACCOUNTING SERVICE.

(a) IN GENERAL.—Not later than March 1, 2020, the Chief Management Officer of the Department of Defense and the Under Secretary of Defense (Comptroller) shall conduct a joint review of the activities of the Defense Finance and Accounting Service. The review shall include the following:

(1) A validation of the missions and functions of the Service.

(2) An assessment of the effectiveness of the Service in performing designated functions, including identification and analysis of qualitative and quantitative metrics of performance.

(3) An assessment of the resources, authorities, workforce training, and size of the Service to perform designated functions.

(4) An assessment of changes required to the mission and activities of the Service based on the availability and application of current and potential future information technology capabilities.

(5) A determination whether any functions currently performed by the Service could be performed more appropriately and effectively by any combination of the following:

(A) Any other organization or element of the Department of Defense, including the military departments.

(B) Commercial providers.

(6) A determination whether any functions currently performed by other organizations or elements of the Department could be consolidated within the Service in order to promote effectiveness and reduce duplicative effort.

(b) REPORT.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review conducted under subsection (a).

SEC. 927. ASSESSMENT OF CHIEF INFORMATION OFFICER FUNCTIONS IN CONNECTION WITH TRANSITION TO ENTERPRISE-WIDE MANAGEMENT OF INFORMATION TECHNOLOGY AND COMPUTING.

(a) ASSESSMENT REQUIRED.—The Chief Information Officer of the Department of Defense shall, in conjunction with the Chief Management Officer of the Department of Defense, conduct an assessment of chief information officer functions in the Department of Defense with a view toward the rationalization of such functions across the Defense Agencies and Department of Defense Field Activities in a manner consistent with the plans of the Department for a transition to enterprise-wide management of information technology (IT) networks and computing.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall result in the following:

(1) A determination of the number, duties and responsibilities, and grades of personnel performing management and oversight of information technology activities.

(2) Recommendations for the role the Chief Information Officer in managing the information technology workforce in

the Office of the Secretary of Defense, and for selecting and approving personnel for the information technology workforces of the military departments, Defense Agencies, and Department of Defense Field Activities.

(c) REPORT REQUIRED.—Not later than February 1, 2019, the Chief Information Officer and the Chief Management Officer shall jointly submit to the congressional defense committees a report that sets forth a description of the results of the assessment conducted pursuant to subsection (a), including a description of any actions proposed as a result of the assessment to achieve enterprise-wide efficiencies in the management of information technology networks and computing.

(d) PLAN REQUIRED.—Not later than January 1, 2020, the Chief Information Officer and the Chief Management Officer shall jointly submit to the congressional defense committees a report setting forth a plan to carry out the proposed actions described in subsection (c).

SEC. 928. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON CROSS-ENTERPRISE ACTIVITIES OF THE INSPECTORS GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on cross-enterprise activities of the Inspectors General of the organizations and elements of the Department of Defense, including public affairs, human resources, services contracting, other contracting, and any other cross-enterprise activities of the Inspectors General the Comptroller General considers appropriate for purposes of the report.

(b) ELEMENTS.—The report under subsection (a) shall identify with respect to the activities referred to in that subsection the following:

(1) Opportunities to maximize efficiency.

(2) Opportunities to minimize duplication of effort, including through reduction or elimination of duplicative functions.

(3) Any other matters the Comptroller General considers appropriate.

SEC. 929. GENERAL PROVISIONS.

(a) CONSOLIDATED REPORT.—The plans and reports required to be submitted to the congressional defense committees under this subtitle on or before March 1, 2020, may be combined and submitted in the form of a single, consolidated document.

(b) DEFINITIONS.—In this subtitle, the terms "Defense Agency", "Department of Defense Field Activity", and "military departments" have the meanings given the terms in section 101(a) of title 10, United States Code.

Subtitle D—Other Department of Defense Organization and Management Matters

SEC. 931. LIMITATION ON AVAILABILITY OF FUNDS FOR MAJOR HEADQUARTERS ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) CERTIFICATION ON AVERAGE AMOUNTS EXPENDED ON MAJOR HEADQUARTERS ACTIVITIES.—Not later than February 1, 2019, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report that certifies each of the following percentages in connection with amounts expended on major headquarters activities:

(1) The average percentage of the amount authorized to be appropriated for the Department of Defense per fiscal year, during the 10 fiscal years ending with fiscal year 2018, that has been expended on major headquarters activities.

(2) The average percentage of the amount authorized to be appropriated for the Department of Defense per fiscal year, during the 10 fiscal years ending with fiscal year 2018, that has been expended on major headquarters activities of the Office of the Secretary of Defense.

(3) The average percentage of the amount authorized to be appropriated for each military department per fiscal year, during the 10 fiscal years ending with fiscal year 2018, that has been expended on major headquarters activities of such military department.

(4) The average percentage of the amount authorized to be appropriated for the Department of Defense per fiscal year, during the 10 fiscal years ending with fiscal year 2018, and available for the combatant commands that has been spent on major headquarters activities of the combatant commands.

(b) OVERALL LIMITATION.—In fiscal year 2021, the aggregate amount that may be obligated and expended on major headquarters activities may not exceed an amount equal to the percentage specified in subsection (a)(1) of the amount authorized to be appropriated for the Department of Defense for that fiscal year.

(c) LIMITATION FOR PARTICULAR ACTIVITIES.—Within the amount available for fiscal year 2021 pursuant to subsection (b), amounts shall be available as follows:

(1) For major headquarters activities of the Office of the Secretary of Defense, not more than an amount equal to the percentage specified in subsection (a)(2) of the amount authorized to be appropriated for the Department of Defense for fiscal year 2021.

(2) For major headquarters activities of each military department, not more than an amount equal to the percentage specified in subsection (a)(3) with respect to such military department of the amount authorized to be appropriated for such military department for fiscal year 2021.

(3) For major headquarters activities of the combatant commands, not more than an amount equal to the percentage specified in subsection (a)(4) of the amount authorized to be

appropriated for the Department of Defense for fiscal year 2021 and available for the combatant commands.

(d) DEFINITIONS.—In this section:

(1) The term "major headquarters activities" has the meaning given the term "major Department of Defense headquarters activities" in section 346(b)(3) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 111 note).

(2) The term "major headquarters activities of a military department" means the following:

(A) In the case of the Army, the Office of the Secretary of the Army and the Army Staff.

(B) In the case of the Navy, the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and Headquarters, Marine Corps.

(C) In the case of the Air Force, the Office of the Secretary of the Air Force and the Air Staff.

(3) The term "Office of the Secretary of Defense" includes the Joint Staff.

SEC. 932. [10 U.S.C. 1580 note] JOHN S. MCCAIN STRATEGIC DEFENSE FELLOWS PROGRAM.

(a) FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a civilian fellowship program designed to provide leadership development and the commencement of a career track toward senior leadership in the Department.

(2) DESIGNATION.—The fellowship program shall be known as the "John S. McCain Strategic Defense Fellows Program" (in this section referred to as the "fellows program").

(b) ELIGIBILITY.—An individual is eligible for participation in the fellows program if the individual—

(1) is a citizen of the United States or a lawful permanent resident of the United States in the year in which the individual applies for participation in the fellows program; and

(2) either—

(A) possesses a graduate degree from an accredited institution of higher education in the United States that was awarded not later than two years before the date of the acceptance of the individual into the fellows program; or

(B) will be awarded a graduate degree from an accredited institution of higher education in the United States not later than six months after the date of the acceptance of the individual into the fellows program.

(c) APPLICATION.—

(1) APPLICATION REQUIRED.—Each individual seeking to participate in the fellows program shall submit to the Secretary of Defense an application therefor at such time and in such manner as the Secretary shall specify.

(2) ELEMENTS.—Each application of an individual under this subsection shall include the following:

(A) Transcripts of educational achievement at the undergraduate and graduate level.

(B) A resume.

(C) Proof of citizenship or lawful permanent residence.

(D) An endorsement from the applicant's graduate institution of higher education.

(E) An academic writing sample.

(F) Letters of recommendation addressing the applicant's character, academic ability, and any extracurricular activities.

(G) A personal statement by the applicant explaining career areas of interest and motivations for service in the Department.

(H) Such other information as the Secretary considers appropriate.

(d) SELECTION.—

(1) IN GENERAL.—Each year, the Secretary of Defense shall select participants in the fellows program from among applicants for the fellows program for such year who qualify for participation in the fellows program based on character, commitment to public service, academic achievement, extracurricular activities, and such other qualifications for participation in the fellows program as the Secretary considers appropriate.

(2) NUMBER.—The number of individuals selected to participate in the fellows program in any year may not exceed the numbers as follows:

(A) Ten individuals from each geographic region of the United States as follows:

(i) The Northeast.

(ii) The Southeast.

(iii) The Midwest.

(iv) The Southwest.

(v) The West.

(B) Ten additional individuals.

(3) BACKGROUND INVESTIGATION.—An individual selected to participate in the fellows program may not participate in the program unless the individual successfully undergoes a background investigation applicable to the position to which the individual will be assigned under the fellows program and otherwise meets such requirements applicable to assignment to a sensitive position within the Department that the Secretary considers appropriate.

(e) ASSIGNMENT.—

(1) IN GENERAL.—Each individual who participates in the fellows program shall be assigned to a position in one of the following:

(A) The Office of the Secretary of Defense.

(B) An office of the Secretary of a military department.

(2) POSITION REQUIREMENTS.—Each Secretary of a military department,,[11] each Under Secretary of Defense, and other officials, as designated by the Secretary of Defense, within the Office of the Secretary of Defense (as defined in section 131 of title 10, United States Code) who report directly to the Secretary of Defense shall submit to the Secretary of Defense each

[11] Double commas are so in law. See amendment made by section 906(1)(A) of division A of Public Law 117–81.

year the qualifications and skills to be demonstrated by participants in the fellows program to qualify for assignment under this subsection for service in a position of the office of such Secretary, Under Secretary, or official within the Office of the Secretary of Defense.

(3) ASSIGNMENT TO POSITIONS.—The Secretary of Defense shall each year assign participants in the fellows program to positions in the offices of the Secretaries of the military departments, and the offices of the Under Secretaries of Defense and other officials within the Office of the Secretary of Defense described in paragraph (2). In making such assignments, the Secretary of Defense shall seek to best match the qualifications and skills of participants in the fellows program with the requirements of positions available for assignment. Each participant so assigned shall serve as a special assistant to the Secretary, Under Secretary of Defense, or other official within the Office of the Secretary of Defense to whom assigned.

(4) LIMITATION ON NUMBER ASSIGNABLE TO SECRETARIES OF MILITARY DEPARTMENTS.—The number of participants in the fellows program who are assigned to the office of a Secretary of a military department in any year may not exceed five participants.

(5) TERM.—The term of each assignment under the fellows program shall be one year.

(6) PAY AND BENEFITS.—An individual assigned to a position under the fellows program shall be compensated at the rate of compensation for employees at level GS-10 of the General Schedule, and shall be treated as an employee of the United States during the term of assignment, including for purposes of eligibility for health care benefits and retirement benefits available to employees of the United States.

(7) EDUCATION LOAN REPAYMENT.—To the extent that funds are provided in advance in appropriations Acts, the Secretary of Defense may repay any loan of a participant in the fellows program if the loan is described by subparagraph (A), (B), or (C) of section 16301(a)(1) of title 10, United States Code. Any repayment of loans under this paragraph may require a minimum service agreement, as determined by the Secretary.

(f) CAREER DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that participants in the fellows program—

(A) receive opportunities and support appropriate for the commencement of a career track within the Department leading toward a future position of senior leadership within the Department, including ongoing mentorship support through appropriate personnel from entities within the Department such as the Defense Business Board and the Defense Innovation Board; and

(B) are provided appropriate opportunities for employment and advancement within the Department upon successful completion of the fellows program, including, if appropriate, opportunities to work at Department installations or Field Activities for between 12 and 24 months.

(2) RESERVATION OF POSITIONS.—In carrying out paragraph (1)(B), the Secretary shall reserve for participants who successfully complete the fellows program not fewer than 30 positions in the excepted service within the Department that are suitable for the commencement of a career track toward senior leadership within the Department. Any position so reserved shall not be subject to or covered by any reduction in headquarters personnel required under any other provision of law.

(3) NONCOMPETITIVE APPOINTMENT.—Upon the successful completion of the assignment of a participant in the fellows program in a position pursuant to subsection (e), the Secretary may, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, appoint the participant to a position reserved pursuant to paragraph (2) if the Secretary determines that such appointment will contribute to the development of highly qualified future senior leaders for the Department. An individual appointed pursuant to this paragraph shall not count against the limitation on the number of Office of the Secretary of Defense personnel in section 143 of title 10, United States Code, or any similar limitation in law on the number of personnel in headquarters of the Department that would otherwise apply to the office or headquarters to which appointed.

(4) PUBLICATION OF SELECTION.—The Secretary shall publish on an Internet website of the Department available to the public the names of the individuals selected to participate in the fellows program.

(g) OUTREACH.—The Secretary of Defense shall undertake appropriate outreach to inform potential participants in the fellows program of the nature and benefits of participation in the fellows program.

(h) REGULATIONS.—The Secretary of Defense shall carry out this section in accordance with such regulations as the Secretary may prescribe for purposes of this section.

(i) FUNDING.—Of the amounts authorized to be appropriated for each fiscal year for the Department of Defense for operation and maintenance, Defense-wide, $10,000,000 may be available to carry out the fellows program in such fiscal year.

SEC. 933. PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.

Section 129a(g)(1)(A) of title 10, United States Code, is amended by striking ", including a permanent conversion" and all that follows through the semicolon and inserting "is cost-effective, taking into account the fully-burdened costs of the civilian, military, and contractor workforces, including the impact of the performance of such functions on military career progression or when required by military necessity;".

SEC. 934. REPORT ON IMPLEMENTATION OF REQUIREMENTS ON ESTIMATION AND COMPARISON OF COSTS OF CIVILIAN AND MILITARY MANPOWER AND CONTRACT SUPPORT FOR THE DEPARTMENT OF DEFENSE.

Not later than March 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Instruction 7041.04. The

report shall include an assessment whether the Department of Defense is properly using civilian personnel in its workforce in the most cost-efficient manner when compared to its use of military and contractor personnel in its workforce.

SEC. 935. REVIEW OF FOREIGN CURRENCY EXCHANGE RATES AND ANALYSIS OF FOREIGN CURRENCY FLUCTUATIONS, DEFENSE APPROPRIATION.

(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall, in coordination with the Comptrollers of the military departments, conduct a review of the exchange rates for foreign currency used when making a disbursement pursuant to any expenditure or expense made by the Department of Defense in order to determine whether cost-savings could be achieved through a more consistent selection of cost-effective rates in the making of such disbursements. The review shall include an analysis of realized and projected losses on foreign currency exchange in order to determine an appropriate balance for the "Foreign Currency Fluctuations, Defense" account.

(b) REPORT.—Not later than January 31, 2019, the Under Secretary shall submit to the congressional defense committees a report setting forth a summary of the review conducted pursuant to subsection (a).

SEC. 936. [10 U.S.C. 134 note] RESPONSIBILITY FOR POLICY ON CIVILIAN CASUALTY MATTERS.

(a) DESIGNATION OF SENIOR CIVILIAN OFFICIAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy shall designate a senior civilian official of the Department of Defense within the Office of the Secretary of Defense at or above the level of Assistant Secretary of Defense to develop, coordinate, and oversee compliance with the policy of the Department relating to civilian casualties resulting from United States military operations.

(b) RESPONSIBILITIES.—The senior civilian official designated under subsection (a) shall ensure that the policy referred to in that subsection provides for—

(1) uniform processes and standards across the combatant commands for accurately recording kinetic strikes by the United States military;

(2) the development and dissemination of best practices for reducing the likelihood of civilian casualties from United States military operations;

(3) the development of publicly available means appropriate to the specific regional circumstances, including an Internet-based mechanism, for the submittal to the United States Government of allegations of civilian casualties resulting from United States military operations;

(4) uniform processes and standards across the combatant commands for reviewing and investigating allegations of civilian casualties resulting from United States military operations, including the consideration of relevant information from all available sources;

(5) uniform processes and standards across the combatant commands for—

(A) acknowledging the responsibility of the United States military for civilian casualties resulting from United States military operations, including for acknowledging the status of any individuals killed or injured who were believed to be enemy combatants, but subsequently determined to be non-combatants; and

(B) offering ex gratia payments or other assistance to civilians who have been injured, or to the families of civilians killed, as a result of United States military operations, as determined to be reasonable and culturally appropriate by the designated senior civilian official;

(6) regular engagement with relevant intergovernmental and nongovernmental organizations;

(7) public affairs guidance with respect to matters relating to civilian casualties alleged or confirmed to have resulted from United States military operations;

(8) cultivating, developing, retaining, and disseminating—

(A) lessons learned for integrating civilian protection into operational planning and identifying the proximate cause or causes of civilian casualties; and

(B) practices developed to prevent, mitigate, or respond to such casualties;[12]

(9) such other matters with respect to civilian casualties resulting from United States military operations as the designated senior civilian official considers appropriate.

(c) COORDINATION.—The senior civilian official designated under subsection (a) shall develop and implement steps to increase coordination with the relevant Chiefs of Mission and other appropriate positions in the Department of State with respect to the policies required pursuant to subsection (a) and other matters or assistance related to civilian harm, resulting from military operations.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the senior civilian official designated under subsection (a) shall submit to the congressional defense committees a report that describes—

(1) the policy developed by the senior civilian official under that subsection; and

(2) the efforts of the Department to implement such policy.

(e) BRIEFING.—Not later than 180 days after the date of the enactment of this subsection, the senior civilian official designated under subsection (a) shall provide to the congressional defense committees a briefing on—

(1) the updates made to the policy developed by the senior civilian official pursuant to this section; and

(2) the efforts of the Department to implement such updates.

SEC. 937. [10 U.S.C. 1564 note] ADDITIONAL MATTERS IN CONNECTION WITH BACKGROUND AND SECURITY INVESTIGATIONS FOR DEPARTMENT OF DEFENSE PERSONNEL.

Section 925(k)(3) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91)is amended—

[12] So in law. The word "and" should appear after the semicolon at the end of paragraph (8)(B).

(1) by redesignating subparagraphs (H) through (L) as subparagraphs (I) through (M), respectively; and

(2) by inserting after subparagraph (G) the following new subparagraph (H):

"(H) The number of denials or revocations of a security clearance by each authorized adjudicative agency that occurred separately from a periodic reinvestigation.".

SEC. 938. RESEARCH AND DEVELOPMENT TO ADVANCE CAPABILITIES OF THE DEPARTMENT OF DEFENSE IN DATA INTEGRATION AND ADVANCED ANALYTICS IN CONNECTION WITH PERSONNEL SECURITY.

(a) PLAN REQUIRED.—The Under Secretary of Defense for Intelligence shall develop a plan on research and development activities to advance the capabilities of the Department of Defense in data integration and advanced analytics in connection with personnel security activities of the Department. The plan shall, to the extent practicable, provide for the leveraging of the capabilities of other government entities, institutions of higher education, and private sector entities with advanced, leading-edge expertise in data integration and analytics applicable to the challenges faced by the Department in connection with personnel security.

(b) COORDINATION.—Any activities under the plan may be carried out in coordination with the Defense Digital Service and the Defense Innovation Board.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall provide to the appropriate committees of Congress a briefing on the plan.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle E—Other Matters

SEC. 941. [50 U.S.C. 3161 note] TRUSTED INFORMATION PROVIDER PROGRAM FOR NATIONAL SECURITY POSITIONS AND POSITIONS OF TRUST.

(a) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability/Credentialing Executive Agent shall establish and implement a program (to be known as the "Trusted Information Provider Program") to share between and among agencies of the Federal Government and industry partners of the Federal Government relevant background information regarding individuals applying for and currently occupying national security positions and positions of trust, in order to ensure the Federal Government maintains a trusted workforce.

(b) PRIVACY SAFEGUARDS.—The Security Executive Agent and the Suitability/Credentialing Executive Agent shall ensure that the program required by subsection (a) includes such safeguards for

privacy as the Security Executive Agent and the Suitability/Credentialing Executive Agent consider appropriate.

(c) PROVISION OF INFORMATION TO THE FEDERAL GOVERNMENT.—The program required by subsection (a) shall include requirements that enable Investigative Service Providers and agencies of the Federal Government to leverage certain pre-employment information gathered during the employment or military recruiting process, and other relevant security or human resources information obtained during employment with or for the Federal Government, that satisfy Federal investigative standards, while safeguarding personnel privacy.

(d) INFORMATION AND RECORDS.—The information and records considered under the program required by subsection (a) shall include the following:

(1) Date and place of birth.

(2) Citizenship or immigration and naturalization information.

(3) Education records.

(4) Employment records.

(5) Employment or social references.

(6) Military service records.

(7) State and local law enforcement checks.

(8) Criminal history checks.

(9) Financial records or information.

(10) Foreign travel, relatives or associations.

(11) Social media checks.

(12) Any other information or records relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

(e) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability/Credentialing Executive Agent shall jointly submit to Congress a plan for the implementation of the program required by subsection (a).

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability/Credentialing Executive Agent consider appropriate to carry out or improve the program.

(f) DEFINITIONS.—In this section:

(1) The term "Security Executive Agent" means the Director of National Intelligence acting as the Security Executive Agent in accordance with Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note).

(2) The term "Suitability/Credentialing Executive Agent" means the Director of the Office of Personnel Management acting as the Suitability/Credentialing Executive Agent in accordance with Executive Order 13467.

SEC. 942. REPORT ON EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR MISSION-CRITICAL POSITIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to Congress a report on the feasibility and advisability of, and existing barriers to, programs for expedited processing of security clearances for mission-critical positions, whether filled by Government or contract employees.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) Recommendations for the establishment by Government agencies of programs designed to prioritize processing of security clearances among their Government and contract employees seeking security clearances.

(2) Proposed timeliness for the implementation of programs recommended pursuant to paragraph (1).

(3) Recommendations for legislative or administrative actions to enable and improve programs of Government agencies for the expedited processing of security clearances for mission-critical positions.

(c) SECURITY EXECUTIVE AGENT DEFINED.—In this section, the term "Security Executive Agent" means the Director of National Intelligence acting as the Security Executive Agent in accordance with Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note).

SEC. 943. REPORT ON CLEARANCE IN PERSON CONCEPT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to the appropriate committees of Congress a report on the requirements, feasibility, and advisability of implementing a clearance in person concept as described in subsection (b) for maintaining access to classified information.

(b) CLEARANCE IN PERSON CONCEPT.—

(1) IN GENERAL.—Implementation of a clearance in person concept as described in this subsection would permit an individual who has been granted a national security clearance to maintain eligibility for access to classified information, networks, and facilities after the individual has separated from service to the Federal Government or transferred to a position that no longer requires access to classified information.

(2) RECOGNITION AS CURRENT.—The concept described in paragraph (1) would also ensure that, unless otherwise directed by the Security Executive Agent, the individual's security clearance would be recognized as current, regardless of employment status, with no further need for investigation or revalidation until the individual obtains a position requiring access to classified information.

(c) CONTENTS.—The report required by subsection (a) shall address the following:

(1) Requirements for continuous vetting.

(2) Appropriate safeguards for privacy.

(3) An appropriate funding model.

(4) Fairness to small business concerns and independent contractors.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "Security Executive Agent" means the Director of National Intelligence acting as the Security Executive Agent in accordance with Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Expertise in audit remediation.
Sec. 1003. Authority to transfer funds to Director of National Intelligence for CAPNET.
Sec. 1004. Audit of financial systems of the Department of Defense.
Sec. 1005. Report on auditable financial statements.
Sec. 1006. Transparency of accounting firms used to support Department of Defense audit.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Inclusion of operation and sustainment costs in annual naval vessel construction plans.
Sec. 1012. Purchase of vessels using funds in National Defense Sealift Fund.
Sec. 1013. Purchase of vessels built in foreign shipyards with funds in National Defense Sealift Fund.
Sec. 1014. Date of listing of vessels as battle force ships in the Naval Vessel Register and other fleet inventory measures.
Sec. 1015. Technical corrections and clarifications to chapter 633 of title 10, United States Code, and other provisions of law regarding naval vessels.
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Sec. 1063. Report on capabilities and capacities of Armored Brigade Combat Teams.
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Sec. 1067. Munitions assessments and future-years defense program requirements.
Sec. 1068. Report on establishment of Army Futures Command.
Sec. 1069. Report on cyber-enabled information operations.
Sec. 1070. Report on unmanned aircraft in Arlington National Cemetery.
Sec. 1071. Report on an updated Arctic strategy.
Sec. 1072. Report on use and availability of military installations for disaster response.
Sec. 1073. Report on Department of Defense participation in Export Administration Regulations license application review process.
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Subtitle F—Other Matters

Sec. 1081. Technical, conforming, and clerical amendments.
Sec. 1082. Principal Advisor on Countering Weapons of Mass Destruction.
Sec. 1083. Modification of authority to transfer aircraft to other departments for wildfire suppression purposes.
Sec. 1084. Improvement of database on emergency response capabilities.
Sec. 1085. Disclosure requirements for United States-based foreign media outlets.
Sec. 1086. United States policy with respect to freedom of navigation and overflight.
Sec. 1087. National Commission on Military Aviation Safety.
Sec. 1088. Sense of Congress regarding the international borders of the United States.
Sec. 1089. Policy on response to juvenile-on-juvenile problematic sexual behavior committed on military installations.
Sec. 1090. Recognition of America's veterans.
Sec. 1091. Prohibition of funds for Chinese language instruction provided by a Confucius Institute.
Sec. 1092. Department of Defense engagement with certain nonprofit entities in support of missions of deployed United States personnel around the world.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2019 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

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

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

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

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

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

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

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

SEC. 1002. EXPERTISE IN AUDIT REMEDIATION.

(a) TECHNICAL CORRECTIONS.—

(1) ELIMINATION OF DUPLICATIVE SECTION NUMBERS.—

(A) IN GENERAL.—Chapter 9A of title 10, United States Code,is amended by redesignating sections 251 through 254b as sections 240a through 240f, respectively.

(B) [10 U.S.C. 240a] CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapteris amended by striking the items relating to sections 251 through 254b and inserting the following new items:

"240a. Audit of Department of Defense financial statements.
"240b. Financial Improvement and Audit Remediation Plan.
"240c. Audit: consolidated corrective action plan; centralized reporting system.
"240d. Audits: audit of financial statements of Department of Defense components by independent external auditors.
"240e. Audits: use of commercial data integration and analysis products in preparing audits.
"240f. Audits: selection of service providers for audit services.".

(2) OTHER TECHNICAL CORRECTION.—Section 240b of title 10, United States Code, as redesignated by paragraph (1), is

amended in subsection (a)(2) by redesignating the second clause (iii) and clause (iv) as clauses (iv) and (v), respectively.

(b) ADDITIONAL REQUIREMENTS FOR SEMIANNUAL BRIEFING ON THE FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN.—Paragraph (2) of subsection (b) of section 240b of title 10, United States Code, as redesignated by subsection (a), is amended by adding at the end the following new sentence: "Such briefing shall include both the absolute number and percentage of personnel performing the amount of auditing or audit remediation services being performed by professionals meeting the qualifications described in section 240d(b) of this title.".

(c) ADDITIONAL REPORTING REQUIREMENTS.—Paragraph (1) of such subsection is amended—

(1) in subparagraph (B), by adding at the end the following new clauses:

"(vii) If less than 50 percent of the auditing services or if less than 50 percent of the audit remediation services under contract, as described in the briefing required under paragraph (2), are being performed by professionals meeting the qualifications described in section 240d(b) of this title, a detailed description of the risks associated with the risks of the acquisition strategy of the Department with respect to conducting audits and audit remediation activities and an explanation of how the strategy complies with the policies expressed by Congress.

"(viii) If less than 25 percent of the auditing services or if less than 25 percent of the audit remediation services under contract, as described in the briefing required under paragraph (2), are being performed by professionals meeting the qualifications described in section 240d(b) of this title, a written certification that the staffing ratio complies with commercial best practices and presents no increased risk of delay in the Department's ability to achieve a clean audit opinion."; and

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

"(C) ADDITIONAL REQUIREMENTS.—

"(i) UNCLASSIFIED FORM.—A description submitted pursuant to clause (vii) of subparagraph (B) or a certification submitted pursuant to clause (viii) of such subparagraph shall be submitted in unclassified form, but may contain a classified annex.

"(ii) DELEGATION.—The Secretary may not delegate the submission of a certification pursuant to clause (viii) of subparagraph (B) to any official other than the Deputy Secretary of Defense, the Chief Management Officer, or the Under Secretary of Defense (Comptroller).".

SEC. 1003. AUTHORITY TO TRANSFER FUNDS TO DIRECTOR OF NATIONAL INTELLIGENCE FOR CAPNET.

During fiscal year 2019, the Secretary of Defense may transfer to the Director of National Intelligence, under the authority in section 1001 of this Act, an amount that does not exceed $2,000,000

to provide support for the operation of the classified network known as CAPNET.

SEC. 1004. [10 U.S.C. 2222 note] AUDIT OF FINANCIAL SYSTEMS OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) or an appropriate official of a military department, shall ensure that each major implementation of, or modification to, a business system that contributes to financial information of the Department of Defense is reviewed by professional accountants with experience reviewing Federal financial systems to validate that such financial system will meet any applicable Federal requirements. The Secretary of Defense shall ensure that such accountants—

(1) are provided all necessary data and records; and

(2) report independently on their findings.

SEC. 1005. REPORT ON AUDITABLE FINANCIAL STATEMENTS.

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

SEC. 1006. [10 U.S.C. 240d note] TRANSPARENCY OF ACCOUNTING FIRMS USED TO SUPPORT DEPARTMENT OF DEFENSE AUDIT.

(a) IN GENERAL.—For all contract actions (including awards, renewals, and amendments) occurring more than 180 days after the date of the enactment of this Act, the Secretary of Defense shall require any accounting firm providing financial statement auditing or audit remediation services to the Department of Defense in support of the audit required under section 3521 of title 31, United States Code, to provide the Department with a statement setting forth the details of any disciplinary proceedings with respect to the accounting firm or its associated persons before any entity with the authority to enforce compliance with rules or laws applying to audit services offered by accounting firms.

(b) TREATMENT OF STATEMENT.—A statement setting forth the details of a disciplinary proceeding submitted pursuant to subsection (a), and the information contained in such a statement, shall be—

(1) treated as confidential to the extent required by the court or agency in which the proceeding has occurred; and

(2) treated in a manner consistent with any protections or privileges established by any other provision of Federal law.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. INCLUSION OF OPERATION AND SUSTAINMENT COSTS IN ANNUAL NAVAL VESSEL CONSTRUCTION PLANS.

Section 231(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The estimated operations and sustainment costs required to support the vessels delivered under the naval vessel construction plan.".

SEC. 1012. PURCHASE OF VESSELS USING FUNDS IN NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f)(3) of title 10, United States Code, is amended—

(1) in subparagraph (C)—

(A) by striking "two" and inserting "seven"; and

(B) by striking "ships" and inserting "vessels";

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

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

"(E) The Secretary may not use the authority under this paragraph to procure more than two foreign constructed vessels unless the Secretary submits to Congress, by not later than the second week of February of the fiscal year during which the Secretary plans to use such authority, a certification that—

"(i) the Secretary has initiated an acquisition strategy for the construction in United States shipyards of not less than ten new sealift vessels; and

"(ii) of such new sealift vessels, the lead ship is anticipated to be delivered by not later than 2026.".

SEC. 1013. PURCHASE OF VESSELS BUILT IN FOREIGN SHIPYARDS WITH FUNDS IN NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f)(3) of title 10, United States Code, as amended by section 1012, is further amended—

(1) in subparagraph (F), as redesignated by such section 1012—

(A) by striking "30 days after" and inserting "30 days before";

(B) in clause (i), by inserting "proposed" before "date";

(C) in clause (ii), by striking "was" and inserting "would be"; and

(D) by adding at the end the following new clause:

"(viii) A detailed account of the criteria used to make the determination under subparagraph (B).'; and

(2) by inserting after subparagraph (F), as so redesignated, the following new subparagraph:

"(G) The Secretary may not finalize or execute the final purchase of any vessel using the authority under this paragraph until 30 days after the date on which a report under subparagraph (E) is submitted with respect to such purchase.".

SEC. 1014. DATE OF LISTING OF VESSELS AS BATTLE FORCE SHIPS IN THE NAVAL VESSEL REGISTER AND OTHER FLEET INVENTORY MEASURES.

(a) IN GENERAL.—Section 7301 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) LISTING AS BATTLE FORCE SHIP IN NAVAL VESSEL REGISTER.—A covered vessel may not be listed in the Naval Vessel Reg-

ister or other fleet inventory measures as a battle force ship until the delivery date specified in subsection (a).".

(b) DEFINITIONS.—Such section is further amended by striking subsection (d), as redesignated by subsection (a)(1) of this section, and inserting the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'covered vessel' means any vessel of the Navy that is under construction or constructed using amounts authorized to be appropriated for the Department of Defense for shipbuilding and conversion, Navy.

"(2) The term 'battle force ship' means the following:

"(A) A commissioned United States Ship warship capable of contributing to combat operations.

"(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.".

SEC. 1015. TECHNICAL CORRECTIONS AND CLARIFICATIONS TO CHAPTER 633 OF TITLE 10, UNITED STATES CODE, AND OTHER PROVISIONS OF LAW REGARDING NAVAL VESSELS.

(a) MODEL BASIN; INVESTIGATION OF HULL DESIGNS.—Section 7303 of title 10, United States Code, is amended by striking "(a) An office" and all that follows through "(b) The Secretary" and inserting "The Secretary".

(b) REPEAL OF UNDER-AGE VESSELS PROVISION.—

(1) IN GENERAL.—Section 7295 of title 10, United States Code, is repealed:

(2) [10 U.S.C. 7291] CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 633 of such titleis amended by striking the item relating to section 7295.

(c) OTHER PROVISIONS OF LAW.—

(1) REPEAL OF POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.—Section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 303; 10 U.S.C. 7291 note) is repealed.

(2) REPEAL OF ALTERNATIVE TECHNOLOGIES FOR FUTURE SURFACE COMBATANTS.—Section 128 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2109; 10 U.S.C. 7291 note) is repealed.

(3) REPEAL OF PROVISION ON CONSIDERATION OF VESSEL LOCATION FOR AWARD OF LAYBERTH CONTRACTS FOR SEALIFT VESSELS.—Section 375 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2385; 10 U.S.C. 7291 note) is repealed.

(4) REPEAL OF PROVISION ON REVITALIZATION OF UNITED STATES SHIPBUILDING INDUSTRY.—Section 1031 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2489; 10 U.S.C. 7291 note) is repealed.

(5) REPEAL OF FAST SEALIFT PROGRAM.—Section 1021 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2485; 10 U.S.C. 7291 note) is repealed.

(6) REPEAL OF OBSOLETE REQUIREMENT FOR REPORTS ON EFFECTS OF NAVAL SHIPBUILDING PLANS ON MARITIME INDUSTRIES.—Section 1227 of the National Defense Authorization Act

for Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2055; 10 U.S.C. 7291 note) is repealed.

(7) REPEAL OF PROHIBITION ON USE OF PUBLIC AND PRIVATE SHIPYARDS FOR CONVERSION, OVERHAUL, OR REPAIR WORK UNDER CERTAIN PROGRAMS.—Section 811 of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95-485; 92 Stat. 1624; 10 U.S.C. 7291 note) is repealed.

(8) REPEAL OF OBSOLETE REQUIREMENT TO SUBMIT A FIVE-YEAR NAVAL SHIP NEW CONSTRUCTION AND CONVERSION PROGRAM.—Section 808 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 539; 10 U.S.C. 7291 note) is repealed.

SEC. 1016. DISMANTLEMENT AND DISPOSAL OF NUCLEAR-POWERED AIRCRAFT CARRIERS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, as amended by section 323, is further amended by adding after section 7320, as added by such section 323, the following new section:

"SEC. 7321. [10 U.S.C. 7321] NUCLEAR-POWERED AIRCRAFT CARRIERS: DISMANTLEMENT AND DISPOSA

"(a) IN GENERAL.—Not less than 90 days before the award of a contract for the dismantlement and disposal of a nuclear-powered aircraft carrier, or the provision of funds to a naval shipyard for the dismantlement and disposal of a nuclear-powered aircraft carrier, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the following:

"(1) A cost and schedule baseline for the dismantlement and disposal approved by the service acquisition executive of the Department of the Navy and the Chief of Naval Operations.

"(2) A description of the regulatory framework applicable to the management of radioactive materials in connection with the dismantlement and disposal, including, in cases in which the Navy intends to have another government entity serve as the regulatory enforcement authority—

"(A) a certification from that entity of its agreement to serve as the regulatory enforcement authority; and

"(B) a description of the legal basis for the authority of that entity to serve as the regulatory enforcement authority.

"(b) SUPPLEMENTAL INFORMATION WITH BUDGETS.—In the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for a fiscal year (as submitted to Congress under section 1105(a) of title 31), the Secretary of the Navy shall include information on each dismantlement and disposal of a nuclear-powered aircraft carrier occurring or planned to occur during the period of the future-years defense program submitted to Congress with that budget. Such information shall include, by ship concerned, the following:

"(1) A summary of activities and significant developments in connection with such dismantlement and disposal.

"(2) If applicable, a detailed description of cost and schedule performance against the baseline for such dismantlement and disposal established pursuant to subsection (a), including

a description of and explanation for any variance from such baseline.

"(3) A description of the amounts requested, or intended or estimated to be requested, for such dismantlement and disposal for each of the following:

"(A) Each fiscal year covered by the future-years defense program.

"(B) Any fiscal years before the fiscal years covered by the future-years defense program.

"(C) Any fiscal years after the end of the period of the future-years defense program.

"(c) FUTURE-YEARS DEFENSE PROGRAM DEFINED.—In this section, the term 'future-years defense program' means the future-years defense program required by section 221 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title, as amended by section 323, is further amended by adding at the end the following new item:

"7321. Nuclear-powered aircraft carriers: dismantlement and disposal.".

SEC. 1017. LIMITATION ON USE OF FUNDS FOR RETIREMENT OF HOSPITAL SHIPS.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Navy may be obligated or expended to retire, prepare to retire, transfer, or place in storage any hospital ship.

(b) WAIVER.—The Secretary of the Navy may waive the limitation in subsection (a) with respect to a hospital ship if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability, and the necessary quantity of systems, to meet all hospital ship requirements of the combatant commands that are currently being met by such hospital ship;

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

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability in order to continue to meet or exceed all requirements of the combatant commands that are currently being met by such hospital ship.

SEC. 1018. [10 U.S.C. 221 note] INCLUSION OF AIRCRAFT CARRIER REFUELING OVERHAUL BUDGET REQUEST IN ANNUAL BUDGET JUSTIFICATION MATERIALS.

The Secretary of Defense shall include in the budget justification materials submitted to Congress by the Secretary in support of the budget of the President for fiscal year 2020 and each subsequent fiscal year, as part of the budget request for Shipbuilding and Conversion, Navy, a detailed aircraft carrier refueling overhaul budget request, by hull number, including all funding requested for reactor power units and reactor components.

SEC. 1019. BUSINESS CASE ANALYSIS OF READY RESERVE FORCE RECAPITALIZATION OPTIONS.

(a) BUSINESS CASE ANALYSIS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall, in consultation with the Administrator of the Maritime Administration and the Commander of United States Transportation Command, submit to the congressional defense committees a report setting forth a business case analysis of recapitalization options for the Ready Reserve Force.

(b) ELEMENTS.—The business case analysis required by subsection (a) shall include the following:

(1) Each sealift capability area, and the associated capacity, for which Ready Reserve Force vessels are required to be recapitalized through fiscal year 2048.

(2) The categories of vessels being considered in each area specified pursuant to paragraph (1), including the following:

(A) United States purpose-built vessels (such as Common Hull Auxiliary Multi-mission Platform).

(B) United States non-purpose built vessels (such as vessels formerly engaged in Jones Act trade).

(C) Foreign-built vessels that participated in the Maritime Security Program.

(D) Foreign-built vessels that did not participate in the Maritime Security Program.

(E) Foreign-designed, United States-built vessels.

(3) For each category of vessel specified pursuant to paragraph (2), the following:

(A) Anticipated availability of vessels within such category in the timeframe needed to meet United States Transportation Command sealift requirements.

(B) Anticipated purchase price, if applicable.

(C) Anticipated cost and scope of modernization.

(D) Anticipated duration of modernization period.

(E) Anticipated service life as a Ready Reserve Force vessel.

(F) Anticipated military utility.

(G) Ability of one such vessel to replace more than one existing Ready Reserve Force vessel.

(4) A cost-benefit determination on the mix of capabilities and vessels identified pursuant to paragraphs (1) through (3) that could ensure United States Transportation Command sealift requirements are met through fiscal year 2048, which determination shall include a comparison of the useful service life of each category of vessels specified pursuant to paragraph (2) with the costs of such category of vessels.

SEC. 1020. TRANSFER OF EXCESS NAVAL VESSEL TO BAHRAIN.

(a) TRANSFER BY GRANT.—The President is authorized to transfer to the Government of Bahrain the OLIVER HAZARD PERRY class guided missile frigate ex-USS ROBERT G. BRADLEY (FFG-49) on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) GRANT NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of the vessel transferred to the Government of Bahrain on a grant basis pursuant to authority

provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) COSTS OF TRANSFER.—Any expense incurred by the United States in connection with the transfer authorized by this section shall be charged to the Government of Bahrain notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the Government of Bahrain have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the three-year period beginning on the date of the enactment of this Act.

Subtitle C—Counterterrorism

SEC. 1031. DEFINITION OF SENSITIVE MILITARY OPERATION.

(a) IN GENERAL.—Subsection (d) of section 130f of title 10, United States Code, is amended to read as follows:

"(d) SENSITIVE MILITARY OPERATION DEFINED.—(1) Except as provided in paragraph (2), in this section, the term 'sensitive military operation' means—

"(A) a lethal operation or capture operation conducted by the armed forces or conducted by a foreign partner in coordination with the armed forces that targets a specific individual or individuals; or

"(B) an operation conducted by the armed forces in self-defense or in defense of foreign partners, including during a cooperative operation.

"(2) For purposes of this section, the term 'sensitive military operation' does not include any operation conducted within Afghanistan, Syria, or Iraq.".

(b) COLLECTIVE SELF-DEFENSE NOTIFICATION.—Such section is further amended by adding at the end the following new subsection:

"(f) COLLECTIVE SELF-DEFENSE NOTIFICATION REQUIREMENT.—Not later than 48 hours after the date on which a foreign partner force has been designated as eligible for the provision of collective self-defense by the armed forces for the purposes of subsection (d)(1)(B), the Secretary of Defense shall provide to the congressional defense committees notice in writing of such designation.".

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(1) a list of any instance in which a member of the Armed Forces has engaged or been engaged by enemy forces, used

self-defense, or provided collective self-defense of foreign partner forces in a country other than Afghanistan, Iraq, or Syria since December 26, 2013; and

(2) a list of all foreign partner forces outside of Afghanistan, Iraq, and Syria for which the United States Armed Forces are authorized to provide collective self-defense.

SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91)is amended by inserting "or 2019" after "fiscal year 2018".

SEC. 1033. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, to transfer, release, or assist in the transfer of or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

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

SEC. 1034. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

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

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

SEC. 1035. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the

period beginning on the date of the enactment of this Act and ending on December 31, 2022, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

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

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1041. STRATEGIC GUIDANCE DOCUMENTS WITHIN THE DEPARTMENT OF DEFENSE.

Section 113(g) of title 10, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following new paragraphs (2) through (4):

"(2)(A) In implementing the requirement in paragraph (1), the Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall each year provide to the officials and officers referred in paragraph (1)(A) written guidance (to be known as 'Defense Planning Guidance') establishing goals, priorities, and objectives, including fiscal constraints, to direct the preparation and review of the program and budget recommendations of all elements of the Department, including—

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

"(ii) the force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support the strategy required by paragraph (1);

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

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

"(B) The guidance required by this paragraph shall be produced in February each year in order to support the planning and budget process. A comprehensive briefing on the guidance shall be provided to the congressional defense committees at the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105(a) of title 31) for the fiscal year beginning in the year in which such guidance is produced.

"(3)(A) In implementing the requirement in paragraph (1) and in conjunction with the reporting requirement in section 2687a of this title, the Secretary, with the approval of the President and the advice of the Chairman of the Joint Chiefs of Staff, shall, on the

basis provided in subparagraph (E), provide to the officials and officers referred to in paragraph (1)(A) written guidance (to be known as 'Contingency Planning Guidance' or 'Guidance for Employment of the Force') on the preparation and review of contingency and campaign plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities.

"(B) The guidance required by this paragraph shall include the following:

"(i) A description of the manner in which limited existing forces and resources shall be prioritized and apportioned to achieve the objectives described in the strategy required by paragraph (1).

"(ii) A description of the relative priority of contingency and campaign plans, specific force levels, and supporting resource levels projected to be available for the period of time for which such plans are to be effective.

"(C) The guidance required by this paragraph shall include the following:

"(i) Prioritized global, regional, and functional policy objectives that the armed forces should plan to achieve, including plans for deliberate and contingency scenarios.

"(ii) Policy and strategic assumptions that should guide military planning, including the role of foreign partners.

"(iii) Guidance on global posture and global force management.

"(iv) Security cooperation priorities.

"(v) Specific guidance on United States and Department nuclear policy.

"(D) The guidance required by this paragraph shall be the primary source document to be used by the Chairman of the Joint Chiefs of Staff in—

"(i) executing the global military integration responsibilities described in section 153 of this title; and

"(ii) developing implementation guidance for the Joint Chiefs of Staff and the commanders of the combatant commands.

"(E) The guidance required by this paragraph shall be produced every two years, or more frequently as needed.

"(4)(A) In implementing the requirement in paragraph (1), the Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall each year produce, and submit to the congressional defense committees, a report (to be known as the 'Global Defense Posture Report') that shall include the following:

"(i) A description of major changes to United States forces, capabilities, and equipment assigned and allocated outside the United States, focused on significant alterations, additions, or reductions to such global defense posture that are required to execute the strategy and plans of the Department.

"(ii) A description of the supporting network of infrastructure, facilities, pre-positioned stocks, and war reserve

materiel required for execution of major contingency plans of the Department.

"(iii) A list of all enduring locations, including main operating bases, forward operating sites, and cooperative security locations.

"(iv) A description of the status of treaty, access, cost-sharing, and status-protection agreements with foreign nations.

"(v) A summary of the priority posture initiatives for each region by the commanders of the combatant commands.

"(vi) For each military department, a summary of the implications for overseas posture of any force structure changes.

"(vii) A description of the costs incurred outside the United States during the preceding fiscal year in connection with operating, maintaining, and supporting United States forces outside the United States for each military department, broken out by country, and whether for operation and maintenance, infrastructure, or transportation.

"(viii) A description of the amount of direct support for the stationing of United States forces provided by each host nation during the preceding fiscal year.

"(B) The report required by this paragraph shall be submitted to the congressional defense committees as required by subparagraph (A) by not later than April 30 each year.

"(C) In this paragraph, the term 'United States', when used in a geographic sense, includes the territories and possessions of the United States.".

SEC. 1042. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 1055 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 113 note) is amended—

(1) in subsection (a)—

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

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

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

"(3) has been requested by the head of a non-Department of Defense Federal department or agency who has certified to the Secretary that the department or agency has reasonably attempted to use capabilities and resources internal to the department or agency."; and

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

"(4) REVERSE DEFENSE SENSITIVE SUPPORT REQUEST.—The Secretary shall notify the congressional defense committees (and the congressional intelligence committees with respect to matters relating to members of the intelligence community) of requests made by the Secretary to a non-Department of Defense Federal department or agency for support that requires

special protection from disclosure in the same manner and containing the same information as the Secretary notifies such committees of defense sensitive support requests under paragraphs (1) and (3).".

SEC. 1043. COORDINATING UNITED STATES RESPONSE TO MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.

(a) IN GENERAL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

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

"(4) coordinate, without assuming operational authority, the United States Government response to malign foreign influence operations and campaigns."; and

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

"(g) COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—

"(1) IN GENERAL.—The President shall designate an employee of the National Security Council to be responsible for the coordination of the interagency process for combating malign foreign influence operations and campaigns.

"(2) CONGRESSIONAL BRIEFING.—

"(A) IN GENERAL.—Not less frequently than twice each year, the employee designated under this subsection, or the employee's designee, shall provide to the congressional committees specified in subparagraph (B) a briefing on the responsibilities and activities of the employee designated under this subsection.

"(B) COMMITTEES SPECIFIED.—The congressional committees specified in this subparagraph are the following:

"(i) The Committees on Armed Services, Foreign Affairs, and Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(ii) The Committees on Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

"(h) DEFINITION OF MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—In this section, the term 'malign foreign influence operations and campaigns' means the coordinated, direct or indirect application of national diplomatic, informational, military, economic, business, corruption, educational, and other capabilities by hostile foreign powers to affect attitudes, behaviors, decisions, or outcomes within the United States.".

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the President, acting through the National Security Council, shall submit to the congressional committees specified in paragraph (2) a strategy to counter malign foreign influence operations and campaigns (as such term

is defined in section 101(h) of the National Security Act of 1947 (50 U.S.C. 3021), as added by subsection (a)).

(2) COMMITTEES SPECIFIED.—The congressional committees specified in this paragraph are the following:

(A) The Committees on Armed Services, Foreign Affairs, and Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) The Committees on Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

(c) [50 U.S.C. 3021 note] DEADLINE FOR APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall designate the employee of the National Security Council to be responsible for the coordination of the interagency process for combating malign foreign influence operations and campaigns pursuant to subsection (g)(1) of section 101 of the National Security Act of 1947 (50 U.S.C. 3021), as added by subsection (a)(2).

SEC. 1044. CLARIFICATION OF REIMBURSABLE ALLOWED COSTS OF FAA MEMORANDA OF AGREEMENT.

Section 47504(c)(2) of title 49, United States Code, is amended—

(1) in subparagraph (D) by striking "and" at the end;

(2) in subparagraph (E) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) to carry out a project to mitigate noise, if the project—

"(i) consists of—

"(I) replacement windows, doors, and the installation of through-the-wall air conditioning units; or

"(II) a contribution of the equivalent costs to be used for reconstruction if reconstruction is the preferred local solution;

"(ii) is located at a school near the airport; and

"(iii) is included in a memorandum of agreement entered into before September 30, 2002, even if the airport has not met the requirements of part 150 of title 14, Code of Federal Regulations, and only if the financial limitations of the memorandum are applied.".

SEC. 1045. WORKFORCE ISSUES FOR MILITARY REALIGNMENTS IN THE PACIFIC.

(a) IN GENERAL.—Section 6(b) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America', and for other purposes", approved March 24, 1976 (48 U.S.C. 1806(b)) is amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) H-2B WORKERS.—In the case of an alien described in subparagraph (A) who seeks admission under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)), the alien, if otherwise qualified, may, before December 31, 2023, be admitted under such section, notwithstanding the requirement of such section that the service or labor be temporary, for a period of up to 3 years—

"(i) to perform service or labor on Guam or in the Commonwealth pursuant to any agreement entered into by a prime contractor or subcontractor calling for services or labor required for performance of a contact or subcontract for construction, repairs, renovations, or facility services that is directly connected to, or associated with, the military realignment occurring on Guam and in the Commonwealth; or

"(ii) to perform service or labor as a health care worker (such as a nurse, physician assistant, or allied health professional) at a facility that jointly serves members of the Armed Forces, dependents, and civilians on Guam or in the Commonwealth, subject to the education, training, licensing, and other requirements of section 212(a)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(C)), as applicable, except that this clause shall not be construed to include graduates of medical schools coming to Guam or the Commonwealth to perform service or labor as members of the medical profession."; and

(2) by amending paragraph (2) to read as follows:

"(2) LOCATIONS.—Paragraph (1) does not apply with respect to the performance of services of labor at a location other than Guam or the Commonwealth.".

(b) [48 U.S.C. 1806 note] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 1046. [49 U.S.C. 40101 note] MITIGATION OF OPERATIONAL RISKS POSED TO CERTAIN MILITARY AIRCRAFT BY AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST EQUIPMENT.

(a) IN GENERAL.—The Secretary of Transportation may not—

(1) directly or indirectly require the installation of automatic dependent surveillance-broadcast (hereinafter in this section referred to as "ADS-B") equipment on fighter aircraft, bomber aircraft, or other special mission aircraft owned or operated by the Department of Defense;

(2) deny or reduce air traffic control services in United States airspace or international airspace delegated to the United States to any aircraft described in paragraph (1) on the basis that such aircraft is not equipped with ADS-B equipment; or

(3) restrict or limit airspace access for aircraft described in paragraph (1) on the basis such aircraft are not equipped with ADS-B equipment.

(b) TERMINATION.—Subsection (a) shall cease to be effective on the date that the Secretary of Transportation and the Secretary of

Defense jointly submit to the appropriate congressional committees notice that the Secretaries have entered into a memorandum of agreement or other similar agreement providing that fighter aircraft, bomber aircraft, and other special mission aircraft owned or operated by the Department of Defense that are not equipped or not yet equipped with ADS-B equipment will be reasonably accommodated for safe operations in the National Airspace System and provided with necessary air traffic control services.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49, United States Code, or any other provision of law;

(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under title 10, United States Code, or any other provision of law; or

(3) limit the authority or discretion of the Secretary of Transportation or the Administrator of the Federal Aviation Administration to operate air traffic control services to ensure the safe minimum separation of aircraft in flight and the efficient use of airspace.

(d) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall provide to the Secretary of Transportation notification of any aircraft the Secretary of Defense designates as a special mission aircraft pursuant to subsection (e)(3).

(e) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term "air traffic control services" means services used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information.

(3) The term "special mission aircraft" means an aircraft the Secretary of Defense designates for a unique mission to which ADS-B equipment creates a unique risk.

SEC. 1047. LIMITATION ON AVAILABILITY OF FUNDS FOR UNMANNED SURFACE VEHICLES.

(a) LIMITATION.—Not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense for the Strategic Capabilities Office ghost fleet overlord unmanned surface vehicle program may be obligated or expended until the Undersecretary of Defense for Research and Engineering, in coordination with the Secretary of the Navy, certifies to the congressional defense committees that—

(1) such project accelerates development of the future unmanned surface vehicle program of the Navy; and

(2) the desired procurement strategy for the ghost fleet overlord project is properly coordinated and not duplicative of the unmanned surface vehicle sea hunter program of the Navy.

(b) RULE OF CONSTRUCTION.—The limitation in subsection (a) shall not be construed to apply to any other unmanned surface vehicle program of the Department of Defense other than the program element specified in such subsection.

SEC. 1048. [10 U.S.C. 428 note] PILOT PROGRAM FOR DEPARTMENT OF DEFENSE CONTROLLED UNCLASSIFIED INFORMATION IN THE HANDS OF INDUSTRY.

(a) IN GENERAL.—The Secretary of Defense—

(1) shall establish and implement a pilot program for oversight of designated Department of Defense controlled unclassified information in the hands of defense contractors with foreign ownership, control, or influence concerns; and

(2) may designate an entity within the Department to be responsible for the pilot program under paragraph (1).

(b) PROGRAM REQUIREMENTS.—The pilot program under subsection (a) shall have the following elements:

(1) The use of a capability to rapidly identify companies subject to foreign ownership, control, or influence that are processing designated controlled unclassified information, including unclassified controlled technical information.

(2) The use, in consultation with the Chief of Information Officer of the Department, of a capability or means for assessing industry compliance with Department cybersecurity standards.

(3) A means of demonstrating whether and under what conditions the risk to national security posed by access to Department controlled unclassified information, including unclassified controlled technical information, by a company under foreign ownership, control, or influence company can be mitigated and how such mitigation could be enforced.

(c) BRIEFING REQUIRED.—By not later than 30 days after the completion of the pilot program under this section, but in no case later than December 1, 2019, the Secretary shall provide to the congressional defense committees a briefing on the results of the pilot program and any decisions about whether to implement the pilot program on a Department-wide basis.

SEC. 1049. [10 U.S.C. 113 note] CRITICAL TECHNOLOGIES LIST.

(a) LIST REQUIRED.—The Secretary of Defense shall establish and maintain a list of acquisition programs, technologies, manufacturing capabilities, and research areas that are critical for maintaining the national security technological advantage of the United States over foreign countries of special concern. The list shall be accompanied by a justification for inclusion of items on the list, including specific performance and technical figures of merit.

(b) USE OF LIST.—The Secretary may use the list required under subsection (a) to—

(1) guide the recommendations of the Secretary in any interagency determinations conducted pursuant to Federal law relating to technology protection, including relating to export

licensing, deemed exports, technology transfer, and foreign direct investment;

(2) inform the Secretary while engaging in interagency processes on promotion and protection activities involving acquisition programs and technologies that are necessary to achieve and maintain the national security technology advantage of the United States and that are supportive of military requirements and strategies;

(3) inform the Department's activities to integrate acquisition, intelligence, counterintelligence and security, and law enforcement to inform requirements, acquisition, programmatic, and strategic courses of action for technology protection;

(4) inform development of research investment strategies and activities and develop innovation centers and an emerging technology industrial base through the employment of financial assistance from the United States Government through appropriate statutory authorities and programs;

(5) identify opportunities for alliances and partnerships in key research and development areas to achieve and maintain a national security technology advantage; and

(6) carry out such other purposes as identified by the Secretary.

(c) PUBLICATION.—The Secretary shall—

(1) publish the list required under subsection (a) by not later than December 31, 2018; and

(2) update such list at least annually.

SEC. 1050. [38 U.S.C. 527 note] AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY.

(a) EDUCATION CAMPAIGN.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Defense shall carry out an annual education campaign to inform individuals who may be eligible to enroll in the Airborne Hazards and Open Burn Pit Registry of such eligibility. Each such campaign shall include at least one electronic method and one physical mailing method to provide such information.

(b) AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY DEFINED.—In this section, the term "Airborne Hazards and Open Burn Pit Registry" means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

SEC. 1051. NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch an independent Commission to review advances in artificial intelligence, related machine learning developments, and associated technologies.

(2) TREATMENT.—The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(3) DESIGNATION.—The Commission established under paragraph (1) shall be known as the "National Security Commission on Artificial Intelligence".

(4) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 15 members appointed as follows:

(i) The Secretary of Defense shall appoint 2 members.

(ii) The Secretary of Commerce shall appoint 1 member.

(iii) The Chairman of the Committee on Commerce, Science, and Transportation of the Senate shall appoint 1 member.

(iv) The Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate shall appoint 1 member.

(v) The Chairman of the Committee on Energy and Commerce of the House of Representatives shall appoint 1 member.

(vi) The Ranking Member of the Committee on Energy and Commerce of the House of Representatives shall appoint 1 member.

(vii) The Chairman of the Committee on Armed Services of the Senate shall appoint 1 member.

(viii) The Ranking Member of the Committee on Armed Services of the Senate shall appoint 1 member.

(ix) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(x) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(xi) The Chairman of the Select Committee on Intelligence of the Senate shall appoint 1 member.

(xii) The Vice Chairman of the Select Committee on Intelligence of the Senate shall appoint 1 member.

(xiii) The Chairman of the Permanent Select Committee on Intelligence of the House of Representatives shall appoint 1 member.

(xiv) The Ranking Member of the Permanent Select Committee Intelligence of the House of Representatives shall appoint 1 member.

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

(C) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made.

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

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

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

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

(b) DUTIES.—

(1) IN GENERAL.—The Commission shall carry out the review described in paragraph (2). In carrying out such review, the Commission shall consider the methods and means necessary to advance the development of artificial intelligence, machine learning, and associated technologies by the United States to comprehensively address the national security and defense needs of the United States.

(2) SCOPE OF THE REVIEW.—In conducting the review paragraph (1), the Commission shall consider the following:

(A) The competitiveness of the United States in artificial intelligence, machine learning, and other associated technologies, including matters related to national security, defense, public-private partnerships, and investments.

(B) Means and methods for the United States to maintain a technological advantage in artificial intelligence, machine learning, and other associated technologies related to national security and defense.

(C) Developments and trends in international cooperation and competitiveness, including foreign investments in artificial intelligence, related machine learning, and computer science fields that are materially related to national security and defense.

(D) Means by which to foster greater emphasis and investments in basic and advanced research to stimulate private, public, academic and combined initiatives in artificial intelligence, machine learning, and other associated technologies, to the extent that such efforts have application materially related to national security and defense.

(E) Workforce and education incentives to attract and recruit leading talent in artificial intelligence and machine learning disciplines, including science, technology, engineering, and math programs.

(F) Risks associated with United States and foreign country advances in military employment of artificial intelligence and machine learning, including international law of armed conflict, international humanitarian law, and escalation dynamics.

(G) Associated ethical considerations related to artificial intelligence and machine learning as it will be used for future applications related to national security and defense.

(H) Means to establish data standards, and incentivize the sharing of open training data within related national security and defense data-driven industries.

(I) Consideration of the evolution of artificial intelligence and appropriate mechanism for managing such technology related to national security and defense.

(J) Any other matters the Commission deems relevant to the common defense of the Nation.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress an initial report on the findings of the Commission and such recommendations that the Commission may have for action by the executive branch and Congress related to artificial intelligence, machine learning, and associated technologies, including recommendations to more effectively organize the Federal Government.

(2) INTERIM REPORTS.—Not later than each of December 1, 2019, and December 1, 2020, the Commission shall submit as described in that paragraph an interim report on the review required under subsection (b).

(3) FINAL REPORT.—Not later than March 1, 2021, the Commission shall submit as described in paragraph (1) a comprehensive final report on the review required under subsection (b).

(2)[13] ANNUAL COMPREHENSIVE REPORTS.—Not later than one year after the date of this enactment of this Act, and every year thereafter annually, until the date specified in subsection (e), the Commission shall submit a comprehensive report on the review required under subsection (b).

(4) FORM OF REPORTS.—Reports submitted under this subsection shall be made publically available, but may include a classified annex.

(d) FUNDING.—Of the amounts authorized to be appropriated by this Act for fiscal year 2019 for the Department of Defense, not more than $10,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

(e) TERMINATION.—The Commission shall terminate on October 1, 2021.

(f) DEFINITION OF ARTIFICIAL INTELLIGENCE.—In this section, the term "artificial intelligence" includes each of the following:

(1) Any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight, or that can learn from experience and improve performance when exposed to data sets.

[13] There are two paragraphs designated as paragraph (2) in law. See amendments by section 1735(c) of division A of Public Law 116–92.

(2) An artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.

(3) An artificial system designed to think or act like a human, including cognitive architectures and neural networks.

(4) A set of techniques, including machine learning that is designed to approximate a cognitive task.

(5) An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision-making, and acting.

SEC. 1052. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

(a) TRANSFER AUTHORITY.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

(b) LIMITATION ON AMOUNTS.—Not more than $15,000,000 may be transferred in fiscal year 2019 under the authority in subsection (a).

(c) SOURCE OF FUNDS.—The Secretary of Defense may transfer funds appropriated to the Department of Defense for "Operation and Maintenance, Defense-wide" under the authority in subsection (a).

(d) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided under subsection (a) is in addition to any other transfer authority available to the Department of Defense.

SEC. 1053. [10 U.S.C. 113 note] GUIDANCE ON THE ELECTRONIC WARFARE MISSION AREA AND JOINT ELECTROMAGNETIC SPECTRUM OPERATIONS.

(a) PROCESSES AND PROCEDURES FOR INTEGRATION.—The Secretary of Defense shall—

(1) establish processes and procedures to develop, integrate, and enhance the electronic warfare mission area and the conduct of joint electromagnetic spectrum operations in all domains across the Department of Defense; and

(2) ensure that such processes and procedures provide for integrated defense-wide strategy, planning, and budgeting with respect to the conduct of such operations by the Department, including activities conducted to counter and deter such operations by malign actors.

(b) DESIGNATED SENIOR OFFICIAL.—

(1) IN GENERAL.—The Secretary shall designate a senior official of the Department of Defense (hereinafter referred to as the "designated senior official"), who shall implement and oversee the processes and procedures established under subsection (a). The designated senior official shall be designated by the Secretary from among individuals serving in the Department as civilian employees or members of the Armed Forces who are, equivalent in grade or rank, at or below the level of Under Secretary of Defense. The designated senior official shall oversee the cross-functional team established pursuant to sub-

section (c) and serve as an ex-officio member of the Electronic Warfare Executive Committee established in March 2015.

(2) RESPONSIBILITIES.—The designated senior official shall have, with respect to the implementation and oversight of the processes and procedures established under subsection (a), the following responsibilities:

(A) Overseeing the implementation of the strategy developed by the Electronic Warfare Executive Committee for the conduct and execution of the electronic warfare mission area and joint electromagnetic spectrum operations by the Department, coordinated across all relevant elements of the Department, including both near-term and long-term guidance for the conduct of such operations.

(B) Providing recommendations to the Electronic Warfare Executive Committee on resource allocation to support the capability development and investment in the electronic warfare and joint electromagnetic spectrum operation mission areas.

(C) Proposing electronic warfare governance, management, organizational, and operational reforms to Secretary of Defense, after review and comment by the Electronic Warfare Executive Committee.

(3) ANNUAL CERTIFICATION ON BUDGETING FOR CERTAIN CAPABILITIES.—Each budget for fiscal years 2020 through 2024 submitted by the President to Congress pursuant to section 1105(a) of title 31, United States Code, shall include the same information that was required to be submitted annually under section 1053(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2459) for each of fiscal years 2011 through 2015 and an assessment by the senior designated official as to whether sufficient funds are requested in such budget for anticipated activities in such fiscal year for each of the following:

(A) The development of an electromagnetic battle management capability for joint electromagnetic spectrum operations.

(B) The establishment and operation of associated joint electromagnetic spectrum operations cells.

(c) CROSS-FUNCTIONAL TEAM FOR ELECTRONIC WARFARE.—

(1) ESTABLISHMENT REQUIRED.—The Secretary shall, in accordance with section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2345; 10 U.S.C. 111 note), establish a cross-functional team for electronic warfare in order to identify gaps in electronic warfare and joint electromagnetic spectrum operations, capabilities, and capacities within the Department across personnel, procedural, and equipment areas.

(2) SPECIFIC DUTIES.—The cross-functional team established pursuant to paragraph (1) shall provide recommendations to the senior designated official to address gaps identified as described in that paragraph.

(d) PLANS AND REQUIREMENTS FOR ELECTRONIC WARFARE.—

(1) IN GENERAL.—The Secretary shall require the designated senior official to task the cross-functional team estab-

lished pursuant to subsection (c) to develop requirements and specific plans for addressing personnel, capability, and capacity gaps in the electronic warfare mission area, and plans for future warfare in that domain (including maintaining a roadmap for the current future-years defense program under section 221 of title 10, United States Code).

(2) UPDATE OF STRATEGY.—Not later than 180 days after the date of the enactment of this Act, and biennially thereafter during the life of the cross-functional team established pursuant to subsection (c), the Electronic Warfare Executive Committee, in coordination with the cross-functional team shall—

(A) update the strategy of the Department of Defense entitled "The DOD Electronic Warfare Strategy" and dated June 2017, to include the roadmap developed by the cross-functional team pursuant to in paragraph (1); and

(B) submit the updated strategy to the congressional defense committees.

(3) ELEMENTS.—The requirements and plans and associated roadmap developed by the cross-functional team pursuant to paragraph (1) shall include the following:

(A) An accounting of the efforts undertaken in support of the strategy referred to in paragraph (2)(A) and to implement applicable elements of Department of Defense Directive 3222.04, dated May 10, 2017, or any subsequent updates to such directive.

(B) A description of any updates or changes to the strategy since its issuance, and a description of any anticipated updates or changes to the strategy as a result of the designation of the designated senior official.

(C) An assessment of vulnerabilities identified in the May 2015 Electronic Warfare assessment by the Defense Science Board.

(D) An assessment of the capability of joint forces to conduct joint electromagnetic spectrum operations against near-peer adversaries and any capability or capacity gaps in such capability that need to be addressed, including an assessment of the ability of joint forces to conduct coordinated military operations to exploit, attack, protect, and manage the electromagnetic environment in the signals intelligence, electronic warfare, and spectrum management mission areas, including the capability to conduct integrated cyber and electronic warfare on the battlefield, for all level 3 and level 4 contingency plans (as such plans are described in Joint Publication 5-0 of the Joint Chiefs of Staff, entitled "Joint Planning" and dated June 16, 2017).

(E) A review of the roles and functions of offices within the Joint Staff, the Office of the Secretary of Defense, and the combatant commands with primary responsibility for joint electromagnetic spectrum policy and operations.

(F) A description of any assumptions about the roles and contributions of the Department, in coordination with other departments and agencies of the United States Government, with respect to the strategy.

(G) A description of actions, performance metrics, and projected timelines for achieving key capabilities for electronic warfare and joint electromagnetic spectrum operations to correspond to the thematic goals identified in the strategy and as addressed by the roadmap.

(H) An analysis of any personnel, resourcing, capability, authority, or other gaps to be addressed in order to ensure effective implementation of the strategy across all relevant elements of the Department, including an update on each of the following:

(i) The development of an electromagnetic battle management capability for joint electromagnetic spectrum operations.

(ii) The establishment and operation of joint electromagnetic spectrum operations cells at combatant command locations.

(iii) The integration and synchronization of cyber and electromagnetic activities.

(I) An investment framework and projected timeline for addressing any gaps described by subparagraph (H).

(J) In consultation with the Director of the Defense Intelligence Agency—

(i) comprehensive assessments of the electronic warfare capabilities of the Russian Federation and the People's Republic of China, which shall include—

(I) electronic warfare doctrine;

(II) order of battle on land, sea, air, space, and cyberspace; and

(III) expected direction of technology and research over the next 10 years; and

(ii) a review of vulnerabilities with respect to electronic systems, such as the Global Positioning System, and Department-wide abilities to conduct countermeasures in response to electronic warfare attacks.

(K) A review of the sufficiency of experimentation, testing, and training infrastructure, ranges, instrumentation, and threat simulators required to support the development of electromagnetic spectrum capabilities.

(L) A plan, and the estimated cost and schedule of implementing the plan, to conduct joint campaign modeling and wargaming for joint electromagnetic spectrum operations.

(M) Any other matters as the Secretary considers appropriate.

(4) PERIODIC STATUS REPORTS.—Not later than 90 days after the requirements and plans required by paragraph (1) are submitted in accordance with paragraph (2), and every 180 days thereafter during the three-year period beginning on the date such plans and requirements are first submitted in accordance with paragraph (2), the designated senior official shall submit to the congressional defense committees a report describing the status of the efforts of the Department in accomplishing the tasks specified in subparagraphs (A) through (I) and (K) through (M) of paragraph (3).

(5) COMPREHENSIVE ASSESSMENTS AND REVIEW.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the comprehensive assessments and review required under paragraph (3)(J).

(e) TRAINING AND EDUCATION.—Consistent with the elements under subsection (d)(3) of the plans and requirements required by subsection (d)(1), the cross-functional team established pursuant to subsection (c) shall provide the senior designated official recommendations for programs to provide training and education to such members of the Armed Forces and civilian employees of the Department as the Secretary considers appropriate in order to ensure that such members and employees understand the roles and vulnerabilities associated with electronic warfare and dependence on the electromagnetic spectrum.

(f) ELECTROMAGNETIC SPECTRUM SUPERIORITY STRATEGY.—

(1) DESIGNATION.—

(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, the implementation of the electromagnetic spectrum superiority strategy. The Secretary shall designate the senior official from among individuals who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.

(B) CONDITIONS RELATING TO DESIGNATION OF CHIEF INFORMATION OFFICER.—

(i) CERTIFICATION.—The Secretary may not designate the Chief Information Officer of the Department of Defense as the senior official under subparagraph (A) unless the Secretary has first included in the report under paragraph (3)(A) a certification that the Chief Information Officer has the expertise, authority, funding, and personnel to ensure the successful implementation of the electromagnetic spectrum superiority strategy.

(ii) CAPE ASSESSMENT.—If the Secretary designates the Chief Information Officer of the Department of Defense as the senior official under subparagraph (A), not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees an evaluation of the ability of the Chief Information Officer to ensure the successful implementation of the electromagnetic spectrum superiority strategy, including, at a minimum, an evaluation of the expertise, authority, funding, and personnel of the Chief Information Officer.

(2) RESPONSIBILITIES.—The senior official designated under paragraph (1)(A) shall be responsible for the following:

(A) Oversight of policy, strategy, planning, resource management, operational considerations, personnel, and technology development necessary to implement the electromagnetic spectrum superiority strategy.

(B) Evaluating whether the amount that the Department of Defense expends on electromagnetic warfare and electromagnetic spectrum operations capabilities is properly aligned.

(C) Evaluating whether the Department is effectively incorporating electromagnetic spectrum operations capabilities and considerations into current and future operational plans and concepts.

(D) Such other matters relating to electromagnetic spectrum operations as the Secretary specifies for purposes of this paragraph.

(3) REPORTS.—

(A) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall submit to the congressional defense committees a report on the implementation of the Electromagnetic Spectrum Superiority Strategy published in October 2020, including—

(i) an evaluation of the additional personnel, resources, and authorities the Secretary determines will be needed by the senior official designated under paragraph (1)(A) who is responsible for implementing the electromagnetic spectrum superiority strategy; and

(ii) a description of how the Secretary will ensure that such implementation will be successful.

(B) RULES OF ENGAGEMENT REPORT.—Not later than 270 days after the date of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall submit to the congressional defense committees a report that includes the following:

(i) A review of the sufficiency of the authorities and rules of engagement of the Department of Defense relating to electromagnetic spectrum operations, in particular with respect to operating below the level of armed conflict short of or in advance of kinetic activity and to protect the Department from electronic attack and disruption.

(ii) Recommended changes to the authorities or rules of engagement to ensure the Department can effectively compete, deter conflict, and maintain protection from electronic attack and disruption.

(iii) Any other matters the Secretary determines relevant.

(4) SEMIANNUAL BRIEFINGS.—On a semiannual basis during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall provide to the congressional defense committees a briefing on the status of the implementation of the electromagnetic spectrum superiority strategy. Each briefing shall include, at a minimum, the following:

(A) An update on the efforts of the Department of Defense to—

(i) achieve the strategic goals set out in the electromagnetic spectrum superiority strategy; and

(ii) implement such strategy through various elements of the Department.

(B) An identification of any additional authorities or resources relating to electromagnetic spectrum operations that the Secretary determines is necessary to implement the strategy.

(5) ELECTROMAGNETIC SPECTRUM SUPERIORITY STRATEGY DEFINED.—In this subsection, the term "electromagnetic spectrum superiority strategy" means the Electromagnetic Spectrum Superiority Strategy of the Department of Defense published in October 2020, and any such successor strategy.

(g) TRANSFER OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.—

(1) TRANSFER.—Not later than January 1, 2023, and in accordance with the plan developed pursuant to paragraph (2), the Secretary of Defense shall transfer to an appropriate entity within the Department of Defense all the responsibilities and functions of the Commander of the United States Strategic Command that are germane to electromagnetic spectrum operations (EMSO), including—

(A) advocacy for joint electronic warfare capabilities;

(B) providing contingency electronic warfare support to other combatant commands; and

(C) supporting combatant command joint training and planning related to electromagnetic spectrum operations.

(2) PLAN FOR TRANSFER OF RESPONSIBILITIES.—

(A) IN GENERAL.—Not later than 180 days before the date of the transfer of responsibilities required by paragraph (1), the Secretary shall develop a plan to carry out the transfer.

(B) CONSIDERATIONS.—In developing the plan required by subparagraph (A), the Secretary shall consider the following:

(i) All appropriate entities having potential for designation as the receiving electromagnetic spectrum operations organization, including elements of the Joint Staff, the functional and geographic combatant commands, Department of Defense offices and agencies, and other organizations, including the establishment of a new entity for that purpose within any such entity.

(ii) Whether the receiving electromagnetic spectrum operations organization should have a unitary structure or hybrid structure (in which operational and capability development and direction are headed by separate organizations).

(iii) The resources required by the receiving electromagnetic spectrum operations organization to fulfill the responsibilities and functions specified in paragraph (1).

(iv) The results of the evaluations carried out pursuant to paragraphs (3) and (4).

(C) SUBMITTAL TO CONGRESS.—Not later than 180 days before the date of the transfer of responsibilities required by paragraph (1), the Secretary shall submit to Congress the following:

(i) The plan developed under subparagraph (A).

(ii) The construct and elements of the receiving electromagnetic spectrum operations organization under the plan, including the allocation of responsibilities among senior officials in such organization.

(iii) The analysis conducted to determine the electromagnetic spectrum operations organization, including the input in the plan or analysis of the results of consultation with any independent entities involved in development of the plan.

(iv) The resources required to implement the plan, and a timeline for the receiving electromagnetic spectrum operations organization to reach initial operational capability and full operational capability.

(3) EVALUATIONS OF ARMED FORCES.—

(A) IN GENERAL.—Not later than October 1, 2021, and annually thereafter through 2025, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of Space Operations shall each carry out an evaluation of the ability of the Armed Force concerned to perform electromagnetic spectrum operations missions required by each of the following:

(i) The Electromagnetic Spectrum Superiority Strategy.

(ii) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(iii) The operations and contingency plans of the combatant commands.

(B) ELEMENTS.—Each evaluation under subparagraph (A) shall include assessment of the following:

(i) Current programs of record, including—

(I) the ability of weapon systems to perform missions in contested electromagnetic spectrum environments; and

(II) the ability of electronic warfare capabilities to disrupt adversary operations.

(ii) Future programs of record, including—

(I) the need for distributed or network-centric electronic warfare and signals intelligence capabilities; and

(II) the need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(iii) Order of battle.

(iv) Individual and unit training.

(v) Tactics, techniques, and procedures, including—

(I) maneuver, distribution of assets, and the use of decoys; and

(II) integration of nonkinetic and kinetic fires.

(4) EVALUATIONS OF COMBATANT COMMANDS.—

(A) IN GENERAL.—Not later than October 1, 2021, and annually thereafter through 2025, the Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Central Command shall each carry out an evaluation of the plans and posture of the command concerned to execute the electromagnetic spectrum operations envisioned in each of the following:

(i) The Electromagnetic Spectrum Superiority Strategy.

(ii) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(B) ELEMENTS.—Each evaluation under subparagraph (A) shall include assessment of the following:

(i) Operation and contingency plans.

(ii) The manning, organizational alignment, and capability of joint electromagnetic spectrum operations cells.

(iii) Mission rehearsal and exercises.

(iv) Force positioning, posture, and readiness.

(5) SEMIANNUAL BRIEFING.—Not less frequently than twice each year until January 1, 2026, the Vice Chairman of the Joint Chiefs of Staff shall brief the Committees on Armed Services of the Senate and the House of Representatives on the implementation of this subsection by each of the Joint Staff, the Armed Forces, and the combatant commands.

Subtitle E—Studies and Reports

SEC. 1061. ANNUAL REPORTS BY THE ARMED FORCES ON OUT-YEAR UNCONSTRAINED TOTAL MUNITIONS REQUIREMENTS AND OUT-YEAR INVENTORY NUMBERS.

(a) REPORTS REQUIRED.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222b, as added by section 1677, the following new section:

"SEC. 222c. [10 U.S.C. 222c] ARMED FORCES: OUT-YEAR UNCONSTRAINED TOTAL MUNITIONS REQUIREMENTS; OUT-YEAR INVENTORY NUMBER

"(a) ANNUAL REPORTS.—At the same time each year that the budget for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, the chief of staff of each armed force (other than the Coast Guard) shall submit to the congressional defense committees a report setting forth for such armed force each of the following for such fiscal year, broken out as specified in subsection (b):

"(1) The Out-Year Unconstrained Total Munitions Requirement.

"(2) The Out-Year inventory numbers.

"(b) PRESENTATION.—The Out-Year Unconstrained Total Munitions Requirement and Out-Year inventory numbers for an armed

force for a fiscal year pursuant to subsection (a) shall include specific inventory objective requirements for each variant of munitions with respect to each of the following:

"(1) Combat Requirement, broken out by operation plan (OPLAN).

"(2) Current Operation/Forward Presence Requirement.

"(3) Strategic Readiness Requirement.

"(4) Homeland Defense.

"(5) Training and Testing Requirement.

"(6) Total Out-Year Unconstrained Total Munitions Requirement, calculated in accordance with the implementation guidance described in subsection (c).

"(7) Out-year worldwide inventory.

"(c) IMPLEMENTATION GUIDANCE USED.—In submitting information pursuant to subsection (a) for a fiscal year, the chief of staff of each armed force shall describe and explain the munitions requirements process implementation guidance developed by the Under Secretary of Defense for Acquisition and Sustainment and used by such armed force for the munitions requirements process for such armed force for that fiscal year.

"(d) DEFINITIONS.—In this section:

"(1) The term 'chief of staff', with respect to the Marine Corps, means the Commandant of the Marine Corps.

"(2) The term 'Out-Year Unconstrained Total Munitions Requirement' has the meaning given that term in and for purposes of Department of Defense Instruction 3000.04, or any successor instruction.".

(b) [10 U.S.C. 221] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such titleis amended by inserting after the item relating to section 222b, as added by section 1677, the following new item:

"222c. Armed forces: Out-Year Unconstrained Total Munitions Requirements; Out-Year inventory numbers.".

SEC. 1062. IMPROVEMENT OF ANNUAL REPORT ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) MODIFICATION AND EXPANSION OF ELEMENTS.—Subsection (b) of section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) is amended—

(1) in paragraph (1), by inserting ", including each specific mission, strike, engagement, raid, or incident," after "military operations";

(2) in paragraph (2)(E), by inserting before the period at the end the following: ", including a differentiation between those killed and those injured";

(3) in paragraph (3), by inserting before the period at the end the following: ", and, when appropriate, makes ex gratia payments to the victims or their families";

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

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

"(5) Any update or modification to any report under this section during a previous year.".

(b) SCOPE OF UNCLASSIFIED FORM OF REPORT.—Subsection (d) of such section is amended by adding at the end the following new sentence: "The unclassified form of each report shall, at a minimum, be responsive to each element under subsection (b) of a report under subsection (a), and shall be made available to the public at the same time it is submitted to Congress (unless the Secretary certifies in writing that the publication of such information poses a threat to the national security interests of the United States).".

SEC. 1063. REPORT ON CAPABILITIES AND CAPACITIES OF ARMORED BRIGADE COMBAT TEAMS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the capabilities and capacities of Armored Brigade Combat Teams.

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

(1) A description of the total number of Armored Brigade Combat Teams required to support the National Defense Strategy.

(2) A description of the manner in which the Army plans to equip and field future Armored Brigade Combat Teams.

(3) A description of the total number of mechanized infantry companies required in support of the Armored Brigade Combat Teams.

(4) A description of steps being taken to improve the number and quality of live-fire gunnery exercises executed each year, including improving execution of battalion and brigade-level combined arms live-fire exercises both at home station and at the Combat Training Centers.

(5) A description of training being conducted to train Armored Brigade Combat Teams in combined arms for air defense and to counter unmanned aerial vehicles with organic weapons and tactics.

(6) A plan to improve personnel preparedness by the reduction of non-deployable soldiers and improvements in combat vehicle crew stability and material readiness of key combat systems.

(7) A description of deficiencies in repair parts and number of qualified mechanics, and a plan to correct such deficiencies.

(8) A plan for the modernization of the Armored Brigade Combat Teams.

SEC. 1064. [10 U.S.C. 2223a note] ACTIVITIES AND REPORTING RELATING TO DEPARTMENT OF DEFENSE'S CLOUD INITIATIVE.

(a) ACTIVITIES REQUIRED.—Commencing not later than 90 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense, acting through the Cloud Executive Steering Group established by the Deputy Secretary of Defense in a directive memorandum dated September 13, 2017, in order to support its Joint Enterprise Defense Infrastructure initiative to procure commercial cloud services, shall conduct certain key enabling activities as follows:

(1) Develop an approach to rapidly acquire advanced commercial network capabilities, including software-defined net-

working, on-demand bandwidth, and aggregated cloud access gateways, through commercial service providers in order—

(A) to support the migration of applications and systems to commercial cloud platforms;

(B) to increase visibility of end-to-end performance to enable and enforce service level agreements for cloud services;

(C) to ensure efficient and common cloud access;

(D) to facilitate shifting data and applications from one cloud platform to another;

(E) to improve cybersecurity; and

(F) to consolidate networks and achieve efficiencies and improved performance;

(2) Conduct an analysis of existing workloads that would be migrated to the Joint Enterprise Defense Infrastructure, including—

(A) identifying all of the cloud initiatives across the Department of Defense, and determining the objectives of such initiatives in connection with the intended scope of the Infrastructure;

(B) identifying all the systems and applications that the Department would intend to migrate to the Infrastructure;

(C) conducting rationalization of applications to identify applications and systems that may duplicate the processing of workloads in connection with the Infrastructure; and

(D) as result of such actions, arriving at dispositions about migration or termination of systems and applications in connection with the Infrastructure.

(b) REPORT REQUIRED.—The Chief Information Officer shall submit to the congressional defense committees a report on the Department of Defense's Cloud Initiative to manage networks, data centers, and clouds at the enterprise level. Such report shall include each of the following:

(1) A description the status of completion of the activities required under subsection (a).

(2) Information relating to the current composition of the Cloud Executive Steering Group and the stakeholders relating to the Department of Defense's Cloud Initiative and associated mission, objectives, goals, and strategy.

(3) A description of the characteristics and considerations for accelerating the cloud architecture and services required for a global, resilient, and secure information environment.

(4) Information relating to acquisition strategies and timeline for efforts associated with the Department of Defense's Cloud Initiative, including the Joint Enterprise Defense Infrastructure.

(5) A description of how the acquisition strategies referred to in paragraph (4) provides for a full and open competition, enable the Department of Defense to continuously leverage and acquire new cloud computing capabilities, maintain the ability of the Department to leverage other cloud computing vendor products and services, incorporate elements to maintain secu-

rity, and provide for the best performance, cost, and schedule to meet the cloud architecture and services requirements of the Department for the duration of such contract.

(6) A detailed description of existing workloads that will be migrated to enterprise-wide cloud infrastructure or platforms as a result of the Department of Defense's Cloud Initiative, including estimated migration costs and timelines, based on the analysis required under subsection (a)(2).

(7) A description of the program management and program office of the Department of Defense's Cloud Initiative, including the number of personnel, overhead costs, and organizational structure.

(8) A description of the effect of the Joint Enterprise Defense Infrastructure on and the relationship of such Infrastructure to existing cloud computing infrastructure, platform, and service contracts across the Department of Defense, specifically the effect and relationship to the private cloud infrastructure of the Department, MilCloud 2.0 run by the Defense Information Systems Agency based on the analysis required under subsection (a)(2).

(9) Information relating to the most recent Department of Defense Cloud Computing Strategy and description of any initiatives to update such Strategy.

(10) Information relating to Department of Defense guidance pertaining to cloud computing capability or platform acquisition and standards, and a description of any initiatives to update such guidance.

(11) Any other matters the Secretary of Defense determines relevant.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated or otherwise made available by this Act for fiscal year 2019 for the Department of Defense's Cloud Initiative, not more than 85 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the report required by subsection (b).

(d) LIMITATION ON NEW SYSTEMS AND APPLICATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Deputy Secretary shall require that no new system or application will be approved for development or modernization without an assessment that such system or application is already, or can and would be, cloud-hosted.

(2) WAIVER.—The Deputy Secretary may issue a national waiver to the requirement under paragraph (1) if the Deputy Secretary determines, pursuant to the assessment described in such paragraph, that the requirement would adversely affect the national security of the United States. If the Deputy Secretary issues a waiver under this paragraph, the Deputy Secretary shall provide to the congressional defense committees a written notification of such waiver, justification for the waiver, and identification of the system or application to which the waiver applies by not later than 15 days after the date on which the waiver is issued.

(e) TRANSPARENCY AND COMPETITION.—The Deputy Secretary shall ensure that the acquisition approach of the Department con-

tinues to follow the Federal Acquisition Regulation with respect to competition.

SEC. 1065. LIMITATION ON USE OF FUNDS FOR UNITED STATES SPECIAL OPERATIONS COMMAND GLOBAL MESSAGING AND COUNTER-MESSAGING PLATFORM.

(a) LIMITATION; REPORT.—None of the funds authorized to be appropriated by this Act may be used for United States Special Operations Command's Global Messaging and Counter-Messaging platform until the Secretary of Defense submits to the congressional defense committees a report containing the following elements:

(1) The justification of the Secretary for the proposed designation of the United States Special Operations Command as the entity responsible for establishing the centralized Global Messaging and Counter-Messaging capability.

(2) A description of the proposed roles and responsibilities of the United States Special Operations Command as such entity.

(3) An implementation plan for the establishment of the platform, including a timeline for achieving initial and full operational capability.

(4) A description of the impacts to existing counter-messaging platforms, capabilities, and contracts.

(5) A description of the budget requirements for the platform to reach full operational capability, including an identification and cost of any infrastructure and equipment requirements.

(6) A summary of costs to operate and sustain the platform across the future-years defense program under section 221 of title 10, United States Code.

(7) A comprehensive plan for the continual assessment of the effectiveness of the Global Messaging and Counter-Messaging activities and programs.

(8) An explanation of the Secretary's guidance to the combatant commands to ensure unity of effort and prevent the proliferation of messaging and counter-messaging platforms.

(9) A detailed description of the processes for deconfliction and, where possible, integration of platform planning and activities with those of relevant departments and agencies of the United States Government, including the Global Engagement Center of the Department of State.

(10) An identification of any additional authorities that may be required for achieving full operational capability of the platform.

(11) A description of other actions, activities, and efforts taken to implement section 1637 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

(12) Any other matters the Secretary determines are relevant.

(b) ADDITIONAL REPORT REQUIRED.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a review and assessment of the doctrine, organization, training, materiel, leadership and education, personnel, and facili-

ties applicable to military information support personnel, including—

(1) an assessment of current doctrine, organization, training, materiel, leadership and education, personnel, and facilities; and

(2) recommended changes for enhancing the ability of military information support personnel to operate effectively in the current and future information environment.

SEC. 1066. COMPREHENSIVE REVIEW OF PROFESSIONALISM AND ETHICS PROGRAMS FOR SPECIAL OPERATIONS FORCES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a comprehensive review of the ethics programs and professionalism programs of the United States Special Operations Command and of the military departments for officers and other military personnel serving in special operations forces.

(b) ELEMENTS OF THE REVIEW.—The review conducted under subsection (a) shall specifically include a description and assessment of each of the following:

(1) The professionalism and ethics standards of the United States Special Operations Command and affiliated component commands.

(2) The ethics programs and professionalism programs of the military departments available for special operations forces.

(3) The ethics programs and professionalism programs of the United States Special Operations Command and affiliated component commands.

(4) The roles and responsibilities of the military departments and the United States Special Operations Command and affiliated component commands in administering, overseeing, managing, and ensuring compliance and participation of special operations forces in ethics programs and professionalism programs, including an identification of—

(A) any gaps in the administration, oversight, and management of such programs and in ensuring the compliance and participation in such programs; and

(B) any additional guidance that may be required for a systematic, integrated approach in administering, overseeing, and managing such programs and in ensuring compliance with and participation in such programs in order to address issues and improve adherence to professionalism and ethics standards.

(5) The adequacy of the existing management and oversight framework for ensuring that all ethics programs and professionalism programs available to special operations forces meet Department standards.

(6) Tools and metrics for identifying and assessing individual and organizational ethics and professionalism issues with respect to special operations forces.

(7) Tools and metrics for assessing the effectiveness of existing ethics programs and professionalism programs in improving or addressing individual and organizational ethics-related and professionalism issues with respect to special operations forces.

(8) Any additional actions that may be required to address or improve individual and organizational ethics and professionalism issues with respect to special operations forces.

(9) Any additional actions that may be required to improve the oversight and accountability by senior leaders of ethics and professionalism-related issues with respect to special operations forces.

(c) LIMITATION ON DELEGATION.—The Secretary of Defense may only delegate responsibility for any element of the review required by subsection (a) to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in coordination with other appropriate offices of the Secretary of Defense and the secretaries of the military departments.

(d) DEADLINE FOR SUBMITTAL OF REVIEW.—The Secretary of Defense shall submit the review required by subsection (a) to the Committees on Armed Services of the Senate and the House of Representatives by not later than March 1, 2019.

(e) DEFINITIONS.—In this section:

(1) The term "ethics program" means a program that includes—

(A) compliance-based ethics training, education, initiative, or other activity that focuses on adherence to rules and regulations; and

(B) values-based ethics training, education, initiative, or other activity that focuses on upholding a set of ethical principles in order to achieve high standards of conduct and incorporate guiding principles to help foster an ethical culture and inform decision-making where rules are not clear.

(2) The term "professionalism program" means a program that includes training, education, initiative, or other activity that focuses on values, ethics, standards, code of conduct, and skills as related to the military profession.

SEC. 1067. MUNITIONS ASSESSMENTS AND FUTURE-YEARS DEFENSE PROGRAM REQUIREMENTS.

(a) REQUIRED REPORTS.—Not later than March 1, 2019, and annually thereafter, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees each of the following:

(1) The most current munitions assessments, as defined by Department of Defense Instruction Number 3000.04, relating to the Department of Defense munitions requirements process.

(2) The most current sufficiency assessments, as defined by such Department of Defense Instruction.

(3) The most current approved memorandum of the Joint Requirements Oversight Council resulting from the munitions requirements process.

(4) The planned funding and munitions requirements required for the first fiscal year beginning after the date of the submittal of the report and across the future-years defense program for munitions across all military departments and the Missile Defense Agency.

(5) The planned foreign military sales and foreign military financing orders for United States munitions across the future-years defense program.

(b) SUNSET.—The requirement to submit reports and assessments under this section shall terminate on December 31, 2021.

(c) SUPPLY CHAIN ASSESSMENTS.—Beginning in fiscal year 2020, the Under Secretary shall evaluate supply chain risks, including qualified supplier shortages and single source supplier vulnerabilities for munitions production. The Under Secretary shall include in the reports required under subsection (a) for fiscal year 2020 and any subsequent fiscal year for which such reports are required to be submitted, a list of munitions that are at risk of production impacts from the loss of qualified suppliers.

SEC. 1068. REPORT ON ESTABLISHMENT OF ARMY FUTURES COMMAND.

(a) REPORT REQUIRED.—Not later than February 1, 2019, the Secretary of the Army shall submit to the congressional defense committees a report on the Army's plan for the establishment of Army Futures Command.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include each of the following:

(1) A description of the mission of Army Futures Command.

(2) A description of the authorities and responsibilities of the Commander of Army Futures Command.

(3) A description of the relationship between such authorities and the authorities of the Army Acquisition Authority and a description of any changes to be made to the authorities and missions of other Army major commands.

(4) A detailed description of the structure for Army Futures Command, including grade requirements.

(5) A detailed description of any resources or elements to be realigned from the Army Training and Doctrine Command, Army Materiel Command, Army Force Command, or Army Test and Evaluation Command to Army Futures Command.

(6) An assessment of the number and location of members of the Armed Forces and Department of Defense civilian personnel expected to be assigned to Army Futures Command.

(7) A cost estimate for the establishment of Army Futures Command in fiscal year 2019 and projected costs for each of fiscal years 2020 through 2023.

(8) A description of the headquarters stationing selection criteria and methodology.

(9) Any other information relating to the command, as determined by the Secretary.

SEC. 1069. REPORT ON CYBER-ENABLED INFORMATION OPERATIONS.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committees on Armed Services and Foreign Affairs of the House of Representative and the Committees on Armed Services and Foreign Relations of the Senate a report on the effects of cyber-enabled information operations on the national security of the United States. Such report shall include each of the following:

(1) A summary of actions taken by the Federal Government to protect the national security of the United States against cyber-enabled information operations.

(2) A description of the resources necessary to protect the national security of the United States against cyber-enabled information operations by foreign adversaries.

SEC. 1070. REPORT ON UNMANNED AIRCRAFT IN ARLINGTON NATIONAL CEMETERY.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the Federal Aviation Administration shall jointly submit to the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Veterans' Affairs of the Senate a report on whether legislative action is required to prevent low flying unmanned aircraft from disrupting funerals at Arlington National Cemetery.

(b) UNMANNED AIRCRAFT DEFINED.—In this section, the term "unmanned aircraft" has the meaning given such term in section 331(8) of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note).

SEC. 1071. REPORT ON AN UPDATED ARCTIC STRATEGY.

(a) REPORT ON AN UPDATED STRATEGY.—Not later than June 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on an updated Arctic strategy to improve and enhance joint operations.

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

(1) A description of United States national security interests in the Arctic region.

(2) An assessment of the threats and security challenges posed by adversaries operating in the Arctic region, including descriptions of such adversaries' intents and investments in Arctic capabilities.

(3) A description of the roles and missions of each military service in the Arctic region in the context of joint operations to support the Arctic strategy, including—

(A) a description of a joint Arctic strategy for sea operations, including all military and Coast Guard vessels available for Arctic operations;

(B) a description of a joint Arctic strategy for air operations, including all rotor and fixed wing military aircraft platforms available for Arctic operations; and

(C) a description of a joint Arctic strategy for ground operations, including all military ground forces available for Arctic operations.

(4) A description of near-term and long-term training, capability, and resource gaps that must be addressed to fully execute each mission described in the Arctic strategy against an increasing threat environment.

(5) A description of the level of cooperation between the Department of Defense, any other departments and agencies of the United States Government, State and local governments, and tribal entities related to the defense of the Arctic region.

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

SEC. 1072. REPORT ON USE AND AVAILABILITY OF MILITARY INSTALLATIONS FOR DISASTER RESPONSE.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that identifies—

(1) each military installation that has been made available to the Department of Homeland Security for disaster response for the past 10 fiscal years; and

(2) military installations assessed to be available in support of fast response to disasters.

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

(1) For each military installation identified under subsection (a)(1)—

(A) the name of the installation;

(B) the location of the installation, including the State and Congressional District;

(C) a description of the infrastructure and equipment made available at the installation; and

(D) a description of personnel made available for disaster response.

(2) For each military installation identified under subsection (a)(2)—

(A) the name of the installation;

(B) the location of the installation, including the State and Congressional District;

(C) a description of the infrastructure and equipment to be available at the installation; and

(D) a description of personnel to be available for disaster response.

SEC. 1073. REPORT ON DEPARTMENT OF DEFENSE PARTICIPATION IN EXPORT ADMINISTRATION REGULATIONS LICENSE APPLICATION REVIEW PROCESS.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, and every 180 days thereafter until the date that is three years after such date of enactment, the Under Secretary of Defense for Policy shall submit to the appropriate congressional committees a report on the participation by the Department of Defense in the process for reviewing applications for export licenses under the Export Administration Regulations as a reviewing agency under Executive Order 12981 (50 U.S.C. 4603 note; relating to administration of export controls).

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

(1) The number of applications for export licenses under the Export Administration Regulations reviewed by the De-

partment of Defense in the 180-day period preceding the submission of the report.

(2) The number of instances during that 180-day period in which the Department disagreed with a final determination made with respect to such an application under the review procedures set forth in Executive Order 12981.

(3) A summary of such instances, including—

(A) a summary of the applicants for such licenses and the recipients of items pursuant to such licenses in such instances;

(B) a description of sensitive technologies involved in such instances; and

(C) a description of the rationale of the Department for disagreeing with such determinations.

(4) The number of such applications under review by the Department or undergoing interagency dispute resolution as of the date of the submission of the report.

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

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs of the House of Representatives; and

(C) the Committee on Foreign Relations of the Senate.

(2) The term "Export Administration Regulations" means subchapter C of chapter VII of title 15, Code of Federal Regulations.

SEC. 1074. MILITARY AVIATION READINESS REVIEW IN SUPPORT OF THE NATIONAL DEFENSE STRATEGY.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on military aviation readiness in support of the National Defense Strategy (NDS).

(b) REVIEW FOR REPORT PURPOSES.—

(1) IN GENERAL.—The report under subsection (a) shall be based on a review conducted for purposes of the report in accordance with this section.

(2) PANEL.—The review shall be conducted by a panel consisting of the following:

(A) The Commander of the Air Combat Command, who shall head the panel.

(B) The Commander of the Army Aviation Branch.

(C) The Commander, Naval Air Forces.

(D) The Deputy Commandant of the Marine Corps for Aviation.

(E) Such other personnel of the Department of Defense as the Secretary considers appropriate.

(c) REVIEW ELEMENTS.—The review required by subsection (b) shall address the following:

(1) An analysis of the career progression of military pilots and non-pilot aviators, including a comparison between mili-

tary pilot and non-pilot aviators, on the one hand, and other military specialities, on the other hand, with respect to each of the following:

(A) Tours of duty.

(B) Assignment lengths.

(C) Minimum service commitments.

(D) Professional performance evaluation systems.

(E) Statutory and administrative promotion processes.

(2) An analysis of aircrew aviation training for various aircraft platforms, including—

(A) an historical analysis, covering the past 15 years, of first and second assignment total flight hours and model-specific flight hours for military pilots and non-pilot aviators; and

(B) an analysis of the flight hour program in order to determine the appropriate level of required monthly flight hours and sorties to maintain currency (minimum safe level) and proficiency (minimum level to be tactically competent).

(3) An analysis of the effect of recent operational deployments on the ability of military pilots and non-pilot aviators to build and maintain readiness for potential threats from a near-peer adversary, including—

(A) a comparison of rates of simulator usage for military pilots and non-pilot aviators within and not within the pre-deployment training window; and

(B) an assessment of the suitability of training curriculum to address high-end combat operations against a near-peer adversary.

(4) An analysis of aviation squadron size and composition, including—

(A) individual unit-level aircraft allocation;

(B) aviation platform-specific force structure; and

(C) quantity of squadrons within each aviation platform.

(5) An analysis of aviation squadron manning documents on appropriate levels and composition of military pilots, non-pilot aviators, and non-aircrew for each squadron in support of the most current National Defense Strategy, including a consideration of—

(A) appropriate levels and composition of military pilots, non-pilot aviators, and non-aircrew for each squadron in support of such National Defense Strategy;

(B) flight-related workload compared with non-flight related workload for military pilots and non-pilot aviators;

(C) the number of different aircraft platforms to which enlisted maintenance personnel are expected to be assigned throughout a typical career; and

(D) career training milestones for enlisted maintenance personnel, and the effects of such milestones on military aviation readiness.

(6) An analysis of logistics programs in support of military aviation readiness, including—

(A) an evaluation of any shortfalls in logistics programs that serve as contributing factors to both military pilot retention and overall readiness of military aviation units;

(B) an analysis of aircraft parts cannibalization rates;

(C) a determination of average mission capable ratings for aircraft throughout the various stages of the deployment cycle;

(D) an analysis of rates of reassignment of aircraft from non-deploying units to deploying units; and

(E) an identification of individual aircraft communities, if any, with strained supply chains with single-source suppliers.

SEC. 1075. REPORT ON HIGHEST-PRIORITY ROLES AND MISSIONS OF THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES.

(a) REPORT ON ROLES AND MISSIONS.—

(1) REPORT REQUIRED.—Not later than March 31, 2019, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a re-evaluation of the highest priority missions of the Department of Defense, and of the roles of the Armed Forces in the performance of such missions.

(2) GOALS.—The goals of the re-evaluation required for purposes of the report shall be as follows:

(A) To support implementation of the National Defense Strategy.

(B) To optimize the effectiveness of the joint force.

(C) To inform the preparation of future defense program and budget requests by the Secretary, and the consideration of such requests by Congress.

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

(1) A detailed description of the pacing threats for each Armed Force, and for special operations forces, and an assessment of the manner in which such pacing threats determine the primary role of each Armed Force, and special operations forces, including the connection between key operational tasks required by contingency plans.

(2) A specific requirement for the size and composition of each Armed Force, including the following:

(A) The required total end strength and force structure by type for the Army.

(B) The required fleet size of the Navy, identified by class of ships and the corresponding total end strength requirement once that fleet size is achieved.

(C) The required number of operational Air Force squadrons, identified by function and the corresponding total end strength requirement once that number of squadrons is achieved.

(D) The required total end strength and force structure by type for the Marine Corps.

(3) An evaluation of the roles of the Armed Forces in performing low-intensity missions, such as counterterrorism and security force assistance.

(4) An assessment of the roles of the total ground forces, both Army and Marine Corps, to execute the National Defense Strategy.

(5) An assessment, based on operational plans, of the ability of power projection platforms to survive and effectively perform the highest priority operational missions described in the National Defense Strategy.

(6) An assessment, based on operational plans, of the ability of manned, stealthy, penetrating strike platforms to survive and perform effectively the highest priority operational missions described in the National Defense Strategy.

(7) An evaluation of the most effective and efficient means for the joint force to achieve air superiority in both contested and uncontested environments.

(8) An evaluation of the roles of the joint special operations enterprise.

(9) An assessment of the manner in which increased use of the space domain should revise or reallocate the requirements of the joint force.

(10) An assessment of the manner in which the joint force will perform the mission of logistics in contested environments.

(c) FORM.—The report required in subsection (b) shall be submitted in classified form, and shall include an unclassified summary.

Subtitle F—Other Matters

SEC. 1081. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 130j and 130k, as added by section 1631 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1736), are amended by striking "section 3093 of title 50, United States Code" both places it appears and inserting "section 503 of the National Security Act of 1947 (50 U.S.C. 3093)".

(2) [10 U.S.C. 121] The table of sections at the beginning of chapter 3 is amended by striking the items relating to sections 130j and 130k and inserting the following new items:

"130j. Notification requirements for sensitive military cyber operations.
"130k. Notification requirements for cyber weapons.".

(3) Section 131(b)(9), as amended by section 811, is further amended—

(A) by striking subparagraphs (B), (C), and (D); and

(B) by redesignating subparagraphs (E), (F), (G), and (H), as subparagraphs (B), (C), (D), and (E), respectively.

(4) [10 U.S.C. 241] The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 261 and inserting the following:

"241. Reference to chapters 1003, 1005, and 1007.".

(5) Section 494(b)(2) is amended in the matter preceding subparagraph (A) by striking "March 1, 2012, and annually thereafter" and inserting "March 1 of each year".

(6) Section 495(a) is amended by striking "Beginning in fiscal year 2013, the" and inserting "The".

(7) Section 499a(d), as added by section 1652(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1757), is amended by striking "on or after the date of the enactment of this section" and inserting "after December 11, 2017,".

(8) Section 637a(d) is amended by striking "specialities" and inserting "specialties".

(9) Section 664(d)(1) is amended by striking "the the" and inserting "the".

(10) [10 U.S.C. 948a] The table of subchapters at the beginning of chapter 47Ais amended by striking the item relating to subchapter VII and inserting the following:

VII. POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS".

(11) [10 U.S.C. 950a] The table of sections at the beginning of subchapter VII of chapter 47Ais amended by striking the item relating to section 950g and inserting the following:

"950g. Review by United States Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court.".

(12) Section 950t is amended—

(A) in paragraph (9), by striking "attack. or" and inserting "attack, or";

(B) in paragraph (16), by striking "shall punished" and inserting "shall be punished"; and

(C) in paragraph (22), by adding a period at the end.

(13) [10 U.S.C. 1071] The table of sections at the beginning of chapter 55 is amended by striking the item relating to section 1077a and inserting the following:

"1077a. Access to military medical treatment facilities and other facilities.".

(14) [10 U.S.C. 1415] Section 1415(e)is amended by striking "concerned".

(15) Section 2006a(b)(3) is amended by striking "the such programs" and inserting "such programs".

(16) Section 2279(c) is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

(17) Section 2279c, as added by section 1601(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1718), is amended—

(A) in subsection (a)(3), by striking " the date of the enactment of this Act" and inserting "December 12, 2017"; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking " the date of the enactment of this section" and inserting "December 12, 2017"; and

(ii) in paragraph (3), by striking "on or after the date that is one year after the date of the enactment of this section" and inserting "after December 11, 2018".

(18)(A) The second section 2279c, as added by section 1602 of the National Defense Authorization Act for Fiscal Year 2018

(Public Law 115-91; 131 Stat. 1721), is redesignated as section 2279d.

(B) [10 U.S.C. 2271] The table of sections at the beginning of chapter 135 is amended by inserting after the item relating to section 2279c the following new item:

"2279d. Limitation on construction on United States territory of satellite positioning ground monitoring stations of certain foreign governments.".

(19) Section 2313b(b)(1)(E), as added by section 803(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1452), is amended by redesignating clauses (A) and (B) as clauses (i) and (ii), respectively.

(20) Section 2337a(d), as added by section 836(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1473), is amended by striking "title 10, United States Code" and inserting "this title".

(21) Section 2374a(e) is amended by striking ",," and inserting ",".

(22) [10 U.S.C. 2381] The table of sections at the beginning of chapter 141 is amended by striking the item relating to section 2410s and inserting the following new item:

"2410s. Security clearances for facilities of certain companies.".

(23) The heading of section 2410s is amended by striking the period at the end.

(24)(A) The heading of section 2414, as amended by section 817(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1462), is amended to read as follows:

"SEC. 2414. FUNDING".

(B) [10 U.S.C. 2411] The item relating to such section in the table of sections at the beginning of chapter 142is amended to read as follows:

"2414. Funding.".

(25) [10 U.S.C. 2613] Section 2613(g)is amended by striking "(1)".

(26) Section 2679(a)(1) is amended by striking "Federal government" and inserting "Federal Government".

(27) The heading of section 2691, as amended by section 2814(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is amended to read as follows:

"SEC. 2691. RESTORATION OF LAND USED BY PERMIT OR DAMAGED BY MISHAP; REIMBURSEMENT OF STATE COSTS OF FIGHTING WILDLAND FIRES".

(28) Section 2879(a)(2)(A), as added by section 2817(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is amended by striking "on or after the date of the enactment of this section" and inserting "after December 11, 2017,".

(29) The heading of section 2914 is amended to read as follows:

"SEC. 2914. ENERGY RESILIENCE AND CONSERVATION CONSTRUCTION PROJECTS".

(30) Section 10504 is amended—

(A) in subsection (a), by striking "The Chief" and inserting "(1) The Chief"; and

(B) by redesignating the second subsection (b) as subsection (c).

(b) TITLE 32, UNITED STATES CODE.—Title 32, United States Code, is amended in section 902, by striking "the Secretary, determines" and inserting "the Secretary determines".

(c) [24 U.S.C. 418 note] NDAA FOR FISCAL YEAR 2018.—Effective as of December 12, 2017, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1284 et seq.) is amended as follows:

(1) [10 U.S.C. 2430] Section 834(a)(2) (131 Stat. 1470)is amended by striking "subchapter I of".

(2) [10 U.S.C. 2302 note] Section 913(b)is amended by striking the dash after the colon in the matter preceding paragraph (1).

(3) [24 U.S.C. 418] Section 1051(d)is amended by inserting "National" before "Defense Authorization Act".

(4) [50 U.S.C. 2301 note] Section 1691(i)is amended—

(A) by inserting "the" after "Title XIV of"; and

(B) by inserting "as enacted into law by" before "Public Law 106-398".

(5) [10 U.S.C. 2871] Section 2817(a)(2)is amended by striking "table of sections for" and inserting "table of sections at the beginning of subchapter IV of".

(6) [10 U.S.C. 2911] Section 2831(b)is amended by inserting "of title 10, United States Code," after "chapter 173".

(7) [10 U.S.C. 2661 note] Section 2876(d)is amended—

(A) by inserting "In this section:" after "Definitions.—"; and

(B) in paragraph (1)(A), in the matter preceding clause (i), by inserting open quotation marks before "beneficial" and close quotation marks after "owner".

(d) OTHER NDAAS.—Section 828(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2430 note), as added by section 825(a)(4) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1466), is amended by inserting "subsection" before "(b)".

(e) OTHER LAWS.—

(1) TITLE 31.—Paragraph (1) of section 5112(p) of title 31, United States Code, as amended by section 885 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1505), is amended by striking ", United States Code" each place it appears.

(2) TITLE 49.—Subsection (h) of section 44718 of title 49, United States Code, as amended and redesignated by sections 311(b)(3) and 311(e)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is amended—

(A) in paragraph (1), by striking "section 183a(g) of title 10" and inserting "section 183a(h)(1) of title 10"; and

(B) in paragraph (2), by striking "section 183a(g) of title 10" and inserting "section 183a(h)(7) of title 10".

(3) ATOMIC ENERGY DEFENSE ACT.—Section 4309(c) of the Atomic Energy Defense Act (50 U.S.C. 2575(c)) is amended by

redesignating paragraphs (17) and (18) as paragraphs (16) and (17), respectively.

(f) CONFORMING AMENDMENTS RELATING TO THE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.—

(1) CONFORMING AMENDMENTS.—

(A) Each of the following provisions law is amended by striking "Deputy Chief Management Officer" each place it appears and inserting "Chief Management Officer":

(i) Section 192(e)(2) of title 10, United States Code.

(ii) Section 2222 of title 10, United States Code.

(iii) Section 11319(d)(4) of title 40, United States Code.

(iv) Section 881(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note).

(v) Section 217 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2445a note).

(B) Section 131(b) of title 10, United States Code, as amended by subsection (a)(3) of this section, is further amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively.

(C) Section 137a(d) of title 10, United States Code, is amended—

(i) by striking "the Secretaries of the military departments," and inserting "the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and"; and

(ii) by striking ", and the Deputy Chief Management Officer of the Department of Defense".

(D) Section 138(d) of title 10, United States Code, is amended—

(i) by inserting "the Chief Management Officer of the Department of Defense," after "the Deputy Secretary of Defense,"; and

(ii) by striking "the Deputy Chief Management Officer of the Department of Defense,".

(E) Section 904(b)(4) the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 132 note.) is amended—

(i) by striking "and Deputy Chief Management Officer"; and

(ii) by striking "as is necessary to assist those officials in the performance of their duties" and inserting "as is necessary to assist the Chief Management Officer in the performance of the duties assigned to such official".

(F) Section 5314 of title 5, United States Code, is amended by striking "Deputy Chief Management Officer of the Department of Defense.".

(2) [10 U.S.C. 132a note] REFERENCES.—

(A) IN LAW OR REGULATION.—Any reference in a law (other than this Act) or regulation in effect on the day before the date of the enactment of this Act to the Deputy Chief Management Officer of the Department of Defense is deemed to be a reference to the Chief Management Officer of the Department of Defense.

(B) IN OTHER DOCUMENTS, PAPERS, OR RECORDS.—Any reference in a document, paper, or other record of the United States prepared before the date of the enactment of this Act to the Deputy Chief Management Officer of the Department of Defense is deemed to be a reference to the Chief Management Officer of the Department of Defense.

(g) [10 U.S.C. 101 note] COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

SEC. 1082. PRINCIPAL ADVISOR ON COUNTERING WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—

(1) DESIGNATION OF PRINCIPAL ADVISOR.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 145. [10 U.S.C. 145] PRINCIPAL ADVISOR ON COUNTERING WEAPONS OF MASS DESTRUCTIO

The Secretary of Defense may designate, from among the personnel of the Office of the Secretary of Defense, a Principal Advisor on Countering Weapons of Mass Destruction. Such Principal Advisor shall coordinate the activities of the Department of Defense relating to countering weapons of mass destruction. The individual designated to serve as such Principal Advisor shall be an individual who was appointed to the position held by the individual by and with the advice and consent of the Senate.".

(2) [10 U.S.C. 131] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by adding at the end the following new item:

"145. Principal Advisor on Countering Weapons of Mass Destruction.".

(b) [10 U.S.C. 131 note] OVERSIGHT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to streamline the oversight framework of the Office of the Secretary of Defense, including any efficiencies and the potential to reduce, realign, or otherwise restructure current Assistant Secretary and Deputy Assistant Secretary positions with responsibilities for overseeing countering weapons of mass destruction policy, programs, and activities.

(c) [10 U.S.C. 131 note] DIRECTIVE.—Not later than 90 days after the submission of the oversight plan under subsection (b), the Secretary of Defense shall issue a directive for the implementation of the oversight plan by the Countering Weapons of Mass Destruction-Unity of Effort Council.

(d) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the congressional defense committees a report at the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for each of fiscal years 2020 through fiscal year 2024. Each such report shall include, for the fiscal year covered by the report, each of the following:

(A) A concise budget summary, including budget program data provided by the Undersecretary of Defense (Comptroller) for all activities of the Department that include countering weapons of mass destruction for the period covered by the applicable future-years defense program under section 221 of title 10, United States Code.

(B) A description of the activities taken by the Countering Weapons of Mass Destruction-Unity of Effort Council, including—

(i) A description of actions that are promoting a unity of effort with respect to countering weapons of mass destruction across all elements of the Department.

(ii) A list of topics that have been brought before the Countering Weapons of Mass Destruction-Unity of Effort Council and the resolution of each such topic.

(iii) A description of current and future threats involving weapons of mass destruction.

(iv) A plan, for the period covered by the applicable future-years defense program under section 221 of title 10, United States Code, to address the threats identified under clause (iii) consistent with the budget.

(v) Such other matters as the Secretary determines are relevant.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1083. MODIFICATION OF AUTHORITY TO TRANSFER AIRCRAFT TO OTHER DEPARTMENTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) TRANSFER BY DEPARTMENT OF HOMELAND SECURITY.—Paragraph (1) of subsection (a) of section 1098 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 881) is amended—

(1) in subparagraph (A), by striking "of—" and all that follows and inserting "of the seven demilitarized HC-130H aircraft specified in subparagraph (B) to the Secretary of the Air Force.";

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) AIR FORCE ACTIONS.—Paragraph (2) of such subsection is amended—

(1) in subparagraph (A)(iii), by striking "to the Secretary of Agriculture" and all that follows and inserting "to the State of California, Natural Resources Agency, for use by the Depart-

ment of Forestry and Fire Protection for firefighting purposes."; and

(2) in subparagraph (C)—

(A) by striking "unless, by reimbursable order" and all that follows through "such modifications" in each of clauses (i) and (ii);

(B) in clause (i), by striking "$5,000,000" and inserting "$7,500,000"; and

(C) in clause (ii), by striking "$130,000,000" and inserting "$150,000,000".

(c) COAST GUARD ACTIONS.—The second sentence of paragraph (3) of such subsection is amended by striking "under paragraph (2)(A)(ii)." and inserting "pursuant to this subsection before the date of the enactment of the John S. McCain National Defense Authorization Act for Fiscal Year 2019. If the Governor of California identifies fewer than seven aircraft to be acquired for firefighting purposes, the Secretary of Homeland Security may retain title and disposition of the HC-130H aircraft not included in the transfer.".

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended by inserting "or the Governor of California" after "Secretary of Agriculture" each place it appears.

(e) SECRETARY OF AGRICULTURE RETRANSFER OF TRANSFERRED INITIAL SPARES AND RELATED EQUIPMENT.—The Secretary of Agriculture shall, acting for the Forest Service, transfer to the Commandant of the Coast Guard or the Governor of California, as appropriate, any initial spares and necessary ground support equipment for HC-130H aircraft that were transferred to the Secretary pursuant to section 1098(a)(1)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2014 before the date of the enactment of this Act.

(f) GOVERNOR OF CALIFORNIA ACTIONS.—

(1) CERTIFICATION REQUIRED.—No action may be taken to transfer any aircraft pursuant to section 1098(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 881), as amended by this section, unless the Governor of the State of California submits to the Secretary of Defense certification in writing of the number of HC-130H aircraft that the State of California requests to be transferred pursuant to such section for firefighting purposes.

(2) FAILURE TO SUBMIT CERTIFICATION.—If the Governor of California fails to submit the certification under paragraph (1) before the date that is 120 days after the date of the enactment of this Act—

(A) paragraph (2) of subsection (a) of section 1098 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 881), as amended by this section shall have no force or effect; and

(B) the Secretary of Homeland Security may retain title and disposition of the HC-130H aircraft specified in paragraph (1)(B) of such subsection.

SEC. 1084. IMPROVEMENT OF DATABASE ON EMERGENCY RESPONSE CAPABILITIES.

(a) IN GENERAL.—Section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2436; 10 U.S.C. 113 note) is amended—

(1) by inserting before "The Secretary" the following: "(a) Database Required.—";

(2) in subsection (a), as designated by paragraph (1), by adding at the end the following new paragraphs:

"(3) The types of emergency response cyber capabilities that the National Guard of each State and territory may be able to provide in response to domestic or natural man-made disasters, as reported by the States and territories, including—

"(A) capabilities that can be provided within the State or territory;

"(B) capabilities that can be provided under State-to-State mutual assistance agreements; and

"(C) capabilities for defense support to civil authorities.

"(4) The types of emergency response cyber capabilities of other reserve components of the Armed Forces identified by the Secretary that are available for defense support to civil authorities in response to domestic or natural man-made disasters."; and

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

"(b) INFORMATION REQUIRED TO KEEP DATABASE CURRENT.—In maintaining the database required by subsection (a), the Secretary shall identify and revise the information required to be reported and included in the database at least once every two years for purposes of keeping the database current.".

(b) [10 U.S.C. 113 note] ESTABLISHMENT OF DATABASE.—

(1) DEADLINE FOR ESTABLISHMENT.—The Secretary of Defense shall establish the database required by section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (a), by not later than one year after the date of the enactment of this Act.

(2) USE OF EXISTING DATABASE OR SYSTEM FOR CERTAIN CAPABILITIES.—The Secretary may meet the requirement with respect to the capabilities described in subsection (a)(1) of section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as so amended, in connection with the database required by that section through the use or modification of current databases and tracking systems of the Department of Defense, including the Defense Readiness Reporting System, if the Secretary determines that such action will—

(A) expedite compliance with the requirement; and

(B) achieve such compliance at a cost not greater than the cost of establishing anew the database otherwise covered by the requirement.

SEC. 1085. DISCLOSURE REQUIREMENTS FOR UNITED STATES-BASED FOREIGN MEDIA OUTLETS.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following:

"SEC. SEC. 722. [47 U.S.C. 624] DISCLOSURE REQUIREMENTS FOR UNITED STATES-BASED FOREIGN MEDIA OUTLETS

"(a) REPORTS BY OUTLETS TO COMMISSION.—Not later than 60 days after the date of the enactment of this section, and not less frequently than every 6 months thereafter, a United States-based foreign media outlet shall submit to the Commission a report that contains the following information:

"(1) The name of such outlet.

"(2) A description of the relationship of such outlet to the foreign principal of such outlet, including a description of the legal structure of such relationship and any funding that such outlet receives from such principal.

"(b) REPORTS BY COMMISSION TO CONGRESS.—Not later than 90 days after the date of the enactment of this section, and not less frequently than every 6 months thereafter, the Commission shall transmit to Congress a report that summarizes the contents of the reports submitted by United States-based foreign media outlets under subsection (a) during the preceding 6-month period.

"(c) PUBLIC AVAILABILITY.—The Commission shall make publicly available on the internet website of the Commission each report submitted by a United States-based foreign media outlet under subsection (a) not later than the earlier of—

"(1) the date that is 30 days after the outlet submits the report to the Commission; or

"(2) the date on which the Commission transmits to Congress under subsection (b) the report covering the 6-month period during which the report of the outlet was submitted to the Commission under subsection (a).

"(d) DEFINITIONS.—In this section:

"(1) FOREIGN PRINCIPAL.—The term 'foreign principal' has the meaning given such term in section 1(b)(1) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)(1)).

"(2) UNITED STATES-BASED FOREIGN MEDIA OUTLET.—The term 'United States-based foreign media outlet' means an entity that—

"(A) produces or distributes video programming (as defined in section 602) that is transmitted, or intended for transmission, by a multichannel video programming distributor (as defined in such section) to consumers in the United States; and

"(B) would be an agent of a foreign principal (as defined in paragraph (1)) for purposes of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) but for section 1(d) of such Act (22 U.S.C. 611(d)).".

SEC. 1086. [10 U.S.C. 113 note] UNITED STATES POLICY WITH RESPECT TO FREEDOM OF NAVIGATION AND OVERFLIGHT.

(a) DECLARATION OF POLICY.—It is the policy of the United States to fly, sail, and operate throughout the oceans, seas, and airspace of the world wherever international law allows.

(b) IMPLEMENTATION OF POLICY.—In furtherance of the policy set forth in subsection (a), the Secretary of Defense should—

(1) plan and execute a robust series of routine and regular air and naval presence missions throughout the world and

throughout the year, including for critical transportation corridors and key routes for global commerce;

(2) in addition to the missions executed pursuant to paragraph (1), execute routine and regular air and maritime freedom of navigation operations throughout the year, in accordance with international law, including, but not limited to, maneuvers beyond innocent passage; and

(3) to the maximum extent practicable, execute the missions pursuant to paragraphs (1) and (2) with regional partner countries and allies of the United States.

SEC. 1087. NATIONAL COMMISSION ON MILITARY AVIATION SAFETY.

(a) ESTABLISHMENT; PURPOSE.—

(1) ESTABLISHMENT.—There is established the National Commission on Military Aviation Safety (in this section referred to as the "Commission"). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(2) PURPOSE.—The purpose of the Commission is to examine and make recommendations with respect to certain United States military aviation mishaps.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

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

(4) EXPERTISE.—In making appointments under this subsection, consideration should be given to individuals with ex-

pertise in military aviation training, aviation technology, military aviation operations, aircraft sustainment and repair, aviation personnel policy, aerospace physiology, and reserve component policy.

(5) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(6) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and Vice Chair from among its members. The Chair may not be a Federal officer or employee.

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

(8) PAY FOR MEMBERS.—

(A) IN GENERAL.—Except for the Chair, each member of the Commission who is not an officer or employee of the Federal government shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

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

(C) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) ADDITIONAL STAFF.—

(1) EXECUTIVE DIRECTOR.—

(A) APPOINTMENT.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(B) LIMITATIONS.—The individual appointed to serve as Executive Director may not have served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment.

(2) COMMISSION STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(3) DETAILEES.—Not more than half of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other Federal departments or agencies.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chair.

(2) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission are required to have been appointed under subsection (b)(2), the Commission shall hold its initial meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

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

(f) CONTRACTING AUTHORITY.—The Commission may enter into contracts for the acquisition of administrative supplies and equipment for use by the Commission, to the extent that funds are available for such purpose.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) DUTIES.—

(1) STUDY ON MILITARY AVIATION SAFETY.—The Commission shall undertake a comprehensive study of United States military aviation mishaps that occurred between fiscal years 2013 and 2018 in order—

(A) to assess the rates of military aviation mishaps between fiscal years 2013 and 2018 compared to historic aviation mishap rates;

(B) to make an assessment of the underlying causes contributing to the unexplained physiological effects;

(C) to make an assessment of causes contributing to delays in aviation maintenance and limiting operational availability of aircraft;

(D) to make an assessment of the causes contributing to military aviation mishaps; and

(E) to make recommendations on the modifications, if any, of safety, training, maintenance, personnel, or other policies related to military aviation safety.

(2) REPORT.—Not later than December 1, 2020, the Commission shall submit to the President and the congressional defense committees a report setting forth a detailed statement of the findings and conclusions of the Commission as a result of the study required by paragraph (1), together with the recommendations of the Commission for such legislative and administrative actions as the Commission considers appropriate in light of the results of the study.

(i) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this subtitle.

(2) INFORMATION FROM DEPARTMENT.—The Commission may secure directly from any element of the Department of Defense such information as the Commission considers necessary to carry out its duties under this subtitle. Upon request of the Chair of the Commission, the head of such element shall furnish such information to the Commission.

(j) PROTECTION OF PRIVILEGED SAFETY INFORMATION.—

(1) REQUEST OF INFORMATION.—The Commission may request privileged safety information from the Department of Defense.

(2) TREATMENT OF INFORMATION.—Any privileged safety information provided to the Commission by the Department of Defense shall be handled by the Commission as though the Commission were a non-Department of Defense Federal Government agency under Enclosure 5, Section 8, of Department of Defense Instruction 6055.07, Mishap Notification, Investigation, Reporting, and Record Keeping.

(3) PROHIBITION ON USE OF INFORMATION IN PUBLIC HEARINGS.—No privileged safety information shall be allowed in any public hearing of the Commission. The Commission may only consider privileged safety information in camera, and no record of the proceedings of the Commission may include privileged safety information.

(4) PROHIBITION ON PUBLICATION.—Any privileged safety information secured by the Commission from the Department of Defense—

(A) may not be published or revealed to anyone outside the Commission;

(B) may not be retained but shall be returned to the originating Department of Defense organization; and

(C) may not be included in any Commission report.

(5) USE OF AGGREGATED DATA.—Aggregated data based on privileged safety information or information that has been completely sanitized in accordance with Department of Defense Instruction 6055.07, such that individual mishaps are not identifiable, may be included in the report produced by the Commission.

(6) DEFINITION OF PRIVILEGED SAFETY INFORMATION.—In this subsection, the term "privileged safety information" has the meaning given it in Department of Defense Instruction 6055.07, dated June 6, 2011.

(k) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (h)(2).

(l) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2019, as identified in division D of this Act, $5,000,000 shall be available for the National Commission on Aviation Safety.

(m) REPORT TO CONGRESS.—Not later than 120 days after the date of the submittal of the report under subsection (h)(2), the Secretary of Defense, in coordination with the Secretary of each of the military departments, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that includes each of the following:

(1) An assessment of the findings and conclusions of the Commission.

(2) The plan of the Secretaries for implementing the recommendations of the Commission.

(3) Any other actions taken or planned by the Secretary of Defense or the Secretary of any of the military departments to improve military aviation safety.

SEC. 1088. SENSE OF CONGRESS REGARDING THE INTERNATIONAL BORDERS OF THE UNITED STATES.

It is the sense of Congress that—

(1) gaining and maintaining situational awareness and operational control of the international borders of the United States is critical to national security;

(2) the United States Government must devote adequate resources to securing the border, both at, and between, ports of entry, and the agency tasked with that mission, the Department of Homeland Security, should be adequately resourced to conduct such mission; and

(3) the Department of Defense must ensure that when it acts in support of that mission, such as when mobilized by the President to conduct homeland defense activities, or when military facilities are adjacent to an international border of the United States, it has adequate resources, capabilities, and authorities to carry out the mission while maintaining combat readiness.

SEC. 1089. [10 U.S.C. 1781 note] POLICY ON RESPONSE TO JUVENILE-ON-JUVENILE PROBLEMATIC SEXUAL BEHAVIOR COMMITTED ON MILITARY INSTALLATIONS.

(a) POLICY REQUIRED.—The Secretary of Defense shall establish a policy, applicable across the military installations of the Department of Defense (including installations outside the United States), on the response of the Department to allegations of juvenile-on-juvenile problematic sexual behavior on military installations. The policy shall be designed to ensure a consistent, standardized response to such allegations across the Department.

(b) ELEMENTS.—The policy required by this section shall provide for the following:

(1) Any report or other allegation of juvenile-on-juvenile problematic sexual behavior on a military installation that is received by the installation commander, a law enforcement organization, a Family Advocacy Program, a child development

center, a military treatment facility, or a Department school operating on the installation or otherwise under Department administration for the installation shall be reviewed by the Family Advocacy Program of the installation.

(2) Personnel of Family Advocacy Programs conducting reviews shall have appropriate training and experience in working with juveniles.

(3) Family Advocacy Programs conducting reviews shall conduct a multi-faceted, multi-disciplinary review and recommend treatment, counseling, or other appropriate interventions for complainants and respondents.

(4) Each review shall be conducted—

(A) with full involvement of appropriate authorities and entities, including parents or legal guardians of the juveniles involved (if practicable); and

(B) to the extent practicable, in a manner that protects the sensitive nature of the incident concerned, using language appropriate to the treatment of juveniles in written policies and communication with families.

(5) The requirement for investigation of a report or other allegation shall not be deemed to terminate or alter any otherwise applicable requirement to report or forward the report or allegation to appropriate Federal, State, or local authorities as possible criminal activity.

(6) There shall be established and maintained a centralized database of information on each incident of problematic sexual behavior that is reviewed by a Family Advocacy Program under the policy established under this section, with—

(A) the information in such database kept strictly confidential; and

(B) because the information involves alleged conduct by juveniles, additional special precautions taken to ensure the information is available only to persons who require access to the information.

(7) There shall be entered into the database, for each substantiated or unsubstantiated incident of problematic sexual behavior, appropriate information on the incident, including—

(A) a description of the allegation;

(B) whether or not the review is completed;

(C) whether or not the incident was subject to an investigation by a law enforcement organization or entity, and the status and results of such investigation; and

(D) whether or not action was taken in response to the incident, and the nature of the action, if any, so taken.

SEC. 1090. RECOGNITION OF AMERICA'S VETERANS.

(a) AUTHORIZATION OF SUPPORT.—In order to honor American veterans, including American veterans of past wars that the Secretary of Defense determines have not received appropriate recognition, the Secretary may provide such support as the Secretary determines is appropriate for a parade to be carried out in the District of Columbia. In providing support under this subsection, the Secretary may expend funds for the display of small arms and munitions appropriate for customary ceremonial honors and for the

participation of military units that perform customary ceremonial duties.

(b) PROHIBITION.—In providing support for a parade as described in subsection (a), the Secretary may not expend funds to provide motorized vehicles, aviation platforms, munitions other than the munitions specifically described in subsection (a), operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would undermine the readiness of such units, platforms, or equipment.

SEC. 1091. PROHIBITION OF FUNDS FOR CHINESE LANGUAGE INSTRUCTION PROVIDED BY A CONFUCIUS INSTITUTE.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended for Chinese language instruction provided by a Confucius Institute.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended to support a Chinese language program at an institution of higher education that hosts a Confucius Institute.

(c) WAIVER.—The Under Secretary of Defense for Personnel and Readiness may waive the limitation in subsection (b) with respect to a Chinese language program at a specific institution of higher education if the Under Secretary of Defense for Personnel and Readiness—

(1) certifies to the congressional defense committees that—

(A) Confucius Institute employees and instructors will provide no instruction or educational support to the program;

(B) Confucius Institute employees and instructors will have no authority with regard to the curriculum and activities of the program; and

(C) the institution has made available to the Department of Defense all memoranda of understanding, contracts, and other agreements between the institution and the Confucius Institute, or between the institution and any agency of or organization affiliated with the government of the People's Republic of China; or

(2) certifies to the congressional defense committees that—

(A) the requirements described in subparagraphs (A) and (B) of paragraph (1) have been met; and

(B) the waiver of the limitation in subsection (b) is necessary for national security, and there is no reasonable alternative to issuing the waiver.

(d) DEFINITIONS.—

(1) CHINESE LANGUAGE PROGRAM.—The term "Chinese language program" means any Department of Defense program designed to provide or support Chinese language instruction, including the National Security Education Program, the Language Flagship program, Project Global Officer, and the Language Training Centers program.

(2) CONFUCIUS INSTITUTE.—The term "Confucius Institute" means a Confucius Institute that is operated by the Office of

Chinese Languages Council International, also known as Hanban, which is affiliated with the Ministry of Education of the People's Republic of China.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(e) RULE OF CONSTRUCTION.—The prohibition under subsection (a) and the limitation under subsection (b) shall not apply to an institution of higher education by reason that the institution funds or sponsors an event or activity, regardless of any affiliation of any individual who participates in the event or activity, and nothing shall be construed to prohibit funding for other programs, research or other activities at an institution that hosts a Confucius institute.

SEC. 1092. DEPARTMENT OF DEFENSE ENGAGEMENT WITH CERTAIN NONPROFIT ENTITIES IN SUPPORT OF MISSIONS OF DEPLOYED UNITED STATES PERSONNEL AROUND THE WORLD.

(a) FINDING.—Congress finds that Spirit of America, a privately-funded, nonpartisan, nonprofit organization, acting in partnership with the Department of Defense, has made an important contribution in supporting the missions of deployed United States personnel around the world.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States military commanders should, consistent with applicable laws, regulations, and guidance developed consistent with section 1088 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1605; 10 U.S.C. 113 note), engage with and provide logistical support to covered non-Federal entities, including Spirit of America, to advance the military missions of the Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on Department engagement with covered non-Federal entities.

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

(A) A description of the engagements of the Department with covered non-Federal entities during the 3-year period immediately preceding the date on which the report is submitted.

(B) An evaluation of the implementation of the guidance of the Department applicable to Department engagements with covered non-Federal entities, including any guidance issued pursuant to section 1088 of the National Defense Authorization Act for Fiscal Year 2018.

(C) Recommendations, if any, of the Secretary of Defense and the Secretary of State for improving the capacity and effectiveness of the Department to engage with covered non-Federal entities.

(d) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED NON-FEDERAL ENTITY.—The term "covered non-Federal entity" means an organization that—

(A) is based in the United States;

(B) has an independent board of directors and is subject to independent financial audits;

(C) is substantially privately-funded;

(D) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code; and

(E) provides international assistance.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Direct hire authority for the Department of Defense for certain competitive service positions.
Sec. 1102. Modification of direct hire authority for the Department of Defense for post-secondary students and recent graduates.
Sec. 1103. Extension of overtime rate authority for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.
Sec. 1104. One-year extension and expansion of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1105. Extension of authority to conduct telework travel expenses test programs.
Sec. 1106. Personnel demonstration projects.
Sec. 1107. Expanded flexibility in selecting candidates from referral lists.
Sec. 1108. Expedited hiring authority for college graduates and post secondary students.
Sec. 1109. Inapplicability of certification of executive qualifications by qualification review boards of Office of Personnel Management for initial appointments to Senior Executive Service positions in Department of Defense.
Sec. 1110. Engagement with Historically Black Colleges and Universities and minority-serving institutions for the purposes of technical workforce enhancement.
Sec. 1111. Inclusion of Strategic Capabilities Office and Defense Innovation Unit Experimental of the Department of Defense in personnel management authority to attract experts in science and engineering.
Sec. 1112. Enhancement of flexible management authorities for science and technology reinvention laboratories of the Department of Defense.
Sec. 1113. Inclusion of Office of Secretary of Defense among components of the Department of Defense covered by direct hire authority for financial management experts.
Sec. 1114. Alcohol testing of civil service mariners of the Military Sealift Command assigned to vessels.
Sec. 1115. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.

SEC. 1101. DIRECT HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR CERTAIN COMPETITIVE SERVICE POSITIONS.

(a) IN GENERAL.—Chapter 99 of title 5, United States Code, is amended by adding at the end the following:

"SEC. 9905. [5 U.S.C. 9905] DIRECT HIRE AUTHORITY FOR CERTAIN PERSONNEL OF THE DEPARTMENT OF DEFENS

"(a) IN GENERAL.—The Secretary of Defense may appoint, without regard to the provisions of subchapter I of chapter 33 (other than sections 3303 and 3328 of such chapter), qualified candidates to any of the following positions in the competitive service in the Department of Defense:

"(1) Any position involved with Department maintenance activities, including depot-level maintenance and repair.

"(2) Any position involved with cybersecurity.

"(3) Any individual in the acquisition workforce that manages any services contracts necessary to the operation and maintenance of programs of the Department.

"(4) Any science, technology, or engineering position, including any such position at the Major Range and Test Facilities Base, in order to allow development of new systems and provide for the maintenance of legacy systems.

"(b) SUNSET.—Effective on September 30, 2025, the authority provided under subsection (a) shall expire.".

(b) [5 U.S.C. 9901] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 99 of such titleis amended by inserting after the item relating to section 9904 the following new item:

"9905. Direct hire authority for certain personnel of the Department of Defense.".

SEC. 1102. [10 U.S.C. 1580 note] MODIFICATION OF DIRECT HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES.

Section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328)is amended—

(1) in subsection (b), by striking "15 percent" and inserting "25 percent"; and

(2) in subsection (d), by striking "September 30, 2021" and inserting "September 30, 2025".

SEC. 1103. EXTENSION OF OVERTIME RATE AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking "September 30, 2019" and inserting "September 30, 2021".

SEC. 1104. ONE-YEAR EXTENSION AND EXPANSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) IN GENERAL.—Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1105 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is amended by striking "through 2018" and inserting "through 2019".

(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—Section 1101(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615) is amended to read as follows:

"(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In applying section 5307 of title 5, United States Code, any payment in addition to basic pay for a period of time during which a waiver under subsection (a) is in effect shall not be counted as part of an employee's aggregate compensation for the given calendar year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1105. EXTENSION OF AUTHORITY TO CONDUCT TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5711(g) of title 5, United States Code, is amended by striking "7 years after the date of the enactment of the Telework Enhancement Act of 2010" and inserting "on December 31, 2020".

(b) [5 U.S.C. 5711 note] EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as though enacted on December 1, 2017.

SEC. 1106. PERSONNEL DEMONSTRATION PROJECTS.

Section 4703 of title 5, United States Code, is amended—

(1) in subsection (d), by striking paragraph (2) and inserting the following:

"(2)(A) Except as provided in subparagraph (B), not more than 10 active demonstration projects may be in effect at any time.

"(B) Any demonstration project authorized under this section that is active for a period greater than 10 years shall not count for purposes of applying the limitation in subparagraph (A).."; and

(2) by adding at the end the following:

"(j) Each agency at which a demonstration project authorized by this section is ongoing shall submit an annual report to the Office of Personnel Management, the Office and Management and Budget, the Committee on Homeland Security and Governmental Affairs of the United States Senate, and the Committee on Oversight and Government Reform of the United States House of Representatives that includes—

"(1) the aggregate performance appraisal ratings and compensation costs for employees under a demonstration project;

"(2) an assessment of the results of the demonstration project, including its impact on mission goals, employee recruitment, retention, and satisfaction, and which may include the results of the survey authorized under section 1128 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 5 U.S.C. 7101 note), commonly referred to as the Federal Employee Viewpoint Survey, and performance management for employees; and

"(3) a comparison of the items listed in (1) and (2) with employees not covered by the demonstration project.".

SEC. 1107. EXPANDED FLEXIBILITY IN SELECTING CANDIDATES FROM REFERRAL LISTS.

(a) EXPANDED FLEXIBILITY.—Subchapter I of chapter 33 of title 5, United States Code, is amended by striking sections 3317 and 3318 and inserting the following:

"SEC. 3317. [5 U.S.C. 3317] COMPETITIVE SERVICE; CERTIFICATION USING NUMERICAL RATING

"(a) CERTIFICATION.—

"(1) IN GENERAL.—The Director of the Office of Personnel Management, or the head of an agency to which the Director has delegated examining authority under section 1104(a)(2), shall certify a sufficient number of names from the top of the appropriate register or list of eligibles, as determined pursuant to regulations prescribed under subsection (c), and provide a certificate with such names to an appointing authority that has requested a certificate of eligibles to consider when filling a job in the competitive service.

"(2) MINIMUM NUMBER OF NAMES CERTIFIED.—Unless otherwise provided for in regulations prescribed under subsection (c), the number of names certified under paragraph (1) shall be not less than three.

"(b) DISCONTINUANCE OF CERTIFICATION.—When an appointing authority, for reasons considered sufficient by the Director or head of an agency, has three times considered and passed over a preference eligible who was certified from a register, the Director or head of any agency may discontinue certifying the preference eligible for appointment. The Director or the head of an agency shall provide to such preference eligible notice of the intent to discontinue certifying such preference eligible prior to the discontinuance of certification.

"(c) REGULATIONS.—The Director shall prescribe regulations for the administration of this section. Such regulations shall include the establishment of mechanisms for identifying the eligibles who will be considered for each vacancy. Such mechanisms may include cut-off scores.

"(d) DEFINITION.—In this section, the term 'Director' means the Director of the Office of Personnel Management.

"SEC. 3318. [5 U.S.C. 3318] COMPETITIVE SERVICE; SELECTIONS USING NUMERICAL RATING

"(a) IN GENERAL.—An appointing authority shall select for appointment from the eligibles certified for appointment on a certificate furnished under section 3317(a), unless objection to one or more of the individuals certified is made to, and sustained by, the Director of the Office of Personnel Management or the head of an agency to which the Director has delegated examining authority under section 1104(a)(2), for proper and adequate reason under regulations prescribed by the Director.

"(b) OTHER APPOINTING AUTHORITIES.—

"(1) IN GENERAL.—During the 240-day period beginning on the date of issuance of a certificate of eligibles under section 3317(a), an appointing authority other than the appointing authority requesting the certificate (in this subsection referred to as the 'other appointing authority') may select an individual from that certificate in accordance with this subsection for an appointment to a position that is—

"(A) in the same occupational series as the position for which the certification of eligibles was issued (in this subsection referred to as the 'original position'); and

"(B) at a similar grade level as the original position.

"(2) APPLICABILITY.—An appointing authority requesting a certificate of eligibles may share the certificate with another appointing authority only if the announcement of the original position provided notice that the resulting list of eligible candidates may be used by another appointing authority.

"(3) REQUIREMENTS.—The selection of an individual under paragraph (1)—

"(A) shall be made in accordance with subsection (a); and

"(B) subject to paragraph (4), may be made without any additional posting under section 3327.

"(4) INTERNAL NOTICE.—Before selecting an individual under paragraph (1), the other appointing authority shall—

"(A) provide notice of the available position to employees of the other appointing authority;

"(B) provide up to 10 business days for employees of the other appointing authority to apply for the position; and

"(C) review the qualifications of employees submitting an application.

"(c) PASS OVER.—

"(1) IN GENERAL.—Subject to subparagraph (2), if an appointing authority proposes to pass over a preference eligible certified for appointment under subsection (a) and select an individual who is not a preference eligible, the appointing authority shall file written reasons with the Director or the head of the agency for passing over the preference eligible. The Director or the head of the agency shall make the reasons presented by the appointing authority part of the record of the preference eligible and may require the submission of more detailed information from the appointing authority in support of the passing over of the preference eligible. The Director or the head of the agency shall determine the sufficiency or insufficiency of the reasons submitted by the appointing authority, taking into account any response received from the preference eligible under paragraph (2). When the Director or the head of the agency has completed review of the proposed pass-over of the preference eligible, the Director or the head of the agency shall send its findings to the appointing authority and to the preference eligible. The appointing authority shall comply with the findings.

"(2) PREFERENCE ELIGIBLE INDIVIDUALS WHO HAVE A COMPENSABLE SERVICE-CONNECTED DISABILITY.—In the case of a preference eligible described in section 2108(3)(C) who has a compensable service-connected disability of 30 percent or more, the appointing authority shall notify the Director under paragraph (1) and, at the same time, notify the preference eligible of the proposed pass-over, of the reasons for the proposed pass-over, and of the individual's right to respond to those reasons to the Director within 15 days of the date of the notification. The Director shall, before completing the review under paragraph (1), require a demonstration by the appointing authority that the notification was timely sent to the preference eligible's last known address.

"(3) FURTHER CONSIDERATION NOT REQUIRED.—When a preference eligible, for reasons considered sufficient by the Director, or in the case of a preference eligible described in paragraph (1), by the head of an agency, has been passed over in accordance with this subsection for the same position, the appointing authority is not required to give further consideration to that preference eligible while selecting from the same list for a subsequent appointment to such position.

"(4) DELEGATION PROHIBITION.—In the case of a preference eligible described in paragraph (2), the functions of the Director under this subsection may not be delegated to an individual who is not an officer or employee of the Office of Personnel Management.

"(d) SPECIAL RULE REGARDING REEMPLOYMENT LISTS.—When the names of preference eligibles are on a reemployment list appropriate for the position to be filled, an appointing authority may appoint from a register of eligibles established after examination only an individual who qualifies as a preference eligible under subparagraph (C), (D), (E), (F), or (G) of section 2108(3).

"(e) CONSIDERATION NOT REQUIRED.—In accordance with regulations prescribed by the Director, an appointing officer is not required to consider an eligible who has been considered by the appointing officer for three separate appointments from the same or different certificates for the same position.

"(f) REGULATIONS.—The Director shall prescribe regulations for the administration of this section.

"(d) DEFINITION.—In this section, the term 'Director' means the Director of the Office of Personnel Management.".

(b) CONFORMING AMENDMENTS.—Such subchapter is further amended—

(1) in section 3319—

(A) by amending the section heading to read as follows:

"SEC. 3319. COMPETITIVE SERVICE; SELECTION USING CATEGORY RATING"; and

(B) in subsection (c), by striking paragraph (6), redesignating paragraph (7) as paragraph (6), and amending paragraph (6) (as so redesignated) to read as follows:

"(6) PREFERENCE ELIGIBLES.—

"(A) SATISFACTION OF CERTAIN REQUIREMENTS.—Notwithstanding paragraphs (1) and (2), an appointing official may not pass over a preference eligible in the same category from which selection is made, unless the requirements of sections 3317(b) and 3318(c), as applicable, are satisfied.

"(B) FURTHER CONSIDERATION NOT REQUIRED.—When a preference eligible, for reasons considered sufficient by the Director, or in the case of a preference eligible described in section 3318(c)(1), by the head of an agency, has been passed over in accordance with section 3318(c) for the same position, the appointing authority is not required to give further consideration to that preference eligible while selecting from the same list for a subsequent appointment to such position.

"(C) LIST OF ELIGIBLES ISSUED FROM A STANDING REGISTER; DISCONTINUATION OF CERTIFICATION.—In the case of lists of eligibles issued from a standing register, when an appointing authority, for reasons considered sufficient by the Director or the head of an agency, has three times considered and passed over a preference eligible who was certified from a register, certification of the preference eligible for appointment may be discontinued. However, the preference eligible is entitled to advance notice of discontinuance of certification in accordance with regulations prescribed by the Director."; and

(2) [5 U.S.C. 3320] in the first sentence of section 3320, by striking "sections 3308-3318" and inserting "sections 3308 through 3319".

(c) [5 U.S.C. 3301] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by striking the items relating to sections 3317, 3318, and 3319 and inserting the following:

"3317. Competitive service; certification using numerical ratings
"3318. Competitive service; selection using numerical ratings
"3319. Competitive service; selection using category rating".

(d) [5 U.S.C. 3317 note] EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date on which the Director of the Office of Personnel Management issues final regulations to implement sections 3317, 3318, and 3319 of title 5, United States Code, as amended or added by this section.

(2) REGULATIONS REQUIRED.—The Director shall issue regulations under paragraph (1) not later than one year after the date of enactment of this section.

SEC. 1108. EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES AND POST SECONDARY STUDENTS.

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

"SEC. 3115. [5 U.S.C. 3115] EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES; COMPETITIVE SERVIC

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(b) APPOINTMENT.—

"(1) IN GENERAL.—The head of an agency may appoint, without regard to any provision of sections 3309 through 3319 and 3330, a qualified individual to a position in the competitive service classified in a professional or administrative occupational category at the GS-11 level, or an equivalent level, or below.

"(2) RESTRICTIONS.—An appointment under paragraph (1) shall be made in accordance with regulations prescribed by the Director.

"(c) QUALIFICATIONS FOR APPOINTMENT.—The head of an agency may make an appointment under subsection (b) only if the individual being appointed—

"(1) has received a baccalaureate or graduate degree from an institution of higher education;

"(2) applies for the position—

"(A) not later than 2 years after the date on which the individual being appointed received the degree described in paragraph (1); or

"(B) in the case of an individual who has completed a period of not less than 4 years of obligated service in a uniformed service, not later than 2 years after the date of the discharge or release of the individual from that service; and

"(3) meets each minimum qualification standard prescribed by the Director for the position to which the individual is being appointed.

"(d) PUBLIC NOTICE AND ADVERTISING.—

"(1) IN GENERAL.—The head of an agency making an appointment under subsection (b) shall publicly advertise positions under this section.

"(2) REQUIREMENTS.—In carrying out paragraph (1), the head of an agency shall—

"(A) adhere to merit system principles;

"(B) advertise positions in a manner that provides for diverse and qualified applicants; and

"(C) ensure potential applicants have appropriate information relevant to the positions available.

"(e) LIMITATION ON APPOINTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total number of employees that the head of an agency may appoint under this section during a fiscal year may not exceed the number equal to 15 percent of the number of individuals that the agency head appointed during the previous fiscal year to a position in the competitive service classified in a professional or administrative occupational category, at the GS-11 level, or an equivalent level, or below, under a competitive examining procedure.

"(2) EXCEPTIONS.—Under a regulation prescribed under subsection (f), the Director may establish a lower limit on the number of individuals that may be appointed under paragraph (1) of this subsection during a fiscal year based on any factor the Director considers appropriate.

"(f) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Director shall issue interim regulations, with an opportunity for comment, for the administration of this section.

"(g) REPORTING.—

"(1) IN GENERAL.—Not later than September 30 of each of the first 3 fiscal years beginning after the date of enactment of this section, the head of an agency that makes an appointment under this section shall submit a report to—

"(A) Congress that assesses the impact of the use of the authority provided under this section during the fiscal year in which the report is submitted; and

"(B) the Director that contains data that the Director considers necessary for the Director to assess the impact and effectiveness of the authority described in subparagraph (A).

"(2) CONTENT.—The head of an agency shall include in each report under paragraph (1)—

"(A) the total number of individuals appointed by the agency under this section, as well as the number of such individuals who are—

"(i) minorities or members of other underrepresented groups; or

"(ii) veterans;

"(B) recruitment sources;

"(C) the total number of individuals appointed by the agency during the applicable fiscal year to a position in the competitive service classified in a professional or administrative occupational category at the GS-11 level, or an equivalent level, or below; and

"(D) any additional data specified by the Director.

"(h) SPECIAL PROVISION REGARDING THE DEPARTMENT OF DEFENSE.—

"(1) AUTHORITY.—Nothing in this section shall preclude the Secretary of Defense from exercising any authority to appoint a recent graduate under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute.

"(2) REGULATIONS.—Any regulations prescribed by the Director for the administration of this section shall not apply to the Department of Defense during the period ending on the date on which the appointment authority of the Secretary of Defense under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute, terminates.

"SEC. 3116. [5 U.S.C. 3116] EXPEDITED HIRING AUTHORITY FOR POST-SECONDARY STUDENTS; COMPETITIVE SERVIC

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(3) STUDENT.—The term 'student' means an individual enrolled or accepted for enrollment in an institution of higher education who is pursuing a baccalaureate or graduate degree on at least a part-time basis as determined by the institution of higher education.

"(b) APPOINTMENT.—

"(1) IN GENERAL.—The head of an agency may make a time-limited appointment of a student, without regard to any provision of sections 3309 through 3319 and 3330, to a position

in the competitive service at the GS-11 level, or an equivalent level, or below for which the student is qualified.

"(2) RESTRICTIONS.—An appointment under paragraph (1) shall be made in accordance with regulations prescribed by the Director.

"(c) PUBLIC NOTICE.—

"(1) IN GENERAL.—The head of an agency making an appointment under subsection (b) shall publicly advertise positions available under this section.

"(2) REQUIREMENTS.—In carrying out paragraph (1), the head of an agency shall—

"(A) adhere to merit system principles;

"(B) advertise positions in a manner that provides for diverse and qualified applicants; and

"(C) ensure potential applicants have appropriate information relevant to the positions available.

"(d) LIMITATION ON APPOINTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total number of students that the head of an agency may appoint under this section during a fiscal year may not exceed the number equal to 15 percent of the number of students that the agency head appointed during the previous fiscal year to a position in the competitive service at the GS-11 level, or an equivalent level, or below.

"(2) EXCEPTIONS.—Under a regulation prescribed under subsection (g), the Director may establish a lower limit on the number of students that may be appointed under paragraph (1) of this subsection during a fiscal year based on any factor the Director considers appropriate.

"(e) CONVERSION.—The head of an agency may, without regard to any provision of chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, convert a student serving in an appointment under subsection (b) to a permanent appointment in the competitive service within the agency without further competition if the student—

"(1) has completed the course of study leading to the baccalaureate or graduate degree;

"(2) has completed not less than 640 hours of current continuous employment in an appointment under subsection (b); and

"(3) meets the qualification standards for the position to which the student will be converted.

"(f) TERMINATION.—The head of an agency shall, without regard to any provision of chapter 35 or 75, terminate the appointment of a student appointed under subsection (b) upon completion of the designated academic course of study unless the student is selected for conversion under subsection (e).

"(g) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Director shall issue interim regulations, with an opportunity for comment, for the administration of this section.

"(h) REPORTING.—

"(1) IN GENERAL.—Not later than September 30 of each of the first 3 fiscal years beginning after the date of enactment of this section, the head of an agency that makes an appointment under this section shall submit a report to—

"(A) Congress that assesses the impact of the use of the authority provided under this section during the fiscal year in which the report is submitted; and

"(B) the Director that contains data that the Director considers necessary for the Director to assess the impact and effectiveness of the authority described in subparagraph (A).

"(2) CONTENT.—The head of an agency shall include in each report under paragraph (1)—

"(A) the total number of individuals appointed by the agency under this section, as well as the number of such individuals who are—

"(i) minorities or members of other underrepresented groups; or

"(ii) veterans;

"(B) recruitment sources;

"(C) the total number of individuals appointed by the agency during the applicable fiscal year to a position in the competitive service at the GS-11 level, or an equivalent level, or below; and

"(D) any additional data specified by the Director.

"(i) SPECIAL PROVISION REGARDING THE DEPARTMENT OF DEFENSE.—

"(1) AUTHORITY.—Nothing in this section shall preclude the Secretary of Defense from exercising any authority to appoint a post-secondary student under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute.

"(2) REGULATIONS.—Any regulations prescribed by the Director for the administration of this section shall not apply to the Department of Defense during the period ending on the date on which the appointment authority of the Secretary of Defense under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute, terminates.".

(b) [5 U.S.C. 3101] TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following:

"3115. Expedited hiring authority for college graduates; competitive service
"3116. Expedited hiring authority for post-secondary students; competitive service".

SEC. 1109. [5 U.S.C. 3393 note] INAPPLICABILITY OF CERTIFICATION OF EXECUTIVE QUALIFICATIONS BY QUALIFICATION REVIEW BOARDS OF OFFICE OF PERSONNEL MANAGEMENT FOR INITIAL APPOINTMENTS TO SENIOR EXECUTIVE SERVICE POSITIONS IN DEPARTMENT OF DEFENSE.

(a) TEMPORARY INAPPLICABILITY.—Notwithstanding section 3393(c) of title 5, United States Code, or any regulations implementing that section, and subject to the provisions of this section, the Secretary of Defense may appoint individuals for service in the Senior Executive Service of the Department of Defense without

such individuals being subject to the certification of executive qualifications by a qualification review board of the Office of Personnel Management in connection with such appointment otherwise required by that section.

(b) QUALIFICATIONS OF INDIVIDUALS APPOINTED.—The Secretary shall ensure that individuals appointed under this section possess the necessary qualifications and experience for the position to which appointed.

(c) LIMITATION.—The total number of appointments made under this section in any year may not exceed 50 appointments.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the committees of Congress and official specified in paragraph (3) a report on the number and type of appointments made under this section as of the date of the report, including—

(A) a description of the qualifications of the individuals appointed; and

(B) data on the time required to appoint the individuals.

(2) FINAL REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the committees of Congress and official specified in paragraph (3) a report on the use of the authority in this section. The report shall include the following:

(A) The number and type of appointments made under this section during the one-year period ending on the date of the report.

(B) Data on and an assessment whether appointments under the authority in this section reduced the time to hire when compared with the time to hire under the current review system of the Office of Personnel Management.

(C) An assessment of the utility of the appointment authority and process under this section.

(D) An assessment whether the appointments made under this section resulted in higher quality new executives for the Senior Executive Service of the Department when compared with the executives produced under the current review system of the Office of Personnel Management.

(E) Any recommendation for the improvement of the selection and qualification process for the Senior Executive Service of the Department that the Secretary considers necessary in order to attract and hire highly qualified candidates for service in that Senior Executive Service.

(3) COMMITTEES OF CONGRESS AND OFFICIAL.—The committees of Congress and official specified in this paragraph are—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Director of the Office of Personnel Management.

(e) SUNSET.—Subsection (a) shall cease to be effective on August 13, 2023

SEC. 1110. ENGAGEMENT WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS FOR THE PURPOSES OF TECHNICAL WORKFORCE ENHANCEMENT.

(a) REPORT.—The Secretary of Defense shall develop and submit a report to the congressional defense committees detailing activities to increase engagement with covered educational institutions (as that term is defined in section 2362(e) of title 10, United States Code) for the purpose of increasing the number of graduates of such institutions to accept positions in Department of Defense Science, Technology, Engineering, and Mathematics-related positions important to the national security functions of the Department.

(b) DEVELOPMENT.—The report required under subsection (a) shall be developed jointly by the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Personnel and Readiness, in consultation with all appropriate officials in the Department and relevant interagency, academic, and private sector entities.

(c) CONTENTS.—The report required under subsection (a) shall identify—

(1) metrics to assess engagement with covered educational institution students, including scholarships, fellowships, internships and co-ops, and specific steps to improve performance relative to those metrics;

(2) specific outreach activities to better engage covered educational institution students on Department of Defense Science, Technology, Engineering, and Mathematics employment opportunities; and

(3) metrics on hiring of covered educational institution graduates in Science, Technology, Engineering, and Mathematics-related positions and plans to increase such hiring.

(d) CONSIDERATIONS.—In developing the report required under subsection (a), the Secretary of Defense shall assess the use of the authorities provided under section 2358a of title 10, United States Code, in engagements with covered educational institutions.

SEC. 1111. INCLUSION OF STRATEGIC CAPABILITIES OFFICE AND DEFENSE INNOVATION UNIT EXPERIMENTAL OF THE DEPARTMENT OF DEFENSE IN PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

(a) IN GENERAL.—Subsection (a) of section 1599h of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(4) STRATEGIC CAPABILITIES OFFICE.—The Director of the Strategic Capabilities Office may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Office.

"(5) DIUX.—The Director of the Defense Innovation Unit Experimental may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Unit.".

(b) SCOPE OF APPOINTMENT AUTHORITY.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (B), by striking "and" at the end; and

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

"(D) in the case of the Strategic Capabilities Office, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Office; and

"(E) in the case of the Defense Innovation Unit Experimental, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Unit;".

(c) EXTENSION OF TERMS OF APPOINTMENT.—Subsection (c)(2) of such section is amended by striking "or the Office of Operational Test and Evaluation" and inserting "the Office of Operational Test and Evaluation, the Strategic Capabilities Office, or the Defense Innovation Unit Experimental".

SEC. 1112. ENHANCEMENT OF FLEXIBLE MANAGEMENT AUTHORITIES FOR SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) ENHANCEMENT OF NONCOMPETITIVE CONVERSIONS OF APPOINTMENTS OF STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—Section 2358a(a)(4) of title 10, United States Code, is amended—

(1) in the paragraph heading, by striking "TO PERMANENT APPOINTMENT" and inserting "OF APPOINTMENTS"; and

(2) by striking "to a permanent appointment" and inserting "to another temporary appointment or to a term or permanent appointment".

(b) ENHANCEMENT OF PILOT PROGRAM ON DYNAMIC SHAPING OF WORKFORCE TECHNICAL SKILLS AND EXPERTISE.—Section 1109(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1028; 10 U.S.C. 2358 note) is amended by striking "to appoint" and all that follows and inserting"to make appointments as follows:

"(i) Appointment of qualified scientific and technical personnel who are not current Department of Defense civilian employees into any scientific or technical position in the laboratory for a period of more than one year but not more than six years.

"(ii) Appointment of qualified scientific and technical personnel who are Department civilian employees in term appointments into any scientific or technical position in the laboratory for a period of more than one year but not more than six years.".

SEC. 1113. INCLUSION OF OFFICE OF SECRETARY OF DEFENSE AMONG COMPONENTS OF THE DEPARTMENT OF DEFENSE COVERED BY DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS.

Section 1110(f) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1580 note prec.) is amended—

(1) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) The Office of the Secretary of Defense.".

SEC. 1114. ALCOHOL TESTING OF CIVIL SERVICE MARINERS OF THE MILITARY SEALIFT COMMAND ASSIGNED TO VESSELS.

(a) ALCOHOL TESTING.—Chapter 643 of title 10, United States Code, is amended by inserting after section 7479 the following new section:

"SEC. 7479a. [10 U.S.C. 7479a] CIVIL SERVICE MARINERS OF MILITARY SEALIFT COMMAND: ALCOHOL TESTIN

The Secretary of the Navy may prescribe regulations establishing a program to conduct on-duty reasonable suspicion alcohol testing and post-accident alcohol testing of civil service mariners of the Military Sealift Command who are assigned to vessels.".

(b) RELEASE OF ALCOHOL TEST RESULTS.—

(1) IN GENERAL.—Section 7479 of such title is amended—

(A) in the heading of subsection (a), by inserting "Or Alcohol" after "Drug"; and

(B) by inserting "or alcohol" after "drug" each place it appears.

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

"SEC. 7479. CIVIL SERVICE MARINERS OF MILITARY SEALIFT COMMAND: RELEASE OF DRUG AND ALCOHOL TEST RESULTS TO COAST GUARD".

(c) [10 U.S.C. 7471] TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 643 of such titleis amended by striking the item relating to section 7479 and inserting the following new items:

"7479. Civil service mariners of Military Sealift Command: release of drug and alcohol test results to Coast Guard

"7479a. Civil service mariners of Military Sealift Command: alcohol testing".

SEC. 1115. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is further amended by striking "2019" and inserting "2020".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Modification of authority to build the capacity of foreign security forces.
Sec. 1202. Clarification of authority for use of advisors and trainers for training of personnel of foreign ministries with security missions under defense institution capacity building authorities.
Sec. 1203. Increase in cost limitation and additional notification required for small scale construction related to security cooperation.
Sec. 1204. Technical corrections relating to defense security cooperation statutory reorganization.
Sec. 1205. Review and report on processes and procedures used to carry out section 362 of title 10, United States Code.
Sec. 1206. Report on the use of security cooperation authorities.
Sec. 1207. Participation in and support of the Inter-American Defense College.
Sec. 1208. Naval Small Craft Instruction and Technical Training School.
Sec. 1209. Expansion of Regional Defense Combating Terrorism Fellowship Program to include irregular warfare.
Sec. 1210. Modification to Department of Defense State Partnership Program.
Sec. 1211. Assessment, monitoring, and evaluation of security cooperation.
Sec. 1212. Legal and policy review of advise, assist, and accompany missions.
Sec. 1213. Extension and modification of authority to support border security operations of certain foreign countries.
Sec. 1214. Framework for obtaining concurrence for participation in activities of regional centers for security studies.

Subtitle B—Matters Relating to Afghanistan and Pakistan

Sec. 1221. Extension of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
Sec. 1222. Extension and modification of reporting requirements for special immigrant visas for Afghan allies program.
Sec. 1223. Afghanistan Security Forces Fund.
Sec. 1224. Extension and modification of Commanders' Emergency Response Program.
Sec. 1225. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

Sec. 1231. Extension and modification of authority to provide assistance to the vetted Syrian opposition.
Sec. 1232. Syrian war crimes accountability.
Sec. 1233. Extension of authority to provide assistance to counter the Islamic State of Iraq and Syria.
Sec. 1234. Limitation on assistance to the Government of Iraq.
Sec. 1235. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
Sec. 1236. Modification of annual report on military power of Iran.
Sec. 1237. Strategy to counter destabilizing activities of Iran.

Subtitle D—Matters Relating to the Russian Federation

Sec. 1241. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
Sec. 1242. Limitation on availability of funds relating to implementation of the Open Skies Treaty.
Sec. 1243. Determination required regarding material breach of INF Treaty by the Russian Federation.
Sec. 1244. Comprehensive response to the Russian Federation's material breach of the INF Treaty.
Sec. 1245. Report on implementation of the New START Treaty.
Sec. 1246. Modification and extension of Ukraine Security Assistance Initiative.
Sec. 1247. Extension of limitation on military cooperation between the United States and the Russian Federation.

Sec. 1248. Sense of Congress on enhancing deterrence against Russian aggression in Europe.

Subtitle E—Matters Relating to the Indo-Pacific Region

Sec. 1251. Name of United States Indo-Pacific Command.
Sec. 1252. Redesignation, expansion, and extension of Southeast Asia Maritime Security Initiative.
Sec. 1253. Redesignation and modification of sense of Congress and initiative for the Indo-Asia-Pacific region.
Sec. 1254. Assessment of and report on geopolitical conditions in the Indo-Pacific region.
Sec. 1255. Sense of Congress on extended nuclear deterrence in the Indo-Pacific region.
Sec. 1256. Reinstatement of reporting requirements with respect to United States-Hong Kong relations.
Sec. 1257. Strengthening Taiwan's force readiness.
Sec. 1258. Sense of Congress on Taiwan.
Sec. 1259. Prohibition on participation of the People's Republic of China in Rim of the Pacific (RIMPAC) naval exercises.
Sec. 1260. Modification of annual report on military and security developments involving the People's Republic of China.
Sec. 1261. United States strategy on China.
Sec. 1262. Report on military and coercive activities of the People's Republic of China in South China Sea.
Sec. 1263. Requirement for critical languages and expertise in Chinese, Korean, Russian, Farsi, and Arabic.
Sec. 1264. Limitation on use of funds to reduce the total number of members of the Armed Forces serving on active duty who are deployed to the Republic of Korea.
Sec. 1265. Reports on nuclear capabilities of the Democratic People's Republic of Korea.
Sec. 1266. Modification of report required under enhancing defense and security cooperation with India.

Subtitle F—Reports and Other Matters

Sec. 1271. Modification of authorities relating to acquisition and cross-servicing agreements.
Sec. 1272. United States-Israel countering unmanned aerial systems cooperation.
Sec. 1273. Enhancement of U.S.-Israel defense cooperation.
Sec. 1274. Review to determine whether the Armed Forces or coalition partners of the United States violated Federal law or Department of Defense policy while conducting operations in Yemen.
Sec. 1275. Report on United States Government security cooperation and assistance programs with Mexico.
Sec. 1276. Report on Department of Defense missions, operations, and activities in Niger.
Sec. 1277. Report on the security relationship between the United States and the Republic of Cyprus.
Sec. 1278. Sense of Congress on detention of United States citizens by the Government of the Republic of Turkey.
Sec. 1279. Technical amendments related to NATO Support and Procurement Organization and related NATO agreements.
Sec. 1280. Report on permanent stationing of United States forces in the Republic of Poland.
Sec. 1281. Report on strengthening NATO cyber defense.
Sec. 1282. Report on status of the United States relationship with the Republic of Turkey.
Sec. 1283. Sense of the Congress concerning military-to-military dialogues.
Sec. 1284. Modifications to Global Engagement Center.
Sec. 1285. Sense of Congress on countering hybrid threats and malign influence.
Sec. 1286. Initiative to support protection of national security academic researchers from undue influence and other security threats.
Sec. 1287. Report on Honduras, Guatemala, and El Salvador.
Sec. 1288. Modification of freedom of navigation reporting requirements.
Sec. 1289. Coordination of efforts to negotiate free trade agreements with certain sub-Saharan African countries.

Sec. 1290. Certifications regarding actions by Saudi Arabia and the United Arab Emirates in Yemen.
Sec. 1291. Treatment of Rwandan Patriotic Front and Rwandan Patriotic Army under Immigration and Nationality Act.
Sec. 1292. Limitation on availability of funds to implement the Arms Trade Treaty.
Sec. 1293. Prohibition on provision of weapons and other forms of support to certain organizations.
Sec. 1294. Modified waiver authority for certain sanctionable transactions under section 231 of the Countering America's Adversaries Through Sanctions Act.
Sec. 1295. Rule of construction relating to the use of force.

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION OF AUTHORITY TO BUILD THE CAPACITY OF FOREIGN SECURITY FORCES.

Section 333(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "In developing and planning a program to build the capacity of the national security forces of a foreign country under subsection (a), the Secretary of Defense and Secretary of State should jointly consider political, social, economic, diplomatic, and historical factors, if any, of the foreign country that may impact the effectiveness of the program.".

SEC. 1202. CLARIFICATION OF AUTHORITY FOR USE OF ADVISORS AND TRAINERS FOR TRAINING OF PERSONNEL OF FOREIGN MINISTRIES WITH SECURITY MISSIONS UNDER DEFENSE INSTITUTION CAPACITY BUILDING AUTHORITIES.

Section 332(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "assign civilian employees of the Department of Defense and members of the armed forces as advisors or trainers" and inserting "provide advisors or trainers"; and

(2) in paragraph (2)(B)—

(A) by striking "assigned" each place it appears (other than the last place) and inserting "provided";

(B) by striking "assigned advisor or trainer" and inserting "advisor or trainer so provided"; and

(C) by striking "each assignment" and inserting "each provision of such an advisor or trainer".

SEC. 1203. INCREASE IN COST LIMITATION AND ADDITIONAL NOTIFICATION REQUIRED FOR SMALL SCALE CONSTRUCTION RELATED TO SECURITY COOPERATION.

(a) AMENDMENTS TO DEFINITION OF SMALL-SCALE CONSTRUCTION.—Section 301(8) of title 10, United States Code, is amended by striking "$750,000" and inserting "$1,500,000".

(b) ADDITIONAL NOTIFICATION REQUIRED FOR CERTAIN AUTHORIZED SUPPORT TYPES.—Section 331(c)(5) of such title is amended by adding at the end the following new sentence: "In the case of support provided under this paragraph that results in the provision of small-scale construction above $750,000, the notification pursuant to subsection (b)(2) shall include the location, project title, and cost of each such small-scale construction project that will be carried out, a Department of Defense Form 1391 for each such project, and a masterplan of planned infrastructure investments at the location."

(c) ADDITIONAL NOTIFICATION REQUIRED FOR CERTAIN AUTHORIZED ACTIVITIES TO BUILD CAPACITY.—Section 333 of such title is amended—

(1) in subsection (c)(1), by inserting "supporting security cooperation programs under this section" after "small-scale construction"; and

(2) in subsection (e), by adding at the end the following:

"(8) In the case of activities under a program that results in the provision of small-scale construction above $750,000, the location, project title, and cost of each small-scale construction project that will be carried out, a Department of Defense Form 1391 for each such project, and a masterplan of planned infrastructure investments at the location over the next 5 years.".

SEC. 1204. TECHNICAL CORRECTIONS RELATING TO DEFENSE SECURITY COOPERATION STATUTORY REORGANIZATION.

(a) CHAPTER REFERENCES.—The following provisions of law are amended by striking "chapter 15" and inserting "chapter 13":

(1) Section 886(a)(5) of the Homeland Security Act of 2002 (6 U.S.C. 466(a)(5)).

(2) Section 332(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982(a)(1)).

(3) Section 101(a)(13)(B) of title 10, United States Code.

(4) Section 115(i)(6) of title 10, United States Code.

(5) Section 12304(c)(1) of title 10, United States Code.

(6) Section 484C(c)(3)(C)(v) of the Higher Education Act of 1965 (20 U.S.C. 1091c(c)(3)(C)(v)).

(b) SECTION REFERENCES.—(1) Title 10, United States Code, is amended—

(A) in section 386(c)(1), by striking "Sections 311, 321, 331, 332, 333," and inserting "Sections 246, 251, 252, 253, 321,"; and

(B) in section 10541(b)(9) in the matter preceding subparagraph (A), by striking "sections 331, 332, 333," and inserting "sections 251, 252, 253,".

(2) Section 484C(c)(3)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1091c(c)(3)(C)(i)) is amended by striking "section 331, 332," and inserting "section 251, 252,".

(c) OTHER TECHNICAL CORRECTIONS.—(1) Chapter 16 of title 10, United States Code, is amended—

(A) in section 311(a)(3), by striking "Secretary to State" and inserting "Secretary of State";

(B) in section 321(e), by striking "calender" each place it appears and inserting "calendar";

(C) [10 U.S.C. 341] in the table of sections at the beginning of subchapter V of such chapter, by striking the item relating to section 342 and inserting the following:

"342. Regional Centers for Security Studies.";

(D) in section 347—

(i) in the heading of subsection (a)(7), by striking "etc." and inserting "etc"; and

(ii) in the heading of subsection (b)(3)(B), by striking "etc." and inserting "etc"; and

(E) in section 385(d)(1)(B), by striking "include" and inserting "including".

(2) Section 1204(b) of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 362 note) is amended—

(A) in paragraph (1), by striking "section 2249e" each place it appears and inserting "section 362"; and

(B) in paragraph (3), by striking "subsection (f) of section 2249e of title 10, United States Code (as so added)" and inserting "section 301(1) of title 10, United States Code".

SEC. 1205. REVIEW AND REPORT ON PROCESSES AND PROCEDURES USED TO CARRY OUT SECTION 362 OF TITLE 10, UNITED STATES CODE.

(a) REVIEW.—The Secretary of Defense, with the concurrence of the Secretary of State, shall conduct a review of the processes and procedures used to carry out section 362 of title 10, United States Code.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report that contains a summary and evaluation of the review required by subsection (a).

(2) MATTERS TO BE INCLUDED.—The report required by this subsection shall include the following:

(A) A description of the procedures used to obtain and verify information regarding the vetting of partner units for gross violation of human rights required under section 362 of title 10, United States Code, and to share such information with the Department of State.

(B) A description of the procedures used to conduct remediation of units determined or alleged to have committed gross violation of human rights, including a list of each unit completing such remediation since December 19, 2014.

(C) An assessment of the procedures and associated timelines to implement the requirements of such section 362 on the Department of Defense's ability to comply with such section 362 and achieve national security goals.

(D) A description of the processes and procedures used to implement section 1206 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3538), including the process of obtaining the concurrence of the Secretary of State as required under subsection (c)(1) of such section.

(E) Recommendations to revise authorities to improve the processes and procedures related to the vetting of foreign partner units for gross violations of human rights.

(F) Any other matters the Secretary considers appropriate.

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

(4) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) [10 U.S.C. 333 note] AMENDMENT TO EXISTING LAW.—Subsection (b)(3) of section 1206 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 2282 note) is amended by striking "subsection (b) of section 2249e of title 10, United States Code (as added by section 1204(a) of this Act)" and inserting "section 362(b) of title 10, United States Code".

SEC. 1206. REPORT ON THE USE OF SECURITY COOPERATION AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should utilize appropriate security cooperation authorities to counter malign influence campaigns by strategic competitors and other state actors that are directed at allied and partner countries and that pose a significant threat to the national security of the United States.

(b) REPORT ON FUNDING.—The Secretary of Defense shall include with the consolidated budget materials submitted to Congress as required by section 381 of title 10, United States Code, for fiscal years 2020 and 2021 a report on the use of security cooperation funding to counter malign influence campaigns by strategic competitors and other state actors directed at allied and partner countries and posing a significant threat to the national security of the United States.

SEC. 1207. PARTICIPATION IN AND SUPPORT OF THE INTER-AMERICAN DEFENSE COLLEGE.

(a) IN GENERAL.—Subchapter V of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 351. [10 U.S.C. 351] INTER-AMERICAN DEFENSE COLLEG

"(a) AUTHORITY TO SUPPORT.—The Secretary of Defense may authorize members of the armed forces and civilian personnel of the Department of Defense to participate in the operation of and the provision of support to the Inter-American Defense College and provide logistic support, supplies, and services to the Inter-American Defense College, including the use of Department of Defense facilities and equipment, as the Secretary considers necessary to—

"(1) assist the Inter-American Defense College in its mission to develop and offer to military officers and civilian officials from member states of the Organization of American States advanced academic courses on matters related to military and defense issues, the inter-American system, and related disciplines; and

"(2) ensure that the Inter-American Defense College provides an academic program of a level of quality, rigor, and

credibility that is commensurate with the standards of Department of Defense senior service colleges and that includes the promotion of security cooperation, human rights, humanitarian assistance and disaster response, peacekeeping, and democracy in the Western Hemisphere.

"(b) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of Defense, with the concurrence of the Secretary of State, shall enter into a memorandum of understanding with the Inter-American Defense Board for the participation of members of the armed forces and civilian personnel of the Department of Defense in the operation of and provision of host nation support to the Inter-American Defense College under subsection (a).

"(2) If Department of Defense facilities, equipment, or funds will be used to support the Inter-American Defense College under subsection (a), a memorandum of understanding entered into under paragraph (1) shall include a description of any cost-sharing arrangement or other funding arrangement relating to the use of such facilities, equipment, or funds.

"(3) A memorandum of understanding entered into under paragraph (1) shall also include a curriculum and a plan for academic program development.

"(c) USE OF FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance may be used to pay costs that the Secretary determines are necessary for the participation of members of the armed forces and civilian personnel of the Department of Defense in the operation of and provision of host nation support to the Inter-American Defense College, including—

"(A) the costs of expenses of such participants;

"(B) the cost of hiring and retaining qualified professors, instructors, and lecturers;

"(C) curriculum support costs, including administrative costs, academic outreach, and curriculum support personnel;

"(D) the cost of translation and interpretation services;

"(E) the cost of information and educational technology;

"(F) the cost of utilities; and

"(G) the cost of maintenance and repair of facilities.

"(2) No funds may be used under this section to provide for the pay of members of the armed forces or civilian personnel of the Department of Defense who participate in the operation of and the provision of host nation support to the Inter-American Defense College under this section.

"(3) Funds available to carry out this section for a fiscal year may be used for activities that begin in such fiscal year and end in the next fiscal year.

"(d) WAIVER OF REIMBURSEMENT.—The Secretary of Defense may waive reimbursement for developing countries (as such term is defined in section 301 of this title) of the costs of funding and other host nation support provided to the Inter-American Defense College under this section if the Secretary determines that the provision of such funding or support without reimbursement is in the national security interest of the United States.

"(e) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.—In this section, the term 'logistic support, supplies, and services' has the meaning given that term in section 2350 of this title.".

(b) [10 U.S.C. 341] CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of such titleis amended by adding at the end the following new item:

"Sec. 351. Inter-American Defense College.".

SEC. 1208. NAVAL SMALL CRAFT INSTRUCTION AND TECHNICAL TRAINING SCHOOL.

(a) SCHOOL AUTHORIZED.—

(1) IN GENERAL.—Subchapter V of chapter 16 of title 10, United States Code, as amended by section 1207, is further amended by adding at the end the following new section:

"SEC. 352. [10 U.S.C. 352] NAVAL SMALL CRAFT INSTRUCTION AND TECHNICAL TRAINING SCHOO

"(a) IN GENERAL.—The Secretary of Defense may operate an education and training facility known as the 'Naval Small Craft Instruction and Technical Training School' (in this section referred to as the 'School').

"(b) DESIGNATION OF EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of a military department as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

"(c) PURPOSE.—The purpose of the School shall be to provide to the military and other security forces of one or more friendly foreign countries education and training under any other provision of law related to naval small craft instruction and training and to increase professionalism, readiness, and respect for human rights through formal courses of instruction or mobile training teams for—

"(1) the operation, employment, maintenance, and logistics of specialized equipment;

"(2) participation in—

"(A) joint exercises; or

"(B) coalition or international military operations; and

"(3) improved interoperability between—

"(A) the armed forces; and

"(B) the military and other security forces of the one or more friendly foreign countries.

"(d) LIMITATION ON PERSONNEL ELIGIBLE TO RECEIVE EDUCATION AND TRAINING.—The Secretary of Defense may not provide education or training at the School to any personnel of a country that is prohibited from receiving such education or training under any other provision of law.

"(e) FIXED COSTS.—The fixed costs of operation and maintenance of the School in a fiscal year may be paid from amounts made available for such fiscal year for operation and maintenance of the Department of Defense.

"(f) ANNUAL REPORT.—Not later than March 15 each year, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a detailed report on the activities and operating costs of the School during the preceding fiscal year.".

(2) [10 U.S.C. 341] CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of such titleis amended by adding at the end the following new item:

"352. Naval Small Craft Instruction and Technical Training School.".

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the following:

(1) The budget requirements for the operation and sustainment of the Naval Small Craft Instruction and Technical Training School authorized by section 352 of title 10, United States Code (as added by subsection (a)), during the period of the future-years defense program submitted to Congress in fiscal year 2019, including—

(A) a description of the budget requirements relating to the School for—

(i) Major Force Program-2; and

(ii) Major Force Program-11; and

(B) an identification of any other source of funding for the School.

(2) The anticipated requirements for facilities for the School.

(3) An identification of the Secretary of a military department designated by the Secretary of Defense as executive agent for the School under subsection (b) of such section.

(4) The anticipated military construction and facilities renovation requirements for the School during such period.

(5) Any other matter relating to the School that the Secretary of Defense considers appropriate.

(c) [10 U.S.C. 352 note] LIMITATION ON USE OF FUNDS.—

(1) IN GENERAL.—Nothing in section 352 of title 10, United States Code (as so added), may be construed as authorizing the use of funds appropriated for the Department of Defense for any purpose described in paragraph (2) unless specifically authorized by an Act of Congress other than that section or this Act.

(2) PURPOSES.—The purposes described in this paragraph are the following:

(A) The operation of a facility other than the Naval Small Craft Instruction and Technical Training School that is in operation as of the date of the enactment of this Act for the provision of education and training authorized to be provided by the School.

(B) The construction or expansion of any facility of the School.

SEC. 1209. EXPANSION OF REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM TO INCLUDE IRREGULAR WARFARE.

(a) IN GENERAL.—Section 345 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by striking subsection (a) and inserting the following new subsections (a) and (b):

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of Defense may carry out a program under which the Secretary may pay any costs associated with the education and training of foreign military officers, ministry of defense officials, or security officials at military or civilian educational institutions, regional centers, conferences, seminars, or other training programs conducted for purposes of regional defense in connection with either of the following:

"(A) Combating terrorism.

"(B) Irregular warfare.

"(2) COVERED COSTS.—Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.

"(3) DESIGNATION.—The program authorized by this section shall be known as the 'Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program'.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The program authorized by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense and the Secretary of State.

"(2) ELEMENTS.—The regulations shall ensure that—

"(A) the Secretary of Defense and the Secretary of State—

"(i) jointly develop and plan activities under the program that—

"(I) advance United States security cooperation objectives; and

"(II) support theater security cooperation planning of the combatant commands; and

"(ii) coordinate on the implementation of activities under the program;

"(B) each of the Secretary of Defense and the Secretary of State designates an individual at the lowest appropriate level of the Department of Defense or the Department of State, as applicable, who shall be responsible for program coordination; and

"(C) to the extent practicable, activities under the program are appropriately coordinated with, and do not duplicate or conflict with, activities under International Military Education and Training (IMET) authorities.

"(3) SUBMITTAL TO CONGRESS.—Upon any update of the regulations, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a copy of the regulations as so updated, together with a description of the update."; and

(3) in paragraph (3) of subsection (d), as redesignated by paragraph (1) of this subsection, by striking "in the global war on terrorism".

(b) CONFORMING AMENDMENTS.—

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

"SEC. 345. REGIONAL DEFENSE COMBATING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM".

(2) [10 U.S.C. 341] TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of such title is amended by striking the item relating to section 345 and inserting the following new item:

"345. Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program.".

SEC. 1210. MODIFICATION TO DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

Section 341(b)(2) of title 10, United States Code, is amended by inserting "assistance" after "any".

SEC. 1211. ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION.

(a) ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION ACTIVITIES.—Of the amount for Operations and Maintenance, Defense-wide made available to the Defense Security Cooperation Agency for fiscal year 2019, it is the goal that $12,000,000, but in no event less than $6,000,000, shall be allocated for the assessment, monitoring, and evaluation of security cooperation activities in accordance with section 383 of title 10, United States Code.

(b) LIMITATION ON USE OF FUNDS.—Of the amount for Operation and Maintenance, Defense-wide made available to the Department of Defense for fiscal year 2019 for activities under section 333 of title 10, United States Code, not more than 50 percent may be expended until the Secretary submits to the appropriate congressional committees (as such term is defined in section 301(1) of title 10, United States Code) a written plan for the expenditure of the amount allocated under subsection (a), including—

(1) a description of the activities planned for fiscal year 2019 for the evaluation of security cooperation programs across the security cooperation enterprise, including through chapter 16 of title 10, United States Code, the Afghanistan Security Forces Fund, the Counter-ISIL Fund, the cooperative threat reduction program, and other security cooperation authorities as appropriate; and

(2) a description of the activities planned for fiscal year 2019 for the training, support, and organization of the Department to effectively carry out responsibilities under section 383 of title 10, United States Code.

(c) MODIFICATION OF ASSESSMENT, MONITORING, AND EVALUATION OF PROGRAMS AND ACTIVITIES.—Section 383(b)(1) of title 10, United States Code, is amended by adding at the end the following:

"(E) Incorporation of lessons learned from prior security cooperation programs and activities of the Department of Defense that were carried out any time on or after September 11, 2001.".

SEC. 1212. LEGAL AND POLICY REVIEW OF ADVISE, ASSIST, AND ACCOMPANY MISSIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy, in coordination with the General Counsel of the Department of De-

fense and the commanders of appropriate combatant commands, shall—

(1) conduct a review of the legal and policy frameworks associated with advise, assist, and accompany missions by United States military personnel; and

(2) submit to the Secretary of Defense a report on the results of such review.

(b) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the report required by subsection (a)(2), the Secretary shall submit to the congressional defense committees the report together with any comments by the Secretary that amplify or clarify the report.

(c) ELEMENTS.—The report and review required by subsection (a) shall include the following:

(1) An analysis of the risks and benefits of United States military personnel conducting advise, assist, and accompany missions with foreign partner forces, and an assessment of the relation of such risks and benefits to United States security objectives.

(2) A review of applicable execute orders and theater and functional campaign plans in order to ensure that such orders and plans comply with United States law for the employment of United States military personnel and capabilities to advise, assist, and accompany foreign partner forces.

(3) An explanation of the fiscal and operational authorities applicable to advise, assist, and accompany missions, including a differentiation between—

(A) advise, assist, and accompany missions conducted by United States military personnel under an execute order with partner forces; and

(B) accompany missions conducted by United States military personnel with foreign partner forces also affiliated with a program authorized by section 127e or 333 of title 10, United States Code.

(4) An explanation of the domestic and international legal bases for the use of United States military personnel to provide collective self-defense in support of designated foreign partner forces inside and outside areas of active hostilities, and a description of any legal or policy limitation on the provision of collective self-defense in support of such designated foreign partner forces.

(5) An assessment whether the legal and policy frameworks applicable to advise, assist, and accompany missions by United States military personnel are adequately communicated to and understood at all levels of operational command.

(6) An assessment whether approvals and permissions related to advise, assist, and accompany missions are made at the appropriate level of command.

(7) A definition, and policy guidance, for the appropriate use in execute orders and military doctrine of each of the following:

(A) Advise.

(B) Assist.

(C) Accompany.

(D) Self-defense.
(E) Collective self-defense.
(F) Combined operations.
(G) Partnered operations.
(H) Last point of cover and conceal.

(8) Any other matters the Under Secretary or the Secretary considers appropriate.

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

SEC. 1213. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) EXPANSION OF AUTHORITY.—Paragraph (1) of subsection (a) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended to read as follows:

"(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide support on a reimbursement basis as follows:

"(A) To the Government of Jordan for purposes of supporting and enhancing efforts of the armed forces of Jordan to increase security and sustain increased security along the border of Jordan with Syria and Iraq.

"(B) To the Government of Lebanon for purposes of supporting and enhancing efforts of the armed forces of Lebanon to increase security and sustain increased security along the border of Lebanon with Syria.

"(C) To the Government of Egypt for purposes of supporting and enhancing efforts of the armed forces of Egypt to increase security and sustain increased security along the border of Egypt with Libya.

"(D) To the Government of Tunisia for purposes of supporting and enhancing efforts of the armed forces of Tunisia to increase security and sustain increased security along the border of Tunisia with Libya.

"(E) To the Government of Oman for purposes of supporting and enhancing efforts of the armed forces of Oman to increase security and sustain increased security along the border of Oman with Yemen.

"(F) To the Government of Pakistan for purposes of supporting and enhancing efforts of the armed forces of Pakistan to increase security and sustain increased security along the border of Pakistan with Afghanistan.".

(b) CERTIFICATION.—Subsection (d) of such section is amended to read as follows:

"(d) NOTICE AND CERTIFICATION BEFORE EXERCISE.—Not later than 15 days before providing support under the authority of subsection (a) to a country that has not previously received such support, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the specified congressional committees a report that—

"(1) sets forth a full description of the support to be provided, including—

"(A) the purpose of such support;

"(B) the amount of support to be provided; and

"(C) the anticipated duration of the provision of such support; and

"(2) includes a certification that—

"(A) the recipient country has taken demonstrable steps to increase security along the border specified for such country in subsection (a); and

"(B) the provision of such support is in the interest of United States national security.".

(c) LIMITATION ON REIMBURSEMENT OF PAKISTAN.—Such section is further amended—

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

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

"(e) LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION.—No amount of reimbursement support under subsection (a)(1)(F) is authorized to be disbursed to the Government of Pakistan unless the Secretary of Defense certifies to the congressional defense committees that the following conditions are met:

"(1) The military and security operations of Pakistan pertaining to border security and ancillary activities for which reimbursement is sought have been coordinated with United States military representatives in advance of the execution of such operations and activities.

"(2) The goals and desired outcomes of each such operation or activity have been established and agreed upon in advance by the United States and Pakistan.

"(3) A process exists to verify the achievement of the goals and desired outcomes established in accordance with paragraph (2).

"(4) The Government of Pakistan is making an effort to actively coordinate with the Government of Afghanistan on issues relating to border security on the Afghanistan-Pakistan border.".

(d) QUARTERLY REPORTS.—Such section is further amended by inserting after subsection (e), as so designated by subsection (c) of this section, the following new subsection (f):

"(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the specified congressional committees a report on reimbursements pursuant to subsection (a) during the preceding fiscal quarter that includes—

"(1) an identification of each country reimbursed;

"(2) the date of each reimbursement;

"(3) a description of any partner nation border security efforts for which reimbursement was provided;

"(4) an assessment of the value of partner nation border security efforts for which reimbursement was provided;

"(5) the total amounts of reimbursement provided to each partner nation in the preceding four fiscal quarters; and

"(6) such other matters as the Secretary considers appropriate.".

(e) EXTENSION.—Subsection (h) of such section, as so redesignated, is amended by striking "December 31, 2019" and inserting "December 31, 2021".

SEC. 1214. [10 U.S.C. 342 note] FRAMEWORK FOR OBTAINING CONCURRENCE FOR PARTICIPATION IN ACTIVITIES OF REGIONAL CENTERS FOR SECURITY STUDIES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall establish and submit to the appropriate congressional committees, as such term is defined in section 301(1) of title 10, United States Code, a Memorandum of Agreement or other arrangement setting forth a framework for the procedures required between the Department of Defense and the Department of State to obtain the concurrence of the Secretary of State, as required by law or policy, to allow non-defense and non-governmental personnel of friendly foreign countries to participate in activities of the Department of Defense Regional Centers for Security Studies.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1221. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXTENSION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1992), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1648), is further amended by striking "December 31, 2018" and inserting "December 31, 2020".

(b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking "December 31, 2018," each place it appears and inserting "December 31, 2020".

SEC. 1222. EXTENSION AND MODIFICATION OF REPORTING REQUIREMENTS FOR SPECIAL IMMIGRANT VISAS FOR AFGHAN ALLIES PROGRAM.

Section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)—

(A) by striking paragraph (10);

(B) by redesignating paragraphs (11) through (16) as paragraphs (10) through (15), respectively;

(C) in paragraph (11)(A), as so redesignated, by striking "the National Defense Authorization Act for Fiscal Year 2014" and inserting "the John S. McCain National Defense Authorization Act for Fiscal Year 2019";

(D) in paragraph (12), as so redesignated, by striking "paragraph (12)(B)" and inserting "paragraph (11)(B)"; and

(E) in paragraph (13), as so redesignated, in the matter preceding subparagraph (A), by striking "a report to the" and all that follows through "House of Representa-

tives" and inserting "a report to the appropriate committees of Congress";

(2) by striking subsection (c); and

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

SEC. 1223. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2019 shall be subject to the conditions contained in—

(1) subsections (b) through (f) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as most recently amended by section 1521(d)(2)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2577); and

(2) section 1521(d)(1) of the National Defense Authorization Act for Fiscal Year 2017.

(b) USE OF FUNDS.—Section 1513(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking "security forces of Afghanistan" and inserting "security forces of the Ministry of Defense and the Ministry of the Interior of the Government of the Islamic Republic of Afghanistan".

(c) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts authorized to be appropriated for the Afghanistan Security Forces Fund by this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that such equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the Government of the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to the acceptance of such equipment by the Secretary. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and every 90-day period

thereafter during which the authority provided by paragraph (1) is exercised, the Secretary shall submit to the congressional defense committees a report describing the equipment accepted during the period covered by such report under the following:

(i) This subsection.

(ii) Section 1521(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2575).

(iii) Section 1531(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1088).

(iv) Section 1532(b) of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3613).

(v) Section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 938; 10 U.S.C. 2302 note).

(B) ELEMENTS.—Each report under subparagraph (A) shall include a list of all equipment that was accepted during the period covered by such report and treated as stocks of the Department of Defense and copies of the determinations made under paragraph (2), as required by paragraph (3).

(d) SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2019, it is the goal that $25,000,000, but in no event less than $10,000,000, shall be used for—

(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(A) efforts to recruit women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Directorate of Human Rights and Gender Integration of the Ministry of Defense of Afghanistan and the Office of Human Rights, Gender and Child Rights of the Ministry of Interior of Afghanistan;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Ministry of Defense and the Ministry of Interior of Afghanistan;

(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National

Defense and Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghanistan National Police Family Response Units; and

(G) security provisions for high-profile female police and military officers.

(e) ASSESSMENT OF AFGHANISTAN PROGRESS ON OBJECTIVES.—

(1) ASSESSMENT REQUIRED.—Not later than May 1, 2019, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate an assessment describing—

(A) the progress of the Government of the Islamic Republic of Afghanistan toward meeting shared security objectives; and

(B) the efforts of the Government of the Islamic Republic of Afghanistan to manage, employ, and sustain the equipment and inventory provided under subsection (a).

(2) MATTERS TO BE INCLUDED.—In conducting the assessment required by paragraph (1), the Secretary of Defense shall include each of the following:

(A) A consideration of the extent to which the Government of Afghanistan has a strategy for, and has taken steps toward, increased accountability and the reduction of corruption within the Ministry of Defense and the Ministry of Interior of Afghanistan.

(B) A consideration of the extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghanistan Security Forces Fund investment, including through training, and an articulation of the metrics used to assess such improvements.

(C) A consideration of the extent to which the Afghan National Defense and Security Forces have been able to increase pressure on the Taliban, al-Qaeda, the Haqqani network, and other terrorist organizations, including by retaking territory, defending territory, and disrupting attacks.

(D) A consideration of the distribution practices of the Afghan National Defense and Security Forces and whether the Government of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to, and employed by, security forces charged with fighting the Taliban and other terrorist organizations.

(E) A consideration of the extent to which the Government of Afghanistan has designated the appropriate staff, prioritized the development of relevant processes, and provided or requested the allocation of resources necessary to support a peace and reconciliation process in Afghanistan.

(F) A description of the ability of the Ministry of Defense and the Ministry of Interior of Afghanistan to manage and account for previously divested equipment, including a description of any vulnerabilities or weaknesses of the internal controls of such Ministry of Defense and Ministry of Interior and any plan in place to address shortfalls.

(G) A description of the monitoring and evaluation systems in place to ensure assistance provided under subsection (a) is used only for the intended purposes.

(H) A description of any significant irregularities in the divestment of equipment to the Afghan National Defense and Security Forces during the 5-year period beginning on the date of the enactment of this Act, including any major losses of such equipment or any inability on the part of the Afghan National Defense and Security Forces to account for equipment so procured.

(I) A description of the sustainment and maintenance costs required during the 5-year period beginning on the date of the enactment of this Act for major weapons platforms previously divested, and a plan for how the Afghan National Defense and Security Forces intends to maintain such platforms in the future.

(J) A consideration of the extent to which the Government of Afghanistan is adhering to conditions for receiving assistance established in annual financial commitment letters or any other bilateral agreements with the United States.

(K) A consideration of the extent to which the Government of Afghanistan has made progress in achieving security sector benchmarks as outlined by the United States-Afghan Compact (commonly known as the "Kabul Compact").

(L) Such other factors as the Secretaries consider appropriate.

(3) FORM.—The assessment required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) WITHHOLDING OF ASSISTANCE FOR INSUFFICIENT PROGRESS.—

(A) IN GENERAL.—If the Secretary of Defense determines, in coordination with the Secretary of State, pursuant to the assessment under paragraph (1) that the Government of Afghanistan has made insufficient progress in the areas described in paragraph (2), the Secretary of Defense may withhold assistance for the Afghan National Defense and Security Forces until such time as the Secretary determines sufficient progress has been made.

(B) NOTICE TO CONGRESS.—If the Secretary of Defense withholds assistance under subparagraph (A), the Secretary shall, in coordination with the Secretary of State, provide notice to Congress not later than 30 days after making the decision to withhold such assistance.

SEC. 1224. EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1619), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2477), is further amended—

(1) in subsection (a), by striking "December 31, 2018" and inserting "December 31, 2019";

(2) in subsection (b), by striking "fiscal year 2017 and fiscal year 2018" and inserting "fiscal years 2017 through 2019"; and

(3) in subsection (f), by striking "December 31, 2018" and inserting "December 31, 2019".

(b) MODIFICATION.—Subsection (b) of section 1211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2477) is amended—

(1) in the heading, by striking "and Syria" and inserting "Syria, Somalia, Libya, and Yemen"; and

(2) in paragraph (1), by striking "or Syria" and inserting "Syria, Somalia, Libya, or Yemen".

SEC. 1225. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is further amended—

(1) in the matter preceding paragraph (1), by striking "October 1, 2017, and ending on December 31, 2018" and inserting "October 1, 2018, and ending on December 31, 2019"; and

(2) by amending paragraph (2) to read as follows:

"(2) Pakistan for certain activities meant to enhance the security situation in the Afghanistan-Pakistan border region pursuant to section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note), as amended by the John S. McCain National Defense Authorization Act for Fiscal Year 2019.".

(b) MODIFICATION TO LIMITATIONS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking "October 1, 2017, and ending on December 31, 2018" and inserting "October 1, 2018, and ending on December 31, 2019"; and

(ii) by striking "$900,000,000" and inserting "$350,000,000"; and

(B) by striking the second sentence; and

(2) by striking paragraph (3).

(c) REPEAL OF PROVISION RELATING TO REIMBURSEMENT TO PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.—Such section is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

(d) NOTICE TO CONGRESS.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (c) of this section, is amended by striking the second sentence.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1231. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.

(a) EXTENSION.—Section 1209(a) of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3559), as most recently amended by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2485), is further amended by striking "December 31, 2018" and inserting "December 31, 2019".

(b) LIMITATION ON USE OF FUNDS IN GENERAL.—

(1) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2019 for the Department of Defense may be obligated or expended for activities under the authority in section 1209 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015, as amended by subsection (a), until the later of the following:

(A) The date on which the President submits the report on United States strategy in Syria required by section 1221 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1650).

(B) The date that is 30 days after the date on which the Secretary of Defense submits the report described in paragraph (2).

(2) REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(i) A description of the efforts the United States will undertake to train and equip appropriately vetted Syrian opposition forces, and a description of any roles or contributions of partner countries with respect to such efforts.

(ii) A detailed description of the internal security forces of the vetted Syrian opposition to be trained and equipped under such authority, including a description of their geographic locations, demographic profiles, political affiliations, current capabilities, and relation to the objectives under the authority in section 1209 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015, as amended by subsection (a).

(iii) An assessment of the current operational effectiveness of such forces and their command and control structures.

(iv) A detailed description of planned capabilities, including categories of training, equipment, financial support, sustainment, and supplies intended to be provided to the elements of the vetted Syrian opposition under such authority, and timelines for delivery.

(v) A description of the planned posture of United States forces and the planned level of engagement by such forces with the elements of the vetted Syrian opposition, including the oversight of equipment provided under such authority and the activities conducted by such vetted Syrian opposition forces.

(vi) An explanation of the processes and mechanisms for local commanders of the vetted Syrian opposition to exercise command and control of the elements of the vetted Syrian opposition after such elements of the vetted Syrian opposition have been trained and equipped under such authority.

(vii) An explanation of complementary local governance and other stabilization activities in areas in which elements of the local internal security forces trained and equipped under such authority will be operating and the relation of such local governance and other stabilization activities to the oversight of such security forces.

(B) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(c) REPROGRAMMING REQUIREMENT.—Subsection (f) of such section 1209, as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2485), is further amended by striking "December 31, 2018" and inserting "December 31, 2019".

(d) QUARTERLY PROGRESS REPORT.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees and leadership of the House of Representatives and the Senate a progress report under section 1209 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015. Such progress report shall, based on the most recent quarterly information, include an assessment of the following:

(A) Whether, during the 90-day period, demonstrable progress was made—

(i) to retake control of territory in Syria from the Islamic State of Iraq and Syria (ISIS); or

(ii) to stabilize areas in Syria formerly held by the Islamic State of Iraq and Syria.

(B) Whether, during such period, the vetted Syrian opposition tasked with conducting local security operations that United States forces are training and equipping under the authority in section 1209 of the Carl Levin and How-

ard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015, as amended by subsection (a), were demographically representative of the local communities and serve local governance bodies that are similarly representative of the local communities.

(C) Whether, during such period, the Department of Defense took actions to mitigate any pause in offensive operations against the Islamic State of Iraq and Syria through alternative approaches to the training, equipping, and assistance of the vetted Syrian opposition.

(D) Whether, during such period, support provided under the authority referred to in subparagraph (B) was consistent with United States standards regarding respect for human rights, rule of law, and support for stable and equitable governance.

(E) Whether, during such period, members of the vetted Syrian opposition receiving support under the authority referred to in subparagraph (B) demonstrated respect for human rights and rule of law, violations of human rights and rule of law by such members were appropriately investigated, and the individuals responsible for such violations were appropriately held accountable.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1232. [22 U.S.C. 8791 note] SYRIAN WAR CRIMES ACCOUNTABILITY.

(a) REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.—

(1) IN GENERAL.—The Secretary of State shall submit a report on war crimes, crimes against humanity, and genocide in Syria to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act and another such report not later than 180 days after the Secretary of State determines that the violence in Syria has ceased.

(2) ELEMENTS.—The reports required under paragraph (1) shall include—

(A) a description of alleged war crimes, crimes against humanity, and genocide perpetrated during the civil war in Syria, including—

(i) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

(ii) incidents that may constitute war crimes, crimes against humanity, or genocide committed by

violent extremist groups, anti-government forces, and any other combatants in the conflict;

(iii) any incidents that may violate the principle of medical neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and

(iv) if possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and

(B) a description and assessment by the Department of State Office of Global Criminal Justice, the United States Agency for International Development, the Department of Justice, and other appropriate agencies of programs that the United States Government has undertaken to ensure accountability for war crimes, crimes against humanity, and genocide perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including programs—

(i) to train investigators within and outside of Syria on how to document, investigate, develop findings of, and identify and locate alleged perpetrators of war crimes, crimes against humanity, or genocide, including—

(I) the number of United States Government or contract personnel currently designated to work full-time on these issues; and

(II) the identification of the authorities and appropriations being used to support such training efforts;

(ii) to promote and prepare for a transitional justice process or processes for the perpetrators of war crimes, crimes against humanity, and genocide in Syria beginning in March 2011;

(iii) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Syria, including support for Syrian, foreign, and international nongovernmental organizations, and other entities, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent International Commission of Inquiry on the Syrian Arab Republic; and

(iv) to assess the influence of accountability measures on efforts to reach a negotiated settlement to the Syrian conflict during the reporting period.

(3) FORM.—The reports required under paragraph (1) may be submitted in unclassified or classified form, but shall include a publicly available annex.

(4) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a

manner that might place such persons at risk of harm or encourage the destruction of evidence by the Government of Syria, violent extremist groups, anti-government forces, or any other combatants or participants in the conflict.

(b) TRANSITIONAL JUSTICE STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice, the United States Agency for International Development, and other appropriate Federal agencies, shall—

(1) complete a study of the feasibility and desirability of potential transitional justice mechanisms for Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and

(2) submit a detailed report of the results of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be offered, to—

(A) the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(c) TECHNICAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice and other appropriate Federal agencies, is authorized to provide appropriate assistance to support entities that, with respect to war crimes, crimes against humanity, and genocide perpetrated by the regime of President Bashar al-Assad, all forces fighting on its behalf, and all non-state armed groups fighting in the country, including violent extremist groups in Syria beginning in March 2011—

(A) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

(B) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

(C) conduct criminal investigations;

(D) build Syria's investigative and judicial capacities and support prosecutions in the domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;

(E) support investigations by third-party states, as appropriate; or

(F) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.

(2) ADDITIONAL ASSISTANCE.—The Secretary of State, after consultation with appropriate Federal agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under sub-

section (b), is authorized to provide assistance to support the creation and operation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011.

(3) BRIEFING.—The Secretary of State shall provide detailed, biannual briefings to the appropriate congressional committees describing the assistance provided to entities described in paragraph (1).

(d) STATE DEPARTMENT REWARDS FOR JUSTICE PROGRAM.—Section 36(b)(10) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)(10)) is amended by inserting "(including war crimes, crimes against humanity, or genocide committed in Syria beginning in March 2011)" after "genocide".

(e) INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC.—The Secretary of State, acting through the United States Permanent Representative to the United Nations, should use the voice, vote, and influence of the United States at the United Nations to advocate that the United Nations Human Rights Council, while the United States remains a member, annually extend the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic until the Commission has completed its investigation of all alleged violations of international human rights laws beginning in March 2011 in the Syrian Arab Republic.

(f) EFFECT OF SECTION.—Nothing in this section shall be construed to violate the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7421 et seq.).

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations; the Committee on Armed Services, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on the Judiciary of the House of Representatives.

(2) GENOCIDE.—The term "genocide" means any offense described in section 1091(a) of title 18, United States Code.

(3) HYBRID TRIBUNAL.—The term "hybrid tribunal" means a temporary criminal tribunal that involves a combination of domestic and international lawyers, judges, and other professionals to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide.

(4) TRANSITIONAL JUSTICE.—The term "transitional justice" means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes—

(A) to redress legacies of atrocities; and

(B) to promote long-term, sustainable peace.

(5) WAR CRIME.—The term "war crime" has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 1233. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) EXTENSION.—Subsection (a) of section 1236 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3558), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1651), is further amended by striking "December 31, 2019" and inserting "December 31, 2020".

(b) FUNDING.—Subsection (g) of such section 1236, as most recently so amended, is further amended—

(1) by striking "for the Department of Defense for Overseas Contingency Operations for fiscal year 2018" and inserting "for the Department of Defense for Overseas Contingency Operations for fiscal year 2019"; and

(2) by striking "$1,269,000,000" and inserting "$850,000,000".

(c) LIMITATION OF USE OF FISCAL YEAR 2019 FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2019 by this Act for activities under the authority in section 1236 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015, as amended by this section, not more than $450,000,000 may be obligated or expended for such activities until the date on which the Secretary of Defense has submitted to the congressional defense committees each of the following:

(1) The report on the United States strategy in Iraq required by the joint explanatory statement of the committee of the conference accompanying Conference Report 115-404.

(2) A report setting forth the following:

(A) An explanation of the purpose of a continuing United States military presence in Iraq, including—

(i) an explanation of the national security objectives of the United States with respect to Iraq;

(ii) a detailed description of—

(I) the size of a continuing United States military presence in Iraq; and

(II) the roles and missions associated with a continuing United States military presence in Iraq; and

(iii) a delineation of the responsibilities in connection with a continuing United States military presence in Iraq of—

(I) the Combined Joint Task Force Operation Inherent Resolve (or a successor task force);

(II) the Office of Security Cooperation in Iraq; and

(III) other United States embassy-based military personnel.

(B) An identification of the specific units of the Iraqi Security Forces to receive training and equipment or other support in fiscal year 2019.

(C) A plan for ensuring that any vehicles and equipment provided to the Iraqi Security Forces pursuant to

that authority are maintained in subsequent fiscal years using funds of Iraq.

(D) An estimate, by fiscal year, of the funding anticipated to be required for support of the Iraqi Security Forces pursuant to that authority during the five fiscal years beginning with fiscal year 2020.

(E) A detailed plan for the obligation and expenditure of the funds requested for fiscal year 2019 for the Department of Defense for Operational Sustainment of the Iraqi Security Forces.

(F) A plan for the transition to the Government of Iraq of responsibility for funding for Operational Sustainment of the Iraqi Security Forces for fiscal years after fiscal year 2019.

(G) A description of any actions carried out under this paragraph.

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

(1) the Peshmerga forces of the Kurdistan Region of Iraq have made, and continue to make, significant contributions to the United States-led campaign to degrade, dismantle, and ultimately defeat the Islamic State of Iraq and Syria (ISIS) in Iraq;

(2) a lasting defeat of ISIS is critical to maintaining a stable and tolerant Iraq in which all faiths, sects, and ethnicities are afforded equal protection and full integration into the Government and society of Iraq; and

(3) in support of counter-ISIS operations and in conjunction with the Central Government of Iraq, the United States should continue to provide operational sustainment, as appropriate, to the Ministry of Peshmerga forces of the Kurdistan Region of Iraq so that the Peshmerga forces can more effectively partner with the Iraqi Security Forces, the United States, and other international Coalition members to consolidate gains, hold territory, and protect infrastructure from ISIS and its affiliates in an effort to deal a lasting defeat to ISIS and prevent its reemergence in Iraq.

(e) QUARTERLY PROGRESS REPORT.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees and leadership of the House of Representatives and the Senate a progress report under section 1236 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015, which shall be provided in unclassified form with a classified annex if necessary. Such progress report shall, based on the most recent quarterly information, include an assessment of the following:

(A) The extent to which any forces associated with Iran's Revolutionary Guard Corps (IRGC) have been incorporated into the Iraqi Security Forces.

(B) Any instances in which forces associated with Iran's Revolutionary Guard Corps have acquired United States-provided equipment and training.

(C) The extent to which United States-provided equipment is controlled by unauthorized units, determined by vetting required in subsection (e) of section 1236 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015, or is not accounted for by the Government of Iraq, including a list of major end items provided to the Government of Iraq that are controlled by unauthorized forces or unaccounted for.

(D) Actions taken by the Government of Iraq to repossess United States-provided equipment from unauthorized forces.

(E) The means by which the United States Armed Forces shares operational information with the Iraqi Security Forces and a description of any known instances in which any forces associated with Iran's Revolutionary Guard Corps have gained unauthorized access to such operational information.

(2) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1234. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF IRAQ.

None of the funds authorized to be appropriated or otherwise made available by this Act for assistance to the Government of Iraq may be obligated or expended by the United States to provide assistance to any group that is, or that is known to be affiliated with, the Iranian Revolutionary Guard Corps-Quds Force or a state sponsor of terrorism.

SEC. 1235. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) EXTENSION OF AUTHORITY.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking "fiscal year 2018" and inserting "fiscal year 2019".

(b) AMOUNT AVAILABLE.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (c), by striking "fiscal year 2018 may not exceed $42,000,000" and inserting "fiscal year 2019 may not exceed $45,300,000"; and

(B) in subsection (d), by striking "fiscal year 2018" and inserting "fiscal year 2019".

(2) LIMITATION OF USE OF FISCAL YEAR 2019 FUNDS PENDING REPORTS.—Of the amount available for fiscal year 2019 for section 1215 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, not more than an amount equal to 25 percent of such amount may be obligated or expended for the Office of Security Cooperation in Iraq until 30 days after the later of—

(A) the date on which the report on the United States strategy on Iraq required by the joint explanatory state-

ment of the committee of the conference accompanying Conference Report 115-404 is submitted to the congressional defense committees; and

(B) the date on which the report required by subsection (d)(1) is submitted to the appropriate committees of Congress.

(c) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking "fiscal year 2018" and inserting "fiscal year 2019".

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in cooperation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the Office of Security Cooperation in Iraq.

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

(A) A description of the enduring planned size and missions of the Office of Security Cooperation in Iraq after the cessation of major combat operations against the Islamic State of Iraq and Syria.

(B) A description of the relationship between the Office of Security Cooperation in Iraq and any planned enduring presence of other United States forces in Iraq.

(C) A detailed description of any activity to be conducted by the Office of Security Cooperation in Iraq in fiscal year 2019.

(D) A plan and timeline for the normalization of the Office of Security Cooperation in Iraq to conform to other offices of security cooperation, including the transition of funding from the Department of Defense to the Department of State by the beginning of fiscal year 2020.

(E) Such other matters with respect to the Office of Security Cooperation in Iraq as the Secretary of Defense and the Secretary of State consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1236. MODIFICATION OF ANNUAL REPORT ON MILITARY POWER OF IRAN.

Section 1245(b) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 113 note) is amended—

(1) in paragraph (3)(B), by inserting "the Houthis," after "Hamas,"; and

(2) in paragraph (7)—

(A) by inserting "the Russian Federation," after "Pakistan,"; and

(B) by inserting "trafficking or" before "development".

SEC. 1237. STRATEGY TO COUNTER DESTABILIZING ACTIVITIES OF IRAN.

(a) STRATEGY AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may develop a strategy with foreign partners to counter the destabilizing activities of Iran.

(2) ELEMENTS.—The strategy described in paragraph (1)—

(A) should identify specific countries in which Iran and Iranian-backed entities are operating; and

(B) should establish a cooperative framework that includes, as appropriate—

(i) investing in intelligence, surveillance, and reconnaissance capabilities;

(ii) investing in mine countermeasures resources and platforms;

(iii) investing in integrated air and missile defense platforms and technologies;

(iv) sharing intelligence and data between the United States and such foreign countries;

(v) investing in cyber security and cyber defense capabilities;

(vi) engaging in combined planning and exercises;

(vii) engaging in defense education, institution building, doctrinal development, and reform; and

(viii) assessing Iran's destabilizing activities in the countries identified under subparagraph (A) and the implications thereof.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through December 31, 2021, the Secretary of Defense, in consultation with the Secretary of State, should submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on actions taken to enhance cooperation and encourage military-to-military engagement between the United States and foreign partners with the goal of countering the destabilizing actions of Iran and, if applicable, the strategy authorized by subsection (a).

Subtitle D—Matters Relating to the Russian Federation

SEC. 1241. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

(1) determines that to do so is in the national security interest of the United States; and

(2) submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a notification of the waiver, along with a justification of the reason for seeking such waiver, at the time the waiver is invoked.

SEC. 1242. LIMITATION ON AVAILABILITY OF FUNDS RELATING TO IMPLEMENTATION OF THE OPEN SKIES TREATY.

(a) PROHIBITION ON ACTIVITIES TO MODIFY UNITED STATES AIRCRAFT.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for research, development, test, and evaluation, Air Force, for arms control implementation (PE 0305145F), Aircraft Procurement, Air Force (line item C135B0/C-135B), or procurement, Air Force, for digital visual imaging system (BA-05, Line Item #1900) may be obligated or expended to carry out any activities to modify any United States aircraft for purposes of implementing the Open Skies Treaty until the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—

(A) IN GENERAL.—The certification described in this paragraph is a certification of the President that—

(i) the President has imposed treaty violations responses and legal countermeasures on the Russian Federation for its violations of the Open Skies Treaty; and

(ii) the President has fully informed the appropriate congressional committees of such responses and countermeasures.

(B) DELEGATION.—The President may delegate the responsibility for making a certification under subparagraph (A) to the Secretary of the State.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) LIMITATION ON USE OF FUNDS TO VOTE OR APPROVE CERTAIN IMPLEMENTING DECISIONS OF THE OPEN SKIES CONSULTATIVE COMMISSION.—

(1) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for fiscal year 2019 may be used to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission pursuant to Article X of the Open Skies Treaty to authorize approval of requests by state parties to the Treaty to certify infra-red or synthetic aperture

radar sensors pursuant to Article IV of the Treaty unless and until the following requirements are met:

(A) The Secretary of Defense, jointly with the relevant United States Government officials, submits to the appropriate congressional committees the following:

(i) A certification that the implementing decision would not be detrimental or otherwise harmful to the national security of the United States.

(ii) A report on the Open Skies Treaty that includes the following:

(I) The annual costs to the United States associated with countermeasures to mitigate potential abuses of observation flights by the Russian Federation carried out under the Treaty over European and United States territories involving infra-red or synthetic aperture radar sensors.

(II) A plan, and its estimated cost through December 31, 2023, to replace the Treaty architecture with an increased sharing of overhead commercial imagery, consistent with United States national security, with covered state parties, excluding the Russian Federation, compared with the current cost of implementing the Open Skies Treaty, including proposed aircraft recapitalization, through December 31, 2023.

(III) An evaluation by the Director of National Intelligence of matters concerning how an observation flight described in clause (i) could implicate intelligence activities of the Russian Federation in the United States and United States counterintelligence activities and vulnerabilities.

(IV) An assessment of how such information is used by the Russian Federation, for what purpose, and how the information fits into the Russian Federation's overall collection posture.

(B) Not later than 90 days before the date on which the United States votes to approve or otherwise adopt any such implementing decision, the President shall submit to the appropriate congressional committees a certification that—

(i) the Russian Federation—

(I) is in complete compliance with is obligations under the Open Skies Treaty;

(II) is not exceeding the imagery limits set forth in the Treaty; and

(III) is allowing observation flights by covered state parties over all of Moscow, Chechnya, Kaliningrad, and within 10 kilometers of its border with Georgia's occupied territories of Abkhazia and South Ossetia without restriction and without inconsistency to requirements under the Treaty; and

(ii) covered state parties have been notified and briefed, consistent with protection of sources and

methods, on concerns of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) regarding infra-red or synthetic aperture radar sensors used under the Open Skies Treaty.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the application of paragraph (1)(B) if the President determines that—

(i) the waiver is in the national security of the United States; and

(ii) the Russian Federation has taken clear and verifiable action to return to compliance with the Open Skies Treaty.

(B) DELEGATION.—

(i) IN GENERAL.—The President may delegate the authority under subparagraph (A) to waive the application of paragraph (1)(B) to the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence.

(ii) REPORT.—Not later than 30 days prior to a waiver taking effect pursuant to a delegation of the authority under subparagraph (A) to waive the application of paragraph (1)(B), the Secretary of State, the Secretary of Defense, and the Director of National Intelligence shall submit to the appropriate congressional committees a report that contains the views of such Secretaries and Director with respect to the waiver.

(c) FORM.—Each certification and report required under this section shall be submitted in unclassified form, but may contain a classified annex if necessary.

(d) DEFINITIONS.—Except as otherwise provided, in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED STATE PARTY.—The term "covered state party" means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(3) INFRA-RED OR SYNTHETIC APERTURE RADAR SENSOR.—The term "infra-red or synthetic aperture radar sensor" means a sensor that is classified as—

(A) an infra-red line-scanning device under category C of paragraph 1 of Article IV of the Open Skies Treaty; or

(B) a sideways-looking synthetic aperture radar under category D of paragraph 1 of Article IV of the Open Skies Treaty.

(4) OBSERVATION FLIGHT.—The term "observation flight" has the meaning given such term in Article II of the Open Skies Treaty.

(5) OPEN SKIES TREATY; TREATY.—The term "Open Skies Treaty" or "Treaty" means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

(6) RELEVANT UNITED STATES GOVERNMENT OFFICIALS.—The term "relevant United States Government officials" means the following:

(A) The Secretary of Energy.

(B) The Secretary of Homeland Security.

(C) The Director of the Federal Bureau of Investigation.

(D) The Director of National Intelligence.

(E) The Commander of U.S. Strategic Command and the Commander of U.S. Northern Command in the case of an observation flight over the territory of the United States.

(F) The Commander of U.S. European Command in the case of an observation flight other than an observation flight described in subparagraph (E).

(7) SENSOR.—The term "sensor" has the meaning given such term in Article II of the Open Skies Treaty.

SEC. 1243. DETERMINATION REQUIRED REGARDING MATERIAL BREACH OF INF TREATY BY THE RUSSIAN FEDERATION.

(a) DETERMINATION REQUIRED.—Not later than January 15, 2019, the President shall submit to the appropriate congressional committees a determination whether—

(1) the Russian Federation is in material breach of its obligations under the INF Treaty; and

(2) the prohibitions set forth in Article VI of the INF Treaty remain binding on the United States as a matter of United States law.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) INF TREATY.—The term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the "Intermediate-Range Nuclear Forces (INF) Treaty", signed at Washington December 8, 1987, and entered into force June 1, 1988.

SEC. 1244. COMPREHENSIVE RESPONSE TO THE RUSSIAN FEDERATION'S MATERIAL BREACH OF THE INF TREATY.

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

(1) the actions undertaken by the Russian Federation in violation of the INF Treaty, including the flight-test, produc-

tion, and possession of prohibited systems, have defeated the object and purpose of the INF Treaty, and thus constitute a material breach of the INF Treaty;

(2) in light of the Russian Federation's material breach of the INF Treaty, the United States is legally entitled to suspend the operation of the INF Treaty in whole or in part for so long as the Russian Federation continues to be in material breach of the INF Treaty; and

(3) for so long as the Russian Federation remains in violation of the INF Treaty, the United States should take actions to encourage the Russian Federation to return to compliance with the INF Treaty, including by—

(A) providing additional funds for the capabilities identified in section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1062) and the Intermediate-Range Nuclear Forces Treaty Preservation Act of 2017 (Public Law 115-91; 131 Stat. 1671); and

(B) seeking additional missile defense assets in the European theater needed to fill military capability gaps to protect United States and NATO forces from ground-launched missile systems of the Russian Federation that are in noncompliance with the INF Treaty.

(b) CERTIFICATION.—

(1) IN GENERAL.—Not later than November 1, 2018, the President shall submit to the appropriate congressional committees a certification as to whether each of the requirements described in paragraph (2) have been met.

(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

(A) Each requirement of section 1290 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2555; 22 U.S.C. 2593e) has been fully implemented and is continuing to be fully implemented.

(B) The President has notified the appropriate congressional committees under such section 1290 of the imposition of measures described in subsection (c) of such section with respect to each person identified in a report under subsection (a) of such section, including a detailed description of the imposition of all such measures.

(C) The President has submitted the report required by section 1244(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1674) (relating to report on plan to impose additional sanctions with respect to the Russian Federation).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) INF TREATY.—The term "INF Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988.

SEC. 1245. REPORT ON IMPLEMENTATION OF THE NEW START TREATY.

(a) REPORT.—Not later than December 31, 2018, the President shall—

(1) submit to the appropriate congressional committees a report as to whether—

(A) the President has raised the issue of covered Russian systems in the appropriate fora with the Russian Federation under Article V of the New START Treaty or otherwise; and

(B) if the President has raised the issue of covered Russian systems as described in subparagraph (A), the Russian Federation has responded to the United States as to whether the Russian Federation will agree to declare the covered Russian systems as strategic offensive arms or otherwise pursuant to the New START Treaty;

(2) notify the appropriate congressional committees as to whether the position of the Russian Federation threatens the viability of the New START Treaty or requires appropriate United States political, economic, or military responses; and

(3) submit to the congressional defense committees a report assessing the extent to which the nuclear modernization and infrastructure recapitalization programs of the Department of Defense and the National Nuclear Security Administration have met the requirements described in the resolution of ratification to accompany the New START Treaty, specifically the requirements described in subsections (a)(9), (a)(11), and (a)(13) of such resolution of ratification.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED RUSSIAN SYSTEMS.—The term "covered Russian systems" means the following:

(A) The heavy intercontinental missile system known as "Sarmat" or otherwise identified.

(B) An air-launched nuclear-powered cruise missile known as "X-101" or otherwise identified.

(C) An unmanned underwater vehicle known as "Status 6" or otherwise identified.

(D) The long-distance guided flight hypersonic weapons system known by "Avanguard" or otherwise identified.

(3) NEW START TREATY.—The term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, and entered into force February 5, 2011.

SEC. 1246. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1068), as most recently amended by section 1234 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1659), is further amended—

(1) in subsection (b)—

(A) by striking paragraph (8);

(B) by redesignating paragraph (12) as paragraph (16) and transferring it to appear after paragraph (15);

(C) by redesignating paragraphs (9) through (11) and (13) through (15) as paragraphs (8) through (13), respectively;

(D) by inserting after paragraph (13) (as redesignated by subparagraph (C) of this paragraph) the following new paragraph:

"(14) Training required to maintain and employ systems and capabilities described in paragraphs (1) through (13)."; and

(E) by redesignating paragraph (16) (as redesignated by subparagraph (B) of this paragraph) as paragraph (15);

(2) in subsection (c)—

(A) in paragraph (1), by striking "50 percent of the funds available for fiscal year 2018 pursuant to subsection (f)(3)" and inserting "50 percent of the funds available for fiscal year 2019 pursuant to subsection (f)(4)";

(B) in paragraph (2)—

(i) by striking "The certification described" and inserting the following:

"(A) IN GENERAL.—The certification described";

(ii) by striking "in such areas" and all that follows through "defense industrial sector" and inserting "in such areas as described in subparagraph (B)";

(iii) by striking "subsection (a)." and inserting the following: "subsection (a).

"(B) AREAS DESCRIBED.—The areas described in this subparagraph are—

"(i) strengthening civilian control of the military;

"(ii) enhanced cooperation and coordination with Verkhovna Rada efforts to exercise oversight of the Ministry of Defense and military forces;

"(iii) increased transparency and accountability in defense procurement;

"(iv) improvement in transparency, accountability, sustainment, and inventory management in the defense industrial sector; and

"(v) protection of proprietary or sensitive technologies as such technologies relate to foreign military sales or transfers."; and

(iv) by striking "The certification shall" and inserting the following:

"(C) ASSESSMENT.—The certification shall";

(C) in paragraph (3), by striking "fiscal year 2018" and inserting "fiscal year 2019"; and

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

"(5) LETHAL ASSISTANCE.—Of the funds available for fiscal year 2019 pursuant to subsection (f)(4), $50,000,000 shall be available only for lethal assistance described in paragraphs (2) and (3) of subsection (b).";

(3) in subsection (f), by adding at the end the following:

"(4) For fiscal year 2019, $250,000,000."; and

(4) in subsection (h), by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 1247. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) EXTENSION.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2488), as amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is further amended in the matter preceding paragraph (1) by striking "fiscal year 2017 or 2018" and inserting "fiscal year 2017, 2018, or 2019".

(b) RULE OF CONSTRUCTION.—Such section is further amended—

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

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

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit bilateral military-to-military dialogue between the United States and the Russian Federation for the purpose of reducing the risk of conflict.".

SEC. 1248. SENSE OF CONGRESS ON ENHANCING DETERRENCE AGAINST RUSSIAN AGGRESSION IN EUROPE.

(a) STATEMENT OF POLICY.—To protect the national security of the United States and fulfill the ironclad commitment of the United States to its obligations under the North Atlantic Treaty, it is the policy of the United States to pursue, in full coordination with the North Atlantic Treaty Organization (NATO), an integrated approach to strengthening the defense of allies and partners in Europe as part of a broader, long-term strategy backed by all elements of United States national power to deter and, if necessary, defeat Russian aggression.

(b) SENSE OF CONGRESS.—It is the sense of Congress that in order to strengthen the defense of United States allies and partners in Europe, the Secretary of Defense, in coordination with the Secretary of State and in consultation with the commander of United States European Command, should—

(1) prioritize the need for additional United States forward presence in Europe, especially increased forward-stationed combat enablers to enhance United States capability and capacity;

(2) review the balance of United States presence in Europe between rotationally deployed and forward-stationed forces to assure allies and partners in Europe and deter Russian aggression;

(3) support robust United States security cooperation with, and security assistance for, Estonia, Latvia, and Lithuania, including through continuous and enduring presence of United States forces, training and support activities of United States special operations forces, and increased joint training and exercises to deter aggression, promote interoperability, build resilience, and enable NATO to take collective action if required;

(4) continue rotational deployments of United States forces to southeastern Europe, including Romania and Bulgaria;

(5) support enhanced defense cooperation with Poland, including continued presence of United States forces in Poland and increased training, exercises, and other activities focused on improving effective joint response in a crisis;

(6) conduct exercises focused on demonstrating the capability to flow United States forces from the continental United States and surge forces from central to eastern Europe in a nonpermissive environment;

(7) focus training activities of United States forces in Europe, including joint training with allied forces, on operating against adversary cyber, electronic warfare, and information operations capabilities;

(8) support robust security sector assistance for Ukraine, including defensive lethal assistance, while promoting necessary reforms of the defense institutions of Ukraine;

(9) support robust security sector assistance for Georgia, including defensive lethal assistance, to strengthen the defense capabilities and readiness of Georgia, and improve interoperability with NATO forces;

(10) execute enhanced military-to-military engagement between the United States and the militaries of the countries of the Western Balkans to promote interoperability with NATO, civilian control of the military, procurement reforms, and regional security cooperation;

(11) develop and implement a comprehensive security cooperation strategy that integrates support for allies and partners in Europe, especially the allies and partners most directly threatened by Russian aggression and malign influence; and

(12) in NATO or through other multilateral formats—

(A) promote reforms to accelerate the speed of decision and deployability within NATO;

(B) promote a more robust NATO defense planning process;

(C) pursue planning agreements with allies and partners in Europe on rules of engagement and arrangements for command and control, access, transit, and support in crisis situations, which occur prior to an invocation of Article 5 of the Washington Treaty by the North Atlantic Council;

(D) promote NATO operational readiness as a key element of alliance burden sharing alongside spending commitments made at the 2014 Wales Summit;

(E) explore transitioning the Baltic air policing mission of NATO to a Baltic air defense mission;

(F) support multilateral efforts to improve maritime domain awareness in the Baltic Sea;

(G) support enhanced NATO-European Union cooperation, especially with respect to capability development and defense planning;

(H) support coordinated NATO and European Union actions on expediting or waiving diplomatic clearances for the movement of United States and allied forces during contingencies;

(I) support cooperative investment frameworks that promote increased military mobility in Europe;

(J) expand cooperation and joint planning with allies and partners on intelligence, surveillance, and reconnaissance;

(K) promote efforts to improve the capability and readiness of NATO Standing Maritime Groups;

(L) encourage regular review and update of the Alliance Maritime Strategy of NATO to reflect the changing military balance in the Black Sea and increased military activity in the North Atlantic and Arctic Oceans;

(M) explore increasing the frequency, scale, and scope of NATO and other multilateral exercises in the Black Sea with the participation of Ukraine and Georgia;

(N) promote integration of United States Marines in Norway with the United Kingdom-led Joint Expeditionary Force to increase multilateral cooperation and interoperability between NATO and regional partners such as Sweden and Finland; and

(O) affirm support for the Open Door policy of NATO, including the eventual membership of Georgia in NATO.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1251. [10 U.S.C. 161 note] NAME OF UNITED STATES INDO-PACIFIC COMMAND.

(a) IN GENERAL.—The combatant command known as the United States Pacific Command shall be known as the "United States Indo-Pacific Command". Any reference to the United States Pacific Command in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the United States Indo-Pacific Command.

(b) CONFORMING AMENDMENTS.—

(1) ANNUAL REPORT ON NON-FEDERALIZED SERVICE NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS.—Section 10504 of title 10, United States Code, as amended by section 1071(a)(31), is further amended in subsection (c), as redesignated by such section, in paragraph (3)(H)

by striking "United States Pacific Command" and inserting "United States Indo-Pacific Command".

(2) CONTRACTING WITH THE ENEMY.—Section 843(4) of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 2302 note) is amended by striking "United States Pacific Command" and inserting "United States Indo-Pacific Command".

SEC. 1252. REDESIGNATION, EXPANSION, AND EXTENSION OF SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.

(a) REDESIGNATION AS INDO-PACIFIC MARITIME SECURITY INITIATIVE.—

(1) IN GENERAL.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended by striking "the 'Southeast Asia Maritime Security Initiative' " and inserting "the 'Indo-Pacific Maritime Security Initiative' ".

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

"SEC. SEC. 1263. INDO-PACIFIC MARITIME SECURITY INITIATIVE".

(b) EXPANSION.—

(1) EXPANSION OF REGION TO RECEIVE ASSISTANCE AND TRAINING.—Subsection (a)(1) of such section is amended by inserting "and the Indian Ocean" after "South China Sea" in the matter preceding subparagraph (A).

(2) RECIPIENT COUNTRIES OF ASSISTANCE AND TRAINING GENERALLY.—Subsection (b) of such section is amended—

(A) in paragraph (2), by striking the comma at the end and inserting a period; and

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

"(6) Bangladesh.

"(7) Sri Lanka.".

(3) COUNTRIES ELIGIBLE FOR PAYMENT OF CERTAIN INCREMENTAL EXPENSES.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(D) India.".

(c) EXTENSION.—Subsection (h) of such section is amended by striking "September 30, 2020" and inserting "December 31, 2025".

SEC. 1253. REDESIGNATION AND MODIFICATION OF SENSE OF CONGRESS AND INITIATIVE FOR THE INDO-ASIA-PACIFIC REGION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 1251 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) is amended by striking "Indo-Asia-Pacific" each place it appears and inserting "Indo-Pacific".

(2) HEADING AMENDMENTS.—

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

"SEC. SEC. 1251. SENSE OF CONGRESS AND INITIATIVE FOR THE INDO-PACIFIC REGION".

(B) SUBSECTION HEADINGS.—Such section is further amended in the headings of subsections (b) and (f) by striking "Indo-Asia-Pacific" and inserting "Indo-Pacific".

(b) MODIFICATION OF INITIATIVE.—Such section is further amended—

(1) in subsection (c)—

(A) by striking paragraphs (1) through (4) and inserting the following new paragraphs (1) through (4):

"(1) Activities to increase the rotational and forward presence, improve the capabilities, and enhance the posture of the United States Armed Forces in the Indo-Pacific region—

"(A) consistent with the National Defense Strategy; and

"(B) to the extent required to minimize the risk of execution of the contingency plans of the Department of Defense.

"(2) Activities to improve military and defense infrastructure, basing, logistics, and assured access in the Indo-Pacific region to enhance the responsiveness, survivability, and operational resilience of the United States Armed Forces in the Indo-Pacific region.

"(3) Activities to enhance the storage and pre-positioning in the Indo-Pacific region of equipment and munitions of the United States Armed Forces.

"(4) Bilateral and multilateral military training and exercises with allies and partner nations in the Indo-Pacific region."; and

(B) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking "security capacity" and all that follows through "of allies" in subparagraph (B) and inserting "security capacity of allies"; and

(ii) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(2) in subsection (d), by striking "only";

(3) by amending subsection (e) to read as follows:

"(e) FIVE-YEAR PLAN FOR THE INDO-PACIFIC STABILITY INITIATIVE.—

"(1) PLAN REQUIRED.—

"(A) IN GENERAL.—Not later than March 1, 2019, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a future years plan on activities and resources of the Initiative.

"(B) APPLICABILITY.—The plan shall apply to the Initiative with respect to fiscal year 2020 and at least the four succeeding fiscal years.

"(2) ELEMENTS.—The plan required under paragraph (1) shall include each of the following:

"(A) A description of the objectives of the Initiative.

"(B) A description of the manner in which such objectives support implementation of the National Defense Strategy and reduce the risk of execution of the contingency plans of the Department of Defense by improving the operational resilience of United States forces in the Indo-Pacific region.

"(C) An assessment of the resource requirements to achieve such objectives.

"(D) An assessment of any additional rotational or permanently stationed United States forces in the Indo-Pacific region required to achieve such objectives.

"(E) An assessment of the logistics requirements, including force enablers, equipment, supplies, storage, and maintenance, to achieve such objectives.

"(F) An identification and assessment of required infrastructure investments to achieve such objectives, including potential infrastructure investments by host countries and new construction or upgrades of existing sites that would be funded by the United States.

"(G) An assessment of any new agreements, or changes to existing agreements, with other countries for assured access required to achieve such objectives.

"(H) An assessment of security cooperation investments required to achieve such objectives.

"(3) FORM.—The plan required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.";

(4) by amending subsection (f) to read as follows:

"(f) INCLUSION IN BUDGET MATERIALS.—The Secretary of Defense shall include in the budget materials submitted by the Secretary in support of the budget of the President for fiscal year 2020 (submitted pursuant to section 1105 of title 31, United States Code) the plan required under paragraph (1)."; and

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

"(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the congressional defense committees; and

"(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.".

SEC. 1254. ASSESSMENT OF AND REPORT ON GEOPOLITICAL CONDITIONS IN THE INDO-PACIFIC REGION.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an entity independent of the Department of Defense to conduct an assessment of the geopolitical conditions in the Indo-Pacific region that are necessary for the successful implementation of the National Defense Strategy.

(2) MATTERS TO BE INCLUDED.—The assessment required by paragraph (1) shall include a determination of the geopolitical conditions in the Indo-Pacific region, including any

change in economic and political relations, that are necessary to support United States military requirements for forward defense, assured access, extensive forward basing, and alliance and partnership formation and strengthening in such region.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the independent entity selected under subsection (a) shall submit to the appropriate committees of Congress a report on the results of the assessment conducted under that subsection.

(c) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary shall provide the independent entity selected under subsection (a) with timely access to appropriate information, data, resources, and analyses necessary for the independent entity to conduct the assessment required by that subsection in a thorough and independent manner.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1255. SENSE OF CONGRESS ON EXTENDED NUCLEAR DETERRENCE IN THE INDO-PACIFIC REGION.

It is the sense of Congress that—

(1) the nuclear program of the Democratic People's Republic of Korea poses a critical national security threat not only to the United States, but to the security and stability of the entire Indo-Pacific region, including South Korea, Japan, and Australia;

(2) the nuclear and conventional forces of the United States continue to play a fundamental role in deterring aggression against its interests and the interests of its allies in the Indo-Pacific region and beyond;

(3) the United States stands unwaveringly behind its treaty obligations and assurances, including those related to defense and extended nuclear deterrence, to South Korea, Japan, and Australia;

(4) the complete, verifiable, and irreversible denuclearization of the Democratic People's Republic of Korea remains a central foreign policy objective of the United States;

(5) the status of any denuclearization or end-of-conflict agreement with the Democratic People's Republic of Korea should not supersede such treaty obligations and assurances described in paragraph (3); and

(6) the presence of United States Forces on the Korean Peninsula should remain strong and enduring.

SEC. 1256. REINSTATEMENT OF REPORTING REQUIREMENTS WITH RESPECT TO UNITED STATES-HONG KONG RELATIONS.

Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "Not later than" and inserting "(a) In General.— Not later than";

(B) by striking "March 31, 1993" and all that follows through "March 31, 2006" and inserting "March 31, 2019, and annually thereafter through 2024,"; and

(C) by striking "transmit to the Speaker" and all that follows through "the Senate" and inserting "submit to the appropriate congressional committees"; and

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

"(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form and shall be published on a publicly available website of the Department of State.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

"(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.".

SEC. 1257. STRENGTHENING TAIWAN'S FORCE READINESS.

(a) DEFENSE ASSESSMENT.—The Secretary of Defense shall, in consultation with appropriate counterparts of Taiwan, conduct a comprehensive assessment of Taiwan's military forces, particularly Taiwan's reserves. The assessment shall provide recommendations to improve the efficiency, effectiveness, readiness, and resilience of Taiwan's self-defense capability in the following areas:

(1) Personnel management and force development, particularly reserve forces.

(2) Recruitment, training, and military programs.

(3) Command, control, communications and intelligence.

(4) Technology research and development.

(5) Defense article procurement and logistics.

(6) Strategic planning and resource management.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report containing each of the following:

(A) A summary of the assessment conducted pursuant to subsection (a).

(B) A list of any recommendations resulting from such assessment.

(C) A plan for the United States, including by using appropriate security cooperation authorities, to—

(i) facilitate any relevant recommendations from such list;

(ii) expand senior military-to-military engagement and joint training by the United States Armed Forces with the military of Taiwan; and

(iii) support United States foreign military sales and other equipment transfers to Taiwan, particularly for developing asymmetric warfare capabilities.

(2) APPROPRIATE SECURITY COOPERATION AUTHORITIES.—For purposes of the plan described in paragraph (1)(C), the term "appropriate security cooperation authorities" means—

(A) section 311 of title 10, United States Code (relating to exchange of defense personnel);

(B) section 332 such title (relating to defense institution building); and

(C) other security cooperation authorities under chapter 16 of such title.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1258. SENSE OF CONGRESS ON TAIWAN.

It is the sense of Congress that—

(1) the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and the "Six Assurances" are both cornerstones of United States relations with Taiwan;

(2) the United States should strengthen defense and security cooperation with Taiwan to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability;

(3) the United States should strongly support the acquisition by Taiwan of defensive weapons through foreign military sales, direct commercial sales, and industrial cooperation, with a particular emphasis on asymmetric warfare and undersea warfare capabilities, consistent with the Taiwan Relations Act;

(4) the United States should improve the predictability of arms sales to Taiwan by ensuring timely review of and response to requests of Taiwan for defense articles and defense services;

(5) the Secretary of Defense should promote Department of Defense policies concerning exchanges that enhance the security of Taiwan, including—

(A) opportunities for practical training and military exercises with Taiwan; and

(B) exchanges between senior defense officials and general officers of the United States and Taiwan consistent with the Taiwan Travel Act (Public Law 115-135);

(6) the United States and Taiwan should expand cooperation in humanitarian assistance and disaster relief; and

(7) the Secretary of Defense should consider supporting the visit of a United States hospital ship to Taiwan as part of the annual "Pacific Partnership" mission in order to improve disaster response planning and preparedness as well as to strengthen cooperation between the United States and Taiwan.

SEC. 1259. [10 U.S.C. 321 note] PROHIBITION ON PARTICIPATION OF THE PEOPLE'S REPUBLIC OF CHINA IN RIM OF THE PACIFIC (RIMPAC) NAVAL EXERCISES.

(a) CONDITIONS FOR FUTURE PARTICIPATION IN RIMPAC.—

(1) IN GENERAL.—The Secretary of Defense shall not enable or facilitate the participation of the People's Republic of China in any Rim of the Pacific (RIMPAC) naval exercise un-

less the Secretary certifies to the congressional defense committees that China has—

(A) ceased all land reclamation activities in the South China Sea;

(B) removed all weapons from its land reclamation sites; and

(C) established a consistent four-year track record of taking actions toward stabilizing the region.

(2) FORM.—The certification under paragraph (1) shall be in unclassified form but may contain a classified annex as necessary.

(b) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the certification requirement under subsection (a) if the Secretary determines the waiver is in the national security interest of the United States and submits to the congressional defense committees a detailed justification for the waiver.

(2) FORM.—The justification required under paragraph (1) shall be in unclassified form but may contain a classified annex as necessary.

SEC. 1260. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended—

(1) by redesignating paragraphs (6) through (16) and (17) through (23) as paragraphs (7) through (17) and (19) through (25), respectively;

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) China's overseas military basing and logistics infrastructure.";

(3) in paragraph (8), as so redesignated, by striking "including technology transfers and espionage" in the first sentence and inserting "including by espionage and technology transfers through investment, industrial espionage, cybertheft, academia, and other means";

(4) by inserting after paragraph (17), as so redesignated, the following new paragraph (18):

"(18) An assessment of relations between China and the Russian Federation with respect to security and military matters."; and

(5) by adding at the end the following new paragraphs:

"(26) The relationship between Chinese overseas investment, including initiatives such as the Belt and Road Initiative, and Chinese security and military strategy objectives.

"(27) Efforts by the Government of the People's Republic of China to influence the media, cultural institutions, business, and academic and policy communities of the United States to be more favorable to its security and military strategy and objectives.

"(28) Efforts by the Government of the People's Republic of China to use nonmilitary tools in other countries, including diplomacy and political coercion, information operations, and eco-

nomic pressure, including predatory lending practices, to support its security and military objectives.".

SEC. 1261. UNITED STATES STRATEGY ON CHINA.

(a) STATEMENT OF POLICY.—Congress declares that long-term strategic competition with China is a principal priority for the United States that requires the integration of multiple elements of national power, including diplomatic, economic, intelligence, law enforcement, and military elements, to protect and strengthen national security.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2019, the President shall submit to the appropriate congressional committees a report containing a whole-of-government strategy with respect to the People's Republic of China.

(2) ELEMENTS OF STRATEGY.—The strategy required by paragraph (1) shall include the following:

(A) Strategic assessments of and planned responses to address the following activities by the Chinese Communist Party:

(i) The use of political influence, information operations, censorship, and propaganda to undermine democratic institutions and processes, and the freedoms of speech, expression, press, and academic thought.

(ii) The use of intelligence networks to exploit open research and development.

(iii) The use of economic tools, including market access and investment to gain access to sensitive United States industries.

(iv) Malicious cyber activities.

(v) The use of investment, infrastructure, and development projects, such as China's Belt and Road Initiative, in Africa, Europe, Central Asia, South America, and the Indo-Pacific region, and the Polar Silk Road in the Arctic, as a means to gain access and influence.

(vi) The use of military activities, capabilities, and defense installations, and hybrid warfare methods, short of traditional armed conflict, against the United States or its allies and partners.

(B) Available or planned methods to enhance strategic communication to counter Chinese influence and promote United States interests.

(C) An identification of the key diplomatic, development, intelligence, military, and economic resources necessary to implement the strategy.

(D) A plan to maximize the coordination and effectiveness of such resources to counter the threats posed by the activities described in subparagraph (A).

(E) Available or planned interagency mechanisms for the coordination and implementation of the strategy.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) ANNUAL BUDGET SUBMISSION.—The President shall ensure that the annual budget submitted to Congress pursuant to section 1105 of title 31, United States Code, clearly highlights the programs and projects proposed to be funded that relate to the strategy required by paragraph (1).

(5) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriage congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Finance, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Commerce, Science, and Transportation, and the Committee on the Budget of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Financial Services, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on the Budget of the House of Representatives.

SEC. 1262. [10 U.S.C. 113 note] REPORT ON MILITARY AND COERCIVE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN SOUTH CHINA SEA.

(a) IN GENERAL.—Except as provided in subsection (d), immediately after the commencement of any significant reclamation, assertion of an excessive territorial claim, or militarization activity by the People's Republic of China in the South China Sea, including any significant military deployment or operation or infrastructure construction, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees, and release to the public, a report on the military and coercive activities of China in the South China Sea in connection with such activity.

(b) ELEMENTS OF REPORT TO PUBLIC.—Each report on the commencement of a significant reclamation, an assertion of an excessive territorial claim, or a militarization activity under subsection (a) shall include a short narrative on, and one or more corresponding images of, such commencement of a significant reclamation, assertion of an excessive territorial claim, or militarization activity.

(c) FORM.—

(1) SUBMISSION TO CONGRESS.—Any report under subsection (a) that is submitted to the appropriate congressional committees shall be submitted in unclassified form, but may include a classified annex.

(2) RELEASE TO PUBLIC.—If a report under subsection (a) is released to the public, such report shall be so released in unclassified form.

(d) WAIVER.—

(1) RELEASE OF REPORT TO PUBLIC.—The Secretary of Defense may waive the requirement in subsection (a) for the release to the public of a report on the commencement of any significant reclamation, an assertion of an excessive territorial claim, or a militarization activity by the People's Republic of China in the South China Sea if the Secretary determines that the release to the public of a report on such activity under that subsection in the form required by subsection (c)(2) would have an adverse effect on the national security interests of the United States.

(2) NOTICE TO CONGRESS.—If the Secretary issues a waiver under paragraph (1) with respect to a report on an activity, not later than 48 hours after the Secretary issues such waiver, the Secretary shall submit to the appropriate congressional committees written notice of, and justification for, such waiver.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1263. REQUIREMENT FOR CRITICAL LANGUAGES AND EXPERTISE IN CHINESE, KOREAN, RUSSIAN, FARSI, AND ARABIC.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) evaluate the operational requirements for members of the Armed Forces possessing foreign language expertise in critical languages, including Chinese, Korean, Russian, Farsi, and Arabic; and

(2) submit to the congressional defense committees a plan to address any shortfalls in these critical areas.

SEC. 1264. LIMITATION ON USE OF FUNDS TO REDUCE THE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY WHO ARE DEPLOYED TO THE REPUBLIC OF KOREA.

None of the funds authorized to be appropriated by this Act may be used to reduce the total number of members of the Armed Forces serving on active duty who are deployed to the Republic of Korea below 22,000 unless the Secretary of Defense first certifies to the congressional defense committees the following:

(1) Such a reduction is in the national security interest of the United States and will not significantly undermine the security of United States allies in the region.

(2) The Secretary has appropriately consulted with allies of the United States, including the Republic of Korea and Japan, regarding such a reduction.

SEC. 1265. REPORTS ON NUCLEAR CAPABILITIES OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) BASELINE REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of State, and the Secretary of Energy, shall submit to the appropriate committees of Congress a report on the status of the nuclear pro-

gram of the Democratic People's Republic of Korea to establish a baseline of progress for negotiations with the Democratic People's Republic of Korea with respect to denuclearization.

(b) ELEMENTS.—The report required by subsection (a) shall include the following, to the extent known or suspected:

(1) A description of the location, quantity, capability, and operational status of the nuclear weapons and other weapons of mass destruction, including chemical and biological weapons, of the Democratic People's Republic of Korea.

(2) A description of the location of the research, development, production, and testing facilities, including covert facilities, for the nuclear weapons and other weapons of mass destruction, including chemical and biological weapons, of the Democratic People's Republic of Korea.

(3) A description of the location, quantity, capability, and operational status of fixed ballistic missile launch sites, and assessments of capability and readiness of mobile land and at-sea launch platforms of the Democratic People's Republic of Korea.

(4) A description of the location of the ballistic missile manufacturing and assembly facilities of the Democratic People's Republic of Korea.

(5) An assessment of any intelligence gaps and confidence levels with respect to the information required by this subsection and verification or inspection measures that may fill such gaps.

(c) UPDATES.—

(1) IN GENERAL.—In the case of an agreement, not later than 60 days after the date on which the agreement is reached, and every 90 days thereafter, the report required by subsection (a) shall be augmented by a written update.

(2) ELEMENTS.—Each written update under paragraph (1) shall include the following for the preceding 90-day period:

(A) A description of the number of nuclear weapons, other weapons of mass destruction, including chemical and biological weapons, and ballistic missiles verifiably dismantled, destroyed, rendered permanently unusable, or transferred out of the Democratic People's Republic of Korea.

(B) An identification of the location of research, development, production, and testing facilities for nuclear weapons and other weapons of mass destruction, including chemical and biological weapons, in the Democratic People's Republic of Korea identified and verifiably dismantled, destroyed, or rendered permanently unusable.

(C) An identification of the location of ballistic missile manufacturing and assembly facilities in the Democratic People's Republic of Korea verifiably dismantled, destroyed, or rendered permanently unusable.

(D) A description of the number of nuclear weapons and ballistic missiles that remain in or under the control of the Democratic People's Republic of Korea.

(E) An assessment of the progress made in extending the breakout period required for the Democratic People's Republic of Korea to reconstitute its nuclear weapons pro-

gram and build a nuclear weapon, as such progress relates to the information required by subparagraphs (A) through (D).

(d) VERIFICATION ASSESSMENT REPORT.—Not later than 180 days after the date on which the report required by subsection (a) is submitted, and every 180 days thereafter, the written update required under paragraph (1) of subsection (c) shall include, in addition to the information required by subparagraphs (A) through (E) of that subsection, the following for the preceding 180-day period:

(1) An assessment of the establishment of safeguards, other control mechanisms, and other assurances secured from the Democratic People's Republic of Korea to ensure the activities of the Democratic People's Republic of Korea permitted under any agreement will not be used to further any nuclear-related military or nuclear explosive purpose, including research on or development of a nuclear explosive device.

(2) An assessment of the capacity of the United States or an international organization, including the International Atomic Energy Agency, to effectively access and investigate suspicious sites in the Democratic People's Republic of Korea or allegations of covert nuclear-related activities, including storage sites for nuclear weapons.

(e) APPLICABILITY.—Subsections (c) and (d) shall apply only in the case of an agreement.

(f) SUNSET.—The section shall cease to be effective on the date that is three years after the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "agreement" means an interim or final agreement between the United States and the Democratic People's Republic of Korea with respect to the denuclearization of the Democratic People's Republic of Korea that includes a commitment by the Democratic People's Republic of Korea—

(A) to reduce the nuclear arsenal of the Democratic People's Republic of Korea; or

(B) to otherwise discontinue, reduce, or suspend the nuclear program of the Democratic People's Republic of Korea.

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

(A) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1266. MODIFICATION OF REPORT REQUIRED UNDER ENHANCING DEFENSE AND SECURITY COOPERATION WITH INDIA.

Subsection (a)(2) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2559; 22 U.S.C. 2751 note) is amended—

(1) by striking "Not later than" and inserting the following:

"(A) IN GENERAL.—Not later than";

(2) by inserting "until December 31, 2021" after "annually thereafter"; and

(3) by striking the second sentence and inserting the following:

"(B) CONTENTS.—The report shall also include—

"(i) a forward-looking strategy with specific benchmarks for measurable progress toward enhancing India's status as a major defense partner and defense and security cooperation with India;

"(ii) a description of any limitations that hinder or slows progress in implementing the actions described in subparagraphs (A) through (L) of paragraph (1);

"(iii) a description of actions India is taking, or the actions the Secretary of Defense or the Secretary of State believe India should take, to advance the relationship between the United States, including actions relating to subparagraphs (A) through (L) of paragraph (1);

"(iv) a description of the measures that can be taken by the United States and India to improve interoperability; and

"(v) a description of the progress made in enabling agreements between the United States and India.".

Subtitle F—Reports and Other Matters

SEC. 1271. MODIFICATION OF AUTHORITIES RELATING TO ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) PROHIBITIONS.—Section 2342 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

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

"(d) The Secretary of Defense may not use an agreement with any government or an organization described in subsection (a)(1) to facilitate the transfer of logistic support, supplies, and services to any country or organization with which the Secretary has not signed an agreement described in subsection (a)(2).

"(e) An agreement described in subsection (a)(2) may not provide or otherwise constitute a commitment for the introduction of the armed forces into hostilities.".

(b) ANNUAL REPORTS.—Such section is further amended by adding at the end the following new subsection:

"(g) Not later than January 15 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on acquisition and cross-servicing activities that sets forth, in detail, the following:

"(1) A list of agreements in effect pursuant to subsection (a)(1) during the preceding fiscal year.

"(2) The date on which each agreement listed under paragraph (1) was signed, and, in the case of an agreement with a country that is not a member of the North Atlantic Treaty

Organization, the date on which the Secretary notified Congress pursuant to subsection (b)(2) of the designation of such country under subsection (a).

"(3) The total dollar amount and major categories of logistic support, supplies, and services provided during the preceding fiscal year under each such agreement.

"(4) The total dollar amount and major categories of reciprocal provisions of logistic support, supplies, and services received under each such agreement.

"(5) With respect to the calendar year during which the report is submitted, an assessment of the following:

"(A) The anticipated logistic support, supplies, and services requirements of the United States.

"(B) The anticipated requirements of other countries for United States logistic support, supplies, and services.".

(c) DEFINITIONS.—Such section is further amended—

(1) in subsection (b)(2), by striking "the Committee on Armed Services" the first place it appears and all that follows through "the House of Representatives" and inserting "the appropriate committees of Congress"; and

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

"(h) In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

"(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.".

SEC. 1272. UNITED STATES-ISRAEL COUNTERING UNMANNED AERIAL SYSTEMS COOPERATION.

(a) AUTHORITY TO COUNTER UNMANNED AERIAL SYSTEMS.—Section 1279(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 22 U.S.C. 8606 note), as most recently amended by section 1278 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1700), is further amended by inserting "and to establish capabilities for countering unmanned aerial systems" after "underground tunnels".

(b) LIMITATION ON FUNDING.—None of the funds authorized to be appropriated or otherwise made available by this Act to carry out the authority provided by the amendment made by subsection (a) may be obligated or expended until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report describing the cooperation of the United States with Israel with respect to countering unmanned aerial systems pursuant to the authority granted by such amendment that includes each of the following:

(1) An identification of specific capability gaps of the United States and Israel with respect to countering unmanned aerial systems.

(2) An identification of cooperative projects that would address those capability gaps and mutually benefit and strengthen the security of the United States and Israel.

(3) An assessment of the projected cost for research and development efforts for such cooperative projects, including an identification of those to be conducted in the United States, and the timeline for the completion of each such project.

(4) The extent to which the capability gaps of the United States identified pursuant to paragraph (1) are not likely to be addressed through the cooperative projects identified pursuant to paragraph (2).

(5) An assessment of the projected costs for procurement and fielding of any capabilities developed jointly, pursuant to the authority granted by the amendment made by subsection (a).

SEC. 1273. ENHANCEMENT OF U.S.-ISRAEL DEFENSE COOPERATION.

(a) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011) is amended by striking "after September 30, 2018" and inserting "after September 30, 2023".

(b) JOINT ASSESSMENT OF QUANTITY OF PRECISION GUIDED MUNITIONS FOR USE BY ISRAEL.—

(1) IN GENERAL.—The President is authorized to conduct a joint assessment with the Government of Israel with respect to the matters described in paragraph (2).

(2) MATTERS DESCRIBED.—The matters described in this paragraph are the following:

(A) The quantity and type of precision guided munitions that are necessary for Israel to combat Hezbollah in the event of a sustained armed confrontation between Israel and Hezbollah.

(B) The quantity and type of precision guided munitions that are necessary for Israel in the event of a sustained armed confrontation with other armed groups and terrorist organizations, such as Hamas.

(C) The resources the Government of Israel would need to dedicate to acquire such precision guided munitions.

(D) United States planning to assist Israel to prepare for a sustained armed confrontation described in subparagraph (A) or (B), as well as the ability of the United States to resupply Israel in the event of such a confrontation.

(E) The current United States inventory of the precision guided munitions described in subparagraphs (A) and (B), and whether such inventory meets the United States total munitions requirement.

(c) REPORT.—

(1) IN GENERAL.—Not later than 15 days after the date on which the joint assessment authorized under subsection (b) is completed, the President shall submit to the appropriate congressional committees a report that contains the joint assessment.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 1274. REVIEW TO DETERMINE WHETHER THE ARMED FORCES OR COALITION PARTNERS OF THE UNITED STATES VIOLATED FEDERAL LAW OR DEPARTMENT OF DEFENSE POLICY WHILE CONDUCTING OPERATIONS IN YEMEN.

(a) IN GENERAL.—The Secretary of Defense shall conduct a review to determine whether the Armed Forces or coalition partners of the United States violated Federal law, the laws of armed conflict, or Department of Defense policy while conducting operations in Yemen.

(b) MATTERS TO BE INCLUDED.—The review required under subsection (a) shall also seek to determine the following:

(1) Whether the Armed Forces interrogated Yemeni citizens in prisons within Yemen or provided questions to any United States coalition partner for use in such interrogations, and whether such interrogations or actions were consistent with United States law and policy.

(2) Whether the Armed Forces violated the prohibitions of section 362 of title 10, United States Code, while conducting operations in Yemen.

(3) Whether any United States coalition partner committed gross violations of internationally recognized human rights while conducting operations in Yemen that would make such coalition partner ineligible for any training, equipment, or other assistance for a unit of a foreign security force under section 362 of title 10, United States Code.

(4) Whether a waiver or exception has been granted to any United States coalition partner under section 362 of title 10, United States Code, while conducting operations in Yemen.

(c) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that contains—

(A) the findings from the review required under subsection (a);

(B) an analysis of—

(i) the detention and interrogation policies and guidance of the Department of Defense; and

(ii) the application of such policies and guidance to the detention and interrogation operations of allies and partners that are supported by the United States;

(C) an assessment of United States responsibilities and obligations under Federal law, the laws of armed conflict, relevant treaties and agreements, and any other applicable law relating to the treatment of detainees held by allies or partners with United States support;

(D) an assessment of any applicable policy requirements or considerations in addition to such responsibilities and obligations;

(E) an assessment of the compliance standards and enforcement mechanisms associated with such responsibilities, obligations, policy requirements, or considerations;

(F) a description of any assurances required to be obtained from allies and partners with respect to the treatment of detainees in custody when the United States is involved in the capture or interrogation of such detainees, including the manner in which and level at which such assurances are provided;

(G) a description of the means by which the Department of Defense determines whether allies and partners comply with such assurances;

(H) an explanation of the extent to which United States support for the detention and interrogation operations of allies and partners is conditioned on their compliance with such assurances; and

(I) a description of the procedures used to report violations of detainee treatment standards, including procedures relating to violations occurring at facilities operated by allied or partner countries.

(2) FORM.—The report required under this section shall be submitted in unclassified form, but may contain a classified annex.

(d) DEFINITIONS.—In this subsection:

(1) COALITION PARTNER.—The term "coalition partner" has the meaning given such term in paragraph (3) of section 948a of title 10, United States Code.

(2) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term "gross violations of internationally recognized human rights" has the meaning given such term in subsection (d)(1) of section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304).

SEC. 1275. REPORT ON UNITED STATES GOVERNMENT SECURITY COOPERATION AND ASSISTANCE PROGRAMS WITH MEXICO.

(a) REPORT REQUIRED.—Not later than July 1, 2019, the Secretary of Defense and Secretary of State shall submit to the appropriate congressional committees a report on United States Government programs relating to security cooperation with and assistance to Mexico.

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

(1) A description of United States national security interests in Mexico.

(2) A description of the security environment in Mexico, including descriptions of the threats to United States interests posed by violence related to drug trafficking and cartel activity.

(3) A description of all United States security cooperation and assistance programs in Mexico, including descriptions of the purpose, objectives, and type of training, equipment, or assistance provided, the lead agency with responsibility for each

such program, and how such programs advance the nationals security interests of the United States.

(4) A description of the cost, scope, size, and components of such programs for fiscal years 2017 and 2018, including for each such program the following:

(A) The purpose and objectives of the program.

(B) The authority or authorities under which the program is conducted.

(C) The types of units receiving assistance, including components of the Mexican Armed Forces, national police, gendarmerie, counternarcotics police, counterterrorism police, Formed Police Units, border security, and customs.

(D) The funding and personnel levels for the program in each such fiscal year, future year costs, including sustainment costs, over the next five fiscal years, and any required increases of capacity to support the program, as appropriate.

(E) The extent to which the program is implemented by contractors or United States Government personnel.

(F) The metrics for assessing the effectiveness of such training, equipment, or assistance provided.

(5) An evaluation of the appropriate role of United States Government departments and agencies in carrying out and coordinating such programs.

(6) An evaluation of the appropriate role of contractors in carrying out such programs, and what modifications, if any, are needed to improve oversight of such contractors.

(7) Any other matters determined appropriate by the Secretary of Defense and Secretary of State.

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

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SEC. 1276. REPORT ON DEPARTMENT OF DEFENSE MISSIONS, OPERATIONS, AND ACTIVITIES IN NIGER.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation as appropriate with the Secretary of State, shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the missions, operations, and activities of the Department of Defense in Niger that includes the following:

(A) A description of the objectives and the associated lines of efforts of the Department in Niger, and the benchmarks for assessing progress toward such objectives.

(B) A description of the timeline for achieving such objectives in Niger.

(C) A justification of the relevance of such objectives in Niger to the national security of the United States and to the objectives in the National Defense Strategy.

(D) A description of steps the Department is taking to ensure that security cooperation in Niger is effectively coordinated with the diplomatic and development activities of the Department of State and the United States Agency for International Development.

(E) Consistent with the report required by section 1212 of this Act, a description of the legal, operational, and funding authorities relating to the lines of effort of the Department in Niger.

(F) An identification of measures to mitigate operational risk to and increase the preparedness of members of the Armed Forces conducting missions, operations, or activities in Niger.

(G) An assessment of the command and support relationships of United States Africa Command with subordinate commands associated with missions, operations, and activities in Niger, including Special Operations Command Africa.

(H) A description of each recommendation included the Army Regulation 15-6 investigation report conducted by United States Africa Command regarding the incident in Niger on October 4, 2017, the current implementation status of such recommendation, and a projected implementation timeline for any recommendation not yet implemented or a justification for not implementing such recommendation.

(I) An identification of the measures taken, consistent with such investigation report, to mitigate risk to and increase the preparedness of members of the Armed Forces conducting missions, operations, or activities in Niger and throughout Africa.

(J) Any other matter the Secretary determines to be appropriate.

(2) SCOPE OF REPORT.—The report required by paragraph (1) may also include information with respect to United States missions, operations, and activities in other countries in the region, as appropriate.

(b) FORM.—The report required by subsection (a)(1) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1277. REPORT ON THE SECURITY RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF CYPRUS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the security relationship between the United States and the Republic of Cyprus.

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

(1) A description of ongoing military and security cooperation between the United States and the Republic of Cyprus.

(2) A discussion of potential steps for enhancing the bilateral security relationship between the United States and the Republic of Cyprus, including steps to enhance the military and security capabilities of the Republic of Cyprus.

(3) An analysis of the effectiveness of the United States arms embargo policy to deny applications for licenses and other approvals for the export of defense articles and defense services to the armed forces of the Republic of Cyprus, and the impact of such United States policy on—

(A) the bilateral security relationship between the United States and the Republic of Cyprus; and

(B) the ability of the United States and partners of the United States to achieve shared security objectives in the Eastern Mediterranean region.

(4) An analysis of the extent to which such United States policy is consistent with overall United States security and policy objectives in the Eastern Mediterranean region.

(5) An assessment of the potential impact of lifting such United States policy on United States interests relating to the Republic of Cyprus and the Eastern Mediterranean region.

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

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1278. SENSE OF CONGRESS ON DETENTION OF UNITED STATES CITIZENS BY THE GOVERNMENT OF THE REPUBLIC OF TURKEY.

It is the sense of Congress that—

(1) the Government of the Republic of Turkey continues to unlawfully and wrongfully detain United States citizens, including Andrew Brunson and Serkan Golge, and staff of United States missions in the Republic of Turkey; and

(2) consistent with the obligations of the Government of the Republic of Turkey under the North Atlantic Treaty, which commits North Atlantic Treaty Organization allies to safeguard "the principles of democracy, individual liberty, and the rule of law", the Government of the Republic of Turkey should immediately release all United States citizens who have been wrongfully detained and resolve such cases in a timely, fair, and transparent manner.

SEC. 1279. TECHNICAL AMENDMENTS RELATED TO NATO SUPPORT AND PROCUREMENT ORGANIZATION AND RELATED NATO AGREEMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2350d of title 10, United States Code, is amended—

(1) by striking "NATO Support Organization" each place it appears and inserting "NATO Support and Procurement Organization";

(2) by striking "Support Partnership Agreement" each place it appears and inserting "Support or Procurement Partnership Agreement"; and

(3) in subsection (a)(1), by striking "Support Partnership Agreements" and inserting "Support or Procurement Partnership Agreements".

(b) ARMS EXPORT CONTROL ACT.—Section 21(e)(3) of the Arms Export Control Act (22 U.S.C. 2761(e)(3)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "North Atlantic Treaty Organization (NATO) Support Organization" and inserting "North Atlantic Treaty Organization (NATO) Support and Procurement Organization"; and

(B) in clause (i), by striking "support partnership agreement" and inserting "support or procurement partnership agreement"; and

(2) in subparagraph (C)(i), in the matter preceding subclause (I)—

(A) by striking " 'weapon system partnership agreement' " and inserting " 'support or procurement partnership agreement' "; and

(B) by striking "North Atlantic Treaty Organization (NATO) Support Organization" and inserting "North Atlantic Treaty Organization (NATO) Support and Procurement Organization".

SEC. 1280. REPORT ON PERMANENT STATIONING OF UNITED STATES FORCES IN THE REPUBLIC OF POLAND.

(a) IN GENERAL.—Not later than March 1, 2019, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees a report on the feasibility and advisability of permanently stationing United States forces in the Republic of Poland.

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

(1) An assessment of the types of permanently stationed United States forces in Poland required to deter aggression by the Russian Federation and execute Department of Defense contingency plans, including combat enabler units in capability areas such as—

(A) combat engineering;

(B) logistics and sustainment;

(C) warfighting headquarters elements;

(D) long-range fires;

(E) air and missile defense;

(F) intelligence, surveillance, and reconnaissance; and

(G) electronic warfare.

(2) An assessment of the feasibility and advisability of permanently stationing a United States Army brigade combat team in the Republic of Poland that includes the following:

(A) An assessment whether a permanently stationed United States Army brigade combat team in Poland would enhance deterrence against Russian aggression in Eastern Europe.

(B) An assessment of the actions the Russian Federation may take in response to a United States decision to permanently station a brigade combat team in Poland.

(C) An assessment of the international political considerations of permanently stationing such a brigade combat team in Poland, including within the North Atlantic Treaty Organization (NATO).

(D) An assessment whether such a brigade combat team in Poland would support implementation of the National Defense Strategy.

(E) A description and assessment of the manner in which such a brigade combat team in Poland would affect the ability of the Joint Force to execute Department of Defense contingency plans in Europe.

(F) A description and assessment of the manner in which such a brigade combat team in Poland would affect the ability of the Joint Force to respond to a crisis inside the territory of a North Atlantic Treaty Organization ally that occurs prior to the invocation of Article 5 of the Washington Treaty by the North Atlantic Council.

(G) An identification and assessment of—

(i) potential locations in Poland for stationing such a brigade combat team;

(ii) the logistics requirements, including force enablers, equipment, supplies, storage, and maintenance, that would be required to support such a brigade combat team in Poland;

(iii) infrastructure investments by the United States and Poland, including new construction or upgrades of existing sites, that would be required to support such a brigade combat team in Poland;

(iv) any new agreements, or changes to existing agreements, between the United States and Poland that would be required for a such a brigade combat team in Poland;

(v) any changes to the posture or capabilities of the Joint Force in Europe that would be required to support such a brigade combat team in Poland; and

(vi) the timeline required to achieve the permanent stationing of such a brigade combat team in Poland.

(H) An assessment of the willingness and ability of the Government of Poland to provide host nation support for such a brigade combat team.

(I) An assessment whether future growth in United States Army end strength may be used to source additional forces for such a brigade combat team in Poland.

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

SEC. 1281. REPORT ON STRENGTHENING NATO CYBER DEFENSE.

(a) IN GENERAL.—Not later than March 31, 2019, the Secretary of Defense shall submit to the congressional defense committees a report detailing the Department's efforts to enhance the United States' leadership and collaboration with the North Atlantic Treaty Organization with respect to the development of a comprehensive,

cross-domain strategy to build cyber-defense capacity and deter cyber attacks among Organization member countries.

(b) CONTENTS.—The report required by subsection (a) shall address the following:

(1) Improving cyber situational awareness among Organization member countries.

(2) Implementation of the cyber operational-domain roadmap of the Organization with respect to doctrine, political oversight and governance, planning, rules of engagement, and integration across Organization member countries.

(3) Planned cooperative efforts to combat information warfare across Organization member countries.

(4) The development of cyber capabilities, including cooperative development efforts and technology transfer.

(5) Supporting stronger cyber partnerships with non-Organization member countries, as appropriate.

SEC. 1282. REPORT ON STATUS OF THE UNITED STATES RELATIONSHIP WITH THE REPUBLIC OF TURKEY.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the status of the United States relationship with the Republic of Turkey.

(2) MATTERS TO BE INCLUDED.—The report required under this subsection shall include the following:

(A) An assessment of United States military and diplomatic presence in the Republic of Turkey, including all military activities conducted from Incirlik Air Base or elsewhere.

(B) An assessment of the potential purchase by the Government of the Republic of Turkey of the S-400 air and missile defense system from the Russian Federation and the potential effects of such purchase on the United States-Turkey bilateral relationship, including an assessment of impacts on other United States weapon systems and platforms operated jointly with the Republic of Turkey to include—

(i) the F-35 Lightning II Joint Strike aircraft, including an assessment of the operational and counterintelligence risks posed by the deployment of the S-400 air and missile defense system in the Republic of Turkey and the steps required to mitigate those risks, if possible;

(ii) the Patriot surface-to-air missile system;

(iii) the CH-47 Chinook heavy lift helicopter;

(iv) the AH-64 Attack helicopter;

(v) the H-60 Black Hawk utility helicopter; and

(vi) the F-16 Fighting Falcon aircraft.

(C) An assessment of the Republic of Turkey's participation in the F-35 program, including—

(i) a description of industrial participation of Turkish industry in the manufacturing and assembly of the F-35 program;

(ii) an assessment of tooling and other manufacturing materials held by Turkish industry; and

(iii) an assessment of the impacts of a significant change in participation by the Republic of Turkey in the F-35 program and the steps that would be required to mitigate negative impacts of such a change on the United States and other international program partners.

(D) An identification of potential alternative air and missile defense systems that could be purchased by the Government of the Republic of Turkey, including air and missile defense systems operated by the United States or other North Atlantic Treaty Organization (NATO) member states.

(3) FORM.—The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(b) LIMITATION.—The Department of Defense may not deliver any F-35 aircraft to the Republic of Turkey, until such time as the report identified in subsection (a) has been submitted.

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

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives.

SEC. 1283. SENSE OF THE CONGRESS CONCERNING MILITARY-TO-MILITARY DIALOGUES.

It is the sense of Congress that—

(1) military-to-military dialogues, including in the case of allies, partners, and adversaries and potential adversaries, can be a useful and important tool for advancing United States national security objectives in a complex, interactive, and dynamic security environment;

(2) frameworks for military-to-military dialogues should be flexible and adaptable to such a security environment and should be informed by national security guidance, such as the 2017 National Security Strategy and the 2018 National Defense Strategy; and

(3) military-to-military dialogues can and should be reliable, enduring, and tailorable based on circumstance, so that such dialogues can be trusted and available when needed, particularly amid escalating tensions.

SEC. 1284. MODIFICATIONS TO GLOBAL ENGAGEMENT CENTER.

Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended—

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) PURPOSE.—The purpose of the Center shall be to direct, lead, synchronize, integrate, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and foreign non-state propaganda and disinformation efforts aimed at undermining or influencing the

policies, security, or stability of the United States and United States allies and partner nations.";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) Direct, lead, synchronize, integrate, and coordinate interagency and international efforts to track and evaluate counterfactual narratives abroad that threaten the policies, security, or stability of the United States and United States allies and partner nations.";

(B) by amending paragraph (4) to read as follows:

"(4) Identify current and emerging trends in foreign propaganda and disinformation in order to coordinate and shape the development of tactics, techniques, and procedures to expose and refute foreign propaganda and disinformation, and pro-actively support the promotion of credible, fact-based narratives and policies to audiences outside the United States.";

(C) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(D) by inserting after paragraph (5) the following new paragraph:

"(6) Measure and evaluate the activities of the Center, including the outcomes of such activities, and implement mechanisms to ensure that the activities of the Center are updated to reflect the results of such measurement and evaluation."; and

(E) by amending paragraph (8), as so redesignated, to read as follows:

"(8) Use information from appropriate interagency entities to identify the countries, geographic areas, and populations most susceptible to propaganda and disinformation, as well as the countries, geographic areas, and populations in which such propaganda and disinformation is likely to cause the most harm.";

(3) in subsection (d), by amending paragraphs (1) and (2) to read as follows:

"(1) DETAILEES AND ASSIGNEES.—Any Federal Government employee may be detailed or assigned to the Center with or without reimbursement, consistent with applicable laws and regulations regarding such employee, and such detail or assignment shall be without interruption or loss of status or privilege.

"(2) TEMPORARY PERSONNEL.—The Secretary of State should, when hiring temporary United States citizen personnel, preference the use of Foreign Service limited appointments both in the United States and abroad in accordance with section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949). The Secretary may hire United States citizens or aliens, as appropriate, including as personal services contractors, for purposes of personnel resources of the Center, if—

"(A) the Secretary determines that existing personnel resources or expertise are insufficient;

"(B) the period in which services are provided by a personal services contractor, including options, does not exceed 3 years, unless the Secretary determines that ex-

ceptional circumstances justify an extension of up to one additional year;

"(C) not more than 50 United States citizens or aliens are employed as personal services contractors under the authority of this paragraph at any time; and

"(D) the authority of this paragraph is only used to obtain specialized skills or experience or to respond to urgent needs.";

(4) in subsection (e), by amending paragraphs (1) and (2) to read as follows:

"(1) IN GENERAL.—For each of fiscal years 2019 and 2020, the Secretary of Defense is authorized to transfer, from amounts appropriated to the Secretary pursuant to the authorization under this Act, to the Secretary of State not more than $60,000,000, to carry out the functions of the Center.

"(2) NOTICE REQUIREMENT.—The Secretary of Defense shall notify the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Oversight and Government Reform of the House of Representatives of a proposed transfer under paragraph (1) not less than 15 days prior to making such transfer.";

(5) in subsection (f), by amending paragraphs (1) and (2) to read as follows:

"(1) AUTHORITY FOR GRANTS.—The Center is authorized to provide grants or contracts of financial support to civil society groups, media content providers, nongovernmental organizations, federally funded research and development centers, private companies, or academic institutions for the following purposes:

"(A) To support local entities and linkages among such entities, including independent media entities, that are best positioned to refute foreign propaganda and disinformation in affected communities.

"(B) To collect and store examples of print, online, and social media disinformation and propaganda directed at the United States or United States allies and partner nations.

"(C) To analyze and report on tactics, techniques, and procedures of foreign information warfare and other efforts with respect to disinformation and propaganda.

"(D) To support efforts by the Center to counter efforts by foreign entities to use disinformation and propaganda to undermine or influence the policies, security, and social and political stability of the United States and United States allies and partner nations.

"(2) FUNDING AVAILABILITY AND LIMITATIONS.—The Secretary of State shall provide that each entity that receives funds under this subsection is selected in accordance with the relevant existing regulations through a process that ensures such entity has the credibility and capability to carry out effectively and in accordance with United States interests and ob-

jectives the purposes specified in paragraph (1) for which such entity received such funding.";

(6) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(7) by inserting after subsection (g) the following new subsection:

"(h) CONGRESSIONAL BRIEFINGS.—The Secretary of State, together with the heads of other relevant Federal departments and agencies, shall provide a briefing to the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Oversight and Government Reform of the House of Representatives not less often than annually regarding the activities of the Global Engagement Center. The briefings required under this subsection shall terminate on the date specified in subsection (j).".

SEC. 1285. SENSE OF CONGRESS ON COUNTERING HYBRID THREATS AND MALIGN INFLUENCE.

It is the sense of Congress that the Secretary of Defense and the Secretary of State should—

(1) work together to build and lead an international effort among like-minded democratic countries to increase awareness of and resilience to the Kremlin's malign influence operations; and

(2) urgently prioritize submission of the report required by section 1239A(d) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1671) on a comprehensive strategy to counter malign activities of Russia.

SEC. 1286. [10 U.S.C. 2358 note] INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

(a) INITIATIVE REQUIRED.—The Secretary of Defense shall, in consultation with other appropriate government organizations, establish an initiative to work with institutions of higher education who perform defense research and engineering activities—

(1) to support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security;

(2) to limit undue influence, including through foreign talent programs, by countries to exploit United States technology within the Department of Defense research, science and technology, and innovation enterprise; and

(3) to support efforts toward development of domestic talent in relevant scientific and engineering fields.

(b) INSTITUTIONS AND ORGANIZATIONS.—The initiative required by subsection (a) shall be developed and executed to the maximum extent practicable with academic research institutions and other educational and research organizations.

(c) REQUIREMENTS.—The initiative required by subsection (a) shall include development of the following:

(1) Information exchange forum and information repositories to enable awareness of security threats and influence op-

erations being executed against the United States research, technology, and innovation enterprise.

(2) Training developed and delivered in consultation with institutions of higher education and appropriate Government agencies, and other support to institutions of higher education, to promote security and limit undue influence on institutions of higher education and personnel, including Department of Defense financial support to carry out such activities, that—

(A) emphasizes best practices for protection of sensitive national security information;

(B) includes the dissemination of unclassified materials and resources for identifying and protecting against emerging threats to institutions of higher education, including specific counterintelligence information and advice developed specifically for faculty and academic researchers based on actual identified threats; and

(C) includes requirements for appropriate senior officials of institutions of higher education to receive from appropriate Government agencies updated and periodic briefings that describe the espionage risks to academic institutions and associated personnel posed by technical intelligence gathering activities of near-peer strategic competitors.

(3) The capacity of Government agencies and institutions of higher education to assess whether individuals affiliated with Department of Defense programs have participated in or are currently participating in foreign talent programs or expert recruitment programs.

(4) Opportunities to collaborate with defense researchers and research organizations in secure facilities to promote protection of critical information and strengthen defense against foreign intelligence services.

(5) Regulations and procedures—

(A) for Government agencies and academic organizations and personnel to support the goals of the initiative; and

(B) that are consistent with policies that protect open and scientific exchange in fundamental research.

(6) Policies to limit or prohibit funding provided by the Department of Defense for institutions or individual researchers who knowingly violate regulations developed under the initiative, including regulations relating to foreign talent programs.

(7) Initiatives to support the transition of the results of institution of higher education research programs into defense capabilities.

(8)(A) A list of academic institutions of the People's Republic of China, the Russian Federation, and other countries that—

(i) have a history of improper technology transfer, intellectual property theft, or cyber or human espionage;

(ii) operate under the direction of the military forces or intelligence agency of the applicable country;

(iii) are known—

(I) to recruit foreign individuals for the purpose of transferring knowledge to advance military or intelligence efforts; or

(II) to provide misleading information or otherwise attempt to conceal the connections of an individual or institution to a defense or an intelligence agency of the applicable country; or

(iv) pose a serious risk of improper technology transfer of data, technology, or research that is not published or publicly available.

(B) The list described in subparagraph (A) shall be developed and continuously updated in consultation with the Bureau of Industry and Security of the Department of Commerce, the Director of National Intelligence, United States institutions of higher education that conduct significant Department of Defense research or engineering activities, and other appropriate individuals and organizations.

(9)(A) A list, developed and continuously updated in consultation with the National Academies of Science, Engineering, and Medicine and the appropriate Government agencies, of foreign talent programs that pose a threat to the national security interests of the United States, as determined by the Secretary.

(B) In developing and updating such list, the Secretary shall consider—

(i) the extent to which a foreign talent program—

(I) poses a threat to research funded by the Department of Defense; and

(II) engages in, or facilitates, cyber attacks, theft, espionage, attempts to gain ownership of or influence over companies, or otherwise interferes in the affairs of the United States; and

(ii) any other factor the Secretary considers appropriate.

(d) PROCEDURES FOR ENHANCED INFORMATION SHARING.—

(1) COLLECTION OF INFORMATION.—

(A) DEFENSE RESEARCH AND DEVELOPMENT ACTIVITIES.—Not later than October 1, 2020, for the purpose of maintaining appropriate security controls over research activities, technical information, and intellectual property, the Secretary, in conjunction with appropriate public and private entities, shall establish streamlined procedures to collect appropriate information relating to individuals, including United States citizens and foreign nationals, who participate in defense research and development activities.

(B) FUNDAMENTAL RESEARCH PROGRAMS.—With respect to fundamental research programs, the academic liaison designated under subsection (g) shall establish policies and procedures to collect, consistent with the best practices of Government agencies that fund academic research, appropriate information relating to individuals who participate in fundamental research programs.

(2) PROTECTION FROM RELEASE.—The procedures required by paragraph (1) shall include procedures to protect such information from release, consistent with applicable regulations.

(3) REPORTING TO GOVERNMENT INFORMATION SYSTEMS AND REPOSITORIES.—The procedures required by paragraph (1) may include procedures developed, in coordination with appropriate public and private entities, to report such information to existing Government information systems and repositories.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than April 30, 2020, and annually thereafter, the Secretary, acting through appropriate Government officials (including the Under Secretary for Research and Engineering), shall submit to the congressional defense committees a report on the activities carried out under the initiative required by subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the activities conducted and the progress made under the initiative.

(B) The findings of the Secretary with respect to the initiative.

(C) Such recommendations as the Secretary may have for legislative or administrative action relating to the matters described in subsection (a), including actions related to foreign talent programs.

(D) Identification and discussion of the gaps in legal authorities that need to be improved to enhance the security of research institutions of higher education performing defense research.

(E) A description of the actions taken by such institutions to comply with such best practices and guidelines as may be established by under the initiative.

(F) Identification of any incident relating to undue influence to security threats to academic research activities funded by the Department of Defense, including theft of property or intellectual property relating to a project funded by the Department at an institution of higher education.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in both unclassified and classified formats, as appropriate.

(f) PUBLICATION OF UPDATED LISTS.—

(1) SUBMITTAL TO CONGRESS.—Not later than January 1, 2021, and annually thereafter, the Secretary shall submit to the congressional defense committees the most recently updated lists described in paragraphs (8) and (9) of subsection (c).

(2) FORM.—Each list submitted under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(3) PUBLIC AVAILABILITY.—Each list submitted under paragraph (1) shall be published on a publicly accessible internet website of the Department of Defense in a searchable format.

(4) INTERVENING SUBMITTAL AND PUBLICATION.—The Secretary may submit and publish an updated list described in paragraph (1) more frequently than required by that paragraph, as the Secretary considers necessary.

(g) DESIGNATION OF ACADEMIC LIAISON.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary, acting through the Under Secretary of Defense for Research and Engineering, shall designate an academic liaison with principal responsibility for working with the academic and research communities to protect Department-sponsored academic research of concern from undue foreign influence and threats.

(2) QUALIFICATION.—The Secretary shall designate an individual under paragraph (1) who is an official of the Office of the Under Secretary of Defense for Research and Engineering.

(3) DUTIES.—The duties of the academic liaison designated under paragraph (1) shall be as follows:

(A) To serve as the liaison of the Department with the academic and research communities.

(B) To execute initiatives of the Department related to the protection of Department-sponsored academic research of concern from undue foreign influence and threats, including the initiative required by subsection (a).

(C) To conduct outreach and education activities for the academic and research communities on undue foreign influence and threats to Department-sponsored academic research of concern.

(D) To coordinate and align academic security policies with Department component agencies, the Office of Science and Technology Policy, the intelligence community, and appropriate Federal agencies.

(E) To the extent practicable, to coordinate with the intelligence community to share, not less frequently than annually, with the academic and research communities unclassified information, including counterintelligence information, on threats from undue foreign influence.

(F) Any other related responsibility, as determined by the Secretary in consultation with the Under Secretary of Defense for Research and Engineering.

(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 1287. REPORT ON HONDURAS, GUATEMALA, AND EL SALVADOR.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and other appropriate agencies, shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report regarding narcotics trafficking corruption and illicit campaign finance in Honduras, Guatemala, and El Salvador.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) the names of senior government officials in Honduras, Guatemala, and El Salvador who are known to have committed or facilitated acts of grand corruption or narcotics trafficking;

(2) the names of elected officials in Honduras, Guatemala, and El Salvador who are known to have received campaign funds that are the proceeds of narco-trafficking or other illicit activities in the last 2 years; and

(3) the names of individuals in Honduras, Guatemala, and El Salvador who are known to have facilitated the financing of political campaigns in any of the Northern Triangle countries with the proceeds of narco-trafficking or other illicit activities in the last 2 years.

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

SEC. 1288. MODIFICATION OF FREEDOM OF NAVIGATION REPORTING REQUIREMENTS.

Subsection (a) of section 1275 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2540), as amended by section 1262(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1689), is further amended by striking "the Committees on Armed Services of the Senate and the House of Representatives" and inserting "the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives".

SEC. 1289. COORDINATION OF EFFORTS TO NEGOTIATE FREE TRADE AGREEMENTS WITH CERTAIN SUB-SAHARAN AFRICAN COUNTRIES.

Section 1293 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 19 U.S.C. 3723 note) is amended by adding at the end the following:

"(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—

"(1) IN GENERAL.—After the date of the enactment of this subsection, with respect to those countries identified under section 110(b)(1) of the Trade Preferences Extension Act of 2015 (Public Law 114-27; 129 Stat. 370; 19 U.S.C. 3705 note) that also meet the country description in paragraph (2), the United States Trade Representative shall consult and coordinate with the Millennium Challenge Corporation and the United States Agency for International Development for the purpose of developing and carrying out the plan required by section 116(b) of the African Growth and Opportunity Act (19 U.S.C. 3723(b)).

"(2) COUNTRY DESCRIPTION.—A country is described in this paragraph if the country—

"(A) has entered into a Millennium Challenge Compact pursuant to section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708); or

"(B) is selected by the Board of Directors of the Millennium Challenge Corporation under subsection (c) of section 607 of that Act (22 U.S.C. 7706) from among the countries determined to be eligible countries under subsection (a) of that section.".

SEC. 1290. CERTIFICATIONS REGARDING ACTIONS BY SAUDI ARABIA AND THE UNITED ARAB EMIRATES IN YEMEN.

(a) RESTRICTION.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of State is unable under subsection (c) or (d) to certify that the Government of Saudi Arabia and the Government of the United Arab Emirates are undertaking the effort, measures, and actions described in subsection (c), no Federal funds may be obligated or expended after the deadline for the applicable certification to provide authorized in-flight refueling pursuant to section 2342 of title 10, United States Code, or other applicable statutory authority, of Saudi or Saudi-led coalition non-United States aircraft conducting missions in Yemen, other than missions related to—

(A) al Qaeda, al Qaeda in the Arabian Peninsula (AQAP), or the Islamic State in Iraq and Syria (ISIS);

(B) countering the transport, assembly, or employment of ballistic missiles or components in Yemen;

(C) helping coalition aircraft return safely to base in emergency situations;

(D) force protection of United States aircraft, ships, or personnel; or

(E) freedom of navigation for United States military and international commerce.

(2) WAIVER.—The Secretary may waive the restriction in paragraph (1) with respect to a particular certification if the Secretary—

(A) certifies to the appropriate committees of Congress that the waiver is in the national security interests of the United States; and

(B) submits to the appropriate committees of Congress a report, in written and unclassified form, setting forth—

(i) the effort in subsection (c)(1)(A), measures in subsection (c)(1)(B), or actions in subsections (c)(1)(C) or (c)(2), or combination thereof, about which the Secretary is unable to make the certification;

(ii) a detailed explanation why the Secretary is unable to make the certification about such effort, measures, or actions;

(iii) a description of the actions the Secretary is taking to encourage the Government of Saudi Arabia or the Government of the United Arab Emirates, as applicable, to undertake such effort, measures, or actions; and

(iv) a detailed justification for the waiver.

(b) REPORTING REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the President or the President's designee shall provide a briefing to the appropriate committees of Congress including, at a minimum—

(1) a description of Saudi Arabia and the United Arab Emirates' military and political objectives in Yemen and whether United States assistance to the Saudi-led coalition has resulted in significant progress towards meeting those objectives;

(2) a description of efforts by the Government of Saudi Arabia to avoid disproportionate harm to civilians and civilian objects in Yemen, and an assessment of whether United States assistance to the Saudi-led coalition has led to a demonstrable decrease in civilians killed or injured by Saudi-led airstrikes and damage to civilian infrastructure;

(3) an assessment of the United Nations Verification and Inspection Mechanism (UNVIM) in Yemen and an assessment of the need for existing secondary inspection and clearance processes and transshipment requirements on humanitarian and commercial vessels that have been cleared by UNVIM;

(4) a description of the sources of external support for the Houthi forces, including financial assistance, weapons transfers, operational planning, training, and advisory assistance;

(5) an assessment of the applicability of United States and international sanctions to Houthi forces that have committed grave human rights abuses, obstructed international aid, and launched ballistic missiles into Saudi territory, and an assessment of the applicability of United States and international sanctions to individuals or entities providing the Houthi forces with material support; and

(6) an assessment of the effect of the Saudi-led coalition's military operations in Yemen on the efforts of the United States to defeat al Qaeda in the Arabian Peninsula and the Islamic State of Iraq and the Levant.

(c) INITIAL CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a certification indicating whether—

(1) the Government of Saudi Arabia and the Government of the United Arab Emirates are undertaking—

(A) an urgent and good faith effort to support diplomatic efforts to end the civil war in Yemen;

(B) appropriate measures to alleviate the humanitarian crisis in Yemen by increasing access for Yemenis to food, fuel, medicine, and medical evacuation, including through the appropriate use of Yemen's Red Sea ports, including the port of Hudaydah, the airport in Sana'a, and external border crossings with Saudi Arabia; and

(C) demonstrable actions to reduce the risk of harm to civilians and civilian infrastructure resulting from military operations of the Government of Saudi Arabia and the Government of the United Arab Emirates in Yemen, including by—

(i) complying with applicable agreements and laws regulating defense articles purchased or transferred from the United States; and

(ii) taking appropriate steps to avoid disproportionate harm to civilians and civilian infrastructure; and

(2) in the case of Saudi Arabia, the Government of Saudi Arabia is undertaking appropriate actions to reduce any unnecessary delays to shipments associated with secondary inspection and clearance processes other than UNVIM.

(d) SUBSEQUENT CERTIFICATIONS.—Not later than 180 and 360 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a certification indicating whether the Government of Saudi Arabia and the Government of the United Arab Emirates are undertaking the effort, measures, and actions described in subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as authorizing the use of military force.

(f) FORM OF CERTIFICATIONS.—The certifications required under subsections (c) and (d) shall be written, detailed, and submitted in unclassified form.

(g) STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall submit to the appropriate committees of Congress an unclassified report listing United States objectives in Yemen and detailing a strategy to accomplish those objectives. The report shall be unclassified but may include a classified annex.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SEC. 1291. [8 U.S.C. 1182 note] TREATMENT OF RWANDAN PATRIOTIC FRONT AND RWANDAN PATRIOTIC ARMY UNDER IMMIGRATION AND NATIONALITY ACT.

(a) REMOVAL OF TREATMENT AS TERRORIST ORGANIZATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Rwandan Patriotic Front and the Rwandan Patriotic Army shall be excluded from the definition of terrorist organization (as defined in section 212(a)(3)(B)(vi)(III) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(III))) for purposes of such section 212(a)(3)(B) for any period before August 1, 1994.

(2) EXCEPTION.—

(A) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security and the Attorney General, or the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, as applicable, may suspend the application of paragraph (1) for the Rwandan Patriotic Front or the Rwandan Patriotic Army in the sole and unreviewable discretion of such applicable Secretary.

(B) REPORT.—Not later than, or contemporaneously with, a suspension of paragraph (1) under subparagraph (A), the Secretary of State or the Secretary of Homeland Security, as applicable, shall submit to the appropriate committees of Congress a report on the justification for such suspension.

(b) RELIEF FROM INADMISSIBILITY.—

(1) ACTIVITIES BEFORE AUGUST 1, 1994.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) shall not apply to an alien with respect to any activity undertaken by the alien in association with the Rwandan Patriotic Front or the Rwandan Patriotic Army before August 1, 1994.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Paragraph (1) shall not apply if the Secretary of State or the Secretary of Homeland Security, as applicable, determines in the sole unreviewable discretion of such applicable Secretary that—

(i) in the totality of the circumstances, such alien—

(I) poses a threat to the safety and security of the United States; or

(II) does not merit a visa, admission to the United States, or a grant of an immigration benefit or protection; or

(ii) such alien committed, ordered, incited, assisted, or otherwise participated in the commission of—

(I) an offense described in section 2441 of title 18, United States Code; or

(II) an offense described in Presidential Proclamation 8697, dated August 4, 2011.

(B) IMPLEMENTATION.—Subparagraph (A) shall be implemented by the Secretary of State and the Secretary of Homeland Security, in consultation with the Attorney General.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1292. LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense may be obligated or expended to implement the Arms Trade Treaty, or to make any change to existing programs, projects, or activities as approved by Congress in furtherance of, pursuant to, or otherwise to implement such Treaty, unless the Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation, as required, by Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws and regulations up to United States standards.

SEC. 1293. PROHIBITION ON PROVISION OF WEAPONS AND OTHER FORMS OF SUPPORT TO CERTAIN ORGANIZATIONS.

None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2019 may be used to knowingly provide weapons or any other form of support to Al Qaeda, the Islamic State of Iraq and Syria (ISIS), Jabhat Fateh al Sham, or any individual or group affiliated with any such organization.

SEC. 1294. MODIFIED WAIVER AUTHORITY FOR CERTAIN SANCTIONABLE TRANSACTIONS UNDER SECTION 231 OF THE COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT.

(a) IN GENERAL.—Section 231 of the Countering America's Adversaries Through Sanctions Act (Public Law 115-44; 22 U.S.C. 9525) is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f), respectively; and

(2) by inserting after subsection (c), as amended, the following new subsection:

"(d) MODIFIED WAIVER AUTHORITY FOR CERTAIN SANCTIONABLE TRANSACTIONS UNDER THIS SECTION.—

"(1) IN GENERAL.—The President may use the authority under section 236(b) to waive the application of sanctions with respect to a person under this section without regard to section 216 if, not later than 30 days prior to the waiver taking effect, the President certifies in writing to the appropriate congressional committees and the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that—

"(A) the waiver is in the national security interests of the United States;

"(B) the significant transaction described in subsection (a) that the person engaged in with respect to which the waiver is being exercised—

"(i) is not a significant transaction with—

"(I) the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation;

"(II) the Federal Security Service of the Russian Federation;

"(III) the Foreign Intelligence Service of the Russian Federation;

"(IV) Autonomous Noncommercial Professional Organization/Professional Association of Designers of Data Processing (ANO PO KSI);

"(V) the Special Technology Center;

"(VI) Zorsecurity; or

"(VII) any person that the Secretary of State, in consultation with the Director of National Intelligence, determines—

"(aa) to be part of, or operating for or on behalf of, the defense or intelligence sector of the Government of the Russian Federation; and

"(bb) has directly participated in or facilitated cyber intrusions by the Government of the Russian Federation; and

"(ii) would not—

"(I) endanger the integrity of any multilateral alliance of which the United States is a part;

"(II) adversely affect ongoing operations of the Armed Forces of the United States, including coalition operations in which the Armed Forces of the United States participate;

"(III) result in a significant negative impact to defense cooperation between the United States and the country whose government has primary jurisdiction over the person; and

"(IV) significantly increase the risk of compromising United States defense systems and operational capabilities; and

"(C) the government with primary jurisdiction over the person—

"(i) is taking or will take steps to reduce its inventory of major defense equipment and advanced conventional weapons produced by the defense sector of the Russian Federation as a share of its total inventory of major defense equipment and advanced conventional weapons over a specified period; or

"(ii) is cooperating with the United States Government on other security matters that are critical to United States strategic interests.

"(2) FORM.—The certification described in paragraph (1) shall be transmitted in an unclassified form, and may contain a classified annex.

"(3) REPORT.—

"(A) IN GENERAL.—Not later than 120 days after the date on which the President submits a certification described in paragraph (1) with respect to the waiver of the application of sanctions with respect to a person under this section, and annually thereafter for two years, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate congressional committees and the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the waiver.

"(B) MATTERS TO BE INCLUDED.—The report required by subparagraph (A) shall include—

"(i) the extent to which such waiver has or has not resulted in the compromise of United States systems and operational capabilities, including through the diversion of United States sensitive technology to a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation; and

"(ii) the extent to which the government with primary jurisdiction over the person is taking specific actions to further the enforcement of this title.".

(b) [22 U.S.C. 9525 note] RULE OF CONSTRUCTION.—Nothing in subsection (d) of section 231 of the Countering America's Adversaries Through Sanctions Act (Public Law 115-44; 22 U.S.C. 9525), as added by subsection (a) of this section, shall be construed to modify, waive, or terminate any existing sanctions with respect to the Russian Federation, including any Russian person or entity, that are in effect on the date of the enactment of this Act.

(c) REPORT.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes those persons that the President has determined under section 231 of the Countering America's Adversaries Through Sanctions Act (Public Law 115-44; 22 U.S.C. 9525) have knowingly engaged, on or after August 2, 2017, in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as defined in guidance required under subsection (e) of that section, as redesignated by subsection (a)(1) of this section.

(2) UPDATES.—Not later than 90 days after the date of the submission of the report required by paragraph (1), and every 90 days thereafter for a period of 5 years, the President shall submit to the appropriate congressional committees an update to the report required by that paragraph.

(3) ELEMENTS.—The report required by paragraph (1) and each update required by paragraph (2) shall contain the following:

(A) A list of persons that the President has determined under section 231 of the Countering America's Adversaries Through Sanctions Act (Public Law 115-44; 22 U.S.C. 9525) have knowingly engaged, on or after August 2, 2017, in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as defined in guidance required under subsection (e) of that section, as redesignated by subsection (a)(1) of this section.

(B) For the initial report required by paragraph (1), a year-by-year and country-by-country description of significant transactions from persons described in paragraph (1), dating back to August 2, 2017, and for each update required by paragraph (2), such a description of significant transactions dating back to the date of submission of the most recent report submitted under paragraph (1) or the most recent update submitted under paragraph (2), as applicable.

(C) A description of the significant transactions described in subsection (a) of such section 231, including, for each such transaction, types of material and equipment involved, the monetary value of the transaction, and the duration of any contract involved.

(D) A description of the diplomatic efforts by the Government of the United States, if any, to persuade persons to no longer conduct significant transactions with persons

that are part of, or operate for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as defined in guidance required under subsection (e) of such section 231, as redesignated by subsection (a)(1) of this section.

(E) A description of significant transactions with persons that are part of, or operate for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, if any, that the Government of the United States through diplomatic efforts was able to persuade persons not to engage in, including a description of each such transaction and the monetary value of the transaction.

(4) FORM.—The initial report required by paragraph (1) and each update required under paragraph (2) shall be submitted in unclassified form, but may contain a classified annex.

(5) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" has the meaning given that term in section 221 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9521) and includes the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(d) [22 U.S.C. 9525 note] EXCEPTION RELATING TO IMPORTATION OF GOODS.—No provision affecting sanctions under this section or an amendment made by this section shall apply to any portion of a sanction that affects the importation of goods.

SEC. 1295. [22 U.S.C. 8784 note] RULE OF CONSTRUCTION RELATING TO THE USE OF FORCE.

Nothing in this Act may be construed to authorize the use of force against Iran or North Korea.

TITLE XIII—COOPERATIVE THREAT REDUCTION

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Funding allocations.
Sec. 1302. Specification of cooperative threat reduction funds.

SEC. 1301. FUNDING ALLOCATIONS.

Of the $335,240,000 authorized to be appropriated to the Department of Defense for fiscal year 2019 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $2,823,000.

(2) For chemical weapons destruction, $5,446,000.

(3) For global nuclear security, $29,001,000.

(4) For cooperative biological engagement, $197,585,000.

(5) For proliferation prevention, $74,937,000.

(6) For activities designated as Other Assessments/Administrative Costs, $25,448,000.

SEC. 1302. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2019, 2020, and 2021.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. Chemical agents and munitions destruction, defense.
Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.
Sec. 1404. Defense inspector general.
Sec. 1405. Defense health program.

Subtitle B—Armed Forces Retirement Home

Sec. 1411. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1412. Expansion of eligibility for residence at the Armed Forces Retirement Home.
Sec. 1413. Oversight of health care provided to residents of the Armed Forces Retirement Home.
Sec. 1414. Modification of authority on acceptance of gifts for the Armed Forces Retirement Home.
Sec. 1415. Relief for residents of the Armed Forces Retirement Home impacted by increase in fees.
Sec. 1416. Limitation on applicability of fee increase for residents of the Armed Forces Retirement Home.

Subtitle C—Other Matters

Sec. 1421. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois.
Sec. 1422. Economical and efficient operation of working capital fund activities.
Sec. 1423. Consolidation of reporting requirements under the Strategic and Critical Materials Stock Piling Act.
Sec. 1424. Quarterly briefing on progress of chemical demilitarization program.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the Defense Health Program for use of the Armed Forces and other activities and agencies of the Department of Defense for providing for the health of eligible beneficiaries, as specified in the funding table in section 4501.

Subtitle B—Armed Forces Retirement Home

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2019 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1412. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCES RETIREMENT HOME.

Section 1512 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412) is amended to read as follows:

"SEC. SEC. 1512. RESIDENTS OF RETIREMENT HOME

"(a) PERSONS ELIGIBLE TO BE RESIDENTS.—Except as provided in subsection (b), the following persons who served as members of the Armed Forces, at least one-half of whose service was not active commissioned service (other than as a warrant officer or limited-duty officer), are eligible to become residents of the Retirement Home:

"(1) Persons who are 60 years of age or over and were discharged or released from service in the Armed Forces after 20 or more years of active service.

"(2) Persons who are determined under rules prescribed by the Chief Operating Officer to be suffering from a service-connected disability incurred in the line of duty in the Armed Forces.

"(3) Persons who served in a war theater during a time of war declared by Congress or were eligible for hostile fire special pay under section 310 or 351 of title 37, United States Code, and who are determined under rules prescribed by the Chief Operating Officer to be suffering from injuries, disease, or disability.

"(4) Persons who served in a women's component of the Armed Forces before June 12, 1948, and are determined under rules prescribed by the Chief Operating Officer to be eligible for admission because of compelling personal circumstances.

"(b) PERSONS INELIGIBLE TO BE RESIDENTS.—The following persons are ineligible to become a resident of the Retirement Home:

"(1) A person who—

"(A) has been convicted of a felony; or

"(B) was discharged or released from service in the Armed Forces under other than honorable conditions.

"(2) A person with substance abuse or mental health problems, except upon a judgment and satisfactory determination by the Chief Operating Officer that—

"(A) the person has been evaluated by a qualified health professional selected by the Retirement Home;

"(B) the Retirement Home can accommodate the person's condition; and

"(C) the person agrees to such conditions of residency as the Retirement Home may require.

"(c) ACCEPTANCE.—To apply for acceptance as a resident of a facility of the Retirement Home, a person eligible to be a resident shall submit to the Administrator of that facility an application in such form and containing such information as the Chief Operating Officer may require.

"(d) PRIORITIES FOR ACCEPTANCE.—The Chief Operating Officer shall establish a system of priorities for the acceptance of residents so that the most deserving applicants will be accepted whenever the number of eligible applicants is greater than the Retirement Home can accommodate.

"(e) SPOUSES OF RESIDENTS.—

"(1) AUTHORITY TO ADMIT.—Except as otherwise established pursuant to subsection (d), the spouse of a person accepted as a resident of a facility of the Retirement Home may be admitted to that facility if the spouse—

"(A) is a covered beneficiary within the meaning of section 1072(5) of title 10, United States Code;

"(B) is not ineligible to become a resident as provided in subsection (b); and

"(C) submits an application for admittance in accordance with subsection (c).

"(2) TREATMENT AS RESIDENT.—A spouse admitted in accordance with paragraph (1) shall be a resident of the Retirement Home consistent with this Act, except as the Chief Operating Officer may otherwise provide.".

SEC. 1413. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS OF THE ARMED FORCES RETIREMENT HOME.

Section 1513A(c) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a(c)) is amended—

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

"(1) Facilitate and monitor the timely availability to residents of the Retirement Home such medical, mental health, and dental care services as such residents may require at locations other than the Retirement Home."

(2) in paragraph (2), by striking "Ensure" and inserting "Monitor".

SEC. 1414. MODIFICATION OF AUTHORITY ON ACCEPTANCE OF GIFTS FOR THE ARMED FORCES RETIREMENT HOME.

Paragraph (1) of section 1515(f) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415(f)) is amended to read as follows:

"(1) The Chief Operating Officer may accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property, or any income therefrom or other interest therein, for the benefit of the Retirement Home.".

SEC. 1415. [24 U.S.C. 414 note] RELIEF FOR RESIDENTS OF THE ARMED FORCES RETIREMENT HOME IMPACTED BY INCREASE IN FEES.

(a) PROHIBITION ON REMOVAL FOR INABILITY TO PAY FEE INCREASE.—A resident of the Armed Forces Retirement Home as of September 30, 2018, may not be removed or released from the Retirement Home after that date based solely upon the inability of the resident to pay the amount of any increase in fees applicable to residents of the Retirement Home that takes effect on October 1, 2018.

(b) OTHER RELIEF.—The Chief Operating Officer of the Armed Forces Retirement Home shall take all actions practicable to accommodate residents of the Retirement Home who are impacted by the fee structure applicable to residents of the Retirement Home that takes effect on October 1, 2018, including through hardship relief, additional deductions from gross income, and other appropriate actions.

SEC. 1416. [24 U.S.C. 414 note] LIMITATION ON APPLICABILITY OF FEE INCREASE FOR RESIDENTS OF THE ARMED FORCES RETIREMENT HOME.

(a) IN GENERAL.—In the case of an individual who was a resident of the Armed Forces Retirement Home as of April 9, 2018, the increase in fees for residents of the Home scheduled to take effect on October 1, 2018, shall occur on an incremental basis over the three-year period beginning on October 1, 2018, such that the total fee for such individual as a resident of the Home as of the end of such period covers the cost of care of such individual as a resident of the Home.

(b) NOTICE AND WAIT ON IMPLEMENTATION OF FUTURE INCREASES.—Any increase in the fees for residents of the Home that is scheduled to take effect after October 1, 2018, may not take effect until 90 days after the date on which a report on the increase is submitted to the Committees on Armed Services of the Senate and the House of Representatives.

Subtitle C—Other Matters

SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $113,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

SEC. 1422. ECONOMICAL AND EFFICIENT OPERATION OF WORKING CAPITAL FUND ACTIVITIES.

Section 2208(e) of title 10, United States Code, is amended by adding at the end the following: "The accomplishment of the most economical and efficient organization and operation of working capital fund activities for the purposes of this subsection shall include actions toward the following:

"(1) Undertaking efforts to optimize the rate structure for all requisitioning entities.

"(2) Encouraging a working capital fund activity to perform reimbursable work for other entities to sustain the efficient use of the workforce.

"(3) Determining the appropriate leadership level for approving work from outside entities to maximize efficiency.".

SEC. 1423. CONSOLIDATION OF REPORTING REQUIREMENTS UNDER THE STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

Section 11 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2) is amended—

(1) in subsection (a), by striking "January 15" and inserting "February 15"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "Not later" and all that follows through "report containing" and inserting "Each report under subsection (a) shall also include"; and

(B) in paragraph (2)—

(i) by striking "Each" in the first sentence and inserting "With respect to the plan described in paragraph (1), each"; and

(ii) by striking "Each such report" in the second sentence and inserting "With respect to such plan, each report".

SEC. 1424. QUARTERLY BRIEFING ON PROGRESS OF CHEMICAL DEMILITARIZATION PROGRAM.

Section 1412(j) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)) is amended—

(1) in the heading, by striking "Semiannual Reports" and inserting "Quarterly Briefing";

(2) in paragraph (1)—

(A) by striking "March 1" and all that follows through "the year in which" and inserting "90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019, and every 90 days thereafter until";

(B) by striking "submit to" and inserting "brief";

(C) by striking "a report on the implementation" and inserting "on the progress made"; and

(D) by striking "of its chemical weapons destruction obligations" and inserting "toward fulfilling its chemical weapons destruction obligations"; and

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

"(2) Each briefing under paragraph (1) shall include a description of contractor costs and performance relative to schedule, the progress to date toward the complete destruction of the stockpile, and any other information the Secretary determines to be relevant.".

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

Sec. 1501. Purpose.
Sec. 1502. Procurement.
Sec. 1503. Research, development, test, and evaluation.
Sec. 1504. Operation and maintenance.
Sec. 1505. Military personnel.
Sec. 1506. Working capital funds.
Sec. 1507. Drug interdiction and counter-drug activities, defense-wide.
Sec. 1508. Defense inspector general.
Sec. 1509. Defense health program.

Subtitle B—Financial Matters

Sec. 1511. Treatment as additional authorizations.
Sec. 1512. Special transfer authority.
Sec. 1513. Overseas contingency operations.

Subtitle C—Other Matters

Sec. 1521. Joint Improvised-Threat Defeat Organization.
Sec. 1522. Enduring costs funded through overseas contingency operations.

Sec. 1523. Comptroller General report on use of funds provided by overseas contingency operations.

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2019 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2019 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1508. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for the Office of the Inspector General of the De-

partment of Defense, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1512. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2019 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1513. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(ii)).

Subtitle C—Other Matters

SEC. 1521. JOINT IMPROVISED-THREAT DEFEAT ORGANIZATION.

(a) USE AND TRANSFER OF FUNDS.—

(1) IN GENERAL.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to amounts made available for fiscal year 2019 for the Depart-

ment of Defense for the Joint Improvised-Threat Defeat Organization.

(2) REFERENCES TO JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.—In the application of paragraph (1) to the use of funds described in that paragraph in fiscal year 2019, any reference in the subsections referred to in that paragraph to the Joint Improvised Explosive Device Defeat Fund shall be deemed to be a reference to the Joint Improvised-Threat Defeat Organization.

(b) INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS.—

(1) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2019 for the Department of Defense by this Act for the Joint Improvised-Threat Defeat Organization, $15,000,000 may be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide training, equipment, supplies, and services to ministries and other entities of foreign governments that the Secretary of Defense has identified as critical for countering the flow of improvised explosive device precursor chemicals.

(2) PROVISION THROUGH OTHER UNITED STATES AGENCIES.—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States Government, the Secretary of Defense may transfer amounts made available under paragraph (1) to such department or agency for the provision by such department or agency of training, equipment, supplies, and services to ministries and other entities of foreign governments as described in that paragraph.

(3) NOTICE TO CONGRESS.—None of the funds made available under paragraph (1) may be obligated or expended to supply training, equipment, supplies, or services to a foreign country before the date that is 15 days after the date on which the Secretary of Defense, in coordination with the Secretary of State, has submitted to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notice that includes each of the following:

(A) The name of the foreign country for which training, equipment, supplies, or services are proposed to be supplied.

(B) A description of the training, equipment, supplies, and services to be provided to such foreign country using such funds.

(C) A detailed description of the amounts proposed to be obligated or expended to supply such training, equipment, supplies, or services, including—

(i) any amounts proposed to be obligated or expended to support the participation of a department or agency of the United States Government other than the Department of Defense; and

(ii) a description of the training, equipment, supplies, or services proposed to be supplied.

(D) An evaluation of the effectiveness of the efforts of such foreign country to counter the flow of improvised explosive device precursor chemicals.

(E) An overall plan for countering the flow of precursor chemicals in such foreign country.

(4) EXPIRATION.—The authority provided by this subsection expires on December 31, 2019.

(c) TRANSITION PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a plan to transition funding for the Joint Improvised- Threat Defeat Organization from amounts made available for overseas contingency operations to amounts otherwise made available for the purposes of such Organization.

SEC. 1522. ENDURING COSTS FUNDED THROUGH OVERSEAS CONTINGENCY OPERATIONS.

(a) REPORT REQUIRED.—Not later than 14 days after the President submits to Congress the budget request for each of fiscal years 2020, 2021, 2022, 2023, and 2024, pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on enduring costs funded through overseas contingency operations.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) An estimate of the costs of operations currently supported in part or in whole by requested funding for overseas contingency operations that are likely to continue beyond such contingency, in accordance with the recommendation in the Government Accountability Office report entitled "Overseas Contingency Operations: OMB and DOD Should Revise the Criteria for Determining Eligible Costs and Identify the Costs Likely to Endure Long Term" published on January 18, 2017.

(2) With respect to programs, projects, or activities for which the source of the requested funds has shifted from overseas contingency operations funding in the previous fiscal year to base budget funding in the current fiscal year—

(A) a description of the criteria used by the Department of Defense and the Armed Forces in determining the programs, projects, and activities for which funds were requested in the budget request of the current fiscal year for overseas contingency operations, including any changes relative to the criteria issued in 2010 that was used by the Office of Management and Budget to identify such programs, projects, and activities for such funding requests;

(B) a list of each such program, project, or activity and the amount requested for each such program, project, or activity, at the following levels of detail:

(i) For procurement, by line item.

(ii) For research, development, test, and evaluation, by program element number.

(iii) For operation and maintenance, by sub-activity group.

(iv) For military personnel, by sub-activity group.

(v) For revolving and management funds, by sub-activity group.

(vi) For military construction, by project.

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

SEC. 1523. COMPTROLLER GENERAL REPORT ON USE OF FUNDS PROVIDED BY OVERSEAS CONTINGENCY OPERATIONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on how funds authorized to be appropriated for fiscal year 2018 for overseas contingency operations were obligated.

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

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

Sec. 1601. Improvements to acquisition system, personnel, and organization of space forces.
Sec. 1602. Modifications to Space Rapid Capabilities Office.
Sec. 1603. Rapid, responsive, and reliable space launch.
Sec. 1604. Provision of space situational awareness services and information.
Sec. 1605. Budget assessments for national security space programs.
Sec. 1606. Improvements to commercial space launch operations.
Sec. 1607. Space warfighting policy, review of space capabilities, and plan on space warfighting readiness.
Sec. 1608. Use of small- and medium-size buses for strategic and tactical satellite payloads.
Sec. 1609. Enhancement of positioning, navigation, and timing capacity.
Sec. 1610. Designation of component of Department of Defense responsible for coordination of modernization efforts relating to military-code capable GPS receiver cards.
Sec. 1611. Designation of component of Department of Defense responsible for coordination of hosted payload information.
Sec. 1612. Limitation on availability of funds for Joint Space Operations Center mission system.
Sec. 1613. Evaluation and enhanced security of supply chain for protected satellite communications programs and overhead persistent infrared systems.
Sec. 1614. Report on protected satellite communications.
Sec. 1615. Report on enhancements to the Global Positioning System Operational Control Segment.
Sec. 1616. Report on persistent weather imagery for United States Central Command.
Sec. 1617. Study on space-based radio frequency mapping.
Sec. 1618. Independent study on space launch locations.
Sec. 1619. Briefing on commercial satellite servicing capabilities.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

Sec. 1621. Role of Under Secretary of Defense for Intelligence.
Sec. 1622. Security vetting for foreign nationals.
Sec. 1623. Department of Defense Counterintelligence polygraph program.
Sec. 1624. Defense intelligence business management systems.
Sec. 1625. Modification to annual briefing on the intelligence, surveillance, and reconnaissance requirements of the combatant commands.
Sec. 1626. Framework on governance, mission management, resourcing, and effective oversight of combat support agencies that are also elements of the intelligence community.

Subtitle C—Cyberspace-Related Matters

Sec. 1631. Reorganization and consolidation of certain cyber provisions.
Sec. 1632. Affirming the authority of the Secretary of Defense to conduct military activities and operations in cyberspace.
Sec. 1633. Department of Defense Cyber Scholarship Program scholarships and grants.
Sec. 1634. Amendments to pilot program regarding cyber vulnerabilities of Department of Defense critical infrastructure.
Sec. 1635. Modification of acquisition authority of the Commander of the United States Cyber Command.
Sec. 1636. Policy of the United States on cyberspace, cybersecurity, cyber warfare, and cyber deterrence.
Sec. 1637. Budget display for cyber vulnerability evaluations and mitigation activities for major weapon systems of the Department of Defense.
Sec. 1638. Determination of responsibility for the Department of Defense Information Networks.
Sec. 1639. Procedures and reporting requirement on cybersecurity breaches and loss of personally identifiable information and controlled unclassified information.
Sec. 1640. Program to establish cyber institutes at institutions of higher learning.
Sec. 1641. Matters pertaining to the SharkSeer cybersecurity program.
Sec. 1642. Active defense against the Russian Federation, People's Republic of China, Democratic People's Republic of Korea, and Islamic Republic of Iran attacks in cyberspace.
Sec. 1643. Designation of official for matters relating to integrating cybersecurity and industrial control systems within the Department of Defense.
Sec. 1644. Assistance for small manufacturers in the defense industrial supply chain and universities on matters relating to cybersecurity.
Sec. 1645. Email and Internet website security and authentication.
Sec. 1646. Security product integration framework.
Sec. 1647. Information security continuous monitoring and cybersecurity scorecard.
Sec. 1648. Tier 1 exercise of support to civil authorities for a cyber incident.
Sec. 1649. Pilot program on modeling and simulation in support of military homeland defense operations in connection with cyber attacks on critical infrastructure.
Sec. 1650. Pilot program authority to enhance cybersecurity and resiliency of critical infrastructure.
Sec. 1651. Pilot program on regional cybersecurity training center for the Army National Guard.
Sec. 1652. Cyberspace Solarium Commission.
Sec. 1653. Study and report on reserve component cyber civil support teams.
Sec. 1654. Identification of countries of concern regarding cybersecurity.
Sec. 1655. Mitigation of risks to national security posed by providers of information technology products and services who have obligations to foreign governments.
Sec. 1656. Report on Cybersecurity Apprentice Program.
Sec. 1657. Report on enhancement of software security for critical systems.

Subtitle D—Nuclear Forces

Sec. 1661. Under Secretary of Defense for Research and Engineering and the Nuclear Weapons Council.
Sec. 1662. Long-range standoff weapon requirements.
Sec. 1663. Acceleration of ground-based strategic deterrent program and long-range standoff weapon program.
Sec. 1664. Procurement authority for certain parts of intercontinental ballistic missile fuzes.
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Subtitle A—Space Activities

SEC. 1601. IMPROVEMENTS TO ACQUISITION SYSTEM, PERSONNEL, AND ORGANIZATION OF SPACE FORCES.

(a) ESTABLISHMENT OF SUBORDINATE UNIFIED COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 169. [10 U.S.C. 169] SUBORDINATE UNIFIED COMMAND OF THE UNITED STATES STRATEGIC COMMAN

"(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under the United States Strategic Command a subordinate unified command to be known as the United States Space Command (in this section referred to as 'space command') for carrying out joint space warfighting operations.

"(b) ASSIGNMENT OF FORCES.—Unless otherwise directed by the Secretary of Defense, all active and reserve space warfighting oper-

ational forces of the armed forces shall be assigned to the space command.

"(c) COMMANDER.—(1) The commander of the space command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating the permanent grade of the officer. The commander shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The position shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

"(2) During the three-year period following the date on which the space command is established, the commander of the Air Force Space Command may also serve as the commander of the space command so established. After such period, one individual may not concurrently serve as both such commanders.

"(d) AUTHORITY OF COMMANDER.—(1) Subject to the authority, direction, and control of the commander of the United States Strategic Command, the commander of the space command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to joint space warfighting operations.

"(2)(A) Subject to the authority, direction, and control of the Deputy Secretary of Defense, the commander of the space command shall be responsible for, and shall have the authority to conduct, the following functions relating to joint space warfighting operations (whether or not relating to the space command):

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

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

"(iii) Exercising authority, direction, and control over the expenditure of funds for forces assigned directly to the space command.

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

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

"(vi) Validating requirements.

"(vii) Establishing priorities for requirements.

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

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

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

"(B) The authority, direction, and control exercised by the Deputy Secretary of Defense for purposes of this paragraph is authority, direction, and control with respect to the administration and support of the space command, including readiness and organization of space operations forces, space operations-peculiar equipment and resources, and civilian personnel.

"(C) Nothing in this paragraph shall be construed as providing the Deputy Secretary of Defense authority, direction, and control of operational matters that are subject to the operational chain of command of the combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not space-operations peculiar and that are in the purview of the armed forces.

"(3) The commander of the space command shall be responsible for—

"(A) ensuring the combat readiness of forces assigned to the space command; and

"(B) monitoring the preparedness to carry out assigned missions of space forces assigned to unified combatant commands other than the United States Strategic Command.

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

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

(2) [10 U.S.C. 161] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by inserting after the item relating to section 167b the following new item:

"169. Subordinate unified command of the United States Strategic Command".

(3) BRIEFING.—The Secretary of the Air Force shall provide the Committees on Armed Services of the House of Representatives and the Senate a briefing on the need to develop additional recruitment measures or Reserve Officer Training Corps programs relating to space career fields.

(b) PLAN FOR ACQUISITION SYSTEM.—

(1) DEVELOPMENT.—The Deputy Secretary of Defense shall develop a plan to establish a separate, alternative acquisition system for defense space acquisitions, including with respect to procuring space vehicles, ground segments relating to such vehicles, and satellite terminals.

(2) REQUIREMENTS PROCESS.—The plan developed under paragraph (1) shall include recommendations of the Deputy Secretary with respect to whether the separate, alternative acquisition system described in the plan should use the Joint Capabilities Integration and Development System process or instead use a new requirements process developed by the Deputy Secretary in a manner that ensures that requirements for a program are synchronized across the space vehicles, ground segments relating to such vehicles, and satellite terminals, of the program.

(3) EXCEPTION.—The plan developed under paragraph (1) shall cover defense space acquisitions except with respect to

the National Reconnaissance Office and other elements of the Department of Defense that are elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(4) SUBMISSION.—Not later than December 31, 2019, the Deputy Secretary shall submit to the congressional defense committees a report containing the plan developed under paragraph (1).

(c) PLAN FOR CADRE DEVELOPMENT.—

(1) DEVELOPMENT.—The Secretary of the Air Force shall develop a plan to increase the number and improve the quality of the space cadre of the Air Force.

(2) MATTERS INCLUDED.—The plan developed under paragraph (1) shall address the following:

(A) Managing the career progression of members of the Armed Forces and civilian employees of the Department who form the space cadre of the Air Force throughout the military or civilian career of the member or the employee, as the case may be, including with respect to—

(i) defining career professional milestones;

(ii) pay and incentive structures;

(iii) the management and oversight of the space cadre;

(iv) training relating to planning and executing warfighting missions and operations in space;

(v) conducting periodic cadre-wide professional assessments to determine how the cadre is developing as a group; and

(vi) establishing a centralized method to control personnel assignments and distribution.

(B) The identification of future space-related career fields that the Secretary determines appropriate, including a space acquisition career field.

(C) The identification of any overlap that exists among operations and acquisitions career fields to determine opportunities for cross-functional career opportunities.

(3) SUBMISSION.—Not later than March 1, 2019, the Secretary shall submit to the congressional defense committees a report containing the plan developed under paragraph (1).

SEC. 1602. MODIFICATIONS TO SPACE RAPID CAPABILITIES OFFICE.

Section 2273a of title 10, United States Code, is amended to read as follows:

"SEC. 2273a. SPACE RAPID CAPABILITIES OFFIC

"(a) IN GENERAL.—There is within the Air Force Space Command a program office known as the Space Rapid Capabilities Office (in this section referred to as the 'Office'). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.

"(b) HEAD OF OFFICE.—The head of the Office shall be the designee of the Secretary of the Air Force. The head of the Office shall report to the Commander of the Air Force Space Command.

"(c) MISSION.—The mission of the Office shall be—

"(1) to contribute to the development of low-cost, rapid reaction payloads, busses, launch, and launch control capabilities in order to fulfill joint military operational requirements for on-demand space support and reconstitution;

"(2) to coordinate and execute space rapid capabilities efforts across the Department of Defense with respect to planning, acquisition, and operations; and

"(3) to rapidly develop and field new classified space capabilities.

"(d) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

"(1) The Secretary of the Air Force shall designate the acquisition executive of the Office who shall provide streamlined acquisition authorities for projects of the Office.

"(2) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office.

"(3) The Commander of the United States Strategic Command, acting through the United States Space Command, shall—

"(A) establish and validate capability requirements; and

"(B) recommend priorities as the Commander determines appropriate.

"(e) REQUIRED PROGRAM ELEMENT.—(1) The Secretary of the Air Force shall ensure, within budget program elements for space programs, that—

"(A) there are separate, dedicated unclassified and classified program elements for space rapid capabilities; and

"(B) the Office executes the responsibilities of the Office through such program elements.

"(2) The Office shall manage the program elements required by paragraph (1).

"(f) BOARD OF DIRECTORS.—The Secretary of the Air Force shall establish for the Office a Board of Directors (to be known as the 'Space Rapid Capabilities Board of Directors') to provide coordination, oversight, and approval of projects of the Office.".

SEC. 1603. [10 U.S.C. 2273 note] RAPID, RESPONSIVE, AND RELIABLE SPACE LAUNCH.

(a) ASSURED ACCESS TO SPACE.—Section 2273 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "; and";

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

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

"(3) the availability of rapid, responsive, and reliable space launches for national security space programs to—

"(A) improve the responsiveness and flexibility of a national security space system;

"(B) lower the costs of launching a national security space system; and

"(C) maintain risks of mission success at acceptable levels."; and

(2) in subsection (c), by inserting before the period at the end the following: "and the Director of National Intelligence".

(b) REUSABILITY OF LAUNCH VEHICLES.—

(1) DESIGNATION.—Effective March 1, 2019, the Evolved Expendable Launch Vehicle program of the Department of Defense shall be known as the "National Security Space Launch program". Any reference in Federal law, regulations, guidance, instructions, or other documents of the Federal Government to the Evolved Expendable Launch Vehicle program shall be deemed to be a reference to the National Security Space Launch program.

(2) REQUIREMENT.—In carrying out the National Security Space Launch program, the Secretary of Defense shall provide for consideration of both reusable and expendable launch vehicles with respect to any solicitation occurring on or after March 1, 2019, for which the use of a reusable launch vehicle is technically capable and maintains risk at acceptable levels.

(3) NOTIFICATION OF SOLICITATIONS FOR NON-REUSABLE LAUNCH VEHICLES.—Beginning March 1, 2019, if the Secretary proposes to issue a solicitation for a contract for space launch services for which the use of reusable launch vehicles is not eligible for the award of the contract, the Secretary shall notify in writing the appropriate congressional committees of such proposed solicitation, including justifications for such ineligibility, by not later than 10 days after issuing such solicitation.

(c) RISK AND COST IMPACT ANALYSIS.—

(1) IN GENERAL.—The Secretary shall conduct a risk and cost impact analysis with respect to launch services that use reusable launch vehicles. Such analysis shall include—

(A) an assessment of how the inspection and certification regime of the Air Force for previously flown launch vehicles will ensure increased responsiveness and operational flexibility while maintaining acceptable risk; and

(B) an assessment of the anticipated cost savings to the Department of Defense realized by using a previously flown launch vehicle or components.

(2) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the analysis conducted under paragraph (1).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1604. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION.

(a) ROLE OF DEPARTMENT OF DEFENSE.—Section 2274(a) of title 10, United States Code, is amended—

(1) by striking "The Secretary of Defense may" and inserting "(1) Except as provided by paragraph (2), the Secretary of Defense may"; and

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

"(2) Beginning January 1, 2024, the Secretary may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities under paragraph (1) only to the extent that the Secretary determines such actions are necessary to meet the national security interests of the United States.".

(b) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for a department or agency of the United States Government other than the Department of Defense to provide space situational awareness services and information to non-United States Government entities.

(2) MATTERS INCLUDED.—The plan under paragraph (1) shall include the following:

(A) An assessment of the existing and planned staff, budgetary resources, and relevant institutional expertise of the department or agency covered by the plan with respect to providing space situational awareness services and information.

(B) An assessment of the demonstrated ability of such department or agency to work collaboratively with industry and academia in developing best practices or consensus standards.

(C) An assessment of the existing and planned capacity of such department or agency to facilitate communication between space object operators to avoid a collision.

(D) The ability of such department or agency to use other transaction agreements or similar transaction mechanisms to support space traffic management requirements.

(E) Any additional authorities that would be required to assume the responsibility described in paragraph (1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.

SEC. 1605. BUDGET ASSESSMENTS FOR NATIONAL SECURITY SPACE PROGRAMS.

Section 239(b)(1) of title 10, United States Code, is amended to read as follows:

"(1) Not later than 30 days after the date on which the President submits to Congress the budget for each of fiscal years 2017 through 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the budget for national security space programs of the Department of Defense. The Secretary

may include the report in the defense budget materials if the Secretary submits such materials to Congress by such date.".

SEC. 1606. IMPROVEMENTS TO COMMERCIAL SPACE LAUNCH OPERATIONS.

Section 1617 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1106; 51 U.S.C. 50918 note) is amended—

(1) in subsection (c)—

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

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) STREAMLINING.—

"(A) IN GENERAL.—With respect to any licensed activity under chapter 509 of title 51, United States Code, the Secretary of Defense may not impose any requirement on a licensee or transferee that is duplicative of, or overlaps in intent with, any requirement imposed by the Secretary of Transportation under that chapter.

"(B) WAIVER.—The Secretary of the Air Force may waive the limitation under subparagraph (A) if—

"(i) the Secretary determines that imposing a requirement described in that subparagraph is necessary to avoid negative consequences for the national security space program; and

"(ii) the Secretary notifies the Secretary of Transportation of such determination before making such waiver."; and

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

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Secretary of Defense to consult with the Secretary of Transportation with respect to requirements and approvals under chapter 509 of title 51, United States Code.".

SEC. 1607. [10 U.S.C. 2271 note] SPACE WARFIGHTING POLICY, REVIEW OF SPACE CAPABILITIES, AND PLAN ON SPACE WARFIGHTING READINESS.

(a) SPACE WARFIGHTING POLICY.—Not later than March 29, 2019, the Secretary of Defense shall develop a space warfighting policy.

(b) REVIEW OF SPACE CAPABILITIES.—

(1) IN GENERAL.—The Secretary shall conduct a review relating to the national security space enterprise that evaluates the following:

(A) The resiliency of the national security space enterprise with respect to a conflict.

(B) The ability of the national security space enterprise to attribute an attack on a space system in a timely manner.

(C) The ability of the United States—

(i) to resolve a conflict in space; and

(ii) to determine the material means by which such conflict may be resolved.

(D) Specific options for the national security space enterprise to provide the ability—

(i) to defend against aggressive behavior in space at all levels of conflict;

(ii) to defeat any adversary that demonstrates aggressive behavior in space at all levels of conflict;

(iii) to deter aggressive behavior in space at all levels of conflict; and

(iv) to develop a declassification strategy, if required to demonstrate deterrence.

(E) The effectiveness and efficiency of the national security space enterprise to rapidly research, develop, acquire, and deploy space capabilities and capacities—

(i) to deter and defend the national security space assets of the United States; and

(ii) to respond to any new threat to such space assets.

(F) The roles, responsibilities, and authorities of the Department of Defense with respect to space control activities.

(G) Any emerging space threat the Secretary expects the United States to confront during the 10-year period beginning on the date of the enactment of this Act.

(H) Such other matters as the Secretary considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than March 29, 2019, the Secretary shall submit to the congressional defense committees a report on the findings of the review under paragraph (1).

(B) FORM.—The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(c) PLAN ON SPACE WARFIGHTING READINESS.—

(1) IN GENERAL.—Not later than March 29, 2019, the Secretary of Defense shall develop, and commence the implementation of, a plan that—

(A) identifies joint mission-essential tasks for space as a warfighting domain;

(B) identifies any additional authorities, or delegated authorities, that would need to accompany the employment of forces to meet such mission-essential tasks;

(C) meets the readiness requirements for space warfighting, including with respect to equipment, training, and personnel, to meet such mission-essential tasks; and

(D) considers the contributions by allies and partners of the United States with respect to defense space capabilities to increase burden sharing across space systems, as appropriate.

(2) BRIEFING.—Not later than March 29, 2019, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other congressional defense committee upon request, a briefing describing the authorities identified under paragraph (1)(B) that the Secretary determines require legislative action.

SEC. 1608. USE OF SMALL- AND MEDIUM-SIZE BUSES FOR STRATEGIC AND TACTICAL SATELLITE PAYLOADS.

(a) BRIEFING ON RISKS, BENEFITS, AND COST SAVINGS.—

(1) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on the risks, benefits, and cost savings with respect to using small- and medium-size buses for strategic and tactical satellite payloads for protected satellite communications programs and next-generation overhead persistent infrared systems.

(2) MATTERS INCLUDED.—The briefing provided under paragraph (1) shall address the following:

(A) Increasing component and subcomponent commonality for power regulation, solar arrays, battery technology, thermal control, and avionics.

(B) The security of the supply chain, including a strategy to mitigate risk in such supply chain.

(C) Requirements for radiation hardening of critical components.

(b) ANALYSES OF ALTERNATIVES.—

(1) CERTIFICATIONS.—Upon the completion of each analysis of alternatives of new space vehicles relating to a program described in paragraph (2), the Director for Cost Assessment and Program Evaluation shall certify to the appropriate congressional committees that the analysis—

(A) includes materiel solutions for using small- and medium-size buses; and

(B) considers the relevant operational benefits and potential cost savings of using small-, medium-, and large-size buses.

(2) PROGRAMS DESCRIBED.—The programs described in this paragraph are the programs of the Department of Defense relating to any of the following:

(A) Protected satellite communications.

(B) Next-generation overhead persistent infrared systems.

(C) Space-based environmental monitoring.

(c) BRIEFING ON ALTERNATIVE SPACE-BASED ARCHITECTURES.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of the Air Force, and the Chairman of the Joint Chiefs of Staff shall jointly provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on alternative space-based architectures for the programs described in subsection (b)(2) using small-, medium-, and large-size buses.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1609. [10 U.S.C. 2281 note] ENHANCEMENT OF POSITIONING, NAVIGATION, AND TIMING CAPACITY.

(a) CAPABILITY FOR TRUSTED SIGNALS.—

(1) REQUIREMENT.—Except as provided by paragraph (2), subject to appropriate mitigation efforts, the Secretary of the Air Force shall ensure that military Global Positioning System user equipment terminals have the capability to receive trusted signals from the Galileo satellites of the European Union and the QZSS satellites of Japan, beginning with increment 2 of the acquisition of such terminals.

(2) WAIVER.—The Secretary of Defense may waive, on a case-by-case basis, the requirement under paragraph (1) for military Global Positioning System user equipment terminals to have the capability described in such paragraph if the Secretary submits to the congressional defense committees a report containing—

(A) the rationale for why the Secretary could not integrate such capability beginning with increment 2 of the acquisition of such terminals; and

(B) a plan, including a timeline, to incorporate the capability to add multi-Global Navigation Satellite System signals to provide substantive military utility in future increments of such terminals.

(3) LIMITATION ON DELEGATION.—The Secretary of Defense may not delegate the authority under paragraph (2) to make a waiver below the Deputy Secretary of Defense.

(b) CAPABILITY FOR OTHER SIGNALS.—The Secretary of the Air Force shall ensure that military Global Positioning System user equipment terminals having the capability to receive non-allied positioning, navigation, and timing signals, beginning with increment 2 of the acquisition of such terminals, if the Secretary of Defense, in consultation with the Commander of the United States Strategic Command, determines that—

(1) the benefits of receiving such signals outweigh the risks; or

(2) such risks can be appropriately mitigated.

(c) ENGAGEMENT.—The Secretary of Defense and the Secretary of State shall jointly engage with relevant allies of the United States to—

(1) enable military Global Positioning System user equipment terminals to receive the positioning, navigation, and timing signals of such allies; and

(2) negotiate as appropriate other potential agreements relating to the enhancement of positioning, navigation, and timing.

SEC. 1610. [10 U.S.C. 2281 note] DESIGNATION OF COMPONENT OF DEPARTMENT OF DEFENSE RESPONSIBLE FOR COORDINATION OF MODERNIZATION EFFORTS RELATING TO MILITARY-CODE CAPABLE GPS RECEIVER CARDS.

(a) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in coordination

with the Secretaries of the military departments and the heads of Defense Agencies the Secretary determines appropriate, shall designate a component of the Office of the Secretary of Defense to be responsible for coordinating common solutions for the M-code modernization efforts among the military departments, Defense Agencies, and other appropriate elements of the Department of Defense.

(b) ROLES AND RESPONSIBILITIES.—The roles and responsibilities of the component selected under subsection (a) shall include the following:

(1) Identify the elements of the Department of Defense and the programs of the Department that require M-code capable receiver cards and determine—

(A) the number of total receiver cards required by the Department, including the number required for each such element and program and the military departments;

(B) the timeline, by fiscal year, for each program of the Department conducting M-code modernization efforts; and

(C) the projected cost for each such program.

(2) Systematically collect integration test data, lessons learned, and design solutions, and share such information with other elements of the Department, including with respect to each program of the Department that requires M-code capable receiver cards.

(3) Identify ways the Department can prevent duplication in conducting M-code modernization efforts, and identify, to the extent practicable, potential cost savings that could be realized by addressing such duplication.

(4) Coordinate the integration, testing, and procurement of M-code capable receiver cards to ensure that the Department maximizes the buying power of the Department, reduces duplication, and saves resources, where possible.

(c) SUPPORT.—The Secretary of Defense shall ensure the military departments, the Defense Agencies, and other elements of the Department of Defense provide the component selected under subsection (a) with the appropriate support and resources needed to perform the roles and responsibilities under subsection (b), and shall clarify the roles of the Chief Information Officer and the Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise with respect to M-code modernization efforts.

(d) REPORTS.—Not later than March 15, 2019, and annually thereafter through 2021, the Secretary of Defense shall provide to the congressional defense committees a report on M-code modernization efforts. Each report shall include, with respect to the period covered by the report, the following:

(1) The projected cost and schedule, by fiscal year, for the Department to acquire M-code capable receiver cards.

(2) The programs of the Department conducting M-code modernization efforts.

(3) The number of M-code capable receiver cards procured by the Department, the number of such receiver cards yet to be procured, and the percentage of the M-code modernization efforts completed by each program identified under paragraph (2).

(e) DEFINITIONS.—In this section:

(1) The term "M-code capable receiver card" means a Global Positioning System receiver card that is capable of receiving military code that provides enhanced positioning, navigation, and timing capabilities and improved resistance to existing and emerging threats, such as jamming.

(2) The term "M-code modernization efforts" means the development, integration, testing, and procurement programs of the Department of Defense relating to developing M-code capable receiver cards.

SEC. 1611. [10 U.S.C. 2271 note] DESIGNATION OF COMPONENT OF DEPARTMENT OF DEFENSE RESPONSIBLE FOR COORDINATION OF HOSTED PAYLOAD INFORMATION.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of the Air Force, and other Secretaries of the military departments and the heads of Defense Agencies the Secretary determines appropriate, shall designate a component of the Department of Defense or a military department to be responsible for coordinating information, processes, and lessons learned relating to using commercially hosted payloads across the military departments, Defense Agencies, and other appropriate elements of the Department of Defense. The functions of such designated component shall include, at a minimum, the following:

(1) Systematically collecting information from past and planned hosted payload arrangements to inform future acquisition planning and space system architecture design, including integration test data, lessons learned, and design solutions.

(2) Creating a centralized database for cost, technical data, and lessons learned on commercially hosted payloads and sharing such information with other elements of the Department.

SEC. 1612. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

(a) JMS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Joint Space Operations Center mission system, not more than 50 percent may be obligated or expended until the date on which the Secretary of the Air Force makes the certification under subsection (c).

(b) ESBMC2.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for service and management applications of the enterprise space battle management command and control, not more than 75 percent may be obligated or expended until the date on which the Secretary of the Air Force makes the certification under subsection (c).

(c) CERTIFICATION.—The Secretary of the Air Force, without delegation, shall certify to the congressional defense committees that the Secretary has entered into a contract to operationalize existing, proven, best-in-breed commercial space situational awareness processing software to address warfighter requirements and fill gaps in current space situational capabilities.

SEC. 1613. EVALUATION AND ENHANCED SECURITY OF SUPPLY CHAIN FOR PROTECTED SATELLITE COMMUNICATIONS PROGRAMS AND OVERHEAD PERSISTENT INFRARED SYSTEMS.

(a) EVALUATIONS OF SUPPLY CHAIN VULNERABILITIES.—

(1) IN GENERAL.—Not later than December 31, 2020, and in accordance with the plan under paragraph (2)(A), the Secretary of Defense, in coordination with the Director of National Intelligence, shall conduct evaluations of the supply chain vulnerabilities of each covered program.

(2) PLAN.—

(A) DEVELOPMENT.—The Secretary shall develop a plan to carry out the evaluations under paragraph (1), including with respect to the personnel and resources required to carry out such evaluations.

(B) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on the plan under subparagraph (A).

(3) WAIVER.—The Secretary may waive, on a case-by-case basis with respect to a covered program, either the requirement to conduct an evaluation under paragraph (1) or the deadline specified in such paragraph if the Secretary certifies to the congressional defense committees before such date that all known supply chain vulnerabilities of such covered program have minimal consequences for the capability of such covered program to meet operational requirements or otherwise satisfy mission requirements.

(4) RISK MITIGATION STRATEGIES.—In carrying out an evaluation under paragraph (1), the Secretary shall develop—

(A) strategies for mitigating the risks of supply chain vulnerabilities identified in the course of such evaluation; and

(B) cost estimates for such strategies.

(b) PRIORITIZATION OF CERTAIN SUPPLY CHAIN RISK MANAGEMENT EFFORTS.—

(1) INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a Department of Defense Instruction, or update such an Instruction, establishing the prioritization of supply chain risk management programs, including supply chain risk management threat assessment reporting, to ensure that acquisition and sustainment programs relating to covered programs receive priority of such supply chain risk management programs and reporting.

(2) REQUIREMENTS.—

(A) ESTABLISHMENT.—The Secretary shall establish requirements to carry out supply chain risk management threat assessment collections and analyses under acquisition and sustainment programs relating to covered programs.

(B) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall provide to

the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on the requirements established under subparagraph (A).

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "covered programs" means programs of the Department of Defense relating to any of the following:

(A) Protected satellite communications.

(B) Next-generation overhead persistent infrared systems.

SEC. 1614. REPORT ON PROTECTED SATELLITE COMMUNICATIONS.

Not later than December 31, 2018, the Secretary of Defense shall submit to the congressional defense committees a report on how each of the following programs will meet the requirements for resilience, mission assurance, and the nuclear command, control, and communication missions of the Department of Defense:

(1) The evolved strategic satellite program.

(2) The protected tactical service program.

(3) The protected tactical enterprise service program.

SEC. 1615. REPORT ON ENHANCEMENTS TO THE GLOBAL POSITIONING SYSTEM OPERATIONAL CONTROL SEGMENT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that identifies whether the current Global Positioning System Operational Control Segment (in this section referred to as "OCS") can be incrementally improved to achieve capabilities similar to the Next Generation Operational Control Segment (in this section referred to as "OCX") used to operate the Global Positioning System III.

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

(1) A cybersecurity review of both OCS and OCX to determine the specific cybersecurity improvements needed to operate the system through 2030, including—

(A) the cybersecurity improvements to OCS needed to match the cybersecurity capabilities that OCX is intended to provide;

(B) any additional OCS cybersecurity protections needed beyond those OCX is intended to provide; and

(C) any additional OCX cybersecurity protections needed beyond those for which OCX is currently contracted.

(2) An incremental development plan for OCS, including—

(A) the number of additional incremental upgrades needed to achieve capabilities similar to OCX, including a discussion of—

(i) any additional capabilities needed;

(ii) the specific capabilities in each upgrade;

(iii) the duration of each upgrade; and

(iv) a full schedule to complete all upgrades;

(B) the estimated cost for each incremental OCS upgrade; and

(C) the total estimated cost across fiscal years for all OCS upgrades to achieve capabilities similar to OCX and any additional capabilities.

(3) The date by which the Department of Defense would have to begin contracting for each incremental OCS upgrade to ensure availability of OCS for the Global Positioning System III.

(4) A comparison of current improvements to OCS that are underway, and additional OCS incremental improvements described under paragraph (2), to the program of record OCX capabilities, including—

(A) the acquisition and sustainment cost by fiscal year through fiscal year 2030 for OCS and OCX;

(B) a comparison schedule between OCS (including incremental improvements described under paragraph (2)) and OCX that identifies the delivery dates and capability delivered; and

(C) the cost and schedule required to provide OCX with any additional needed capabilities that are now required and not currently in the program of record.

SEC. 1616. REPORT ON PERSISTENT WEATHER IMAGERY FOR UNITED STATES CENTRAL COMMAND.

(a) REPORT.—Not later than March 1, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on options to provide the United States Central Command with persistent weather imagery for the area of operations of the Command beginning not later than January 1, 2026.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A description of long-term options for providing the United States Central Command with persistent weather imagery for the area of operations of the Command that—

(A) do not rely on data provided by a foreign government; and

(B) do not include relocating legacy geostationary operational environmental satellites.

(2) A description of the costs required to carry out each option included in the report.

SEC. 1617. STUDY ON SPACE-BASED RADIO FREQUENCY MAPPING.

(a) STUDY.—The Secretary of Defense and the Director of National Intelligence shall jointly conduct a study on the capabilities of the private sector with respect to space-based radio frequency mapping and associated operations and services for space-based electromagnetic collections. Such study shall address the following:

(1) The near-term commercial market offerings of such operations and services in the United States and outside the United States.

(2) The potential national security benefits to the United States provided by such operations and services.

(3) The potential national security risks to the United States posed by such operations and services.

(4) The sufficiency of existing legal authorities available to the Secretary and the Director to address such potential risks.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Director shall jointly submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing the study under subsection (a).

SEC. 1618. INDEPENDENT STUDY ON SPACE LAUNCH LOCATIONS.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on space launch locations, including with respect to the development and capacity of existing and new locations. The study shall, at a minimum—

(1) identify how additional locations affect the capability of the Department of Defense to rapidly reconstitute and improve resilience for defense satellite system launches;

(2) identify the capacities of current and new space launch locations, in light of the rapid increase in using commercial space services to support national security space missions and military requirements;

(3) identify partnerships within State government-owned and operated spaceports that should be developed to increase launch capacities and enhance the space resiliency of the United States;

(4) provide recommendations on strategic placement for future space launch sites; and

(5) identify costs associated with additional locations and whether such costs should be borne by the Department of Defense, State governments, or private entities.

(b) SUBMISSION TO DOD.—Not later than 240 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the Secretary a report containing the study conducted under subsection (a).

(c) SUBMISSION TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the report under subsection (a), without change.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1619. BRIEFING ON COMMERCIAL SATELLITE SERVICING CAPABILITIES.

(a) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall jointly provide the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing detailing the costs, risks, and operational benefits of leveraging commercial satellite servicing capabilities for national security satellite systems.

(b) ELEMENTS.—The briefing under subsection (a) shall include the following:

(1) A prioritized list, with rationale, of operational and planned assets of the Department of Defense that could be enhanced by satellite servicing missions.

(2) The costs, risks, and benefits of integrating satellite servicing capabilities as a part of operational resilience.

(3) Potential strategies that could allow future national security space systems to leverage commercial on-orbit servicing capabilities where appropriate and feasible.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committee" means—

(1) the congressional defense committees;

(2) the Committee on Science, Space, and Technology and the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. ROLE OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

Subsection (b) of section 137 of title 10, United States Code, is amended to read as follows:

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall—

"(1) have responsibility for the overall direction and supervision for policy, program planning and execution, and use of resources, for the activities of the Department of Defense that are part of the Military Intelligence Program;

"(2) execute the functions for the National Intelligence Program of the Department of Defense under section 105 of the National Security Act of 1947 (50 U.S.C. 3038), as delegated by the Secretary of Defense;

"(3) have responsibility for the overall direction and supervision for policy, program planning and execution, and use of resources, for personnel security, physical security, industrial security, and the protection of classified information and con-

trolled unclassified information, related activities of the Department of Defense; and

"(4) perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.".

SEC. 1622. SECURITY VETTING FOR FOREIGN NATIONALS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1564a the following new section:

"SEC. 1564b. [10 U.S.C. 1564b] SECURITY VETTING FOR FOREIGN NATIONAL

"(a) STANDARDS AND PROCESS.—(1) The Secretary of Defense, in coordination with the Security Executive Agent established pursuant to Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note), shall develop uniform and consistent standards and a centralized process for the screening and vetting of covered foreign individuals requiring access to systems, facilities, personnel, information, or operations, of the Department of Defense, including with respect to the background investigations of covered foreign individuals requiring access to classified information.

"(2) The Secretary shall ensure that the standards developed under paragraph (1) are consistent with relevant directives of the Security Executive Agent.

"(3) The Secretary shall designate an official of the Department of Defense to be responsible for executing the centralized process developed under paragraph (1) and adjudicating any information discovered pursuant to such process.

"(b) OTHER USES.—In addition to using the centralized process developed under subsection (a)(1) for covered foreign individuals, the Secretary may use the centralized process in determining whether to grant a security clearance to any individual with significant foreign influence or foreign preference issues, in accordance with the adjudicative guidelines under part 147 of title 32, Code of Federal Regulations, or such successor regulation.

"(c) COVERED FOREIGN INDIVIDUAL DEFINED.—In this section, the term 'covered foreign individual' means an individual who meets the following criteria:

"(1) The individual is—

"(A) a national of a foreign state;

"(B) a national of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) and also a national of a foreign state; or

"(C) an alien who is lawfully admitted for permanent residence (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

"(2) The individual is either—

"(A) a civilian employee of the Department of Defense or a contractor of the Department; or

"(B) a member of the armed forces.".

(b) [10 U.S.C. 1561] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1564a the following new item:

"1564b. Security vetting for foreign nationals.".

(c) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on—

(A) the process developed under paragraph (1) of section 1564b(a) of title 10, United States Code, as added by subsection (a); and

(B) the official designated under paragraph (3) of such section 1564b(a).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Armed Services of the House of Representatives and the Senate.

(B) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1623. DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) ADDITION OF DUAL-NATIONALS.—Subsection (b) of section 1564a of title 10, United States Code, is amended to read as follows:

"(b) PERSONS COVERED.—Except as provided in subsection (d), the following persons are subject to this section:

"(1) With respect to persons whose duties are described in subsection (c)—

"(A) military and civilian personnel of the Department of Defense;

"(B) personnel of defense contractors;

"(C) persons assigned or detailed to the Department of Defense; and

"(D) applicants for a position in the Department of Defense.

"(2) A person who is—

"(A) a national of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) and also a national of a foreign state; and

"(B) either—

"(i) a civilian employee or contractor who requires access to classified information; or

"(ii) a member of the armed forces who requires access to classified information.".

(b) STANDARDS FOR DUAL-NATIONALS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(D) With respect to persons described in subsection (b)(2), to assist in assessing any counterintelligence threats identified in an authorized investigation of foreign preference or foreign influence risks, as described in part 147 of title 32, Code of Federal Regulations, or such successor regulations.".

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

(1) in subsection (c), by striking "in subsection (b)" and inserting "in subsection (b)(1)"; and

(2) in subsection (e)(2)(A), by striking "in subsections (b)" and inserting "in subsections (b)(1)".

(d) [10 U.S.C. 1564a note] RULE OF CONSTRUCTION.—Nothing in section 1564a of title 10, United States Code, as amended by this section, shall be construed to prohibit the granting of a security clearance to persons described in subsection (b)(2) of such section absent information relevant to the adjudication process, as described in part 147 of title 32, Code of Federal Regulations, or such successor regulations.

SEC. 1624. [10 U.S.C. 2222 note] DEFENSE INTELLIGENCE BUSINESS MANAGEMENT SYSTEMS.

(a) STANDARDIZED BUSINESS PROCESS RULES.—

(1) DEVELOPMENT.—Not later than October 1, 2020, the Chief Management Officer of the Department of Defense, in coordination with the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Intelligence, shall develop and implement standardized business process rules for the planning, programming, budgeting, and execution process for the Military Intelligence Program.

(2) TREATMENT OF DATA.—The Chief Management Officer shall develop the standardized business process rules under paragraph (1) in accordance with section 911 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1519; 10 U.S.C. 2222 note) and section 2222(e)(6) of title 10, United States Code.

(3) USE OF EXISTING SYSTEMS.—In developing the standardized business process rules under paragraph (1), to the extent practicable, the Chief Management Officer shall use enterprise business systems of the Department of Defense in existence as of the date of the enactment of this Act.

(4) REPORT.—Not later than March 1, 2019, the Chief Management Officer of the Department of Defense, the Under Secretary of Defense (Comptroller), and the Under Secretary of Defense for Intelligence shall jointly submit to the appropriate congressional committees a report containing a plan to develop the standardized business process rules under paragraph (1).

(5) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(b) PROGRAM ELEMENTS.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 239b. [10 U.S.C. 239b] CERTAIN INTELLIGENCE-RELATED PROGRAMS: BUDGET JUSTIFICATION MATERIAL

"(a) PROHIBITION ON USE OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2021 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense may not include in any single program element both funds made available under the Military Intelligence Program and funds made available outside of the Military Intelligence Program.

"(b) DEFINITIONS.—In this section:

"(1) The term 'budget' has the meaning given that term in section 231(f) of this title.

"(2) The term 'defense budget materials' has the meaning given that term in section 231(f) of this title.".

(2) [10 U.S.C. 221] CLERICAL AMENDMENT.—The table of sections at the beginning of such chapteris amended by inserting after the item relating to section 239a the following new item:

"239b. Certain intelligence-related programs: budget justification materials.".

SEC. 1625. MODIFICATION TO ANNUAL BRIEFING ON THE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE REQUIREMENTS OF THE COMBATANT COMMANDS.

(a) IN GENERAL.—Section 1626 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3635), as amended by section 1624 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1732), is further amended—

(1) in the matter preceding paragraph (1), by striking "2020" and inserting "2025"; and

(2) in paragraph (1)—

(A) in subparagraph (B), by striking "; and" and inserting a semicolon; and

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

"(D) for the year preceding the year in which the briefing is provided—

"(i) the number of hours or amount of capacity of intelligence, surveillance, and reconnaissance requested by each commander of a combatant command, by specific intelligence capability type;

"(ii) the number of such requests identified under clause (i) that the Joint Chiefs of Staff determined to be a validated requirement, including the number of hours or amount of capacity of such requests that were provided to each such commander; and

"(iii) with respect to such validated requirements, the number of hours or amount of capacity of intelligence, surveillance, and reconnaissance, by specific intelligence capability type, that the Joint Chiefs of Staff requested each military department to provide, and the number of such hours or the amount of such capacity so provided by each such military department; and".

(b) CODIFICATION.—Such section 1626, as amended by subsection (a), is—

(1) transferred to chapter 21 of title 10, United States Code; and

(2) redesignated as subsection (c) of section 426 of such title.

SEC. 1626. [10 U.S.C. 193 note] FRAMEWORK ON GOVERNANCE, MISSION MANAGEMENT, RESOURCING, AND EFFECTIVE OVERSIGHT OF COMBAT SUPPORT AGENCIES THAT ARE ALSO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) FRAMEWORK REQUIRED.—

(1) IN GENERAL.—In accordance with section 105 of the National Security Act of 1947 (50 U.S.C. 3038), section 193 of title 10, United States Code, and section 1018 of the National Security Intelligence Reform Act of 2004 (Public Law 108-458; 50 U.S.C. 3023 note), the Secretary of Defense, in coordination with the Director of National Intelligence, shall develop and establish in policy a framework and supporting processes within the Department of Defense to help ensure that the missions, roles, and functions of the combat support agencies of the Department of Defense that are also elements of the intelligence community, and other intelligence components of the Department, are appropriately balanced and resourced.

(2) SCOPE.—The framework shall include a consistent, repeatable process for the evaluation of proposed additions, transfers, or eliminations of a mission, role, or functions and associated resource profiles of the elements described in paragraph (1) for purposes of preventing imbalances in priorities, insufficient or misaligned resources, and the unauthorized expansion of mission parameters.

(b) ELEMENTS.—The framework required by subsection (a) shall include the following:

(1) A lexicon of relevant terms used by the Department of Defense and the Office of the Director of National Intelligence that—

(A) ensures consistent definitions are used in determinations about the balance described in subsection (a)(1); and

(B) reconciles jointly used definitions.

(2) A reevaluation of the intelligence components of the Department, including the Joint Intelligence Centers and Joint Intelligence Operations Centers within the combatant commands, in order to determine which components should be formally designated as part of the intelligence community and any components not so designated conform to relevant tradecraft standards.

(3) A repeatable process of the Department for evaluating the addition, transfer, or elimination of defense intelligence missions, roles, and functions, currently or to be performed by elements described in subsection (a)(1) that includes—

(A) a justification for any proposed addition, transfer, or elimination of a mission, role, or function;

(B) the identification of the elements in the Federal Government, if any, that currently perform the mission, role, or function concerned;

(C) for any proposed addition of a mission, role, or function, an assessment of the most appropriate element of the Department to assume it, taking into account current resource profiles, scope of existing responsibilities, primary customers, and infrastructure necessary to support the addition; and

(D) for any proposed addition or transfer of a mission, role, or function—

(i) a determination of the appropriate resource profile for such mission, role, or function; and

(ii) the identification, in writing, for the Department elements concerned of the resources anticipated to be needed and source of such resources during the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, as in effect at the time of the proposed addition or transfer.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Director, shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on the framework required by subsection (a).

(d) POLICY.—Not later than 270 days after the date of the enactment of this Act, the Secretary, in coordination with the Director, shall submit to the appropriate congressional committees a report setting forth the policy establishing the framework required by subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "combat support agency" has the meaning given that term in section 193 of title 10, United States Code.

(3) The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

Subtitle C—Cyberspace-Related Matters

SEC. 1631. REORGANIZATION AND CONSOLIDATION OF CERTAIN CYBER PROVISIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by transferring sections 130g, 130j, and 130k to chapter 19 of such part to appear after section 393 of such chapter; and

(2) by redesignating such sections 130g, 130j, and 130k, as transferred by paragraph (1), as sections 394, 395, and 396, respectively.

(b) CONFORMING AMENDMENT.—Section 108(m) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1507(m)) is amended by striking "under section 130g" and inserting "under section 394".

(c) CLERICAL AMENDMENTS.—(1) [10 U.S.C. 121] The table of sections at the beginning of chapter 3 of title 10, United States Code,is amended by striking the items relating to sections 130g, 130j, and 130k.

(2) [10 U.S.C. 391] The table of sections at the beginning of chapter 19 of such titleis amended by adding at the end the following new items:

"394. Authorities concerning military cyber operations.
"395. Notification requirements for sensitive military cyber operations.
"396. Notification requirements for cyber weapons.".

SEC. 1632. AFFIRMING THE AUTHORITY OF THE SECRETARY OF DEFENSE TO CONDUCT MILITARY ACTIVITIES AND OPERATIONS IN CYBERSPACE.

Section 394 of title 10, United States Code (as transferred and redesignated pursuant to section 1631), is amended—

(1) by striking "The Secretary" and inserting the following: "(a) IN GENERAL.—The Secretary";

(2) in subsection (a), as designated by paragraph (1)—

(A) by striking "conduct, a military cyber operation in response" and inserting "conduct, military cyber activities or operations in cyberspace, including clandestine military activities or operations in cyberspace, to defend the United States and its allies, including in response"; and

(B) by striking "(as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801))"; and

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

"(b) AFFIRMATION OF AUTHORITY.—Congress affirms that the activities or operations referred to in subsection (a), when appropriately authorized, include the conduct of military activities or operations in cyberspace short of hostilities (as such term is used in the War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.)) or in areas in which hostilities are not occurring, including for the purpose of preparation of the environment, information operations, force protection, and deterrence of hostilities, or counterterrorism operations involving the Armed Forces of the United States.

"(c) CLANDESTINE ACTIVITIES OR OPERATIONS.—A clandestine military activity or operation in cyberspace shall be considered a traditional military activity for the purposes of section 503(e)(2) of the National Security Act of 1947 (50 U.S.C. 3093(e)(2)).

"(d) CONGRESSIONAL OVERSIGHT.—The Secretary shall brief the congressional defense committees about any military activities or operations in cyberspace, including clandestine military activities

or operations in cyberspace, occurring during the previous quarter during the quarterly briefing required by section 484 of this title.

"(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Secretary to conduct military activities or operations in cyberspace, including clandestine military activities or operations in cyberspace, to authorize specific military activities or operations, or to alter or otherwise affect the War Powers Resolution (50 U.S.C. 1541 et seq.), the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), or reporting of sensitive military cyber activities or operations required by section 395 of this title.

"(f) DEFINITIONS.—In this section:

"(1) The term 'clandestine military activity or operation in cyberspace' means a military activity or military operation carried out in cyberspace, or associated preparatory actions, authorized by the President or the Secretary that—

"(A) is marked by, held in, or conducted with secrecy, where the intent is that the activity or operation will not be apparent or acknowledged publicly; and

"(B) is to be carried out—

"(i) as part of a military operation plan approved by the President or the Secretary in anticipation of hostilities or as directed by the President or the Secretary;

"(ii) to deter, safeguard, or defend against attacks or malicious cyber activities against the United States or Department of Defense information, networks, systems, installations, facilities, or other assets; or

"(iii) in support of information related capabilities.

"(2) The term 'foreign power' has the meaning given such term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(3) The term 'United States person' has the meaning given such term in such section.".

SEC. 1633. DEPARTMENT OF DEFENSE CYBER SCHOLARSHIP PROGRAM SCHOLARSHIPS AND GRANTS.

(a) ADDITIONAL CONSIDERATIONS.—Section 2200c of title 10, United States Code, is amended—

(1) by inserting before "In the selection" the following:

"(a) CENTERS OF ACADEMIC EXCELLENCE IN CYBER EDUCATION.—"; and

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

"(b) CERTAIN INSTITUTIONS OF HIGHER EDUCATION.—In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

"(1) in the case of a scholarship, the institution of higher education at which the recipient pursues a degree is an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); and

"(2) in the case of a grant, the recipient is an institution described in such section.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2200c of title 10, United States Code, is amended to read as follows:

"SEC. 2200c. SPECIAL CONSIDERATIONS IN AWARDING SCHOLARSHIPS AND GRANTS".

(2) [10 U.S.C. 2200] TABLE OF SECTIONS.—The table of sections at the beginning of chapter 112 of title 10, United States Code,is amended by striking the item relating to section 2200c and inserting the following new item:

"2200c. Special considerations in awarding scholarships and grants.".

SEC. 1634. AMENDMENTS TO PILOT PROGRAM REGARDING CYBER VULNERABILITIES OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE.

Subsection (b) of section 1650 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2224 note) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting "and the Defense Digital Service" after "covered research laboratory";

(2) in paragraph (4), in the matter preceding subparagraph (A), by striking "2019" and inserting "2020"; and

(3) in paragraph (5), by striking "2019" and inserting "2020".

SEC. 1635. MODIFICATION OF ACQUISITION AUTHORITY OF THE COMMANDER OF THE UNITED STATES CYBER COMMAND.

(a) MODIFICATION OF LIMITATION ON USE OF CYBER OPERATIONS PROCUREMENT FUND.—Subsection (e) of section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2224 note) is amended by striking "2021" and inserting "2025".

(b) EXTENSION ON SUNSET.—Subsection (i)(1) of such section is amended by striking "September 30, 2021" and inserting "September 30, 2025".

SEC. 1636. [10 U.S.C. 394 note] POLICY OF THE UNITED STATES ON CYBERSPACE, CYBERSECURITY, CYBER WARFARE, AND CYBER DETERRENCE.

(a) IN GENERAL.—It shall be the policy of the United States, with respect to matters pertaining to cyberspace, cybersecurity, and cyber warfare, that the United States should employ all instruments of national power, including the use of offensive cyber capabilities, to deter if possible, and respond to when necessary, all cyber attacks or other malicious cyber activities of foreign powers that target United States interests with the intent to—

(1) cause casualties among United States persons or persons of United States allies;

(2) significantly disrupt the normal functioning of United States democratic society or government (including attacks against critical infrastructure that could damage systems used to provide key services to the public or government);

(3) threaten the command and control of the Armed Forces, the freedom of maneuver of the Armed Forces, or the industrial base or other infrastructure on which the United States Armed Forces rely to defend United States interests and commitments; or

(4) achieve an effect, whether individually or in aggregate, comparable to an armed attack or imperil a vital interest of the United States.

(b) RESPONSE OPTIONS.—In carrying out the policy set forth in subsection (a), the United States shall plan, develop, and, when appropriate, demonstrate response options to address the full range of potential cyber attacks on United States interests that could be conducted by potential adversaries of the United States.

(c) DENIAL OPTIONS.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall, to the greatest extent practicable, prioritize the defensibility and resiliency against cyber attacks and malicious cyber activities described in subsection (a) of infrastructure critical to the political integrity, economic security, and national security of the United States.

(d) COST-IMPOSITION OPTIONS.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall develop and, when appropriate, demonstrate, or otherwise make known to adversaries the existence of, cyber capabilities to impose costs on any foreign power targeting the United States or United States persons with a cyber attack or malicious cyber activity described in subsection (a).

(e) MULTI-PRONG RESPONSE.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall leverage all instruments of national power.

(f) UPDATE ON PRESIDENTIAL POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit, in unclassified and classified forms, as appropriate, to the appropriate congressional committees a report containing an update to the report provided to the Congress on the policy of the United States on cyberspace, cybersecurity, and cyber warfare pursuant to section 1633 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 130g note).

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

(A) An assessment of the current posture in cyberspace, including assessments of—

(i) whether past responses to major cyber attacks have had the desired deterrent effect; and

(ii) how adversaries have responded to past United States responses.

(B) Updates on the Administration's efforts in the development of—

(i) cost imposition strategies;

(ii) varying levels of cyber incursion and steps taken to date to prepare for the imposition of the consequences referred to in clause (i); and

(iii) the Cyber Deterrence Initiative.

(C) Information relating to the Administration's plans, including specific planned actions, regulations, and legislative action required, for—

(i) advancing technologies in attribution, inherently secure technology, and artificial intelligence society-wide;

(ii) improving cybersecurity in and cooperation with the private sector;

(iii) improving international cybersecurity cooperation; and

(iv) implementing the policy referred to in paragraph (1), including any realignment of government or government responsibilities required, writ large.

(f) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the authority of the President or Congress to authorize the use of military force.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Permanent Select Committee on Intelligence of the House of Representatives;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(E) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) FOREIGN POWER.—The term "foreign power" has the meaning given such term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 1637. [10 U.S.C. 221 note] BUDGET DISPLAY FOR CYBER VULNERABILITY EVALUATIONS AND MITIGATION ACTIVITIES FOR MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) BUDGET REQUIRED.—Beginning in fiscal year 2021 and in each fiscal year thereafter, the Secretary of Defense shall submit to Congress, as a part of the documentation that supports the President's annual budget for the Department of Defense, a consolidated Cyber Vulnerability Evaluation and Mitigation budget justification display for each major weapons system of the Department of Defense that includes the following:

(1) CYBER VULNERABILITY EVALUATIONS.—

(A) STATUS.—Whether, in accordance with paragraph (1) of section 1647(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1118), the cyber vulnerability evaluation for each such major weapon system is pending, in progress, complete, or, pursuant to paragraph (2) of such section, waived.

(B) FUNDING.—The funding required for the fiscal year with respect to which the budget is submitted and for at least the four succeeding fiscal years required to complete the pending or in progress cyber vulnerability evaluation of each such major weapon system.

(C) DESCRIPTION.—A description of the activities planned in the fiscal year with respect to which the budget

is submitted and at least the four succeeding fiscal years to complete the required evaluation for each such major weapon system.

(D) RISK ANALYSIS.—A description of operational or security risks associated with cyber vulnerabilities identified as a result of such cyber vulnerability evaluations that require mitigation.

(2) MITIGATION ACTIVITIES.—

(A) STATUS.—Whether activities to address identified cyber vulnerabilities of such major weapon systems resulting in operational or security risks requiring mitigation are pending, in progress, or complete.

(B) FUNDING.—The funding required for the fiscal year with respect to which the budget is submitted and for at least the four succeeding fiscal years required to complete the pending or in progress mitigation activities referred to in subparagraph (A) related to such major weapon systems.

(C) DESCRIPTION.—A description of the activities planned in the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years to complete any necessary mitigation.

(b) FORM.—The display required under subsection (a) should, to the extent practicable, be submitted in an unclassified form, and shall include a classified annex as required.

SEC. 1638. DETERMINATION OF RESPONSIBILITY FOR THE DEPARTMENT OF DEFENSE INFORMATION NETWORKS.

(a) IN GENERAL.—Not later than March 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report containing a determination regarding the roles, missions, and responsibilities of the Commander, Joint Force Headquarters-Department of Defense Information Networks (JFHQ-DODIN) of the Defense Information Support Agency.

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

(1) An assessment of the current JFHQ-DODIN command and control structure, adequacy of the Defense Information Support Agency's institutional support for the JFHQ-DODIN mission, resource requirements, and mission effectiveness.

(2)(A) A determination and justification regarding—

(i) a transfer to the Commander, United States Cyber Command, from the JFHQ-DODIN of some or all roles, missions, and responsibilities of the JFHQ-DODIN; or

(ii) retention in the JFHQ-DODIN of such roles, missions, and responsibilities.

(B) If a determination under subparagraph (A)(i) is made in the affirmative regarding a transfer to the Commander, United States Cyber Command, from the JFHQ-DODIN of some or all roles, missions, and responsibilities of the JFHQ-DODIN, such report shall include the following:

(i) An identification of roles, missions, and responsibilities to be transferred.

(ii) A timeline for any such transfers.

(iii) A strategy for mitigating risk and ensuring no mission degradation.

SEC. 1639. [10 U.S.C. 2224 note] PROCEDURES AND REPORTING REQUIREMENT ON CYBERSECURITY BREACHES AND LOSS OF PERSONALLY IDENTIFIABLE INFORMATION AND CONTROLLED UNCLASSIFIED INFORMATION.

(a) IN GENERAL.—In the event of a significant loss of personally identifiable information of civilian or uniformed members of the Armed Forces, or a significant loss of controlled unclassified information by a cleared defense contractor, the Secretary of Defense shall promptly submit to the congressional defense committees notice in writing of such loss. Such notice may be submitted in classified or unclassified formats.

(b) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish and submit to the congressional defense committees procedures for complying with the requirement of subsection (a). Such procedures shall be consistent with the national security of the United States, the protection of operational integrity, the protection of personally identifiable information of civilian and uniformed members of the Armed Forces, and the protection of controlled unclassified information.

(c) DEFINITIONS.—In this section:

(1) SIGNIFICANT LOSS OF CONTROLLED UNCLASSIFIED INFORMATION.—The term "significant loss of controlled unclassified information" means an intentional, accidental, or otherwise known theft, loss, or disclosure of Department of Defense programmatic or technical controlled unclassified information the loss of which would have significant impact or consequence to a program or mission of the Department of Defense, or the loss of which is of substantial volume.

(2) SIGNIFICANT LOSS OF PERSONALLY IDENTIFIABLE INFORMATION.—The term "significant loss of personally identifiable information" means an intentional, accidental, or otherwise known disclosure of information that can be used to distinguish or trace an individual's identity, such as the name, Social Security number, date and place of birth, biometric records, home or other phone numbers, or other demographic, personnel, medical, or financial information, involving 250 or more civilian or uniformed members of the Armed Forces.

SEC. 1640. [10 U.S.C. 2200 note] PROGRAM TO ESTABLISH CYBER INSTITUTES AT INSTITUTIONS OF HIGHER LEARNING.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to establish a Cyber Institute at institutions of higher learning selected under subsection (b) for purposes of accelerating and focusing the development of foundational expertise in critical cyber operational skills for future military and civilian leaders of the Armed Forces and the Department of Defense, including such leaders of the reserve components.

(b) SELECTED INSTITUTIONS OF HIGHER LEARNING.—

(1) IN GENERAL.—The Secretary of Defense shall select institutions of higher learning for purposes of the program established under subsection (a) from among institutions of higher learning that have a Reserve Officers' Training Corps program.

(2) CONSIDERATION OF SENIOR MILITARY COLLEGES.—In selecting institutions of higher learning under paragraph (1), the Secretary shall consider the senior military colleges with Reserve Officers' Training Corps programs.

(c) ELEMENTS.—Each institute established under the program authorized by subsection (a) shall include the following:

(1) Programs to provide future military and civilian leaders of the Armed Forces or the Department of Defense who possess cyber operational expertise from beginning through advanced skill levels. Such programs shall include instruction and practical experiences that lead to recognized certifications and degrees in the cyber field.

(2) Programs of targeted strategic foreign language proficiency training for such future leaders that—

(A) are designed to significantly enhance critical cyber operational capabilities; and

(B) are tailored to current and anticipated readiness requirements.

(3) Programs related to mathematical foundations of cryptography and courses in cryptographic theory and practice designed to complement and reinforce cyber education along with the strategic language programs critical to cyber operations.

(4) Programs related to data science and courses in data science theory and practice designed to complement and reinforce cyber education along with the strategic language programs critical to cyber operations.

(5) Programs designed to develop early interest and cyber talent through summer programs, dual enrollment opportunities for cyber, strategic language, data science, and cryptography related courses.

(6) Training and education programs to expand the pool of qualified cyber instructors necessary to support cyber education in regional school systems.

(d) PARTNERSHIPS WITH DEPARTMENT OF DEFENSE AND THE ARMED FORCES.—Any institute established under the program authorized by subsection (a) may enter into a partnership with one or more components of the Armed Forces, active or reserve, or any agency of the Department of Defense to facilitate the development of critical cyber skills for students who may pursue a military career.

(e) PARTNERSHIPS.—Any institute established under the program authorized by subsection (a) may enter into a partnership with one or more local educational agencies to facilitate the development of critical cyber skills.

(f) SENIOR MILITARY COLLEGES DEFINED.—The term "senior military colleges" has the meaning given such term in section 2111a(f) of title 10, United States Code.

(g) REPORT TO CONGRESS.—Not later than September 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of the Cyber Institutes and on opportunities to expand the Cyber Institutes to additional select institutions of higher learning that have a Reserve Officers' Training Corps program.

SEC. 1641. [10 U.S.C. 2224 note] MATTERS PERTAINING TO THE SHARKSEER CYBERSECURITY PROGRAM.

(a) TRANSFER OF PROGRAM.—Not later than March 1, 2019, the Secretary of Defense shall transfer the operations and maintenance for the Sharkseer cybersecurity program from the National Security Agency to the Defense Information Systems Agency, including all associated funding and, as the Secretary considers necessary, personnel.

(b) LIMITATION ON FUNDING FOR THE INFORMATION SYSTEMS SECURITY PROGRAM.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 or any subsequent fiscal year for research, development, test, and evaluation for the Information Systems Security Program for the National Security Agency, not more than 90 percent may be obligated or expended unless the Chief of Information Officer, in consultation with the Principal Cyber Advisor, certifies to the congressional defense committees that the operations and maintenance funding for the Sharkseer program for fiscal year 2019 and the subsequent fiscal years of the current Future Years Defense Program are available or programmed.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Chief Information Officer shall provide to the congressional defense committees a report that assesses the transition of base operations of the SharkSeer program to the Defense Information Systems Agency, including with respect to staffing, acquisition, contracts, sensor management, and the ability to conduct cyber threat analyses and detect advanced malware. Such report shall also include a plan for continued capability development.

(d) SHARKSEER BREAK AND INSPECT CAPABILITY.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that the decryption capability described in section 1636 of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) is provided by the break and inspect subsystem of the Sharkseer cybersecurity program, unless the Chief of Information Officer, in consultation with the Principal Cyber Advisor, notifies the congressional defense committees on or before the date that is 90 days after the date of the enactment of this Act that a superior enterprise solution will be operational before October 1, 2019.

(2) INTEGRATION OF CAPABILITY.—The Secretary shall take such actions as are necessary to integrate the break and inspect subsystem of the Sharkseer cybersecurity program with the Department of Defense public key infrastructure.

(e) VISIBILITY TO ENDPOINTS.—The Secretary shall take such actions as are necessary to enable, by October 1, 2020, the Sharkseer cybersecurity program and computer network defense service providers to instantly and automatically determine the specific identity and location of computer hosts and other endpoints that received or sent malware detected by the Sharkseer cybersecurity program or other network perimeter defenses.

(f) SANDBOX AS A SERVICE.—The Secretary shall use the Sharkseer cybersecurity program sandbox-as-a-service capability as

an enterprise solution and terminate all other such projects, unless the Chief of Information Officer, in consultation with the Principal Cyber Advisor, notifies the congressional defense committees on or before the date that is 90 days after the date of the enactment of this Act that a superior enterprise solution will be operational before October 1, 2019.

SEC. 1642. [10 U.S.C. 394 note] ACTIVE DEFENSE AGAINST THE RUSSIAN FEDERATION, PEOPLE'S REPUBLIC OF CHINA, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, AND ISLAMIC REPUBLIC OF IRAN ATTACKS IN CYBERSPACE.

(a) AUTHORITY TO DISRUPT, DEFEAT, AND DETER CYBER ATTACKS.—

(1) IN GENERAL.—In the event that the National Command Authority determines that the Russian Federation, People's Republic of China, Democratic People's Republic of Korea, or Islamic Republic of Iran is conducting an active, systematic, and ongoing campaign of attacks against the Government or people of the United States in cyberspace, including attempting to influence American elections and democratic political processes, the National Command Authority may authorize the Secretary of Defense, acting through the Commander of the United States Cyber Command, to take appropriate and proportional action in foreign cyberspace to disrupt, defeat, and deter such attacks under the authority and policy of the Secretary of Defense to conduct cyber operations and information operations as traditional military activities.

(2) NOTIFICATION AND REPORTING.—

(A) NOTIFICATION OF OPERATIONS.—In exercising the authority provided in paragraph (1), the Secretary shall provide notices to the congressional defense committees in accordance with section 395 of title 10, United States Code (as transferred and redesignated pursuant to section 1631).

(B) QUARTERLY REPORTS BY COMMANDER OF THE UNITED STATES CYBER COMMAND.—

(i) IN GENERAL.—In any fiscal year in which the Commander of the United States Cyber Command carries out an action under paragraph (1), the Secretary of Defense shall, not less frequently than quarterly, submit to the congressional defense committees a report on the actions of the Commander under such paragraph in such fiscal year.

(ii) MANNER OF REPORTING.—Reports submitted under clause (i) shall be submitted in a manner that is consistent with the recurring quarterly report required by section 484 of title 10, United States Code.

(b) PRIVATE SECTOR COOPERATION.—The Secretary may make arrangements with private sector entities, on a voluntary basis, to share threat information related to malicious cyber actors, and any associated false online personas or compromised infrastructure, associated with a determination under subsection (a)(1), consistent with the protection of sources and methods and classification guidelines, as necessary.

(c) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to the congressional defense committees, the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on—

(1) the scope and intensity of the information operations and attacks through cyberspace by the countries specified in subsection (a)(1) against the government or people of the United States observed by the cyber mission forces of the United States Cyber Command and the National Security Agency; and

(2) adjustments of the Department of Defense in the response directed or recommended by the Secretary with respect to such operations and attacks.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) limit the authority of the Secretary to conduct military activities or operations in cyberspace, including clandestine activities or operations in cyberspace; or

(2) affect the War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.) or the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note).

SEC. 1643. [10 U.S.C. 2224 note] DESIGNATION OF OFFICIAL FOR MATTERS RELATING TO INTEGRATING CYBERSECURITY AND INDUSTRIAL CONTROL SYSTEMS WITHIN THE DEPARTMENT OF DEFENSE.

(a) DESIGNATION OF INTEGRATING OFFICIAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate one official to be responsible for matters relating to integrating cybersecurity and industrial control systems for the Department of Defense.

(b) RESPONSIBILITIES.—The official designated pursuant to subsection (a) shall be responsible for matters described in such subsection at all levels of command, from the Department's leadership to the facilities owned by or operated on behalf of the Department of Defense using industrial control systems, including developing Department-wide certification standards for integration of industrial control systems and taking into consideration frameworks set forth by the National Institute of Standards and Technology for the cybersecurity of such systems.

SEC. 1644. [10 U.S.C. 2224 note] ASSISTANCE FOR SMALL MANUFACTURERS IN THE DEFENSE INDUSTRIAL SUPPLY CHAIN AND UNIVERSITIES ON MATTERS RELATING TO CYBERSECURITY.

(a) DISSEMINATION OF CYBERSECURITY RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Director of the National Institute of Standards and Technology, shall take such actions as may be necessary to enhance awareness of cybersecurity threats among small manufacturers and universities working on Department of Defense programs and activities.

(2) PRIORITY.—The Secretary of Defense shall prioritize efforts to increase awareness to help reduce cybersecurity risks

faced by small manufacturers and universities referred to in paragraph (1).

(3) SECTOR FOCUS.—The Secretary of Defense shall carry out this subsection with a focus on such small manufacturers and universities as the Secretary considers critical.

(4) OUTREACH EVENTS.—Under paragraph (1), the Secretary of Defense shall conduct outreach to support activities consistent with this section. Such outreach may include live events with a physical presence and outreach conducted through Internet websites. Such outreach may include training, including via courses and classes, to help small manufacturers and universities improve their cybersecurity.

(5) ROADMAPS AND ASSESSMENTS.—The Secretary of Defense shall ensure that cybersecurity for defense industrial base manufacturing is included in appropriate research and development roadmaps and threat assessments.

(b) VOLUNTARY CYBERSECURITY SELF-ASSESSMENTS.—The Secretary of Defense shall develop mechanisms to provide assistance to help small manufacturers and universities conduct voluntary self-assessments in order to understand operating environments, cybersecurity requirements, and existing vulnerabilities, including through the Mentor Protégé Program, small business programs, and engagements with defense laboratories and test ranges.

(c) TRANSFER OF RESEARCH FINDINGS AND EXPERTISE.—

(1) IN GENERAL.—The Secretary of Defense shall promote the transfer of appropriate technology, threat information, and cybersecurity techniques developed in the Department of Defense to small manufacturers and universities throughout the United States to implement security measures that are adequate to protect covered defense information, including controlled unclassified information.

(2) COORDINATION WITH OTHER FEDERAL EXPERTISE AND CAPABILITIES.—The Secretary of Defense shall coordinate efforts, when appropriate, with the expertise and capabilities that exist in Federal agencies and federally sponsored laboratories.

(3) AGREEMENTS.—In carrying out this subsection, the Secretary of Defense may enter into agreements with private industry, institutes of higher education, or a State, United States territory, local, or tribal government to ensure breadth and depth of coverage to the United States defense industrial base and to leverage resources.

(d) DEFENSE ACQUISITION WORKFORCE CYBER TRAINING PROGRAM.—The Secretary of Defense shall establish a cyber counseling certification program, or approve a similar existing program, to certify small business professionals and other relevant acquisition staff within the Department of Defense to provide cyber planning assistance to small manufacturers and universities.

(e) ESTABLISHMENT OF CYBERSECURITY FOR DEFENSE INDUSTRIAL BASE MANUFACTURING ACTIVITY.—

(1) AUTHORITY.—The Secretary of Defense may establish an activity to assess and strengthen the cybersecurity resiliency of the defense industrial base, if the Secretary determines such is appropriate.

(2) DESIGNATION.—The activity described in paragraph (1), if established, shall be known as the "Cybersecurity for Defense Industrial Base Manufacturing Activity".

(3) SPECIFICATION.—The Cybersecurity for Defense Industrial Base Manufacturing Activity, if established, shall implement the requirements specified in subsections (a) through (c).

(f) AUTHORITIES.—In carrying out this section, the Secretary may use the following authorities:

(1) The Manufacturing Technology Program established under section 2521 [14] of title 10, United States Code.

(2) The Centers for Science, Technology, and Engineering Partnership program under section 2368 [15] of title 10, United States Code.

(3) The Manufacturing Engineering Education Program established under section 2196 of title 10, United States Code.

(4) The Small Business Innovation Research program.

(5) The mentor-protégé program.

(6) Other legal authorities as the Secretary determines necessary to effectively and efficiently carry out this section.

(g) DEFINITIONS.—In this section:

(1) RESOURCES.—The term "resources" means guidelines, tools, best practices, standards, methodologies, and other ways of providing information.

(2) SMALL BUSINESS CONCERN.—The term "small business concern" means a small business concern as that term is used in section 3 of the Small Business Act (15 U.S.C. 632).

(3) SMALL MANUFACTURER.—The term "small manufacturer" means a small business concern that is a manufacturer in the defense industrial supply chain.

(4) STATE.—The term "State" means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1645. [10 U.S.C. 2224 note] EMAIL AND INTERNET WEBSITE SECURITY AND AUTHENTICATION.

(a) IMPLEMENTATION OF PLAN REQUIRED.—Except as provided by subsection (b), the Secretary of Defense shall develop and implement the plan outlined in Binding Operational Directive 18-01, issued by the Secretary of Homeland Security on October 16, 2017, relating to email security and authentication and Internet website security, according to the schedule established by the Binding Operational Directive for the rest of the Executive Branch beginning with the date of enactment of this Act.

(b) WAIVER.—The Secretary may waive the requirements of subsection (a) if the Secretary submits to the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate a certification that existing or planned security measures for the Department of Defense either meet or exceed the information security requirements of Binding Operational Directive 18-01.

[14] Effective on January 1, 2022, section 1644(f)(1) is amended by section 1869(e) of Public Law 116–283 by striking "section 2521" and inserting "section 4841".

[15] Effective on January 1, 2022, section 1644(f)(2) is amended by section 1844(e)(2) of Public Law 116–283 by striking "section 2368" and inserting "section 4146".

(c) FUTURE BINDING OPERATIONAL DIRECTIVES.—The Chief Information Officer of the Department of Defense shall notify the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate within 180 days of the issuance by the Secretary of Homeland Security after the date of the enactment of this Act of any Binding Operational Directive for cybersecurity whether the Department of Defense will comply with the Directive or how the Department of Defense plans to meet or exceed the security objectives of the Directive.

SEC. 1646. SECURITY PRODUCT INTEGRATION FRAMEWORK.

The Principal Cyber Adviser, the Chief Information Officer, and the Commander of the United States Cyber Command shall select a network or network segment and associated computer network defense service provider to conduct a demonstration and evaluation of one or more existing security product integration frameworks, including modifying network security systems to enable such systems to ingest, publish, subscribe, tip and cue, and request information or services from each other.

SEC. 1647. INFORMATION SECURITY CONTINUOUS MONITORING AND CYBERSECURITY SCORECARD.

(a) LIMITATION.—After October 1, 2019, no funds may be obligated or expended to prepare the cybersecurity scorecard for the Secretary of Defense unless the Department of Defense is implementing a funded capability to meet the requirements—

(1) established by the Chief Information Officer and the Commander of United States Cyber Command pursuant to section 1653 of the National Defense Authorization for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2224 note); and

(2) as set forth in the Department of Defense's policies on modernized, Department-wide automated information security continuous monitoring.

(b) REPORT.—Not later than January 10, 2019, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees a report—

(1) comparing the current capabilities of the Department of Defense to—

(A) the requirements described in subsection (a);

(B) the capabilities deployed by the Department of Homeland Security and the General Services Administration under the Continuous Diagnostics and Mitigation program across the non-Department of Defense departments and agencies of the Federal Government; and

(2) that contains a review and determination of whether the current requirements and policies described in subsection (a) are adequate to address the current threat environment.

(c) [10 U.S.C. 2224 note] RISK THRESHOLDS.—The Chief Information Officer of the Department of Defense, in coordination with the Principal Cyber Advisor, the Director of Operations of the Joint Staff, and the Commander of United States Cyber Command, shall establish risk thresholds for systems and network operations that,

when exceeded, would trigger heightened security measures, such as enhanced monitoring and access policy changes.

(d) ENTERPRISE GOVERNANCE, RISK, AND COMPLIANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer and the Principal Cyber Advisor shall develop a plan to implement an enterprise governance, risk, and compliance platform and process to maintain current status of all information and operational technology assets, vulnerabilities, threats, and mitigations.

SEC. 1648. TIER 1 EXERCISE OF SUPPORT TO CIVIL AUTHORITIES FOR A CYBER INCIDENT.

(a) IN GENERAL.—Not later than May 1, 2020, the Commander of the United States Cyber Command, the Commander of United States Northern Command, and such other commands or components of the Department of Defense as the Secretary of Defense considers appropriate, shall, consistent with the recommendations made by the Comptroller General of the United States in the Government Accountability Office report GAO-16-574, conduct a tier 1 exercise of support to civil authorities for a cyber incident.

(b) ELEMENTS.—The exercise required by subsection (a) shall include the following:

(1) Department level leadership and decision-making for providing cyber support to civil authorities.

(2) Testing of the policy, guidance, doctrine and other elements in the Department of Defense Cyber Incident Coordinating Procedure.

(3) Operational planning and execution by the Joint Staff and supported and supporting combatant commands.

(4) Coordination with, and incorporation of, as appropriate, the Department of Homeland Security, the Federal Bureau of Investigation, and elements across Federal and State governments and the private sector.

(c) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense for the White House Communications Agency, not more than 90 percent of such funds may be obligated or expended until the initiation of the tier 1 exercise required under subsection (a).

SEC. 1649. [10 U.S.C. 394 note] PILOT PROGRAM ON MODELING AND SIMULATION IN SUPPORT OF MILITARY HOMELAND DEFENSE OPERATIONS IN CONNECTION WITH CYBER ATTACKS ON CRITICAL INFRASTRUCTURE.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Assistant Secretary of Defense for Homeland Defense and Global Security shall carry out a pilot program to model cyber attacks on critical infrastructure in order to identify and develop means of improving Department of Defense responses to requests for defense support to civil authorities for such attacks.

(2) RESEARCH EXERCISES.—The pilot program shall source data from and include consideration of the "Jack Voltaic" research exercises conducted by the Army Cyber Institute, industry partners of the Institute, and the cities of New York, New York, and Houston, Texas.

(b) PURPOSE.—The purpose of the pilot program shall be to accomplish the following:

(1) The development and demonstration of risk analysis methodologies, and the application of commercial simulation and modeling capabilities, based on artificial intelligence and hyperscale cloud computing technologies, as applicable—

(A) to assess defense critical infrastructure vulnerabilities and interdependencies to improve military resiliency;

(B) to determine the likely effectiveness of attacks described in subsection (a)(1), and countermeasures, tactics, and tools supporting responsive military homeland defense operations;

(C) to train personnel in incident response;

(D) to conduct exercises and test scenarios;

(E) to foster collaboration and learning between and among departments and agencies of the Federal Government, State and local governments, and private entities responsible for critical infrastructure; and

(F) improve intra-agency and inter-agency coordination for consideration and approval of requests for defense support to civil authorities.

(2) The development and demonstration of the foundations for establishing and maintaining a program of record for a shared high-fidelity, interactive, affordable, cloud-based modeling and simulation of critical infrastructure systems and incident response capabilities that can simulate complex cyber and physical attacks and disruptions on individual and multiple sectors on national, regional, State, and local scales.

(c) REPORT.—

(1) IN GENERAL.—At the same time the budget of the President for fiscal year 2021 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Assistant Secretary shall, in consultation with the Secretary of Homeland Security, submit to the congressional defense committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the results of the pilot program as of the date of the report.

(B) A description of the risk analysis methodologies and modeling and simulation capabilities developed and demonstrated pursuant to the pilot program, and an assessment of the potential for future growth of commercial technology in support of the homeland defense mission of the Department of Defense.

(C) Such recommendations as the Secretary considers appropriate regarding the establishment of a program of record for the Department on further development and sustainment of risk analysis methodologies and advanced, large-scale modeling and simulation on critical infrastructure and cyber warfare.

(D) Lessons learned from the use of novel risk analysis methodologies and large-scale modeling and simulation

carried out under the pilot program regarding vulnerabilities, required capabilities, and reconfigured force structure, coordination practices, and policy.

(E) Planned steps for implementing the lessons described in subparagraph (D).

(F) Any other matters the Secretary determines appropriate.

SEC. 1650. [10 U.S.C. 711 note] PILOT PROGRAM AUTHORITY TO ENHANCE CYBERSECURITY AND RESILIENCY OF CRITICAL INFRASTRUCTURE.

(a) AUTHORITY.—The Secretary of Defense, in coordination with the Secretary of Homeland Security, is authorized to provide, detail, or assign technical personnel to the Department of Homeland Security on a non-reimbursable basis to enhance cybersecurity cooperation, collaboration, and unity of Government efforts.

(b) SCOPE OF ASSISTANCE.—The authority under subsection (a) shall be limited in any fiscal year to the provision of not more than 50 technical cybersecurity personnel from the Department of Defense to the Department of Homeland Security, including the national cybersecurity and communications integration center (NCCIC) of the Department, or other locations as agreed upon by the Secretary of Defense and the Secretary of Homeland Security.

(c) LIMITATION.—The authority under subsection (a) may not negatively impact the primary missions of the Department of Defense or the Department of Homeland Security.

(d) ESTABLISHMENT OF PROCEDURES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall establish procedures to carry out subsection (a), including procedures relating to the protection of and safeguards for maintenance of information held by the NCCIC regarding United States persons.

(2) LIMITATION.—Nothing in this subsection may be construed as providing authority to the Secretary of Defense to establish procedures regarding the NCCIC with respect to any matter outside the scope of this section.

(e) NO EFFECT ON OTHER AUTHORITY TO PROVIDE SUPPORT.—Nothing in this section may be construed to limit the authority of an Executive department, military department, or independent establishment to provide any appropriate support, including cybersecurity support, or to provide, detail, or assign personnel, under any other law, rule, or regulation.

(f) DEFINITIONS.—In this section, each of the terms "Executive department", "military department", and "independent establishment", has the meaning given each of such terms, respectively, in chapter 1 of title 5, United States Code.

(g) TERMINATION OF AUTHORITY.—This section shall terminate on September 30, 2022.

SEC. 1651. [32 U.S.C. 501 note] PILOT PROGRAM ON REGIONAL CYBERSECURITY TRAINING CENTER FOR THE ARMY NATIONAL GUARD.

(a) PILOT PROGRAM.—The Secretary of the Army may carry out a pilot program under which the Secretary establishes a National Guard training center to provide collaborative interagency education and training for members of the Army National Guard.

(b) CENTER.—

(1) TRAINING AND COOPERATION.—If the Secretary carries out the pilot program under subsection (a), the Secretary should ensure that the training center established under such subsection—

(A) educates and trains members of the Army National Guard quickly and efficiently by concurrently training cyber protection teams and cyber network defense teams on a common standard in order to defend—

(i) the information network of the Department of Defense in a State environment;

(ii) while acting under title 10, United States Code, the information networks of State governments; and

(iii) critical infrastructure;

(B) fosters interagency cooperation by—

(i) co-locating members of the Army National Guard with personnel of departments and agencies of the Federal Government and State governments; and

(ii) providing an environment to develop interagency relationship to coordinate responses and recovery efforts during and following a cyber attack;

(C) collaborates with academic institutions to develop and implement curriculum for interagency education and training within the classroom; and

(D) coordinates with the Persistent Cyber Training Environment of the Army Cyber Command in devising and implementing interagency education and training using physical and information technology infrastructure.

(2) LOCATIONS.—If the Secretary carries out the pilot program under subsection (a), the Secretary may select one National Guard facility at which to carry out the pilot program. The Secretary may select a facility that is located in an area that meets the following criteria:

(A) The location has a need for cyber training, as measured by both the number of members of the Army National Guard that would apply for such training and the number of units of the Army National Guard that verify the unit would apply for such training.

(B) The location has high capacity information and telecommunications infrastructure, including high speed fiber optic networks.

(C) The location has personnel, technology, laboratories, and facilities to support proposed activities and has the opportunity for ongoing training, education, and research.

(c) ACTIVITIES.—If the Secretary carries out the pilot program under subsection (a), the Secretary should ensure that the pilot program includes the following activities:

(1) Providing joint education and training and accelerating training certifications for working in a cyber range.

(2) Integrating education and training between the National Guard, law enforcement, and emergency medical and fire first responders.

(3) Providing a program to continuously train the cyber network defense teams to not only defend the information network of the Department of Defense, but to also provide education and training on how to use defense capabilities of the team in a State environment.

(4) Developing curriculum and educating the National Guard on the different missions carried out under titles 10 and 32, United States Code, in order to enhance interagency coordination and create a common operating picture.

(d) NOTIFICATION REQUIRED.—If the Secretary carries out the pilot program under subsection (a), the Secretary shall provide immediate notification to the congressional defense committees that includes information relating to the resources required to carry out such pilot program, identification of units to be trained, the location of such training, and a description of agreements with Federal, State, local, and private sector entities.

(e) SUNSET.—The authority provided under this section shall expire on August 31, 2024.

SEC. 1652. CYBERSPACE SOLARIUM COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission to develop a consensus on a strategic approach to defending the United States in cyberspace against cyber attacks of significant consequences.

(2) DESIGNATION.—The commission established under paragraph (1) shall be known as the "Cyberspace Solarium Commission" (in this section the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—(A) Subject to subparagraph (B), the Commission shall be composed of the following members:

(i) Three members appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate, one of whom shall be a member of the Senate and two of whom shall not be.

(ii) Two members appointed by the minority leader of the Senate, in consultation with the Ranking Member of the Committee on Armed Services of the Senate, one of whom shall be a member of the Senate and one of whom shall not be.

(iii) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives, one of whom shall be a member of the House of Representatives and two of whom shall not be.

(iv) Two members appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Armed Services of the House of Representatives, one of whom shall be a member of the House of Representatives and one of whom shall not be.

(B)(i) The members of the Commission who are not members of Congress shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(I) cyber strategy or national-level strategies to combat long-term adversaries;

(II) cyber technology and innovation;

(III) use of intelligence information by national policymakers and military leaders; or

(IV) the implementation, funding, or oversight of the national security policies of the United States.

(ii) An official who appoints members of the Commission may not appoint an individual as a member of the Commission if such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(iii) All members of the Commission described in clause (i) shall possess an appropriate security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(2) CO-CHAIRS.—(A) The Commission shall have two co-chairs, selected from among the members of the Commission.

(B) One co-chair of the Commission shall be a member of the Democratic Party, and one co-chair shall be a member of the Republican Party.

(C) The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(c) APPOINTMENT; INITIAL MEETING.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) INITIAL MEETING.—The Commission shall hold its initial meeting on or before the date that is 60 days after the date of the enactment of this Act.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) IN GENERAL.—After its initial meeting, the Commission shall meet upon the call of the co-chairs of the Commission.

(2) QUORUM.—Six members of the Commission shall constitute a quorum for purposes of conducting business, except that two members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) QUORUM WITH VACANCIES.—If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day.

(e) ACTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under

this title. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(3) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this title.

(f) DUTIES.—The duties of the Commission are as follows:

(1) To define the core objectives and priorities of the strategy described in subsection (a)(1).

(2) To weigh the costs and benefits of various strategic options to defend the United States, including the political system of the United States, the national security industrial sector of the United States, and the innovation base of the United States. The options to be assessed should include deterrence, norms-based regimes, and active disruption of adversary attacks through persistent engagement.

(3) To evaluate whether the options described in paragraph (2) are exclusive or complementary, the best means for executing such options, and how the United States should incorporate and implement such options within its national strategy.

(4) To review and make determinations on the difficult choices present within such options, among them what norms-based regimes the United States should seek to establish, how the United States should enforce such norms, how much damage the United States should be willing to incur in a deterrence or persistent denial strategy, what attacks warrant response in a deterrence or persistent denial strategy, and how the United States can best execute these strategies.

(5) To review adversarial strategies and intentions, current programs for the defense of the United States, and the capabilities of the Federal Government to understand if and how adversaries are currently being deterred or thwarted in their aims and ambitions in cyberspace.

(6) To evaluate the effectiveness of the current national cyber policy relating to cyberspace, cybersecurity, and cyber warfare to disrupt, defeat and deter cyber attacks.

(7) In weighing the options for defending the United States, to consider possible structures and authorities that need to be established, revised, or augmented within the Federal Government.

(g) POWERS OF COMMISSION.—

(1) IN GENERAL.—(A) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of

such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary.

(B) Subpoenas may be issued under subparagraph (A)(ii) under the signature of the co-chairs of the Commission, and may be served by any person designated by such co-chairs.

(C) The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192-194) shall apply in the case of any failure of a witness to comply with any subpoena or to testify when summoned under authority of this section.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(3) INFORMATION FROM FEDERAL AGENCIES.—(A) The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title.

(B) Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request of the co-chairs of the Commission.

(C) The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable statutes and regulations.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—(A) The Secretary of Defense shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this title.

(B) The Director of National Intelligence may provide the Commission, on a nonreimbursable basis, with such administrative services, staff, and other support services as the Commission may request.

(C) In addition to the assistance set forth in paragraphs (1) and (2), other departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(D) The Commission shall receive the full and timely cooperation of any official, department, or agency of the United States Government whose assistance is necessary, as jointly determined by the co-chairs selected under subsection (b)(2), for the fulfillment of the duties of the Commission, including the provision of full and current briefings and analyses.

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

(6) GIFTS.—No member or staff of the Commission may receive a gift or benefit by reason of the service of such member or staff to the Commission.

(h) STAFF OF COMMISSION.—

(A)[16] The co-chairs of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(C) All staff of the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(i) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—(A) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this title.

(B) Members of the Commission who are Members of Congress shall receive no additional pay by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(j) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) IN GENERAL.—(A) The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this title.

(B) Any information related to the national security of the United States that is provided to the Commission by a congressional intelligence committees or the congressional armed serv-

[16] So in law. Subparagraphs (A) through (C) should be redesignated as paragraphs (1) through (3), respectively. See amendments made by section 1714(3) of Public Law 116–283.

ices committees may not be further provided or released without the approval of the chairman of such committees.

(2) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (k)(2), only the members and designated staff of the congressional intelligence committees, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(k) FINAL REPORT; TERMINATION.—

(1) FINAL REPORT.—Not later than April 30, 2020, the Commission shall submit to the congressional defense committees, the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Director of National Intelligence, and the Secretary of Defense, and the Secretary of Homeland Security a final report on the findings of the Commission.

(2) TERMINATION.—(A) The Commission, and all the authorities of this section, shall terminate 20 months after the date on which the final report under paragraph (1) is submitted to the congressional defense and intelligence committees. No extension of the Commission is permitted.

(B) The Commission shall use the 20-month period referred to in paragraph (1) for the purposes of—

(i)[17] collecting and assessing comments and feedback from the Executive Branch, academia, and the public on the analysis and recommendations contained in the Commission's report;

(ii) collecting and assessing any developments in cybersecurity that may affect the analysis and recommendations contained in the Commission's report;

(iii) reviewing the implementation of the recommendations contained in the Commission's report;

(iv) revising, amending, or making new recommendations based on the assessments and reviews required under clauses (i)–(iii);

(v) providing an annual update to the congressional defense committees, the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security in a manner and format determined by the Commission regarding any such revisions, amendments, or new recommendations; and

(vi) concluding its activities, including providing testimony to Congress concerning the final report re-

[17] The margins of clauses (i) through (vi) of subparagraph (B) and subparagraph (C), as amended by section 1714(5)(B)(ii) and (C) of Public Law 116–283, are so in law.

ferred to in that paragraph and disseminating the report..[18]

(C)[17] If the Commission is extended, and the effective date of such extension is after the date on which the Commission terminated, the Commission shall be deemed reconstituted with the same members and powers that existed on the day before such termination date, except that—

(i) a member of the Commission may serve only if the member's position continues to be authorized under subsection (b);

(ii) no compensation or entitlements relating to a person's status with the Commission shall be due for the period between the termination and reconstitution of the Commission;

(iii) nothing in this subparagraph may be construed as requiring the extension or reemployment of any staff member or contractor working for the Commission;

(iv) the staff of the Commission shall be—

(I) selected by the co-chairs of the Commission in accordance with subsection (h)(1);

(II) comprised of not more than four individuals, including a staff director; and

(III) resourced in accordance with subsection (g)(4)(A);

(v) with the approval of the co-chairs, may be provided by contract with a nongovernmental organization;

(vi) any unexpended funds made available for the use of the Commission shall continue to be available for use for the life of the Commission, as well as any additional funds appropriated to the Department of Defense that are made available to the Commission, provided that the total such funds does not exceed $1,000,000 from the reconstitution of the Commission to the completion of the Commission; and

(vii) the requirement for an assessment of the final report in subsection (l) shall be updated to require every ten months for a period of 20 months further assessments of the Federal Government's responses to the Commission's recommendations contained in such final report.

(l) ASSESSMENTS OF FINAL REPORT.—Not later than 60 days after receipt of the final report under subsection (k)(1), the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security shall each submit to the congressional intelligence committees and the congressional defense committees an assessment by the Director or the Secretary, as the case may be, of the final report. Each assessment shall include such comments on the findings and recommendations contained in the final

[18] Two periods at the end of clause (vi) are so in law and is the result of the amendment made by section 1714(5)(B)(ii) of Public Law 116–283.

report as the Director or Secretary, as the case may be, considers appropriate.

(m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission under this section.

(2) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), shall not apply to the activities, records, and proceedings of the Commission under this section.

(n) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated for fiscal year 2019 by this Act, as specified in the funding tables in division D, $4,000,000 may be used to carry out this section.

(2) AVAILABILITY IN GENERAL.—Subject to paragraph (1), the Secretary of Defense shall make available to the Commission such amounts as the Commission may require for purposes of the activities of the Commission under this section.

(3) DURATION OF AVAILABILITY.—Amounts made available to the Commission under paragraph (2) shall remain available until expended.

(o) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1653. STUDY AND REPORT ON RESERVE COMPONENT CYBER CIVIL SUPPORT TEAMS.

(a) STUDY REQUIRED.—The Secretaries concerned shall conduct a study on the feasibility and advisability of the establishment of reserve component cyber civil support teams for each State.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) An examination of the potential ability of the teams referred to in such subsection to respond to an attack, natural disaster, or other large-scale incident affecting computer networks, electronics, or cyber capabilities, including an analysis of the following:

(A) The command structure and lines of authority for such teams.

(B) The operational capabilities of such teams.

(C) The legal authorities available to and constraints placed on such teams.

(D) The amount of funding and other resources that would be required by the Department of Defense to organize, train, and equip such teams.

(2) An analysis of the current use of reserve and active duty components in the Department of Defense and an explanation of how the establishment of such teams may affect the ability of the Department of Defense to—

(A) organize, train, equip, and employ the Cyber Mission Force, and other organic cyber forces; and

(B) perform the national defense missions and defense support to civil authorities for cyber incident response.

(3) An explanation of how the establishment of such teams may affect the ability of the Department of Homeland Security to—

(A) organize, train, equip, and employ cyber incident response teams; and

(B) perform civilian cyber response missions.

(4) An explanation as to how the establishment of such teams would fit into the current missions of the Department of Defense and the Department of Homeland Security.

(5) An analysis of current and projected State civilian and private sector cyber response capabilities and services, including an identification of any gaps in such capabilities and services, and including an analysis of the following:

(A) Whether such teams would be, on a risk- and cost-adjusted basis, of use for each State.

(B) How the establishment of such teams may impact Federal, State, and private sector resourcing for State civilian and private sector cyber response capabilities and services.

(6) An identification of the potential role of such teams with respect to the principles and processes set forth in—

(A) Presidential Policy Directive 20 (United States Cyber Operations Policy);

(B) Presidential Policy Directive 21 (Critical Infrastructure Security and Resilience); and

(C) Presidential Policy Directive 41 (United States Cyber Incident Coordination).

(7) An explanation of how such teams may interact with other organizations and elements of the Federal Government that have responsibilities under the Presidential Policy Directives referred to in paragraph (6).

(8) Any effects on the privacy and civil liberties of United States persons that may result from the establishment of such teams.

(9) Any other considerations determined to be relevant by the Secretaries concerned.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretaries concerned shall submit to the appropriate congressional committees a report that includes—

(1) the results of the study conducted under subsection (a), including an explanation of each element described in subsection (b); and

(2) the final determination of the Secretaries with respect to the feasibility and advisability of establishing reserve component cyber civil support teams for each State.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Homeland Security of the House of Representatives; and

(C) the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) The term "reserve component cyber civil support team" means a team that—

(A) is comprised of members of the reserve components;

(B) is organized, trained, equipped, and sustained by the Department of Defense for the purpose of assisting State authorities in preparing for and responding to cyber incidents, cyber emergencies, and cyber attacks; and

(C) operates principally under the command and control of the Chief Executive of the State in which the team is located.

(3) The term "Secretaries concerned" means the Secretary of Defense and the Secretary of Homeland Security acting jointly.

(4) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

SEC. 1654. [10 U.S.C. 394 note] IDENTIFICATION OF COUNTRIES OF CONCERN REGARDING CYBERSECURITY.

(a) IDENTIFICATION OF COUNTRIES OF CONCERN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall create a list of countries that pose a risk to the cybersecurity of United States defense and national security systems and infrastructure. Such list shall reflect the level of threat posed by each country included on such list. In creating such list, the Secretary shall take in to account the following:

(1) A foreign government's activities that pose force protection or cybersecurity risk to the personnel, financial systems, critical infrastructure, or information systems of the United States or coalition forces.

(2) A foreign government's willingness and record of providing financing, logistics, training or intelligence to other persons, countries or entities posing a force protection or cybersecurity risk to the personnel, financial systems, critical infrastructure, or information systems of the United States or coalition forces.

(3) A foreign government's engagement in foreign intelligence activities against the United States for the purpose of undermining United States national security.

(4) A foreign government's knowing participation in transnational organized crime or criminal activity.

(5) A foreign government's cyber activities and operations to affect the supply chain of the United States Government.

(6) A foreign government's use of cyber means to unlawfully or inappropriately obtain intellectual property from the United States Government or United States persons.

(b) UPDATES.—The Secretary shall continuously update and maintain the list under subsection (a) to preempt obsolescence.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the

appropriate committees of Congress the list created pursuant to subsection (a) and any accompanying analysis that contributed to the creation of the list.

SEC. 1655. [10 U.S.C. 2224 note] MITIGATION OF RISKS TO NATIONAL SECURITY POSED BY PROVIDERS OF INFORMATION TECHNOLOGY PRODUCTS AND SERVICES WHO HAVE OBLIGATIONS TO FOREIGN GOVERNMENTS.

(a) DISCLOSURE REQUIRED.—Subject to the regulations issued under subsection (b), the Department of Defense may not use a product, service, or system procured or acquired after the date of the enactment of this Act relating to information or operational technology, cybersecurity, an industrial control system, or weapons system provided by a person unless that person discloses to the Secretary of Defense the following:

(1) Whether, and if so, when, within five years before or at any time after the date of the enactment of this Act, the person has allowed a foreign government to review the code of a non-commercial product, system, or service developed for the Department, or whether the person is under any obligation to allow a foreign person or government to review the code of a non-commercial product, system, or service developed for the Department as a condition of entering into an agreement for sale or other transaction with a foreign government or with a foreign person on behalf of such a government.

(2) Whether, and if so, when, within five years before or at any time after the date of the enactment of this Act, the person has allowed a foreign government listed in section 1654 to review the source code of a product, system, or service that the Department is using or intends to use, or is under any obligation to allow a foreign person or government to review the source code of a product, system, or service that the Department is using or intends to use as a condition of entering into an agreement for sale or other transaction with a foreign government or with a foreign person on behalf of such a government.

(3) Whether or not the person holds or has sought a license pursuant to the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations, or successor regulations, for information technology products, components, software, or services that contain code custom-developed for the non-commercial product, system, or service the Department is using or intends to use.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall issue regulations regarding the implementation of subsection (a).

(2) UNIFORM REVIEW PROCESS.—If information obtained from a person under subsection (a) or the contents of the registry under subsection (f) are the subject of a request under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), the Secretary of Defense shall conduct a uniform review process, without regard

to the office holding the information, to determine if the information is exempt from disclosure under such section 552.

(c) PROCUREMENT.—Procurement contracts for covered products or systems shall include a clause requiring the information contained in subsection (a) be disclosed during the period of the contract if an entity becomes aware of information requiring disclosure required pursuant to such subsection, including any mitigation measures taken or anticipated.

(d) MITIGATION OF RISKS.—

(1) IN GENERAL.—If, after reviewing a disclosure made by a person under subsection (a), the Secretary determines that the disclosure relating to a product, system, or service entails a risk to the national security infrastructure or data of the United States, or any national security system under the control of the Department, the Secretary shall take such measures as the Secretary considers appropriate to mitigate such risks, including, as the Secretary considers appropriate, by conditioning any agreement for the use, procurement, or acquisition of the product, system, or service on the inclusion of enforceable conditions or requirements that would mitigate such risks.

(2) THIRD-PARTY TESTING STANDARD.—Not later than two years after the date of the enactment of this Act the Secretary shall develop such third-party testing standard as the Secretary considers acceptable for commercial off the shelf (COTS) products, systems, or services to use when dealing with foreign governments.

(e) EXEMPTION OF OPEN SOURCE SOFTWARE.—This section shall not apply to open source software.

(f) ESTABLISHMENT OF REGISTRY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) establish within the operational capabilities of the Committee for National Security Systems (CNSS) or within such other agency as the Secretary considers appropriate a registry containing the information disclosed under subsection (a); and

(2) upon request, make such information available to any agency conducting a procurement pursuant to the Federal Acquisition Regulations or the Defense Federal Acquisition Regulations.

(g) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report detailing the number, scope, product classifications, and mitigation agreements related to each product, system, and service for which a disclosure is made under subsection (a).

(h) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Oversight and Government Reform of the House of Representatives.

(2) COMMERCIAL ITEM.—The term "commercial item" has the meaning given such term in section 103 of title 41, United States Code.

(3) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning given such term in section 11101 of title 40, United States Code.

(4) NATIONAL SECURITY SYSTEM.—The term "national security system" has the meaning given such term in section 3552(b) of title 44, United States Code.

(5) NON-COMMERCIAL PRODUCT, SYSTEM, OR SERVICE.—The term "non-commercial product, system, or service" means a product, system, or service that does not meet the criteria of a commercial item.

(6) OPEN SOURCE SOFTWARE.—The term "open source software" means software for which the human-readable source code is available for use, study, re-use, modification, enhancement, and re-distribution by the users of such software.

SEC. 1656. REPORT ON CYBERSECURITY APPRENTICE PROGRAM.

Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of establishing a Cybersecurity Apprentice Program to support on-the-job training for certain cybersecurity positions and facilitate the acquisition of cybersecurity certifications.

SEC. 1657. REPORT ON ENHANCEMENT OF SOFTWARE SECURITY FOR CRITICAL SYSTEMS.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Principal Cyber Adviser to the Secretary of Defense, the Under Secretary of Defense for Research and Engineering, and the Chief Information Officer of the Department of Defense shall jointly submit to the congressional defense committees a report on a study, based on the authorities specified in subsection (b), on the costs, benefits, technical merits, and other merits of applying the technologies described in subsection (c) to the vulnerability assessment and remediation of the following systems:

(1) Nuclear systems and nuclear command and control.

(2) A critical subset of conventional power projection capabilities.

(3) Cyber command and control.

(4) Other defense critical infrastructure.

(b) BASIS FOR CONDUCT OF STUDY.—The study required for purposes of subsection (a) shall be conducted pursuant to the following:

(1) Section 1640 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

(2) Section 1650 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2224 note).

(3) Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1118).

(4) Section 937 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2224 note).

(c) TECHNOLOGIES.—The technologies described in this subsection include the following:

(1) Technology acquired, developed, and used by Combat Support Agencies of the Department of Defense to discover flaws and weaknesses in software code by inputting immense quantities of pseudo-random data (commonly referred to as "fuzz") to identify inputs that cause the software to fail or degrade.

(2) Cloud-based software fuzzing-as-a-service to continuously test the security of Department of Defense software repositories at large scale.

(3) Formal programming and protocol language for software code development and other methods and tools developed under various programs such as the High Assurance Cyber Military Systems program of the Defense Advanced Research Projects Agency.

(4) The binary analysis and symbolic execution software security tools developed under the Cyber Grand Challenge of the Defense Advanced Research Projects Agency.

(5) Any other advanced or immature technologies with respect to which the Department of Defense determines there is particular potential for application to the vulnerability assessment and remediation of the systems specified in subsection (a).

Subtitle D—Nuclear Forces

SEC. 1661. UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING AND THE NUCLEAR WEAPONS COUNCIL.

Section 179(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ", Technology, and Logistics" and inserting "and Sustainment";

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

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) The Under Secretary of Defense for Research and Engineering.".

SEC. 1662. LONG-RANGE STANDOFF WEAPON REQUIREMENTS.

Subparagraphs (A) and (B) of section 217(a)(1) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 706) are amended to read as follows:

"(A) achieves initial operating capability for nuclear missions prior to the retirement of the nuclear-armed AGM-86;

"(B) achieves initial operating capability for conventional missions by not later than five years after the date of the achievement under subparagraph (A); and".

SEC. 1663. ACCELERATION OF GROUND-BASED STRATEGIC DETERRENT PROGRAM AND LONG-RANGE STANDOFF WEAPON PROGRAM.

(a) PLAN FOR ACCELERATION OF PROGRAMS.—Consistent with validated military requirements and in accordance with applicable provisions of Federal law regarding acquisition, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Secretary of the Air Force, shall develop and implement—

(1) a plan to accelerate the development, procurement, and fielding of the ground-based strategic deterrent program; and

(2) a plan to accelerate the development, procurement, and fielding of the long-range standoff weapon.

(b) CRITERIA.—The plans developed under subsection (a) shall meet the following criteria:

(1) With respect to the plan developed under paragraph (1) of such subsection, the plan shall ensure that the ground-based strategic deterrent program includes the recapitalization of the full intercontinental ballistic missile weapon system for 400 deployed missiles and associated spares and 450 launch facilities, without phasing or splitting the program, including with respect to the missile flight system, ground-based infrastructure and equipment, appropriate command and control elements.

(2) The plans shall include a comprehensive assessment of the benefits, risks, feasibility, costs, and cost savings of various options for accelerating the respective program covered by the plan, including by considering—

(A) accelerating—

(i) the technology maturation and risk reduction phase, including through the identification of low- and high- technology readiness levels, requirements, and timelines for maturing such technology;

(ii) the award of an engineering and manufacturing development contract; and

(iii) making the milestone B decision;

(B) transitioning full acquisition authority, responsibility, and accountability of the respective program to the Secretary of the Air Force, including milestone decision authority;

(C) providing a general officer-level program executive officer a dedicated, single-program, long-term assignment with a tailored acquisition approach, program strategy, and oversight model for the respective program that empowers the general officer to accelerate the program, make decisions, and be held accountable;

(D) streamlining, as appropriate, test and evaluation activities for the respective program, particularly for proven technologies, while ensuring high confidence in the final deployed system;

(E) leveraging agile software development or other innovative approaches to reduce timeframes for software development;

(F) identifying and proposing statutory changes that the Under Secretary or the Secretary of the Air Force determine could accelerate the respective program;

(G) identifying accelerated goals for initial operational capability and full operational capability for the respective program; and

(H) such other options as the Under Secretary or the Secretary of the Air Force consider appropriate.

(c) SUBMISSION.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary, in consultation with the Secretary of the Air Force, shall submit to the congressional defense committees the plans developed under subsection (a), including an assessment of the options considered and the options selected to be implemented under the plans.

(d) BRIEFING.—Not later than 160 days after the date of the enactment of this Act, the Commander of the United States Strategic Command shall provide to the congressional defense committees a briefing on the views of the Commander with respect to the plans developed under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term "milestone B decision" has the meaning given that term in section 2400(a) of title 10, United States Code.

(2) The term "milestone decision authority" has the meaning given that term in section 2366a(d) of title 10, United States Code.

SEC. 1664. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2019 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in division D, $9,841,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. "Buck"McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term "covered parts" means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1665. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense shall be obligated or expended for—

(1) reducing, or preparing to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(2) reducing, or preparing to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1666. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR MOBILE VARIANT OF GROUND-BASED STRATEGIC DETERRENT MISSILE.

Section 1664 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2615), as amended by section 1663 by the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is amended by striking "2019" and inserting "2020".

SEC. 1667. [10 U.S.C. 711 note] EXCHANGE PROGRAM FOR NUCLEAR WEAPONS PROGRAM EMPLOYEES.

(a) PROGRAM AUTHORIZED.—The Chairman of the Nuclear Weapons Council established under section 179 of title 10, United States Code, and the Administrator for Nuclear Security, shall jointly establish an exchange program under which—

(1) the Chairman shall arrange for the temporary assignment of civilian and military personnel working on nuclear weapons policy, production, and force structure issues in the Office of the Secretary of Defense, the Joint Staff, the Navy, or the Air Force to the Office of the Deputy Administrator for Defense Programs in the National Nuclear Security Administration; and

(2) the Administrator shall arrange for the temporary assignment of civilian personnel working on programs related to nuclear weapons in the Office of the Deputy Administrator for Defense Programs to the elements of the Department of Defense specified in paragraph (1).

(b) PURPOSES.—The purposes of the exchange program established under subsection (a) are—

(1) to familiarize personnel from the Department of Defense and the National Nuclear Security Administration with the equities, priorities, processes, culture, and employees of the other agency;

(2) for participants in the exchange program to return the expertise gained through their exchanges to their original agencies at the conclusion of their exchanges; and

(3) to improve communication between and integration of the agencies that support the formation and oversight of nuclear weapons policy through lasting relationships across the chain of command.

(c) PARTICIPANTS.—

(1) NUMBER OF PARTICIPANTS.—The Chairman and the Administrator shall each select not fewer than five and not more than 10 participants per year for participation in the exchange program established under subsection (a). The Chairman and the Administrator may determine how many participants to select under this paragraph without regard to the number of participants selected from the other agency.

(2) CRITERIA FOR SELECTION.—

(A) IN GENERAL.—The Chairman and the Administrator shall select participants for the exchange program established under subsection (a) from among mid-career employees and based on—

(i) the qualifications and desire to participate in the program of the employee; and

(ii) the technical needs and capacities of the Department of Defense and the National Nuclear Security Administration, as applicable.

(B) DEPARTMENT OF DEFENSE.—In selecting participants from the Department of Defense for the exchange program established under subsection (a), the Chairman shall ensure that there is a mix of military personnel and civilian employees of the Department.

(d) TERMS.—Exchanges pursuant to the exchange program established under subsection (a) shall be for terms of one to two years, as determined and negotiated by the Chairman and the Administrator. Such terms may begin and end on a rolling basis.

(e) GUIDANCE AND IMPLEMENTATION.—

(1) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Chairman and the Administrator shall jointly develop and submit to the congressional defense committees interim guidance on the form and contours of the exchange program established under subsection (a).

(2) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Chairman and the Administrator shall implement the guidance developed under paragraph (1).

SEC. 1668. [10 U.S.C. 491 note] PLAN TO TRAIN OFFICERS IN NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of the Air Force, the Secretary of the Navy, the Chairman of the Joint Chiefs of Staff, and the Commander of the United States Strategic Command, shall develop a plan to train, educate, manage, and track officers of the Armed Forces in nuclear command, control, and communications.

(b) ELEMENTS.—The plan required by subsection (a) shall address—

(1) manpower requirements at various grades;

(2) desired career paths and promotion timing; and

(3) any other matters the Secretary of Defense considers relevant to develop a mature cadre of officers with nuclear command, control, and communications expertise.

(c) SUBMISSION OF PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan required by subsection (a).

(d) IMPLEMENTATION.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall implement the plan required by subsection (a).

SEC. 1669. INDEPENDENT STUDY ON OPTIONS TO INCREASE PRESIDENTIAL DECISION-TIME REGARDING NUCLEAR WEAPONS EMPLOYMENT.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the potential benefits

and risks of options to increase the time the President has to make a decision regarding the employment of nuclear weapons.

(b) REPORTS.—

(1) SUBMISSION TO DOD.—Not later than 270 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the Secretary a report containing the study conducted under subsection (a). Such report shall include the findings and recommendations of the center.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the report under paragraph (1), the Secretary shall submit to the congressional defense committees such report, without change, and any comments of the Secretary with respect to such report.

(3) FORM.—The reports under paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1670. EXTENSION OF ANNUAL REPORT ON PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.

Section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1576), as most recently amended by section 1665 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), is further amended in subsection (a)(1) by striking "2019" and inserting "2023".

SEC. 1671. PLAN FOR ALIGNMENT OF ACQUISITION OF WARHEAD LIFE EXTENSION PROGRAMS AND DELIVERY VEHICLES FOR SUCH WARHEADS.

Not later than February 15, 2019, the Chairman of the Nuclear Weapons Council established under section 179 of title 10, United States Code, shall submit to the congressional defense committees a plan containing a proposal for better aligning the acquisition of warhead life extension programs by the National Nuclear Security Administration with the acquisition of the planned delivery vehicles for such warheads by the Department of Defense.

SEC. 1672. ANNUAL REPORT ON DEVELOPMENT OF LONG-RANGE STAND-OFF WEAPON.

(a) REPORT REQUIRED.—Not later than February 15, 2019, and annually thereafter until the date on which the long-range stand-off weapon receives Milestone B approval (as defined in section 2366 of title 10, United States Code), the Secretary of the Air Force, in coordination with the Administrator for Nuclear Security and the Chairman of the Nuclear Weapons Council, shall submit to the congressional defense committees a report describing the joint development of the long-range stand-off weapon, including the missile developed by the Air Force and the W80-4 warhead life extension program conducted by the National Nuclear Security Administration.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the date on which the long-range stand-off weapon will reach initial operating capability.

(2) A description of any development milestones for the missile developed by the Air Force or the warhead developed by the National Nuclear Security Administration that depend on corresponding progress at the other agency.

(3) A description of coordination efforts between the Air Force and the National Nuclear Security Administration during the period covered by the report.

(4) A description of any schedule delays projected by the Air Force or the National Nuclear Security Administration and the anticipated effect such delays would have on the schedule of work of the other agency.

(5) Plans to mitigate the effects of any delays described in paragraph (4).

(6) A description of any ways, including through the availability of additional funding or authorities, in which the development milestones described in paragraph (2) or the estimated date of initial operating capability referred to in paragraph (1), could be achieved more quickly.

(7) An estimate of the acquisition costs for the long-range stand-off weapon.

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

SEC. 1673. SENSE OF CONGRESS ON NUCLEAR POSTURE OF THE UNITED STATES.

It is the sense of Congress that—

(1) for more than 70 years the nuclear deterrent of the United States has played, and will continue to play, a central role in the national security of the United States and international stability;

(2) strong, credible, and flexible nuclear forces of the United States deter aggression by adversaries and assure the allies of the United States that the extended deterrence commitments of the United States are steadfast;

(3) the 2017 National Security Strategy, the 2018 National Defense Strategy, and the 2018 Nuclear Posture Review correctly assess changes in the security environment related to interstate strategic competition and recognize that the defense policies and posture of the United States, including those related to nuclear forces, must undergo measured adjustments;

(4) the United States remains committed to, and will continue to honor, its full range of nuclear arms control and nonproliferation treaty obligations and seeks continued engagement for prudent and verifiable agreements, however, the policies and actions of the United States must also hold states that violate such treaties accountable for such violations and take such violations into account when considering further arms control agreements;

(5) the North Atlantic Treaty Organization (NATO) plays an essential role in the national security of the United States and NATO should continue to strengthen and align its nuclear and conventional deterrence posture, planning, and exercises to align with modern threats, including modernizing its dual-capable aircraft, command and control networks, nuclear-related facilities, and conventional capabilities;

(6) the 2018 Nuclear Posture Review rightly states that the United States requires reliable, diverse, and tailorable nuclear forces capable of responding to a variety of current threats while preparing for future uncertainty and directs implementation of a comprehensive nuclear modernization program at both the Department of Defense and the National Nuclear Security Administration; and

(7) the Department of Defense and the National Nuclear Security Administration must integrate, partner, and organize themselves to successfully execute all aspects of the nuclear modernization program, including those regarding nuclear forces, warheads, infrastructure, command and control, and personnel.

Subtitle E—Missile Defense Programs

SEC. 1675. DEVELOPMENT OF PERSISTENT SPACE-BASED SENSOR ARCHITECTURE.

(a) DEVELOPMENT REQUIRED.—Subsection (a) of section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2431 note) is amended by striking "If consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017, the Director of the Missile Defense Agency" and inserting "Subject to the availability of appropriations, beginning fiscal year 2019, the Director of the Missile Defense Agency, in coordination with the Commander of the Air Force Space Command and the Commander of the United States Strategic Command,".

(b) COMPATIBILITY WITH EFFORTS OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.—Such section is amended—

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

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

"(e) COMPATIBILITY WITH EFFORTS OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.—The Director shall ensure that the sensor architecture developed under subsection (a) is compatible with efforts of the Defense Advanced Research Projects Agency relating to space-based sensors for missile defense.".

(c) REPORT ON USE OF OTHER AUTHORITIES.—Such section is further amended by inserting after subsection (e), as added by subsection (b) of this section, the following new subsection (f):

"(f) REPORT ON USE OF OTHER AUTHORITIES.—Not later than January 31, 2019, the Director shall submit to the appropriate congressional committees a report on the options available to the Director to use other transactional authorities pursuant to section 2371 of title 10, United States Code, to accelerate the development and deployment of the sensor architecture required by subsection (a).".

(d) PLAN.—

(1) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense for the development of the

space-based sensor architecture under subsection (a) of section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2431 note), not more than 85 percent may be obligated or expended until the date on which the Director of the Missile Defense Agency submits the plan under subsection (g) of such section, as redesignated by subsection (b)(1) of this section.

(2) CLARIFICATION OF ROLES.—Section 1683(g) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2431 note), as redesignated by subsection (b)(1) of this section, is amended by striking "the Director shall submit" and inserting "the Director, in coordination with the Commander of the Air Force Space Command and the Commander of the United States Strategic Command, shall submit".

SEC. 1676. BOOST PHASE BALLISTIC MISSILE DEFENSE.

(a) DEVELOPMENT AND STUDY.—Section 1685 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2431 note) is amended by adding at the end the following new subsections:

"(d) DEVELOPMENT.—

"(1) REQUIREMENT.—Subject to the availability of appropriations, beginning fiscal year 2019, the Director of the Missile Defense Agency shall carry out a program to develop boost phase intercept capabilities that—

"(A) are cost effective;

"(B) are air-launched, ship-based, or both; and

"(C) include kinetic interceptors.

"(2) PARTNERSHIPS.—In developing kinetic boost phase intercept capabilities under paragraph (1), the Director may enter into partnerships with the Ministry of National Defense of the Republic of Korea or the Ministry of Defense of Japan, or both.

"(e) INDEPENDENT STUDY.—

"(1) REQUIREMENT.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a feasibility study on providing an initial or demonstrated boost phase capability using unmanned aerial vehicles and kinetic interceptors by December 31, 2021. Such study shall include, at a minimum, a review of the study published by the Science, Technology, and National Security Working Group of the Massachusetts Institute of Technology in 2017 titled 'Airborne Patrol to Destroy DPRK ICBMs in Powered Flight'.

"(2) SUBMISSION.—Not later than July 31, 2019, the Secretary shall submit to the congressional defense committees the study conducted under paragraph (1).".

(b) MODIFICATION TO SENSE OF CONGRESS.—Subsection (a) of such section is amended by striking ", if consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017".

SEC. 1677. EXTENSION OF REQUIREMENT FOR REPORTS ON UNFUNDED PRIORITIES OF MISSILE DEFENSE AGENCY.

(a) [10 U.S.C. 222b] IN GENERAL.—Section 1696 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2638)—

(1) is—

(A) transferred to chapter 9 of title 10, United States Code;

(B) inserted after section 222a; and

(C) redesignated as section 222b; and

(2) is amended—

(A) in subsection (a), by striking "for each of fiscal years 2018 and 2019" and inserting "for a fiscal year"; and

(B) in subsection (c)(3), by striking "the budget if" and all that follows through the period at the end and inserting "the budget if additional resources had been available for the budget to fund the program, activity, or mission requirement.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—Section 222b of title 10, United States Code, as added by subsection (a), is amended—

(A) in the enumerator, by striking "SEC." and inserting "§"; and

(B) by striking the section heading and inserting "Unfunded priorities of the Missile Defense Agency: annual report".

(2) [10 U.S.C. 221] TABLE OF SECTIONS.—The table of sections at the beginning of chapter 9 of title 10, United States Code, is amended by inserting after the item relating to section 222a the following new item:

"222b. Unfunded priorities of the Missile Defense Agency: annual report.".

SEC. 1678. EXTENSION OF PROHIBITION RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Section 130h(e) of title 10, United States Code, is amended by striking "January 1, 2019" and inserting "January 1, 2021".

SEC. 1679. MODIFICATION OF REQUIREMENT RELATING TO TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.

Section 1676(b)(2) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2431 note) is amended by inserting "or equivalent approval" before the period at the end.

SEC. 1680. MODIFICATION OF REQUIREMENT TO DEVELOP A SPACE-BASED BALLISTIC MISSILE INTERCEPT LAYER.

(a) DISSOCIATION WITH BALLISTIC MISSILE DEFENSE REVIEW.—Subsection (a) of section 1688 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2431 note) is amended, in the matter before paragraph (1), by striking "If consistent" and all that follows through "the Director" and inserting "Subject to the availability of appropriations, the Director".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended, in the matter before paragraph (1), by striking "If the Director carries out subsection (a), not later" and inserting "Not later".

SEC. 1681. IMPROVEMENTS TO ACQUISITION PROCESSES OF MISSILE DEFENSE AGENCY.

(a) NOTIFICATION ON CHANGES TO NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES.—

(1) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Secretary of Defense may be obligated or expended to change the non-standard acquisition processes and responsibilities described in paragraph (2) until—

(A) the Secretary notifies the congressional defense committees of such proposed change; and

(B) a period of 90 days has elapsed following the date of such notification.

(2) NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES DESCRIBED.—The non-standard acquisition processes and responsibilities described in this paragraph are such processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled "Missile Defense Program Direction" signed on January 2, 2002;

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act; and

(C) United States Strategic Command Instruction 583-3.

(b) INTEGRATED MASTER TEST PLAN INFORMATION.—Together with the release of each integrated master test plan of the Missile Defense Agency, and at the same time as each budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Director of the Missile Defense Agency shall make publicly available a version of each such plan that identifies the fiscal year and the fiscal quarter in which events under the plan will occur.

(c) MISSILE DEFENSE EXECUTIVE BOARD.—In addition to the Under Secretary of Defense for Research and Engineering serving as chair of the Missile Defense Executive Board pursuant to section 1676(c)(3)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1773), the Under Secretary of Defense for Acquisition and Sustainment shall serve—

(1) as a member of the Board; and

(2) as co-chair with respect to decisions regarding acquisition and the approval of acquisition and production milestones, including with respect to the use of other transaction authority contracts and transactions in excess of $500,000,000 (including all options).

SEC. 1682. LAYERED DEFENSE OF THE UNITED STATES HOMELAND.

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

(1) continue to explore and deploy capabilities that increase the layered defense of the United States homeland;

(2) support, if determined by the Secretary of Defense as necessary for the national security of the United States, the deployment of a ground-based interceptor site, or potential other ballistic missile defense systems pending successful testing, on the East Coast of the United States that—

(A) weighs cost effectiveness and prioritization of capability; and

(B) provides for increased protection of the continental United States from North Korean and Iranian threats;

(3) support the ability of the Army, the Navy, and the Missile Defense Agency to deploy fixed, semi-fixed, and mobile at-sea and ashore assets to locations to increase the layered defense of all of the United States homeland; and

(4) support, as appropriate, further analysis and testing for regional systems to be employed for the layered defense of the United States homeland.

(b) CERTIFICATION.—Before the Secretary of Defense makes a potential determination to deploy regional assets to provide missile defense from longer range threats, the Secretary shall certify to the congressional defense committees that such deployment would not pose additional risk to strategic stability.

SEC. 1683. TESTING OF REDESIGNED KILL VEHICLE PRIOR TO PRODUCTION AND GROUND-BASED MIDCOURSE DEFENSE ACCELERATION OPTIONS.

(a) SUCCESSFUL TESTING REQUIRED.—Except as provided by subsection (b), the Director of the Missile Defense Agency may not make a lot production decision for the redesigned kill vehicle unless the vehicle has undergone at least one successful flight intercept test that meets the following criteria:

(1) The test sufficiently assesses the performance of the vehicle in order to inform a lot production decision.

(2) The results of the test demonstrate that the vehicle—

(A) will work in an effective manner; and

(B) has the ability to accomplish the intended mission of the vehicle.

(b) WAIVER.—The Secretary of Defense, without delegation, may waive subsection (a) if—

(1) the Secretary determines that the waiver is in the interest of national security;

(2) the Secretary determines that the threat of missiles is advancing at a pace that requires additional capacity of the ground-based midcourse system by 2023;

(3) the Secretary determines that the waiver is appropriate in light of the assessment conducted by the Director of Operational Test and Evaluation under subsection (c);

(4) the Secretary submits to the congressional defense committees a report containing—

(A) a notice of the waiver, including the rationale of the Secretary for making the waiver;

(B) a certification by the Secretary that the Secretary has analyzed and accepts the risk of making and implementing a lot production decision for the redesigned kill vehicle prior to the vehicle undergoing a successful flight intercept test; and

(C) the assessment of the Director of Operational Test and Evaluation under subsection (c); and

(5) a period of 30 days elapses following the date on which the Secretary submits the report under paragraph (4).

(c) ASSESSMENT ON RISKS.—The Director of Operational Test and Evaluation shall submit to the Secretary of Defense an assessment on the risks of making a lot production decision for the redesigned kill vehicle prior to the vehicle undergoing a successful flight intercept test.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on ways the Director could accelerate by at least one year the construction of Missile Field 4 at Fort Greely, Alaska, as well as the deployment of 20 ground-based interceptors with redesigned kill vehicles at such missile field.

(2) CONTENTS.—The report under paragraph (1) shall include the following:

(A) A threat-based description of the benefits and risks of accelerating the construction and deployment referred to in paragraph (1).

(B) A description of the technical and acquisition risks and potential effects on the reliability of the redesigned kill vehicle if deployment is accelerated as described in paragraph (1).

(C) A description of the cost implications of accelerating the construction and deployment referred to in paragraph (1).

(D) A description of the effect such acceleration would have on the redesigned kill vehicle flight test schedule and the overall integrated master test plan.

(E) A description of the effect that the acceleration described in paragraph (1) would have on re-tipping currently deployed exoatmospheric kill vehicles with the redesigned kill vehicle.

(F) A description of how such acceleration would align with the deployment of the long-range discrimination radar and the discrimination radar for homeland defense to be made operational in Hawaii.

(G) A cost-benefit analysis and a feasibility assessment for construction of a fifth missile field at Fort Greely, Alaska.

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

SEC. 1684. REQUIREMENTS FOR BALLISTIC MISSILE DEFENSE CAPABLE SHIPS.

(a) FORCE STRUCTURE ASSESSMENT.—The Secretary of the Navy, in consultation with the Director of the Missile Defense Agency, shall include in the first force structure assessment conducted following the date of the enactment of this Act the following:

(1) An assessment of the requirements for ballistic missile defense capable ships.

(2) The force structure requirements associated with advanced ballistic missile defense capabilities.

(b) FORCE STRUCTURE ASSESSMENT DEFINED.—The term "force structure assessment" has the meaning given the term in Chief of Naval Operations Instruction 3050.27.

SEC. 1685. MULTIYEAR PROCUREMENT AUTHORITY FOR STANDARD MISSILE-3 IB GUIDED MISSILES.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of Defense may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of standard missile-3 block IB guided missiles.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts for advance procurement associated with the missiles for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

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

SEC. 1686. LIMITATION ON AVAILABILITY OF FUNDS FOR ARMY LOWER TIER AIR AND MISSILE DEFENSE SENSOR.

(a) LIMITATION.—If the Secretary of the Army issues an acquisition strategy for a 360-degree lower tier air and missile defense sensor pursuant to section 1679(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1774) that proposes such sensor achieve initial operating capability later than December 31, 2023, not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for such sensor may be obligated or expended until the date on which the Secretary submits to the congressional defense committees a report—

(1) explaining the rationale of such delayed initial operating capability, including a description of any technological or acquisition-related factors causing such delay; and

(2) containing a funding profile and schedule to ensure that such sensor would achieve initial operating capability by December 31, 2023.

(b) PERFORMANCE SPECIFICATION.—The Secretary shall ensure that the performance specification of the 360-degree lower tier air and missile defense sensor—

(1) specifies requirements relating to—

(A) detecting and tracking complex attacks from air-breathing threats, tactical ballistic missiles, and emerging hypersonic weapons; and

(B) being a key component of the future integrated air and missile defense architecture of the Army and supporting engagements for the full range and capability of Patriot Advanced Capability-3 missile segment enhancement interceptors; and

(2) uses evaluation criteria that enable an understanding of the cost and value of procuring such sensor in accordance with such specified requirements.

SEC. 1687. MISSILE DEFENSE RADAR IN HAWAII.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, acting through the Director of the Missile Defense Agency, and in coordination with relevant Federal and local entities, should—

(1) ensure an on-time delivery of the discrimination radar for homeland defense to be made operational in Hawaii; and

(2) accelerate the deployment of the radar as much as possible, contingent on the environmental review process pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) CERTIFICATION.—Not later than 45 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall certify to the congressional defense committees that—

(1) the Director is on schedule to award the contract for the discrimination radar for homeland defense planned to be located in Hawaii by December 31, 2018; and

(2) such radar and associated in-flight interceptor communications system data terminal will be operational by not later than September 30, 2023.

(c) UPDATES.—

(1) MONTHLY UPDATES ON DELAYED SCHEDULE.—If the Director has not awarded the contract referred to in subsection (b)(1) by December 31, 2018, on a monthly basis beginning on such date and ending on the date on which the Director makes such award, the Director shall provide to the congressional defense committees an update explaining—

(A) the rationale for the delay in making such award; and

(B) any effects of such delay in making such radar and associated in-flight interceptor communications system data terminal operational by not later than September 30, 2023.

(2) SEMIANNUAL UPDATES.—Not later than June 3, 2019, and semiannually thereafter through 2021, the Director shall provide to the congressional defense committees an update on—

(A) the acquisition of the discrimination radar for homeland defense planned to be located in Hawaii and the associated in-flight interceptor communications system data terminal; and

(B) the environmental review process for such radar pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 1688. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

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

(1) the strong and enduring relationship between the United States and Israel is in the national security interest of both countries; and

(2) the memorandum of understanding signed by the United States and Israel on September 14, 2016, including the provisions of the memorandum relating to missile and rocket

defense cooperation, is a critical component of the bilateral relationship.

(b) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for procurement, Defense-wide, and available for the Missile Defense Agency, $70,000,000 may be provided to the Government of Israel, in accordance with the memorandum of understanding signed by the United States and Israel on September 14, 2016, to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition and Sustainment shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

(ii) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2019 for procurement, Defense-wide, and available for the Missile Defense Agency, $50,000,000 may be provided to the Government of Israel, in accordance with the memorandum of understanding signed by the United States and Israel on September 14, 2016, to procure the David's Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(C) the level of co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(d) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2019 for procurement, Defense-wide, and available for the Missile Defense Agency, $80,000,000 may be provided to the Government of Israel, in accordance with the memorandum of understanding signed by the United States and Israel on September 14, 2016, for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—Except as provided by paragraph (3), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(3) WAIVER.—The Under Secretary may waive the certification required by paragraph (2) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(A) the funds specified in paragraph (1) are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead production, of the Arrow 3 Upper Tier Interceptor Program;

(B) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(C) the long-lead procurement will be conducted in a manner that maximizes co-production in the United States without incurring nonrecurring engineering activity or cost other than such activity or cost required for suppliers of the United States to start or restart production in the United States.

(e) NUMBER.—In carrying out paragraph (2) of subsection (c) and paragraph (2) of subsection (d), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(f) TIMING.—The Under Secretary shall submit to the congressional defense committees the certifications under paragraph (2) of subsection (c) and paragraph (2) of subsection (d) by not later than 60 days before the funds specified in paragraph (1) of subsections (c) and (d) for the respective system covered by the certification are provided to the Government of Israel.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1689. ACCELERATION OF HYPERSONIC MISSILE DEFENSE PROGRAM.

(a) ACCELERATION OF PROGRAM.—Subject to the availability of appropriations, the Director of the Missile Defense Agency shall accelerate the hypersonic missile defense program of the Missile Defense Agency.

(b) DEPLOYMENT.—The Director shall deploy such program in conjunction with a persistent space-based missile defense sensor program.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report on how hypersonic missile defense can be accelerated to meet emerging hypersonic threats.

(2) CONTENTS.—The report under paragraph (1) shall include the following:

(A) An estimate of the cost of the acceleration described in such paragraph.

(B) The technical requirements and acquisition plan needed for the Director to develop and deploy a hypersonic missile defense program.

(C) A testing campaign plan that accelerates the delivery of hypersonic defense systems to the warfighter.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1690. REPORT ON BALLISTIC MISSILE DEFENSE.

(a) REPORT.—Not later than 180 days after the date on which the Ballistic Missile Defense Review that commenced in 2017 is published, the Secretary of Defense shall submit to the congressional defense committees a report that addresses the implications of the recommendations of the Ballistic Missile Defense Review on current programs of record, costs and resource prioritization, and strategic stability.

(b) CBO REPORT ON COSTS.—

(1) REPORT.—Not later than one year after the date on which the Ballistic Missile Defense Review that commenced in 2017 is published, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth an estimate of the costs over the 10-year period beginning on the date of the report associated with implementing any recommendations of the Ballistic Missile Defense Review.

(2) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1691. SENSE OF CONGRESS ON ALLIED PARTNERSHIPS FOR MISSILE DEFENSE.

It is the sense of Congress that—

(1) the United States should seek additional opportunities, at the tactical, operational, and strategic levels, to provide missile defense capabilities, doctrine, interoperability, and planning to allies and trusted partners of the United States;

(2) an expedited foreign military sales arrangement would be beneficial in delivering such missile defenses to allies and trusted partners; and

(3) it is important to continue to work with allies and trusted partners to learn from their experience deploying successful missile defense technologies.

SEC. 1692. SENSE OF CONGRESS ON TESTING BY MISSILE DEFENSE AGENCY.

It is the sense of Congress that—

(1) the Missile Defense Agency should, as part of the test program of the Agency, continue to build an independently accredited modeling and simulation element to better inform missile defense performance assessments and test criteria; and

(2) the Missile Defense Agency should continue to pursue an increasingly rigorous testing regime, in coordination with the Director of Operational Test and Evaluation, to more rapidly deliver capabilities to the warfighter as the threat evolves.

Subtitle F—Other Matters

SEC. 1695. EXTENSION OF COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACKS AND SIMILAR EVENTS.

Section 1691 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1786) is amended—

(1) in subsection (e)—

(A) in paragraph (1)(A), by striking "April 1, 2019" and inserting "April 1, 2020"; and

(B) in paragraph (3), by striking "October 1, 2018" and inserting "October 1, 2019"; and

(2) in subsection (h), by striking "October 1, 2019" and inserting "October 1, 2020".

SEC. 1696. PROCUREMENT OF AMMONIUM PERCHLORATE AND OTHER CHEMICALS FOR USE IN SOLID ROCKET MOTORS.

(a) BUSINESS CASE ANALYSIS.—

(1) GOVERNMENT-OWNED, CONTRACTOR OPERATED.—The Secretary of the Army and the Under Secretary of Defense for Acquisition and Sustainment shall jointly conduct a business case analysis of the Federal Government using a Government-owned, contractor-operated model to ensure a robust domestic industrial base to supply specialty chemicals, including ammonium perchlorate, for use in solid rocket motors. Such analysis shall include assessments of the near- and long-term costs, operating and sustainment costs, program impacts, opportunities for competition, opportunities for redundant or complementary capabilities, and national security implications of using such a model.

(2) REPORT.—Not later than March 1, 2019, the Secretary and the Under Secretary shall submit to the congressional defense committees the business case analysis conducted under paragraph (1).

(b) ANNUAL REPORTS ON CERTAIN SOLID ROCKET MOTORS.—

(1) IN GENERAL.—Not later than December 31, 2018, and each year thereafter through 2021, the Secretary of Defense shall submit to the congressional defense committees an annual report on rockets or missiles provided to the Department of Defense during the year covered by the report that use a solid rocket motor that was, in whole or in part, recovered or recycled from a rocket motor previously owned by the Department of Defense.

(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following:

(A) An identification of which rockets or missiles covered by the report use recycled ammonium perchlorate.

(B) The quantity of such recovered or recycled ammonium perchlorate.

(C) Whether any of the solid rocket propellant, or sodium perchlorate precursor, to be used in the rocket or missile is imported from a foreign country, and if so, the identity of the country.

(D) Any other information the Secretary determines appropriate.

SEC. 1697. [10 U.S.C. 221 note] BUDGET EXHIBIT ON SUPPORT PROVIDED TO ENTITIES OUTSIDE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a single budget exhibit containing relevant details pertaining to support provided by the Department of Defense to the Executive Office of the President related to senior leader communications and continuity of Government programs.

(b) INCLUSIONS.—The budget exhibit required by subsection (a) shall include—

(1) support provided by the White House Military Office, the White House Communications Agency, special mission area activities of the Defense Information Systems Agency, and other relevant programs; and

(2) specific appropriation and line numbers where appropriate.

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

SEC. 1698. CONVENTIONAL PROMPT GLOBAL STRIKE HYPERSONIC CAPABILITIES.

(a) VALIDATED REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a validated requirement for ground-, sea-, or air-launched (or a combination thereof) conventional prompt global strike hypersonic capabilities.

(b) REPORT.—Not later than January 31, 2019, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Under Secretary of Defense for Policy, shall submit to the congressional defense committees a report that contains the following:

(1) A plan to deliver a conventional prompt global strike weapon system that—

(A) is in accordance with section 1693 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1791); and

(B) includes—

(i) options with cost estimates for accelerating the initial capability for such system; and

(ii) a description of policy decisions by the Secretary of Defense that are necessary to employ hypersonic offense capabilities from each potential launch platform of such system.

(2) Details with respect to the assessed level of ambiguity and misinterpretation risk relating to the conventional prompt global strike weapon system, including such potential risks associated with weapon ambiguity (including if adversary sensors are degraded), perceptions of the survivability of strategic nuclear forces, and likely adversary responses.

(3) A description of whether, when, and how the Under Secretary of Defense for Policy would address the risks identified under paragraph (2) in developing and deploying the conventional prompt global strike weapon system and in developing the concept of operations for such system.

SEC. 1699. REPORT REGARDING INDUSTRIAL BASE FOR LARGE SOLID ROCKET MOTORS.

(a) REPORT.—

(1) IN GENERAL.—Not later than April 15, 2019, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Secretaries of the military departments that the Under Secretary determines appropriate, shall submit to the appropriate congressional committees a report on whether, and if so, how, the Federal Government will sustain more than one supplier for large solid rocket motors.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include an assessment of the following:

(A) The risks within the industrial base for large solid rocket motors, including the risks to national security.

(B) The near- and long-term costs associated with having a single source of large solid rocket motors as compared to having more than one such source.

(C) Options for sustaining more than one supplier for large solid rocket motors, including through leveraging—

(i) the ground-based strategic deterrent program;

(ii) the Trident II D5 fleet ballistic missile program;

(iii) the ground-based midcourse defense program;

(iv) national security space launch programs;

(v) programs of the National Aeronautics and Space Administration; and

(vi) any other applicable programs that use or may use solid rocket motors of any size, including with respect to substrategic and tactical systems.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate.

TITLE XVII—REVIEW OF FOREIGN INVESTMENT AND EXPORT CONTROLS

Subtitle A—Committee on Foreign Investment in the United States

Sec. 1701. Short title: Foreign Investment Risk Review Modernization Act of 2018.
Sec. 1702. Findings; sense of Congress.
Sec. 1703. Definitions.
Sec. 1704. Acceptance of written notices.
Sec. 1705. Inclusion of partnership and side agreements in notice.
Sec. 1706. Declarations for certain covered transactions.
Sec. 1707. Stipulations regarding transactions.
Sec. 1708. Authority for unilateral initiation of reviews.
Sec. 1709. Timing for reviews and investigations.
Sec. 1710. Identification of non-notified and non-declared transactions.
Sec. 1711. Submission of certifications to Congress.
Sec. 1712. Analysis by Director of National Intelligence.
Sec. 1713. Information sharing.
Sec. 1714. Action by the President.
Sec. 1715. Judicial review.
Sec. 1716. Considerations for regulations.
Sec. 1717. Membership and staff of Committee.
Sec. 1718. Actions by the Committee to address national security risks.
Sec. 1719. Modification of annual report and other reporting requirements.
Sec. 1720. Certification of notices and information.
Sec. 1721. Implementation plans.
Sec. 1722. Assessment of need for additional resources for Committee.
Sec. 1723. Funding.
Sec. 1724. Centralization of certain Committee functions.
Sec. 1725. Conforming amendments.
Sec. 1726. Briefing on information from transactions reviewed by Committee on Foreign Investment in the United States relating to foreign efforts to influence democratic institutions and processes.
Sec. 1727. Effective date.
Sec. 1728. Severability.

Subtitle B—Export Control Reform

Sec. 1741. Short title.
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PART I—AUTHORITY AND ADMINISTRATION OF CONTROLS

Sec. 1751. Short title.
Sec. 1752. Statement of policy.
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Sec. 1763. Review of interagency dispute resolution process.
Sec. 1764. Consultation with other agencies on commodity classification.
Sec. 1765. Annual report to Congress.
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PART PART II—ANTI-BOYCOTT ACT OF 2018

Sec. 1771. Short title.
Sec. 1772. Statement of policy.
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PART III—ADMINISTRATIVE AUTHORITIES

Sec. 1781. Under Secretary of Commerce for Industry and Security.

Subtitle C—Miscellaneous

Sec. 1791. Extension of authority.
Sec. 1792. Limitation on cancellation of designation of Secretary of the Air Force as Department of Defense Executive Agent for a certain Defense Production Act program.
Sec. 1793. Review of and report on certain defense technologies critical to the United States maintaining superior military capabilities.

Subtitle A—Committee on Foreign Investment in the United States

SEC. 1701. [50 U.S.C. 4501 note] SHORT TITLE: FOREIGN INVESTMENT RISK REVIEW MODERNIZATION ACT OF 2018.

This subtitle may be cited as the "Foreign Investment Risk Review Modernization Act of 2018".

SEC. 1702. FINDINGS; SENSE OF CONGRESS.

(a) [50 U.S.C. 4565 note] FINDINGS.—Congress makes the following findings:

(1) According to a February 2016 report by the International Trade Administration of the Department of Commerce, 12,000,000 United States workers, equivalent to 8.5 percent of the labor force, have jobs resulting from foreign investment, including 3,500,000 jobs in the manufacturing sector alone.

(2) In 2016, new foreign direct investment in United States manufacturing totaled $129,400,000,000.

(3) The Bureau of Economic Analysis of the Department of Commerce concluded that, in 2015—

(A) foreign-owned affiliates in the United States—

(i) contributed $894,500,000,000 in value added to the United States economy;

(ii) exported goods valued at $352,800,000,000, accounting for nearly a quarter of total exports of goods from the United States; and

(iii) undertook $56,700,000,000 in research and development; and

(B) the 7 countries investing the most in the United States, all of which are United States allies (the United Kingdom, Japan, Germany, France, Canada, Switzerland, and the Netherlands) accounted for 72.1 percent of the value added by foreign-owned affiliates in the United States and more than 80 percent of research and development expenditures by such entities.

(4) According to the Government Accountability Office, from 2011 to 2016, the number of transactions reviewed by the Committee on Foreign Investment in the United States (com-

monly referred to as "CFIUS") grew by 55 percent, while the staff of the Committees assigned to the reviews increased by 11 percent.

(5) According to a February 2018 report of the Government Accountability Office on the Committee on Foreign Investment in the United States (GAO-18-249): "Officials from Treasury and other member agencies are aware of pressures on their CFIUS staff given the current workload and have expressed concerns about possible workload increases.". The Government Accountability Office concluded: "Without attaining an understanding of the staffing levels needed to address the current and future CFIUS workload, particularly if legislative changes to CFIUS's authorities further expand its workload, CFIUS may be limited in its ability to fulfill its objectives and address threats to the national security of the United States.".

(6) On March 30, 1954, Dwight David Eisenhower—five-star general, Supreme Allied Commander, and 34th President of the United States—in his "Special Message to the Congress on Foreign Economic Policy", counseled: "Great mutual advantages to buyer and seller, to producer and consumer, to investor and to the community where investment is made, accrue from high levels of trade and investment.". President Eisenhower continued: "The internal strength of the American economy has evolved from such a system of mutual advantage. In the press of other problems and in the haste to meet emergencies, this nation—and many other nations of the free world—have all too often lost sight of this central fact.". President Eisenhower concluded: "If we fail in our trade policy, we may fail in all. Our domestic employment, our standard of living, our security, and the solidarity of the free world—all are involved.".

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

(1) foreign investment provides substantial economic benefits to the United States, including the promotion of economic growth, productivity, competitiveness, and job creation, thereby enhancing national security;

(2) maintaining the commitment of the United States to an open investment policy encourages other countries to reciprocate and helps open new foreign markets for United States businesses;

(3) it should continue to be the policy of the United States to enthusiastically welcome and support foreign investment, consistent with the protection of national security;

(4) at the same time, the national security landscape has shifted in recent years, and so has the nature of the investments that pose the greatest potential risk to national security, which warrants an appropriate modernization of the processes and authorities of the Committee on Foreign Investment in the United States and of the United States export control system;

(5) the Committee on Foreign Investment in the United States plays a critical role in protecting the national security of the United States, and, therefore, it is essential that the member agencies of the Committee are adequately resourced and able to hire appropriately qualified individuals in a timely

manner, and that those individuals' security clearances are processed as a high priority;

(6) the President should conduct a more robust international outreach effort to urge and help allies and partners of the United States to establish processes that are similar to the Committee on Foreign Investment in the United States to screen foreign investments for national security risks and to facilitate coordination;

(7) the President should lead a collaborative effort with allies and partners of the United States to strengthen the multilateral export control regime;

(8) any penalties imposed by the United States Government with respect to an individual or entity pursuant to a determination that the individual or entity has violated sanctions imposed by the United States or the export control laws of the United States should not be reversed for reasons unrelated to the national security of the United States; and

(9) the Committee on Foreign Investment in the United States should continue to review transactions for the purpose of protecting national security and should not consider issues of national interest absent a national security nexus.

(c) SENSE OF CONGRESS ON CONSIDERATION OF COVERED TRANSACTIONS.—It is the sense of Congress that, when considering national security risks, the Committee on Foreign Investment in the United States may consider—

(1) whether a covered transaction involves a country of special concern that has a demonstrated or declared strategic goal of acquiring a type of critical technology or critical infrastructure that would affect United States leadership in areas related to national security;

(2) the potential national security-related effects of the cumulative control of, or pattern of recent transactions involving, any one type of critical infrastructure, energy asset, critical material, or critical technology by a foreign government or foreign person;

(3) whether any foreign person engaging in a covered transaction with a United States business has a history of complying with United States laws and regulations;

(4) the control of United States industries and commercial activity by foreign persons as it affects the capability and capacity of the United States to meet the requirements of national security, including the availability of human resources, products, technology, materials, and other supplies and services, and in considering "the availability of human resources", should construe that term to include potential losses of such availability resulting from reductions in the employment of United States persons whose knowledge or skills are critical to national security, including the continued production in the United States of items that are likely to be acquired by the Department of Defense or other Federal departments or agencies for the advancement of the national security of the United States;

(5) the extent to which a covered transaction is likely to expose, either directly or indirectly, personally identifiable in-

formation, genetic information, or other sensitive data of United States citizens to access by a foreign government or foreign person that may exploit that information in a manner that threatens national security; and

(6) whether a covered transaction is likely to have the effect of exacerbating or creating new cybersecurity vulnerabilities in the United States or is likely to result in a foreign government gaining a significant new capability to engage in malicious cyber-enabled activities against the United States, including such activities designed to affect the outcome of any election for Federal office.

SEC. 1703. DEFINITIONS.

Section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)) is amended to read as follows:

"(a) DEFINITIONS.—In this section:

"(1) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

"(2) COMMITTEE; CHAIRPERSON.—The terms 'Committee' and 'chairperson' mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

"(3) CONTROL.—The term 'control' means the power, direct or indirect, whether exercised or not exercised, to determine, direct, or decide important matters affecting an entity, subject to regulations prescribed by the Committee.

"(4) COVERED TRANSACTION.—

"(A) IN GENERAL.—Except as otherwise provided, the term 'covered transaction' means—

"(i) any transaction described in subparagraph (B)(i); and

"(ii) any transaction described in clauses (ii) through (v) of subparagraph (B) that is proposed, pending, or completed on or after the effective date set forth in section 1727 of the Foreign Investment Risk Review Modernization Act of 2018.

"(B) TRANSACTIONS DESCRIBED.—A transaction described in this subparagraph is any of the following:

"(i) Any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person that could result in foreign control of any United States business, including such a merger, acquisition, or takeover carried out through a joint venture.

"(ii) Subject to subparagraphs (C) and (E), the purchase or lease by, or a concession to, a foreign person of private or public real estate that—

"(I) is located in the United States;

"(II)(aa) is, is located within, or will function as part of, an air or maritime port; or

"(bb)(AA) is in close proximity to a United States military installation or another facility or property of the United States Government

that is sensitive for reasons relating to national security;

"(BB) could reasonably provide the foreign person the ability to collect intelligence on activities being conducted at such an installation, facility, or property; or

"(CC) could otherwise expose national security activities at such an installation, facility, or property to the risk of foreign surveillance; and

"(III) meets such other criteria as the Committee prescribes by regulation, except that such criteria may not expand the categories of real estate to which this clause applies beyond the categories described in subclause (II).

"(iii) Any other investment, subject to regulations prescribed under subparagraphs (D) and (E), by a foreign person in any unaffiliated United States business that—

"(I) owns, operates, manufactures, supplies, or services critical infrastructure;

"(II) produces, designs, tests, manufactures, fabricates, or develops one or more critical technologies; or

"(III) maintains or collects sensitive personal data of United States citizens that may be exploited in a manner that threatens national security.

"(iv) Any change in the rights that a foreign person has with respect to a United States business in which the foreign person has an investment, if that change could result in—

"(I) foreign control of the United States business; or

"(II) an investment described in clause (iii).

"(v) Any other transaction, transfer, agreement, or arrangement, the structure of which is designed or intended to evade or circumvent the application of this section, subject to regulations prescribed by the Committee.

"(C) REAL ESTATE TRANSACTIONS.—

"(i) EXCEPTION FOR CERTAIN REAL ESTATE TRANSACTIONS.—A real estate purchase, lease, or concession described in subparagraph (B)(ii) does not include a purchase, lease, or concession of—

"(I) a single 'housing unit', as defined by the Census Bureau; or

"(II) real estate in 'urbanized areas', as defined by the Census Bureau in the most recent census, except as otherwise prescribed by the Committee in regulations in consultation with the Secretary of Defense.

"(ii) DEFINITION OF CLOSE PROXIMITY.—With respect to a real estate purchase, lease, or concession described in subparagraph (B)(ii)(II)(bb)(AA), the Committee shall prescribe regulations to ensure that the term 'close proximity' refers only to a distance or distances within which the purchase, lease, or concession of real estate could pose a national security risk in connection with a United States military installation or another facility or property of the United States Government described in that subparagraph.

"(D) OTHER INVESTMENTS.—

"(i) OTHER INVESTMENT DEFINED.—For purposes of subparagraph (B)(iii), the term 'other investment' means an investment, direct or indirect, by a foreign person in a United States business described in that subparagraph that is not an investment described in subparagraph (B)(i) and that affords the foreign person—

"(I) access to any material nonpublic technical information in the possession of the United States business;

"(II) membership or observer rights on the board of directors or equivalent governing body of the United States business or the right to nominate an individual to a position on the board of directors or equivalent governing body; or

"(III) any involvement, other than through voting of shares, in substantive decisionmaking of the United States business regarding—

"(aa) the use, development, acquisition, safekeeping, or release of sensitive personal data of United States citizens maintained or collected by the United States business;

"(bb) the use, development acquisition, or release of critical technologies; or

"(cc) the management, operation, manufacture, or supply of critical infrastructure.

"(ii) MATERIAL NONPUBLIC TECHNICAL INFORMATION DEFINED.—

"(I) IN GENERAL.—For purposes of clause (i)(I), and subject to regulations prescribed by the Committee, the term 'material nonpublic technical information' means information that—

"(aa) provides knowledge, know-how, or understanding, not available in the public domain, of the design, location, or operation of critical infrastructure; or

"(bb) is not available in the public domain, and is necessary to design, fabricate, develop, test, produce, or manufacture critical technologies, including processes, techniques, or methods.

"(II) EXEMPTION FOR FINANCIAL INFORMATION.—Notwithstanding subclause (I), for pur-

poses of this subparagraph, the term 'material nonpublic technical information' does not include financial information regarding the performance of a United States business.

"(iii) REGULATIONS.—

"(I) IN GENERAL.—The Committee shall prescribe regulations providing guidance on the types of transactions that the Committee considers to be 'other investment' for purposes of subparagraph (B)(iii).

"(II) UNITED STATES BUSINESSES THAT OWN, OPERATE, MANUFACTURE, SUPPLY, OR SERVICE CRITICAL INFRASTRUCTURE.—The regulations prescribed by the Committee with respect to an investment described in subparagraph (B)(iii)(I) shall—

"(aa) specify the critical infrastructure subject to that subparagraph based on criteria intended to limit application of that subparagraph to the subset of critical infrastructure that is likely to be of importance to the national security of the United States; and

"(bb) enumerate specific types and examples of such critical infrastructure.

"(iv) SPECIFIC CLARIFICATION FOR INVESTMENT FUNDS.—

"(I) TREATMENT OF CERTAIN INVESTMENT FUND INVESTMENTS.—Notwithstanding clause (i)(II) and subject to regulations prescribed by the Committee, an indirect investment by a foreign person in a United States business described in subparagraph (B)(iii) through an investment fund that affords the foreign person (or a designee of the foreign person) membership as a limited partner or equivalent on an advisory board or a committee of the fund shall not be considered an 'other investment' for purposes of subparagraph (B)(iii) if—

"(aa) the fund is managed exclusively by a general partner, a managing member, or an equivalent;

"(bb) the general partner, managing member, or equivalent is not a foreign person;

"(cc) the advisory board or committee does not have the ability to approve, disapprove, or otherwise control—

"(AA) investment decisions of the fund; or

"(BB) decisions made by the general partner, managing member, or equivalent related to entities in which the fund is invested;

"(dd) the foreign person does not otherwise have the ability to control the fund, including the authority—

"(AA) to approve, disapprove, or otherwise control investment decisions of the fund;

"(BB) to approve, disapprove, or otherwise control decisions made by the general partner, managing member, or equivalent related to entities in which the fund is invested; or

"(CC) to unilaterally dismiss, prevent the dismissal of, select, or determine the compensation of the general partner, managing member, or equivalent;

"(ee) the foreign person does not have access to material nonpublic technical information as a result of its participation on the advisory board or committee; and

"(ff) the investment otherwise meets the requirements of this subparagraph.

"(II) TREATMENT OF CERTAIN WAIVERS.—

"(aa) IN GENERAL.—For the purposes of items (cc) and (dd) of subclause (I) and except as provided in item (bb), a waiver of a potential conflict of interest, a waiver of an allocation limitation, or a similar activity, applicable to a transaction pursuant to the terms of an agreement governing an investment fund shall not be considered to constitute control of investment decisions of the fund or decisions relating to entities in which the fund is invested.

"(bb) EXCEPTION.—The Committee may prescribe regulations providing for exceptions to item (aa) for extraordinary circumstances.

"(v) EXCEPTION FOR AIR CARRIERS.—For purposes of subparagraph (B)(iii), the term 'other investment' does not include an investment involving an air carrier, as defined in section 40102(a)(2) of title 49, United States Code, that holds a certificate issued under section 41102 of that title.

"(vi) RULE OF CONSTRUCTION.—Any definition of 'critical infrastructure' established under any provision of law other than this section shall not be determinative for purposes of this section.

"(E) COUNTRY SPECIFICATION.—The Committee shall prescribe regulations that further define the term 'foreign person' for purposes of clauses (ii) and (iii) of subparagraph (B). In prescribing such regulations, the Committee shall specify criteria to limit the application of such clauses to the investments of certain categories of foreign persons. Such criteria shall take into consideration how a foreign person is connected to a foreign country or foreign government, and whether the connection may affect the national security of the United States.

"(F) TRANSFERS OF CERTAIN ASSETS PURSUANT TO BANKRUPTCY PROCEEDINGS OR OTHER DEFAULTS.—The Committee shall prescribe regulations to clarify that the term 'covered transaction' includes any transaction described in subparagraph (B) that arises pursuant to a bankruptcy proceeding or other form of default on debt.

"(5) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means, subject to regulations prescribed by the Committee, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

"(6) CRITICAL TECHNOLOGIES.—

"(A) IN GENERAL.—The term 'critical technologies' means the following:

"(i) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations.

"(ii) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—

"(I) pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

"(II) for reasons relating to regional stability or surreptitious listening.

"(iii) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities).

"(iv) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material).

"(v) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code.

"(vi) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018.

"(B) RECOMMENDATIONS.—

"(i) IN GENERAL.—The chairperson may recommend technologies for identification under the interagency process set forth in section 1758(a) of the Export Control Reform Act of 2018.

"(ii) MATTERS INFORMING RECOMMENDATIONS.—Recommendations by the chairperson under clause (i) shall draw upon information arising from reviews and

investigations conducted under subsection (b), notices submitted under subsection (b)(1)(C)(i), declarations filed under subsection (b)(1)(C)(v), and non-notified and non-declared transactions identified under subsection (b)(1)(H).

"(7) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any United States business by a foreign government or an entity controlled by or acting on behalf of a foreign government.

"(8) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

"(9) INVESTMENT.—The term 'investment' means the acquisition of equity interest, including contingent equity interest, as further defined in regulations prescribed by the Committee.

"(10) LEAD AGENCY.—The term 'lead agency' means the agency or agencies designated as the lead agency or agencies pursuant to subsection (k)(5).

"(11) PARTY.—The term 'party' has the meaning given that term in regulations prescribed by the Committee.

"(12) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, and any territory or possession of the United States.

"(13) UNITED STATES BUSINESS.—The term 'United States business' means a person engaged in interstate commerce in the United States.".

SEC. 1704. ACCEPTANCE OF WRITTEN NOTICES.

Section 721(b)(1)(C)(i) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)(i)) is amended—

(1) by striking "Any party" and inserting the following:

"(I) IN GENERAL.—Any party"; and

(2) by adding at the end the following:

"(II) COMMENTS AND ACCEPTANCE.—

"(aa) IN GENERAL.—Subject to item (cc), the Committee shall provide comments on a draft or formal written notice or accept a formal written notice submitted under subclause (I) with respect to a covered transaction not later than the date that is 10 business days after the date of submission of the draft or formal written notice.

"(bb) COMPLETENESS.—If the Committee determines that a draft or formal written notice described in item (aa) is not complete, the Committee shall notify the party or parties to the transaction in writing that the notice is not complete and provide an explanation of all material respects in which the notice is incomplete.

"(cc) STIPULATIONS REQUIRED.—The timing requirement under item (aa) shall apply only in a case in which the parties stipulate

under clause (vi) that the transaction is a covered transaction.".

SEC. 1705. INCLUSION OF PARTNERSHIP AND SIDE AGREEMENTS IN NOTICE.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)) is amended by adding at the end the following:

"(iv) INCLUSION OF PARTNERSHIP AND SIDE AGREEMENTS.—The Committee may require a written notice submitted under clause (i) to include a copy of any partnership agreements, integration agreements, or other side agreements relating to the transaction, as specified in regulations prescribed by the Committee.".

SEC. 1706. DECLARATIONS FOR CERTAIN COVERED TRANSACTIONS.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)), as amended by section 1705, is further amended by adding at the end the following:

"(v) DECLARATIONS FOR CERTAIN COVERED TRANSACTIONS.—

"(I) IN GENERAL.—A party to any covered transaction may submit to the Committee a declaration with basic information regarding the transaction instead of a written notice under clause (i).

"(II) REGULATIONS.—The Committee shall prescribe regulations establishing requirements for declarations submitted under this clause. In prescribing such regulations, the Committee shall ensure that such declarations are submitted as abbreviated notifications that would not generally exceed 5 pages in length.

"(III) COMMITTEE RESPONSE TO DECLARATION.—

"(aa) IN GENERAL.—Upon receiving a declaration under this clause with respect to a covered transaction, the Committee may, at the discretion of the Committee—

"(AA) request that the parties to the transaction file a written notice under clause (i);

"(BB) inform the parties to the transaction that the Committee is not able to complete action under this section with respect to the transaction on the basis of the declaration and that the parties may file a written notice under clause (i) to seek written notification from the Committee that the Committee has completed all action under this section with respect to the transaction;

"(CC) initiate a unilateral review of the transaction under subparagraph (D); or

"(DD) notify the parties in writing that the Committee has completed all action under this section with respect to the transaction.

"(bb) TIMING.—The Committee shall take action under item (aa) not later than 30 days after receiving a declaration under this clause.

"(cc) RULE OF CONSTRUCTION.—Nothing in this subclause (other than item (aa)(CC)) shall be construed to affect the authority of the President or the Committee to take any action authorized by this section with respect to a covered transaction.

"(IV) MANDATORY DECLARATIONS.—

"(aa) REGULATIONS.—The Committee shall prescribe regulations specifying the types of covered transactions for which the Committee requires a declaration under this subclause.

"(bb) CERTAIN COVERED TRANSACTIONS WITH FOREIGN GOVERNMENT INTERESTS.—

"(AA) IN GENERAL.—Except as provided in subitem (BB), the parties to a covered transaction shall submit a declaration described in subclause (I) with respect to the transaction if the transaction involves an investment that results in the acquisition, directly or indirectly, of a substantial interest in a United States business described in subsection (a)(4)(B)(iii) by a foreign person in which a foreign government has, directly or indirectly, a substantial interest.

"(BB) SUBSTANTIAL INTEREST DEFINED.—In this item, the term 'substantial interest' has the meaning given that term in regulations which the Committee shall prescribe. In developing those regulations, the Committee shall consider the means by which a foreign government could influence the actions of a foreign person, including through board membership, ownership interest, or shareholder rights. An interest that is excluded under subparagraph (D) of subsection (a)(4) from the term 'other investment' as used in subparagraph (B)(iii) of that subsection or that is less than a 10 percent voting interest shall not be considered a substantial interest.

"(CC) WAIVER.—The Committee may waive, with respect to a foreign person, the requirement under subitem (AA) for

the submission of a declaration described in subclause (I) if the Committee determines that the foreign person demonstrates that the investments of the foreign person are not directed by a foreign government and the foreign person has a history of cooperation with the Committee.

"(cc) OTHER DECLARATIONS REQUIRED BY COMMITTEE.—The Committee may require the submission of a declaration described in subclause (I) with respect to any covered transaction identified under regulations prescribed by the Committee for purposes of this item, at the discretion of the Committee, that involves a United States business described in subsection (a)(4)(B)(iii)(II).

"(dd) EXCEPTION.—The submission of a declaration described in subclause (I) shall not be required pursuant to this subclause with respect to an investment by an investment fund if—

"(AA) the fund is managed exclusively by a general partner, a managing member, or an equivalent;

"(BB) the general partner, managing member, or equivalent is not a foreign person; and

"(CC) the investment fund satisfies, with respect to any foreign person with membership as a limited partner on an advisory board or a committee of the fund, the criteria specified in items (cc) and (dd) of subsection (a)(4)(D)(iv).

"(ee) SUBMISSION OF WRITTEN NOTICE AS AN ALTERNATIVE.—Parties to a covered transaction for which a declaration is required under this subclause may instead elect to submit a written notice under clause (i).

"(ff) TIMING AND REFILING OF SUBMISSION.—

"(AA) IN GENERAL.—In the regulations prescribed under item (aa), the Committee may not require a declaration to be submitted under this subclause with respect to a covered transaction more than 45 days before the completion of the transaction.

"(BB) REFILING OF DECLARATION.—The Committee may not request or recommend that a declaration submitted under this subclause be withdrawn and refiled, except to permit parties to a covered transaction to correct material errors

or omissions in the declaration submitted with respect to that transaction.

"(gg) PENALTIES.—The Committee may impose a penalty pursuant to subsection (h)(3) with respect to a party that fails to comply with this subclause.".

SEC. 1707. STIPULATIONS REGARDING TRANSACTIONS.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)), as amended by section 1706, is further amended by adding at the end the following:

"(vi) STIPULATIONS REGARDING TRANSACTIONS.—

"(I) IN GENERAL.—In a written notice submitted under clause (i) or a declaration submitted under clause (v) with respect to a transaction, a party to the transaction may—

"(aa) stipulate that the transaction is a covered transaction; and

"(bb) if the party stipulates that the transaction is a covered transaction under item (aa), stipulate that the transaction is a foreign government-controlled transaction.

"(II) BASIS FOR STIPULATION.—A written notice submitted under clause (i) or a declaration submitted under clause (v) that includes a stipulation under subclause (I) shall include a description of the basis for the stipulation.".

SEC. 1708. AUTHORITY FOR UNILATERAL INITIATION OF REVIEWS.

Section 721(b)(1) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking "subparagraph (F)" and inserting "subparagraph (G)";

(B) in clause (i), by inserting "(other than a covered transaction described in subparagraph (E))" after "any covered transaction";

(C) by striking clause (ii) and inserting the following:

"(ii) any covered transaction described in subparagraph (E), if any party to the transaction submitted false or misleading material information to the Committee in connection with the Committee's consideration of the transaction or omitted material information, including material documents, from information submitted to the Committee; or"; and

(D) in clause (iii)—

(i) in the matter preceding subclause (I), by striking "any covered transaction that has previously been reviewed or investigated under this section," and inserting "any covered transaction described in subparagraph (E),";

(ii) in subclause (I), by striking "intentionally";

(iii) in subclause (II), by striking "an intentional" and inserting "a"; and

(iv) in subclause (III), by inserting "adequate and appropriate" before "remedies or enforcement tools"; and

(3) by inserting after subparagraph (D) the following:

"(E) COVERED TRANSACTIONS DESCRIBED.—A covered transaction is described in this subparagraph if—

"(i) the Committee has informed the parties to the transaction in writing that the Committee has completed all action under this section with respect to the transaction; or

"(ii) the President has announced a decision not to exercise the President's authority under subsection (d) with respect to the transaction.".

SEC. 1709. TIMING FOR REVIEWS AND INVESTIGATIONS.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)), as amended by section 1708, is further amended—

(1) in paragraph (1)(F), by striking "30" and inserting "45";

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) TIMING.—

"(i) IN GENERAL.—Except as provided in clause (ii), any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date on which the investigation commenced.

"(ii) EXTENSION FOR EXTRAORDINARY CIRCUMSTANCES.—

"(I) IN GENERAL.—In extraordinary circumstances (as defined by the Committee in regulations), the chairperson may, at the request of the head of the lead agency, extend an investigation under subparagraph (A) for one 15-day period.

"(II) NONDELEGATION.—The authority of the chairperson and the head of the lead agency referred to in subclause (I) may not be delegated to any person other than the Deputy Secretary of the Treasury or the deputy head (or equivalent thereof) of the lead agency, as the case may be.

"(III) NOTIFICATION TO PARTIES.—If the Committee extends the deadline under subclause (I) with respect to a covered transaction, the Committee shall notify the parties to the transaction of the extension."; and

(3) by adding at the end the following:

"(8) TOLLING OF DEADLINES DURING LAPSE IN APPROPRIATIONS.—Any deadline or time limitation under this subsection shall be tolled during a lapse in appropriations.".

SEC. 1710. IDENTIFICATION OF NON-NOTIFIED AND NON-DECLARED TRANSACTIONS.

Section 721(b)(1) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)), as amended by sections 1708 and 1709, is further amended by adding at the end the following:

"(H) IDENTIFICATION OF NON-NOTIFIED AND NON-DECLARED TRANSACTIONS.—The Committee shall establish a process to identify covered transactions for which—

"(i) a notice under clause (i) of subparagraph (C) or a declaration under clause (v) of that subparagraph is not submitted to the Committee; and

"(ii) information is reasonably available.".

SEC. 1711. SUBMISSION OF CERTIFICATIONS TO CONGRESS.

Section 721(b)(3)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)(C)) is amended—

(1) in clause (i), by striking subclause (II) and inserting the following:

"(II) a certification that all relevant national security factors have received full consideration.";

(2) in clause (iv), by striking subclause (II) and inserting the following:

"(II) DELEGATION OF CERTIFICATIONS.—

"(aa) IN GENERAL.—Subject to item (bb), the chairperson, in consultation with the Committee, may determine the level of official to whom the signature requirement under subclause (I) for the chairperson and the head of the lead agency may be delegated. The level of official to whom the signature requirement may be delegated may differ based on any factor relating to a transaction that the chairperson, in consultation with the Committee, deems appropriate, including the type or value of the transaction.

"(bb) LIMITATION ON DELEGATION WITH RESPECT TO CERTAIN TRANSACTIONS.—The signature requirement under subclause (I) may be delegated not below the level of the Assistant Secretary of the Treasury or an equivalent official of the lead agency."; and

(3) by adding at the end the following:

"(v) AUTHORITY TO CONSOLIDATE DOCUMENTS.—Instead of transmitting a separate certified notice or certified report under subparagraph (A) or (B) with respect to each covered transaction, the Committee may, on a monthly basis, transmit such notices and reports in a consolidated document to the Members of Congress specified in clause (iii).".

SEC. 1712. ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.

Section 721(b)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) ANALYSIS REQUIRED.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States posed by any covered transaction, which shall include

the identification of any recognized gaps in the collection of intelligence relevant to the analysis.

"(ii) VIEWS OF INTELLIGENCE COMMUNITY.—The Director shall seek and incorporate into the analysis required by clause (i) the views of all affected or appropriate agencies of the intelligence community with respect to the transaction.

"(iii) UPDATES.—At the request of the lead agency, the Director shall update the analysis conducted under clause (i) with respect to a covered transaction with respect to which an agreement was entered into under subsection (l)(3)(A).

"(iv) INDEPENDENCE AND OBJECTIVITY.—The Committee shall ensure that its processes under this section preserve the ability of the Director to conduct analysis under clause (i) that is independent, objective, and consistent with all applicable directives, policies, and analytic tradecraft standards of the intelligence community.";

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

(3) by inserting after subparagraph (A) the following:

"(B) BASIC THREAT INFORMATION.—

"(i) IN GENERAL.—The Director of National Intelligence may provide the Committee with basic information regarding any threat to the national security of the United States posed by a covered transaction described in clause (ii) instead of conducting the analysis required by subparagraph (A).

"(ii) COVERED TRANSACTION DESCRIBED.—A covered transaction is described in this clause if—

"(I) the transaction is described in subsection (a)(4)(B)(ii);

"(II) the Director of National Intelligence has completed an analysis pursuant to subparagraph (A) involving each foreign person that is a party to the transaction during the 12 months preceding the review or investigation of the transaction under this section; or

"(III) the transaction otherwise meets criteria agreed upon by the Committee and the Director for purposes of this subparagraph.";

(4) in subparagraph (C), as redesignated by paragraph (2), by striking "20" and inserting "30"; and

(5) by adding at the end the following:

"(F) ASSESSMENT OF OPERATIONAL IMPACT.—The Director may provide to the Committee an assessment, separate from the analyses under subparagraphs (A) and (B), of any operational impact of a covered transaction on the intelligence community and a description of any actions that have been or will be taken to mitigate any such impact.

"(G) SUBMISSION TO CONGRESS.—The Committee shall submit the analysis required by subparagraph (A) with respect to a covered transaction to the Select Committee on

Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives upon the conclusion of action under this section (other than compliance plans under subsection (l)(6)) with respect to the transaction.".

SEC. 1713. INFORMATION SHARING.

Section 721(c) of the Defense Production Act of 1950 (50 U.S.C. 4565(c)) is amended—

(1) by striking "Any information" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), any information";

(2) by striking ", except as may be relevant" and all that follows and inserting a period; and

(3) by adding at the end the following:

"(2) EXCEPTIONS.—Paragraph (1) shall not prohibit the disclosure of the following:

"(A) Information relevant to any administrative or judicial action or proceeding.

"(B) Information to Congress or any duly authorized committee or subcommittee of Congress.

"(C) Information important to the national security analysis or actions of the Committee to any domestic governmental entity, or to any foreign governmental entity of a United States ally or partner, under the exclusive direction and authorization of the chairperson, only to the extent necessary for national security purposes, and subject to appropriate confidentiality and classification requirements.

"(D) Information that the parties have consented to be disclosed to third parties.

"(3) COOPERATION WITH ALLIES AND PARTNERS.—

"(A) IN GENERAL.—The chairperson, in consultation with other members of the Committee, should establish a formal process for the exchange of information under paragraph (2)(C) with governments of countries that are allies or partners of the United States, in the discretion of the chairperson, to protect the national security of the United States and those countries.

"(B) REQUIREMENTS.—The process established under subparagraph (A) should, in the discretion of the chairperson—

"(i) be designed to facilitate the harmonization of action with respect to trends in investment and technology that could pose risks to the national security of the United States and countries that are allies or partners of the United States;

"(ii) provide for the sharing of information with respect to specific technologies and entities acquiring such technologies as appropriate to ensure national security; and

"(iii) include consultations and meetings with representatives of the governments of such countries on a recurring basis.".

SEC. 1714. ACTION BY THE PRESIDENT.

Section 721(d)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(d)(2)) is amended by striking "not later than 15 days" and all that follows and inserting the following: "with respect to a covered transaction not later than 15 days after the earlier of—

"(A) the date on which the investigation of the transaction under subsection (b) is completed; or

"(B) the date on which the Committee otherwise refers the transaction to the President under subsection (l)(2).".

SEC. 1715. JUDICIAL REVIEW.

Section 721(e) of the Defense Production Act of 1950 (50 U.S.C. 4565(e)) is amended—

(1) by striking "The actions" and inserting the following:

"(1) IN GENERAL.—The actions"; and

(2) by adding at the end the following:

"(2) CIVIL ACTIONS.—A civil action challenging an action or finding under this section may be brought only in the United States Court of Appeals for the District of Columbia Circuit.

"(3) PROCEDURES FOR REVIEW OF PRIVILEGED INFORMATION.—If a civil action challenging an action or finding under this section is brought, and the court determines that protected information in the administrative record, including classified or other information subject to privilege or protections under any provision of law, is necessary to resolve the challenge, that information shall be submitted ex parte and in camera to the court and the court shall maintain that information under seal.

"(4) APPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply in a civil action brought under this subsection.".

SEC. 1716. CONSIDERATIONS FOR REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. 4565(h)) is amended—

(1) by striking paragraph (2);

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

(3) in paragraph (2), as redesignated—

(A) in subparagraph (A), by striking "including any mitigation" and all that follows through "subsection (l)" and inserting "including any mitigation agreement entered into, conditions imposed, or order issued pursuant to this section";

(B) in subparagraph (B)(ii), by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) provide that, in any review or investigation of a covered transaction conducted by the Committee under subsection (b), the Committee should—

"(i) consider the factors specified in subsection (f); and

"(ii) as appropriate, require parties to provide to the Committee the information necessary to consider such factors.".

SEC. 1717. MEMBERSHIP AND STAFF OF COMMITTEE.

(a) HIRING AUTHORITY.—Section 721(k) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)) is amended by striking paragraph (4) and inserting the following:

"(4) HIRING AUTHORITY.—

"(A) SENIOR OFFICIALS.—

"(i) IN GENERAL.—Each member of the Committee shall designate an Assistant Secretary, or an equivalent official, who is appointed by the President, by and with the advice and consent of the Senate, to carry out such duties related to the Committee as the member of the Committee may delegate.

"(ii) DEPARTMENT OF THE TREASURY.—

"(I) IN GENERAL.—There shall be established in the Office of International Affairs at the Department of the Treasury 2 additional positions of Assistant Secretary of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, to carry out such duties related to the Committee as the Secretary of the Treasury may delegate, consistent with this section.

"(II) ASSISTANT SECRETARY FOR INVESTMENT SECURITY.—One of the positions of Assistant Secretary of the Treasury authorized under subclause (I) shall be the Assistant Secretary for Investment Security, whose duties shall be principally related to the Committee, as delegated by the Secretary of the Treasury under this section.

"(B) SPECIAL HIRING AUTHORITY.—The heads of the departments and agencies represented on the Committee may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service (as defined in section 2102 of that title) in their respective departments and agencies. The primary responsibility of positions authorized under the preceding sentence shall be to administer this section.".

(b) [50 U.S.C. 4565 note] PROCEDURES FOR RECUSAL OF MEMBERS OF COMMITTEE FOR CONFLICTS OF INTEREST.—Not later than 90 days after the date of the enactment of this Act, the Committee on Foreign Investment in the United States shall—

(1) establish procedures for the recusal of any member of the Committee that has a conflict of interest with respect to a covered transaction (as defined in section 721(a) of the Defense Production Act of 1950, as amended by section 1703);

(2) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial

Services of the House of Representatives a report describing those procedures; and

(3) brief the committees specified in paragraph (1) on the report required by paragraph (2).

SEC. 1718. ACTIONS BY THE COMMITTEE TO ADDRESS NATIONAL SECURITY RISKS.

Section 721(l) of the Defense Production Act of 1950 (50 U.S.C. 4565(l)) is amended—

(1) in the subsection heading, by striking "Mitigation, Tracking, and Postconsummation Monitoring and Enforcement" and inserting "Actions by the Committee to Address National Security Risks";

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (5), and (6), respectively;

(3) by inserting before paragraph (3), as redesignated by paragraph (2), the following:

"(1) SUSPENSION OF TRANSACTIONS.—The Committee, acting through the chairperson, may suspend a proposed or pending covered transaction that may pose a risk to the national security of the United States for such time as the covered transaction is under review or investigation under subsection (b).

"(2) REFERRAL TO PRESIDENT.—The Committee may, at any time during the review or investigation of a covered transaction under subsection (b), complete the action of the Committee with respect to the transaction and refer the transaction to the President for action pursuant to subsection (d).";

(4) in paragraph (3), as redesignated by paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking "In general" and inserting "Agreements and conditions";

(ii) by striking "The Committee" and inserting the following:

"(i) IN GENERAL.—The Committee";

(iii) by striking "threat" and inserting "risk"; and

(iv) by adding at the end the following:

"(ii) ABANDONMENT OF TRANSACTIONS.—If a party to a covered transaction has voluntarily chosen to abandon the transaction, the Committee or lead agency, as the case may be, may negotiate, enter into or impose, and enforce any agreement or condition with any party to the covered transaction for purposes of effectuating such abandonment and mitigating any risk to the national security of the United States that arises as a result of the covered transaction.

"(iii) AGREEMENTS AND CONDITIONS RELATING TO COMPLETED TRANSACTIONS.—The Committee or lead agency, as the case may be, may negotiate, enter into or impose, and enforce any agreement or condition with any party to a completed covered transaction in order to mitigate any interim risk to the national security of the United States that may arise as a result of the covered transaction until such time that the Committee has completed action pursuant to subsection (b)

or the President has taken action pursuant to subsection (d) with respect to the transaction."; and

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

"(B) TREATMENT OF OUTDATED AGREEMENTS OR CONDITIONS.—The chairperson and the head of the lead agency shall periodically review the appropriateness of an agreement or condition imposed under subparagraph (A) and terminate, phase out, or otherwise amend the agreement or condition if a threat no longer requires mitigation through the agreement or condition.

"(C) LIMITATIONS.—An agreement may not be entered into or condition imposed under subparagraph (A) with respect to a covered transaction unless the Committee determines that the agreement or condition resolves the national security concerns posed by the transaction, taking into consideration whether the agreement or condition is reasonably calculated to—

"(i) be effective;

"(ii) allow for compliance with the terms of the agreement or condition in an appropriately verifiable way; and

"(iii) enable effective monitoring of compliance with and enforcement of the terms of the agreement or condition.

"(D) JURISDICTION.—The provisions of section 706(b) shall apply to any mitigation agreement entered into or condition imposed under subparagraph (A).";

(5) by inserting after paragraph (3), as redesignated by paragraph (2), the following:

"(4) RISK-BASED ANALYSIS REQUIRED.—

"(A) IN GENERAL.—Any determination of the Committee to suspend a covered transaction under paragraph (1), to refer a covered transaction to the President under paragraph (2), or to negotiate, enter into or impose, or enforce any agreement or condition under paragraph (3)(A) with respect to a covered transaction, shall be based on a risk-based analysis, conducted by the Committee, of the effects on the national security of the United States of the covered transaction, which shall include an assessment of the threat, vulnerabilities, and consequences to national security related to the transaction.

"(B) ACTIONS OF MEMBERS OF THE COMMITTEE.—

"(i) IN GENERAL.—Any member of the Committee who concludes that a covered transaction poses an unresolved national security concern shall recommend to the Committee that the Committee suspend the transaction under paragraph (1), refer the transaction to the President under paragraph (2), or negotiate, enter into or impose, or enforce any agreement or condition under paragraph (3)(A) with respect to the transaction. In making that recommendation, the member shall propose or contribute to the risk-based analysis required by subparagraph (A).

"(ii) FAILURE TO REACH CONSENSUS.—If the Committee fails to reach consensus with respect to a recommendation under clause (i) regarding a covered transaction, the members of the Committee who support an alternative recommendation shall produce—

"(I) a written statement justifying the alternative recommendation; and

"(II) as appropriate, a risk-based analysis that supports the alternative recommendation.

"(C) DEFINITIONS.—For purposes of subparagraph (A), the terms 'threat', 'vulnerabilities', and 'consequences to national security' shall have the meanings given those terms by the Committee by regulation.";

(6) in paragraph (5)(B), as redesignated by paragraph (2), by striking "(as defined in the National Security Act of 1947)"; and

(7) in paragraph (6), as redesignated by paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "paragraph (1)" and inserting "paragraph (3)"; and

(ii) by striking the second sentence and inserting the following: "The lead agency may, at its discretion, seek and receive the assistance of other departments or agencies in carrying out the purposes of this paragraph.";

(B) in subparagraph (B)—

(i) by striking "designated agency" and all that follows through "The lead agency in connection" and inserting "designated agency.—The lead agency in connection";

(ii) by striking clause (ii); and

(iii) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, 2 ems to the left; and

(C) by adding at the end the following:

"(C) COMPLIANCE PLANS.—

"(i) IN GENERAL.—In the case of a covered transaction with respect to which an agreement is entered into under paragraph (3)(A), the Committee or lead agency, as the case may be, shall formulate, adhere to, and keep updated a plan for monitoring compliance with the agreement.

"(ii) ELEMENTS.—Each plan required by clause (i) with respect to an agreement entered into under paragraph (3)(A) shall include an explanation of—

"(I) which member of the Committee will have primary responsibility for monitoring compliance with the agreement;

"(II) how compliance with the agreement will be monitored;

"(III) how frequently compliance reviews will be conducted;

"(IV) whether an independent entity will be utilized under subparagraph (E) to conduct compliance reviews; and

"(V) what actions will be taken if the parties fail to cooperate regarding monitoring compliance with the agreement.

"(D) EFFECT OF LACK OF COMPLIANCE.—If, at any time after a mitigation agreement or condition is entered into or imposed under paragraph (3)(A), the Committee or lead agency, as the case may be, determines that a party or parties to the agreement or condition are not in compliance with the terms of the agreement or condition, the Committee or lead agency may, in addition to the authority of the Committee to impose penalties pursuant to subsection (h)(3) and to unilaterally initiate a review of any covered transaction under subsection (b)(1)(D)(iii)—

"(i) negotiate a plan of action for the party or parties to remediate the lack of compliance, with failure to abide by the plan or otherwise remediate the lack of compliance serving as the basis for the Committee to find a material breach of the agreement or condition;

"(ii) require that the party or parties submit a written notice under clause (i) of subsection (b)(1)(C) or a declaration under clause (v) of that subsection with respect to a covered transaction initiated after the date of the determination of noncompliance and before the date that is 5 years after the date of the determination to the Committee to initiate a review of the transaction under subsection (b); or

"(iii) seek injunctive relief.

"(E) USE OF INDEPENDENT ENTITIES TO MONITOR COMPLIANCE.—If the parties to an agreement entered into under paragraph (3)(A) enter into a contract with an independent entity from outside the United States Government for the purpose of monitoring compliance with the agreement, the Committee shall take such action as is necessary to prevent a conflict of interest from arising by ensuring that the independent entity owes no fiduciary duty to the parties.

"(F) SUCCESSORS AND ASSIGNS.—Any agreement or condition entered into or imposed under paragraph (3)(A) shall be considered binding on all successors and assigns unless and until the agreement or condition terminates on its own terms or is otherwise terminated by the Committee in its sole discretion.

"(G) ADDITIONAL COMPLIANCE MEASURES.—Subject to subparagraphs (A) through (F), the Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately ensure compliance without unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice

under clause (i) of subsection (b)(1)(C) or declaration under clause (v) of that subsection has been filed, and if necessary, reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason.".

SEC. 1719. MODIFICATION OF ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS.

(a) MODIFICATION OF ANNUAL REPORT.—Section 721(m) of the Defense Production Act of 1950 (50 U.S.C. 4565(m)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

"(A) A list of all notices filed and all reviews or investigations of covered transactions completed during the period, with—

"(i) a description of the outcome of each review or investigation, including whether an agreement was entered into or condition was imposed under subsection (l)(3)(A) with respect to the transaction being reviewed or investigated, and whether the President took any action under this section with respect to that transaction;

"(ii) basic information on each party to each such transaction;

"(iii) the nature of the business activities or products of the United States business with which the transaction was entered into or intended to be entered into; and

"(iv) information about any withdrawal from the process."; and

(B) by adding at the end the following:

"(G) Statistics on compliance plans conducted and actions taken by the Committee under subsection (l)(6), including subparagraph (D) of that subsection, during that period, a general assessment of the compliance of parties with agreements entered into and conditions imposed under subsection (l)(3)(A) that are in effect during that period, including a description of any actions taken by the Committee to impose penalties or initiate a unilateral review pursuant to subsection (b)(1)(D)(iii), and any recommendations for improving the enforcement of such agreements and conditions.

"(H) Cumulative and, as appropriate, trend information on the number of declarations filed under subsection (b)(1)(C)(v), the actions taken by the Committee in response to those declarations, the business sectors involved in those declarations, and the countries involved in those declarations.

"(I) A description of—

"(i) the methods used by the Committee to identify non-notified and non-declared transactions under subsection (b)(1)(H);

"(ii) potential methods to improve such identification and the resources required to do so; and

"(iii) the number of transactions identified through the process established under that subsection during the reporting period and the number of such transactions flagged for further review.

"(J) A summary of the hiring practices and policies of the Committee pursuant to subsection (k)(4).

"(K) A list of the waivers granted by the Committee under subsection (b)(1)(C)(v)(IV)(bb)(CC).";

(2) in paragraph (3)—

(A) by striking "critical technologies" and all that follows through "In order to assist" and inserting "critical technologies.—In order to assist";

(B) by striking subparagraph (B);

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the left;

(D) in subparagraph (A), as redesignated by subparagraph (C), by striking "; and" and inserting a semicolon;

(E) in subparagraph (B), as so redesignated, by striking the period and inserting "; and"; and

(F) by adding at the end the following:

"(C) a description of the technologies recommended by the chairperson under subsection (a)(6)(B) for identification under the interagency process set forth in section 1758(a) of the Export Control Reform Act of 2018.".

(3) by adding at the end the following:

"(4) FORM OF REPORT.—

"(A) IN GENERAL.—All appropriate portions of the annual report under paragraph (1) may be classified. An unclassified version of the report, as appropriate, consistent with safeguarding national security and privacy, shall be made available to the public.

"(B) INCLUSION IN CLASSIFIED VERSION.—If the Committee recommends that the President suspend or prohibit a covered transaction because the transaction threatens to impair the national security of the United States, the Committee shall, in the classified version of the report required under paragraph (1), notify Congress of the recommendation and, upon request, provide a classified briefing on the recommendation.

"(C) INCLUSIONS IN UNCLASSIFIED VERSION.—The unclassified version of the report required under paragraph (1) shall include, with respect to covered transactions for the reporting period—

"(i) the number of notices submitted under subsection (b)(1)(C)(i);

"(ii) the number of declarations submitted under subsection (b)(1)(C)(v) and the number of such declarations that were required under subclause (IV) of that subsection;

"(iii) the number of declarations submitted under subsection (b)(1)(C)(v) for which the Committee required resubmission as notices under subsection (b)(1)(C)(i);

"(iv) the average number of days that elapsed between submission of a declaration under subsection (b)(1)(C)(v) and the acceptance of the declaration by the Committee;

"(v) the median and average number of days that elapsed between acceptance of a declaration by the Committee and a response described in subsection (b)(1)(C)(v)(III);

"(vi) information on the time it took the Committee to provide comments on, or to accept, notices submitted under subsection (b)(1)(C)(i), including—

"(I) the average number of business days that elapsed between the date of submission of a draft notice and the date on which the Committee provided written comments on the draft notice;

"(II) the average number of business days that elapsed between the date of submission of a formal written notice and the date on which the Committee accepted or provided written comments on the formal written notice; and

"(III) if the average number of business days for a response by the Committee reported under subclause (I) or (II) exceeded 10 business days—

"(aa) an explanation of the causes of such delays, including whether such delays are caused by resource shortages, unusual fluctuations in the volume of notices, transaction characteristics, or other factors; and

"(bb) an explanation of the steps that the Committee anticipates taking to mitigate the causes of such delays and otherwise to improve the ability of the Committee to provide comments on, or to accept, notices within 10 business days;

"(vii) the number of reviews or investigations conducted under subsection (b);

"(viii) the number of investigations that were subject to an extension under subsection (b)(2)(C)(ii);

"(ix) information on the duration of those reviews and investigations, including the median and average number of days required to complete those reviews and investigations;

"(x) the number of notices submitted under subsection (b)(1)(C)(i) and declarations submitted under subsection (b)(1)(C)(v) that were rejected by the Committee;

"(xi) the number of such notices and declarations that were withdrawn by a party to the covered transaction;

"(xii) the number of such withdrawals that were followed by the submission of a subsequent such notice or declaration relating to a substantially similar covered transaction; and

"(xiii) such other specific, cumulative, or trend information that the Committee determines is advisable to provide for an assessment of the time required for reviews and investigations of covered transactions under this section.".

(b) REPORT ON CHINESE INVESTMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and every 2 years thereafter through 2026, the Secretary of Commerce shall submit to Congress and the Committee on Foreign Investment in the United States a report on foreign direct investment transactions made by entities of the People's Republic of China in the United States.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) Total foreign direct investment from the People's Republic of China in the United States, including total foreign direct investment disaggregated by ultimate beneficial owner.

(B) A breakdown of investments from the People's Republic of China in the United States by value using the following categories:

(i) Less than $50,000,000.

(ii) Greater than or equal to $50,000,000 and less than $100,000,000.

(iii) Greater than or equal to $100,000,000 and less than $1,000,000,000.

(iv) Greater than or equal to $1,000,000,000 and less than $2,000,000,000.

(v) Greater than or equal to $2,000,000,000 and less than $5,000,000,000.

(vi) Greater than or equal to $5,000,000,000.

(C) A breakdown of investments from the People's Republic of China in the United States by 2-digit North American Industry Classification System code.

(D) A breakdown of investments from the People's Republic of China in the United States by investment type, using the following categories:

(i) Businesses established.

(ii) Businesses acquired.

(E) A breakdown of investments from the People's Republic of China in the United States by government and non-government investments, including volume, sector, and type of investment within each category.

(F) A list of companies incorporated in the United States purchased through government investment by the People's Republic of China.

(G) The number of United States affiliates of entities under the jurisdiction of the People's Republic of China, the total employees at those affiliates, and the valuation for any publicly traded United States affiliate of such an entity.

(H) An analysis of patterns in the investments described in subparagraphs (A) through (F), including in vol-

ume, type, and sector, and the extent to which those patterns of investments align with the objectives outlined by the Government of the People's Republic of China in its Made in China 2025 plan, including a comparative analysis of investments from the People's Republic of China in the United States and all foreign direct investment in the United States.

(I) An identification of any limitations on the ability of the Secretary of Commerce to collect comprehensive information that is reasonably and lawfully available about foreign investment in the United States from the People's Republic of China on a timeline necessary to complete reports every 2 years as required by paragraph (1), including—

(i) an identification of any discrepancies between government and private sector estimates of investments from the People's Republic of China in the United States;

(ii) a description of the different methodologies or data collection methods, including by private sector entities, used to measure foreign investment that may result in different estimates; and

(iii) recommendations for enhancing the ability of the Secretary of Commerce to improve data collection of information about foreign investment in the United States from the People's Republic of China.

(3) EXTENSION OF DEADLINE.—If, as a result of a limitation identified under paragraph (2)(I), the Secretary of Commerce determines that the Secretary will be unable to submit a report at the time required by paragraph (1), the Secretary may request additional time to complete the report.

(c) REPORT ON CERTAIN RAIL INVESTMENTS BY STATE-OWNED OR STATE-CONTROLLED ENTITIES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the appropriate members of the Committee on Foreign Investment in the United States, submit to Congress a report assessing—

(A) national security risks, if any, related to investments in the United States by state-owned or state-controlled entities in the manufacture or assembly of rolling stock or other assets for use in freight rail, public transportation rail systems, or intercity passenger rail systems; and

(B) how the number and types of such investments could affect any such risks.

(2) CONSULTATION.—The Secretary, in preparing the report required by paragraph (1), shall consult with the Secretary of Transportation and the head of any agency that is not represented on the Committee on Foreign Investment in the United States that has significant technical expertise related to the assessments required by that paragraph.

SEC. 1720. CERTIFICATION OF NOTICES AND INFORMATION.

Section 721(n) of the Defense Production Act of 1950 (50 U.S.C. 4565(n)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking "Each notice" and inserting the following:

"(1) IN GENERAL.—Each notice";

(3) by striking "paragraph (3)(B)" and inserting "paragraph (6)(B)";

(4) by striking "paragraph (1)(A)" and inserting "paragraph (3)(A)";

(5) by adding at the end the following:

"(2) EFFECT OF FAILURE TO SUBMIT.—The Committee may not complete a review under this section of a covered transaction and may recommend to the President that the President suspend or prohibit the transaction under subsection (d) if the Committee determines that a party to the transaction has—

"(A) failed to submit a statement required by paragraph (1); or

"(B) included false or misleading information in a notice or information described in paragraph (1) or omitted material information from such notice or information.

"(3) APPLICABILITY OF LAW ON FRAUD AND FALSE STATEMENTS.—The Committee shall prescribe regulations expressly providing for the application of section 1001 of title 18, United States Code, to all information provided to the Committee under this section by any party to a covered transaction.".

SEC. 1721. [50 U.S.C. 4565 note] IMPLEMENTATION PLANS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the chairperson of the Committee on Foreign Investment in the United States and the Secretary of Commerce shall, in consultation with the appropriate members of the Committee—

(1) develop plans to implement this subtitle; and

(2) submit to the appropriate congressional committees a report on the plans developed under paragraph (1), which shall include a description of—

(A) the timeline and process to implement the provisions of, and amendments made by, this subtitle;

(B) any additional staff necessary to implement the plans; and

(C) the resources required to effectively implement the plans.

(b) ANNUAL RESOURCE NEEDS OF CFIUS MEMBER AGENCIES.—Not later than one year after the submission of the report under subsection (a)(2), and annually thereafter for 7 years, each department or agency represented on the Committee on Foreign Investment in the United States shall submit to the appropriate congressional committees a detailed spending plan to expeditiously meet the requirements of section 721 of the Defense Production Act of 1950, as amended by this subtitle, including estimated expenditures and staffing levels for not less than the following fiscal year.

(c) TESTIMONY.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended by adding at the end the following:

"(o) TESTIMONY.—

"(1) IN GENERAL.—Not later than March 31 of each year, the chairperson, or the designee of the chairperson, shall appear before the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate to present testimony on—

"(A) anticipated resources necessary for operations of the Committee in the following fiscal year at each of the departments or agencies represented on the Committee;

"(B) the adequacy of appropriations for the Committee in the current and the previous fiscal year to—

"(i) ensure that thorough reviews and investigations are completed as expeditiously as possible;

"(ii) monitor and enforce mitigation agreements; and

"(iii) identify covered transactions for which a notice under clause (i) of subsection (b)(1)(C) or a declaration under clause (v) of that subsection was not submitted to the Committee;

"(C) management efforts to strengthen the ability of the Committee to meet the requirements of this section; and

"(D) activities of the Committee undertaken in order to—

"(i) educate the business community, with a particular focus on the technology sector and other sectors of importance to national security, on the goals and operations of the Committee;

"(ii) disseminate to the governments of countries that are allies or partners of the United States best practices of the Committee that—

"(I) strengthen national security reviews of relevant investment transactions; and

"(II) expedite such reviews when appropriate; and

"(iii) promote openness to foreign investment, consistent with national security considerations.

"(2) SUNSET.—This subsection shall have no force or effect on or after the date that is 7 years after the date of the enactment of the Foreign Investment Risk Review Modernization Act of 2018.".

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.

SEC. 1722. [50 U.S.C. 4565 note] ASSESSMENT OF NEED FOR ADDITIONAL RESOURCES FOR COMMITTEE.

The President shall—

(1) determine whether and to what extent the expansion of the responsibilities of the Committee on Foreign Investment in the United States pursuant to the amendments made by this subtitle necessitates additional resources for the Committee and the departments and agencies represented on the Committee to perform their functions under section 721 of the Defense Production Act of 1950, as amended by this subtitle; and

(2) if the President determines that additional resources are necessary, include in the budget of the President for fiscal year 2019 and each fiscal year thereafter submitted to Congress under section 1105(a) of title 31, United States Code, a request for such additional resources.

SEC. 1723. FUNDING.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by section 1721, is further amended by adding at the end the following:

"(p) FUNDING.—

"(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the 'Committee on Foreign Investment in the United States Fund' (in this subsection referred to as the 'Fund'), to be administered by the chairperson.

"(2) AUTHORIZATION OF APPROPRIATIONS FOR THE COMMITTEE.—There are authorized to be appropriated to the Fund for each of fiscal years 2019 through 2023 $20,000,000 to perform the functions of the Committee.

"(3) FILING FEES.—

"(A) IN GENERAL.—The Committee may assess and collect a fee in an amount determined by the Committee in regulations, to the extent provided in advance in appropriations Acts, without regard to section 9701 of title 31, United States Code, and subject to subparagraph (B), with respect to each covered transaction for which a written notice is submitted to the Committee under subsection (b)(1)(C)(i). The total amount of fees collected under this paragraph may not exceed the costs of administering this section.

"(B) DETERMINATION OF AMOUNT OF FEE.—

"(i) IN GENERAL.—The amount of the fee to be assessed under subparagraph (A) with respect to a covered transaction—

"(I) may not exceed an amount equal to the lesser of—

"(aa) 1 percent of the value of the transaction; or

"(bb) $300,000, adjusted annually for inflation pursuant to regulations prescribed by the Committee; and

"(II) shall be based on the value of the transaction, taking into account—

"(aa) the effect of the fee on small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632));

"(bb) the expenses of the Committee associated with conducting activities under this section;

"(cc) the effect of the fee on foreign investment; and

"(dd) such other matters as the Committee considers appropriate.

"(ii) UPDATES.—The Committee shall periodically reconsider and adjust the amount of the fee to be assessed under subparagraph (A) with respect to a covered transaction to ensure that the amount of the fee does not exceed the costs of administering this section and otherwise remains appropriate.

"(C) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under subparagraph (A) shall—

"(i) be deposited into the Fund solely for use in carrying out activities under this section;

"(ii) to the extent and in the amounts provided in advance in appropriations Acts, be available to the chairperson;

"(iii) remain available until expended; and

"(iv) be in addition to any appropriations made available to the members of the Committee.

"(D) STUDY ON PRIORITIZATION FEE.—

"(i) IN GENERAL.—Not later than 270 days after the date of the enactment of the Foreign Investment Risk Review Modernization Act of 2018, the chairperson, in consultation with the Committee, shall complete a study of the feasibility and merits of establishing a fee or fee scale to prioritize the timing of the response of the Committee to a draft or formal written notice during the period before the Committee accepts the formal written notice under subsection (b)(1)(C)(i), in the event that the Committee is unable to respond during the time required by subclause (II) of that subsection because of an unusually large influx of notices, or for other reasons.

"(ii) SUBMISSION TO CONGRESS.—After completing the study required by clause (i), the chairperson, or a designee of the chairperson, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the findings of the study.

"(4) TRANSFER OF FUNDS.—To the extent provided in advance in appropriations Acts, the chairperson may transfer any amounts in the Fund to any other department or agency represented on the Committee for the purpose of addressing emerging needs in carrying out activities under this section. Amounts so transferred shall be in addition to any other amounts available to that department or agency for that purpose.".

SEC. 1724. CENTRALIZATION OF CERTAIN COMMITTEE FUNCTIONS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by section 1723, is further amended by adding at the end the following:

"(q) CENTRALIZATION OF CERTAIN COMMITTEE FUNCTIONS.—

"(1) IN GENERAL.—The chairperson, in consultation with the Committee, may centralize certain functions of the Committee within the Department of the Treasury for the purpose of enhancing interagency coordination and collaboration in carrying out the functions of the Committee under this section.

"(2) FUNCTIONS.—Functions that may be centralized under paragraph (1) include identifying non-notified and non-declared transactions pursuant to subsection (b)(1)(H), and other functions as determined by the chairperson and the Committee.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of any department or agency represented on the Committee to represent its own interests before the Committee.".

SEC. 1725. CONFORMING AMENDMENTS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by this subtitle, is further amended—

(1) in subsection (b)—

(A) in paragraph (1)(D)(iii)(I), by striking "subsection (l)(1)(A)" and inserting "subsection (l)(3)(A)"; and

(B) in paragraph (2)(B)(i)(I), by striking "that threat" and inserting "the risk";

(2) in subsection (d)(4)(A), by striking "the foreign interest exercising control" and inserting "a foreign person that would acquire an interest in a United States business or its assets as a result of the covered transaction"; and

(3) in subsection (j), by striking "merger, acquisition, or takeover" and inserting "transaction".

SEC. 1726. BRIEFING ON INFORMATION FROM TRANSACTIONS REVIEWED BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES RELATING TO FOREIGN EFFORTS TO INFLUENCE DEMOCRATIC INSTITUTIONS AND PROCESSES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury (or a designee of the Secretary) shall provide a briefing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

(1) transactions reviewed by the Committee on Foreign Investment in the United States during the 5-year period preceding the briefing that the Committee determined would have allowed foreign persons to inappropriately influence democratic institutions and processes within the United States and in other countries; and

(2) the disposition of such reviews, including any steps taken by the Committee to address the risk of allowing foreign persons to influence such institutions and processes.

SEC. 1727. [50 U.S.C. 4565 note] EFFECTIVE DATE.

(a) IMMEDIATE APPLICABILITY OF CERTAIN PROVISIONS.—The following shall take effect on the date of the enactment of this Act

and, as applicable, apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after such date of enactment:

(1) Sections 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1716, 1717, 1718, 1720, 1721, 1722, 1723, 1724, and 1725 and any amendments made by those sections.

(2) Section 1712 and the amendments made by that section (except for clause (iii) of section 721(b)(4)(A) of the Defense Production Act of 1950, as added by section 1712).

(3) Paragraphs (1), (2), (3), (4)(A)(i), (4)(B)(i), (4)(B)(iv)(I), (4)(B)(v), (4)(F), (5), (6), (7), (8), (9), (10), (11), (12), and (13) of subsection (a) of section 721 of the Defense Production Act of 1950, as amended by section 1703.

(4) Section 721(m)(4) of the Defense Production Act of 1950, as amended by section 1719 (except for clauses (ii), (iii), (iv), and (v) of subparagraph (C) of that section).

(b) DELAYED APPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Any provision of or amendment made by this subtitle not specified in subsection (a) shall—

(A) take effect on the earlier of—

(i) the date that is 18 months after the date of the enactment of this Act; or

(ii) the date that is 30 days after publication in the Federal Register of a determination by the chairperson of the Committee on Foreign Investment in the United States that the regulations, organizational structure, personnel, and other resources necessary to administer the new provisions are in place; and

(B) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date described in subparagraph (A).

(2) NONDELEGATION OF DETERMINATION.—The determination of the chairperson of the Committee on Foreign Investment in the United States under paragraph (1)(A) may not be delegated.

(c) AUTHORIZATION FOR PILOT PROGRAMS.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act and ending on the date that is 570 days thereafter, the Committee on Foreign Investment in the United States may, at its discretion, conduct one or more pilot programs to implement any authority provided pursuant to any provision of or amendment made by this subtitle not specified in subsection (a).

(2) PUBLICATION IN FEDERAL REGISTER.—A pilot program under paragraph (1) may not commence until the date that is 30 days after publication in the Federal Register of a determination by the chairperson of the Committee of the scope of and procedures for the pilot program. That determination may not be delegated.

SEC. 1728. [50 U.S.C. 4565 note] SEVERABILITY.

If any provision of this subtitle or an amendment made by this subtitle, or the application of such a provision or amendment to any person or circumstance, is held to be invalid, the application of that provision or amendment to other persons or circumstances and the remainder of the provisions of this subtitle and the amendments made by this subtitle, shall not be affected thereby.

Subtitle B—Export Control Reform

SEC. 1741. [50 U.S.C. 4801 note] SHORT TITLE.

This subtitle may be cited as the "Export Control Reform Act of 2018".

SEC. 1742. [50 U.S.C. 4801] DEFINITIONS.

In this subtitle:

(1) CONTROLLED.—The term "controlled" refers to an item subject to the jurisdiction of the United States under part I.

(2) DUAL-USE.—The term "dual-use", with respect to an item, means the item has civilian applications and military, terrorism, weapons of mass destruction, or law-enforcement-related applications.

(3) EXPORT.—The term "export", with respect to an item subject to controls under part I, includes—

(A) the shipment or transmission of the item out of the United States, including the sending or taking of the item out of the United States, in any manner; and

(B) the release or transfer of technology or source code relating to the item to a foreign person in the United States.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term "Export Administration Regulations" means—

(A) the Export Administration Regulations as promulgated, maintained, and amended under the authority of the International Emergency Economic Powers Act and codified, as of the date of the enactment of this Act, in subchapter C of chapter VII of title 15, Code of Federal Regulations; or

(B) regulations that are promulgated, maintained, and amended under the authority of part I on or after the date of the enactment of this Act.

(5) FOREIGN PERSON.—The term "foreign person" means—

(A) any natural person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual (as such term is defined in section 274B(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3));

(B) any corporation, business association, partnership, trust, society or any other entity or group that is not incorporated in the United States or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of a foreign government (e.g., diplomatic mission).

(6) IN-COUNTRY TRANSFER.—The term "in-country transfer", with respect to an item subject to controls under part I, means a change in the end-use or end user of the item within the same foreign country.

(7) ITEM.—The term "item" means a commodity, software, or technology.

(8) PERSON.—The term "person" means—

(A) a natural person;

(B) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, or any government or agency thereof; and

(C) any successor to any entity described in subparagraph (B).

(9) REEXPORT.—The term "reexport", with respect to an item subject to controls under part I, includes—

(A) the shipment or transmission of the item from a foreign country to another foreign country, including the sending or taking of the item from the foreign country to the other foreign country, in any manner; and

(B) the release or transfer of technology or source code relating to the item to a foreign person outside the United States.

(10) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Commerce.

(11) TECHNOLOGY.—The term "technology" includes information, in tangible or intangible form, necessary for the development, production, or use of an item.

(12) UNITED STATES.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(13) UNITED STATES PERSON.—The term "United States person" means—

(A) for purposes of part I—

(i) any individual who is a citizen or national of the United States or who is an individual described in subparagraph (B) of section 274B(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3));

(ii) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia; and

(iii) any person in the United States; and

(B) for purposes of part II, any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is

controlled in fact by such domestic concern, as determined under regulations by the Secretary.

(14) WEAPONS OF MASS DESTRUCTION.—The term "weapons of mass destruction" means nuclear, radiological, chemical, and biological weapons and delivery systems for such weapons.

PART I—AUTHORITY AND ADMINISTRATION OF CONTROLS

SEC. 1751. [50 U.S.C. 4801 note] SHORT TITLE.

This part may be cited as the "Export Controls Act of 2018".

SEC. 1752. [50 U.S.C. 4811] STATEMENT OF POLICY.

The following is the policy of the United States:

(1) To use export controls only after full consideration of the impact on the economy of the United States and only to the extent necessary—

(A) to restrict the export of items which would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States; and

(B) to restrict the export of items if necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations.

(2) The national security and foreign policy of the United States require that the export, reexport, and in-country transfer of items, and specific activities of United States persons, wherever located, be controlled for the following purposes:

(A) To control the release of items for use in—

(i) the proliferation of weapons of mass destruction or of conventional weapons;

(ii) the acquisition of destabilizing numbers or types of conventional weapons;

(iii) acts of terrorism;

(iv) military programs that could pose a threat to the security of the United States or its allies; or

(v) activities undertaken specifically to cause significant interference with or disruption of critical infrastructure.

(B) To preserve the qualitative military superiority of the United States.

(C) To strengthen the United States defense industrial base.

(D) To carry out the foreign policy of the United States, including the protection of human rights and the promotion of democracy.

(E) To carry out obligations and commitments under international agreements and arrangements, including multilateral export control regimes.

(F) To facilitate military interoperability between the United States and its North Atlantic Treaty Organization (NATO) and other close allies.

(G) To ensure national security controls are tailored to focus on those core technologies and other items that are capable of being used to pose a serious national security threat to the United States.

(3) The national security of the United States requires that the United States maintain its leadership in the science, technology, engineering, and manufacturing sectors, including foundational technology that is essential to innovation. Such leadership requires that United States persons are competitive in global markets. The impact of the implementation of this part on such leadership and competitiveness must be evaluated on an ongoing basis and applied in imposing controls under sections 1753 and 1754 to avoid negatively affecting such leadership.

(4) The national security and foreign policy of the United States require that the United States participate in multilateral organizations and agreements regarding export controls on items that are consistent with the policy of the United States, and take all the necessary steps to secure the adoption and consistent enforcement, by the governments of such countries, of export controls on items that are consistent with such policy.

(5) Export controls should be coordinated with the multilateral export control regimes. Export controls that are multilateral are most effective, and should be tailored to focus on those core technologies and other items that are capable of being used to pose a serious national security threat to the United States and its allies.

(6) Export controls applied unilaterally to items widely available from foreign sources generally are less effective in preventing end-users from acquiring those items. Application of unilateral export controls should be limited for purposes of protecting specific United States national security and foreign policy interests.

(7) The effective administration of export controls requires a clear understanding both inside and outside the United States Government of which items are controlled and an efficient process should be created to regularly update the controls, such as by adding or removing such items.

(8) The export control system must ensure that it is transparent, predictable, and timely, has the flexibility to be adapted to address new threats in the future, and allows seamless access to and sharing of export control information among all relevant United States national security and foreign policy agencies.

(9) Implementation and enforcement of United States export controls require robust capabilities in monitoring, intelligence, and investigation, appropriate penalties for violations, and the ability to swiftly interdict unapproved transfers.

(10) Export controls complement and are a critical element of the national security policies underlying the laws and regulations governing foreign direct investment in the United States, including controlling the transfer of critical technologies to certain foreign persons. Thus, the President, in coordination with the Secretary, the Secretary of Defense, the

Secretary of State, the Secretary of Energy, and the heads of other Federal agencies, as appropriate, should have a regular and robust process to identify the emerging and other types of critical technologies of concern and regulate their release to foreign persons as warranted regardless of the nature of the underlying transaction. Such identification efforts should draw upon the resources and expertise of all relevant parts of the United States Government, industry, and academia. These efforts should be in addition to traditional efforts to modernize and update the lists of controlled items under the multilateral export control regimes.

(11) The authority under this part may be exercised only in furtherance of all of the objectives set forth in paragraphs (1) through (10).

SEC. 1753. [50 U.S.C. 4812] AUTHORITY OF THE PRESIDENT.

(a) AUTHORITY.—In order to carry out the policy set forth in paragraphs (1) through (10) of section 1752, the President shall control—

(1) the export, reexport, and in-country transfer of items subject to the jurisdiction of the United States, whether by United States persons or by foreign persons; and

(2) the activities of United States persons, wherever located, relating to specific—

(A) nuclear explosive devices;

(B) missiles;

(C) chemical or biological weapons;

(D) whole plants for chemical weapons precursors;

(E) foreign maritime nuclear projects; and

(F) foreign military intelligence services.

(b) REQUIREMENTS.—In exercising authority under this part to carry out the policy set forth in paragraphs (1) through (10) of section 1752, the President shall—

(1) regulate the export, reexport, and in-country transfer of items described in subsection (a)(1) of United States persons or foreign persons;

(2) regulate the activities described in subsection (a)(2) of United States persons, wherever located;

(3) seek to secure the cooperation of other governments and multilateral organizations to impose control systems that are consistent, to the extent possible, with the controls imposed under subsection (a);

(4) maintain the leadership of the United States in science, engineering, technology research and development, manufacturing, and foundational technology that is essential to innovation;

(5) protect United States technological advances by prohibiting unauthorized technology transfers to foreign persons in the United States or outside the United States, particularly with respect to countries that may pose a significant threat to the national security of the United States;

(6) strengthen the United States industrial base, both with respect to current and future defense requirements; and

(7) enforce the controls through means such as regulations, requirements for compliance, lists of controlled items, lists of foreign persons who threaten the national security or foreign policy of the United States, and guidance in a form that facilitates compliance by United States persons and foreign persons, in particular academic institutions, scientific and research establishments, and small- and medium-sized businesses.

(c) APPLICATION OF CONTROLS.—The President shall impose controls over the export, reexport, or in-country transfer of items for purposes of the objectives described in subsections (b)(1) or (b)(2) without regard to the nature of the underlying transaction or any circumstances pertaining to the activity, including whether such export, reexport, or in-country transfer occurs pursuant to a purchase order or other contract requirement, voluntary decision, inter-company arrangement, marketing effort, or during a joint venture, joint development agreement, or similar collaborative agreement.

SEC. 1754. [50 U.S.C. 4813] ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—In carrying out this part on behalf of the President, the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the heads of other Federal agencies as appropriate, shall—

(1) establish and maintain a list of items that are controlled under this part;

(2) establish and maintain a list of foreign persons and end-uses that are determined to be a threat to the national security and foreign policy of the United States pursuant to the policy set forth in section 1752(2)(A);

(3) prohibit unauthorized exports, reexports, and in-country transfers of controlled items, including to foreign persons in the United States or outside the United States;

(4) restrict exports, reexports, and in-country transfers of any controlled items to any foreign person or end-use listed under paragraph (2);

(5) require licenses or other authorizations, as appropriate, for exports, reexports, and in-country transfers of controlled items, including—

(A) imposing conditions or restrictions on United States persons and foreign persons with respect to such licenses or other authorizations; and

(B) suspending or revoking such licenses or authorizations;

(6) establish a process for an assessment to determine whether a foreign item is comparable in quality to an item controlled under this part, and is available in sufficient quantities to render the United States export control of that item or the denial of a license ineffective, including a mechanism to address that disparity;

(7) require measures for compliance with the export controls established under this part;

(8) require and obtain such information from United States persons and foreign persons as is necessary to carry out this part;

(9) require, to the extent feasible, identification of items subject to controls under this part in order to facilitate the enforcement of such controls;

(10) inspect, search, detain, or seize, or impose temporary denial orders with respect to items, in any form, that are subject to controls under this part, or conveyances on which it is believed that there are items that have been, are being, or are about to be exported, reexported, or in-country transferred in violation of this part;

(11) monitor shipments and other means of transfer;

(12) keep the public appropriately apprised of changes in policy, regulations, and procedures established under this part;

(13) appoint technical advisory committees in accordance with the Federal Advisory Committee Act;

(14) create, as warranted, exceptions to licensing requirements in order to further the objectives of this part;

(15) establish and maintain processes to inform persons, either individually by specific notice or through amendment to any regulation or order issued under this part, that a license from the Bureau of Industry and Security of the Department of Commerce is required to export; and

(16) undertake any other action as is necessary to carry out this part that is not otherwise prohibited by law.

(b) RELATIONSHIP TO IEEPA.—The authority under this part may not be used to regulate or prohibit under this part the export, reexport, or in-country transfer of any item that may not be regulated or prohibited under section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), except to the extent the President has made a determination necessary to impose controls under subparagraph (A), (B), or (C) of paragraph (2) of such section.

(c) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—

(1) COMMERCE LICENSE REQUIREMENT.—

(A) IN GENERAL.—A license shall be required for the export, reexport, or in-country transfer of items, the control of which is implemented pursuant to subsection (a) by the Secretary, to a country if the Secretary of State has made the following determinations:

(i) The government of such country has repeatedly provided support for acts of international terrorism.

(ii) The export, reexport, or in-country transfer of such items could make a significant contribution to the military potential of such country, including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism.

(B) DETERMINATION UNDER OTHER PROVISIONS OF LAW.—A determination of the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law that the government of a country described in subparagraph (A) has repeatedly provided support for acts of international terrorism shall be deemed to be a determination with respect

to such government for purposes of clause (i) of subparagraph (A).

(2) NOTIFICATION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of State and the Secretary shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before any license is issued as required by paragraph (1).

(B) CONTENTS.—The Secretary of State shall include in the notification required under subparagraph (A)—

(i) a detailed description of the items to be offered, including a brief description of the capabilities of any item for which a license to export, reexport, or in-country transfer the items is sought;

(ii) the reasons why the foreign country, person, or entity to which the export, reexport, or in-country transfer is proposed to be made has requested the items under the export, reexport, or in-country transfer, and a description of the manner in which such country, person, or entity intends to use such items;

(iii) the reasons why the proposed export, reexport, or in-country transfer is in the national interest of the United States;

(iv) an analysis of the impact of the proposed export, reexport, or in-country transfer on the military capabilities of the foreign country, person, or entity to which such transfer would be made;

(v) an analysis of the manner in which the proposed export, reexport, or in-country transfer would affect the relative military strengths of countries in the region to which the items that are the subject of such export, reexport, or in-country transfer would be delivered and whether other countries in the region have comparable kinds and amounts of items; and

(vi) an analysis of the impact of the proposed export, reexport, or in-country transfer on the relations of the United States with the countries in the region to which the items that are the subject of such export, reexport, or in-country transfer would be delivered.

(3) PUBLICATION IN FEDERAL REGISTER.—Each determination of the Secretary of State under paragraph (1)(A)(i) shall be published in the Federal Register, except that the Secretary of State may exclude confidential information and trade secrets contained in such determination.

(4) RESCISSION OF DETERMINATION.—A determination of the Secretary of State under paragraph (1)(A)(i) may not be rescinded unless the President submits to the Speaker of the House of Representatives, the chairman of the Committee on Foreign Affairs, and the chairman of the Committee on Banking, Housing, and Urban Affairs and the chairman of the Committee on Foreign Relations of the Senate—

(A) before the proposed rescission would take effect, a report certifying that—

(i) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(ii) that government is not supporting acts of international terrorism; and

(iii) that government has provided assurances that it will not support acts of international terrorism in the future; or

(B) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(i) the government concerned has not provided any support for acts international terrorism during the preceding 6-month period; and

(ii) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(d) ENHANCED CONTROLS.—

(1) IN GENERAL.—In furtherance of section 1753(a), the President shall, except to the extent authorized by a statute or regulation administered by a Federal department or agency other than the Department of Commerce, require a United States person, wherever located, to apply for and receive a license from the Department of Commerce for—

(A) the export, reexport, or in-country transfer of items described in paragraph (2), including items that are not subject to control under this part; and

(B) other activities that may support the design, development, production, use, operation, installation, maintenance, repair, overhaul, or refurbishing of, or for the performance of services relating to, any such items.

(2) ITEMS DESCRIBED.—The items described in this paragraph include—

(A) nuclear explosive devices;

(B) missiles;

(C) chemical or biological weapons;

(D) whole plants for chemical weapons precursors; and

(E) foreign maritime nuclear projects that would pose a risk to the national security or foreign policy of the United States.

(e) ADDITIONAL PROHIBITIONS.—The Secretary may inform United States persons, either individually by specific notice or through amendment to any regulation or order issued under this part, that a license from the Bureau of Industry and Security of the Department of Commerce is required to engage in any activity if the activity involves the types of movement, service, or support described in subsection (d). The absence of any such notification does not excuse the United States person from compliance with the license requirements of subsection (d), or any regulation or order issued under this part.

(f) LICENSE REVIEW STANDARDS.—The Secretary shall deny an application to engage in any activity described in subsection (d) if the activity would make a material contribution to any of the items described in subsection (d)(2).

SEC. 1755. [50 U.S.C. 4814] ADMINISTRATION OF EXPORT CONTROLS.

(a) IN GENERAL.—The President shall rely on, including through delegations, as appropriate, the Secretary, the Secretary of Defense, the Secretary of State, the Secretary of Energy, the Director of National Intelligence, and the heads of other Federal agencies as appropriate, to exercise the authority to carry out the purposes set forth in subsection (b).

(b) PURPOSES.—The purposes of this section include to—

(1) advise the President with respect to—

(A) identifying specific threats to the national security and foreign policy that the authority of this part may be used to address; and

(B) exercising the authority under this part to implement policies, regulations, procedures, and actions that are necessary to effectively counteract those threats;

(2) review and approve—

(A) criteria for including items on, and removing such an item from, a list of controlled items established under this part;

(B) an interagency procedure for compiling and amending any list described in subparagraph (A);

(C) criteria for including a person on a list of persons to whom exports, reexports, and in-country transfers of items are prohibited or restricted under this part;

(D) standards for compliance by persons subject to controls under this part; and

(E) policies and procedures for the end-use monitoring of exports, reexports, and in-country transfers of items controlled under this part; and

(3) benefit from the inherent equities, experience, and capabilities of the Federal officials described in subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the administration of export controls under this part should be consistent with the procedures relating to export license applications described in Executive Order 12981 (1995).

SEC. 1756. [50 U.S.C. 4815] LICENSING.

(a) IN GENERAL.—The Secretary shall, consistent with delegations as described in section 1755, establish a procedure to license or otherwise authorize the export, reexport, and in-country transfer of items controlled under this part in order to carry out the policy set forth in section 1752 and the requirements set forth in section 1753(b). The procedure shall ensure that—

(1) license applications and other requests for authorization are considered and decisions made with the participation of appropriate Federal agencies, as appropriate; and

(2) licensing decisions are made in an expeditious manner, with transparency to applicants on the status of license and other authorization processing and the reason for denying any license or request for authorization.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should make best efforts to ensure that an accurate, consistent, and timely evaluation and processing of licenses or other requests for authorization to export, reexport, or in-country trans-

fer items controlled under this part is generally accomplished within 30 days from the date of such license request.

(c) FEES.—No fee may be charged in connection with the submission, processing, or consideration of any application for a license or other authorization or other request made in connection with any regulation in effect under the authority of this part.

(d) ADDITIONAL PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—The procedure required under subsection (a) shall provide for the assessment of the impact of a proposed export of an item on the United States defense industrial base and the denial of an application for a license or a request for an authorization of any export that would have a significant negative impact on such defense industrial base, as described in paragraph (3).

(2) INFORMATION FROM APPLICANT.—The procedure required under subsection (a) shall also require an applicant for a license to provide the information necessary to make the assessment provided under paragraph (1), including whether the purpose or effect of the export is to allow for the significant production of items relevant for the defense industrial base outside the United States.

(3) SIGNIFICANTLY NEGATIVE IMPACT DEFINED.—A significant negative impact on the United States defense industrial base is the following:

(A) A reduction in the availability of an item produced in the United States that is likely to be acquired by the Department of Defense or other Federal department or agency for the advancement of the national security of the United States, or for the production of an item in the United States for the Department of Defense or other agency for the advancement of the national security of the United States.

(B) A reduction in the production in the United States of an item that is the result of research and development carried out, or funded by, the Department of Defense or other Federal department or agency to advance the national security of the United States, or a federally funded research and development center.

(C) A reduction in the employment of United States persons whose knowledge and skills are necessary for the continued production in the United States of an item that is likely to be acquired by the Department of Defense or other Federal department or agency for the advancement of the national security of the United States.

SEC. 1757. [50 U.S.C. 4816] COMPLIANCE ASSISTANCE.

(a) SYSTEM FOR SEEKING ASSISTANCE.—The President may authorize the Secretary to establish a system to provide United States persons with assistance in complying with this part, which may include a mechanism for providing information, in classified form as appropriate, to persons who are potential customers, suppliers, or business partners with respect to items controlled under this part, in order to further ensure the prevention of the export, reexport,

or in-country transfer of items that may pose a threat to the national security or foreign policy of the United States.

(b) SECURITY CLEARANCES.—In order to carry out subsection (a), the President may issue appropriate security clearances to persons described in that subsection who are responsible for complying with this part.

(c) ASSISTANCE FOR CERTAIN BUSINESSES.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall develop and submit to Congress a plan to assist small- and medium-sized United States businesses in export licensing and other processes under this part.

(2) CONTENTS.—The plan shall include, among other things, arrangements for the Department of Commerce to provide counseling to businesses described in paragraph (1) on filing applications and identifying items controlled under this part, as well as proposals for seminars and conferences to educate such businesses on export controls, licensing procedures, and related obligations.

SEC. 1758. [50 U.S.C. 4817] REQUIREMENTS TO IDENTIFY AND CONTROL THE EXPORT OF EMERGING AND FOUNDATIONAL TECHNOLOGIES.

(a) IDENTIFICATION OF TECHNOLOGIES.—

(1) IN GENERAL.—The President shall establish and, in coordination with the Secretary, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the heads of other Federal agencies as appropriate, lead, a regular, ongoing interagency process to identify emerging and foundational technologies that—

(A) are essential to the national security of the United States; and

(B) are not critical technologies described in clauses (i) through (v) of section 721(a)(6)(A) of the Defense Production Act of 1950, as amended by section 1703.

(2) PROCESS.—The interagency process established under subsection (a) shall—

(A) be informed by multiple sources of information, including—

(i) publicly available information;

(ii) classified information, including relevant information provided by the Director of National Intelligence;

(iii) information relating to reviews and investigations of transactions by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565); and

(iv) information provided by the advisory committees established by the Secretary to advise the Under Secretary of Commerce for Industry and Security on controls under the Export Administration Regulations, including the Emerging Technology and Research Advisory Committee;

(B) take into account—

(i) the development of emerging and foundational technologies in foreign countries;

(ii) the effect export controls imposed pursuant to this section may have on the development of such technologies in the United States; and

(iii) the effectiveness of export controls imposed pursuant to this section on limiting the proliferation of emerging and foundational technologies to foreign countries; and

(C) include a notice and comment period.

(b) COMMERCE CONTROLS.—

(1) IN GENERAL.—Except to the extent inconsistent with the authorities described in subsection (a)(1)(B), the Secretary shall establish appropriate controls under the Export Administration Regulations on the export, reexport, or in-country transfer of technology identified pursuant to subsection (a), including through interim controls (such as by informing a person that a license is required for export), as appropriate, or by publishing additional regulations.

(2) LEVELS OF CONTROL.—

(A) IN GENERAL.—The Secretary may, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other Federal agencies, as appropriate, specify the level of control to apply under paragraph (1) with respect to the export of technology described in that paragraph, including a requirement for a license or other authorization for the export, reexport, or in-country transfer of that technology.

(B) CONSIDERATIONS.—In determining under subparagraph (A) the level of control appropriate for technology described in paragraph (1), the Secretary shall take into account—

(i) lists of countries to which exports from the United States are restricted; and

(ii) the potential end uses and end users of the technology.

(C) MINIMUM REQUIREMENTS.—At a minimum, except as provided by paragraph (4), the Secretary shall require a license for the export, reexport, or in-country transfer of technology described in paragraph (1) to or in a country subject to an embargo, including an arms embargo, imposed by the United States.

(3) REVIEW OF LICENSE APPLICATIONS.—

(A) PROCEDURES.—The procedures set forth in Executive Order 12981 (50 U.S.C. 4603 note; relating to administration of export controls) or a successor order shall apply to the review of an application for a license or other authorization for the export, reexport, or in-country transfer of technology described in paragraph (1).

(B) CONSIDERATION OF INFORMATION RELATING TO NATIONAL SECURITY.—In reviewing an application for a license or other authorization for the export, reexport, or in-country transfer of technology described in paragraph (1), the Secretary shall take into account information provided

by the Director of National Intelligence regarding any threat to the national security of the United States posed by the proposed export, reexport, or transfer. The Director of National Intelligence shall provide such information on the request of the Secretary.

(C) DISCLOSURES RELATING TO COLLABORATIVE ARRANGEMENTS.—In the case of an application for a license or other authorization for the export, reexport, or in-country transfer of technology described in paragraph (1) submitted by or on behalf of a joint venture, joint development agreement, or similar collaborative arrangement, the Secretary may require the applicant to identify, in addition to any foreign person participating in the arrangement, any foreign person with significant ownership interest in a foreign person participating in the arrangement.

(4) EXCEPTIONS.—

(A) MANDATORY EXCEPTIONS.—The Secretary may not control under this subsection the export of any technology—

(i) described in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)); or

(ii) if the regulation of the export of that technology is prohibited under any other provision of law.

(B) REGULATORY EXCEPTIONS.—In prescribing regulations under paragraph (1), the Secretary may include regulatory exceptions to the requirements of that paragraph.

(C) ADDITIONAL EXCEPTIONS.—The Secretary shall not be required to impose under paragraph (1) a requirement for a license or other authorization with respect to the export, reexport, or in-country transfer of technology described in paragraph (1) pursuant to any of the following transactions:

(i) The sale or license of a finished item and the provision of associated technology if the United States person that is a party to the transaction generally makes the finished item and associated technology available to its customers, distributors, or resellers.

(ii) The sale or license to a customer of a product and the provision of integration services or similar services if the United States person that is a party to the transaction generally makes such services available to its customers.

(iii) The transfer of equipment and the provision of associated technology to operate the equipment if the transfer could not result in the foreign person using the equipment to produce critical technologies (as defined in section 721(a) of the Defense Production Act of 1950, as amended by section 1703).

(iv) The procurement by the United States person that is a party to the transaction of goods or services, including manufacturing services, from a foreign person that is a party to the transaction, if the foreign person has no rights to exploit any technology contrib-

uted by the United States person other than to supply the procured goods or services.

(v) Any contribution and associated support by a United States person that is a party to the transaction to an industry organization related to a standard or specification, whether in development or declared, including any license of or commitment to license intellectual property in compliance with the rules of any standards organization (as defined by the Secretary by regulation).

(c) MULTILATERAL CONTROLS.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary and the Secretary of Defense, and the heads of other Federal agencies, as appropriate, shall propose that any technology identified pursuant to subsection (a) be added to the list of technologies controlled by the relevant multilateral export control regimes.

(2) ITEMS ON COMMERCE CONTROL LIST OR UNITED STATES MUNITIONS LIST.—If the Secretary of State proposes to a multilateral export control regime under paragraph (1) to add a technology identified pursuant to subsection (a) to the control list of that regime and that regime does not add that technology to the control list during the 3-year period beginning on the date of the proposal, the applicable agency head may determine whether national security concerns warrant the continuation of unilateral export controls with respect to that technology.

(d) REPORT TO COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—Not less frequently than every 180 days, the Secretary, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other Federal agencies, as appropriate, shall submit to the Committee on Foreign Investment in the United States a report on the results of actions taken pursuant to this section.

(e) REPORT TO CONGRESS.—Not less frequently than every 180 days, the Secretary, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other Federal agencies, as appropriate, shall submit a report on the results of actions taken pursuant to this section, including actions taken pursuant to subsections (a), (b), and (c), to—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) MODIFICATIONS TO EMERGING TECHNOLOGY AND RESEARCH ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall revise the objectives of the Emerging Technology and Research Advisory Committee, established by the Secretary under the Export Administration Regulations, to include advising the interagency proc-

ess established under subsection (a) with respect to emerging and foundational technologies.

(2) DUTIES.—The Secretary—

(A) shall revise the duties of the Emerging Technology and Research Advisory Committee to include identifying emerging and foundational technologies that may be developed over a period of 5 years or 10 years; and

(B) may revise the duties of the Advisory Committee to include identifying trends in—

(i) the ownership by foreign persons and foreign governments of such technologies;

(ii) the types of transactions related to such technologies engaged in by foreign persons and foreign governments;

(iii) the blending of private and government investment in such technologies; and

(iv) efforts to obfuscate ownership of such technologies or to otherwise circumvent the controls established under this section.

(3) MEETINGS.—

(A) FREQUENCY.—The Emerging Technology and Research Advisory Committee should meet not less frequently than every 120 days.

(B) ATTENDANCE.—A representative from each agency participating in the interagency process established under subsection (a) should be in attendance at each meeting of the Emerging Technology and Research Advisory Committee.

(4) CLASSIFIED INFORMATION.—Not fewer than half of the members of the Emerging Technology and Research Advisory Committee should hold sufficient security clearances such that classified information, including classified information described in clauses (ii) and (iii) of subsection (a)(2)(A), from the interagency process established under subsection (a) can be shared with those members to inform the advice provided by the Advisory Committee.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsections (a)(1), (a)(3), and (b) of section 10 and sections 11, 13, and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Emerging Technology and Research Advisory Committee.

(6) REPORT.—The Emerging Technology and Research Advisory Committee shall include the findings of the Advisory Committee under this subsection in the annual report to Congress required by section 1765.

(g) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to alter or limit—

(1) the authority of the President or the Secretary of State to designate items as defense articles and defense services for the purposes of the Arms Export Control Act (22 U.S.C. 2751 et seq.) or to otherwise regulate such items; or

(2) the authority of the President under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.), the Energy Reorga-

nization Act of 1974 (42 U.S.C. 5801 et seq.), or the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) or any other provision of law relating to the control of exports.

SEC. 1759. [50 U.S.C. 4818] REVIEW RELATING TO COUNTRIES SUBJECT TO COMPREHENSIVE UNITED STATES ARMS EMBARGO.

(a) IN GENERAL.—The Secretary, the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the heads of other Federal agencies as appropriate, shall conduct a review of license requirements for exports, reexports, or in-country transfers of items to countries subject to a comprehensive United States arms embargo, including, as appropriate—

(1) the scope of controls under title 15, Code of Federal Regulations, that apply to exports, reexports, and in-country transfers for military end uses and military end users in countries that are subject to a comprehensive United States arms embargo and countries that are subject to a United Nations arms embargo; and

(2) entries on the Commerce Control List maintained under title 15, Code of Federal Regulations, that are not subject to a license requirement for the export, reexport, or in-country transfer of items to countries subject to a comprehensive United States arms embargo.

(b) IMPLEMENTATION OF RESULTS OF REVIEW.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall implement the results of the review conducted under subsection (a).

SEC. 1760. [50 U.S.C. 4819] PENALTIES.

(a) UNLAWFUL ACTS.—

(1) IN GENERAL.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of this part or of any regulation, order, license, or other authorization issued under this part, including any of the unlawful acts described in paragraph (2).

(2) SPECIFIC UNLAWFUL ACTS.—The unlawful acts described in this paragraph are the following:

(A) No person may engage in any conduct prohibited by or contrary to, or refrain from engaging in any conduct required by this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(B) No person may cause or aid, abet, counsel, command, induce, procure, permit, or approve the doing of any act prohibited, or the omission of any act required by this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(C) No person may solicit or attempt a violation of this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(D) No person may conspire or act in concert with one or more other persons in any manner or for any purpose to bring about or to do any act that constitutes a violation

of this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(E) No person may order, buy, remove, conceal, store, use, sell, loan, dispose of, transfer, transport, finance, forward, or otherwise service, in whole or in part, or conduct negotiations to facilitate such activities for, any item exported or to be exported from the United States, or that is otherwise subject to the Export Administration Regulations, with knowledge that a violation of this part, the Export Administration Regulations, or any order, license or authorization issued thereunder, has occurred, is about to occur, or is intended to occur in connection with the item unless valid authorization is obtained therefor.

(F) No person may make any false or misleading representation, statement, or certification, or falsify or conceal any material fact, either directly to the Department of Commerce, or an official of any other United States agency, including the Department of Homeland Security and the Department of Justice, or indirectly through any other person—

(i) in the course of an investigation or other action subject to the Export Administration Regulations;

(ii) in connection with the preparation, submission, issuance, use, or maintenance of any export control document or any report filed or required to be filed pursuant to the Export Administration Regulations; or

(iii) for the purpose of or in connection with effecting any export, reexport, or in-country transfer of an item subject to the Export Administration Regulations or a service or other activity of a United States person described in section 1754.

(G) No person may engage in any transaction or take any other action with intent to evade the provisions of this part, the Export Administration Regulations, or any order, license, or authorization issued thereunder.

(H) No person may fail or refuse to comply with any reporting or recordkeeping requirements of the Export Administration Regulations or of any order, license, or authorization issued thereunder.

(I) Except as specifically authorized in the Export Administration Regulations or in writing by the Department of Commerce, no person may alter any license, authorization, export control document, or order issued under the Export Administration Regulations.

(J) No person may take any action that is prohibited by a denial order or a temporary denial order issued by the Department of Commerce to prevent imminent violations of this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(3) ADDITIONAL REQUIREMENTS.—For purposes of paragraph (2)(F), any representation, statement, or certification made by any person shall be deemed to be continuing in effect. Each person who has made a representation, statement, or cer-

tification to the Department of Commerce relating to any order, license, or other authorization issued under this part shall notify the Department of Commerce, in writing, of any change of any material fact or intention from that previously represented, stated, or certified, immediately upon receipt of any information that would lead a reasonably prudent person to know that a change of material fact or intention had occurred or may occur in the future.

(b) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids and abets in the commission of, an unlawful act described in subsection (a)—

(1) shall be fined not more than $1,000,000; and

(2) in the case of the individual, shall be imprisoned for not more than 20 years, or both.

(c) CIVIL PENALTIES.—

(1) AUTHORITY.—The Secretary may impose the following civil penalties on a person for each violation by that person of this part or any regulation, order, or license issued under this part, for each violation:

(A) A fine of not more than $300,000 or an amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed, whichever is greater.

(B) Revocation of a license issued under this part to the person.

(C) A prohibition on the person's ability to export, reexport, or in-country transfer any items controlled under this part.

(2) PROCEDURES.—Any civil penalty under this subsection may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(3) STANDARDS FOR LEVELS OF CIVIL PENALTY.—The Secretary may by regulation provide standards for establishing levels of civil penalty under this subsection based upon factors such as the seriousness of the violation, the culpability of the violator, and such mitigating factors as the violator's record of cooperation with the Government in disclosing the violation.

(d) CRIMINAL FORFEITURE.—

(1) IN GENERAL.—Any person who is convicted under subsection (b) of a violation of a control imposed under section 1753 (or any regulation, order, or license issued with respect to such control) shall, in addition to any other penalty, forfeit to the United States any of the person's property—

(A) used or intended to be used, in any manner, to commit or facilitate the violation;

(B) constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the violation; or

(C) constituting an item or technology that is exported or intended to be exported in violation of this title.

(2) PROCEDURES.—The procedures in any forfeiture under this subsection shall be governed by the procedures established

under section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of such section.

(e) PRIOR CONVICTIONS.—

(1) LICENSE BAR.—

(A) IN GENERAL.—The Secretary may—

(i) deny the eligibility of any person convicted of a criminal violation described in subparagraph (B) to export, reexport, or in-country transfer outside the United States any item, whether or not subject to controls under this part, for a period of up to 10 years beginning on the date of the conviction; and

(ii) revoke any license or other authorization to export, reexport, or in-country transfer items that was issued under this part and in which such person has an interest at the time of the conviction.

(B) VIOLATIONS.—The violations referred to in subparagraph (A) are any criminal violations of, or criminal attempt or conspiracy to violate—

(i) this part (or any regulation, license, or order issued under this part);

(ii) any regulation, license, or order issued under the International Emergency Economic Powers Act;

(iii) section 371, 554, 793, 794, or 798 of title 18, United States Code;

(iv) section 1001 of title 18, United States Code;

(v) section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)); or

(vi) section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(2) APPLICATION TO OTHER PARTIES.—The Secretary may exercise the authority under paragraph (1) with respect to any person related, through affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or business, to any person convicted of any violation of law set forth in paragraph (1), upon a showing of such relationship with the convicted party, and subject to the procedures set forth in subsection (c)(2).

(f) OTHER AUTHORITIES.—Nothing in subsection (c), (d), or (e) limits—

(1) the availability of other administrative or judicial remedies with respect to violations of this part, or any regulation, order, license or other authorization issued under this part;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this part, or any regulation, order, license, or other authorization issued under this part; or

(3) the authority to compromise, remit or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

SEC. 1761. [50 U.S.C. 4820] ENFORCEMENT.

(a) AUTHORITIES.—In order to enforce this part, the Secretary, on behalf of the President, may exercise, in addition to relevant enforcement authorities of other Federal agencies, the authority to—

(1) issue orders and guidelines;

(2) require, inspect, and obtain books, records, and any other information from any person subject to the provisions of this part;

(3) administer oaths or affirmations and by subpoena require any person to appear and testify or to appear and produce books, records, and other writings, or both;

(4) conduct investigations within the United States and outside the United States consistent with applicable law;

(5) inspect, search, detain, seize, or issue temporary denial orders with respect to items, in any form, that are subject to controls under this part, or conveyances on which it is believed that there are items that have been, are being, or are about to be exported, reexported, or in-country transferred in violation of this part, or any regulations, order, license, or other authorization issued thereunder;

(6) carry firearms;

(7) conduct prelicense inspections and post-shipment verifications; and

(8) execute warrants and make arrests.

(b) UNDERCOVER INVESTIGATIONS.—

(1) IN GENERAL.—Amounts made available to carry out this part may be used by the Secretary to carry out undercover investigations that are necessary for detection and prosecution of violations of this part, including to—

(A) purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States without regard to—

(i) sections 1341 and 3324 of title 31, United States Code;

(ii) section 8141 of title 40, United States Code;

(iii) sections 3901, 6301(a) and (b)(1) to (3), and 6306 of title 41, United States Code; and

(iv) chapter 45 of title 41, United States Code; and

(B) establish or acquire proprietary corporations or business entities as part of the undercover operation and operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31, United States Code.

(2) DEPOSIT OF AMOUNTS IN BANKS OR OTHER FINANCIAL INSTITUTIONS.—Amounts made available to carry out this part that are used to carry out undercover operations under paragraph (1) may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of title 31, United States Code.

(3) OFFSET OF NECESSARY AND REASONABLE EXPENSES.—Any proceeds from an undercover operation carried out under paragraph (1) may be used to offset necessary and reasonable

expenses incurred in such undercover operation without regard to the provisions of section 3302 of title 31, United States Code.

(4) DISPOSITION OF CORPORATIONS AND BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover operation carried out under paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secretary shall report the circumstances to the Comptroller General of the United States as much in advance of such disposition as the Secretary determines is practicable. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts. Any property or equipment purchased pursuant to paragraph (1) may be retained for subsequent use in undercover operations under this section. When such property or equipment is no longer needed, it shall be considered surplus and disposed of as surplus government property.

(5) DEPOSIT OF PROCEEDS.—As soon as the proceeds from an undercover operation carried out under paragraph (1), with respect to which an action is certified and carried out under this subsection, are no longer needed for the conduct of such operation, the proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) ENFORCEMENT OF SUBPOENAS.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person under subsection (a)(3), a district court of the United States, after notice to such person and a hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, regardless of format, that are the subject of the subpoena. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) BEST PRACTICE GUIDELINES.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of other appropriate Federal agencies, should publish and update "best practices" guidelines to assist persons in developing and implementing, on a voluntary basis, effective export control programs in compliance with the regulations issued under this part.

(2) EXPORT COMPLIANCE PROGRAM.—The implementation by a person of an effective export compliance program and a high quality overall export compliance effort by a person should ordinarily be given weight as mitigating factors in a civil penalty action against the person under this part.

(e) REFERENCE TO ENFORCEMENT.—For purposes of this section, a reference to the enforcement of, or a violation of, this part includes a reference to the enforcement or a violation of any regulation, order, license or other authorization issued pursuant to this part.

(f) WIRETAPPING.—Section 2516(1) of title 18, United States Code, is amended—

(1) in subparagraph (s), by striking "or" at the end;

(2) by redesignating subparagraph (t) as subparagraph (u); and

(3) by inserting after subparagraph (s) (as amended by paragraph (1) of this subsection) the following new subparagraph:

"(t) any violation of the Export Control Reform Act of 2018; or".

(g) IMMUNITY.—A person shall not be excused from complying with any requirements under this section because of the person's privilege against self-incrimination, but the immunity provisions of section 6002 of title 18, United States Code, shall apply with respect to any individual who specifically claims such privilege.

(h) CONFIDENTIALITY OF INFORMATION.—

(1) EXEMPTIONS FROM DISCLOSURE.—

(A) IN GENERAL.—Information obtained under this part may be withheld from disclosure only to the extent permitted by statute, except that information described in subparagraph (B) shall be withheld from public disclosure and shall not be subject to disclosure under section 552(b)(3) of title 5, United States Code, unless the release of such information is determined by the Secretary to be in the national interest.

(B) INFORMATION DESCRIBED.—Information described in this subparagraph is information submitted or obtained in connection with an application for a license or other authorization to export, reexport, or in-country transfer items or engage in other activities, a recordkeeping or reporting requirement, an enforcement activity, or other operations under this part, including—

(i) the license application, license, or other authorization itself;

(ii) classification or advisory opinion requests, and the response thereto;

(iii) license determinations, and information pertaining thereto;

(iv) information or evidence obtained in the course of any investigation; and

(v) information obtained or furnished in connection with any international agreement, treaty, or other obligation.

(2) INFORMATION TO THE CONGRESS AND GAO.—

(A) IN GENERAL.—Nothing in this section shall be construed as authorizing the withholding of information from the Congress or from the Government Accountability Office.

(B) AVAILABILITY TO THE CONGRESS.—

(i) IN GENERAL.—Any information obtained at any time under any provision of the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), under the Export Administration Regulations, or under this part, including any report or license application required under any such provision, shall be

made available to a committee or subcommittee of Congress of appropriate jurisdiction, upon the request of the chairman or ranking minority member of such committee or subcommittee.

(ii) PROHIBITION ON FURTHER DISCLOSURE.—No such committee or subcommittee, or member thereof, may disclose any information made available under clause (i), that is submitted on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(C) AVAILABILITY TO GAO.—

(i) IN GENERAL.—Information described in clause (i) of subparagraph (B) shall be subject to the limitations contained in section 716 of title 31, United States Code.

(ii) PROHIBITION ON FURTHER DISCLOSURE.—An officer or employee of the Government Accountability Office may not disclose, except to the Congress in accordance with this paragraph, any such information that is submitted on a confidential basis or from which any individual can be identified.

(3) INFORMATION SHARING.—

(A) IN GENERAL.—Any Federal official described in section 1755(a) who obtains information that is relevant to the enforcement of this part, including information pertaining to any investigation, shall furnish such information to each appropriate department, agency, or office with enforcement responsibilities under this section to the extent consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities.

(B) EXCEPTIONS.—The provisions of this paragraph shall not apply to information subject to the restrictions set forth in section 9 of title 13, United States Code, and return information, as defined in subsection (b) of section 6103 of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)), may be disclosed only as authorized by that section.

(C) EXCHANGE OF INFORMATION.—The President shall ensure that the heads of departments, agencies, and offices with enforcement authorities under this part, consistent with protection of law enforcement and its sources and methods—

(i) exchange any licensing and enforcement information with one another that is necessary to facilitate enforcement efforts under this section; and

(ii) consult on a regular basis with one another and with the head of other departments, agencies, and offices that obtain information subject to this paragraph, in order to facilitate the exchange of such information.

(D) INFORMATION SHARING WITH FEDERAL AGENCIES.—Licensing or enforcement information obtained under this

part may be shared with departments, agencies, and offices that do not have enforcement authorities under this part on a case-by-case basis.

(i) REPORTING REQUIREMENTS.—In the administration of this section, reporting requirements shall be designed to reduce the cost of reporting, recordkeeping, and documentation to the extent consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology.

(j) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any property, real or personal, tangible or intangible, seized under subsection (a) by designated officers or employees shall be subject to forfeiture to the United States in accordance with applicable law.

(2) PROCEDURES.—Any seizure or forfeiture under this subsection shall be carried out in accordance with the procedures set forth in section 981 of title 18, United States Code.

(k) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or otherwise affect the enforcement authorities of the Department of Homeland Security which may also complement those set forth herein.

SEC. 1762. [50 U.S.C. 4821] ADMINISTRATIVE PROCEDURE.

(a) IN GENERAL.—Except as provided in section 1760(c)(2)or 1774(c), the functions exercised under this part shall not be subject to sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

(b) ADMINISTRATIVE LAW JUDGES.—

(1) IN GENERAL.—The Secretary may—

(A) appoint administrative law judges, consistent with the provisions of section 3105 of title 5, United States Code; and

(B) designate properly appointed administrative law judges from other Federal agencies who are provided to the Department of Commerce pursuant to a legally authorized interagency agreement.

(2) LIMITATION.—An administrative law judge appointed or designated by the Secretary under paragraph (1) may preside only over proceedings of the Department of Commerce.

(c) AMENDMENTS TO REGULATIONS.—The President shall notify in advance the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives of any proposed amendments to the Export Administration Regulations with an explanation of the intent and rationale of such amendments.

SEC. 1763. [50 U.S.C. 4822] REVIEW OF INTERAGENCY DISPUTE RESOLUTION PROCESS.

(a) IN GENERAL.—The President shall review and evaluate the interagency export license referral, review, and escalation processes for dual-use items and munitions under the licensing jurisdiction of the Department of Commerce or any other Federal agency, as appropriate, to determine whether current practices and proce-

dures are consistent with established national security and foreign policy objectives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains the results of the review carried out under subsection (a).

(c) OPERATING COMMITTEE FOR EXPORT POLICY.—In any case in which the Operating Committee for Export Policy established by Executive Order 12981 (December 5, 1995; relating to Administration of Export Controls) is meeting to conduct an interagency dispute resolution relating to applications for export licenses under the Export Administration Regulations, matters relating to jet engine hot section technology, commercial communication satellites, and emerging or foundational technology may be decided by majority vote.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 1764. [50 U.S.C. 4823] CONSULTATION WITH OTHER AGENCIES ON COMMODITY CLASSIFICATION.

Notwithstanding any other provision of law, the Secretary shall consult with the Secretary of Defense, the Secretary of State, and the Secretary of Energy, as appropriate, regarding commodity classifications for any item the Secretary and the Secretary of Defense, the Secretary of State, and the Secretary of Energy identify and mutually determine is materially significant enough to warrant interagency consultation.

SEC. 1765. [50 U.S.C. 4824] ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary shall submit to Congress, by December 31 of each year, a report on the implementation of this part during the preceding fiscal year. The report shall include a review of—

(1) the effect of controls imposed under this part on exports, reexports, and in-country transfers of items in addressing threats to the national security or foreign policy of the United States, including a description of licensing processing times;

(2) the impact of such controls on the scientific and technological leadership of the United States;

(3) the consistency with such controls of export controls imposed by other countries;

(4) efforts to provide exporters with compliance assistance, including specific actions to assist small- and medium-sized businesses;

(5) a summary of regulatory changes from the prior fiscal year;

(6) a summary of export enforcement actions, including of actions taken to implement end-use monitoring of dual-use,

military, and other items subject to the Export Administration Regulations;

(7) a summary of approved license applications to proscribed persons;

(8) efforts undertaken within the previous year to comply with the requirements of section 1759, including any critical technologies identified under such section and how or whether such critical technologies were controlled for export; and

(9) a summary of industrial base assessments conducted during the previous year by the Department of Commerce, including with respect to counterfeit electronics, foundational technologies, and other research and analysis of critical technologies and industrial capabilities of key defense-related sectors.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1766. [50 U.S.C. 4601 note] REPEAL.

(a) [22 U.S.C. 3108 note 50 U.S.C. 4601] IN GENERAL.—The Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) (other than sections 11A, 11B, and 11C of such Export Administration Act of 1979) is repealed.

(b) [50 U.S.C. 4601 note] IMPLEMENTATION.—The President shall implement the amendment made by subsection (a) by exercising the authorities of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 1767. [50 U.S.C. 4825] EFFECT ON OTHER ACTS.

(a) IN GENERAL.—Except as otherwise provided in this part, nothing contained in this part shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over the export or reexport of any item.

(b) COORDINATION OF CONTROLS.—

(1) IN GENERAL.—The authority granted to the President under this part shall be exercised in such manner so as to achieve effective coordination with the authority exercised under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and all other export control and sanctions authorities exercised by Federal departments and agencies, particularly the Department of State, the Department of the Treasury, and the Department of Energy.

(2) SENSE OF CONGRESS.—It is the sense of Congress that in order to achieve effective coordination described in paragraph (1), such Federal departments and agencies—

(A) should continuously work to create enforceable regulations with respect to the export, reexport, and in-country transfer by United States and foreign persons of commodities, software, technology, and services to various end uses and end users for foreign policy and national security reasons;

(B) should regularly work to reduce complexity in the system, including complexity caused merely by the existence of structural, definitional, and other non-policy based

differences between and among different export control and sanctions systems; and

(C) should coordinate controls on items exported, reexported, or in-country transferred in connection with a foreign military sale under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) or a commercial sale under section 38 of the Arms Export Control Act to reduce as much unnecessary administrative burden as possible that is a result of differences between the exercise of those two authorities.

(c) NONPROLIFERATION CONTROLS.—Nothing in this part shall be construed to supersede the procedures published by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978.

SEC. 1768. [50 U.S.C. 4826] TRANSITION PROVISIONS.

(a) IN GENERAL.—All delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action that have been made, issued, conducted, or allowed to become effective under the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), or the Export Administration Regulations, and are in effect as of the date of the enactment of this Act, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under the authority of this part.

(b) ADMINISTRATIVE AND JUDICIAL PROCEEDINGS.—This part shall not affect any administrative or judicial proceedings commenced, or any applications for licenses made, under the Export Administration Act of 1979 (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act), or the Export Administration Regulations.

(c) CERTAIN DETERMINATIONS AND REFERENCES.—

(1) STATE SPONSORS OF TERRORISM.—Any determination that was made under section 6(j) of the Export Administration Act of 1979 (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act) shall continue in effect as if the determination had been made under section 1754(c).

(2) REFERENCE.—Any reference in any other provision of law to a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act), is a government that has repeatedly provided support for acts of international terrorism shall be deemed to refer to a country the government of which the Secretary of State has determined, for purposes of section 1754(c), is a government that has repeatedly provided support for acts of international terrorism.

PART II—ANTI-BOYCOTT ACT OF 2018

SEC. 1771. [50 U.S.C. 4801 note] SHORT TITLE.

This part may be cited as the "Anti-Boycott Act of 2018".

SEC. 1772. [50 U.S.C. 4841] STATEMENT OF POLICY.

Congress declares it is the policy of the United States—

(1) to oppose restrictive trade practices or boycotts fostered or imposed by any foreign country against other countries friendly to the United States or against any United States person;

(2) to encourage and, in specified cases, require United States persons engaged in the export of goods or technology or other information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or any United States person; and

(3) to foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.

SEC. 1773. [50 U.S.C. 4842] FOREIGN BOYCOTTS.

(a) PROHIBITIONS AND EXCEPTIONS.—

(1) PROHIBITIONS.—For the purpose of implementing the policies set forth in section 1772, the President shall issue regulations prohibiting any United States person, with respect to that person's activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by any foreign country, against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of regulations issued to carry out this subparagraph.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States per-

son or of any owner, officer, director, or employee of such person.

(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this subparagraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary.

(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

(2) EXCEPTIONS.—Regulations issued pursuant to paragraph (1) shall provide exceptions for—

(A) complying or agreeing to comply with requirements—

(i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country; or

(ii) prohibiting the shipment of goods to the boycotting country on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms, other than with respect to carriers or route of shipment as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of

carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade named, or similarly specifically identifiable products, or components of products for his own use, including the performance of contractual services within that country, as may be defined by such regulations.

(3) SPECIAL RULES.—Regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

(5) APPLICATION.—This section shall apply to any transaction or activity undertaken, by or through a United States person or any other person, with intent to evade the provisions of this section as implemented by the regulations issued pursuant to this subsection, and such regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

(b) FOREIGN POLICY CONTROLS.—

(1) IN GENERAL.—In addition to the regulations issued pursuant to subsection (a), regulations issued under part I to carry out the policies set forth in section 1752(2)(D) shall implement the policies set forth in this section.

(2) REQUIREMENTS.—Such regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in subsection (a) shall report that fact to the Secretary, together with such other information concerning such request as the Secretary may require for such action as the Secretary considers

appropriate for carrying out the policies of that section. Such person shall also report to the Secretary whether such person intends to comply and whether such person has complied with such request. Any report filed pursuant to this paragraph shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any goods or technology to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary, considers appropriate for carrying out the policies set forth in section 1772.

(c) PREEMPTION.—The provisions of this section and the regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, or any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States.

SEC. 1774. [50 U.S.C. 4843] ENFORCEMENT.

(a) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act under section 1773—

(1) shall, upon conviction, be fined not more than $1,000,000; or

(2) if a natural person, may be imprisoned for not more than 20 years, or both.

(b) CIVIL PENALTIES.—The President may impose the following civil penalties on a person who violates section 1773 or any regulation issued under this part:

(1) A fine of not more than $300,000 or an amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed, whichever is greater.

(2) Revocation of a license issued under part I to the person.

(3) A prohibition on the person's ability to export, reexport, or in-country transfer any items controlled under part I.

(c) PROCEDURES.—Any civil penalty or administrative sanction (including any suspension or revocation of authority to export) under this section may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code, and shall be subject to judicial review in accordance with chapter 7 of such title.

(d) STANDARDS FOR LEVELS OF CIVIL PENALTY.—The President may by regulation provide standards for establishing levels of civil penalty under this section based upon factors such as the serious-

ness of the violation, the culpability of the violator, and the violator's record of cooperation with the Government in disclosing the violation.

PART III—ADMINISTRATIVE AUTHORITIES

SEC. 1781. [50 U.S.C. 4861] UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.

(a) IN GENERAL.—On and after the date of the enactment of this Act, any reference in any law or regulation to the Under Secretary of Commerce for Export Administration shall be deemed to be a reference to the Under Secretary of Commerce for Industry and Security.

(b) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Commerce for Export Administration" and inserting "Under Secretary of Commerce for Industry and Security".

(c) CONTINUATION IN OFFICE.—The individual serving as Under Secretary of Commerce for Export Administration on the day before the date of the enactment of this Act may serve as the Under Secretary of Commerce for Industry and Security on and after that date without the need for renomination or reappointment.

Subtitle C—Miscellaneous

SEC. 1791. EXTENSION OF AUTHORITY.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. 4564(a)) is amended by striking "September 30, 2019" and inserting "September 30, 2025".

SEC. 1792. [50 U.S.C. 4531 note] LIMITATION ON CANCELLATION OF DESIGNATION OF SECRETARY OF THE AIR FORCE AS DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

(a) LIMITATION ON CANCELLATION OF DESIGNATION.—The Secretary of Defense may not implement the decision, issued on July 1, 2017, to cancel the designation, under Department of Defense Directive 4400.01E, entitled "Defense Production Act Programs" and dated October 12, 2001, of the Secretary of the Air Force as the Department of Defense Executive Agent for the program carried out under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) until the date specified in subsection (c).

(b) DESIGNATION.—The Secretary of the Air Force shall continue to serve as the sole and exclusive Department of Defense Executive Agent for the program described in subsection (a) until the date specified in subsection (c).

(c) DATE SPECIFIED.—The date specified in this subsection is the date of the enactment of a joint resolution or an Act approving the implementation of the decision described in subsection (a).

SEC. 1793. REVIEW OF AND REPORT ON CERTAIN DEFENSE TECHNOLOGIES CRITICAL TO THE UNITED STATES MAINTAINING SUPERIOR MILITARY CAPABILITIES.

(a) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Di-

rector of National Intelligence, in consultation with the Air Force Research Laboratory, the Defense Advanced Projects Research Agency, and such other appropriate research entities as the Secretary and the Director may identify, shall—

(1) jointly carry out and complete a review of key national security technology capability advantages, competitions, and gaps between the United States and "near peer" nations;

(2) develop a definition of "near peer nation" for purposes of paragraph (1); and

(3) submit to the appropriate congressional committees a report on the findings of the Secretary and the Director with respect to the review conducted under paragraph (1).

(b) ELEMENTS.—The review conducted under paragraph (1) of subsection (a), and the report required by paragraph (3) of that subsection, shall identify, at a minimum, the following:

(1) Key United States industries and research and development activities expected to be critical to maintaining a national security technology capability if, during the 5-year period beginning on the date of the enactment of this Act, the Secretary and the Director anticipate that—

(A) a United States industrial base shortfall will exist; and

(B) United States industry will be unable to or otherwise will not provide the needed capacity in a timely manner without financial assistance from the United States Government through existing statutory authorities specifically intended for that purpose, including assistance provided under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) and other appropriate authorities.

(2) Key areas in which the United States currently enjoys a technological advantage.

(3) Key areas in which the United States no longer enjoys a technological advantage.

(4) Sectors of the defense industrial base in which the United States lacks adequate productive capacity to meet critical national defense needs.

(5) Priority areas for which appropriate statutory industrial base incentives should be applied as the most cost-effective, expedient, and practical alternative for meeting the technology or defense industrial base needs identified under this subsection, including—

(A) sustainment of critical production and supply chain capabilities;

(B) commercialization of research and development investments;

(C) scaling of emerging technologies; and

(D) other areas as determined by the Secretary and the Director.

(6) Priority funding recommendations with respect to key areas that the Secretary, in consultation with the Director, determines are—

(A) critical to the United States maintaining superior military capabilities, especially with respect to potential peer and near peer military or economic competitors, dur-

ing the 5-year period beginning on the date of the enactment of this Act; and

(B) suitable for long-term investment from funds made available under title III of the Defense Production Act of 1950 and other appropriate statutory authorities.

(c) FORM OF REPORT.—The report required by subsection (a)(3) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Banking, Housing and Urban Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2019".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER FIVE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2023; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2023; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2024 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. [10 U.S.C. 2687 note] EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2018; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Authorization of appropriations, Army.
Sec. 2104. Extension of authorizations of certain fiscal year 2015 projects.
Sec. 2105. Extension of authorizations of certain fiscal year 2016 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation	Amount
[illegible]	[illegible]	[illegible]

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction project for the installations or locations outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation	Amount
Germany	Fort Campbell Grafenwoehr	$21,000,000
Kuwait	Camp Arifjan	$44,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State/Country	Installation	Units	Amount
Puerto Rico	Fort Buchanan	Family Housing Replacement Construc-	$26,000,000

Army Family Housing (Construction)

State/Country	Installation	Units	Amount
Wisconsin	Fort McCoy	Family Housing New Construction	$6,200,000
Korea	Camp Walker	Family Housing New Construction	$88,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $18,326,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (128 Stat. 3670), shall remain in effect until October 1, 2019, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2015 Project Authorizations

State/Country	Installation	Project	Amount
California	Military Ocean Terminal Concord	Access Control Point	$9,000,000
Japan	Kadena Air Base	Missile Magazine	$10,000,000

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2016 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. 1145) the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (129 Stat. 1146), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2016 Project Authorization

Virginia	Arlington National Cemetery (DAR)	$60,000,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy Outside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Base Camp Pendleton	$[illegible]
Florida	[illegible]	$[illegible]
Hawaii	[illegible]	$[illegible]
North Carolina	[illegible]	$[illegible]
Virginia	[illegible]	$[illegible]
Washington	Naval Air Station Whidbey Island	$[illegible]

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy Outside the United States

Country	Installation or Location	Amount
Bahamas	Andros Island	$[illegible]
Cuba	Naval Base Guantanamo Bay	$[illegible]

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy Family Housing

Country	Installation	Units	Amount
Guam	Joint Region Marianas	Replace Anderson Housing [illegible]	$83,441,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry

out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,502,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $16,638,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain phased project authorized in fiscal years 2015, 2016, and 2017.
Sec. 2306. Modification of authority to carry out certain fiscal year 2017 project.
Sec. 2307. Modification of authority to carry out certain fiscal year 2018 project.
Sec. 2308. Additional authority to carry out certain fiscal year 2019 projects.
Sec. 2309. Additional authority to carry out project at Travis Air Force Base, California, in fiscal year 2019.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$63,800,000
Arizona	Davis-Monthan Air Force Base	$15,000,000
	Luke Air Force Base	$40,000,000

Air Force Outside the United States—Continued

State	Installation or Location	Amount
Florida	Eglin Air Force Base	$62,863,000
	MacDill Air Force Base	$3,100,000
	Patrick Air Force Base	$9,000,000
Guam	Joint Region Marianas	$9,800,000
Louisiana	Barksdale Air Force Base	$48,000,000
Mariana Islands	Tinian	$50,700,000
Maryland	Joint Base Andrews	$58,000,000
Massachusetts	Hanscom Air Force Base	$225,000,000
Nebraska	Offutt Air Force Base	$9,500,000
Nevada	Creech Air Force Base	$59,000,000
	Nellis Air Force Base	$5,900,000
New Mexico	Holloman Air Force Base	$85,000,000
	Kirtland Air Force Base	$7,000,000
New York	Rome Lab	$14,200,000
North Dakota	Minot Air Force Base	$71,500,000
Ohio	Wright-Patterson Air Force Base	$182,000,000
Oklahoma	Altus Air Force Base	$12,000,000
	Tinker Air Force Base	$166,000,000
South Carolina	Shaw Air Force Base	$53,000,000
Utah	Hill Air Force Base	$26,000,000
Washington	Fairchild-White Bluff	$14,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Air Force Outside the United States

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Lakenheath	$48,000,000
Worldwide Classified	Classified Location	$18,900,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,199,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $75,247,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

[Section 2305 was repealed by section 2305(d) of division B of Public Law 116–92.]

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114-328; 130 Stat. 2696) for Joint Base San Antonio, Texas, for construction of a basic military training recruit dormitory, the Secretary of the Air Force may construct a 26,537 square meter dormitory in the amount of $92,300,000.

SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1825) for the United States Air Force Academy, Colorado, for construction of a cyberworks facility, the Secretary of the Air Force may construct a facility of up to 4,462 square meters that includes two real property gifts of construction of 929 and 465 square meters if such gift is accepted by the Secretary in accordance with section 2601 of title 10, United States Code.

SEC. 2308. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary of the Air Force may carry out military construction projects to construct—

(1) a 6,702 square meter Joint Simulation Environment Facility at Edwards Air Force Base, California, in the amount of $43,000,000;

(2) a 4,833 square meter Cyberspace Test Facility at Eglin Air Force Base, Florida, in the amount of $38,000,000; and

(3) a 4,735 square meter Joint Simulation Environment Facility at Nellis Air Force Base, Nevada, in the amount of $30,000,000.

(b) USE OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.—As provided for in the Defense Laboratory Modernization Pilot Program authorized by section 2803 of the Military Construction Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1169), the Secretary may use funds available for research, development, test, and evaluation for the projects described in subsection (a).

SEC. 2309. ADDITIONAL AUTHORITY TO CARRY OUT PROJECT AT TRAVIS AIR FORCE BASE, CALIFORNIA, IN FISCAL YEAR 2019.

The Secretary of the Air Force may carry out a military construction project to construct a 150,000 square foot high-bay air

cargo pallet storage and marshaling enclosure integral to installation of a mechanized material handling system at Travis Air Force Base, California, in the amount of $35,000,000.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized defense agencies construction and land acquisition projects.
Sec. 2402. Authorized energy conservation projects.
Sec. 2403. Authorization of appropriations, defense agencies.
Sec. 2404. Extension of authorizations of certain fiscal year 2015 projects.
Sec. 2405. Authorization of certain fiscal year 2018 project.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	[illegible]	$[illegible]
[illegible]	[illegible]	$[illegible]
Washington	[illegible]	$[illegible]

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	[illegible]	$[illegible]
Japan	[illegible]	$[illegible]

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after Sep-

tember 30, 2018, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (128 Stat. 3681) and as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1831), shall remain in effect until October 1, 2019, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Military Construction Authorizations of Fiscal Year 2015 Projects Extended Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Commander Fleet Activities	F-18 King High School	$37,681,000
New Mexico	Kirtland AFB	[illegible]	$99,000,000
Virginia	Pentagon	Renovation Chilled Water Loop	$13,100,000

SEC. 2405. AUTHORIZATION OF CERTAIN FISCAL YEAR 2018 PROJECT.

The table in section 2401(a) of the National Defense Authorization Act for Fiscal Year 2018 (division B of Public Law 105-91) is amended by inserting after the item relating to South Carolina the following new item:

Texas	Fort Bliss Blood Processing Center	$8,300,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	Camp Carroll	Utilities: Electrical Dis-	$52,000,000
	Army	[illegible]	[illegible]	[illegible]
	Army	[illegible]	[illegible]	$76,000,000
	Navy	[illegible] Striker	[illegible]	$12,000,000
	Navy	[illegible]	[illegible]	[illegible]
	Air Force	[illegible] Air	[illegible]	[illegible]
	Air Force	[illegible] AB	[illegible]	[illegible]
	Air Force	Osan Air Base	[illegible]	[illegible]
	Air Force	Suwon Air Base	[illegible] Repair	$7,200,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Modification of authority to carry out certain fiscal year 2016 project.
Sec. 2612. Modification of authority to carry out certain fiscal year 2018 project.
Sec. 2613. Additional authority to carry out certain fiscal year 2019 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alaska	Mint Pass Training Center	$37,000,000
New Hampshire	Richardson	$11,000,000
South Dakota	Rapid City	$15,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
Wisconsin	Fort McCoy	$25,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Naval Weapons Station Seal Beach	$23,740,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	Channel Islands Air National Guard Station	$[illegible]
[illegible]	[illegible] Base New Orleans	$[illegible]
[illegible]	[illegible] Airport	$[illegible]
Pennsylvania	[illegible]	$[illegible]
Virginia	John Base Langley-Eustis	$[illegible]

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Florida	Patrick Air Force Base	$[illegible]
Massachusetts	[illegible]	$[illegible]
Ohio	[illegible]	$[illegible]
New York	Niagara Falls Air Reserve Station	$[illegible]

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2603 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. 1164) for construction of a Reserve Training Center Complex at Dam Neck, Virginia, the Secretary of the Navy may construct the Reserve Training Center Complex at Joint Expeditionary Base Little Creek-Story, Virginia.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT.

In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1834) for Fort Belvoir, Virginia, for additions and alterations to the National Guard Readiness Center, the Secretary of the Army may construct a new readiness center.

SEC. 2613. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECT.

(a) PROJECT AUTHORIZATION.—

(1) PROJECT.—The Secretary of the Navy may carry out a military construction project to construct a 50,000 square foot reserve training center, 6,600 square foot combat vehicle maintenance and storage facility, 2,400 square foot vehicle wash rack, 1,600 square foot covered training area, road improvements, and associated supporting facilities.

(2) ACQUISITION OF LAND.—As part of the project under this subsection, the Secretary may acquire approximately 8.5 acres of adjacent land and obtain necessary interest in land at Pittsburgh, Pennsylvania, for the construction and operation of the reserve training center.

(3) AMOUNT OF AUTHORIZATION.—The total amount of funds the Secretary may obligate and expend on activities under this subsection during fiscal year 2019 may not exceed $17,650,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR NAVY MILITARY CONSTRUCTION RESERVE FUNDS.—The Secretary may use available, unobligated Navy military construction reserve funds for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Navy shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.
Sec. 2702. Additional authority to realign or close certain military installations.
Sec. 2703. Prohibition on conducting additional base realignment and closure (BRAC) round.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. [10 U.S.C. 2687 note] ADDITIONAL AUTHORITY TO REALIGN OR CLOSE CERTAIN MILITARY INSTALLATIONS.

(a) AUTHORIZATION.—Notwithstanding sections 993 or 2687 of title 10, United States Code, and subject to subsection (d), the Secretary of Defense may take such actions as may be necessary to carry out the realignment or closure of a military installation in a State during a fiscal year if—

(1) the military installation is the subject of a notice which is described in subsection (b); and

(2) the Secretary includes the military installation in the report submitted under paragraph (2) of subsection (c) with respect to the fiscal year.

(b) NOTICE FROM GOVERNOR OF STATE.—A notice described in this subsection is a notice received by the Secretary of Defense from the Governor of a State (or, in the case of the District of Columbia, the Mayor of the District of Columbia) in which the Governor recommends that the Secretary carry out the realignment or closure of a military installation located in the State, and which includes each of the following elements:

(1) A specific description of the military installation, or a specific description of the relevant real and personal property.

(2) Statements of support for the realignment or closure from units of local government in which the installation is located.

(3) A detailed plan for the reuse or redevelopment of the real and personal property of the installation, together with a description of the local redevelopment authority which will be responsible for the implementation of the plan.

(c) RESPONSE TO NOTICE.—

(1) MANDATORY RESPONSE TO GOVERNOR AND CONGRESS.—Not later than 1 year after receiving a notice from the Governor of a State (or, in the case of the District of Columbia, from the Mayor of the District of Columbia), the Secretary of Defense shall submit a response to the notice to the Governor and the congressional defense committees indicating whether or not the Secretary accepts the recommendation for the realignment or closure of a military installation which is the subject of the notice.

(2) ACCEPTANCE OF RECOMMENDATION.—If the Secretary of Defense determines that it is in the interests of the United States to accept the recommendation for the realignment or closure of a military installation which is the subject of a notice received under subsection (b) and intends to carry out the realignment or closure of the installation pursuant to the authority of this section during a fiscal year, at the time the budget is submitted under section 1105(a) of title 31, United States Code, for the fiscal year, the Secretary shall submit a report to the congressional defense committees which includes the following:

(A) The identification of each military installation for which the Secretary intends to carry out a realignment or closure pursuant to the authority of this section during the fiscal year, together with the reasons the Secretary of Defense believes that it is in the interest of the United States

to accept the recommendation of the Governor of the State involved for the realignment or closure of the installation.

(B) For each military installation identified under subparagraph (A), a master plan describing the required scope of work, cost, and timing for all facility actions needed to carry out the realignment or closure, including the construction of new facilities and the repair or renovation of existing facilities.

(C) For each military installation identified under subparagraph (A), a certification that, not later than the end of the fifth fiscal year after the completion of the realignment or closure, the savings resulting from the realignment or closure will exceed the costs of carrying out the realignment or closure, together with an estimate of the annual recurring savings that would be achieved by the realignment or closure of the installation and the timeframe required for the financial savings to exceed the costs of carrying out the realignment or closure.

(d) LIMITATIONS.—

(1) TIMING.—The Secretary may not initiate the realignment or closure of a military installation pursuant to the authority of this section until the expiration of the 90-day period beginning on the date the Secretary submits the report under paragraph (2) of subsection (c).

(2) TOTAL COSTS.—Subject to appropriations, the aggregate cost to the government in carrying out the realignment or closure of military installations pursuant to the authority of this section for all fiscal years may not exceed $2,000,000,000. In determining the cost to the government for purposes of this section, there shall be included the costs of planning and design, military construction, operations and maintenance, environmental restoration, information technology, termination of public-private contracts, guarantees, and other factors contributing to the cost of carrying out the realignment or closure, as determined by the Secretary.

(e) PROCESS FOR IMPLEMENTATION.—The implementation of the realignment or closure of a military installation pursuant to the authority of this section shall be carried out in accordance with section 2905 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) in the same manner as the implementation of a realignment or closure of a military installation pursuant to the authority of such Act.

(f) STATE DEFINED.—In this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(g) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out a realignment or closure pursuant to this section shall terminate at the end of fiscal year 2029.

SEC. 2703. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing

Sec. 2801. Modification of contract authority for acquisition, construction, or furnishing of test facilities and equipment.
Sec. 2802. Commercial construction standards for facilities on leased property.
Sec. 2803. Congressional oversight of projects carried out pursuant to laws other than Military Construction Authorization Acts.
Sec. 2804. Small business set-aside for contracts for architectural and engineering services and construction design.
Sec. 2805. Updates and modifications to Department of Defense Form 1391, Unified Facilities Criteria, and military installation master plans.
Sec. 2806. Work in Process Curve charts and outlay tables for military construction projects.
Sec. 2807. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
Sec. 2808. Authority to obtain architectural and engineering services and construction design for defense laboratory modernization program.
Sec. 2809. Repeal of limitation on certain Guam project.
Sec. 2810. Enhancing force protection and safety on military installations.
Sec. 2811. Limitation on use of funds for acquisition of furnished energy for new medical center in Germany.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Force structure plans and infrastructure capabilities necessary to support the force structure.
Sec. 2822. Exemption of Department of Defense off-site use and off-site removal only non-mobile properties from certain excess property disposal requirements.
Sec. 2823. Retrofitting existing windows in military family housing units to be equipped with fall prevention devices.
Sec. 2824. Updating prohibition on use of certain assessment of public schools on Department of Defense installations to supersede funding of certain projects.
Sec. 2825. Study of feasibility of using 20-year intergovernmental support agreements for installation-support services.
Sec. 2826. Representation of installation interests in negotiations and proceedings with carriers and other public utilities.
Sec. 2827. Clarification to include National Guard installations in Readiness and Environmental Protection Integration program.

Subtitle C—Land Conveyances

Sec. 2841. Land exchange, Air Force Plant 44, Tucson, Arizona.
Sec. 2842. Authority for transfer of administrative jurisdiction over certain lands, Marine Corps Air Ground Combat Center Twentynine Palms, California, and Marine Corps Air Station Yuma, Arizona.
Sec. 2843. Environmental restoration and future conveyance of portion of former Mare Island Firing Range, Vallejo, California.
Sec. 2844. Release of restrictions, University of California, San Diego.
Sec. 2845. Land exchange, Naval support activity, Washington Navy Yard, District of Columbia.
Sec. 2846. Land conveyance, Eglin Air Force Base, Florida.
Sec. 2847. Public inventory of Guam land parcels for transfer to Government of Guam.
Sec. 2848. Modification of conditions on land conveyance, Joliet Army Ammunition Plant, Illinois.
Sec. 2849. Land conveyance, Naval Academy dairy farm, Gambrills, Maryland.
Sec. 2850. Technical correction of description of Limestone Hills Training Area Land Withdrawal and Reservation, Montana.
Sec. 2851. Land conveyance, Wasatch-Cache National Forest, Rich County, Utah.
Sec. 2852. Commemoration of Freedman's Village.

Subtitle D—Other Matters

Sec. 2861. Defense community infrastructure pilot program.
Sec. 2862. Strategic plan to improve capabilities of Department of Defense training ranges and installations.
Sec. 2863. Restrictions on use of funds for development of public infrastructure in Commonwealth of Northern Mariana Islands.
Sec. 2864. Study and report on inclusion of Coleman Bridge, York River, Virginia, in Strategic Highway Network.
Sec. 2865. Defense access roads relating to closures due to sea level fluctuation and flooding.
Sec. 2866. Authority to transfer funds for construction of Indian River Bridge.
Sec. 2867. Plan to allow increased public access to the National Naval Aviation Museum and Barrancas National Cemetery, Naval Air Station Pensacola.

Subtitle A—Military Construction Program and Military Family Housing

SEC. 2801. MODIFICATION OF CONTRACT AUTHORITY FOR ACQUISITION, CONSTRUCTION, OR FURNISHING OF TEST FACILITIES AND EQUIPMENT.

Section 2353(a) of title 10, United States Code, is amended—

(1) by inserting after the first sentence the following: "The acquisition or construction of these research, developmental, or test facilities shall be subject to the cost principles applicable to allowable contract expenses."; and

(2) by adding at the end the following: "The Secretary of Defense and the Secretaries of the military departments shall promulgate regulations necessary to give full force and effect to this section.".

SEC. 2802. COMMERCIAL CONSTRUCTION STANDARDS FOR FACILITIES ON LEASED PROPERTY.

(a) USE OF COMMERCIAL STANDARDS.—Section 2667(b) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

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

"(8) shall provide that any facilities constructed on the property may be constructed using commercial standards in a manner that provides force protection safeguards appropriate to the activities conducted in, and the location of, such facilities.".

(b) [10 U.S.C. 2667 note] EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to leases entered into during fiscal year 2019 or any of the four succeeding fiscal years.

SEC. 2803. CONGRESSIONAL OVERSIGHT OF PROJECTS CARRIED OUT PURSUANT TO LAWS OTHER THAN MILITARY CONSTRUCTION AUTHORIZATION ACTS.

Section 2802(e)(1) of title 10, United States Code, is amended—

(1) by striking "Secretary concerned shall—" and all that follows through "comply with the congressional notification requirement" and inserting "Secretary concerned shall comply with the congressional notification requirement"; and

(2) by inserting "and submit to the congressional defense committees any materials required to be submitted to Congress or any other congressional committees pursuant to the congressional notification requirement" after "road project will be carried out".

SEC. 2804. SMALL BUSINESS SET-ASIDE FOR CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

(a) MANDATORY AWARD OF CONTRACTS UNDER THRESHOLD AMOUNT.—Section 2855(b)(1) of title 10, United States Code, is amended by striking "subsection (a)—" and all that follows and inserting the following: "subsection (a), if the Secretary concerned estimates that the initial award of the contract will be in an amount less than the threshold amount determined under paragraph (2), the contract shall be awarded in accordance with the set aside provisions of the Small Business Act (15 U.S.C. 631 et seq.).".

(b) INCREASE IN THRESHOLD AMOUNT.—Section 2855(b)(2) of such title is amended—

(1) by striking "initial";

(2) by striking "$300,000" and inserting "$1,000,000"; and

(3) by striking the second sentence.

(c) [10 U.S.C. 2855 note] EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

SEC. 2805. UPDATES AND MODIFICATIONS TO DEPARTMENT OF DEFENSE FORM 1391, UNIFIED FACILITIES CRITERIA, AND MILITARY INSTALLATION MASTER PLANS.

(a) [10 U.S.C. 2802 note] FLOOD RISK DISCLOSURE FOR MILITARY CONSTRUCTION.—

(1) IN GENERAL.—The Secretary of Defense shall modify Department of Defense Form 1391 to require, with respect to any proposed major or minor military construction project requiring congressional notification or approval—

(A) disclosure whether a proposed project will be sited within or partially within a 100-year floodplain or a 500-year floodplain if outside a 100-year floodplain, according to the most recent available Federal Emergency Management Agency flood hazard data, or will be impacted by projected current and future mean sea level fluctuations over the lifetime of the project; and

(B) if the proposed project will be sited within or partially within a floodplain described in subparagraph (A) or will be impacted by projected current and future mean sea level fluctuations over the lifetime of the project, the specific risk mitigation plan.

(2) DELINEATION OF FLOODPLAIN.—To the extent that Federal Emergency Management Agency flood hazard data are not available for a proposed major or minor military construction site, the Secretary concerned shall establish a process for delineating the 100-year floodplain using risk analysis that is consistent with the standards used to inform Federal flood risk assessments.

(3) REPORTING REQUIREMENTS.—For proposed projects that are to be sited within or partially within a 100-year floodplain

or are to be impacted by projected current and future mean sea level fluctuations over the lifetime of the project, the Secretary concerned shall submit to the congressional defense committees a report with the following:

(A) An assessment of flood vulnerability for the proposed project using hydrologic, hydraulic, and hydrodynamic data, methods, and analysis that integrate current and projected changes in flooding based on climate science over the anticipated service life of the facility and future forecasted land use changes.

(B) Any information concerning alternative construction sites that were considered, and an explanation of why those sites do not satisfy mission requirements.

(C) A description of planned flood mitigation measures.

(D) A description of how the proposed project has taken into account projected current and future flood risk and mean sea level fluctuations over the lifetime of the project.

(4) MINIMUM FLOOD MITIGATION REQUIREMENTS.—When mitigating the flood risk of a major or minor military construction project within or partially within the 100-year floodplain or that will be impacted by projected current and future mean sea level fluctuations over the lifetime of the project, the Secretary concerned shall require any mitigation plan to assume—

(A) an additional 2 feet above the base flood elevation for non-mission critical facilities, as determined by the Secretary;

(B) an additional 3 feet above the base flood elevation for mission-critical facilities, as determined by the Secretary; and

(C) any additional flooding that will result from projected current and future flood risk and mean sea level fluctuations over the lifetime of the project.

(b) [10 U.S.C. 2802 note] DISCLOSURE REQUIREMENTS FOR DEPARTMENT OF DEFENSE FORM 1391.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall amend Department of Defense Form 1391 to require, for each requested military construction project—

(1) disclosure whether the project was included in the prior year's future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code; and

(2) inclusion of an energy study or life cycle analysis.

(c) [10 U.S.C. 2864 note] INCORPORATION OF CHANGING ENVIRONMENTAL CONDITION PROJECTIONS IN MILITARY CONSTRUCTION DESIGNS AND MODIFICATIONS.—

(1) FISCAL YEAR 2019.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall amend section 3-5.6.2.3 of Unified Facilities Criteria [19]

[19] Effective as of the date of enactment of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 [August 13, 2018], section 1731(b)(4) of division A of Public Law 116-92 provides for an amendment to section 2805(c) of this Act by striking "United Facilities Criteria" and inserting "Unified Facilities Criteria". Effective on December 20, 2019, section

Continued

(UFC) 2-100-01 and UFC 2-100-02 (or any similar successor regulations) to provide that in order to anticipate changing environmental conditions during the design life of existing or planned new facilities and infrastructure, projections from reliable and authorized sources such as the Census Bureau (for population projections), the National Academies of Sciences (for land use change projections and climate projections), the U.S. Geological Survey (for land use change projections), and the U.S. Global Change Research Office and National Climate Assessment (for climate projections) shall be considered and incorporated into military construction designs and modifications.

(2) FISCAL YEAR 2020

(A) AMENDMENTS REQUIRED Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall amend the Unified Facilities Criteria as follows:

(i) To require that installations of the Department of Defense assess the risks from extreme weather and related effects, and develop plans to address such risks.

(ii) To require in the development of such Criteria the use of—

(I) land use change projections through the use of land use and land cover modeling by the United States Geological Survey; and

(II) weather projections—

(aa) from the United States Global Change Research Program, including in the National Climate Assessment; or

(bb) from the National Oceanic and Atmospheric Administration, if such projections are more up-to-date than projections under item (aa).

(iii) To require the Secretary of Defense to provide guidance to project designers and master planners on how to use weather projections.

(iv) To require the use throughout the Department of the Naval Facilities Engineering Command Climate Change Installation Adaptation and Resilience planning handbook, as amended (or similar publication of the Army Corps of Engineers).

(B) NOTIFICATION If the Secretary of Defense determines that a projection other than a projection described in subparagraph (A)(ii) is more appropriate for use in amending the Unified Facilities Criteria, the Secretary shall notify the congressional defense committees of such determination, which shall include the rationale under-

2804(c)(2) of division B of Public Law 116-92 attempts to amend such section 2805(c) of this Act, by striking "United Facilities Criteria (UFC) 2-100-01 and UFC 2-100-02" and inserting "Unified Facilities Criteria (UFC) 1-200-01 and UFC 1-200-02"; however, this latter amendment could not be carried out as a result of the earlier amendment made by section 1731(b)(4) of such Public Law.

lying such determination and a description of such other projection.

(d) INCLUSION OF CONSIDERATION OF ENERGY AND CLIMATE RESILIENCY EFFORTS IN MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.—Section 2864 of title 10, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

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

"(E) energy and climate resiliency efforts."; and

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

"(3) The term 'energy and climate resiliency' means anticipation, preparation for, and adaptation to utility disruptions and changing environmental conditions and the ability to withstand, respond to, and recover rapidly from utility disruptions while ensuring the sustainment of mission-critical operations.".

(e) DEFINITION OF MILITARY INSTALLATION RESILIENCE.—Section 101(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) MILITARY INSTALLATION RESILIENCE.—The term 'military installation resilience' means the capability of a military installation to avoid, prepare for, minimize the effect of, adapt to, and recover from extreme weather events, or from anticipated or unanticipated changes in environmental conditions, that do, or have the potential to, adversely affect the military installation or essential transportation, logistical, or other necessary resources outside of the military installation that are necessary in order to maintain, improve, or rapidly reestablish installation mission assurance and mission-essential functions.".

(f) ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR RESPONDING TO THREATS TO THE RESILIENCE OF A MILITARY INSTALLATION.—Section 2391(b)(1) of title 10, United States Code, is amended—

(1) by striking ", or (E) by the closure" and inserting ", (E) by threats to military installation resilience, or (F) by the closure";

(2) by striking "(A), (B), (C), or (E)" and inserting "(A), (B), (C), or (F)"; and

(3) by striking "action described in clause (D), if the Secretary determines that the encroachment of the civilian community" and inserting "action described in clause (D) or (E), if 132 STAT. 2264 the Secretary determines that either the encroachment of the civilian community or threats to military installation resilience".

SEC. 2806. WORK IN PROCESS CURVE CHARTS AND OUTLAY TABLES FOR MILITARY CONSTRUCTION PROJECTS.

(a) REQUIRED SUBMISSIONS.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2864 the following new section:

"SEC. 2865. [10 U.S.C. 2865] WORK IN PROCESS CURVE CHARTS AND OUTLAY TABLES FOR MILITARY CONSTRUCTION PROJECT

Along with the budget for each fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense and the Secretaries of the military departments shall include for any military construction project over $90,000,000, as an addendum to be included within the same document as the 1391s for the Military Construction Program budget documentation, a Project Spending Plan that includes—

"(1) a Work in Process Curve chart to identify funding, obligations, and outlay figures; and

"(2) a monthly outlay table for funding, obligations, and outlay figures.".

(2) [10 U.S.C. 2851] CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapteris amended by inserting after the item relating to section 2864 the following new item:

"2865. Work in Process Curve charts and outlay tables for military construction projects.".

(b) [10 U.S.C. 2865 note] DEPARTMENT OF DEFENSE GUIDANCE.—The Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), update Department of Defense Financial Management Regulation 7000.14-R, and any other appropriate instructions and guidance, to ensure that the Department of Defense takes appropriate actions to comply with section 2865 of title 10, United States Code, as added by this section.

SEC. 2807. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1846), is further amended—

(1) in paragraph (1), by striking "December 31, 2018" and inserting "December 31, 2020"; and

(2) in paragraph (2), by striking "fiscal year 2019" and inserting "fiscal year 2021".

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of such section is amended by striking "shall not exceed" and all that follows and inserting the following: "shall not exceed $50,000,000 during either of the following periods:

"(1) The period beginning October 1, 2018, and ending on the earlier of December 31, 2019, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2020.

"(2) The period beginning October 1, 2019, and ending on the earlier of December 31, 2020, or the date of the enactment

of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2021.".

SEC. 2808. AUTHORITY TO OBTAIN ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN FOR DEFENSE LABORATORY MODERNIZATION PROGRAM.

(a) AUTHORITY.—Section 2803 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1169; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

"(f) ADDITIONAL AUTHORITY TO USE FUNDS FOR RELATED ARCHITECTURAL AND ENGINEERING SERVICES AND CONTRACT DESIGN.—

"(1) AUTHORITY.—In addition to the authority provided to the Secretary of Defense under subsection (a) to use amounts appropriated or otherwise made available for research, development, test, and evaluation for a military construction project referred to in such subsection, the Secretary of the military department concerned may use amounts appropriated or otherwise made available for research, development, test, and evaluation to obtain architectural and engineering services and to carry out construction design in connection with such a project.

"(2) NOTICE REQUIREMENT.—In the case of architectural and engineering services and construction design to be undertaken under this subsection for which the estimated cost exceeds $1,000,000, the Secretary concerned shall notify the appropriate committees of Congress of the scope of the proposed project and the estimated cost of such services before the initial obligation of funds for such services. The Secretary may then obligate funds for such services only after the end of the 14-day period beginning on the date on which the notification is received by the committees in an electronic medium pursuant to section 480 of this title.".

(b) CONFORMING AMENDMENTS TO WAIVE CONDITIONS APPLICABLE TO EXISTING AUTHORITY.—

(1) CONDITION ON AND SCOPE OF PROJECT AUTHORITY.—Section 2803(b) of such Act is amended by striking "project under this section" and inserting "project under subsection (a)".

(2) CONGRESSIONAL NOTIFICATION.—Section 2803(c) of such Act is amended by striking "carried out under this section" each place it appears in paragraphs (1) and (2) and inserting "carried out under subsection (a)".

(3) DESCRIPTION OF AUTHORIZED PROJECTS.—Section 2803(d) of such Act is amended by striking "provided by this section" and inserting "provided by subsection (a)".

(4) FUNDING LIMITATION.—Section 2803(e) of such Act is amended by striking "projects under this section" and inserting "projects under subsection (a)".

(c) EXTENSION OF PERIOD OF AUTHORITY.—Section 2803(g) of such Act, as redesignated by subsection (a)(1), is amended by striking "October 1, 2020" and inserting "October 1, 2025".

(d) [10 U.S.C. 2358 note] EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enact-

ment of section 2803 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1169; 10 U.S.C. 2358 note).

SEC. 2809. REPEAL OF LIMITATION ON CERTAIN GUAM PROJECT.

(a) REPEAL OF LIMITATION.—Section 2879 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1874) is amended by striking subsection (b).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2018.

SEC. 2810. ENHANCING FORCE PROTECTION AND SAFETY ON MILITARY INSTALLATIONS.

(a) AUTHORIZATION OF ADDITIONAL PROJECTS.—In addition to any other military construction projects authorized under this Act, the Secretary of the military department concerned may carry out military construction projects to enhance force protection and safety on military installations, as specified in the funding table in section 4601.

(b) REQUIRING REPORT AS CONDITION OF AUTHORIZATION.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary concerned shall submit a report to the congressional defense committees which describes the location, title, and cost, together with a Department of Defense Form 1391, for each project the Secretary proposes to carry out under this section.

(2) TIMING OF AVAILABILITY OF FUNDS.—No funds may be obligated or expended for a project under this section—

(A) unless the project is included in the report submitted under paragraph (1); and

(B) until the expiration of the 30-day period which begins on the date the Secretary concerned submits the report under paragraph (1).

(c) EXPIRATION OF AUTHORIZATION.—Section 2002 shall apply with respect to the authorization of a military construction project under this section in the same manner as such section applies to the authorization of a project contained in titles XXI through XXVII.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. FORCE STRUCTURE PLANS AND INFRASTRUCTURE CAPABILITIES NECESSARY TO SUPPORT THE FORCE STRUCTURE.

(a) FORCE STRUCTURE PLANS AND INFRASTRUCTURE CAPABILITIES.—Not later than the date on which the budget of the President for fiscal year 2021 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall develop and submit to the congressional defense committees the following:

(1) A force structure plan for each of the Army, Navy, Air Force, and Marine Corps and the reserve components of each military department that is informed by—

(A) an assessment by the Secretary of Defense of the probable threats to the national security of the United States; and

(B) end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) authorized in the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

(2) A categorical model of installation capabilities required to carry out the force structures plans described in paragraph (1) based on—

(A) the infrastructure, real property, and facilities capabilities required to carry out such plans; and

(B) the current military requirements of the major military units referred to in subparagraph (B) of such paragraph.

(b) CONSISTENCY.—In developing force structure plans and categorical models of installation capabilities under subsection (a), the Secretary of Defense shall ensure that the infrastructure, real property, and facilities of each of the military departments are categorized and measured in consistent terms so as to facilitate comparisons.

(c) RELATIONSHIP TO INVENTORY.—Using the information in the force structure plans and categorical model developed under subsection (a), the Secretary of Defense shall submit to Congress each of the following:

(1) An assessment of the requirements necessary for carrying out the force structure plans compared to existing infrastructure, real property, and facilities capabilities, as documented in the records maintained under section 2721 of title 10, United States Code.

(2) An identification of any deficit or surplus capability in such infrastructure, real property, and facilities—

(A) for each military department; and

(B) for locations within the continental United States and territories.

SEC. 2822. [41 U.S.C. 11411 note] EXEMPTION OF DEPARTMENT OF DEFENSE OFF-SITE USE AND OFF-SITE REMOVAL ONLY NONMOBILE PROPERTIES FROM CERTAIN EXCESS PROPERTY DISPOSAL REQUIREMENTS.

(a) IN GENERAL.—Excess or unutilized or underutilized nonmobile property of the Department of Defense that is situated on non-excess land shall be exempt from the requirements of title V of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.) upon a determination by the head of the department, agency, or other element of the Department having jurisdiction of the property that—

(1) the property is not feasible to relocate;

(2) the property is located in an area to which the general public is denied access in the interest of national security; and

(3) the exemption would facilitate the efficient disposal of excess property or result in more efficient real property management.

(b) CONSULTATION.—Before making an initial determination under the authority in subsection (a), and periodically thereafter, the head of a department, agency, or other element of the Department shall consult with the Executive Director of the United States Interagency Council on Homelessness on types of non-mobile properties that may be feasible for relocation and suitable to assist the homeless.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—If any head of a department, agency, or other element of the Department makes a determination under subsection (a) during a fiscal year, not later than 90 days after the end of that fiscal year, the Secretary of Defense shall submit to the appropriate committees of Congress a report listing all the buildings, facilities, and other properties for which a determination was made under that subsection during that fiscal year.

(2) FORM.—Any report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Financial Services, and the Committee on Oversight and Government Reform of the House of Representatives.

(d) SUNSET.—The authority under subsection (a) shall expire on September 30, 2021.

SEC. 2823. RETROFITTING EXISTING WINDOWS IN MILITARY FAMILY HOUSING UNITS TO BE EQUIPPED WITH FALL PREVENTION DEVICES.

(a) AUTHORIZING FUNDING FOR RETROFITTING OR REPLACING WINDOWS.—Section 2879 of title 10, United States Code, as added by section 2817(a) of the National Defense Authorization Act for Fiscal Year 2018 (131 Stat. 1851) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsection (c)";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(3) by inserting after subsection (a) the following new subsection:

"(b) RETROFITTING OR REPLACING EXISTING WINDOWS.—

"(1) PROGRAM TO RETROFIT EXISTING WINDOWS.—The Secretary concerned shall carry out a program under which, in military family housing units acquired or constructed under this chapter which are not subject to the requirements of subsection (a), windows which are described in subsection (c), including windows designed for emergency escape or rescue, are retrofitted to be equipped with fall prevention devices described in paragraph (1) of subsection (a) or are replaced with windows which are equipped with fall prevention devices described in such paragraph.

"(2) GRANTS.—The Secretary concerned may carry out the program under this subsection by making grants to private entities to retrofit or replace existing windows, in accordance with such criteria as the Secretary may establish by regulation.

"(3) USE OF OPERATIONS FUNDING.—The Secretary may carry out the program under this subsection during a fiscal year with amounts made available to the Secretary for family housing operations for such fiscal year.".

(b) [10 U.S.C. 2879 note] EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

SEC. 2824. UPDATING PROHIBITION ON USE OF CERTAIN ASSESSMENT OF PUBLIC SCHOOLS ON DEPARTMENT OF DEFENSE INSTALLATIONS TO SUPERSEDE FUNDING OF CERTAIN PROJECTS.

(a) UPDATE.—Paragraph (3) of section 2814(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2717), as added by section 2818(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1852), is amended by striking "33 projects" and inserting "38 projects".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2018.

SEC. 2825. STUDY OF FEASIBILITY OF USING 20-YEAR INTERGOVERNMENTAL SUPPORT AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

(a) STUDY.—Each Secretary concerned shall conduct a study of the feasibility and desirability of entering into intergovernmental support agreements under section 2679(a) of title 10, United States Code, for a term not to exceed 20 years.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees a report on the study conducted under subsection (a).

SEC. 2826. REPRESENTATION OF INSTALLATION INTERESTS IN NEGOTIATIONS AND PROCEEDINGS WITH CARRIERS AND OTHER PUBLIC UTILITIES.

Section 501(c) of title 40, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "For transportation"; and

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

"(2) Prior to representing any installation of the Department of Defense in any proceeding under this subsection, the Administrator or any persons or entities acting on behalf of the Administrator shall—

"(A) notify the senior mission commander of the installation; and

"(B) solicit and represent the interests of the installation as determined by the installation's senior mission commander.".

SEC. 2827. CLARIFICATION TO INCLUDE NATIONAL GUARD INSTALLATIONS IN READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM.

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

(1) State-owned National Guard installations have always qualified as military installations under section 2684a of title 10, United States Code; and

(2) State-owned National Guard installations should continue to qualify as military installations under section 2684a of that title.

(b) CLARIFICATION.—

(1) IN GENERAL.—Section 2684a(a) of title 10, United States Code, is amended in the matter preceding the paragraphs by inserting ", as well as a State-owned National Guard installation," after "military installation".

(2) [10 U.S.C. 2684a note] RETROACTIVE EFFECT.—The amendment made by paragraph (1) shall take effect as of December 2, 2002.

Subtitle C—Land Conveyances

SEC. 2841. LAND EXCHANGE, AIR FORCE PLANT 44, TUCSON, ARIZONA.

(a) LAND CONVEYANCE AND RESTORATION OF REAL PROPERTY IMPROVEMENTS AUTHORIZED.—In connection with a project planned by the Tuscon Airport Authority (in this section referred to as "TAA") to relocate and extend a parallel runway and make other airfield safety enhancements at the Tucson International Airport, the Secretary of the Air Force (in this section referred to as the "Secretary") may—

(1) convey to TAA all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 58 acres on Air Force Plant 44, Arizona, and located adjacent to Tucson International Airport;

(2) agree to terminate all or a portion of any deed restrictions made for the benefit of the United States that limit construction on Tucson International Airport within 750 feet of the Airport's southwest property boundary with Air Force Plant 44; and

(3) using cash or in-kind consideration as provided in subsection (b)—

(A) construct new explosives storage facilities to replace the explosives storage facilities located on the land described in paragraph (1) and explosives storage facilities located on Air Force Plant 44 within the end-of-runway clear zone associated with the TAA airfield enhancement project; and

(B) construct new fencing as necessary to accommodate the changes in the boundary of Air Force Plant 44.

(b) CONSIDERATION.—As consideration for the land conveyance, deed restriction termination, replacement of real property improvements, and installation of fencing authorized under subsection (a), the following consideration must be received by the United States before the Secretary may make any conveyance or termination of

real property interests of the United States as described in subsection (a):

(1) All right, title, and interest of the owner or owners thereof to the parcels of real property consisting of approximately 160 acres directly adjacent to the south boundary of Air Force Plant 44.

(2) The cost to the Secretary, in accordance with current design standards, of—

(A) replacing the real property structures on Air Force Plant 44 made unusable due to the land transfers and termination of deed restrictions, with structures of at least equivalent capacity and functionality; and

(B) installing the necessary boundary fencing due to the changes in the boundary of Air Force Plant 44.

(c) DIRECT PAYMENT OF CONSIDERATION TO GOVERNMENT CONTRACTORS.—The Secretary may require that any cash consideration to be received under this section be paid, directly or through the Air Force design and construction agent, to the contractors performing design or construction of the real property improvements described in subsection (a)(3).

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary may require TAA to cover costs to be incurred by the Secretary to carry out the land exchange and other transactions authorized under this section, or to reimburse the Secretary for such costs, including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from TAA in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out such transactions, the Secretary shall refund the excess amount to TAA.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be used in accordance with section 2695(c) of title 10, United States Code.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the land exchange and other transactions under this section as the Secretary considers appropriate to protect the interests of the United States. Without limiting the foregoing, the Secretary may establish a deed restriction on any part of the 58 acres described in subsection (a)(1) to accommodate existing Quantity Distance arcs.

SEC. 2842. AUTHORITY FOR TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN LANDS, MARINE CORPS AIR GROUND COMBAT CENTER TWENTYNINE PALMS, CALIFORNIA, AND MARINE CORPS AIR STATION YUMA, ARIZONA.

(a) MARINE CORPS AIR GROUND COMBAT CENTER TWENTYNINE PALMS, CALIFORNIA.—

(1) AUTHORITY FOR TRANSFER.—Subject to paragraph (2), the Secretary of the Navy may transfer to the Secretary of the

Interior, at no cost, administrative jurisdiction of approximately 2,105 acres of non-contiguous parcels of land within the Shared Use Area of the Marine Corps Air Ground Combat Center Twentynine Palms, California.

(2) CONDITION FOR TRANSFER.—The Secretary of the Navy may carry out the transfer under this subsection only if the Secretary of the Navy and the Secretary of the Interior each determine that the transfer is in the public interest and will be for the benefit of the Department of the Navy and the Department of the Interior, respectively.

(3) STATUS OF LAND AFTER TRANSFER.—Upon completion of the transfer under this subsection, the land over which the Secretary of the Interior obtains administrative jurisdiction shall become public land withdrawn and reserved under section 2941 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 1034), and shall be managed in accordance with section 2942(b)(1) of such Act (Public Law 113-66; 127 Stat. 1036), in the same manner as other lands in the Shared Use Area.

(4) SHARED USE AREA DEFINED.—In this subsection, the term "Shared Use Area" means the area described in section 2941(b)(2) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 1035).

(b) MARINE CORPS AIR STATION YUMA, ARIZONA.—

(1) AUTHORITY FOR TRANSFER.—Subject to paragraph (2), the Secretary of the Interior may transfer to the Secretary of the Navy, at no cost, administrative jurisdiction of approximately 256 acres of non-contiguous parcels of land within Marine Corps Air Station Yuma, Arizona which are used by the Department of the Navy as of the day before the date of the enactment of this Act pursuant to any of the following authorities:

(A) Public Land Order Number 2766 of August 28, 1962.

(B) Expired Public Land Order Number 6804 of October 16, 1990.

(C) Memorandum of Understanding Number 14-06-300-1266 of July 5, 1962, between the Department of the Interior and the Department of the Navy.

(2) CONDITION FOR TRANSFER.—The Secretary of the Interior may carry out the transfer under this subsection only if the Secretary of the Interior and the Secretary of the Navy each determine that the transfer is in the public interest and will be for the benefit of the Department of the Interior and the Department of the Navy, respectively.

(3) WITHDRAWAL OF LAND AFTER TRANSFER.—Upon completion of the transfer under this subsection, the land over which the Secretary of the Navy obtains administrative jurisdiction—

(A) shall cease to be public land; and

(B) for as long as the land is under the administrative jurisdiction of the Secretary of the Navy or the Secretary of any other military department, shall be withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under

the mining laws, and from disposition under all laws relating to mineral interests and to mineral and geothermal leasing.

SEC. 2843. ENVIRONMENTAL RESTORATION AND FUTURE CONVEYANCE OF PORTION OF FORMER MARE ISLAND FIRING RANGE, VALLEJO, CALIFORNIA.

(a) RESTORATION REQUIRED AS RESULT OF PREVIOUS REMEDIATION.—As soon as practicable, the Secretary of the Navy shall take such steps as may be required to fill in depressions in the Mare Island property which resulted from environmental remediation carried out by the Department of the Navy prior to the date of the enactment of this section.

(b) MITIGATION OF WETLANDS.—

(1) METHOD OF MITIGATION.—If the refilling of wetlands on the Mare Island property requires mitigation, the Secretary of the Navy shall conduct such mitigation in accordance with relevant Federal, State and local environmental laws.

(2) COORDINATION OVER CERTAIN PORTION OF PROPERTY.—To the extent that the refilling of wetlands on the Mare Island property requires mitigation on any portion of such property which is subject to a reversionary interest of the State of California, the Secretary shall coordinate with the California State Lands Commission to determine how to best meet the regulatory requirements applicable to the mitigation of such wetlands.

(c) REPORT ON COMPLIANCE AND FUTURE CONVEYANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report describing the process by which the Secretary plans to meet the requirements of subsections (a) and (b), as well as a proposal by the Secretary to convey the Mare Island property (or some portion thereof) to the State of California or units of local government in the State of California.

(d) DEFINITION.—In this section, the "Mare Island property" is the parcel of real property consisting of approximately 48 acres located within the former Mare Island Naval Shipyard which was formerly used as a firing range by the Department of the Navy.

SEC. 2844. RELEASE OF RESTRICTIONS, UNIVERSITY OF CALIFORNIA, SAN DIEGO.

(a) RELEASE.—The Secretary of the Navy may, upon receipt of full consideration as provided in subsection (b), release to the Regents of the University of California (in this section referred to as the "University of California") all remaining right, title, and interest of the United States, including restrictions on use imposed by deed or otherwise and reversionary rights, in and to a parcel of real property consisting of approximately 495 acres that comprises part of the San Diego campus of the University of California.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the release under subsection (a), the University of California shall provide an amount that is acceptable to the Secretary of the Navy, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, at such time as the Secretary may require. The consideration under

this paragraph shall be based on an appraisal approved by the Secretary of the value to the Department of the Navy of the restrictions released under subsection (a), except that in determining the value of such restrictions, there shall be excluded the value of any existing improvements to the property made by or on behalf of the University of California and the value of the University of California's existing rights to the property.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the University of California under paragraph (1) may include goods or services that benefit the Department of the Navy and may take into consideration the value which has accrued to the Department of the Navy from the San Diego campus of the University of California's research, education, and clinical care activities, as well as the contracts, grants, and other collaborations between the Department of the Navy and the San Diego campus of the University of California.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration in the form of cash payment received by the Secretary under paragraph (1) shall be deposited in the separate fund in the Treasury described in section 572(a)(1) of title 40, United States Code.

(c) PAYMENT OF COSTS OF RELEASE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the University of California to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the release under subsection (a), including survey costs, costs for environmental documentation related to the release, and any other administrative costs related to the release. If amounts are collected from the University of California in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the University of California.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release under subsection (a) or, if the period of availability of obligations for that appropriation has expired, to the appropriations of a fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property that is the subject of the release under subsection (a) shall be determined by a survey or other documentation satisfactory to both the Secretary of the Navy and the University of California.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the release under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. LAND EXCHANGE, NAVAL SUPPORT ACTIVITY, WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.

(a) EXCHANGE OF PROPERTY INTERESTS AUTHORIZED.—

(1) INTERESTS TO BE CONVEYED.—The Secretary of the Navy (Secretary) may convey all right, title, and interest of the United States in and to one or more parcels of real property under the jurisdiction of the Secretary, including any improvements thereon and, without limitation, any leasehold interests of the United States therein, as the Secretary considers appropriate to protect the interests of the United States.

(2) INTERESTS TO BE ACQUIRED.—In exchange for the property interests described in paragraph (1), the Secretary may accept parcels at the Southeast Federal Center in the vicinity of the Washington Navy Yard, replacement of facilities being conveyed of equal value and similar utility, as determined by the Secretary, and any additional consideration the Secretary feels is appropriate, including maintenance, repair, or restoration of any real property, facility, or infrastructure under the jurisdiction of the Secretary.

(b) VALUATION.—The value of the property interests to be exchanged by the Secretary described in subsections (a)(1) and (a)(2) shall be determined—

(1) by an independent appraiser selected by the Secretary; and

(2) in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(c) EQUALIZATION PAYMENTS.—

(1) TO THE SECRETARY.—If the fair market value of the property interests described in subsection (a)(1) is greater than the fair market value of the property interests described in subsection (a)(2), the person to whom such interests are conveyed shall pay to the Department of the Navy an amount equal to the differences in such fair market values.

(2) NO EQUALIZATION.—If the fair market value of the property interests described in subsection (a)(2) is greater than the fair market value of the property interests described in subsection (a)(1), the Secretary shall not make a cash equalization payment to equalize the values.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the other party in this land exchange to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred, to carry out the land exchange under this section, including survey costs, costs for environmental documentation, other administrative costs related to the land exchange, and all costs associated with relocation of activities and facilities, including equipment, to the replacement location. If amounts collected are in advance of the Secretary incurring actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received shall be credited to the fund or account that was used to cover

those costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of the Navy.

(f) CONVEYANCE AGREEMENT.—The exchange of real property interests under this section shall be accomplished using an appropriate legal instrument and upon terms and conditions mutually satisfactory to both parties of the exchange, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. LAND CONVEYANCE, EGLIN AIR FORCE BASE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Air Force Enlisted Village, a nonprofit corporation (in this section referred to as the "Village"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 80 acres located adjacent to Eglin Air Force Base, Florida, for the purpose of independent-living and assisted-living apartments for veterans. The conveyance under this subsection is subject to valid existing rights.

(b) CONSIDERATION REQUIRED.—As consideration for the conveyance under subsection (a), the Village shall provide an amount that is equivalent to the fair market value to the Department of the Air Force of the right, title, and interest conveyed under such subsection, based on an appraisal approved by the Secretary of the Air Force. The consideration under this paragraph may be provided by cash payment, in-kind consideration, or a combination thereof, at such time as the Secretary may require.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the Village to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Village in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Village.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes,

and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. [40 U.S.C. 521 note] PUBLIC INVENTORY OF GUAM LAND PARCELS FOR TRANSFER TO GOVERNMENT OF GUAM.

(a) NET-NEGATIVE INVENTORY OF LAND PARCELS.—

(1) MAINTENANCE AND UPDATE OF INVENTORY.—The Secretary of the Navy shall maintain and update regularly an inventory of all land parcels located on Guam which meet each of the following conditions:

(A) The parcels are currently owned by the United States Government and are under the administrative jurisdiction of the Department of the Navy.

(B) The Secretary has determined or expects to determine the parcels to be excess to the needs of the Department of the Navy.

(C) Under Federal law, including Public Law 106-504 (commonly known as the "Guam Omnibus Opportunities Act"; 40 U.S.C. 521 note), the parcels are eligible to be transferred to the territorial government.

(2) INFORMATION REQUIRED.—For each parcel included in the inventory under paragraph (1), the Secretary shall specify—

(A) the approximate size of the parcel;

(B) an estimate of the fair market value of the parcel, if available or as practicable;

(C) the date on which the Secretary determined, or the date by which the Secretary expects to determine, that the parcel is excess and made eligible for transfer to the territorial government; and

(D) the citation of the specific legal authority (including the Guam Omnibus Opportunities Act) under which the Secretary will transfer the parcel to the territorial government or otherwise dispose of the parcel.

(b) PARCELS REQUIRED TO BE INCLUDED.—The Secretary shall include in the inventory under this section each of the following parcels, as described in the 2017 Net Negative Report:

(1) The Tanguisson Power Plant (5 acres), listed as Site 14 in the Report.

(2) The Harmon Substation Annex (9.9 acres), listed as Site 15 in the Report.

(3) The Piti Power Plant and Substation (15.5 acres), listed as Site 38 in the Report.

(4) Apra Heights Lot 403-1 (0.5 acres), listed as Site 55 in the Report.

(5) The Agana Power Plant and Substation (5.9 acres), listed as Site 54 in the Report.

(6) The ACEORP Maui Tunnel-Tamuning Route 1 behind Old Telex (3.7 acres), listed as Site 23 in the Report.

(7) The Parcel South of Camp Covington, Parcel 7 (60.8 acres), listed as Site 49 in the Report.

(8) The NCTS Beach Lot, adjacent to the Tanguisson Power Plant (13.3 acres), listed as Site 13 in the Report.

(9) The Hoover Park Annex (also known as "Old USO Beach"; 6 acres), listed as Site 37 in the Report.

(10) Parcel "C" Marbo Cave Annex (5 acres), listed as Site 12 in the Report.

(c) INCLUSION OF ADDITIONAL PARCELS IN INVENTORY.—

(1) REQUEST BY GOVERNOR.—The Governor of the territory of Guam may submit a request to the Secretary to add parcels to the inventory maintained under subsection (a), and shall specify in any such request any public benefit uses or public purposes proposed by the Governor for the parcel involved, pursuant to the Guam Omnibus Opportunities Act or any other relevant Federal law.

(2) CONSIDERATION BY SECRETARY.—Not later than 180 days of receipt of a request from the Governor under paragraph (1), the Secretary shall review the request and provide a response in writing to the Governor as to whether the Secretary will agree to the request to include the specific land parcel in the inventory maintained under subsection (a). If the Secretary denies the request, the Secretary shall provide a detailed written justification to the Governor that explains the continuing military need for the parcel, if any, and the date on which the Secretary expects that military need to cease, if ever.

(d) EXCLUSION OF PARCELS.—The Secretary shall not include in the inventory maintained under this section any parcel transferred to the government of Guam prior to the date of the enactment of this Act, without regard to whether or not the parcel is included in the inventory under subsection (b).

(e) PUBLIC NOTIFICATION.—The Secretary shall publish and update on a public website of the United States Government the following information:

(1) The inventory maintained under subsection (a), including the parcels required to be included in such inventory under subsection (b).

(2) All requests submitted by the Governor under subsection (c), including any proposed public benefit use or public purpose specified in any such request.

(3) A copy of each response provided by the Secretary to each request submitted by the Governor under subsection (c).

(4) A description of each parcel of land transferred by the Secretary to the territorial government after January 20, 2011, including the following:

(A) The approximate size of the parcel.

(B) An estimate of the fair market value of the parcel, if available or as practicable.

(C) The specific legal authority under which the Secretary transferred the parcel to the territorial government.

(D) The date the parcel was transferred to the territorial government.

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

(1) 2017 NET NEGATIVE REPORT.—The term "2017 Net Negative Report" means the report submitted by the Secretary of the Navy, on behalf of the Secretary of Defense, under section 2208 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2695) regarding the status of the implementation of the "net negative" policy regarding the total number of acres of the real property controlled by the Department of the Navy or the Department of Defense on Guam.

(2) GOVERNOR.—The term "Governor" means the Governor of the territory of Guam.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Navy.

(4) TERRITORIAL GOVERNMENT.—The term "territorial government" means the government of Guam established under the Organic Act of Guam (48 U.S.C. 1421 et seq.).

SEC. 2848. [16 U.S.C. 1609] MODIFICATION OF CONDITIONS ON LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 605), as amended by section 2842 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 863) and section 2838 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3710),is amended—

(1) by striking "(1) The conveyance" and inserting "The conveyance"; and

(2) by striking paragraph (2).

SEC. 2849. LAND CONVEYANCE, NAVAL ACADEMY DAIRY FARM, GAMBRILLS, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding section 6976 of title 10, United States Code, the Secretary of the Navy may convey and release to Anne Arundel County, Maryland (in this section referred to as the "County") all right, title, and interest of the United States in and to the real property, including any improvements thereon, consisting of approximately 40 acres at the property commonly referred to as the Naval Academy dairy farm located in Gambrills, Maryland (in this section referred to as the "Dairy Farm"), for use in support of a public park, recreational area, and additional public uses.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance and release under subsection (a), the County shall provide an amount that is equivalent to the fair market value to the Department of the Navy of the right, title, and interest conveyed and released under such subsection, based on an appraisal approved by the Secretary of the Navy. The consideration under this paragraph may be provided by cash payment,

in-kind consideration, or a combination thereof, at such time as the Secretary may require.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facility, real property, or infrastructure under the jurisdiction of the Secretary.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration in the form of cash payment received by the Secretary under paragraph (1) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the Dairy Farm, including reimbursing non-appropriated fund instrumentalities of the Naval Academy.

(c) PAYMENT OF COST OF CONVEYANCE AND RELEASE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the County to pay costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance and release under subsection (a), including survey costs, appraisal costs, costs for environmental documentation related to the conveyance and release, and any other administrative costs related to the conveyance and release. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance and release or any costs incurred by the Secretary to administer the County's lease of the Dairy Farm, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to pay the costs incurred by the Secretary in carrying out the conveyance and release under subsection (a) or, if the period of availability of obligations for that appropriation has expired, to the appropriations of fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property which is subject to conveyance and release under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance and release under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) NO EFFECT ON EXISTING LEASES GOVERNING PROPERTY NOT SUBJECT TO CONVEYANCE.—Nothing in this section or in any conveyance and release carried out pursuant to this section may be construed to affect the terms, conditions, or applicability of any existing agreement entered into between the Country and the Sec-

retary of the Navy which governs the use of any portion of the Dairy Farm which is not subject to conveyance and release under this section.

SEC. 2850. TECHNICAL CORRECTION OF DESCRIPTION OF LIMESTONE HILLS TRAINING AREA LAND WITHDRAWAL AND RESERVATION, MONTANA.

Section 2931(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 1031) is amended by striking "18,644 acres" and all that follows through "April 10, 2013" and inserting the following: "18,964 acres in Broadwater County, Montana, generally depicted as 'Limestone Hills Training Area Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated May 11, 2017".

SEC. 2851. LAND CONVEYANCE, WASATCH-CACHE NATIONAL FOREST, RICH COUNTY, UTAH.

(a) LAND CONVEYANCE AUTHORIZED.—Subject to valid existing rights, not later than 6 months after the date of the enactment of this section, the Secretary of Agriculture shall convey, without consideration, to the Utah State University Research Foundation, (in this section referred to as the "Foundation") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 80 acres, including improvements thereon, located outside of the boundaries of the Wasatch-Cache National Forest, Rich County, Utah, within Sections 19 and 30, Township 14 North, Range 5 East, Salt Lake Base and Meridian for the purpose of permitting the Foundation to use the property for scientific and educational purposes.

(b) REVERSIONARY INTEREST.—If the Secretary of Agriculture determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of Agriculture shall require the Foundation to cover the costs (except any costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Foundation in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Foundation.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so cred-

ited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of Agriculture.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Agriculture may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. COMMEMORATION OF FREEDMAN'S VILLAGE.

(a) FREEDMAN'S VILLAGE GATE.—The Secretary of the Army shall, as part of the southern expansion of Arlington National Cemetery, name the newly constructed gate located at the intersection of Hobson Drive and Southgate Road, "Freedman's Village Gate".

(b) PERMANENT EASEMENT.—The Secretary of the Army is directed to grant to Arlington County a permanent easement of no less than 0.1 acres of land within the right-of-way of Southgate Road to the south and west of Hobson Drive and west of the planned joint base access road that is also continuous with Foxcroft Heights Park for the purpose of commemorating Freedman's Village.

(c) RELOCATION OF COMMEMORATION IN EVENT LOCATION IS USED FOR BURIAL PURPOSES.—In the event Arlington National Cemetery subsequently acquires the property used for the commemoration described under subsection (b) for burial purposes, the Army shall relocate any commemoration of Freedman's Village to an appropriate location.

(d) REIMBURSEMENT.—The Secretary of Defense may accept reimbursement from Arlington County for any costs associated with commemorating Freedman's Village.

Subtitle D—Other Matters

SEC. 2861. DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM.

Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following new subsection:

"(d) DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM.—(1) The Secretary of Defense may make grants, conclude cooperative agreements, and supplement funds available under Federal programs administered by agencies other than the Department of Defense to assist State and local governments to address deficiencies in community infrastructure supportive of a military installation, if the Secretary determines that such assistance will enhance the military value, resilience, or military family quality of life at such military installation.

"(2) The Secretary shall establish criteria for the selection of community infrastructure projects to receive assistance under para-

graph (1). The criteria shall include a requirement that the State or local government agree to contribute not less than 30 percent of the funding for the community infrastructure project, unless the community infrastructure project is located in a rural area, or for reasons related to national security, in which case the Secretary may waive the requirement for a State or local government contribution.

"(3) Amounts appropriated or otherwise made available for assistance under paragraph (1) may remain available until expended.

"(4) The authority under this subsection shall expire upon the expiration of the 10-year period which begins on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019."; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraphs:

"(4) The term 'community infrastructure' means any transportation project; school, hospital, police, fire, emergency response, or other community support facility; or water, wastewater, telecommunications, electric, gas, or other utility infrastructure project that is located off of a military installation and owned by a State or local government.

"(5) The term 'rural area' means a city, town, or unincorporated area that has a population of not more than 50,000 inhabitants.".

SEC. 2862. [10 U.S.C. 113 note] STRATEGIC PLAN TO IMPROVE CAPABILITIES OF DEPARTMENT OF DEFENSE TRAINING RANGES AND INSTALLATIONS.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop and implement a comprehensive strategic plan to identify and address deficits in the capabilities of Department of Defense training ranges to support current and anticipated readiness requirements to execute the National Defense Strategy (NDS).

(b) EVALUATION.—As part of the preparation of the strategic plan, the Secretary shall conduct an evaluation of the following:

(1) The adequacy of current training range resources to include the ability to train against near-peer or peer threats in a realistic 5th Generation environment.

(2) The adequacy of current training enablers to meet current and anticipated demands of the Armed Forces.

(c) ELEMENTS.—The strategic plan shall include the following:

(1) An integrated priority list of location-specific proposals and/or infrastructure project priorities, with associated Department of Defense Form 1391 documentation, required to both address any limitations or constraints on current Department resources, including any climatically induced impacts or shortfalls, and achieve full spectrum training (integrating virtual and constructive entities into live training) against a more technologically advanced peer adversary.

(2) Goals and milestones for tracking actions under the plan and measuring progress in carrying out such actions.

(3) Projected funding requirements for implementing actions under the plan.

(d) DEVELOPMENT AND IMPLEMENTATION.—The Under Secretary of Defense for Acquisition and Sustainment, as the principal

staff assistant to the Secretary on installation management, shall have lead responsibility for developing and overseeing implementation of the strategic plan and for coordination of the discharge of the plan by components of the Department.

(e) REPORT ON IMPLEMENTATION.—Not later than April 1, 2020, the Secretary shall, through the Under Secretary of Defense for Acquisition and Sustainment, submit to Congress a report on the progress made in implementing this section, including the following:

(1) A description of the strategic plan.

(2) A description of the results of the evaluation conducted under subsection (b).

(3) Such recommendations as the Secretary considers appropriate with respect to improvements of the capabilities of training ranges and enablers.

(f) PROGRESS REPORTS.—Not later than April 1, 2019, and annually thereafter for 3 years, the Secretary shall, through the Under Secretary, submit to Congress a report setting forth the following:

(1) A description of the progress made during the preceding fiscal year in implementing the strategic plan.

(2) A description of any additional actions taken, or to be taken, to address limitations and constraints on training ranges and enablers.

(3) Assessments of individual training ranges addressing the evaluation conducted under subsection (b).

(g) ADDITIONAL REPORT ELEMENT.—Each report under subsections (e) and (f) shall also include a list of significant modifications to training range inventory, such as range closures or expansions, during the preceding fiscal year, including any limitations or impacts due to climatic conditions.

SEC. 2863. [10 U.S.C. 2391 note] RESTRICTIONS ON USE OF FUNDS FOR DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN COMMONWEALTH OF NORTHERN MARIANA ISLANDS.

(a) RESTRICTION.—If the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure in the Commonwealth of the Northern Mariana Islands (hereafter in this section referred to as the "Commonwealth"), the Secretary of Defense may not carry out such grant, transfer, cooperative agreement, or supplemental funding unless such grant, transfer, cooperative agreement, or supplemental funding—

(1) is specifically authorized by law; and

(2) will be used to carry out a public infrastructure project included in the report submitted under subsection (b).

(b) REPORT OF ECONOMIC ADJUSTMENT COMMITTEE.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chair of the Economic Adjustment Committee established in Executive Order No. 127887 (10 U.S.C. 2391 note),

shall convene the Economic Adjustment Committee to consider assistance, including assistance to support public infrastructure projects, necessary to support changes in Department of Defense activities in the Commonwealth.

(2) REPORT.—Not later than 180 days after convening the Economic Adjustment Committee under paragraph (1), the Secretary shall submit to the congressional defense committees a report—

(A) describing the results of the Economic Adjustment Committee deliberations required by paragraph (1); and

(B) containing a description of any assistance the Committee determines to be necessary to support changes in Department of Defense activities in the Commonwealth, including any public infrastructure projects the Committee determines should be carried out with such assistance.

(c) PUBLIC INFRASTRUCTURE DEFINED.—In this section, the term "public infrastructure" means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

SEC. 2864. STUDY AND REPORT ON INCLUSION OF COLEMAN BRIDGE, YORK RIVER, VIRGINIA, IN STRATEGIC HIGHWAY NETWORK.

(a) STUDY.—The Commander of the United States Transportation Command shall conduct a study of the feasibility and desirability of including the George P. Coleman Memorial Bridge on the York River, Virginia, and United States Route 17 in the Strategic Highway Network.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

SEC. 2865. DEFENSE ACCESS ROADS RELATING TO CLOSURES DUE TO SEA LEVEL FLUCTUATION AND FLOODING.

(a) AUTHORITY.—Section 210(a)(1) of title 23, United States Code, is amended by striking "closures or restrictions" and inserting "closures, closures due to mean sea level fluctuation and flooding, or restrictions".

(b) USE OF FUNDS.—Section 210 of title 23, United States Code, is amended by adding at the end the following:

"(i) Beginning in fiscal year 2019, funds appropriated for the purposes of this section shall be available to pay the cost of repairing damage caused to, and for any infrastructure to mitigate the risks posed to, highways by recurrent flooding and sea level fluctuation, if the Secretary of Defense shall determine that continued access to a military installation has been impacted by past flooding and mean sea level fluctuation.".

SEC. 2866. AUTHORITY TO TRANSFER FUNDS FOR CONSTRUCTION OF INDIAN RIVER BRIDGE.

Notwithstanding the limitation in section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Administrator of the National Aeronautics and Space Administration up to 50 percent of the shared costs of constructing the Indian

River Bridge. The authority under this section shall expire on October 1, 2022.

SEC. 2867. PLAN TO ALLOW INCREASED PUBLIC ACCESS TO THE NATIONAL NAVAL AVIATION MUSEUM AND BARRANCAS NATIONAL CEMETERY, NAVAL AIR STATION PENSACOLA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a plan to allow increased public access to the National Naval Aviation Museum and Barrancas National Cemetery at Naval Air Station Pensacola.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized defense agencies construction and land acquisition projects.
Sec. 2905. Authorization of appropriations.
Sec. 2906. Restrictions on use of funds for planning and design costs of European Deterrence Initiative projects.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Army may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Location	Amount
Bulgaria	Novo Selo FOS	$5,000,000
Poland	Powidzko Drawskie Training Area	$30,000,000
Romania	Mihail Kogalniceanu FOS	$21,091,000

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Location	Amount
Greece	Naval Support Activity Souda Bay	$47,850,000
Italy	Naval Support Activity Gaeta	$96,000,000
United Kingdom	Lossiemouth, Kola S	$79,130,000

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Location	Amount
Germany	Ramstein Air Base	$119,000,000
United Kingdom	RAF Fairford	$100,000,000

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Location	Amount
Estonia	Unspecified Estonia	$15,700,000
Qatar	Al Udeid	$60,000,000

SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

SEC. 2906. RESTRICTIONS ON USE OF FUNDS FOR PLANNING AND DESIGN COSTS OF EUROPEAN DETERRENCE INITIATIVE PROJECTS.

None of the funds authorized to be appropriated for military construction projects outside the United States authorized by this title may be obligated or expended for planning and design costs of any project associated with the European Deterrence Initiative until the Secretary of Defense submits to the congressional defense committees a list of all of the military construction projects associated with the European Deterrence Initiative which the Secretary anticipates will be carried out during each of the fiscal years 2019 through 2023.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Development of low-yield nuclear weapons.
Sec. 3112. Department of Energy counterintelligence polygraph program.
Sec. 3113. Inclusion of capital assets acquisition projects in activities by Director for Cost Estimating and Program Evaluation.

Sec. 3114. Modification of authority for acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
Sec. 3115. Notification regarding air release of radioactive or hazardous material at Hanford Nuclear Reservation.
Sec. 3116. Amendments to the Atomic Energy Act of 1954.
Sec. 3117. Extension of enhanced procurement authority to manage supply chain risk.
Sec. 3118. Hanford waste tank cleanup program.
Sec. 3119. Use of funds for construction and project support activities relating to MOX facility.
Sec. 3120. Plutonium pit production.
Sec. 3121. Pilot program on conduct by Department of Energy of background reviews for access by certain individuals to national security laboratories.
Sec. 3122. Prohibition on availability of funds for programs in Russian Federation.
Sec. 3123. Prohibition on availability of funds for research and development of advanced naval nuclear fuel system based on low-enriched uranium.
Sec. 3124. Limitation on availability of funds relating to submission of annual reports on unfunded priorities.

Subtitle C—Plans and Reports

Sec. 3131. Modifications to cost-benefit analyses for competition of management and operating contracts.
Sec. 3132. Nuclear forensics analyses.
Sec. 3133. Review of defense environmental cleanup activities.
Sec. 3134. Whistleblower protections.
Sec. 3135. Implementation of Nuclear Posture Review by National Nuclear Security Administration.
Sec. 3136. Survey of workforce of national security laboratories and nuclear weapons production facilities.
Sec. 3137. Elimination of certain reports.

Subtitle D—Other Matters

Sec. 3141. Acceleration of replacement of cesium blood irradiation sources.
Sec. 3142. Sense of Congress regarding compensation of individuals relating to uranium mining and nuclear testing.

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2019 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 19-D-660, Lithium Production Capability, Y-12 National Security Complex, Oak Ridge, Tennessee, $19,000,000.

Project 19-D-670, 138k Power Transmission System Replacement, Nevada National Security Site, Mercury, Nevada, $6,000,000.

Project 19-D-930, KS Overhead Piping, Kesselring Site, West Milton, New York, $10,994,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2019 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2019 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2019 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) [50 U.S.C. 2529 note] AUTHORIZATION.—The Secretary of Energy, acting through the Administrator for Nuclear Security, may carry out the engineering development phase, and any subsequent phase, to modify or develop a low-yield nuclear warhead for submarine-launched ballistic missiles.

(b) MODIFICATION OF LIMITATION ON DEVELOPMENT.—Section 3116(c) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1746; 50 U.S.C. 2529 note) is amended by striking "specifically authorized by Congress" and inserting "the Secretary specifically requests funding for the development of that weapon pursuant to section 4209(a) of the Atomic Energy Defense Act (50 U.S.C. 2529(a))".

(c) REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.—Section 4209(a)(1) of the Atomic Energy Defense Act (50 U.S.C. 2529(a)(1)) is amended—

(1) by striking "the Secretary shall" and inserting the following: "the Secretary—

"(A) shall"; and

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

"(B) may carry out such activities only if amounts are authorized to be appropriated for such activities by an Act of Congress consistent with section 660 of the Department of Energy Organization Act (42 U.S.C. 7270).".

SEC. 3112. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

Section 4504(b) of the Atomic Energy Defense Act (50 U.S.C. 2654(b)) is amended by adding at the end the following new paragraph:

"(4) In the event of a counterintelligence investigation, the regulations prescribed under paragraph (1) may ensure that the persons subject to the counterintelligence polygraph program required by subsection (a) include any person who is—

"(A) a national of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) and also a national of a foreign state; and

"(B) an employee or contractor who requires access to classified information.".

SEC. 3113. INCLUSION OF CAPITAL ASSETS ACQUISITION PROJECTS IN ACTIVITIES BY DIRECTOR FOR COST ESTIMATING AND PROGRAM EVALUATION.

(a) IN GENERAL.—Section 3221 of the National Nuclear Security Administration Act (50 U.S.C. 2411) is amended—

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

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

"(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require duplicate reviews or cost estimates for major atomic energy defense acquisition programs by the Administration or other elements of the Department of Energy."; and

(3) in subsection (i)(2), as redesignated by paragraph (1)—

(A) by striking "program.—" and all that follows through ", the term" and inserting "program.—The term";

(B) by striking subparagraph (B); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, two ems to the left.

(b) [50 U.S.C. 2411 note] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 18 months after the date of the enactment of this Act.

(c) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security and the Secretary of Energy shall jointly brief the congressional defense committees on a plan for implementing the amendments made by subsection (a)(3) in a manner that avoids duplication of reviews and cost estimates with respect to major atomic energy defense acquisition programs.

SEC. 3114. MODIFICATION OF AUTHORITY FOR ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

Section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(3) in paragraph (6), as redesignated by paragraph (2), by striking "December 31, 2018" and inserting "December 31, 2023".

SEC. 3115. NOTIFICATION REGARDING AIR RELEASE OF RADIOACTIVE OR HAZARDOUS MATERIAL AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Subtitle C of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2621 et seq.) is amended by adding at the end the following new section:

"SEC. SEC. 4447. [50 U.S.C. 2627] NOTIFICATION REGARDING AIR RELEASE OF RADIOACTIVE OR HAZARDOUS MATERIAL

If the Secretary of Energy (or a designee of the Secretary) is notified of an improper release into the air of radioactive or hazardous material above applicable statutory or regulatory limits that resulted from waste generated by atomic energy defense activities at the Hanford Nuclear Reservation, Richland, Washington, the Secretary (or designee of the Secretary) shall—

"(1) not later than two business days after being notified of the release, notify the congressional defense committees of the release; and

"(2) not later than seven business days after being notified of the release, provide the congressional defense committees a briefing on the status of the release, including—

"(A) the cause of the release, if known; and

"(B) preliminary plans to address and remediate the release, including associated costs and timelines.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4446 the following new item:

"Sec. 4447. Notification regarding air release of radioactive or hazardous material.".

SEC. 3116. AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1954.

(a) CLARIFICATION OF PROHIBITION ON DELEGATION OF AUTHORITY RELATING TO SPECIAL NUCLEAR MATERIAL.—Section 161 n. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(n)) is amended by striking "57 b.," and inserting "57 b. (with respect to enrichment and reprocessing of special nuclear material or with respect to transfers to any covered foreign country (as defined in section 3136(i) of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a(i))),".

(b) CIVIL PENALTIES.—Section 234 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a)) is amended—

(1) by striking "57,"; and

(2) by striking "or (2)" and inserting "(2) violates any provision of section 57, or (3)".

(c) REPORT.—Section 3136(e)(2) of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a(e)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) for each such application, an identification of any officer to which the authorization under such section 57 b. was delegated pursuant to section 161 n. of that Act (42 U.S.C. 2201(n));".

SEC. 3117. EXTENSION OF ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

(a) EXTENSION.—Subsection (g) of section 4806 of the Atomic Energy Defense Act (50 U.S.C. 2786) is amended to read as follows:

"(g) TERMINATION.—The authority under this section shall terminate on June 30, 2023.".

(b) TECHNICAL AMENDMENT.—Subsection (f)(5)(A) of such section is amended by striking "section 3542(b) of title 44" and inserting "section 3552(b) of title 44".

SEC. 3118. HANFORD WASTE TANK CLEANUP PROGRAM.

Section 4442(e) of the Atomic Energy Defense Act (50 U.S.C. 2622(e)) is amended by striking "2019" and inserting "2024".

SEC. 3119. USE OF FUNDS FOR CONSTRUCTION AND PROJECT SUPPORT ACTIVITIES RELATING TO MOX FACILITY.

(a) IN GENERAL.—Except as provided by subsection (b), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the National Nuclear Security Administration for the MOX facility.

(b) WAIVER.—The Secretary may waive the requirement under subsection (a) if the Secretary submits to the congressional defense committees the matters specified in section 3121(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1892).

(c) DEFINITIONS.—In this section:

(1) MOX FACILITY.—The term "MOX facility" means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) PROJECT SUPPORT ACTIVITIES.—The term "project support activities" means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

SEC. 3120. PLUTONIUM PIT PRODUCTION.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) Los Alamos National Laboratory, Los Alamos, New Mexico, is the Plutonium Science and Production Center of Excellence for the United States; and

(2) Los Alamos National Laboratory will produce a minimum of 30 pits per year for the national pit production mission and will implement surge efforts to exceed 30 pits per year to meet Nuclear Posture Review and national policy.

(b) INDEPENDENT ASSESSMENT OF PLUTONIUM STRATEGY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall seek to enter into a contract with a federally funded research and development center to conduct an assessment of the plutonium strategy of the National Nuclear Security Administration. The assessment shall include—

(A) an analysis of the engineering assessment and analysis of alternatives, including an analysis of each of the four major options contained within the engineering assessment;

(B) an assessment of the risks and benefits involved in each such option, including risks and benefits related to cost, schedule, licensing, labor availability, and workforce development, and effects on and from other programs;

(C) a description of the strategies considered by the National Nuclear Security Administration to reduce those risks; and

(D) an assessment of the strategy considered for manufacturing up to 80 pits per year at Los Alamos National Laboratory through the use of multiple labor shifts and additional equipment at PF-4 until modular facilities are completed to provide a long-term, single-labor shift capacity.

(2) SELECTION.—The Secretary may not enter into the contract under paragraph (1) with a federally funded research and development center for which the Department of Energy or the National Nuclear Security Administration is the primary sponsor.

(3) ACCESS TO INFORMATION.—The federally funded research and development center with which the Secretary enters into the contract under paragraph (1) shall have full and direct access to all information related to pit production, including information of the National Nuclear Security Administration and its management and operating contractors.

(4) REPORT REQUIRED.—Not later than April 1, 2019, the federally funded research and development center with which the Secretary enters into the contract under paragraph (1) shall submit to the Secretary, the Administrator, and the Nuclear Weapons Council established under section 179 of title 10, United States Code, a report containing the assessment required by paragraph (1).

(5) SUBMISSION TO CONGRESS.—Not later than April 15, 2019, the Secretary shall submit to the congressional defense committees the report required by paragraph (4), without change.

(c) REPORT ON PIT PRODUCTION AT LOS ALAMOS NATIONAL LABORATORY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report containing—

(A) a detailed plan to produce 30 pits per year at Los Alamos National Laboratory by 2026, including—

(i) equipment and other construction already planned at the Chemistry and Metallurgy Research Replacement Facility;

(ii) additional equipment or labor necessary to produce such pits; and

(iii) effects on and from other ongoing programs at Los Alamos National Laboratory; and

(B) a detailed plan for designing and carrying out production of plutonium pits 31-80 at Los Alamos National Laboratory, in case the MOX facility is not operational and producing pits by 2030.

(2) ASSESSMENT.—Not later than 120 days after the submission of the report required by paragraph (1), the Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall submit to the congressional defense committees an assessment of that report, includ-

ing an assessment of the effect of increased ARIES activity in support of the dilute and dispose program on the plutonium pit production mission.

(d) BRIEFING.—Not later than March 1, 2019, the Chairman of the Nuclear Weapons Council and the Administrator shall jointly provide to the congressional defense committees a briefing detailing the implementation plan for the plutonium strategy of the National Nuclear Security Administration, including milestones, accountable personnel for such milestones, and mechanisms for ensuring transparency into the progress of such strategy for the Department of Defense and the congressional defense committees.

(e) ANNUAL CERTIFICATION.—Not later than April 1, 2019, and each year thereafter through 2025, the Chairman shall submit to the Secretary, the Administrator, and the congressional defense committees a written certification that the plutonium pit production plan of the National Nuclear Security Administration is on track to meet—

(1) the military requirement of 80 pits per year by 2030, or such other military requirement as determined by the Secretary;

(2) the statutory requirements for pit production timelines under section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a); and

(3) all milestones and deliverables described in the plans required by subsection (c)(1).

(f) FAILURE TO CERTIFY.—

(1) NWC NOTIFICATION.—If in any year the Chairman is unable to submit the certification under subsection (e), the Chairman shall submit to the congressional defense committees, the Secretary, and the Administrator written notification describing why the Chairman is unable to make such certification.

(2) NNSA RESPONSE.—Not later than 180 days after the date on which the Chairman makes a notification under paragraph (1), the Administrator shall submit to the congressional defense committees, the Secretary, and the Chairman a report that—

(A) addresses the reasons identified in the notification with respect to the failure to make the certification under subsection (e); and

(B) includes presentation of either a concurrent backup plan or a recovery plan, and the associated implementation schedules for such plan.

(g) DEFINITIONS.—In this section:

(1) ARIES.—The term "ARIES" means the Advanced Recovery and Integrated Extraction System method, developed and piloted at Los Alamos National Laboratory, Los Alamos, New Mexico, for disassembling surplus defense plutonium pits and converting the plutonium from such pits into plutonium oxide.

(2) DILUTE AND DISPOSE APPROACH.—The term "dilute and dispose approach" means a method of blending plutonium oxide made from surplus defense plutonium with an inert mix-

ture, then packaging and indefinitely disposing of the combined material in a geologic repository.

(3) MOX FACILITY.—The term "MOX facility" means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

SEC. 3121. [50 U.S.C. 2652 note] PILOT PROGRAM ON CONDUCT BY DEPARTMENT OF ENERGY OF BACKGROUND REVIEWS FOR ACCESS BY CERTAIN INDIVIDUALS TO NATIONAL SECURITY LABORATORIES.

(a) IN GENERAL.—The Secretary of Energy shall establish a pilot program to assess the feasibility and advisability of conducting background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) within the Department of Energy.

(b) REQUIREMENTS.—Under the pilot program established under subsection (a), the Secretary may admit an individual described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) to a facility of a national security laboratory described in that section if, in addition to the conduct of a background review under subsection (a) with respect to that individual—

(1) the Secretary determines that the admission of that individual to that facility is in the national interest and will further science, technology, and engineering capabilities in support of the mission of the Department of Energy; and

(2) a security plan is developed and implemented to mitigate the risks associated with the admission of that individual to that facility.

(c) ROLES OF SECRETARY AND DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—

(1) ROLE OF SECRETARY.—Under the pilot program under subsection (a), the Secretary shall conduct background reviews for all individuals described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) seeking admission to facilities of national security laboratories described in that section. Such reviews by the Secretary shall be conducted independent of and in addition to background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under that section.

(2) ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—Notwithstanding paragraph (1), during the period during which the pilot program established under subsection (a) is being carried out, the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall retain primary responsibility for the conduct of all background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)).

(d) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(e) REPORT REQUIRED.—Not later than 90 days after the date on which the pilot program established under subsection (a) terminates under subsection (d), the Secretary of Energy, in consultation

with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the conduct of background reviews under the pilot program that includes—

(1) a comparison of the effectiveness of and timelines required for background reviews conducted by the Secretary under the pilot program and background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)); and

(2) the number of such reviews conducted for individuals who are citizens or agents of each country on the sensitive countries list referred to in that section.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NATIONAL SECURITY LABORATORY.—The term "national security laboratory" has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3122. PROHIBITION ON AVAILABILITY OF FUNDS FOR PROGRAMS IN RUSSIAN FEDERATION.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for atomic energy defense activities may be obligated or expended to enter into a contract with, or otherwise provide assistance to, the Russian Federation.

(b) WAIVER.—The Secretary of Energy, without delegation, may waive the prohibition in subsection (a) only if—

(1) the Secretary determines, in writing, that a nuclear-related threat in the Russian Federation must be addressed urgently and it is necessary to waive the prohibition to address that threat;

(2) the Secretary of State and the Secretary of Defense concur in the determination under paragraph (1);

(3) the Secretary of Energy submits to the appropriate congressional committees a report containing—

(A) a notification that the waiver is in the national security interest of the United States;

(B) justification for the waiver, including the determination under paragraph (1); and

(C) a description of the activities to be carried out pursuant to the waiver, including the expected cost and timeframe for such activities; and

(4) a period of seven days elapses following the date on which the Secretary submits the report under paragraph (3).

(c) EXCEPTION.—The prohibition under subsection (a) and the requirements under subsection (b) to waive that prohibition shall not apply to an amount, not to exceed $3,000,000, that the Sec-

retary may make available for the Department of Energy Russian Health Studies Program.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3123. PROHIBITION ON AVAILABILITY OF FUNDS FOR RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Energy or the Department of Defense may be obligated or expended to plan or carry out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(b) EXCEPTION.—In accordance with section 7319 of title 10, United States Code, of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for defense nuclear nonproliferation, as specified in the funding table in section 4701, $10,000,000 shall be made available to the Deputy Administrator for Naval Reactors of the National Nuclear Security Administration for low-enriched uranium activities (including downblending of high-enriched uranium fuel into low-enriched uranium fuel, research and development using low-enriched uranium fuel, or the modification or procurement of equipment and infrastructure related to such activities) to develop an advanced naval nuclear fuel system based on low-enriched uranium.

SEC. 3124. LIMITATION ON AVAILABILITY OF FUNDS RELATING TO SUBMISSION OF ANNUAL REPORTS ON UNFUNDED PRIORITIES.

Section 4716 of the Atomic Energy Defense Act (50 U.S.C. 2756) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) LIMITATION.—If the Administrator fails to submit to the congressional defense committees a report required by subsection (a) for any of fiscal years 2020 through 2024 that includes the matters specified in subsection (b)(1) for at least one unfunded priority by the deadline specified in subsection (a), not more than 65 percent of the funds authorized to be appropriated or otherwise made available for the fiscal year in which such failure occurs for travel and transportation of persons under the Federal salaries and expenses account of the Administration may be obligated or expended until the date on which the Administrator submits such report.".

Subtitle C—Plans and Reports

SEC. 3131. MODIFICATIONS TO COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.

(a) IN GENERAL.—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

"SEC. SEC. 4807. [50 U.S.C. 2787] COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS

"(a) BRIEFINGS ON REQUESTS FOR PROPOSALS.—Not later than 7 days after issuing a request for proposals for a contract to manage and operate a facility of the Administration, the Administrator shall brief the congressional defense committees on the preliminary assessment of the Administrator of the costs and benefits of the competition for the contract, including a preliminary assessment of the matters described in subsection (c) with respect to the contract.

"(b) REPORTS AFTER TRANSITION TO NEW CONTRACTS.—If the Administrator awards a new contract to manage and operate a facility of the Administration, the Administrator shall submit to the congressional defense committees a report that includes the matters described in subsection (c) with respect to the contract by not later than 30 days after the completion of the period required to transition to the contract.

"(c) MATTERS DESCRIBED.—The matters described in this subsection, with respect to a contract, are the following:

"(1) A clear and complete description of the cost savings the Administrator expects to result from the competition for the contract over the life of the contract, including associated analyses, assumptions, and information sources used to determine such expected cost savings.

"(2) A description of any key limitations or uncertainties that could affect such costs savings, including costs savings that are anticipated but not fully known.

"(3) The costs of the competition for the contract, including the immediate costs of conducting the competition, the costs of the transition to the contract from the previous contract, and any increased costs over the life of the contract.

"(4) A description of any disruptions or delays in mission activities or deliverables resulting from the competition for the contract.

"(5) A clear and complete description of the benefits expected by the Administrator with respect to mission performance or operations resulting from the competition.

"(6) How the competition for the contract complied with the Federal Acquisition Regulation regarding federally funded research and development centers, if applicable.

"(7) The factors considered and processes used by the Administrator to determine—

"(A) whether to compete or extend the previous contract; and

"(B) which activities at the facility should be covered under the contract rather than under a different contract.

"(8) With respect to the matters included under paragraphs (1) through (7), a detailed description of the analyses conducted by the Administrator to reach the conclusions presented in the report, including any assumptions, limitations, and uncertainties relating to such conclusions.

"(9) Any other matters the Administrator considers appropriate.

"(d) INFORMATION QUALITY.—Each briefing required by subsection (a) and report required by subsection (b) shall be prepared in accordance with—

"(1) the information quality guidelines of the Department of Energy that are relevant to the clear and complete presentation of the matters described in subsection (c); and

"(2) best practices of the Government Accountability Office and relevant industries for cost estimating, if appropriate.

"(e) REVIEW OF REPORTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

"(1) INITIAL REVIEW.—The Comptroller General of the United States shall provide a briefing to the congressional defense committees that includes a review of each report required by subsection (b) not later than 180 days after the report is submitted to such committees.

"(2) COMPREHENSIVE REVIEW.—

"(A) DETERMINATION.—The Comptroller General shall determine, in consultation with the congressional defense committees, whether to conduct a comprehensive review of a report required by subsection (b).

"(B) SUBMISSION.—The Comptroller General shall submit a comprehensive review conducted under subparagraph (A) of a report required by subsection (b) to the congressional defense committees not later than 3 years after that report is submitted to such committees.

"(C) ELEMENTS.—A comprehensive review conducted under subparagraph (A) of a report required by subsection (b) shall include an assessment, based on the most current information available, of the following:

"(i) The actual cost savings achieved compared to cost savings estimated under subsection (c)(1), and any increased costs incurred under the contract that were unexpected or uncertain at the time the contract was awarded.

"(ii) Any disruptions or delays in mission activities or deliverables resulting from the competition for the contract compared to the disruptions and delays estimated under subsection (c)(4).

"(iii) Whether expected benefits of the competition with respect to mission performance or operations have been achieved.

"(iv) Such other matters as the Comptroller General considers appropriate.

"(f) APPLICABILITY.—

"(1) IN GENERAL.—The requirements for briefings under subsection (a) and reports under subsection (b) shall apply with respect to requests for proposals issued or contracts

awarded, as applicable, by the Administrator during fiscal years 2019 through 2022.

"(2) NAVAL REACTORS.—The requirements for briefings under subsection (a) and reports under subsection (b) shall not apply with respect to a management and operations contract for a Naval Reactor facility.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4806 the following new item:

"Sec. 4807. Cost-benefit analyses for competition of management and operating contracts.".

(c) TERMINATION OF SUPERSEDED PROVISION.—Section 3121(e)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2175), as most recently amended by section 3135 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1207), is further amended by striking "2020" and inserting "2018".

SEC. 3132. NUCLEAR FORENSICS ANALYSES.

(a) INDEPENDENT ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall seek to enter into an agreement with the National Academy of Sciences for an independent assessment of nuclear forensic analyses conducted by the Federal Government.

(b) ELEMENTS.—The assessment conducted by the National Academy of Sciences under subsection (a) shall, at minimum, include the following:

(1) An assessment of a representative sample of nuclear forensic analyses from across the Federal departments and agencies, with particular emphasis on the validity, quality, value, cost effectiveness, gaps, and timeliness of such analyses.

(2) An assessment of the methodologies used by nuclear forensics analyses from across the Federal departments and agencies, including the scientific rigor of such methodologies.

(3) Recommendations for improving nuclear forensics analyses conducted by the Federal Government, including any best practices or lessons learned that should be shared across the Federal departments and agencies.

(c) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report containing the assessment of the National Academy of Sciences under subsection (a).

(d) BRIEFING ON SENIOR-LEVEL INVOLVEMENT IN EXERCISES.—Not later than 90 days after the date of the enactment of this Act, the President shall provide to the appropriate congressional committees a briefing on the involvement of senior-level executive branch leadership in recent and planned nuclear terrorism preparedness or response exercises and any other exercises that have nuclear forensic analysis as a component of the exercises.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 3133. REVIEW OF DEFENSE ENVIRONMENTAL CLEANUP ACTIVITIES.

(a) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the defense environmental cleanup activities of the Office of Environmental Management of the Department of Energy.

(b) ELEMENTS.—The review conducted under subsection (a) shall include—

(1) an assessment of—

(A) project management practices with respect to the activities described in subsection (a);

(B) the outcomes of such activities; and

(C) the appropriateness of the level of engagement and oversight of the Office of Environmental Management with respect to such activities; and

(2) recommendations with respect to actions to enhance the effectiveness and efficiency of such activities.

SEC. 3134. WHISTLEBLOWER PROTECTIONS.

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

(1) raising nuclear safety concerns is important for avoiding potentially catastrophic incidents or harm to workers and the public;

(2) the Department of Energy should protect whistleblowers and take action against contractors and subcontractors that retaliate against whistleblowers;

(3) such action sends a strong signal to prevent or limit retaliation against whistleblowers; and

(4) the Secretary of Energy, acting through the Administrator for Nuclear Security as appropriate, should impose civil penalties under section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) on contractors, subcontractors, and suppliers for violations of the rules, regulations, or orders of the Department of Energy relating to nuclear safety and radiation protection.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall submit to the appropriate congressional committees a report on how the Secretary would define a chilled work environment with respect to employees and contractors of the Department making a whistleblower complaint under section 4602 of the Atomic Energy Defense Act (50 U.S.C. 2702) or any provision of other law that may provide protection for disclosures of information by such employees or contractors.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of what constitutes evidence of a chilled work environment referred to in that paragraph;

(B) a description of relevant regulations enacted by the Secretary to enforce section 4602 of the Atomic Energy Defense Act (50 U.S.C. 2702); and

(C) an assessment of whether the Secretary has existing authority, or would need new authority, to enforce such section 4602 or any other relevant provision of law.

(c) NOTIFICATION.—Not later than February 1, 2019, and annually thereafter through 2021, the Secretary shall submit to the appropriate congressional committees a notification of whether any penalties were imposed pursuant to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) during the year preceding the submission of the report, including a description of such penalties and the entities against which the penalties were imposed.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 3135. IMPLEMENTATION OF NUCLEAR POSTURE REVIEW BY NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) REPORT REQUIRED.—Not later than December 1, 2018, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on the implementation of the 2018 Nuclear Posture Review by the National Nuclear Security Administration.

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

(1) A list of specific actions associated with implementation of the policies set forth in the 2018 Nuclear Posture Review applicable to the National Nuclear Security Administration.

(2) For each such action—

(A) an identification of the office within the Administration with responsibility for the action; and

(B) key milestones for the action.

(3) A discussion of any challenges to successfully implementing such actions.

(4) A description of the process established for monitoring the implementation of such actions.

(5) A description of policy decisions by the Administrator that are necessary to complete the implementation of such actions.

(6) A description of the estimated costs for such actions, if—

(A) information on such costs is available; and

(B) such costs are estimated to be significantly different from the costs for actions by the Administration associated with the implementation of policies set forth in previous Nuclear Posture Reviews.

SEC. 3136. SURVEY OF WORKFORCE OF NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall

submit to the congressional defense committees a report that includes—

(1) a detailed proposal for a survey of the workforce of the national security laboratories and nuclear weapons production facilities that is modeled on the Federal Employee Viewpoint Survey of the Office of Personnel Management;

(2) the determination of the Administrator with respect to whether to implement the survey;

(3) the views of the Administrator regarding the value, efficiency, and effectiveness of the survey as compared to other means for acquiring information of the type collected using the survey; and

(4) if the Administrator determines not to implement the survey, a description of the reasons for that determination.

(b) IMPLEMENTATION FACTORS.—The report required by subsection (a) shall address factors associated with implementation of the survey described in that subsection, including—

(1) the costs of designing the survey;

(2) the time required for and the costs of administering the survey and analyzing the data from the survey;

(3) the periodicity of administering the survey to ascertain trends; and

(4) any other matters the Administrator considers appropriate.

(c) DEFINITIONS.—In this section, the terms "national security laboratory" and "nuclear weapons production facility" have the meanings given those terms in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3137. ELIMINATION OF CERTAIN REPORTS.

(a) REPORT OF OWNER'S AGENT ON HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT.—Section 4446 of the Atomic Energy Defense Act (50 U.S.C. 2626) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) ANNUAL CERTIFICATION OF SHIPMENTS TO WASTE ISOLATION PILOT PLANT.—Section 3115(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2759) is amended, in the matter preceding paragraph (1), by striking "five-year period" and inserting "three-year period".

Subtitle D—Other Matters

SEC. 3141. [50 U.S.C. 2569 note] ACCELERATION OF REPLACEMENT OF CESIUM BLOOD IRRADIATION SOURCES.

(a) GOAL.—The Administrator for Nuclear Security shall ensure that the goal of the covered programs is eliminating the use of blood irradiation devices in the United States that rely on cesium chloride by December 31, 2027.

(b) IMPLEMENTATION.—To meet the goal specified by subsection (a), the Administrator shall carry out the covered programs in a manner that—

(1) is voluntary for owners of blood irradiation devices;

(2) allows for the United States, subject to the review of the Administrator, to pay up to 50 percent of the per-device cost of replacing blood irradiation devices covered by the programs;

(3) allows for the United States to pay up to 100 percent of the cost of removing and disposing of cesium sources retired from service by the programs; and

(4) replaces such devices with x-ray irradiation devices or other devices approved by the Food and Drug Administration that provide significant threat reduction as compared to cesium chloride irradiators.

(c) DURATION.—The Administrator shall carry out the covered programs until December 31, 2027.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the covered programs, including—

(1) identification of each cesium chloride blood irradiation device in the United States, including the number, general location, and user type;

(2) a plan for achieving the goal established by subsection (a);

(3) a methodology for prioritizing replacement of such devices that takes into account irradiator age and prior material security initiatives;

(4) in consultation with the Nuclear Regulatory Commission and the Food and Drug Administration, a strategy identifying any legislative, regulatory, or other measures necessary to constrain the introduction of new cesium chloride blood irradiation devices;

(5) identification of the annual funds required to meet the goal established by subsection (a); and

(6) a description of the disposal path for cesium chloride sources under the covered programs.

(e) ASSESSMENT.—The Administrator shall submit an assessment to the appropriate congressional committees by September 20, 2023, of the results of the actions on the covered programs under this section, including—

(1) the number of replacement irradiators under the covered programs;

(2) the life-cycle costs of the programs, including personnel training, maintenance, and replacement costs for new irradiation devices;

(3) the cost-effectiveness of the covered programs;

(4) an analysis of the effectiveness of the new irradiation devices' technology; and

(5) a forecast of whether the Administrator will meet the goal established in subsection (a).

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(2) COVERED PROGRAMS.—The term "covered programs" means the following programs of the Office of Radiological Security of the National Nuclear Security Administration:

(A) The Cesium Irradiator Replacement Program.

(B) The Off-Site Source Recovery Program.

SEC. 3142. SENSE OF CONGRESS REGARDING COMPENSATION OF INDIVIDUALS RELATING TO URANIUM MINING AND NUCLEAR TESTING.

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

(1) The Radiation Exposure Compensation Act (42 U.S.C. 2210 note) was enacted in 1990 to provide monetary compensation to individuals who contracted certain cancers and other serious diseases following their exposure to radiation released during atmospheric nuclear weapons testing during the Cold War or following exposure to radiation as a result of employment in the uranium industry during the Cold War.

(2) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) formally acknowledged the dangers to which some employees of sites of the Department of Energy and its vendors during the Cold War were exposed. That Act also acknowledged that, although establishing the link between occupational hazards and specific diseases can be difficult, scientific evidence exists to support the conclusion that some activities related to Cold War nuclear weapons production have resulted in increased risk of illness and death to workers. That Act established a formal process for the submission of claims for medical expenses and lump sum compensation for former employees and contractors and survivors of those former employees and contractors.

(3) As of the date of the enactment of this Act, more than 150,231 claims have been paid out under the Radiation Exposure Compensation Act and the Energy Employees Occupational Illness Compensation Program Act of 2000, for a total of at least $17,400,000,000 in lump sum compensation and medical expenses.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should appropriately compensate and recognize the employees, contractors, and other individuals described in subsection (a).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2019, $31,243,000 for the operation of the Defense Nuclear Facilities

Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $10,000,000 for fiscal year 2019 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME MATTERS

TITLE XXXV—MARITIME MATTERS

Subtitle A—Maritime Administration

Sec. 3501. Authorization of the Maritime Administration.
Sec. 3502. Compliance by Ready Reserve Fleet vessels with SOLAS lifeboats and fire suppression requirements.
Sec. 3503. Maritime Administration National Security Multi-Mission Vessel Program.
Sec. 3504. Permanent authority of Secretary of Transportation to issue vessel war risk insurance.
Sec. 3505. Use of State maritime academy training vessels.
Sec. 3506. Concurrent jurisdiction.
Sec. 3507. United States Merchant Marine Academy policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking.
Sec. 3508. Report on implementation of recommendations for the United States Merchant Marine Academy Sexual Assault Prevention and Response Program.
Sec. 3509. Report on the application of the Uniform Code of Military Justice to the United States Merchant Marine Academy.
Sec. 3510. Electronic records on mariner availability to meet national security needs.
Sec. 3511. Small shipyard grants.
Sec. 3512. Sea year on contracted vessels.
Sec. 3513. GAO report on national maritime strategy.
Sec. 3514. Multi-year contracts.
Sec. 3515. Miscellaneous.
Sec. 3516. Department of Transportation Inspector General report on Title XI program.

Subtitle B—Coast Guard

Sec. 3521. Alignment with Department of Defense and sea services authorities.
Sec. 3522. Preliminary development and demonstration.
Sec. 3523. Contract termination.
Sec. 3524. Reimbursement for travel expenses.
Sec. 3525. Capital investment plan.
Sec. 3526. Major acquisition program risk assessment.
Sec. 3527. Marine safety implementation status.
Sec. 3528. Retirement of Vice Commandant.
Sec. 3529. Large recreational vessel regulations.

Subtitle C—Coast Guard and Shipping Technical Corrections

CHAPTER 1—COAST GUARD

Sec. 3531. Commandant defined.
Sec. 3532. Training course on workings of Congress.
Sec. 3533. Miscellaneous.
Sec. 3534. Department of Defense consultation.
Sec. 3535. Repeal.
Sec. 3536. Mission need statement.
Sec. 3537. Continuation on active duty.
Sec. 3538. System acquisition authorization.
Sec. 3539. Inventory of real property.

CHAPTER 2—MARITIME TRANSPORTATION

Sec. 3541. Definitions.
Sec. 3542. Authority to exempt vessels.
Sec. 3543. Passenger vessels.
Sec. 3544. Tank vessels.
Sec. 3545. Grounds for denial or revocation.
Sec. 3546. Miscellaneous corrections to title 46, U.S.C.
Sec. 3547. Miscellaneous corrections to Oil Pollution Act of 1990.
Sec. 3548. Miscellaneous corrections.

Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2019, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $74,593,000, of which—

(A) $70,593,000 shall be for Academy operations; and

(B) $4,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $32,200,000, of which—

(A) $2,400,000 shall remain available until September 30, 2019, for the Student Incentive Program;

(B) $6,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels; and

(D) $1,800,000 shall remain available until expended for training ship fuel assistance.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $300,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $60,442,000, of which $5,000,000 shall remain available until expended for port infrastructure development under section 50302 of title 46, United States Code.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $5,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $300,000,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide assistance to small shipyards and for maritime training programs under section 54101 of title 46, United States Code, $35,000,000.

(b) CAPITAL ASSET MANAGEMENT PROGRAM REPORT.—Not later than 180 days after the date of the enactment of this Act, the Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of unexpended appropriations for capital asset management at the United States Merchant Marine Academy, and the plan for expending such appropriations.

SEC. 3502. [10 U.S.C. 2218 note] COMPLIANCE BY READY RESERVE FLEET VESSELS WITH SOLAS LIFEBOATS AND FIRE SUPPRESSION REQUIREMENTS.

The Secretary of Defense shall, consistent with section 2244a of title 10, United States Code, use authority under section 2218 of such title to make such modifications to Ready Reserve Fleet vessels as are necessary for such vessels to comply requirements for lifeboats and fire suppression under the International Convention for the Safety of Life at Sea by not later than October 1, 2021.

SEC. 3503. MARITIME ADMINISTRATION NATIONAL SECURITY MULTI-MISSION VESSEL PROGRAM.

Section 3505 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2776) is amended by adding at the end the following:

"(h) LIMITATION ON USE OF FUNDS FOR USED VESSELS.—Amounts authorized by this or any other Act for use by the Maritime Administration to carry out this section may not be used for the procurement of any used vessel.".

SEC. 3504. PERMANENT AUTHORITY OF SECRETARY OF TRANSPORTATION TO ISSUE VESSEL WAR RISK INSURANCE.

(a) IN GENERAL.—Section 53912 of title 46, United States Code, is repealed.

(b) [46 U.S.C. 53901] CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 539 of title 46, United States Code,is amended by striking the item relating to section 53912.

SEC. 3505. USE OF STATE MARITIME ACADEMY TRAINING VESSELS.

Section 51504(g) of title 46, United States Code, is amended to read as follows:

"(g) VESSEL SHARING.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2019, the Secretary, acting through the Maritime Administrator, shall upon consultation with the maritime academies, and to the extent feasible with the consent of the maritime academies, implement a program of training vessel sharing, requiring maritime academies to share training vessel provided by the Secretary among maritime academies, as necessary to ensure that training needs of each academy are met.

"(2) PROGRAM OF VESSEL SHARING.—For purposes of this subsection, a program of vessel sharing shall include—

"(A) ways to maximize the available underway training available in the fleet of training vessels;

"(B) coordinating the dates and duration of training cruises with the academic calendars of maritime academies;

"(C) coordinating academic programs designed to be implemented aboard training vessels among maritime academies; and

"(D) identifying ways to minimize costs.

"(3) ADDITIONAL FUNDING.—Subject to the availability of appropriations, the Maritime Administrator may provide additional funding to State maritime academies during periods of limited training vessel capacity, for costs associated with training vessel sharing.

"(4) EVALUATION.—Not later than 30 days after the beginning of each fiscal year, the Secretary, acting through the Maritime Administrator, shall evaluate the vessel sharing program under this subsection to determine the optimal utilization of State maritime training vessels, and modify the program as necessary to improve utilization.".

SEC. 3506. [46 U.S.C. 51301 note] CONCURRENT JURISDICTION.

Notwithstanding any other law, the Secretary of Transportation may relinquish, at the Secretary's discretion, to the State of New York, such measure of legislative jurisdiction over the lands constituting the United States Merchant Marine Academy in King's Point, New York, as is necessary to establish concurrent jurisdiction between the Federal Government and the State of New York. Such partial relinquishment of legislative jurisdiction shall be accomplished—

(1) by filing with the Governor of New York a notice of relinquishment to take effect upon acceptance thereof; or

(2) as the laws of that State may provide.

SEC. 3507. UNITED STATES MERCHANT MARINE ACADEMY POLICY ON SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) POLICY ON SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.—Section 51318 of title 46, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by inserting "and prevention" after "awareness";

(B) by redesignating subparagraph (B) as subparagraph (C), and subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) procedures for documenting, tracking, and maintaining the data required to conduct the annual assessments to determine the effectiveness of the policies, procedures, and training program of the Academy with respect to sexual harassment, dating violence, domestic violence, sexual assault, and stalking involving cadets or other Academy personnel, as required by subsection (c);"; and

(D) by inserting after subparagraph (C), as redesignated by subparagraph (B), the following:

"(D) procedures for investigating sexual harassment, dating violence, domestic violence, sexual assault, or stalking involving a cadet or other Academy personnel to determine whether disciplinary action is necessary;";

(2) in subsection (b)(2)(A), by inserting "and other Academy personnel" after "cadets at the Academy"; and

(3) in subsection (d)—

(A) in paragraph (2)(A) by inserting ", including sexual harassment," after "sexual assaults, rapes, and other sexual offenses"; and

(B) in paragraph (4)(B), by striking "The Secretary" and inserting "Not later than January 15 of each year, the Secretary".

(b) [46 U.S.C. 51318 note] IMPLEMENTATION.—The Superintendent of the United States Merchant Marine Academy may implement the amendment to subsection (b)(2)(A) of section 51318 of title 46, United States Code, made by subsection (a)(2), by updating an existing plan issued pursuant to the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

SEC. 3508. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS FOR THE UNITED STATES MERCHANT MARINE ACADEMY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Not later than April 1, 2019, the Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the progress of the Maritime Administration in implementing and closing each of the recommendations made in the Office of Inspector General's Report issued March 28, 2018 (ST-2018-039) identifying gaps in the United States Merchant Marine Academy's Sexual Assault Prevention and Response Program.

SEC. 3509. REPORT ON THE APPLICATION OF THE UNIFORM CODE OF MILITARY JUSTICE TO THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives on the impediments to the application of the Uniform Code of Military Justice at the United States Merchant Marine Academy.

(b) CONSULTATION.—The Maritime Administrator may, in preparing the report under subsection (a), consult with the Department of Defense, other Federal agencies, and non-Federal entities, as appropriate.

SEC. 3510. [46 U.S.C. 7502 note] ELECTRONIC RECORDS ON MARINER AVAILABILITY TO MEET NATIONAL SECURITY NEEDS.

The Secretary of the department in which the Coast Guard is operating shall ensure that electronic records maintained under section 7502 of title 46, United States Code, are able to be used by the Secretary of Transportation—

(1) to determine the potential availability of mariners credentialed under part E of subtitle II of title 46, United States Code, to meet national security sealift needs; and

(2) to receive information on the qualification of such mariners.

SEC. 3511. SMALL SHIPYARD GRANTS.

Section 54101(b) of title 46, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following:

"(2) TIMING OF GRANT NOTICE.—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded under this section not more than 15 days after the date of enactment of the appropriations Act for the fiscal year concerned."; and

(3) in paragraph (4), as redesignated by paragraph (1), by striking "paragraph (2)" and inserting "paragraph (3)".

SEC. 3512. SEA YEAR ON CONTRACTED VESSELS.

Section 51307 of title 46, United States Code, is amended—

(1) by striking "The Secretary" and inserting the following: "(a) IN GENERAL.—The Secretary";

(2) in paragraph (1) of subsection (a), by striking "owned or subsidized by" and inserting "owned, subsidized by, or contracted with"; and

(3) by adding at the end the following:

"(b) MARITIME SECURITY PROGRAM VESSELS.—The Secretary shall require an operator of a vessel participating in the Maritime Security Program under chapter 531 of this title to carry on each Maritime Security Program vessel 2 United States Merchant Marine Academy cadets, if available, on each voyage.

"(c) MILITARY SEALIFT COMMAND VESSELS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Commander of the Military Sealift Command shall require an operator of a vessel in the United States Navy's Military Sealift Command to carry on each such vessel 2 United States Merchant Marine Academy cadets, if available, on each voyage, if the vessel—

"(A) is flagged in the United States; and

"(B) is rated at 10,000 gross tons or higher.

"(2) WAIVER.—The Commander of the Military Sealift Command may waive the requirement under paragraph (1) at any time if the Commander determines that carrying a cadet from the United States Merchant Marine Academy would place an undue burden on the vessel or the operator of the vessel.

"(d) DEFINITION OF OPERATOR.—In this section, the term 'operator' includes a government operator and a non-government operator.

"(e) SAVINGS CLAUSE.—Nothing in this section may be construed as affecting—

"(1) the discretion of the Secretary to determine whether to place a United States Merchant Marine Academy cadet on a vessel;

"(2) the authority of the Coast Guard regarding a vessel security plan approved under section 70103; or

"(3) the discretion of the master of the vessel to ensure the safety of all crew members.".

SEC. 3513. GAO REPORT ON NATIONAL MARITIME STRATEGY.

(a) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study and submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, a report on—

(1) the key challenges, if any, to ensuring that the United States marine transportation system and merchant marine are sufficient to support United States economic and defense needs, as articulated by the Maritime Administration, the Committee on the Marine Transportation System, and other stakeholders;

(2) the extent to which a national maritime strategy incorporates desirable characteristics of successful national strategies as identified by the Comptroller General, and any key obstacles (as identified by stakeholders) to successfully implementing such strategies; and

(3) the extent to which Federal efforts to establish a national maritime strategy are duplicative or fragmented, and if so, the impact on United States maritime policy for the future.

(b) DEADLINE.—Subsection (a) of section 603 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113-281; 128 Stat. 3061) is amended by striking "Not later than 60 days after the date of the enactment of this Act" and inserting "Not later than 18 months after the date of the enactment

of the John S. McCain National Defense Authorization Act for Fiscal Year 2019".

SEC. 3514. MULTI-YEAR CONTRACTS.

Section 3505 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2776), as amended by section 3503 of this Act, is further amended by adding at the end the following:

"(i) CONTRACTING AUTHORITY NOT AFFECTED.—Nothing in this section may be construed to prohibit the entity responsible for contracting from entering into a multiple-year or block contract for the procurement of up to 6 new vessels and associated Government-furnished equipment, subject to the availability of appropriations.".

SEC. 3515. MISCELLANEOUS.

(a) NONCOMMERCIAL VESSELS.—Section 3514(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 46 U.S.C. 51318 note) is amended—

(1) by striking "Not later than" and inserting the following: "(1) IN GENERAL.—Not later than"; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly; and

(3) by adding at the end the following:

"(2) NONCOMMERCIAL VESSELS.—For the purposes of this section, vessels operated by any of the following entities shall not be considered commercial vessels:

"(A) Any entity or agency of the United States.

"(B) The government of a State or territory.

"(C) Any political subdivision of a State or territory.

"(D) Any other municipal organization.".

(b) PASSENGER RECORDS.—Section 51322(c) of title 46, United States Code, is amended to read as follows:

"(c) MAINTENANCE OF SEXUAL ASSAULT TRAINING RECORDS.—The Maritime Administrator shall require the owner or operator of a commercial vessel, or the seafarer union for a commercial vessel, to maintain records of sexual assault training for any person required to have such training.".

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3134 of title 40, United States Code, is amended by adding at the end the following:

"(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Secretary of Commerce may waive this subchapter with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).".

(d) ANNUAL PAYMENTS FOR MAINTENANCE AND SUPPORT.—Section 51505(b)(2) of title 46 is amended to read as follows:

"(2) MAXIMUM.—The amount under paragraph (1) may not be more than $25,000, unless the academy satisfies section 51506(b) of this title.".

SEC. 3516. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL REPORT ON TITLE XI PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Department of Transportation Office of Inspector General shall—

(1) initiate an audit of the financial controls and protections included in the policies and procedures of the Department of Transportation for approving loan applications for the loan guarantee program authorized under chapter 537 of title 46, United States Code; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of that audit once the audit is completed.

Subtitle B—Coast Guard

SEC. 3521. ALIGNMENT WITH DEPARTMENT OF DEFENSE AND SEA SERVICES AUTHORITIES.

(a) PROHIBITING SEXUAL HARASSMENT; REPORT.—

(1) NOTIFICATION.—

(A) IN GENERAL.—The Commandant of the Coast Guard shall notify the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on August 26, 2018, if there is not in effect a general order or regulation prohibiting sexual harassment by members of the Coast Guard and clearly stating that a violation of such order or regulation is punishable in accordance with the Uniform Code of Military Justice.

(B) CONTENTS.—The notification required under subparagraph (A) shall include—

(i) details regarding the status of the drafting of such general order or regulation;

(ii) a projected implementation timeline for such general order or regulation; and

(iii) an explanation regarding any barriers to implementation.

(2) REPORT.—Section 217 of the Coast Guard Authorization Act of 2010 (Public Law 111-281; 14 U.S.C. 93 note) is amended—

(A) in subsection (a), by inserting "and incidents of sexual harassment" after "sexual assaults"; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting "and incidents of sexual harassment" after "sexual assaults" each place it appears;

(ii) in paragraph (3), by inserting "and sexual harassment" after "sexual assault"; and

(iii) in paragraph (4), by inserting "and sexual harassment" after "sexual assault".

(b) ANNUAL PERFORMANCE REPORT.—

(1) IN GENERAL.—Chapter 29 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 2905. [14 U.S.C. 2905] ANNUAL PERFORMANCE REPOR

Not later than the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant of the Coast Guard shall make available on a public website and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an update on Coast Guard mission performance during the previous fiscal year.".

(2) [14 U.S.C. 2901] CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

"2905. Annual performance report.".

SEC. 3522. PRELIMINARY DEVELOPMENT AND DEMONSTRATION.

Section 573 of title 14, United States Code, is amended—

(1) in subsection (b)(3), by—

(A) striking "require that safety concerns identified" and inserting "ensure that independent third parties and Government employees that identify safety concerns"; and

(B) striking "Coast Guard shall be communicated as" and inserting "Coast Guard communicate such concerns as";

(2) in subsection (b)(4), by striking "Any safety concerns that have been reported to the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant" and inserting "The Commandant shall ensure that any safety concerns that have been communicated under paragraph (3) for an acquisition program or project are reported";

(3) in subsection (b)(5)—

(A) by striking the matter preceding subparagraph (A) and inserting the following:

"(5) ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.—The Commandant shall ensure that if an independent third party or a Government employee identifies a safety concern with a capability or asset or any subsystems of a capability or asset not previously identified during operational test and evaluation of a capability or asset already in low, initial, or full-rate production—";

(B) in subparagraph (A), by inserting "the Commandant, through the Assistant Commandant for Capability, shall" before "notify"; and

(C) in subparagraph (B), by striking "notify the Chief Acquisition Officer and include in such notification" and inserting "the Deputy Commandant for Mission Support shall notify the Commandant and the Deputy Commandant for Operations of the safety concern within 50 days after the notification required under subparagraph (A), and include in such notification"; and

(4) in subsection (c)—

(A) in paragraph (2)(A), by striking "and that are delivered after the date of enactment of the Coast Guard Authorization Act of 2010"; and

(B) in paragraph (5), by striking "and delivered after the date of enactment of the Coast Guard Authorization Act of 2010".

SEC. 3523. CONTRACT TERMINATION.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 656 the following:

"SEC. 657. [14 U.S.C. 657] CONTRACT TERMINATIO

"(a) IN GENERAL.—

"(1) NOTIFICATION.—Before terminating a procurement or acquisition contract with a total value of more than $1,000,000, the Commandant of the Coast Guard shall notify each vendor under such contract and require the vendor to maintain all work product related to the contract until the earlier of—

"(A) not less than 1 year after the date of the notification; or

"(B) the date the Commandant notifies the vendor that maintenance of such work product is no longer required.

"(b) WORK PRODUCT DEFINED.—In this section the term 'work product'—

"(1) means tangible and intangible items and information produced or possessed as a result of a contract referred to in subsection (a); and

"(2) includes—

"(A) any completed end items;

"(B) any uncompleted end items; and

"(C) any property in the contractor's possession in which the United States Government has an interest.

"(c) PENALTY.—A vendor that fails to maintain work product as required under subsection (a) is liable to the United States for a civil penalty of not more than $25,000 for each day on which such work product is unavailable.

"(d) REPORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not later than 45 days after the end of each fiscal year the Commandant of the Coast Guard shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

"(A) all Coast Guard contracts with a total value of more than $1,000,000 that were terminated in the fiscal year;

"(B) all vendors who were notified under subsection (a)(1) in the fiscal year, and the date of such notification;

"(C) all criminal, administrative, and other investigations regarding any contract with a total value of more than $1,000,000 that were initiated by the Coast Guard in the fiscal year;

"(D) all criminal, administrative, and other investigations regarding contracts with a total value of more than $1,000,000 that were completed by the Coast Guard in the fiscal year; and

"(E) an estimate of costs incurred by the Coast Guard, including contract line items and termination costs, as a result of the requirements of this section.

"(2) LIMITATION.—The Commandant is not required to provide a report under paragraph (1) for any fiscal year for which there is no responsive information as described in subparagraphs (A) through (E) of paragraph (1).".

(b) [14 U.S.C. 631] CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 656 the following:

"657. Contract termination.".

SEC. 3524. REIMBURSEMENT FOR TRAVEL EXPENSES.

The text of section 518 of title 14, United States Codeis amended to read as follows:"In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age, if—

"(1) the covered beneficiary is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides; or

"(2) the Coast Guard medical regional manager for the area in which such island is located determines that the covered beneficiary requires services of a primary care, specialty care, or dental provider and such a provider who is part of the network of providers of a TRICARE program (as that term is defined in section 1072(7) of title 10) does not practice on such island.".

SEC. 3525. CAPITAL INVESTMENT PLAN.

Section 2902(a) of title 14, United States Code, is amended—

(1) by striking "On the date" and inserting "Not later than 60 days after the date";

(2) in paragraph (1)(D), by striking "and"; and

(3) by inserting after paragraph (1)(E) the following:

"(F) projected commissioning and decommissioning dates for each asset; and".

SEC. 3526. MAJOR ACQUISITION PROGRAM RISK ASSESSMENT.

(a) IN GENERAL.—Chapter 29 of title 14, United States Code, as amended by section 3521(b)(1) of this Act, is further amended by adding at the end the following:

"SEC. 2906. [14 U.S.C. 2906] MAJOR ACQUISITION PROGRAM RISK ASSESSMEN

"(a) IN GENERAL.—Not later than April 15 and October 15 of each year, the Commandant of the Coast Guard shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and

Transportation of the Senate a briefing regarding a current assessment of the risks associated with all current major acquisition programs, as that term is defined in section 2903(f).

"(b) ELEMENTS.—Each assessment under this subsection shall include, for each current major acquisition program, discussion of the following:

"(1) The top five current risks to such program.

"(2) Any failure of such program to demonstrate a key performance parameter or threshold during operational test and evaluation conducted during the 2 fiscal-year quarters preceding such assessment.

"(3) Whether there has been any decision in such 2 fiscal-year quarters to order full-rate production before all key performance parameters or thresholds are met.

"(4) Whether there has been any breach of major acquisition program cost (as defined by the Major Systems Acquisition Manual) in such 2 fiscal-year quarters.

"(5) Whether there has been any breach of major acquisition program schedule (as so defined) during such 2 fiscal-year quarters.".

(b) [14 U.S.C. 2901] CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following:

"2906. Major acquisition program risk assessment.".

(c) CONFORMING AMENDMENTS.—Section 2903 of title 14, United States Code, is amended—

(1) by striking subsection (f); and

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

SEC. 3527. MARINE SAFETY IMPLEMENTATION STATUS.

On the date on which the President submits to Congress a budget for fiscal year 2020 under section 1105 of title 31, and on such date for each of the 2 subsequent years, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of implementation of each action outlined in the Commandant's final action memo dated December 19, 2017.

SEC. 3528. RETIREMENT OF VICE COMMANDANT.

(a) IN GENERAL.—Section 46 of title 14, United States Code, is amended—

(1) in the section heading, by inserting "or Vice Commandant" after "Commandant";

(2) by redesignating subsection (a) as subsection (a)(1);

(3) by adding at the end of subsection (a) the following:

"(2) A Vice Commandant who is not reappointed or appointed Commandant shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 51(d).";

(4) in subsections (b) and (c), by inserting "or Vice Commandant" after "Commandant" each place it appears; and

(5) in subsection (c), by striking "his" and inserting "the officer's".

(b) CONFORMING AMENDMENT.—Section 51 of title 14, United States Code, is amended by striking "other than the Commandant,"

each place it appears and inserting "other than the Commandant or Vice Commandant,".

(c) [14 U.S.C. 41] CLERICAL AMENDMENT.—The analysis at the beginning of chapter 3 of title 14, United States Code, is amended by striking the item relating to section 46 and inserting the following:

"46. Retirement of Commandant or Vice Commandant.".

SEC. 3529. LARGE RECREATIONAL VESSEL REGULATIONS.

(a) [46 U.S.C. 4302 note] IN GENERAL.—

(1) ISSUANCE.—The Secretary of the department in which the Coast Guard is operating shall issue large recreational vessel regulations applicable to any recreational vessel (as defined in section 2101 of title 46, United States Code) over 300 gross tons as measured under section 14502 of such title, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title, that does not carry any cargo or passengers for hire.

(2) SCOPE AND CONTENT OF REGULATIONS.—The regulations issued under this subsection—

(A) subject to subparagraph (B), shall be comparable to the code set forth in Merchant Shipping Notice 1851(M) (commonly referred to as the "Large Commercial Yacht Code (LY3)"), as published by the Maritime and Coastguard Agency of the United Kingdom on August 20, 2013, or an equivalent code, regulation, or standard that is acceptable to the Secretary; and

(B) shall require that, as part of the review of an application for documentation of a vessel that is subject to the regulations, the owner shall disclose to the Coast Guard—

(i) the identification and place of residence of such owner; and

(ii) if the owner is an entity described in paragraph (2), (3), or (4) of section 12103(b) of title 46, United States Code, the beneficial owners of such entity.

(3) DEADLINE.—The Secretary shall issue regulations required by paragraph (1) by not later than one year after the date of the enactment of this Act.

(4) INTERIM COMPLIANCE.—Until the effective date of regulations issued under paragraph (1), a recreational vessel described in paragraph (1) shall not be subject to inspection under section 3301(7) of title 46, United States Code, if the Secretary determines, as part of the review of the application for documentation submitted for the vessel by the owner of the vessel and other materials as considered necessary by the Secretary, that the vessel complies with the code set forth in Merchant Shipping Notice 1851(M) (commonly referred to as the "Large Commercial Yacht Code (LY3)"), as published by the Maritime and Coastguard Agency of the United Kingdom on August 20, 2013, or an equivalent code, regulation, or standard that is acceptable to the Secretary.

(5) DEFINITIONS.—

(A) BENEFICIAL OWNER.—In this subsection the term "beneficial owner"—

(i) means, with respect to an entity, each natural person who, directly or indirectly—

(I) exercises control over the entity through ownership interests, voting rights, agreements, or otherwise; or

(II) has an interest in or receives substantial economic benefits from the assets of the entity; and

(ii) does not include, with respect to an entity—

(I) a minor child;

(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(III) a person acting solely as an employee of the entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

(IV) a person whose only interest in the entity is through a right of inheritance, unless the person otherwise meets the definition of "beneficial owner" under this subparagraph; and

(V) a creditor of the entity, unless the creditor otherwise meets the requirements of "beneficial owner" under this subparagraph.

(B) OWNER.—In this subsection, other than in subparagraph (A) of this paragraph, the term "owner" means the person who is the eligible owner of the vessel for purposes of section 12103(b) of title 46, United States Code.

(b) CONFORMING AMENDMENT.—Section 3302 of title 46, United States Code, is amended by adding at the end the following:

"(n)(1) A seagoing motor vessel is not subject to inspection under section 3301(7) of this title if the vessel—

"(A) is a recreational vessel (as defined in section 2101 of this title) over 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;

"(B) does not carry any cargo or passengers for hire; and

"(C) is found by the Secretary to comply with large recreational vessel regulations issued by the Secretary.

"(2) This subsection shall apply only on and after the effective date of regulations referred to in paragraph (1)(C).".

Subtitle C—Coast Guard and Shipping Technical Corrections

CHAPTER 1—COAST GUARD

SEC. 3531. COMMANDANT DEFINED.

(a) IN GENERAL.—Chapter 1 of title 14, United States Code, is amended by adding at the end the following:

"SEC. 5. [14 U.S.C. 5] COMMANDANT DEFINE

In this title, the term 'Commandant' means the Commandant of the Coast Guard.".

(b) [14 U.S.C. 1] CLERICAL AMENDMENT.—The analysis for chapter 1 of title 14, United States Code, is amended by adding at the end the following:

"5. Commandant defined.".

(c) CONFORMING AMENDMENTS.—Title 14, United States Code, is amended—

(1) in section 58(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(2) in section 101 by striking "Commandant of the Coast Guard" and inserting "Commandant";

(3) in section 693 by striking "Commandant of the Coast Guard" and inserting "Commandant";

(4) in section 672a(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(5) in section 678(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(6) in section 561(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(7) in section 577(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(8) in section 581—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (12) as paragraphs (4) through (11), respectively;

(9) in section 200(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(10) in section 196(b)(1) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(11) in section 199 by striking "Commandant of the Coast Guard" and inserting "Commandant";

(12) in section 429(a)(1) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(13) in section 423(a)(2) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(14) in section 2702(5) by striking "Commandant of the Coast Guard" and inserting "Commandant"; and

(15) in section 2902(a) by striking "Commandant of the Coast Guard" and inserting "Commandant".

SEC. 3532. TRAINING COURSE ON WORKINGS OF CONGRESS.

Section 60(d) of title 14, United States Code, is amended to read as follows:

"(d) COMPLETION OF REQUIRED TRAINING.—A Coast Guard flag officer who is newly appointed or assigned to a billet in the National Capital Region, and a Coast Guard Senior Executive Service employee who is newly employed in the National Capital Region, shall complete a training course that meets the requirements of this section not later than 60 days after reporting for duty.".

SEC. 3533. MISCELLANEOUS.

(a) SECRETARY; GENERAL POWERS.—Section 92 of title 14, United States Code, is amended by redesignating subsections (f) through (i) as subsections (e) through (h), respectively.

(b) COMMANDANT; GENERAL POWERS.—Section 93(a)(21) of title 14, United States Code, is amended by striking "section 30305(a)" and inserting "section 30305(b)(7)".

(c) ENLISTED MEMBERS.—

(1) DEPARTMENT OF THE ARMY AND DEPARTMENT OF THE AIR FORCE.—Section 144(b) of title 14, United States Code, is amended by striking "enlisted men" each place it appears and inserting "enlisted members".

(2) NAVY DEPARTMENT.—Section 145(b) of title 14, United States Code, is amended by striking "enlisted men" each place it appears and inserting "enlisted members".

(3) PURCHASE OF COMMISSARY AND QUARTERMASTER SUPPLIES.—Section 4 of the Act of May 22, 1926 (44 Stat. 626, chapter 371; 33 U.S.C. 754a), is amended by striking "enlisted men" and inserting "enlisted members".

(d) ARCTIC MARITIME TRANSPORTATION.—Section 90(f) of title 14, United States Code, is amended by striking the question mark.

(e) LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.—Section 672a(a) of title 14, United States Code, as amended by this Act, is further amended by striking "Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b)" and inserting "Section 1302 of title 40".

(f) REQUIRED CONTRACT TERMS.—Section 565 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "awarded or issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act of 2010"; and

(2) in subsection (b)(1) by striking "after the date of enactment of the Coast Guard Authorization Act of 2010".

(g) ACQUISITION PROGRAM BASELINE BREACH.—Section 575(c) of title 14, United States Code, is amended by striking "certification, with a supporting explanation, that" and inserting "determination, with a supporting explanation, of whether".

(h) ENLISTMENTS; TERM, GRADE.—Section 351(a) of title 14, United States Code, is amended by inserting "the duration of their" before "minority".

(i) MEMBERS OF THE AUXILIARY; STATUS.—Section 823a(b)(9) of title 14, United States Code, is amended by striking "On or after January 1, 2001, section" and inserting "Section".

(j) USE OF MEMBER'S FACILITIES.—Section 826(b) of title 14, United States Code, is amended by striking "section 154 of title 23, United States Code" and inserting "section 30102 of title 49".

(k) AVAILABILITY OF APPROPRIATIONS.—Section 830(b) of title 14, United States Code, is amended by striking "1954" and inserting "1986".

SEC. 3534. DEPARTMENT OF DEFENSE CONSULTATION.

Section 566 of title 14, United States Code, is amended—

(1) in subsection (b) by striking "enter into" and inserting "maintain"; and

(2) by striking subsection (d).

SEC. 3535. [14 U.S.C. 561] REPEAL.

Section 568 of title 14, United States Code, and the item relating to that section in the analysis for chapter 15 of that title, arerepealed.

SEC. 3536. MISSION NEED STATEMENT.

Section 569 of title 14, United States Code, is—

(1) amended in subsection (a)—

(A) by striking "for fiscal year 2016" and inserting "for fiscal year 2019"; and

(B) by striking ", on the date on which the President submits to Congress a budget for fiscal year 2019 under such section,".

SEC. 3537. CONTINUATION ON ACTIVE DUTY.

Section 290(a) of title 14, United States Code, is amended by striking "Officers, other than the Commandant, serving" and inserting "Officers serving".

SEC. 3538. SYSTEM ACQUISITION AUTHORIZATION.

(a) REQUIREMENT FOR PRIOR AUTHORIZATION OF APPROPRIATIONS.—Section 2701(2) of title 14, United States Code, is amended by striking "and aircraft" and inserting "aircraft, and systems".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2702(2) of title 14, United States Code, is amended by striking "and aircraft" and inserting "aircraft, and systems".

SEC. 3539. INVENTORY OF REAL PROPERTY.

Section 679 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "Not later than September 30, 2015, the Commandant shall establish" and inserting "The Commandant shall maintain"; and

(2) by striking subsection (b) and inserting the following:

"(b) UPDATES.—The Commandant shall update information on each unit of real property included in the inventory required under subsection (a) not later than 30 days after any change relating to the control of such property.".

CHAPTER 2—MARITIME TRANSPORTATION

SEC. 3541. [10 U.S.C. 3541] DEFINITIONS.

(a) IN GENERAL.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by inserting after paragraph (4) the following:" '( ) 'Commandant' means the Commandant of the Coast Guard.'";

(B) by striking the semicolon at the end of paragraph (14) and inserting a period; and

(C) by redesignating the paragraphs of such section in order as paragraphs (1) through (54), respectively.

(2) Section 3701 of title 46, United States Code, is amended by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 114(o)(3) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383a(o)(3)) is amended—

(A) by striking "section 2101(11a)" and inserting "section 2101(12)"; and

(B) by striking "section 2101(11b)" and inserting "section 2101(13)".

(2) Section 3(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(3)), is amended by striking "section 2101(21a)" and inserting "section 2101(30)".

(3) Section 1992(d)(7) of title 18, United States Code, is amended by striking "section 2101(22)" and inserting "section 2101(31)".

(4) Section 12(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980b(c)) is amended by striking "section 2101(11a)" and inserting "section 2101(12)".

(5) Section 311(a)(26)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(26)(D)) is amended by striking "section 2101(17a)" and inserting "section 2101(23)".

(6) Section 2113(3) of title 46, United States Code, is amended by striking "section 2101(42)(A)" and inserting "section 2101(51)(A)".

(7) Section 2116(d)(1) of title 46, United States Code, is amended by striking "Coast Guard Commandant" and inserting "Commandant".

(8) Section 3202(a)(1)(A) of title 46, United States Code, is amended by striking "section 2101(21)(A)" and inserting "section 2101(29)(A)".

(9) Section 3507 of title 46, United States Code, is amended—

(A) in subsection (k)(1), by striking "section 2101(22)" and inserting "section 2101(31)"; and

(B) by striking subsection (l) and inserting the following:

"(l) DEFINITION.—In this section and section 3508, the term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.".

(10) Section 4105 of title 46, United States Code, is amended—

(A) in subsection (b)(1), by striking "section 2101(42)" and inserting "section 2101(51)"; and

(B) in subsection (c), by striking "section 2101(42)(A)" and inserting "section 2101(51)(A)".

(11) Section 6101(i)(4) of title 46, United States Code, is amended by striking "of the Coast Guard".

(12) Section 7510(c)(1) of title 46, United States Code, is amended by striking "Commandant of the Coast Guard" and inserting "Commandant".

(13) Section 7706(a) of title 46, United States Code, is amended by striking "of the Coast Guard".

(14) Section 8108(a)(1) of title 46, United States Code, is amended by striking "of the Coast Guard".

(15) Section 12119(a)(3) of title 46, United States Code, is amended by striking "section 2101(20)" and inserting "section 2101(26)".

(16) Section 80302(d) of title 46, United States Code, is amended by striking "of the Coast Guard" the first place it appears.

(17) Section 1101 of title 49, United States Code, is amended by striking "Section 2101(17a)" and inserting "Section 2101(23)".

SEC. 3542. AUTHORITY TO EXEMPT VESSELS.

(a) IN GENERAL.—Section 2113 of title 46, United States Code, is amended—

(1) by adding "and" after the semicolon at the end of paragraph (3); and

(2) by striking paragraphs (4) and (5) and inserting the following:

"(4) maintain different structural fire protection, manning, operating, and equipment requirements for vessels that satisfied requirements set forth in the Passenger Vessel Safety Act of 1993 (Public Law 103-206) before June 21, 1994.".

(b) CONFORMING AMENDMENTS.—Section 3306(i) of title 46, United States Code, is amended by striking "section 2113(5)" and inserting "section 2113(4)".

SEC. 3543. PASSENGER VESSELS.

(a) PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS.—Section 3507 of title 46, United States Code, is amended—

(1) by striking subsection (a)(3);

(2) in subsection (e)(2), by striking "services confidential" and inserting "services as confidential"; and

(3) in subsection (i), by striking "Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary shall issue" and insert "The Secretary shall maintain".

(b) CRIME SCENE PRESERVATION TRAINING FOR PASSENGER VESSEL CREWMEMBERS.—Section 3508 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the" and inserting "The", and by striking "develop" and inserting "maintain";

(2) in subsection (c), by striking "Beginning 2 years after the standards are established under subsection (b), no" and inserting "No";

(3) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(4) in subsection (e), as redesignated by paragraph (3), by striking "subsection (e)" each place it appears and inserting "subsection (d)".

SEC. 3544. TANK VESSELS.

(a) TANK VESSEL CONSTRUCTION STANDARDS.—Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b), by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (c)(2)—

(A) by striking "that is delivered" and inserting "that was delivered";

(B) by striking "that qualifies" and inserting "that qualified"; and

(C) by striking "after January 1, 2015,";

(3) in subsection (c)(3)—

(A) by striking "that is delivered" and inserting "that was delivered"; and

(B) by striking "that qualifies" and inserting "that qualified";

(4) by striking subsection (c)(3)(A) and inserting the following:

"(A) in the case of a vessel of at least 5,000 gross tons but less than 15,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 25 years old or older and has a single hull, or is 30 years old or older and has a double bottom or double sides;";

(5) by striking subsection (c)(3)(B) and inserting the following:

"(B) in the case of a vessel of at least 15,000 gross tons but less than 30,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 25 years old or older and has a single hull, or is 30 years old or older and has a double bottom or double sides; and";

(6) by striking subsection (c)(3)(C) and inserting the following:

"(C) in the case of a vessel of at least 30,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 23 years old or older and has a single hull, or is 28 years old or older and has a double bottom or double sides."; and

(7) in subsection (e)—

(A) in paragraph (1), by striking "and except as otherwise provided in paragraphs (2) and (3) of this subsection"; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) CRUDE OIL TANKER MINIMUM STANDARDS.—Section 3705 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) by striking "(1)"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(2) in subsection (c), by striking "before January 2, 1986, or the date on which the tanker reaches 15 years of age, whichever is later".

(c) PRODUCT CARRIER MINIMUM STANDARDS.—Section 3706(d) of title 46, United States Code, is amended by striking "before January 2, 1986, or the date on which it reaches 15 years of age, whichever is later".

(d) DEFINITION.—Section 1001(32)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(A)) is amended by striking "(other 132 STAT. 2326 than a vessel described in section 3703a(b)(3) of title 46, United States Code)".

SEC. 3545. GROUNDS FOR DENIAL OR REVOCATION.

(a) DANGEROUS DRUGS AS GROUNDS FOR DENIAL.—Section 7503 of title 46, United States Code, is amended to read as follows:

"SEC. 7503. DANGEROUS DRUGS AS GROUNDS FOR DENIA

A license, certificate of registry, or merchant mariner's document authorized to be issued under this part may be denied to an individual who—

"(1) within 10 years before applying for the license, certificate, or document, has been convicted of violating a dangerous drug law of the United States or of a State; or

"(2) when applying, has ever been a user of, or addicted to, a dangerous drug unless the individual provides satisfactory proof that the individual is cured.".

(b) DANGEROUS DRUGS AS GROUNDS FOR REVOCATION.—Section 7704 of title 46, United States Code, is amended by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 3546. MISCELLANEOUS CORRECTIONS TO TITLE 46, U.S.C.

(a) Section 2110 of title 46, United States Code, is amended by striking subsection (k).

(b) Section 2116(c) of title 46, United States Code, is amended by striking "Beginning with fiscal year 2011 and each fiscal year thereafter, the" and inserting "The".

(c) Section 3302(g)(2) of title 46, United States Code, is amended by striking "After December 31, 1988, this" and inserting "This".

(d) Section 6101(j) of title 46, United States Code, is amended by striking ", as soon as possible, and no later than January 1, 2005,".

(e) Section 7505 of title 46, United States Code, is amended by striking "section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)" and inserting "section 30305(b)(7) of title 49".

(f) Section 7702(c)(1) of title 46, United States Code, is amended by striking "section 206(b)(4) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)" and inserting "section 30305(b)(7) of title 49".

(g) Section 8106(f) of title 46, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this subsection shall be $100,000.".

(h) Section 8703 of title 46, United States Code, is amended by redesignating subsection (c) as subsection (b).

(i) Section 11113 of title 46, United States Code, is amended—

(1) in subsection (a)(4)(A) by striking "paragraph (2)" and inserting "paragraph (3)"; and

(2) in subsection (c)(2)(B)—

(A) by striking "section 2(9)(a)" and inserting "section 2(a)(9)(A)"; and

(B) by striking "33 U.S.C. 1901(9)(a)" and inserting "33 U.S.C. 1901(a)(9)(A)".

(j) Section 12113(d)(2)(C)(iii) of title 46, United States Code, is amended by striking "118 Stat. 2887)" and inserting "118 Stat. 2887))".

(k) Section 13107(c)(2) of title 46, United States Code, is amended by striking "On and after October 1, 2016, no" and inserting "No".

(l) Section 31322(a)(4)(B) of title 46, United States Code, is amended by striking "state" and inserting "State".

(m) Section 52101(d) of title 46, United States Code, is amended by striking "(50 App. U.S.C. 459(a))" and inserting "(50 U.S.C. 3808(a))".

(n) [46 U.S.C. 53101] The analysis for chapter 531 of title 46, United States Code, is amended by striking the item relating to section 53109:

(o) Section 53106(a)(1) of title 46, United States Code, is amended by striking subparagraphs (A), (B), (C), and (D), and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (A), (B), and (C), respectively.

(p) Section 53111 of title 46, United States Code, is amended by striking paragraphs (1) through (4), and by redesignating paragraphs (5), (6), and (7) as paragraphs (1), (2), and (3), respectively.

(q) Section 53501 of title 46, United States Code, is amended—

(1) in paragraph (5)(A)(iii), by striking "transportation trade trade or" and inserting "transportation trade or";

(2) by redesignating paragraph (8) as paragraph (9);

(3) by striking the second paragraph (7) (relating to the definition of "United States foreign trade"); and

(4) by inserting after the first paragraph (7) the following:

"(8) UNITED STATES FOREIGN TRADE.—The term 'United States foreign trade' includes those areas in domestic trade in which a vessel built with a construction-differential subsidy is allowed to operate under the first sentence of section 506 of the Merchant Marine Act, 1936.".

(r) Section 54101(f) of title 46, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include a comprehensive description of—

"(A) the need for the project;

"(B) the methodology for implementing the project; and

"(C) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.".

(s) Section 55305(d)(2)(D) of title 46, United States Code, is amended by striking "421(c)(1)" and inserting "1303(a)(1))".

(t) [46 U.S.C. 57501] The analysis for chapter 575 of title 46, United States Code, is amended in the item relating to section 57533 by adding a period at the end.

(u) Section 57532(d) of title 46, United States Code, is amended by striking "(50 App. U.S.C. 1291(a), (c), 1293(c), 1294)" and inserting "(50 U.S.C. 4701(a), (c), 4703(c), and 4704)".

(v) Section 60303(c) of title 46, United States Code, is amended in by striking "Subsection (a) section does" and inserting "Subsection (a) does".

SEC. 3547. MISCELLANEOUS CORRECTIONS TO OIL POLLUTION ACT OF 1990.

(a) Section 2 of the Oil Pollution Act of 1990 (33 U.S.C. 2701 note) is amended by—

(1) inserting after the item relating to section 5007 the following:

"Sec. 5008. North Pacific Marine Research Institute.".

(2) striking the item relating to section 6003.

(b) Section 1003(d)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2703(d)(5)) is amended by inserting "section" before "1002(a)".

(c) Section 1004(d)(2)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)(C)) is amended by striking "under this subparagraph (A)" and inserting "under subparagraph (A)".

(d) Section 4303 of the Oil Pollution Act of 1990 (33 U.S.C. 2716a) is amended—

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

(2) in subsection (b), by striking "this section 1016" and inserting "section 1016".

(e) Section 5002(l)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2732(l)(2)) is amended by striking "General Accounting Office" and inserting "Government Accountability Office".

SEC. 3548. MISCELLANEOUS CORRECTIONS.

(a) Section 1 of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 191), is amended by striking "the Secretary of the Treasury" and inserting "the Secretary of the department in which the Coast Guard is operating".

(b) Section 5(b) of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, popularly known as the Bridge Act of 1906 (chapter 1130; 33 U.S.C. 495(b)), is amended by striking "$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and".

(c) Section 5(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1904(f)) is amended to read as follows:

"(f) SHIP CLEARANCE; REFUSAL OR REVOCATION.—If a ship is under a detention order under this section, the Secretary may refuse or revoke the clearance required by section 60105 of title 46, United States Code.".

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount

for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

[Titles XLI, XLII, XLIII, XLIV, XLV, XLVI, and XLVII—Tables —Omitted]