The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BRIDENSTINE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., July 12, 2017.

I hereby appoint the Honorable Jim Bridenstine to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 11:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

CONGRATULATING FULBRIGHT RECIPIENTS FROM PENNSYLVANIA’S FIFTH CONGRESSIONAL DISTRICT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize 16 individuals from Pennsylvania’s Fifth Congressional District who have received prestigious Fulbright awards during the 2016-2017 school year. Congress established the Fulbright Program in 1946. It promotes friendly and peaceful relations between Americans and people of other countries through international educational exchange. Each year, more than 3,000 U.S. students, scholars, artists, and professionals in more than 100 different fields of study are offered Fulbright Program grants to lecture, study, teach English, and conduct research in more than 140 countries.

Today, it is my privilege to recognize the following 16 individuals:

- Dr. Luis Ayala Hernandez of State College, Pennsylvania, a scholar of biology, whose host country was Colombia;
- Ms. Maria Barboza of Clarion, Pennsylvania, a student with an English teaching apprenticeship, whose host country was India;
- Dr. Samuel Bufford of State College, Pennsylvania, a scholar of law, whose host country was Romania;
- Ms. Alice Chen of Bradford, Pennsylvania, a student with an English teaching apprenticeship, whose host country was Taiwan;
- Ms. Talia Cowen of State College, Pennsylvania, a student with an English teaching apprenticeship, whose host country is South Korea;
- Dr. Zuleima Karpyn of State College, Pennsylvania, a scholar of engineering, whose host country was Colombia;
- Ms. Lauren Knoth of State College, Pennsylvania, a student of sociology, whose host country was Finland;
- Dr. Gerald LeTendre of Furnace, Pennsylvania, a scholar of education, whose host country was Japan;
- Dr. Anthony Robinson of State College, Pennsylvania, a scholar of geology, whose host country was Austria;
- Dr. Robert Rooser of State College, Pennsylvania, a scholar of psychology, whose host country is India;
- Dr. Heather Snyder of Waterford, Pennsylvania, a scholar of psychology, whose host country was the United Kingdom;
- Dr. Jacqueline Stefkovich of State College, Pennsylvania, a scholar of education, whose host country was Croatia;
- Ms. Ann Tarantino of State College, Pennsylvania, a scholar of the arts, whose host country was Brazil;
- Dr. Andrea Wyman of Edinboro, Pennsylvania, a scholar of library science, whose host country was Azerbaijan;
- Dr. Karl Zimmerer of State College, Pennsylvania, a scholar of geography, whose host country is Spain.

Congratulations to each and every one of you. You have earned this national recognition with your years of study, leadership, and service, and our community is proud of you.

Mr. Speaker, the Fulbright Program is one of the most sought-after exchange programs in the world. It encourages applications from individuals of academic and professional achievement who are current and future leaders in their respective fields. Selected through open, merit-based competition, Fulbrighters represent the excellence and diversity of their societies around the world and in the United States. Since 1946, more than 370,000 individuals from the United States and 180 countries have participated in the program, including 37 heads of state, 57 Nobel Laureates, 82 Pulitzer Prize winners, and 70 MacArthur Foundation Fellows.

These relationships form a foundation of trust on which the United States may advance global peace and security. I know that the memorable learning experiences individuals encounter through the program will never be forgotten.

I thank all the Fulbrighters, especially the 16 from Pennsylvania’s Fifth Congressional District. We are grateful...
for your contributions and most proud of your achievements.

Congratulations.

DEMOCRATIC VALUES

The Speaker pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I want to bring to everyone’s attention, especially my Democratic colleagues, a troubling incident that transpired over the recess.

It is important that people hear about how women and the LGBT community are treated at the highest levels of the Puerto Rican government and the values and politics that run deep throughout the politics of statehood for Puerto Rico.

It is fair to say that in the era of Trump, admitting a Spanish-speaking Caribbean country as the 51st State would depend on the strength of Democratic votes, so it is important for my Democratic colleagues in particular to understand who the statehooders really are and what they really stand for, beyond their rhetoric in Washington, D.C.

The president of the senate in Puerto Rico, Thomas Rivera Schatz, is a key leader of the Statehood Party. In a recent interview on NotiUno, he was asked about the Financial Oversight and Management Board, known as the Junta de Supervision Fiscal. This is the controversial board created by Congress a year ago to take over financial and fiscal decisions in Puerto Rico and to prioritize the payment of Puerto Rico’s debt to Wall Street.

I was one of the chief opponents of the PROMESA legislation that created the junta, and I have spoken out against it on numerous occasions. But it wasn’t what the statehood senate president said about the junta that was so offensive; it is how he talked in public about his board members—in fact, the only woman on the board and an appointee nominated by NANCY PELOSI and the Democrats in the House.

Ana Matosantos has impeccable, bipartisan qualifications and also happens to be an openly gay woman. So during the interview, the senate president and statehood leader referred to Ms. Matosantos as Mr. Matosantos, using masculine pronouns in error. He did it multiple times so that listeners would not miss his disdain for lesbians and for women. It was an accident or slip of the tongue. Given an opportunity to apologize or backtrack, Rivera Schatz has declined to back down.

This is not the first time he has displayed his contempt for women and for the gay and lesbian community. His agenda is clear, and he knows he has many like-minded allies in Puerto Rico’s statehood movement.

Every time he has had an opportunity to block civil and human rights protections for LGBT individuals, he does so. He goes out of his way to belittle gay and lesbian citizens even when they are the victims of hate crimes.

To be clear, I don’t see Rivera Schatz as one bad apple. He is a bad apple that exemplifies and is a voice for the other leaders in his party.

So as a Puerto Rican and as a supporter of equality, I am deeply disturbed by him. Gender and LGBTQ equality issues are deeply engrained values of the Democratic Party, and I think they are core issues that bind Democrats together: issues of justice, opportunity, and the fight against inequality.

So when the leaders of the statehood movement in Puerto Rico call upon Democrats in Congress to speak about equality and justice for Puerto Ricans, I want to think about the agenda they are pursuing in Puerto Rico and the extent to which they have a very different approach to fairness and equality on the island.

In closing, I would like to offer a few words to the Puerto Rican people in their own language, Spanish, and I will provide a translation to the desk.

(English translation of the statement made in Spanish is as follows:)

Core values of equality and fair treatment values I know most Puerto Ricans hold deeply in our hearts.

So when the Statehood Party allows divisive and polarizing figures like Senator Rivera Schatz to be their face and their leading advocate in the Senate, it makes me and many others skeptical about the arguments we hear from people who support statehood say the words “equality” and “justice” in Washington, but fight against equality and justice in Puerto Rico.

How can they be taken seriously about equality when their agenda in the legislature is to take away those rights from women, the LGBT community, students, peaceful protesters and others?

That is the fundamental hypocrisy I have pointed out to my Democratic colleagues, right now and in private meetings and correspondences.

If the statehood movement is really committed by them to act accordingly and not just use it as a slogan when it suits them.

Los valores de la igualdad y del trato justo y equitativo son valores fundamentales que la mayoría de los puertorriqueños atesoramos profundamente en nuestros corazones.

Así que cuando el Partido Estadista, el PNP, permite que figuras polarizantes y divisivas como el Senador Rivera Schatz sean su cara y su principal representante en el Senado, eso me hace a mi y a muchos otros sentirnos escépticos en cuanto a los argumentos de los estadistas que usan palabras como “igualdad” y “justicia” en Washington, pero luchan en contra de la igualdad y la justicia en Puerto Rico.

¿Cómo esperan que se les tome en serio de igualdad cuando su agenda en la Legislatura es el quitarles derechos a las mujeres, a la comunidad LGBT, a los estudiantes, y a los que se manifiestan y protestan pacíficamente?

Esta es la fundamental hipocresía que le he señalado a mis colegas Demócratas, aquí, ahora, y en reiteración, y a todos los puertorriqueños.

Si el movimiento estadista en realidad tuviese un compromiso con la igualdad, actuarían conforme a la igualdad y no meramente usando el término como un lema cuando les conviene.

The Speaker pro tempore. The gentleman from Illinois will provide a translation of his remarks to the Clerk.

CELEBRATING THE PHILHOWER FAMILY’S 100TH ANNUAL FAMILY REUNION

The Speaker pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. LANCE) for 5 minutes.

Mr. LANCE. Mr. Speaker, on September 7, 2017, the Philhower family held its 100th family reunion. I am proud to join my fellow family members in celebrating this very special occasion. My great-grandmother was Elizabeth Philhower Lance.

The Philhowers were some of the earliest settlers of Hunterdon County, New Jersey. The patriarch of the Philhower family was Philip Wulhauer, who emigrated from Germany on the ship the Patience, landing in the port of Philadelphia on September 16, 1738, at the age of 24. He married Anna Maria, on their voyage to the Colonies. Together they traveled to Hunterdon County, New Jersey, to start a new life.

Philip went on to lease 14 acres in what is now Tewksbury Township in 1758 and established the Philhower homestead, which was first a log cabin that included one room and a loft. Shortly after, he built the house that still stands on the property. It was constructed of mortar, lime, sand, and clay, and its walls are 18 inches thick.

The Philhower homestead had grown to 100 acres when the house was completed. The Philhowers have occupied the land since then and have spread their roots all over Hunterdon County, all over the State of New Jersey, and, indeed, all over the rest of the country.

Among the family names entwined in the Philhowers are Appgar, Sutton, Fleming, Hoffman, and Lance. Philhowers have represented Hunterdon County in many of the military conflicts that have faced our Nation. They have also been farmers, millers, physicians, ministers, merchants, bankers, and educators.

In 1917, the Philhowers held their first family reunion at their homestead, attended by nearly 400 descendants of Philip and Anna Maria. This fine tradition has continued over the last century, usually marked by a turkey dinner, finance meeting, and exchanging of family mementos at Cokesbury United Methodist Church in Hunterdon County. This year, however, family members will travel back to the...
original Philhower homestead to be together.

Mr. Speaker, I am grateful to be a descendant of the Philhower family. This is but one example of the strong immigrant tradition in this country that continues to be children of our greatest strengths as a nation, as much a strength today as in the middle of the 18th century.

I am honored to share this milestone with colleagues in the United States House of Representatives and with the American people.

TWO-STATE SOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, every time I visit Israel, I have such mixed feelings. It is a land of positive opportunities surrounded by intractable conflict.

The big question looming is how to achieve a two-state solution for the Israelis and the Palestinians with appropriate integrity so that they are actually separate countries. This has raised additional questions because of the ambiguity from the Trump administration about whether or not what, for years, has been American policy supporting a two-state solution is any longer a priority of theirs.

For several years, I have been deeply concerned about the looming environmental crisis in Gaza. This is a small strip of land about twice the size of Washington, D.C., but it is home to 1.9 million people, most of whom are leading a wretched existence, even more so since Hamas, the political faction, has seized control. That is Israel’s implacable enemy which now controls Gaza.

They have little regard for their own people, using them as pawns, spending scarce resources, digging tunnels to try to kidnap Israeli children and soldiers, and launching rockets to terrorize Israeli communities in the surrounding areas.

Gaza has reached a crisis point in dealing with water and sanitation. The groundwater is so polluted that virtually all the water is unfit to drink—polluted by sewage, waste runoff, and seawater. This means that they are pumping four times as much water out of the aquifer than can be replaced naturally, and seawater from the Mediterranean is encroaching.

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Several times recently, sewage from Gaza has washed up on Israeli beaches and forced the shutdown of water treatment plants from desalinization. The Israeli military thinks this is a security threat.

In the course of this visit, I had an opportunity to put the question directly to Prime Minister Netanyahu; Jibril Rajoub, the number three person in the Palestinian Authority; and United States Ambassador Friedman about this pending crisis and the need for a urgent solution. Much of those conversations revealed I won’t say in difference, but certainly a lack of urgency and no willingness for anybody to take the lead and break the impasse.

This is not a problem that is beyond our ability to solve. There are opportunities to increase electricity for pumping water and treating sewage. There is the capacity to build some smaller reservoirs to be able to mix saltwater with freshwater and extend the supplies.

For Israel, water is a mystery they have solved. They are the most water-rich country on the face of the planet, with very sophisticated technology. They could provide additional resources. Around the edges, the United States does some work with USAID, but it is not a priority for the United States at this point.

Mr. Speaker, I return perplexed. We will continue to push with the Israelis, the United States Government, the Palestinians, and with NGOs whenever we have the opportunity. But it seems to me, Mr. Speaker, if we cannot bring people together to solve a pending crisis with tools that are available to us now, at a relatively modest cost, what hope do we have of being able to work cooperatively to implement the two-state solution and be able to bring peace and security to Israel and the Palestinians?

I would hope my colleagues would lend their voices to this question.

SERBIAN GOVERNMENT MUST STEP UP AND DO THE RIGHT THING

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ZELDIN) for 5 minutes.

Mr. ZELDIN. Mr. Speaker, I rise today to discuss my resolution, H. Con. Res. 30.

In July of 1999, three brothers—Ylli, Agron, and Mehmet, who were senselessly and brutally murdered 18 years ago.

I would hope my colleagues would lend their voices to this question.

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Mr. ZELDIN. Mr. Speaker, I rise today to discuss my resolution, H. Con. Res. 30.

In July of 1999, three brothers—Ylli, 25 years old; Agron, 23 years old; and Mehmet Bytyqi, 21 years old—who were born in the United States and resided in Hampton Bays, New York, went overseas to fight in the Kosovo war to fight mass war crimes aimed to eradicate the civilian Albanian population from Kosovo.

These three men left the comfort and safety of their homes in the U.S. to embark on a civilian humanitarian mission abroad to stop these horrific crimes against humanity. During that civilian humanitarian mission, they were arrested after accidentally crossing into Serbian-controlled territory.

Two weeks later, they were given a judicial order of release. Instead, the brutal execution of these men followed shortly after, and it was not until 2001, 2 years later, that their remains were found in a mass grave.

While Serbian authorities have investigated the deaths of the brothers, there have been no charges brought against those responsible for those murders. Moreover, the main suspect remains a member of the governing political party.

Today we remember Ylli, Agron, and Mehmet, who were senselessly and brutally murdered 18 years ago.

Since taking office over 2 years ago, I have been committed to helping the Bytyqi family receive the justice they have long deserved. I have been in contact with the family as we work to resolve this.

In the last Congress, I introduced H. Con. Res. 51, calling for justice to be served in these horrible murders, and imploring the Serbian Government to make it a priority that this must be properly investigated and that those suspects be prosecuted to the fullest extent of the law. I am proud to have reintroduced this legislation in the 115th Congress as H. Con. Res. 20.

It is absolutely reprehensible that, despite many promises by Serbian officials to resolve this case, no individual has ever been found guilty of this horrible crime, nor of any crimes associated with the deaths of these innocent Americans.

It is the responsibility of the Serbian Government to resolve this case, and my resolution notes that progress into this investigation should remain a significant factor which determines the further development of U.S.-Serbian relations. Their inaction on finding and prosecuting those responsible is an injustice not only to the memory of Ylli, Agron, Mehmet, and the Bytyqi family, but to every American.

The Bytyqi brothers gave their lives to fight injustice. It is now upon us to return this favor and deliver justice for their family. Those responsible for the deaths of Ylli, Agron, and Mehmet must be brought to justice.

Mr. Speaker, I return perplexed. We will continue to push with the Israelis, the United States Government, the Palestinians, and with NGOs whenever we have the opportunity. But it seems to me, Mr. Speaker, if we cannot bring people together to solve a pending crisis with tools that are available to us now, at a relatively modest cost, what hope do we have of being able to work cooperatively to implement the two-state solution and be able to bring peace and security to Israel and the Palestinians?

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SERBIAN GOVERNMENT MUST STEP UP AND DO THE RIGHT THING

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. CLYBURN) for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I rise today to honor New Light Beulah Baptist Church of Hopkins, South Carolina, on the occasion of its 150th anniversary. Many members of the congregation have traveled here to Washington, D.C., from South Carolina to
observe this tribute, and have joined us here in the gallery.

New Light Beulah Baptist Church grew out of Beulah Baptist Church, which was a place of worship for Whites and African Americans. In December of 1867, several years after the effective date of the Emancipation Proclamation, many newly freed slaves began exercising their new-found freedoms by taking control of their own affairs. Consequently, the 565 African-American members of the congregation began worshipping on alternating Sundays from the 11 White members of Beulah Baptist Church.

In 1870, after the dispersal of the White congregation, the African-American members of Beulah Baptist Church further asserted their independence by renaming the church New Light Beulah Baptist Church.

After a number of disputes over the church's land, the congregation decided to build a brush arbor on the land of Deacon Pharaoh Smith, a revered leader within the church. Over the following years, this humble brush arbor evolved into the thriving spiritual center that New Light Beulah Baptist Church has become today.

New Light Beulah Baptist Church embodies the resilience and service of the African-American community. Forged from adversity, this congregation has stood strong throughout tumultuous times, both externally and internally. Their strength comes not from the brick and mortar within which they worship, but from God's good graces and the steadfast individuals who have labored in this historic church.

The church has been a leader in Hopkins, South Carolina, a small rural community southeast of Columbia, the State's capital. Through various community-oriented initiatives, such as their child development program, Meals on Wheels, the Neighboring Christian Athletic Association, and the Educators and Archives Society, the congregation has positively impacted the entire community.

Next month, New Light Beulah Baptist Church will become the first African-American church in the Hopkins community to be registered as a historic place by the South Carolina Department of Archives and History. I congratulate them on this special recognition.

Mr. Speaker, it is my great honor to represent this fine congregation in this august body. I ask my colleagues in the United States House of Representatives to join me in congratulating New Light Beulah Baptist Church on their 150th anniversary and wishing them continued prosperity in the days ahead.

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to refer to occupants of the gallery.
Last year, it raised $6,000 for the annual Christmas with a Cop event sponsored by the Sierra Vista Police Officers’ Association. In this photo, you can see Lieutenant Stompro engaging with a child at Christmas with a Cop, which gives 100 underprivileged children in Cochise County the opportunity to spend $100 on whatever they wish to purchase.

For the last 2 years, during the National Bike and Walk to School Week, he comes in to work before shift and transports some of the armored vehicles into a Batmobile, driving Batman and Ghostbuster around each school in the Sierra Vista neighborhoods to interact with the kids.

Lieutenant Stompro has also worked tirelessly over the last several years to develop emergency preparedness training exercises in the local schools and developed a lasting partnership with the Sierra Vista Unified School District. He took the lead in developing exercises to coordinate efforts in the event of an active shooter situation.

Lieutenant Stompro embodies the Sierra Vista Police Department’s mantra of “Service with Honor,” and we are fortunate to have him in our community.

Our team winner for 2017 is the Davis-Monthan Air Force Base 355th Civil Engineering Squadron Fire Emergency Services, pictured here receiving their award. Davis-Monthan’s Fire Emergency Services team provides fire, rescue, emergency medical, and combat support in 25 operating bases year round.

In the past year, they hosted over 500 firefighters from 12 neighboring departments, three local fire academies and local law enforcement agencies, and joint SWAT/Rescue Task Force training.

In the last year, this team provided more than 150 hours of fire prevention education, supporting over 300 children at Borman Elementary and Sonoran Science Academy. Additionally, they volunteered 250 hours to Habitat for Humanity, Tanque Verde Little League, STARBASE, Pima Interagency Training Committee, Arizona Center for Fire Service Excellence, the Public Safety and Emergency Services Institute, and numerous other organizations.

Despite being 30 percent undermanned, they protect $50 billion in assets and 14,000 personnel. Even with the diverse demands, they were able to combine their experience, hard work, and talent to garner the prestigious milestone of Commission on Fire Accreditation International, an honor only 230 departments in the world have earned.

Mr. Speaker, these are just two examples of the heroic and extraordinary first responders we are blessed to have serving in my district. We will never fully be able to repay these individuals for the way they shaped and improved our lives, but we can applaud them and offer our sincerest gratitude.

Before I yield back, I want to point out I am standing here in my professional attire, which happens to be a sleeveless dress and open-toed shoes.

WELCOMING ARCHBISHOP HOVNAN DERDERIAN

The SPEAKER. Without objection, the gentleman from California (Mr. SCHIFF) is recognized for 1 minute.

There was no objection. Mr. SCHIFF. Mr. Speaker, I rise to recognize my friend, Archbishop Hovnan Derderian, Primate of the Western Diocese of the Armenian Church of North America, and to thank him for delivering the opening prayer on the House floor today.

Archbishop Derderian has had a tremendous impact on people of all faiths and has played a vital role in the religious and civic life of millions.

Since his election as primate in 2003, Archbishop Derderian has been a dedicated religious servant for the thousands of congregants who look to him for guidance, managing a diocese which covers the Western United States.

In the large Armenian-American diaspora community that I am proud to represent, Archbishop Derderian is an articulate and steadfast voice for the values of faith, family, and community service that are at the core of the Armenian people’s perseverance and strength.

Archbishop Derderian and the Western Diocese have joined other religious and community leaders in rallying support and aid for Armenia, Artsakh, and for refugees fleeing the horrors of civil war in Syria and Iraq.

I thank the Archbishop for all that he does to make our community and our Nation stronger. I am proud that Congress today was able to hear the moral leadership he brings to his work in the Western Diocese.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Poe of Texas). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

PANAMA CITY BEACH HUMAN CHAIN

(Mr. Dunn asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNN. Mr. Speaker, I rise today to recognize the bravery and the ingenuity of more than 80 beachgoers in Panama City Beach last weekend. As many were enjoying the crystal blue waters of the Gulf, a family of six and four others became caught up in a rip current. Losing strength trying to fight their way back to shore, the swimmers screamed for help and faced a tragic fate.

Thankfully, ordinary citizens did something extraordinary. One of them was Jessica Simmons, who noticed the struggling swimmers from a nearby sandbar. She said to herself: “Those people are not drowning today.” Jessica helped coordinate dozens of others to form a human chain from the shore
all the way out to the distressed swimmers, ultimately bringing all of them to shore and saving their lives.

It is a testament to the generosity of the human spirit to see complete strangers quite literally join hands to help those in need. On behalf of the Second District, I thank Jessica Simmons and all who fought the churning currents of Panama City Beach on Saturday. May we all learn from their example.

REMEMBERING THE VICTIMS OF THE NEWARK REBELLION AND OCCUPATION

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, on July 12, 1967, a fire of rebellion sparked in my hometown and led to 5 days of conflict. Today we acknowledge the 50th anniversary of the Newark riots, or as the citizens called it, the Newark Rebellion and Occupation, and we memorialize the 26 people who lost their lives in those turbulent 5 days: Rufus Council, Richard Taliaferro, and James Sanders, Cornelius Murray, Raymond Gilmer, Hattie Gainer, Rebecca Brown, Elizabeth Artis, Rose Abraham, Tedock Bell, Eddie Moss, William Furr, Albert Mersier, Jr., Oscar Hill, Albert Mersier, Sr., Rose Abraham, Tedock Bell, Eddie Moss, William Furr, Oscar Hill, Fredrick Toto, Robert Martin, Albert Mersier, Jr., Rufus Hawk, William Furr, Oscar Hill, Tedock Bell, Michael Pugh, Jessie Mae Jones, James Rutledge, Leroy Boyd, Rebecca Brown, Hattie Gainer, Raymond Gilmer, Cornelius Murray, Victor Louis Smith, James Sanders, Richard Taliaferro, and Rufus Council.

Mr. Speaker, those were turbulent days in the city’s history, but we have not forgotten and we have learned great lessons from that time. May we also never forget these lives that perished in those 5 days.

SENATE BILL HURTS AMERICANS

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, once again, tomorrow, Senate Republicans will take another shot at passing the most widely hated and totally disastrous bill in modern American history—their bill to repeal the Affordable Care Act.

Once again, 22 million Americans will stand to lose their health insurance. Once again, Republicans will propose to send premiums and out-of-pocket costs soaring. Once again, Republicans would allow insurance companies to discriminate against the sick. Once again, they will try to pass a law that hurts children, veterans, seniors, and Americans with disabilities.

They seem desperately determined to pass something instead of doing the right thing—which would be working on a bill that treats healthcare as a fundamental American right—and that is as wrong as wrong can be.

OFFICER DOWN: MIGUEL MORENO—TEXAS LAWMAN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, Peace Officers Miguel Moreno and Julio Cavazos of the San Antonio Police Department were responding to a routine call when they were approached by two individuals. Suddenly, one bastardly criminal pulled out a firearm and began shooting at both officers.

As the shots rang out, both officers were hit. 32-year-old Officer Moreno took a bullet to the chest, collapsing to the ground. Officer Cavazos ran to his fellow officer, Moreno, pulling him out of the line of fire despite being shot himself. He fired back at the outlaw, hitting the mark; and, in my opinion, justice was then served.

Despite Cavazos’ quick actions, 32-year-old Officer Moreno succumbed to his injuries. Another life needlessly stolen from the thin blue line.

Miguel Moreno was a 9-year veteran of the force. He woke up each morning ready to serve and protect his community. His life was stolen by an evil villain with no socially redeeming value.

Moreno stood for everything that is good in America. As we mourn his loss, we should thank the good Lord that such people as he ever lived. He was part of the rare breed, the American breed. Our peace officers are the best we have. America needs to stand with peace officers. We should stand with the thin blue line—the line that separates the lawful from the lawless.

God bless Officer Moreno and his family.

And that is just the way it is.

INFRASTRUCTURE INVESTMENTS IN BUFFALO, NEW YORK

(Mr. HIGGINS of New York asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS of New York. Mr. Speaker, The Buffalo News, in a feature story this week, highlighted the impressive development of the once dormant urban streets in Buffalo, New York: streets like Niagara Street, Main Street, and Ohio Street.

What these road projects have in common in their resurgence is a smart and targeted Federal commitment to infrastructure that has been successfully leveraged to yield significant private investment and achieve the maximum benefit for our community and for the Nation.

Buffalo—long ago humbled by economic devastation—is now a national model for communities nationwide in showing how infrastructure investments can create jobs and improve the life quality of communities.

Infrastructure investment creates jobs in the construction trades and supply and materials industry immediately and unleashes the investment of the private sector in a cause-and-effect economic response.

Buffalo has come a long way, and we still have a long way to go. The lessons of our success can and should be shared with the Nation through this institution.

CONGRATULATING CHIEF BILL OLNEY ON HIS RETIREMENT

(Mr. HUIZENGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUIZENGA. Mr. Speaker, I rise today to congratulate my neighbor and friend, Chief Bill Olney, on his retirement from the Zeeland Police Department, and to thank him for his work and his service.
After attending both Grand Valley State University and Wayne State University, Bill received a degree in criminal justice from Madonna University. He began his career in law enforcement in 1976 as a Michigan State Police trooper where he served for 25 years protecting our great State.

In 2001, just one day after he retired from the Michigan State Police, Bill Olney joined the Zeeland Police Department, where he served as our chief of police for 16 years.

Chief Olney has dedicated his career to providing the highest quality law enforcement service and professionalism to the residents of Zeeland. His relentless work for our committee and dedication is clearly reflected by the numerous awards and commendations he has received over his career.

Chief Olney has served on the West Michigan Criminal Justice Training Consortium, Ottawa Substance Abuse Prevention Coalition, and Stop Child Abuse and Neglect Council.

As a lifelong Detroit Lions and Michigan State Spartans fan, I know he will enjoy his retirement with his wife, Kathryn, and his children, Shannon and Matt.

I think some football is in his kids’ future.

Mr. Speaker, I want to ask my colleagues to join me in saying “thank you” on behalf of the Second District of Michigan as we thank Chief Bill Olney for his 41 years of service to the State of Michigan and to our country.

PROTECT NET NEUTRALITY

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, net neutrality is something that is fundamental to our country. It is rooted in our First Amendment rights. It allows for an open marketplace, exchange of ideas, center for innovation, hub for communication, and so much more.

In today’s digital age, especially, ensuring an open, free, and equal internet for all—not just for those who can afford to pay to play—is crucial to level the playing field for everyone.

The FCC’s current proposal rolls back these freedoms for the benefit and profit of big internet service providers on the backs of students, entrepreneurs and innovators, small businesses, and all of us. Millions across the country have already sent in comments to the FCC expressing their strong opposition.

On today’s net neutrality day of action, I encourage everyone to make their voices heard. In just 5 days, the FCC comment period closes. Now is the time for us to raise our voices to protect net neutrality, fairness, and equality for all.

MAJORITY OF VOTERS BACK PRESIDENT’S TRAVEL VETTING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a recent Politico/Morning Consult poll shows that 60 percent of registered voters support “new guidelines which say visa applicants from six predominantly Muslim countries must prove a close family relationship with a U.S. resident in order to enter the country.” Only 26 percent oppose. Also, respondents trust Republicans in Congress more than Democrats to handle the issue of immigration.

The new, nationwide poll demonstrates strong approval by the electorate for the President’s effort to keep America safe, despite a question slanted to make respondents think his action is based on religion.

Had the question noted that the six nations that require additional visa scrutiny were also selected by the Obama administration as national security threats, the poll likely would have revealed even more support for the new guidelines.

When it comes to immigration policy, the American people support the President.

TRAINING SCHOOLS IN SEX TRAFFICKING AWARENESS

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, many people think of human trafficking as a problem that is happening abroad, but they don’t realize that hundreds of thousands of victims are being trafficked within our own borders.

It is hard to imagine such an injustice occurring in your own neighborhood. When I learned that my city of San Diego is considered a high-intensity region for child trafficking, I knew I needed to take action.

In San Diego, we have an incredible community antitrafficking task force. They told me that a gap in the fight against trafficking is in our schools.

This is why I wrote the Empowering Educators to Prevent Trafficking Act. I am proud to see it included in the Frederick Douglass Trafficking Victims Protection Act that is before us today.

My bill will fund programs to train teachers across the country to recognize and respond to signs of trafficking so that they can identify victims and get them the help they need. Teachers, in turn, can teach their students how to protect themselves from becoming victims.

With this training, our Nation’s schools can be an important line of defense against this terrible injustice.

RECOGNIZING GASPERI FAMILY

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the Gasperi family, who will be moving to Kenya in August on a mission to bring clean, fresh water to the schools in the surrounding area.

The Gasperi family seeks to provide clean water to schools in the city of Nakuru. Clean water will help the Kenyans avoid waterborne parasites and illnesses that interfere with childhood education.

Ashley Gasperi grew up in Kenya, and, with her husband, Chris, started a nonprofit called Ekenywa, which means a new beginning. Their mission is to improve the quality of life for school-aged children in Kenya and to eradicate poverty.

Both Chris and Ashley hold their master’s degrees in nursing. Chris serves as a nurse manager at St. Mary Medical Center’s orthopedic center, and Ashley serves as a clinical instructor at Temple University.

Mr. Speaker, on behalf of the entire Eighth Congressional District of Pennsylvania, we are so proud of the Gasperi family. We wish them the best as they work to provide a brighter future and cleaner water for all the children of Kenya.

HONORING OUR COMMITMENT TO VETERANS

(Ms. ROB-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROB-LEHTINEN. Mr. Speaker, there are tens of thousands of veterans in this country who have served this country; put their lives on the line, literally; and saved the lives of countless other servicemembers who, because of their service, have mental healthcare-related conditions like post-traumatic stress disorder, or PTSD, which contributed to them having an other than honorable discharge.

Mr. Speaker, with an other than honorable discharge, those veterans are unable to go into a VA and see a mental healthcare provider, despite the fact that they are more than two times likely to take their own lives.

Now that we all know this, I hope that Members will join me in cosponsoring the Honor Our Commitment Act, which I introduced with Mike Bost in the House and Chris Murphy in the Senate. It is bipartisan and bicameral. It honors our commitment and obligation to those servicemembers who did right by this country, and it will save lives.

I look forward to the full support of this Chamber, passage of this bill, and having the President sign it into law.

RECOGNIZING ROBERT LEE BECERRA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Robert Lee Becerra, a very special young man...
Mr. Speaker, for years, Robert has helped train 6,000 Miami police officers, firefighters, and EMTs to identify people with autism and other mental health and behavioral issues and tailor their actions and responses accordingly. With Robert’s help, officers and first responders in south Florida are trained to de-escalate volatile emergency situations involving individuals on the autism spectrum or with mental illness.

Robert’s assistance in emergency response training has not only helped officers to connect with autism patients on an emotional level, but it has also made a positive impact and has saved many lives in our south Florida community.

I thank Robert for his tireless work and participation in police and first responder training for more than 10 years. His efforts have helped make south Florida an even better community for all of us.

Thank you, Robert.

NAS REPORT ON THE VALUE OF SBE SCIENCES

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, I rise today to highlight the findings of a recent report by the National Academies of Sciences, Engineering, and Medicine entitled: “The Value of Social, Behavioral, and Economic Sciences to National Priorities.” This report was requested by the National Science Foundation to examine whether the Federal Government should continue funding research in these disciplines. The resounding answer is: yes.

This report shows that SBE funding furthers the mission of NSF and helps other agencies achieve their missions, and this funding provides tools and methods that have helped business and industry grow the U.S. economy and create jobs.

The report also highlights that virtually every major challenge the country faces today requires understanding the causes and consequences of people’s behavior. The way we do this is by funding research in the social, behavioral, and economic sciences.

Mr. Speaker, investments in SBE are critical for our Nation’s future, and we must continue this robust investment.

RECOGNIZING LEDVANCE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON. Mr. Speaker, for the past 100 years, people in St. Marys, Pennsylvania, have been producing light for the world.

Earlier this week, I had the opportunity to visit the LEDVANCE manufacturing facility and visit with employees. St. Marys is located at the eastern edge of the Allegheny National Forest in the Pennsylvania Fifth District. It is a town this has a rich and storied history of being a leader in manufacturing.

The LEDVANCE facility in St. Marys manufactures nearly 2 million incandescent and halogen light bulbs—and soon, LED light bulbs—each day, in 700,000 different models and varieties. Its employees are skilled, knowledgeable, and dedicated to their craft. They are producing state-of-the-art lighting solutions right in the heart of north central Pennsylvania.

LEDVANCE has locations throughout North America and is a global leader in advancing light with LED, traditional and smart lighting, and accessories. It was a privilege to tour the St. Marys facility and meet with the talented local employees who work diligently each day to produce a quality product.

Congratulations to our workforce in St. Marys on 100 years of knowledge and expertise to advance light around the world.

IMMIGRATION REFORM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today to highlight the need for a bipartisan immigration reform.

Until Congress addresses our broken immigration system; secures our border; provides a pathway for people who have been here a long time to be able to eventually earn full citizenship; and provides a way for people who are here illegally and required to register, get right with the law, and get in line behind those who have come legally, it will remain a problem in cities and communities across our entire country.

There has been a failure of leadership in this body, the United States Congress, to actually address our broken immigration system. There has been a failure from both sides to provide a pathway forward for a problem that only Congress can solve, and that will only get larger until we take it up here.

Last week, I visited the ICE detention facility in Aurora, Colorado. I witnessed and talked to family members and mothers who had been taken away from their American children over something as minor as a speeding ticket.

We can, and we must, do better as a nation. We need an immigration system that reflects that we are both a nation of arrivals and a nation of immigrants. I call upon my Republican and Democratic colleagues to work together to achieve this end.
shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 5. At any time after adoption of this resolution the Speaker or, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 23, to provide drought relief in the State of California, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider a bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 99-092 to provide drought relief in the State of California, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against amendment in the nature of a substitute are waived. No amendment to an amendment in the nature of a substitute shall be in order except those printed in part C of the report of the Committee on Rules accompanying this resolution. The amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be disposed of at the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a division of the House. An amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text or as an amendment may be ordered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be disposed of at the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore (Mr. MacAULAY). The gentleman from Alabama is recognized for 1 hour.

Mr. BYRNE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks. The SPEAKER pro tempore (Mr. MacAULAY). The gentleman from Alabama is recognized for 1 hour.

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 431 provides for full consideration, including making six amendments in order to H.R. 23, the Gaining Responsibility on Water Act, and allows us to begin consideration of H.R. 2310, the National Defense Authorization Act for Fiscal Year 2018. H.R. 23 is legislation necessary to deal with the severe water supply crisis facing California and other Western States. The region has experienced the worst drought in over 1,000 years, and many Western communities have been very negatively impacted.

This commonsense legislation fixes the broken regulatory system that is only exacerbating the impact of the drought conditions. The current regulatory system is overly complex and inconsistent. Making matters worse, various court decisions have only further complicated efforts to resolve these issues.

For example, this bill will help bring California’s water infrastructure into the 21st century. The current water storage and conveyance system is designed to serve approximately 22 million people, but the State currently has 37 million residents.

The bill is not only important to people in California. In fact, around half of our Nation’s fruits and vegetables come from California. Every American could be hit in the pocketbook at the grocery store or checkout line if the California drought is allowed to continue.

Through this legislation, we can help expand water infrastructure and allow for greater water conveyance while ensuring environmental and water rights protections. Passing H.R. 23 will directly help address the drought crisis and benefit families, farms, the environment, and the American economy.

The rule also allows us to begin consideration of the National Defense Authorization Act. The bill provides for general military and defense in order 88 amendments, including 41 minority amendments and 20 bipartisan amendments. Another rule is expected tomorrow to provide for consideration of additional amendments.

This open process actually started in the Armed Services Committee on which I serve. At the committee level, 275 amendments were offered, and 231 amendments were adopted during our committee markup last month. I have sailed times on this floor, but it is worth saying again: there is no greater responsibility of the Federal Government than to provide for the safety and security of the American people. This year’s NDAA does just that by reframing, revising, and rebuilding the United States military.

The bill addresses the realities of the dangerous threat environment facing our Nation and ensures our troops and their families have the necessary resources and benefits.

Over the last decade, we have cut our military at an alarming rate. As the threats rack up, we have planes that can’t fly, ships that can’t sail, and soldiers who can’t deploy. We must reverse this readiness crisis.

Thankfully, there is bipartisan support for boosting our Nation’s military. In fact, this bill passed out of the Armed Services Committee by a vote of 60-1, continuing a strong bipartisan tradition of passing NDAs.

I want to briefly highlight just a few of the positive provisions of this legislation.

The bill increases total military spending by 10 percent to rebuild the military from the current readiness crisis. This includes increasing the size of the Army, Navy, Air Force, Army Guard and Reserve, Naval and Air Reserve, and Air Guard.

Given the serious threat posed by North Korea, the bill boosts missile defense programs, including adding an additional $2.5 billion above the President’s budget request.

The bill also authorizes the construction of 13 new Navy ships, including three more littoral combat ships, as we work to grow toward a 355-ship fleet. It funds a 2.4 percent pay raise for our troops and extends special pay and benefits for servicemembers.

Importantly, the bill continues to advance Chairman THORNBERRY’S priority of reforming and strengthening the military’s acquisition process to make it more effective and efficient.

Given the evolving threats related to cyber, the bill improves the oversight of cyber operations.

The bill also helps set policy for the U.S. military relating to Afghanistan, Syria, Iraq, Ukraine, Russia, Africa, and the Asian Pacific region.

All told, this bill achieves important priorities of reforming, repairing, and rebuilding our military.

Each and every day, more than 2 million men and women put on the uniform and represent the United States and serve our country. As we have seen by two recent tragedies, the Marine plane crash in Mississippi and the USS Fitzgerald collision off the coast of Japan, these individuals put their lives on the line in order to protect the freedoms we all hold dear. They deserve the resources necessary to fulfill their mission and the benefits worthy of those who sacrifice so much.

So I am hopeful we can continue to move forward in a bipartisan manner to pass this NDAA, to support our troops, and to fulfill our constitutional obligation to provide for the common defense.

Mr. Speaker, I urge my colleagues to support House Resolution 431 and the underlying legislation, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the rule for providing debate on the National Defense Authorization Act, often called the NDAA, and also the
Gaining Responsibility on Water Act. First let me address that act. They tried to create an acronym called the GROW Act, Gaining Responsibility on Water, trying to make it seem like it actually might help things grow. It typically picks winners and losers in water—and the losers are the environment, the State of California, and many others.

There are also a lot of problems around the process for the GROW Act. It bypassed hearings and markups in fact, up until this bill was published on the Rules Committee website, only lobbyists and a few Republicans even knew what many of the provisions in this bill were. This kind of backroom dealmaking is one of the reasons the general public holds Congress in such low esteem.

There is an immense amount of opposition to this legislation, including from conservation groups, fishing groups, Native American Tribes, and the State of California.

Mr. Speaker, I have several letters that I include in the RECORD in regard to opposition to H.R. 23. One of the letters is signed by groups ranging from the Animal Welfare Institute, to the Humane Society and a number of others, discussing how this bill would dramatically weaken protections for salmon, birds, and other fish and wildlife.

Another letter that I include in the RECORD is from a former colleague of ours, now the attorney general of the State of California, Xavier Becerra, and, finally, a letter from the Governor of California as well.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, we write to urge you to oppose H.R. 23 (Valadao, R-CA). This bill would dramatically weaken protections for salmon, birds, and other fish and wildlife in California’s Bay-Delta watershed and would threaten thousands of fishing jobs in that region, threatening the health of these species. In addition to gutting critical federal environmental protections in California, H.R. 23 also preempts a wide range of state environmental laws and would prevent the State of California from protecting and managing its own water and wildlife resources. In addition to these provisions focused on California, the bill also includes titles that would reduce public and environmental reviews of new dams and water infrastructure across the Western states. As Administrators of the State of California opposed similar legislation in recent years, including opposition to H.R. 3964 (Valadao, R-CA) and H.R. 5781 (Valadao, R-CA) in 2014, and H.R. 2896 (Valadao, R-CA) in 2015.

California has just emerged from a devastating drought, and the state is taking proactive steps to protect cities, farms, and the environment from future dry spells. However, several provisions in H.R. 23 would undermine California’s efforts by permanently preempting state laws that protect salmon and other native fishes and the jobs they support. In addition, this legislation would effectively repeal and preempt local laws and a landmark settlement agreement that require restoration of the San Joaquin River and its native salmon runs, instead permanently drying up 60 miles of California’s second longest river. H.R. 23 not only preempts state law as applied to federal water projects in California, but it also preempts the application of state laws to the State Water Project and virtually all water rights holders in California’s Bay-Delta watershed. This extensive preemption of state law is contrary to over a hundred years of Reclamation law and would set a dangerous precedent for other Western states.

H.R. 23 would also override the Endangered Species Act, increasing the risk that winter-run Chinook salmon and other native fish species could become extinct. Further, H.R. 23 could devastate wildlife refuges that provide habitat for millions of birds that migrate along the Pacific Flyway by undermining the refuges’ water rights and threatening critically important funding sources. H.R. 23 would also eviscerate the 1992 Central Valley Project Improvement Act, eliminating instream flows to benefit salmon and funding for habitat restoration projects, which help to mitigate the adverse effects of the Central Valley Project. The impacts from these provisions would reverberate along the entire West Coast, affecting fishing jobs and related industries in Oregon and Washington that depend on salmon from California’s Central Valley and the thousands of waterfowl and shorebirds that migrate to and from Alaska and Canada each year.

In addition to these provisions focused on gutting critical environmental protections in California, H.R. 23 also includes several titles that would weaken the public’s right to know and environmental protection across the Western United States. For instance, the bill’s dam permitting provisions would give the U.S. Bureau of Reclamation unprecedented control over the environmental review process and could undermine the ability of the U.S. Fish and Wildlife Service and N.O.A.A. Fisheries to share expertise and inform the development of major infrastructure investments. These provisions would make it difficult, if not impossible, for responsible agencies to meaningfully analyze proposed projects and could limit the public’s ability to weigh in on infrastructure that could affect communities for decades. H.R. 23 has not been the subject of a single committee hearing to receive public input from the State of California, hunting organizations, sport and commercial fishermen, tribes, or conservation groups, even though the bill would directly interfere with state water rights and cripple the ability of state and federal agencies to manage limited water resources for all beneficial uses. Last year Congress passed legislation addressing California’s water operations in the Water Infrastructure Improvements for the Nation Act of 2016 (P.L. 114-322). H.R. 23 would undermine that legislation, which supporters claim requires that state and federal water projects are operated in compliance with state law and the Endangered Species Act. H.R. 23 also includes provisions of fishing jobs in California, Oregon, and beyond that depend on healthy salmon runs from the Bay-Delta. The closure of the salmon fishery in 2004 and 2008 was a result of lack of jobs in these states. The livelihoods and recreational interests of salmon fishermen, Delta farmers, fishing guides, tackle shops, hotels and restaurants, and water users and communities across California and along the West Coast depend on the environmental protections that H.R. 23 would eliminate. For these reasons I respectfully urge you to oppose H.R. 23. Thank you for your attention.
water law. In California v. United States (1978) 438 U.S. 645, 654, the U.S. Supreme Court affirmed California’s ability to impose state law terms and conditions on federal reclamation projects and declared that “[t]he history of the relationship between the Federal Government and the States in the reclamation of the arid lands of the Western States is long and important, but through it runs the consistent thread of purposeful and continued deference to state water law by Congress.”

California law grants the SWRCB the continuing authority to review and reconsider all laws and rules related to the purpose of having mining whether their exercise would violate the reasonable use requirement of the Article X, Section 2 of the California constitution and to commingle the common law doctrine of the public trust. According to the California Supreme Court, “[t]he state has an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible.” (National Audubon Society v. Superior Court (1983) 33 Cal.3d 319, 446.) The California legislature has adopted these principles as “the foundation of state water management policy.” (Cal. Wat. Code, §5223.) H.R. 23 would abrogate California’s ability to impose water resource law, purporting to maintain and protect the ability of other western states to manage their water resources. H.R. 23 provides no explanation as to why California should be subject to such disparate treatment as to its sovereign authority to manage its natural resources.

In addition, H.R. 23 takes these steps in violation of the institutional principles of state sovereignty. Relying upon separation of powers principles set forth in the Tenth Amendment and elsewhere in the U.S. Constitution, the U.S. Supreme Court in New York v. United States has held that “where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the States to require or prohibit those acts.” (New York v. United States (1992) 505 U.S. 144, 166-167.) In Printz v. United States, the U.S. Supreme Court expanded the New York holding and held that “[t]oday we hold that Congress cannot circumvent that prohibition by conscripting the States’ officers directly.” (Printz v. United States (1992) 508 U.S. 961.)

By compelling the SWRCB, a state-funded and managed water project, to operate based upon congressionally-mandated Delta water quality standards, rather than allowing California to develop standards that reflect the most recent scientific information regarding the Delta, H.R. 23 is “requiring” a state agency to comply with a federal policy. By preventing the SWRCB, the DPW, and other state agencies from taking actions to protect fishery and other public trust values, H.R. 23 is “prohibiting” the State from enforcing state law. Further, in violation of H.R. 23’s attempt to federalize water resource management in the California.

Sincerely,

XAVIER BECERRA,
Attorney General.

H.R. 23’s attempt to federalize water resource management in the California.

Sincerely,

XAVIER BECERRA,
Attorney General.

OFFICE OF THE GOVERNOR,

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.

DEAR Speaker Ryan: I write to oppose H.R. 23, the “Gaining Responsibility on Water Act of 2017.”

Water defines the west and for over a century has been the foundation of everything we do. But, despite what is often attempted intrusions into this essential attribute of their sovereignty, including in the operation or construction of water projects involving the federal government. This bill overrides California water law, ignoring our state’s prerogative to oversee our waters. Commandeering our laws for purposes defined in Washington is not right.

It is also not smart. California is the sixth-largest economy in the world, and its future depends on the wise and equitable use of its water. Making decisions regarding water and balancing among the needs of California’s nearly 40 million residents and taking into consideration economics, biodiversity and wildlife takes time. This is best done at the state and local level—not in a polarized political climate 3,000 miles away.

Undermining state law is especially unwise today as California, with input from all stakeholders, is poised to make its boldest water infrastructure investments in decades: improving their recycling, updating an antiquated delta water conveyance, and adopting water-use efficiency targets.

I ask you to respect California’s rights and show this bill the door.

Sincerely,

EDMUND G. BROWN, JR.
Mr. POLIS. Mr. Speaker, the only winners under this bill are actually a few large agricultural producers who will take all the water, leaving none for many others. This bill is a water grab, plain and simple. The so-called GROW Act provides no new water, but it takes the existing water and gives it to those with the best lobbyists here in Washington.

Instead of this highly partisan bill, we should be taking steps to actually grow the water supply for everybody, with water recycling, with water conservation, water efficiency, many other nonideological, nonpartisan fixes, water infrastructure that can actually help deliver water to small farmers, protect our environment, and, yes, our legitimate agricultural producers as well.

Unfortunately, instead, we are stuck with this so-called GROW Act, which jeopardizes fishing jobs, preempts State conservation laws, overrides the Endangered Species Act for salmon and wildlife, undermines the NEPA process, and undermines water rights. In doing so, this bill would permanently destroy California’s rivers, Bay-Delta Estuary, needed fisheries, and the thousands of jobs that depend on those natural resources.

This bill is not a balanced protection. It picks winners and losers and hands over water rights to those who are present for the backroom deals in Washington.

Let’s go back to the drawing board. I come from the State of Colorado, and we know how important water is. Let’s find a way to find a bipartisan path to grow the water supply across the Western United States.

□ 1245

Let me address the other bill that is contained in this rule, the NDAA. National Defense Authorization Act. For 56 straight years, the United States Congress has come together to craft policies and recommendations for the United States Armed Forces and to put those policies into law under the authorizing statute for our military. Without question, this bill is one of the most consequential and important items that Congress undertakes each year.

Personally, I have found objections to policies, and I have been a fan of other policies contained in these bills while I have been in Congress. And I want to commend the work of my colleagues, Democratic and Republican, Independent and members of the Armed Services Committee for their important work on this legislation so important for our national security.

Many of my colleagues on the Armed Services Committee have served or do serve in our military. Members of the committee are dedicated public servants, they are experts in their field, they travel and learn and hear from experts, and they set aside many of their political differences to do what it takes to keep America safe and secure, something that Republicans, Democrats, Independents are all committed to. We need to make sure that we give our military the tools they need to safely carry out the tasks that the Commander in Chief and elected officials ask them to undertake.

I commend the committee for putting forth a bill that takes constructive steps in filling military readiness gaps, requiring strategies from the administration and the Department of Defense with regard to contingencies in several countries, and acknowledging and planning for the real climate change threat that is posed to our national security.

Yet the work of the NDAA is not limited to members of the Armed Services Committee. The Members of this body as a whole, Democrats and Republicans who don’t serve on that committee, have submitted over 400 amendments to do what each one of us believes would be in some way improve this bill and strengthen our national security.

But the work of NDAA continues, and before this week is over, I expect to see the Rules Committee make in order an even greater number of these amendments. We took the first step in the Armed Services Committee. We have dozens of amendments in order, and we will continue that work in Rules Committee this afternoon as we thoughtfully go.
through the 400 amendments so a representative number of those from my Democratic and Republican colleagues who don’t have the opportunity to serve on the Armed Services Committee can present those ideas for consideration on the full House.

But for all the hard work that the Armed Services Committee has done, what we have before us this week is essentially an argument that needs to be solved by the Budget Committee and can’t, frankly, be solved by the authorizing committees. So the question today is what we call the overseas contingency fund and by deliberately flouting limitations set by the Budget Control Act, this Armed Services authorization bill has been completely overtaken by the debate on the Federal budget.

One of the tricks that we worry about is by blatantly disregarding the proper overseas contingency fund and by deliberately flouting limitations set by the Budget Control Act, this Armed Services authorization bill has been completely overtaken by the debate on the Federal budget. So there is a debate about the inability to pass a bill, adhere to a budget, and balance our budget, and, rather, we are operating kind of in this lala world of, if we had all the money in the world, here is what we would do. Democrats know, Republicans know, we live in a world of tradeoffs, and we as Democrats and Republicans will need to decide what those tradeoffs are. That is not being done in this bill, and, in fact, it is one week less that we have to have those important discussions about how to actually secure America and protect our country.

If the debate over armed services wasn’t such a serious topic, I would, frankly, Republicans have spent so much time building such an elaborate and complex budget scheme. It is very clever, more so than the traditional overseas contingency gimmicks that have been presented within recent years. It took me a little while to even understand what this budget gimmick was, and I am going to now seek to explain it.

The Defense spending budget is capped at $549 billion by the Budget Control Act of 2011. $549 billion is the maximum we could be spending for defense. This bill authorizes $621 billion as its discretionary base budget authority. That means that the bill we are debating today goes $70 billion in spending above the spending caps that Congress agreed on. That is all deficit spending. That means Congress will increase the deficit by $70 billion under this bill, but it gets worse.

The United States has been embroiled in conflict abroad since 2001, and many administrations, Democratic and Republican, have requested another pot of money that we call the overseas contingency fund. These funds, as the name indicates, are supposed to be used for paying costs that are incurred due to U.S. engagement in contingency operations, not baseline operations. And they are exempt, rightfully so, from the budget caps, because we never wanted to constrain our ability to provide funding for an unforeseen contingency that becomes a necessary for our national security.

This year, however, the bill provides for $74 billion for this overseas contingency fund, a full $10 billion above what was even requested by the President.

Now, a reminder, the Republicans haven’t actually produced a budget this year, so we can’t exactly make a comparison between the President’s budget and the Republican majority’s budget. I think one of the reasons they might be afraid to is they will show substantially increased deficits with these tax-and-spend Republican policies that have come to typify the Republican approach to growing government with every new spending bill.

What the NDAA does is it takes this overseas contingency account, which is often called the slush fund for the Pentagon, it adds $10 billion to that fund, and instead of paying for future contingency operations, that will pay for baseline operations. Some of that $10 billion goes to the unfunded priorities of the Pentagon, things it couldn’t quite fit in the $621 billion, which already incorporate defense spending up to $70 trillion.

So it is just throwing money. Federal money, your taxpayer money. Mr. Speaker, hand-over-fist, without a plan, indebted future generations for spending money today. The Pentagon gets more big ticket items they want.

And, likewise, it is hard to argue with funds being allocated to operations and maintenance. We are all for maintenance, we are all for readiness, but we are all for understanding the tradeoffs, as the previous Administration was, and I would hope that this Administration would do the same, and I think we don’t have a budget debate, not a defense debate in the context of a national defense debate, which is what is being done here today.

Mr. Speaker, I reserve the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman referred to what this would do to the budget. I would point out to the gentleman, and I think I did this in committee yesterday, that if this is passed, it will only be 16.8 percent of total Federal outlays, which means the single most important thing that we do here in government only gets less than 20 percent of the money that we are going to spend. So I don’t think it is asking too much of the people who are providing for the defense of America, that we spend 16.8 percent of all the Federal money we are going to spend next year on making the American people safe and secure.

He spoke about tradeoffs. Let me tell you one tradeoff I don’t think any of us should be willing to make, and that is trading off the safety and security of the American people for trying to keep some other overspending in some other part of the budget going.

We need to focus today, and in this bill, on what it takes to authorize the defense and the safety and security of the American people, and I believe this bill does that, as did all but one of my colleagues on the House Armed Services Committee.

So I believe that we have struck the appropriate balance here that does all that. Yes, we have got some budget things we need to take care of. That is for later. For today, we are going to focus on defending the American people.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. AUSTIN
SCOTT), my colleague on the Armed Services Committee.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I would like to thank the gentle- man from Alabama (Mr. BYRNE) for his work on the National Defense Au-

torization Act.

Mr. Speaker, I rise today to ask my fellow Members to support the fiscal year 2018 National Defense Authoriza-
tion Act.

After nearly 13 hours of debate, my colleagues and I on the Armed Services Committee, we came together, we passed the legislation to provide critical resources and reforms for our Na-
tion’s military to undertake the 21st century threats that our country and the world faces.

Part of facing these challenges is en-
suring that our military personnel are able to combat the dangerous and ille-
gal actions of transnational criminal organizations, particularly those close to home in the SOUTHCOM region.

Mr. Speaker, I appreciate the gentle-
man who spoke earlier about the activities of transnational criminal or-
ganizations, particularly those close

home in the SOUTHCOM region.

Mr. Speaker, I appreciate the gentle-
man who spoke earlier about the opioid epidemic. I would just remind
my fellow Americans that over 5,000 Americans die every month from drug overdose.

Just a few months ago, I, along with
the gentleman from Texas (Mr. VEASEY), had the opportunity to visit with the Joint Interagency Task Force South and SOUTHCOM’s headquarters in Florida to hear and see firsthand the challenges that migrant and drug interdiction within the Caribbean re-

gion pose on homeland and national se-
curity.

Included in the fiscal year 2018 Na-
tional Defense Authorization Act is a provision that I authored aimed at ad-
ressing the threat these transnational criminal organizations pose on our country and seeking to find new ways to support SOUTHCOM in their con-

tinuing efforts to tackle those threats head-on.

To all of the members of the SOUTHCOM team, I want to thank you for the important work that you do in securing our coastlines, supporting our national security, and protecting your fellow Americans.

To my colleagues, I urge your sup-
port in passage of the fiscal year 2018 NDAA to keep the U.S. military the best and most prepared fighting force in the world.

Ms. CHENEY. Mr. Speaker, I thank
the gentleman from Arizona (Mr. GALLEGO), a distinguished member of the Armed Services Com-

mittee.

Mr. GALLEGO. Mr. Speaker, this rule is a travesty. If we vote to approve it, an amendment unanimously sup-
ported by the Armed Services Committee—unanimously, all Democrats and all Republicans would compromise language—to prevent President Trump from using our military’s money to build his border wall will suddenly van-

ish. It is a legislative magic trick, a

sneaky gimmick designed to disguise their actions.

Once again, Speaker RYAN and the House Republicans are doing President Trump’s dirty work. They want to make sure that Trump can build his wall, but they are also desperate to avoid a clean up-or-down vote on this issue. They are hiding from the American voters.

They didn’t have the courage to op-

pose my amendment in committee or even on the House floor. They passed this rule last minute. Only any-

one watching, in typical Republican fashion.

Republicans are resorting to decep-
tive legislative tactics to do Trump’s bidding just for his small, fragile ego.

Mr. Speaker, this self-executing rule, if it comes to fruition, is going to at-
tempt to slip one past Congress and the American people.

Just 6 months into this administra-
tion, it is already abundantly clear that we don’t pay for Trump’s stu-
pid, dumb border wall. We must not allow precious resources to be robbed from our troops simply to score polit-
cal points for Trump’s ego.

Mr. Speaker, with Mexico refusing to en-


certain this absurd policy and with-

out a direct appropriation from Con-
gerass, President Trump is going to get desperate. His administration will in-
evitably seek to pull money from other sources to make good on his promise to build this wall, including from the De-
fense budget.

That is why my amendment was so


crucial. It would simply ensure that DOD resources aren’t siphoned off for a pointless wall that we don’t need and cannot afford. It was supported by Democrats and Republicans alike, the ranking member and the chairman.

As a Member of Congress, we have a


 sacred responsibility to ensure that money meant to address real national security challenges isn’t diverted to combat imaginary ones that the Presi-
dent has created.

As a Marine Corps veteran, I believe it would be an insult to our members of the military if their resources were re-

allocated to build a wall that we don’t need, that won’t bring us more secu-

rity, when we have tens of thousands of military members that are currently still on food stamps while serving this country.

Mr. Speaker, make no mistake: a vote for this rule is a vote to build the wall and take precious resources from the Department of Defense budget.

Please vote no.
The SPEAKER pro tempore. Mem-

bers are reminded to refrain from en-
gaging in personalities toward the President.

Mr. BYRNE. Mr. Speaker, I yield my-
self such time as I may consume. Mr. Speaker, I appreciate the com-

ments of my colleague from Arizona.

This was not done in the middle of the night in secrecy. This was done in full committee with cameras watching us, and done early in the evening with full debate, so I disagree with him about that.

Let’s talk about the wall for a sec-

ond.

Mr. Speaker, I rise today to urge my colleagues to support both of these underly-
ing bills, and I want to speak par-


cially about the National Defense Au-

torization Act.

We are, today, living in a world where we face a more complex array of threats than at any time in the last 70 years. The obligation that we have to our men and women in uniform, to make sure that we provide them with the resources that they need to defend this Nation, is a more solemn obliga-
tion than any other we have.

There are many things that we were
elected to do when we came to Wash-

ington, and we have done many of those things in this Congress. We have been a historically productive Congress in the months that we have been here. We have passed repeal and replace of healthcare reform, we have passed the repeal bill for Dodd-Frank, we have begun our important work on immigra-
tion reform, and we have done tremen-
dous work on regulatory reform to lift the burden of the massive overreach of the Obama years. But there is nothing that we do that is more important than providing the resources for our men and women in uniform. This bill is a very important first step in that direc-
tion.
I want to mention a couple of things that this bill does in particular.

In the aftermath of the ICBM test, the first successful North Korean ICBM test, one of the most important challenges we face as a nation is ensuring that the United States is provided for the defense of this Nation with respect to missile defense. This bill adds $2.5 billion above the administration’s request for missile defense. It focuses on including additional interceptors for existing systems, as well as research for new technologies.

Total missile defense is still below the funding levels during the Bush administration. This bill is a very important first step, but, Mr. Speaker, we have got to do much more.

We also, in this bill, begin the process of providing the necessary additional resources and top line to begin to rebuild. We have not had a defense budget, Mr. Speaker, since 2011 that was based upon the Pentagon being able to set out what they need to do and telling us what we need to do to be able to defend against those threats.

We have now, because we are living under the Budget Control Act, had a Defense Department, instead, that has been forced on levels that are arbitrary and to cut at levels that are arbitrary. No nation can responsibly live under that system.

The next thing we have got to do is repeal the Budget Control Act. We have got to do this so that we have a budget that is based upon the future, a huge fiscal crisis, but that crisis is not being driven by our defense budget. The Budget Control Act has been ineffective at getting at what we need to do in terms of reducing the debt. Instead, it has gutted our defense.

We are in a world today where the North Koreans, the Iranians, the Russians, the Chinese, ISIS, and al-Qaeda are all continuing to make strides against us.

One of the things that I am often asked as a new Member of this body is what has surprised me most in my time in Congress. I came to this body, Mr. Speaker, as someone who has spent a lot of time focused on national security and defense issues, as someone who spent a large part of her career really invested in and studying and learning these issues, and I thought, Mr. Speaker, that I was relatively well informed about these issues.

I have been stunned, Mr. Speaker, as a member of the House Armed Services Committee, briefing after briefing after briefing, to the extent at which we have fallen so far behind. And I think it is critically important for my colleagues, Mr. Speaker, and for the American people to understand the extent to which our adversaries are, today, fielding and developing capabilities and systems against which we cannot, may not be able to defend.

Mr. Speaker, in closing, I want to read something that Ronald Reagan said back in 1982 on an issue when they were having similar issues and debates and discussions about defense spending. He said: “Now, I realize that many well-meaning people deplore the expenditure of huge sums of money for military purposes at a time of economic hardship. Similar voices were heard in the 1930s, when economic conditions were perhaps even worse than anything we’re experiencing today. But the result of heeding those voices then was a disastrous military imbalance that tempted the forces of tyranny and evil and plunged the world into a ruinous war. We must never repeat that experience.”

“Mr. Speaker, I urge my colleagues to remember that weakness is provocative, that it is when we are strong that we are most able to protect ourselves and to defend ourselves, and we must learn the lessons of the past. Passing this rule and passing the underlying legislation, this National Defense Authorization Act, is the first step in that direction.

Mr. Speaker, I urge my colleagues to vote in the affirmative and to ensure that we do everything we can to defend our Nation and to make sure that we defend freedom for the next generation.”

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. McNERNEY).

Mr. McNERNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are here with H.R. 23 again discussing attempts to override the President’s veto of the National Defense Authorization Act. The House and Senate negotiated additional pumping flexibility in last year’s WIN Act. This group has stated for years that they just want a little additional flexibility in environmental law, which actually means weakening or eliminating environmental law. They ignore the damage this would cause to California’s delta region, its families, and its farmers.

We heard last year that governments are set up for the people, but this means all of the people, not just a few people at the expense of others.

The person nominated to Deputy Secretary at the Department of the Interior worked for Westlands Water District just last December. He would make decisions to pump more water to Westlands, the Nation’s largest water district—a clear conflict of interest, and a clear threat to farmers and residents in the delta.

This is a clear example of what is wrong with H.R. 23. It will negate environmental protections; it will hurt one region to benefit another; and it allows corruption to seep into the Federal Government.

Mr. Speaker, I urge Members to oppose H.R. 23 for these reasons.

Mr. BYRNE. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in April, President Trump and congressional Republicans rolled back the FCC’s rule to protect Americans’ personal information and their internet browsing history. By doing so, they effectively sold personal privacy to the highest corporate bidder.

Today is Net Neutrality Day of Action, protesting the FCC’s proposal to end equal access to online content, which would destroy the internet as we know it. What better day to also protect the future of our privacy by undoing the Republicans’ reckless rollback that placed cable profits above our privacy and consumer protections.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up Representative ROSEN’s Restoring American Privacy Act, H.R. 1988. This bill will restore Americans’ privacy protections and tell internet service providers they can’t sell their customers’ personal information without the knowledge and consent of the customers.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

Mr. SCHWEIKERT. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, to discuss our proposal, I yield 5 minutes to the gentlewoman from Nevada (Ms. ROSEN).

Ms. ROSEN. Mr. Speaker, if today’s vote on the previous question fails, in the next 10 minutes, voting on a partisan bill that rolls back key environmental laws, overturns State law, and ignores real solutions to our water supply shortages in the West, we will have the opportunity to vote on my bill, H.R. 1988, the Restoring American Privacy Act of 2017.

This bipartisan legislation will reverse the President’s decision to assign a disastrous resolution allowing internet providers to sell their customers’ personal information, without acknowledging or without their consent.

As a former computer programmer and someone who has firsthand experience writing code, I can tell you that the first step towards protecting vulnerable and sensitive data is to make sure it remains private.

S.J. Res. 34, which now, unfortunately, is the law, prevents vital online protections for millions of Americans nationwide from taking effect later this year. The resolution, signed by the President, negating FCC broadband consumer privacy rules is not only wrong and a blatant violation of privacy, but it jeopardizes Americans’ personal data and puts them at risk of having their browsing history and other sensitive information, including geolocation and amp usage.

I am simply shocked that most of my colleagues across the aisle voted for a
measure that violates Americans' privacy by selling our most intimate and personal information, all without our consent.

Repealing the FCC rule with S.J. Res. 34 now allows broadband providers to turn private personal information over to the highest bidder—or anybody they want, including the government—without a warrant and without ever telling you.

That is right. Without this rule that President Trump and most Republicans in Congress brought up, but now is not the time, during that short time, the FCC is now prevented from publishing rules to protect the American people's browsing history. In overwhelming numbers, they known they want to keep their private information private. Even worse, the passage of this resolution also tells providers they no longer have to use reasonable measures to protect consumers' personal data.

This is absolutely unacceptable. We are living in a time where identity theft and Internet hacking have become the new norm. Shortly after President Trump and Republicans repealed these consumer protections, we experienced a massive ransomware attack that caused major damage to businesses and companies around the world. No American wants their personal information to be up for grabs.

By using the Congressional Review Act to eliminate this rule, the FCC is now prevented from publishing rules that are substantially the same absent additional legislation, establishing a dangerous precedent for private citizens.

Americans should have the right to decide how their Internet providers use their personal information, especially since many people can't choose their own broadband provider.

What my bill does, Mr. Speaker, is simple. H.R. 1868 makes it clear that the American people's browsing histories are not for sale; the American people's personal information is not for sale; people's personal information is not for sale; and the American people's location data is not for sale.

It is a very simple concept, one that I hope my colleagues across the aisle will recognize and support. The American people don't want the legislation that was signed into law this last spring. In overwhelming numbers, they are calling Congress and letting it be known they want to keep their private information private.

I am proud to stand up for the American people, and I hope you take up the Restoring American Privacy Act of 2017 for consideration. This is common-sense, bipartisan legislation that will reverse a misguided resolution by saying, once and for all, that ISPs cannot sell customers' personal information without their knowledge and without their permission. This bill states that your privacy is not for sale, period.

Mr. BYRNE. Mr. Speaker, I yield my-
a bipartisan urging for us to do that, but this is not the right time for us to do it on this particular piece of legislation.

I hope that at a future time the Foreign Affairs Committee, that has appropriate jurisdiction over that issue, will come forward with an AUMF that we can all discuss because we are now not just in Afghanistan and Iraq, we are in Syria, we are in Yemen, we are in Libya, we are in Somalia, where we have had some past history that is not so good.

We all—everybody, not just from the Armed Services Committee—need to understand these threats to our country and what we are going to do about them, have a strategy with a clear endgame, which we need and we haven’t had for the last several years.

Then we should authorize it because only Congress has the power to declare war. We should authorize it. And by authorizing it, we not only take responsibility, but we communicate to our friends and our foes alike, and to those servicemen and -women who put themselves at risk out there that we are behind it. We, as the Representatives of the American people, are behind it. So I hope that we can do that, but it won’t be in this particular bill.

Mr. Speaker, I appreciate the gentleman’s remarks, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself some time as I may consume.

This bill has several other policies I want to address. For one, it ties our participation in the critical New START with Russia to a separate Europe-focused treaty that Russia is not in compliance with.

The New START is a nuclear arms reduction treaty between our Nation and Russia, and we should not remove ourselves from that, from an agreement that allows us to inspect and ourselves from that, from an agreement that allows us to inspect and gather information about Russia’s nuclear facilities.

In addition, this rule, if adopted, would fail to extend the Special Survivor Indemnity Allowance that is a program that was originally created in the NDAA, and goes a long way to helping to mitigate the problems that recipients of the Defense Department’s Survivor Benefit Plan face.

There are a number of provisions of this bill which I object to in their current form but are going to be debated through amendments very likely over the course of the next week. For instance, the bill currently prevents the transfer of any declassified information to the Guamagon Bay detention facility. This detention facility that is extralegal should be closed, not repopulated, and we certainly will have that debate this week.

This bill, unfortunately, also authorizes far too many funds and continues to overfund our nuclear weapons activities, costing taxpayers hundreds of billions of dollars, in fact, as much as $1 trillion over the next 30 years, for a stockpile of weapons that, even if substantially cut, would be enough to end life on the planet.

I testified before the Appropriations Subcommittee with regard to this matter and argued how we could possibly go before the taxpayers back home and say we need to overfund our nuclear arsenal to destroy the world seven times instead of five, or five times instead of three.

One would think that ending life on the planet once would be more than enough, and it is hard to argue from taxpayers that they should, in fact, pay for this planet’s destruction multiple times.

We also continue to use force in our ongoing operations in Iraq, Syria, and elsewhere. I join my colleagues from the other side of the aisle in calling for an updated Authorization for Use of Military Force. To date, Congress has taken too many harmful actions toward achieving that, yet we hear on this floor regularly from my friend from Alabama and others that Republicans and Democrats need to do that, especially before we put another soldier in harm’s way.

That is the role of this body, and it is time to stop avoiding the task of writing an Authorization for Use of Military Force. Have that debate and make it happen.

These are the types of questions we should be debating, but instead we are continuing to avoid those and plunging our Nation deeper into debt without a real budget plan.

Instead of focusing on real questions about how to improve our defense, the general debate on this bill will largely focus on budget tricks. This debate on this budget should happen on the floor, in the Budget Committee, in a budget passed by both parties.

One of the amendments I offered with my colleague, Ms. LEE, that we will be debating, would cut 1 percent of the money authorized in that bill. That is several billion dollars. By that point, it would still be a spending level above the budget caps, but at least 1 percent in the record, reckless deficits from this Republican spending bill.

At some point we have to make decisions about tradeoffs, about the directions of our budgets, our entitlements, our discretionary, our revenues, our defense, and our nondefense. We can’t resign ourselves to plunging future generations into further debt.

My amendment with Ms. LEE is a small, first step taking a stand against unsustainable budget levels that make our Nation less secure rather than more secure. It is the wrong way to do things. It is the wrong time to have this debate. I urge my colleagues to vote “no” on this rule so we can go back to the starting board and discuss the items that my Republican colleagues agree are important in terms of the use of the Authorization for Use of Military Force. We can’t do that without getting rid of gimmicks, and figuring out how to balance the budget, rather than plunge our Nation deeper into debt.

Mr. Speaker, I urge my colleagues to vote “no,” and I yield back the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

If I may make sure that we are all clear about where we are on the START; the START runs through 2021. That is 4 years from now. What the bill says is that if we find that Russia is in violation of the INF Treaty—and there is some indication that that is true—that we wouldn’t extend it beyond 2021. But that is 4 years from now.

So what does that mean?

This is a shot across the bow to Russia. We are telling Russia: If you continue to violate the INF Treaty, we are not going to extend with you on START.

This is telling them: We are not going to let you get away with this. And I would think, at this point, after all that we have heard, we would want to stand up to Russia, and this is a very vital way to do that.

Secondly, about the GTMO issue that he brought up, there are two amendments made in order for us to discuss GTMO, and I believe we are going to have that debate tonight.

Now, I don’t agree with the amendments, but we made them in order so we can have that debate on this floor. So we are going to debate GTMO. My prediction is that we are going to defeat both of those amendments, but the people on the other side of the aisle have been given a great opportunity to make their argument that we shouldn’t do that.

Nukes. Why are we trying to modernize our nuclear force?

Because our adversaries are modernizing theirs, and if we don’t, we are not doing the proper thing to protect the people of the United States.

And then the gentleman talks about the budget bills. Now, there is a budget bill coming. Now, the budget bill is for the next fiscal year, October 1, 2017. That is 4 years from now. We have got time to pass a budget for next fiscal year.

But the way we have everything set up here, we try to move these defense bills about this time of year so that we can do what we have got to do to make sure we have communicated to the military what they are going to have to do their jobs.

If I may walk briefly around the world to remind us about where we are. Kim Jong-un has continued to test missiles throughout last year and this year, and he is getting better. And what he seeks is not just to strike South Korea or Japan, he wants to strike America. That is why you have and the CBM if you are in Korea.

We need to step up to the plate and do more in missile defense and more in other things to make sure we are doing everything we can to protect America from an attack from North Korea.

We need to take control of the South China Sea and the East China Sea. What does that mean to us for America?
Forty percent of the trade in the world moves through those two oceans. The greatest population center in the world is right there. It is where we want to do more business, where people there want to do more business with us; and not having a robust military presence and our allies to provide the security that part of the world to China.

I guess we could pull back to where we were on December 6, 1941, when we didn’t have a presence in Guam and Japan and South Korea and Singapore. Or we could fast-forward from what happened that terrible day on December 7, 1941, that we have to be thinking now for the challenge to us then and, by making those preparations and making sure we have the defense in place, we keep December 7, 1941, from happening again.

Then we have our good friends in Russia, as they push not only into Eastern Europe, but now into the Middle East. It used to be we thought that Russia was off the table; you know, the Soviet Union collapsed; didn’t have to worry about Russia anymore.

Russia is back. They are back in many different military ways, in their navy, in their missiles, and what they are doing with their armed forces, including the little green men in Ukraine. We need to take that threat seriously, as we haven’t had to take it for years.

And then there is the Middle East. We know what is happening today in Mosul and in Raqqa. Perhaps ISIS is being pushed out of those places, but it is not disappearing. It is not going away as a threat, any more than al-Qaida has gone away as a threat. We still have terrorist groups like them and others who seek to do harm to the American people, whether it is over there or over here, and we have to provide for the defense against that.

Then there is Iran; Iran that, because of an ill-considered agreement reached with them by the Obama administration, is on a path to get an ICBM of its own, which it doesn’t need to strike Israel. It needs an ICBM to strike us.

Then they get as close as they want to under that agreement that we reached with them. Right up to the edge of violation, where they perfect their nuclear technology, they decide in a short period of time to violate it, put a nuclear weapon on one of those ICBMs and threaten us directly.

That and a host of other threats are what is going on today in Asia. We have never faced such a complex set of threats since the end of World War II. It is not my word. It is the word of countless experts who have come before our committee.

We have to do this. The American people expect us to do this. Like many other people in this body, I do tele-townhalls. At my last two tele-townhalls, I have asked this open-ended question: What is the most important issue to you?

We give them a broad range of issues to pick from: healthcare, tax reform, you name it. The number one issue in those two tele-townhalls, by far, for the people in my district was national security. They believe it is necessary to use our presence in North Korea. They see what is happening in the Middle East. They know what Russia is up to. They are worried about China, and they want to know what we are doing.

This bill, like this rule provides for what we need to do to protect the American people. Mr. Speaker, I appreciate everything that I have heard today from my colleagues on both sides of the aisle because I know people on both sides of the aisle care a great deal about these issues.

Mr. Speaker, I urge my colleagues to support House Resolution 431 and the underlying bill.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 431 OFFERED BY
MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1886) to provide that providers of broadband Internet access service shall be subject to the privacy rules adopted by the Federal Communications Commission on October 27, 2016. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against consideration of the bill are waived. At the conclusion of consideration of the bill for amendment under the five-minute rule, the bill shall be reported to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening points of order or other motions.

The Speaker shall be authorized to order the previous question and a member of the majority party of the minority party shall rise and report the bill to the House. The yeas and nays shall be ordered. The SPEAKER pro tempore (Mr. Byrne) asked the Yeas and Nays. The question was taken; and the Yeas and Nays were ordered. The SPEAKER pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I move the previous question on the resolution.

The SPEAKER pro tempore announced that the ayes appeared to have it. The SPEAKER pro tempore announced that the ayes appeared to have it. The SPEAKER pro tempore announced that the ayes appeared to have it.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda and allows those with alternative views the opportunity to offer an alternate plan.

Mr. BYRNE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

FEDERAL FOOD, DRUG, AND COSMETIC ACT REAUTHORIZATION ACT OF 2017

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2430) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes, as amended.

The Clerk reads the title of the bill. The text of the bill is as follows:

H.R. 2430

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

SECTION 1. SHORT TITLE; FINDING.

This Act may be cited as the “FEDERAL FOOD, DRUG, AND COSMETIC ACT REAUTHORIZATION AND IMPROVEMENTS RELATED TO DRUGS AND DEVICES ACT OF 2017”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

1. SHORT TITLE.; FINDING.
2. AUTHORITY TO ASSESS AND USE DRUG FEES.
3. REAUTHORIZATION AND REPORTING REQUIREMENTS.
4. FEES RELATING TO DRUGS.
5. FEES RELATING TO DEVICES.
6. FEES RELATING TO GENERIC DRUGS.
7. FEES RELATING TO BIODISTRIBUTED PRODUCTS.
8. FEES RELATING TO GENERIC MANUFACTURING.
9. FEES RELATING TO PATIENT EXPERIENCE.
10. FEES RELATING TO DEVICE INSPECTION AND REGULATORY IMPROVEMENTS.
11. FEES RELATING TO DRUG ACCESS.
12. FEES RELATING TO PEDIATRIC DRUGS AND DEVICES.
13. FEES RELATING TO DROS.
14. FEES RELATING TO BIOLOGICAL PRODUCTS.
15. FEES RELATING TO TECHNOLOGY TRANSFER.
16. REPORT ON INSPECTIONS.
17. CONCLUSIONS.
18. TRANSITIONS.

SEC. 3. REAUTHORIZATION AND REPORTING REQUIREMENTS.

(a) SUNSET DATES.—This title may be cited as the “Prescription Drug User Fee Amendment of 2017”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the procurement of the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 4. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—

(1) IN GENERAL.—Section 736(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)) is amended—

(A) in the matter preceding paragraph (1), by striking “fiscal year 2013” and inserting “fiscal year 2017”;

(B) in the heading of paragraph (1), by striking “AND SUPPLEMENT”;

(C) in paragraph (1), by striking “or a supplement” and inserting “or supplement” each place it appears;

(D) in paragraph (1)(A)—

(i) in clause (1), by striking “(c)(4)” and inserting “(c)(5)”; and

(ii) in clause (ii), by striking “a fee established and all that follows through are required.” and inserting the following: “A fee established under subsection (c)(5) for a human drug application for which clinical data (other than bioavailability or bioequivalence studies) with respect to safety or effectiveness are not required for approval.”;

(E) in the heading of paragraph (1)(C), by striking “OR SUPPLEMENT”;

(F) in paragraph (1)(J)—

(i) in the heading, by striking “OR INDICATION”;

(ii) by striking the second sentence;

(iii) in paragraph (2), by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(iv) in paragraph (4), by striking “(A)” and inserting “(A)”;

(B) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the procurement of the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 5. FEES RELATING TO DEVICES.

(a) SUNSET DATES.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the device development process and the procurement of the review of device applications, including postmarket device safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.
year for prescription drug products identified in such approved human drug application.".

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 735(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(a)(3)) is amended to read as follows:

"(C) LIMITATION.—An establishment shall be assessed only one fee per fiscal year under this subheading.

(b) FEE REVENUE AMOUNTS.—Subsection (b) of section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379b) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—

(1) IN GENERAL.—For each of the fiscal years 2022 through 2026, fees under subsection (a) shall, except as provided in subsections (c), (d), (f), and (g), be established to generate a total revenue amount under such subsection equal to the sum of—

(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

(C) the dollar amount equal to the capacity planning adjustment for the fiscal year (as determined under subsection (c)(2));

(D) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(3));

(E) the dollar amount equal to the additional direct cost adjustment for the fiscal year (as determined under subsection (c)(4)); and

(F) additional dollar amounts for each fiscal year as follows:

(i) for fiscal year 2018, $876,590,000; and

(ii) the amount determined under subparagraph (a)(1); and

(2) TYPES OF FEES.—Of the total revenue amount determined for a fiscal year under paragraph (1)—

(A) 20 percent shall be derived from human drug application fees under subsection (a)(1); and

(B) 80 percent shall be derived from prescription drug program fees under subsection (a)(2).

"(3) ANNUAL BASE REVENUE.—For purposes of paragraphs (1) and (2), the annual amount of the annual base revenue for the fiscal year shall be—

(A) for fiscal year 2018, $876,590,000; and

(B) for fiscal years 2019 through 2022, the dollar amount of the total revenue amount established under paragraph (1) for the previous fiscal year, not including any adjustments made under subsection (c)(3) or (c)(4).

"(4) ADJUSTMENTS; ANNUAL FEE SETTING.—Subsection (c) of section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379b) is amended to read as follows:

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

(1) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—For purposes of subsection (b), the dollar amount used in the calculation of an adjustment to the annual base revenue for each fiscal year shall equal to the sum of—

(i) such annual base revenue for the fiscal year under subsection (b)(1)(A); and

(ii) the inflation adjustment percentage under subparagraph (B);

(B) INFLATION ADJUSTMENT PERCENTAGE.—The inflation adjustment percentage under this subparagraph for a fiscal year is equal to the sum of—

(i) the percentage annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with such compensation for fiscal year 2016 and the specified key ratios for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 736(b)) for the first 3 years of the preceding 4 fiscal years.

(ii) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(iii) the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(2) CAPACITY PLANNING ADJUSTMENT.—

(A) IN GENERAL.—For each fiscal year, after the annual base revenue established in subsection (b)(1)(A) is adjusted for inflation in accordance with paragraph (1), such revenue shall be adjusted further for such fiscal year, in accordance with this paragraph, to reflect changes in the resource capacity needs of the Secretary for the process for the review of human drug applications.

(B) INCREASE.—(i) IN GENERAL.—Until the capacity planning methodology described in subparagraph (C) is effective, the adjustment under this subparagraph for a fiscal year shall be based on the product of—

(I) the annual base revenue for such year, as adjusted for inflation under paragraph (1); and

(II) the adjustment percentage under clause (ii).

(ii) ADJUSTMENT PERCENTAGE.—The adjustment percentage under this clause for a fiscal year is the weighted change in the 3-year average ending in the most recent year that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(iii) the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(3) ANNUAL FEE SETTING.—The Secretary shall establish, for each such fiscal year, the annual fee revenue and fees for the process for the review of human drug applications.

(4) ADJUSTMENT; ANNUAL FEE SETTING.—

(A) IN GENERAL.—The Secretary shall, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees if such an adjustment is necessary to provide for not more than 14 weeks of operating reserves of carryover user fees for the process for the review of human drug applications.

(B) DECREASE.—If the Secretary has carryover balances for such process in excess of 14 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 14 weeks of such operating reserves.

(5) ANNUAL FEE SETTING.—The Secretary shall, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees if such an adjustment is necessary to provide for not more than 14 weeks of such operating reserves.

(6) NOTICE OF RATIONALE.—If an adjustment under subparagraph (A) or (B) is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under subsection (a) establishing fee revenue and fees for the fiscal year involved.

(7) ADDITIONAL DIRECT COST ADJUSTMENT.—

(A) IN GENERAL.—For fiscal year 2018, as adjusted, by $8,730,000; and

(B) INCREASE.—(i) for fiscal year 2018, by $8,730,000; and

(ii) for fiscal year 2019 and subsequent fiscal years, by the amount determined under subparagraph (B).

(8) AMOUNT.—The amount determined under this subparagraph is—

(A) for fiscal year 2018, $8,730,000, multiplied by

(B) the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(C) the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(9) INFLATION ADJUSTMENT.—For purposes of paragraphs (1) and (2), the dollar amount under paragraph (3) for the fiscal year shall be—

(A) the annual base revenue for such year, as adjusted for inflation under paragraph (1); and

(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1)); and

(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

(1) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—For purposes of subsection (b), fees under subsection (b)(1)(A) shall be reduced, as adjusted under this paragraph, to reflect changes in the resource capacity needs of the process for the review of human drug applications.

(B) INCREASE.—(i) IN GENERAL.—Until the capacity planning methodology described in subparagraph (C) is effective, the adjustment under this subparagraph for a fiscal year shall be based on the product of—

(I) the annual base revenue for such year, as adjusted for inflation under paragraph (1); and

(II) the adjustment percentage under clause (ii).

(ii) ADJUSTMENT PERCENTAGE.—The adjustment percentage under this clause for a fiscal year is the weighted change in the 3-year average ending in the most recent year that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(iii) the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(2) CAPACITY PLANNING ADJUSTMENT.—

(A) IN GENERAL.—The Secretary shall establish, for each such fiscal year, a capacity planning methodology for purposes of this paragraph, which shall—

(i) replace the interim methodology under subparagraph (B); and

(ii) incorporate such approaches and attributes as the Secretary determines appropriate; and

(B) INTERIM METHODOLOGY.—

(i) DEVELOPMENT; EVALUATION AND REPORT.—The Secretary shall obtain, through a contract with an independent accounting or consulting firm, a report evaluating options and recommendations for a new methodology to accurately assesses changes in the resource capacity needs of the process for the review of human drug applications. The capacity planning methodological options and recommendations presented in such report shall utilize and be informed by personnel time recommendations presented in such report, which shall—

(I) be effective beginning with the first fiscal year following the fiscal year the capacity planning methodology is established.

(ii) ADJUSTMENT PERCENTAGE.—The adjustment percentage under this clause for a fiscal year is the weighted change in the average ending in the most recent year that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(iii) the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV) seasonally adjusted All Items; and

(3) ANNUAL FEE SETTING.—The Secretary shall establish, for each such fiscal year, the annual fee revenue and fees for the process for the review of human drug applications.

(d) FEE WAIVER OR REDUCTION.—Section 736(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379b(d)) is amended to read as follows:

(1) in paragraph (1)—

(A) by inserting "or" at the end of subparagraph (B); and

(B) by striking subparagraph (C) and

(C) by redesignating subparagraph (D) as subparagraph (C); and

(2) by striking paragraph (3) (relating to use of standard rates)

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

(4) LIMITATION.—Under no circumstances shall an establishment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subparagraphs (A)(1)(A) (for the fiscal year) and (b)(1)(B) (the dollar amount of the inflation adjustment for the fiscal year).
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(4) in paragraph (3), as so redesignated—
(A) in subparagraph (A) and (B), by striking “paragraph (1)(D)” and inserting “paragraph (1)(C)”; and
(B) in subparagraph (B)—
(i) by striking clause (ii);
(ii) by striking “shall pay” through “(i) application fees” and inserting “shall pay application fees”;
(iii) by striking “; and” at the end and inserting a period.

(c) EFFECT OF FAILURE TO PAY FEES.—Section 736(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(e)) is amended by striking “all fees” and inserting “all such fees”.

103. REAUTHORIZATION; REPORTING REQUIREMENTS.
Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2) is amended—
(1) in paragraph (a)(1)—
(A) by striking “2013 through 2017” and inserting “2018 through 2022”;
(B) by striking “and paragraph (4) of this subsection”;
and
(2) in the paragraph (4),

(h) ORPHAN DRUGS.—Section 736(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(k)) is amended by striking “product and establishment fees” each place it appears and inserting “prescription drug program fees”.

104. SUNSET DATES.
(a) IN GENERAL.—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g–1; 379h) shall cease to be effective October 1, 2022.

(b) REPORTING REQUIREMENTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2) is amended—
(1) in paragraph (a), by striking “2013” and inserting “2018”;
(2) in paragraph (b), by striking “2013” and inserting “2018”; and
(3) in subsection (d), by striking “2017” each place it appears and inserting “2022”.

“Fee Type

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“3) TOTAL REVENUE AMOUNTS SPECIFIED.—
For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

(A) $183,280,756 for fiscal year 2018.
(B) $190,634,875 for fiscal year 2019.
(C) $200,132,014 for fiscal year 2020.
(D) $211,748,789 for fiscal year 2021.
(E) $232,167,660 for fiscal year 2022.

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—
Section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended—
(1) in paragraph (1), by striking “2012” and inserting “2018”;
(2) in paragraph (2)—
(A) in subparagraph (A), by striking “2014” and inserting “2018”;
(B) by striking paragraph (B) and inserting the following new subparagraph:

“(B) ADJUSTMENT TO BASE FEE AMOUNT.—
The applicable inflation adjustment for fiscal year 2018 and each subsequent fiscal year is the product of—

(i) the inflation adjustment under subparagraph (C) for such fiscal year; and

(ii) the product of the base inflation adjustment under subparagraph (C) for each of the fiscal years preceding such fiscal year, beginning with fiscal year 2018.”;

(C) in subparagraph (C), in the heading, by striking “TO TOTAL REVENUE AMOUNTS”; and

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

“(D) ADJUSTMENT TO BASE FEE AMOUNT.—
For each of fiscal years 2018 through 2022, the Secretary shall—

(i) adjust the base fee amounts specified in subsection (b)(2) for such fiscal year by multiplying such amounts by the applicable inflation adjustment under subparagraph (B) for such year; and

(ii) if the Secretary determines necessary, increase (in addition to the adjustment described in clause (i)) such base fee amounts, on a uniform proportionate basis, to generate the total revenue amounts under subsection (b)(3), as adjusted for inflation under subparagraph (A);”;

(3) in paragraph (3)–

(A) by striking “2014 through 2017” and inserting “2018 through 2022”; and

“8 The term ‘de novo classification request’ means a request made under section 581 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) are repealed.

105. EFFECTIVE DATE.
The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all human drug applications received on or after October 1, 2017, regardless of the date of the enactment of this Act.

106. SAVINGS CLAUSE.
Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2012, but before October 1, 2017, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2018.

107. FEES RELATING TO DEVICES.
(a) SHORT TITLE.—This title may be cited as the “Medical Device User Fee Amendments of 2017”.

(b) FINDING.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and ensuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

108. DEFINITIONS.
(a) IN GENERAL.—Section 737 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i) is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively;

(2) by inserting after paragraph (7) the following new paragraph:

“(8) The term ‘de novo classification request’ means a request made under section 581 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) are repealed.

(3) in paragraph (D) of paragraph (10) (as redesignated by paragraph (1)), by striking “supplemental submissions” and inserting “submissions, de novo classification requests”;

and

(4) in paragraph (11) (as redesignated by paragraph (1)), by striking “2011” and inserting “2016”.

(b) CONFORMING AMENDMENTS.—Section 714(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f–2(b)(1)) is amended by striking “714(b)” and inserting “714(b)”.

109. AUTHORITY TO ASSESS AND USE DEVICE FEES.
(a) TYPES OF FEES.—Section 739(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379a(a)) is amended—

(1) in paragraph (1), by striking “fiscal year 2013” and inserting “fiscal year 2018”;

and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “2013 through 2017” and inserting “2018 through 2022”;

and

(B) in subparagraph (B), by striking “or premarket notification submission” and inserting “premarket notification submission, or de novo classification request”.

(b) FEE AMOUNTS.—Section 739(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379(b)) is amended to read as follows:

“(b) FEE AMOUNTS.—

(1) Subject to subsections (c), (d), (e), and (h), for each of fiscal years 2018 through 2022, fees under subsection (a) shall be derived from the base fee amounts specified in paragraph (2), generate the total revenue amounts specified in paragraph (3).

(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

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(b) RAUTORIZATION.—Section 738A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(b)) is amended—

(i) in paragraph (1), by striking ‘‘2017’’ and inserting ‘‘2018’’.

(ii) in paragraph (2), by striking ‘‘2017’’ and inserting ‘‘2022’’.

SEC. 205. CONFORMITY ASSESSMENT PILOT PROGRAM.

(a) IN GENERAL.—Section 514 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d) is amended by adding at the end the following:

‘‘(d) PILOT ACCREDITATION SCHEME FOR CONFORMITY ASSESSMENT.—(1) IN GENERAL.—The Secretary shall establish a pilot program under which—

(A) testing laboratories may be accredited, by accreditation bodies meeting criteria specified by the Secretary, to assess the conformance of a device with certain standards recognized under this section; and

(B) subject to paragraph (2), determinations by testing laboratories so accredited that a device conforms with such standard or standards shall be accepted by the Secretary for purposes of demonstrating such conformity under this section unless the Secretary finds that a particular such determination shall not be accepted.

(2) SUBJECT TO.—The Secretary may—

(A) review determinations by testing laboratories accredited pursuant to this subsection, including by conducting periodic audits of such determinations or processes of accredited bodies or testing laboratories and, following such such review, taking additional measures under this Act, such as suspension or withdrawal of accreditation of such testing laboratory under paragraph (1)(A) or requesting additional information with respect to such device, as the Secretary determines appropriate; and

(B) if the Secretary becomes aware of information materially bearing on safety or effectiveness of a device assessed for conformity by a testing laboratory so accredited, take such additional measures under this Act as the Secretary determines appropriate, such as suspension or withdrawal of accreditation of such testing laboratory under paragraph (1)(A) or requesting additional information with regard to such device.

(3) IMPLEMENTATION AND REPORTING.—(A) PUBLIC MEETING.—The Secretary shall publish in the Federal Register a notice of a public meeting to be held no later than September 30, 2018, to discuss and obtain input and recommendations from stakeholders regarding the goals and scope of, and a suitable framework and procedures and requirements for, the pilot program under this subsection.

(B) PILOT PROGRAM GUIDANCE.—The Secretary shall—

(i) not later than September 30, 2019, issue draft guidance regarding the goals and implementation of the pilot program under this subsection; and

(ii) not later than September 30, 2021, issue final guidance with respect to the implementation of such program.

(C) PILOT PROGRAM INITIATION.—Not later than September 30, 2020, the Secretary shall initiate the pilot program under this subsection.

(D) REPORT.—The Secretary shall make available on the internet website of the Food and Drug Administration an annual report on the progress of the pilot program under this subsection.

(E) SUNSET.—As of October 1, 2022—

(A) the authority for accreditation bodies to accredit testing laboratories pursuant to section 738A(a) shall cease to have effect;

(B) the Secretary—

(i) may not accept a determination pursuant to paragraph (1)(B) made by a testing laboratory after such date; and

(ii) may accept such a determination made prior to such date;

(C) except for purposes of accepting a determination described in subparagraph (B)(ii), the Secretary shall not continue to accept the accreditation of testing laboratories accredited under paragraph (1)(A); and

(D) the Secretary may take actions in accordance with paragraph (2) with respect to the determinations made prior to such date and recognition of the accreditation of testing laboratories pursuant to determinations made prior to such date.’’.

SEC. 206. REAUTHORIZATION OF REVIEW.

Section 523 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m) is amended—

(1) in subsection (a)(3)—

(A) by striking subparagraph (A), by striking clauses (ii) and (iii) and inserting the following:

‘‘(ii) a device that is of a type, or subset of a type, listed as not eligible for review under subparagraph (B); or

(iii) a device that is of a type, or subset of such device type, is permanently implantable, life sustaining, or life supporting, unless otherwise determined by the Secretary in accordance with subparagraph (B)(i)(II) and listed as eligible for review under subparagraph (B)(ii); or

(iv) a device that is of a type, or subset of such device type, and

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

‘‘(B) DESIGNATION FOR REVIEW.—The Secretary shall—

(i) issue draft guidance on the factors the Secretary will use in determining whether a class I or class II device type, or subset of such device types, is eligible for review by an accredited person, including—

(A) the risk of the device type, or subset of such device type, and

(B) if the Secretary determines that a device type, or subset of such device type, is permanently implantable, life sustaining, or life supporting, whether there is a detailed public health justification for permitting the review by an accredited person of such device type or subset;

(ii) not later than 24 months after the date on which the Secretary issues such draft guidance, finalize such guidance; and

(iii) beginning on the date such guidance is finalized, designate and post on the internet website of the Food and Drug Administration, an updated list of class I and class II device types, or subsets of such device types, and the Secretary’s determination with respect to whether such each such device type, or subset of a device type, is eligible or not eligible for review by an accredited person under this section based on the factors described in clause (i),’’; and

(C) by adding at the end the following:

‘‘(D) INTERIM RULE.—Until the date on which the updated list is designated and posted in accordance with subparagraph (B)(iii), the list in effect on the date of enactment the Medical Device User Fee Amendments of 2017 shall be in effect.’’;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D); and

(B) in paragraph (3)—

(i) by redesigning subparagraph (D) as subparagraph (F); and

(ii) in subparagraph (F) (as so redesignated), by striking ‘‘The operations of’’ and
Title III—Fees Relating to Generic Drugs

Sec. 301. Short Title. This title may be cited as the “Generic Drug User Fee Amendments of 2017.”

(b) Finding.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 739j–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2023.

Sec. 207. Electronic Format for Submissions.

Section 736A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 739k–1(b)) is amended by adding at the end the following new paragraph:

“(3) Presumptions and submissions solely in electronic format.—

(A) In General.—Beginning on such date as the Secretary specifies in final guidance issued under subparagraph (C), presubmissions and submissions for devices described in paragraph (1) (and any appeals of actions taken with respect to such presubmissions or submissions) shall be submitted solely in such electronic format as specified by the Secretary in such guidance.

(B) Draft Guidance.—The Secretary shall, not later than October 1, 2019, issue draft guidance providing for—

(i) any further standards for the submission by electronic format required under subparagraph (A);

(ii) a timetable for the establishment by the Secretary of any further standards; and

(iii) criteria for waivers of and exemptions from the requirements of this subsection.

(C) Final Guidance.—The Secretary shall, not later than 1 year after the close of the public comment period on the draft guidance issued under subparagraph (B), issue final guidance.”

Sec. 208. Savings Clause.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 739i et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to such submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2017, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2019.

Sec. 209. Effective Date.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act received on or after October 1, 2017, regardless of the date of the enactment of this Act.


(b) Reporting Requirements.—Section 738A (21 U.S.C. 739–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2023.

(c) Previous Sunset Provision.—Effective October 1, 2017, section 207(a) of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed.

(C) by amending subparagraphs (B) and (C) to read as follows:

“(B) Notice.—Not later than 60 days before the start of each of fiscal years 2018 through 2022 the Secretary shall publish in the Federal Register the amount of the fees under paragraph (A) for such fiscal year.

“(C) Fee Due Date.—For each of fiscal years 2018 through 2022 the fees under paragraph (A) for such fiscal year shall be due on the later of—

(F) in the matter preceding clause (i) of subparagraph (F)—

(i) by striking “2012” and inserting “2017”; and

(ii) by striking “subsection (d)(3)” and inserting “subsection (d)(2)”;

(E) in paragraph (4) of subsection (A) (in the heading, by inserting “IS WITHDRAWN PRIOR TO BE RECEIVED,”), as the Secretary specifies in final guidance

(i) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively; and

(ii) by striking paragraph (13) and (14) of such subsection.


(b) Reporting Requirements.—Section 738A (21 U.S.C. 739–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2023.

(c) Previous Sunset Provision.—Effective October 1, 2017, section 207(a) of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2017, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2019.

Sec. 209. Effective Date.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 739l and 739j) shall cease to be effective October 1, 2017.


(b) Reporting Requirements.—Section 738A (21 U.S.C. 739–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2023.

(c) Previous Sunset Provision.—Effective October 1, 2017, section 207(a) of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2017, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2019.

Sec. 209. Effective Date.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2017, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2019.


(b) Reporting Requirements.—Section 738A (21 U.S.C. 739–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2023.

(c) Previous Sunset Provision.—Effective October 1, 2017, section 207(a) of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act received on or after October 1, 2017, regardless of the date of the enactment of this Act.


(b) Reporting Requirements.—Section 738A (21 U.S.C. 739–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2023.

(c) Previous Sunset Provision.—Effective October 1, 2017, section 207(a) of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed.
FEE.—

(A) IN GENERAL.—A generic drug applicant program fee shall be assessed annually as described in subsection (b) (2) (E).

(B) FEE AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

(C) NOTICE.—Within the time frame specified in subsection (d) (1), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(D) PAYMENT DUE DATE.—For each of fiscal years 2018 through 2022, the fees under subparagraph (A) for such fiscal year shall be due on the later of—

(i) the first business day on or after October 1 of each such fiscal year; or

(ii) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section for such fiscal year.

(e) IDENTIFICATION OF FACILITIES.—Section 744B(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(f)) is amended—

(1) by striking paragraphs (1) and (2) and inserting paragraphs (1) through (3), respectively;

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

(3) in paragraph (1) (as so redesignated)—

(A) by striking paragraph (4) and inserting paragraph (3); and

(B) by striking “Such information shall” and all that follows through the end of subparagraph (D) and inserting “Such information shall, for each fiscal year, be submitted, updated, or reconfirmed on or before June 1 of each following year;”;

and

(4) in paragraph (2), as so redesignated—

(A) in the heading, by striking “CONTENT OF NOTICE” and inserting “INFORMATION REQUIRED TO BE SUBMITTED”;

(B) in the matter preceding subparagraph (A), by striking paragraph (2) and inserting paragraph (1);

(C) in subparagraph (A), by striking “or intended to be identified”;

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

(E) in subparagraph (E), by striking the period and inserting “;”; and

(F) by adding at the end following: “This paragraph shall cease to be effective on October 1, 2022.”;

and

(5) in paragraph (2) (C)(ii), by striking of “505(s)(5)(A)” and inserting of “505(s)(5)(A)”;

and

(6) by adding at the end the following:

(1) GENERAL DRUG APPLICANT PROGRAM FEE.—

(A) IN GENERAL.—A person who fails to pay a fee as required under subsection (a) (5) by the date that is 20 calendar days after the due date, as specified in subparagraph (D) of such subsection, shall be subject to the following:

(i) The Secretary shall place the person on a publicly available arrears list.

(ii) Any abbreviated new drug application submitted by the generic drug applicant or an affiliate of such applicant shall be deemed misbranded under section 502(a);

(iii) All drugs marketed pursuant to any abbreviated new drug application submitted by such applicant or an affiliate of such applicant shall be deemed misbranded under section 502(a).

(iv) APPLICATION OF PENALTIES.—The penalties under subparagraph (A) shall apply until the fee required under subsection (a) (5) is paid.

(b) LIMITATIONS.—Section 744B(h)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(h)(2)) is amended by striking “(C)” and inserting “(B)”;

(c) CREDITING AND AVAILABILITY OF FEES.—Section 744B(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(d)) is amended—

(1) by striking paragraphs (1) and (2) and inserting paragraphs (1) through (3), respectively;

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

(3) in paragraph (2) (as so redesignated), by striking “federal drug facilities and active pharmaceutical ingredient master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities”.

(d) CREDITING AND AVAILABILITY OF FEES.—Section 744B(l) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(l)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “subparagraphs (C)” and (D) and inserting “subparagraph (C)”;

(B) by striking “Such information shall” and all that follows through the end of subparagraph (D) and inserting “Such information shall” and all that follows through the end of subparagraph (D) and inserting “Such information shall”;

and

(2) in paragraph (3) (as so redesignated), by striking “federal drug facilities and active pharmaceutical ingredient master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities.”
(b) F I N D I N G .—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Education and the House of Representatives, as set forth in the Congressional Record.

T I T L E IV — FEES RELATING TO BIO SIMILAR BIOLOGICAL PRODUCTS

S E C . 4 0 1 . S H O R T T I T L E ; F I N D I N G .

(a) T Y P E S O F F E E S .—Section 744H(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “the fiscal year 2018” and inserting “fiscal year 2018”;

(2) in the heading of paragraph (1), by striking “BIOSIMILAR” and inserting “BIO-SIMILAR DEVELOPMENT PROGRAM”;

(3) in paragraph (1)(A)(i), by striking “(b)(1)” and inserting “(b)(1)(A)”;

(4) in paragraph (1)(B)(i), by striking “(b)(1)” and inserting “(b)(1)(A)”;

(5) in paragraph (1)(B)(ii), by striking “(c)(5)” and inserting “(c)(5)”;

(6) in paragraph (1)(B)(iii), by striking “(b)(1)” and inserting “(b)(1)(A)”;

(b) M E T H O D AND F O R M .—The Secretary shall be in charge of the format and method for submission of lists under this subsection.

S E C . 4 0 2 . D E F I N I T I O N S .

SEC. 403. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 744C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-43) is amended—

(1) by striking “2013” and inserting “2017”;

(2) by striking “379j–42” and inserting “379j–43”;

(3) by striking “2013” and inserting “2017”;

(4) by striking “2013” and inserting “2017”;

(5) by striking “2013” and inserting “2017”;

(6) by striking “2013” and inserting “2017”;


(c) P R E V I O U S S U N S E T P R O V I S I O N .—

(1) in the matter preceding section 404 of the Drug and Food Administration Safety and Innovation Act (Public Law 112-144), is repealed.

(2) in the matter relating to section 304, is repealed.

S E C . 4 0 6 . C O N F O R M I N G A M E N D M E N T .—

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later.

S E C . 4 0 7 . S A V I N G S C L A U S E .—

Notwithstanding the amendments made by this title, for purposes of section 2 of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, the term “new drug application” (as defined in such part as of such day) that were received by the Food and Drug Administration within the meaning of section 505(j)(5)(A) of such Act (21 U.S.C. 355(j)(5)(A)), prior approval supplements that were submitted, and drug master files that contained pharmacological or pharmacoequivalent ingredients that were first referenced on or after October 1, 2012, but before October 1, 2017, with respect to assessing and collecting a fee, shall continue to be in effect with respect to a fiscal year prior to fiscal year 2018.


S E C . 4 1 0 . S H O R T T I T L E ; F I N D I N G .

(a) S H O R T T I T L E .—This title may be cited as the “Biosimilar User Fee Amendments of 2017.”

(b) F I N D I N G .—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Education and the House of Representatives, as set forth in the Congressional Record.


SEC. 412. DEFINITIONS.

(a) ADJUSTMENT FACTOR.—Section 744G(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51(1)) is amended to read as follows:

“(1) the term ‘adjustment factor’ applicable to a fiscal year is the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV-N.C. Statistical Area) October of the preceding fiscal year divided by such Index for October 2011.”

(b) BIOSIMILAR BIOLOGICAL PRODUCT.—Section 744G(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51(3)) is amended by striking “means a product” and inserting “means a biological product in final dosage form”.

SEC. 413. AUTHORITY TO ASSESS AND USE BIO SIMILAR FEES.

(a) TYPES OF FEES.—Section 744H(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)) shall cease to be effective January 31, 2023.

(b) FEE INDEXING.—The Index for Urban Consumers (Washington, D.C.-March 2011) shall cease to be effective October 1, 2022.

(c) C O N F O R M I N G A M E N D M E N T .—The Food and Drug Administration Safety and Innovation Act (Public Law 112-144) is repealed.

S E C . 4 1 4 . R E A D J U S T M E N T .—

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later.

S E C . 4 1 5 . S A V I N G S C L A U S E .—

Notwithstanding the amendments made by this title, this subsection or any provision of chapter V of the Federal Food, Drug, and Cosmetic Act, in effect on the date of the enactment of this title, shall continue to be in effect with respect to new drug applications (as defined in such part as of such day) that were received by the Food and Drug Administration within the meaning of section 505(j)(5)(A) of such Act (21 U.S.C. 355(j)(5)(A)), prior approval supplements that were submitted, and drug master files that contained pharmacological or pharmacoequivalent ingredients that were first referenced on or after October 1, 2012, but before October 1, 2017, with respect to assessing and collecting a fee, shall continue to be in effect with respect to a fiscal year prior to fiscal year 2018.
(a)(1)(B) for that fiscal year.

(4) ANNUAL BASE REVENUE.—For purposes of paragraph (2), the dollar amount of the annual base revenue for a fiscal year shall be the dollar amount of the total revenue amount for the previous fiscal year, excluding any adjustments to such revenue amount under subsection (b).

(b) FEE REVENUE AMOUNTS.—Subsection (b) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52) is amended to read as follows:

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under paragraph (4));

"(B) INFLATION ADJUSTMENT PERCENTAGE.—The inflation adjustment percentage under this subparagraph for a fiscal year is equal to the sum of—

"(i) the average annual percent change in the cost, per full-time equivalent position of the workforce, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of the process for the review of biosimilar biological product applications (as defined in section 744G(13)); and

"(ii) the average annual percent change in the Consumer Price Index for all urban consumers for the previous fiscal year.

(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(A) ALLOCATION.—The Secretary shall determine the proportion of the total revenue amount for the fiscal year (as determined under paragraph (3)) for each biosimilar biological product application (as defined in section 744G(13)) for the first 3 years of the preceding 4 fiscal years; and

"(B) CAPACITY PLANNING METHODOLOGY.—Beginning with the first fiscal year for which fees are set after such period, the Secretary may, in addition to the adjustments under paragraph (2), establish a capacity planning methodology for the process for the review of biosimilar biological product applications. Such methodology may be updated as needed to reflect an updated assessment of the resource needs of the Secretary for the process for the review of biosimilar biological product applications.

(1) FISCAL YEAR 2021.—For fiscal year 2021, fees under subsection (a) shall be established to generate a total revenue amount equal to the sum of—

"(A) $45,000,000; and

"(B) the dollar amount equal to the annual biosimilar biological product development fees and reactivation fees for the fiscal year for which fees are set, under subsection (a)(1)(B) for that fiscal year.

(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2022 through 2022, fees under subsection (a) shall, except as provided in subsection (c), be established to generate a total revenue amount equal to the sum of—

"(A) the annual base revenue for the fiscal year (as determined under paragraph (4));

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under paragraph (4));

"(C) the dollar amount equal to the operating reserve adjustment for the fiscal year (as determined under subsection (c)(3)); and

"(D) the dollar amount equal to the capacity planning adjustment for the fiscal year (as determined under subsection (c)(2)); and

"(E) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(3)).

(3) ALLOCATION OF REVENUE AMOUNT AMONG FEES; LIMITATIONS ON FEE AMOUNTS.—

"(A) ALLOCATION.—The Secretary shall determine the percentage of the total revenue amount for fiscal year 2021 that shall be derived from, respectively—

"(i) initial and annual biosimilar biological product development fees and reactivation fees under subsection (a)(1);

"(ii) biosimilar biological product application fees under subsection (a)(2); and

"(iii) biosimilar biological product development fees under subsection (a)(3).

"(B) LIMITATIONS ON FEE AMOUNTS.—Until the first fiscal year for which the capacity planning adjustment under subsection (c)(2) is effective, the amount of any fee under subsection (a) for a fiscal year after fiscal year 2021 shall not exceed 125 percent of the amount of such fee for fiscal year 2021.

(4) FISCAL YEAR 2023 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2023, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2023 adjustment under paragraph (4) in the Federal Register.

(5) FISCAL YEAR 2024 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2024, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2024 adjustment under paragraph (4) in the Federal Register.

(6) FISCAL YEAR 2025 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2025, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2025 adjustment under paragraph (4) in the Federal Register.

(7) FISCAL YEAR 2026 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2026, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2026 adjustment under paragraph (4) in the Federal Register.

(8) FISCAL YEAR 2027 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2027, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2027 adjustment under paragraph (4) in the Federal Register.

(9) FISCAL YEAR 2028 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2028, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2028 adjustment under paragraph (4) in the Federal Register.

(10) FISCAL YEAR 2029 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2029, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2029 adjustment under paragraph (4) in the Federal Register.

(11) FISCAL YEAR 2030 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2030, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2030 adjustment under paragraph (4) in the Federal Register.

(12) FISCAL YEAR 2031 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2031, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2031 adjustment under paragraph (4) in the Federal Register.

(13) FISCAL YEAR 2032 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2032, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2032 adjustment under paragraph (4) in the Federal Register.

(14) FISCAL YEAR 2033 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2033, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2033 adjustment under paragraph (4) in the Federal Register.

(15) FISCAL YEAR 2034 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2034, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated assessment of the workload for the process for the review of biosimilar biological product applications.

"(B) METHODLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2034 adjustment under paragraph (4) in the Federal Register.
"(5) ANNUAL FEE SETTING.—For fiscal year 2018 and each subsequent fiscal year, the Secretary shall, not later than 60 days before the start of each such fiscal year—

(A) the data from the previous fiscal year, initial and annual biosimilar biological product development fees and reactivation fees under subsection (a)(1), biosimilar biological product application fees under subsection (a)(2), and biosimilar biological product program fees under subsection (a)(3), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection; and

(B) publish such fee revenue and fees in the Federal Register.

"(b) Total amount of fees assessed for a fiscal year under this section may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of biosimilar biological product applications.

(d) APPLICATION FEE WAIVER FOR SMALL BUSINESSES.—Subsection (d)(1) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52), as redesignated by subsection (c)(1), is amended—

(1) by striking subparagraph (B); and

(2) by striking "all such fees" at the end of subparagraph (A) and inserting "all such costs.

(e) EFFECT OF FAILURE TO PAY FEES.—Subsection (e) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52), as redesignated by subsection (c)(1), is amended by striking "all such fees" and inserting "all such costs.

(f) CREDITING AND AVAILABILITY OF FEES.—Subsection (f) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52), as redesignated by subsection (c)(1), is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (C) (relating to fee collection during first program year) and inserting the following:

"(C) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (B) in any fiscal year if the costs described in such subparagraph are not more than 15 percent below the level specified in such subparagraph.

(B) in subparagraph (D)—

(i) the health, by striking "in subsequent years"; and

(ii) by striking "(after fiscal year 2013)"; and

(2) in paragraph (3), by striking "2013 through 2017" and inserting "2018 through 2022".

SEC. 404. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–53) is amended—

(1) in subsection (a)—

(A) by striking "2013" and inserting "2018"; and

(B) by striking "Biosimilar User Fee Act of 2012" and inserting "Biosimilar User Fee Amendments of 2012";

(2) in subsection (b), by striking "2013" and inserting "2018";

(3) by striking subparagraph (d); and

(4) by redesignating subsection (e) as subsection (d)

(5) in subsection (d), as so redesignated, by striking "2017" each place it appears and inserting "2022".

SEC. 405. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744G and 744H of the Federal Food, Drug, and Cosmetic Act shall cease to be effective October 1, 2022.

(b) REPORTING REQUIREMENTS.—Section 744H of the Federal Food, Drug, and Cosmetic Act shall cease to be effective January 31, 2023.

(c) PREVIOUS SUNSET PROVISION.—

(1) IN GENERAL.—Effective October 1, 2017, section 409 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed.

(2) CONFORMING AMENDMENT.—The Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is amended in the table of contents in section 2 by striking the item relating to section 409.

SEC. 406. EFFECTIVE DATE.

The amendments made by this section shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later.

SEC. 407. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, paragraph (8) of section 201 of the Federal Food, Drug, and Cosmetic Act, as in effect on the date of the enactment of this title, shall continue to be effective with respect to all investigations of a biological product applications and supplements (as defined in such part as of such date) that were accepted by the Food and Drug Administration for filing on or after October 1, 2017, but before October 1, 2017, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2018.

TITLE V—PEDIATRIC DRUGS AND DEVICES

SEC. 501. BEST PHARMACEUTICALS FOR CHILDREN.

Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) in subsection (a)(2)(A)(ii), by inserting "and s" after "does not exist for such diseases, disorders, or conditions," and after "biologicals,");

(2) in subsection (c)—

(A) in paragraph (6)—

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

"(B) AVAILABILITY OF REPORTS.—

(I) IN GENERAL.—Each report submitted under subparagraph (A) shall be considered to be in the public domain (subject to section 505(a)(4)(D) of the Federal Food, Drug, and Cosmetic Act) 90 days after submission of such report shall be—

(D) posted on the internet website of the National Institutes of Health in a manner that is accessible and consistent with all applicable Federal laws and regulations, including such laws and regulations for the protection of—

(aa) human research participants, including with respect to privacy, security, informed consent, and protected health information; and

(bb) proprietary interests, confidential commercial information, and intellectual property rights; and

(II) assigned a docket number by the Commissioner of Food and Drugs and made available for the submission of public comments.

(ii) SUBMISSION OF COMMENTS.—An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the submitted comments shall become part of the docket file with respect to each of the drugs; and

(iii) Docket File.

(b) HUMANITARIAN DEVICE EXEMPTION.—Section 528(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 3560(m)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (B), by inserting "or an appropriate local committee" after "review committee" each place such term appears; and

(B) in the matter following subparagraph (B), by inserting "or an appropriate local committee" after "review committee" each place such term appears; and

(2) in paragraph (6)(A)(iv), by striking "2017" and inserting "2018".

(c) DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC AVAILABILITY.—Section 316 of the Patient Protection and Affordable Care Act (21 U.S.C. 202 note) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(e) providing regulatory consultation to device sponsors in support of the submission
of an application for a pediatric device, where appropriate; 
and
(ii) in the heading of paragraph (2), by striking "meeting " and inserting "MEETING" and inserting " MEETING"; 

(a) I N GENERAL.—Clause (i) of section 515A(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–1(a)(3)) applies to the drug or biological product described in paragraph (2), this section does not apply to any drug or biological product for an indication for which orphan designation has been granted under section 505(b)(2). 

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require that a drug or biological product described in paragraph (1)(B), the investigation described in this paragraph as the "Secretary''), acting through the Food and Drug Administration, shall apply with respect to a drug or biological product described in paragraph (1)(B), the investigation described in subsection (a)(1)(B).''.

(c) M EETING, C ONSULTATION, AND GUID- 

NINGS.—

(1) in subsection (a), by striking "subsection (a)(3)'' each place it appears and inserting "subsection (a)(3)''; 

(2) in subsection (b), by inserting "" or investigation described in subsection (a)(3)'' after ""assess- 

ments described in subsection (a)(2)'' each place it appears; 

(3) in subsection (e)— 

(A) in paragraph (1), by inserting "or the investigation described in subsection (a)(3)'' after "under subsection (a)(2)''; and 

(B) in paragraph (2)(A)(i), by inserting "or the investigation described in subsection (a)(3)'' after "under subsection (a)(2)''; and 

(4) by adding at the end the following:

(m) LIST OF PRIMARY MOLECULAR TAR- 

GTS.—

(i) in general.—Within one year of the date of enactment of the FDA Reauthoriza- 

tion Act of 2017, the Secretary shall establish and update regularly, and shall publish on the Internet website of the Food and Drug Administration—

(1) a list of molecular targets considered, on the basis of data the Secretary deter- 

mines to be adequate, to be substantially relavant to the growth or progression of a pediatric cancer, and that may trigger the re- 

quirements under this section; and 

(2) a list of molecular targets of new cancer drugs and biological products in develop- 

ment for which pediatric cancer study re- 

quirements under this section will be auto- 

matically waived.

(2) CONSULTATION.—In establishing the lists described in paragraph (1), the Sec- 

retary shall consult the National Cancer In- 

stitute, members of the internal committee under section 506C, and the Pediatric Oncol- 

ogy Subcommittee of the Oncologic Drugs Advisory Committee, and shall take into ac- 

count comments from the meeting under subsection (c).

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

(a) to require that a drug or biological product described in paragraph (1)(B), the investigation described in this paragraph shall apply with respect to the assessments described in subsection (a)(1)(B).''.

(C) DEFERRALS AND WAIVERS.—Deferrals 

and waivers under paragraphs (4) and (5) shall apply in the same manner as such deferrals and waivers apply with respect to the assessments under paragraph (2)(B).''.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

(a) to require that a drug or biological product described in paragraph (1)(B), the investigation described in this paragraph shall apply with respect to the assessments described in subsection (a)(1)(B).''.

(f) by inserting after paragraph (2) the fol- 

lowing:

(3) MOLLEULARLY TARGETED PEDIATRIC CANCER INVESTIGATION.—

(A) IN GENERAL.—With respect to a drug or biological product described in paragraph (1)(B), the investigation described in this paragraph shall apply with respect to the assessments required under paragraph (1)(A).

(C) DEFERRALS AND WAIVERS.—Deferrals 

and waivers under paragraphs (4) and (5) shall apply in the same manner as such deferrals and waivers apply with respect to the assessments under paragraph (2)(B).''.

(b) ORPHAN DRUGS.—Section 505(b)(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(k)) is amended to read as follows:

(1) in general; exemption for orphan in- 

dications.—Unless the Secretary requires a report on the investigation described in this paragraph as a condition for triggering the requirements under subsection (a)(1)(B) with respect to a drug or biological product directed at a molecular target, or 

"(B) to authorize the disclosure of confiden- 

-tial commercial information, as prohib- 

ited under section 301(i) of this Act or sec- 

tion 1905 of title 18, United States Code.''.

(2) APPLICABILITY DESPITE ORPHAN DES- 

IGNATION OF CERTAIN INDICATIONS.—This sec- 

tion applies with respect to a drug or bi- 

ological product for which an indication has been granted under section 520.

(3) RELATION TO ORPHAN DRUGS.—

"(1) in general; exemption for orphan in- 

dications.—Unless the Secretary requires a report on the investigation described in this paragraph as a condition for triggering the requirements under subsection (a)(1)(B) with respect to a drug or biological product directed at a molecular target, or 

"(B) to authorize the disclosure of confiden- 

-tial commercial information, as prohib- 

ited under section 301(i) of this Act or sec- 

section 1905 of title 18, United States Code.''.

(b) ORPHAN DRUGS.—Section 505(b)(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(k)) is amended to read as follows:

(2) APPLICABILITY DESPITE ORPHAN DESIGN- 

ATION OF CERTAIN INDICATIONS.—This sec- 

ction applies with respect to a drug or bi- 

ological product for which an indication has been granted under section 520.

(3) RELATION TO ORPHAN DRUGS.—

"(1) in general; exemption for orphan in- 

dications.—Unless the Secretary requires a report on the investigation described in this paragraph as a condition for triggering the requirements under subsection (a)(1)(B) with respect to a drug or biological product directed at a molecular target, or 

"(B) to authorize the disclosure of confiden- 

-tial commercial information, as prohib- 

ited under section 301(i) of this Act or sec- 

section 1905 of title 18, United States Code.''.

(2) APPLICABILITY DESPITE ORPHAN DESIGN- 

ATION OF CERTAIN INDICATIONS.—This sec- 

section applies with respect to a drug or bi- 

ological product for which an indication has been granted under section 520.

(3) RELATION TO ORPHAN DRUGS.—

"(1) in general; exemption for orphan in- 

dications.—Unless the Secretary requires a report on the investigation described in this paragraph as a condition for triggering the requirements under subsection (a)(1)(B) with respect to a drug or biological product directed at a molecular target, or 

"(B) to authorize the disclosure of confiden- 

-tial commercial information, as prohib- 

ited under section 301(i) of this Act or sec- 

section 1905 of title 18, United States Code.''.
the Commissioner of Food and Drugs and in collaboration with the Director of the National Cancer Institute, shall convene a public meeting no later than 1 year after the date of enactment of this Act to solicit feedback from physicians and researchers (including pediatric oncologists and rare disease specialists), patients, and other stakeholders to provide input on development of the guidance under paragraph (2) and the list under subsection (m) of section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) and report to the Secretary the guidance and input received.

7. Section 505B(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(m)), as added by subsection (a), is amended by adding at the end the following:

"(l) an assessment of the effectiveness of requirements for pediatric drug and biological product development under sections 505A and 505B;"

8. The Secretary shall submit to the Congress a report to Congress not later than 5 years after the date of enactment of this Act, and the report shall include—

(a) the average length of time before the Secretary issues a written request for each investigational new drug or biological product to be tested for pediatric cancer indications; and

(b) the number of written requests submitted to the Secretary for each investigational new drug or biological product to be tested for pediatric cancer indications, organized by disease area and the date of the written request.

The Secretary shall include in the report—

(a) an analysis of the factors that may influence the average length of time before the Secretary issues a written request for each investigational new drug or biological product to be tested for pediatric cancer indications;

(b) an analysis of the factors that may influence the number of written requests submitted to the Secretary for each investigational new drug or biological product to be tested for pediatric cancer indications;

(c) a comparison of the average length of time before the Secretary issues a written request for each investigational new drug or biological product to be tested for pediatric cancer indications with the average length of time before the Secretary issues a written request for each investigational new drug or biological product to be tested for adult cancer;

(d) a discussion of the factors that may influence the number of written requests submitted to the Secretary for each investigational new drug or biological product to be tested for pediatric cancer indications with the number of written requests submitted to the Secretary for each investigational new drug or biological product to be tested for adult cancer;

(e) a discussion of the factors that may influence the average length of time before the Secretary issues a written request for each investigational new drug or biological product to be tested for pediatric cancer indications with the average length of time before the Secretary issues a written request for each investigational new drug or biological product to be tested for adult cancer;

(f) an analysis of the effectiveness of requirements for pediatric drug and biological product development under sections 505A and 505B; and

(g) an analysis of the average length of time before the Secretary issues a written request for each investigational new drug or biological product to be tested for pediatric cancer indications, organized by disease area.


The amendments made by this Act shall be classified to title 21, United States Code, as amended.
(B) the indication for which the study was requested as compared to the indication requested under the new drug application filed by the sponsor;

(C) the number of pediatric cancer indications for which assessments and investigations have been required under such section 505B;

(D) the number of requests for deferral and waiver of pediatric assessments and investigations required under such section and the number of such deferral and waiver requests granted and denied;

(E) the number of orphan-designated indications for drugs and biological products for which orphan drug assessments and investigations were required under such section;

(F) the number of drugs and biological products approved for the treatment of cancer in the pediatric population for which the supportive studies were required to be conducted under such section;

(G) the number of written requests made under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) relating to investigations required under such section and how such criteria have been applied.

(3) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate stakeholders that may be required to conduct the trials under section 505B in the development of drugs and biological products for pediatric cancer indications.

(2) REVIEW.—The study under paragraph (1) shall include a review of the Food and Drug Administration's use of the authorities under the authorizations under section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c), as amended by this section, including the determinations to the deferral and waiver criteria under such section and how such criteria have been applied.

(3) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate stakeholders that may be required to conduct the trials under section 505B of the Federal Food, Drug, and Cosmetic Act, and the ability of such stakeholders to adhere to the requests issued by the Food and Drug Administration.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a report containing the results of the study under paragraph (1) to the Secretary of Health and Human Services, the Committee on Education, Labor, and the Environment, and the Comptroller General of the United States on the implementation of the plan developed and adopted by the Committee on Energy and Commerce of the House of Representatives.

SEC. 505. ADDITIONAL PROVISIONS ON DEVELOPMENT OF DRUGS AND BIOLOGICAL PRODUCTS FOR PEDIATRIC USE.

(a) INFORMING INTERNAL REVIEW COMMITTEE.—Section 505A(a)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355A(a)(7)) is amended by striking “(a)(1)” and inserting “(a)(1)(A)”.

(7) INFORMING INTERNAL REVIEW COMMITTEE.—The report shall provide the committee referred to in paragraph (1) any response issued to an applicant or holder with respect to a proposed pediatric study request.

(b) ACTION ON SUBMISSIONS.—

(1) IN GENERAL.—Section 505A(c)(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355A(c)(d)) is amended by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (4) the following:

“(5) ACTION ON SUBMISSIONS.—The Secretary shall review and act upon a submission held by the Comptroller General of the United States on the receipt of a proposed pediatric study request or a proposed amendment to a written request for pediatric studi-
SEC. 606. COMMUNICATION PLANS.

Section 505(o)(1)–(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(o)(1)–(3)) is amended—

(1) by striking paragraph (B), by striking "or"; and

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) disseminating information to health care providers about drug formulations or properties, including information about the limitations or patient care implications of such formulations or properties, and how such formulations or properties may be related to serious adverse drug events associated with use of the drug.".

SEC. 607. PEDIATRIC INFORMATION ADDED TO LABELING.

(a) IN GENERAL.—Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

(1) in subsection (a), in the matter following paragraph (1), by striking "such drug for such disease or condition" and inserting "the same drug for the same disease or condition";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "If an application" and all that follows through "such license if" and inserting "During the 7-year period described in subsection (c), the Secretary may approve an application or issue a license for a drug that is otherwise the same, as determined by the Secretary, as the already approved drug for the same rare disease or condition if";

(B) in paragraph (1), by striking "notice" and all that follows through "sufficient notice and opportunity" and inserting "under this section or section 505E";

(C) in paragraph (2), by striking "such holder provides" and inserting "the holder provides";

and

(3) by adding at the end the following:

"(c) CONDITION OF CLINICAL SUPERIORITY.—

"(1) IN GENERAL.—If a sponsor of a drug that is designated under section 526 and is otherwise the same, as determined by the Secretary, as an already approved or licensed drug is seeking exclusive approval or exclusive licensure described in subsection (a) for the same disease or condition when approved ready drug, the Secretary shall require such sponsor, as a condition of such exclusive approval or licensure, to demonstrate that the drug is clinically superior to any already approved or licensed drug that is the same drug.

"(2) DEFINITION.—For purposes of paragraphs (1) and (2), the term "clinically superior" with respect to a drug means that the drug provides a significant therapeutic advantage over and above an already approved or licensed drug in terms of greater efficacy, greater safety, or by providing a major contribution to patient care.

(d) REGULATIONS.—The Secretary may promulgate regulations for the implementation of subsection (c). Beginning on the date of enactment of the FDA Reauthorization Act of 2017, until such time as the Secretary promulgates regulations in accordance with this subsection, the Secretary may apply any definitions set forth in regulations that were promulgated prior to such date of enactment. Such definitions, and such definitions as determined by the Secretary, are not inconsistent with the terms of this section, as amended by such Act.

(e) DEMONSTRATION OF CLINICAL SUPERIORITY.—To assist sponsors in demonstrating clinical superiority as described in subsection (c), the Secretary—

"(1) upon the designation of any drug under section 526, notify the sponsor of such drug in writing of the basis for the designation, including, as applicable, any plausible hypothesis offered by the sponsor and relied upon by the Secretary that the drug is clinically superior to a previously approved drug; and

"(2) upon granting exclusive approval or licensure under subsection (a) on the basis of a demonstration of clinical superiority as described in subsection (c), publish a summary of the clinical superiority findings.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall affect any determination under sections 526 and 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb, 360cc) made prior to the date of enactment of the FDA Reauthorization Act of 2017.

SEC. 608. PEDIATRIC INFORMATION ADDED TO LABELING.

Section 505(o)(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(o)(a)) is amended—

(1) in the subsection heading, by striking "UNDER SECTION 505(o)(j)";

(2) in paragraph (1)—

(A) by striking "under section 505(o)(j)" and inserting "under subsection (b)(2) or (j) of section 505"; and

(B) by striking "or by exclusivity under clause (ii) of section 505(j)(5)(F), clause (iii) or (iv) of section 505(j)(5)(F), clause (ii) or (iv) of section 505(c)(3)(E), or section 505(j)(5)(F), or by an extension of such exclusivity under this section or section 505E";

(3) in paragraph (2), in the matter preceding subparagraph (A)—

(A) by inserting "clauses (iii) and (iv) of section 505(j)(5)(F), or section 527, after section 505(j)(5)(F),"; and

(B) by striking "drug approved under section 505" and inserting "drug approved pursuant to an application submitted under subsection (b)(2) or (j) of section 505"; and

(4) by amending paragraph (3) to read as follows:

"(3) PRESERVATION OF PEDIATRIC EXCLUSIVITY AND EXTENSIONS.—This subsection does not affect—

"(A) the availability or scope of exclusivity under—

-i) this section;

ii) section 505 for pediatric formulations; or

"(ii) section 527;

"(B) the availability or scope of an extension to any such exclusivity, including an extension of exclusivity under section 505E;

"(C) the question of the eligibility for approval under section 505 of any application described in subsection (b)(2) or (j) of such section that omits any other aspect of labeling protected by exclusivity under—

-i) clause (iii) or (iv) of section 505(j)(5)(F);

ii) the clause (iii) or (iv) of section 505(c)(3)(E); or

"(iii) section 527(a); or

"(D) except as expressly provided in paragraphs (1) and (2), the operation of section 505 or section 527."

SEC. 609. SENSE OF CONGRESS ON LOWERING THE COST OF PRESCRIPTION DRUGS.

It is the sense of the Congress that the Secretary of Health and Human Services should commit to engaging with the House of Representatives and the Senate to take administrative actions and enact legislative changes that—

(1) lower the cost of prescription drugs for consumers; and

(2) in lowering such cost, will—

(A) balance the need to encourage innovation with the need to improve affordability; and

(B) strive to increase competition in the pharmaceutical market, prevent anti-competitive behavior, and promote the timely availability of affordable, high-quality generic drugs and biosimilars.

SEC. 610. EXPANDED ACCESS TO INVESTIGATIONAL DRUGS.

(a) PATIENT ACCESS TO INVESTIGATIONAL DRUGS.—

(1) PUBLIC MEETING.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, in coordination with the Director of the National Institutes of Health, and in consultation with patients, health care providers, drug sponsors, bioethicists, and other stakeholders, shall, not later than 270 days after the date of enactment of this Act, convene a public meeting to discuss clinical trial inclusion and exclusion criteria to inform the guidance under paragraph (3). The Secretary shall inform the Comptroller General of the United States of the date when the public meeting will take place.

(B) TOPICS.—The Secretary shall make available on the Internet website of the Food and Drug Administration a report on the topics discussed at the meeting described in subparagraph (A) within 90 days of such meeting. Such topics shall include the following:

(i) the rationale for, and potential barriers for, patients created by, research clinical trial inclusion and exclusion criteria;

(ii) how appropriate patient populations can benefit from the results of trials that employ alternative designs;

(iii) barriers to participation in clinical trials, including—

- the availability or scope of exclusivity under—

- the availability or scope of an extension to any such exclusivity, including an extension of exclusivity under section 505E;

- the question of the eligibility for approval under section 505 of any application described in subsection (b)(2) or (j) of such section that omits any other aspect of labeling protected by exclusivity under—

- clause (iii) or (iv) of section 505(j)(5)(F); or

- section 505(c)(3)(E); or

- section 527(a); or

- as expressly provided in paragraphs (1) and (2), the operation of section 505 or section 527."

(2) REPORT.—Not later than 1 year after this Act is enacted, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the availability of investigational drugs through the expanded access program described in section 561(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(b)). The report shall include—

(A) a description of actions taken by the Secretary and the Commissioner of Food and Drugs to assist sponsors in demonstrating clinical superiority as described in subsection (c), the Secretary—

"(1) upon the designation of any drug under section 526, notify the sponsor of such drug in writing of the basis for the designation, including, as applicable, any plausible hypothesis offered by the sponsor and relied upon by the Secretary that the drug is clinically superior to a previously approved drug; and

"(2) upon granting exclusive approval or licensure under subsection (a) on the basis of a demonstration of clinical superiority as described in subsection (c), publish a summary of the clinical superiority findings.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall affect any determination under sections 526 and 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb, 360cc) made prior to the date of enactment of the FDA Reauthorization Act of 2017.

SEC. 608. COMMUNICATION PLANS.

Section 505(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(o)) is amended—

(1) will lower the cost of prescription drugs for consumers; and

(2) in lowering such cost, will—

(A) balance the need to encourage innovation with the need to improve affordability; and

(B) strive to increase competition in the pharmaceutical market, prevent anti-competitive behavior, and promote the timely availability of affordable, high-quality generic drugs and biosimilars.
"Individual Patient Expanded Access Applications: Form FDA 3925," issued by the Food and Drug Administration in June 2016, have reduced application burden with respect to investigational new drugs (INDs) seeking access to investigational new drugs pursuant to section 561(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356bb(b)) and improved clarity about the submission of INDs for expanded access protocols, and drug manufacturers about such process;

(C) consideration of whether the guidance or regulations issued to implement section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356bb(b)) have improved access for individual patients to investigational drugs who do not qualify for clinical trials of such drugs, and what barriers to such access remain;

(D) an assessment of methods patients and health care providers use to engage with the Food and Drug Administration or drug sponsors on expanded access; and

(E) an analysis of the Secretary’s report under paragraph (1)(B).

(3) GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the publication of the report under paragraph (1)(B), the Secretary, acting through the Commissioner of Food and Drugs, shall issue one or more draft guidance documents relating to individual patient expanded access with respect to drugs for the treatment of serious and life-threatening conditions or diseases for which an unmet medical need exists, or for which there is a public health priority, that implicate systemic issues and the availability of such substance, drug, biological product, device, or device component (referred to in this subsection, a ‘‘device’’). Not later than 1 year after the publication of each such draft guidance, the Secretary shall issue a revised draft guidance or final guidance.

(B) CONTENTS.—The guidance documents described in subparagraph (A) shall address methodological approaches that a manufacturer or sponsor of an Investigational new drug may take to:

(i) develop eligibility criteria for clinical trials and expanded access trials, especially with respect to drugs for the treatment of serious and life-threatening conditions or diseases for which there is an unmet medical need;

(ii) develop eligibility criteria for, and increase trial recruitment to, clinical trials so that enrollment in such trials more accurately reflects the patients most likely to receive the drug, as applicable and as appropriate, while establishing safe use and supporting findings of substantial evidence of effectiveness; and

(iii) use the criteria described in clauses (i) and (ii) in a manner that is appropriate for drugs intended for the treatment of rare diseases or conditions.

(b) IMPROVING INSTITUTIONAL REVIEW BOARD REVIEW OF INDIVIDUAL PATIENT EXPANDED ACCESS PROTOCOL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue guidance or regulations, or revise existing guidance or regulations, to streamline the institutional review of INDs for individual patients expanded access protocols submitted under section 561(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356bb(b)). To facilitate the use of less process-intensive guidance or regulations so issued or revised may include a description of the process for any person acting through a physician licensed in accordance with State law to request that an institutional review board chair (or designated member of the institutional review board) review a single patient expanded access protocol for a device or drug that is submitted under such section 561(b) for a drug. The Secretary shall update any relevant forms associated with individual patient expanded access requests under such section 561(b) as necessary.

(c) EXPANDED ACCESS POLICY TRANSPARENCY.—Section 561(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356bb-01(f)) is amended—

(1) in the matter preceding paragraph (1), by striking ‘‘later’’ and inserting ‘‘earlier’’;

(2) by striking paragraph (1); and

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

(4) in paragraph (1) as so redesignated, by striking the period at the end and inserting ‘‘; or’’; and

(5) by adding at the end the following:

‘‘(2) as applicable, 15 days after the drug receives a designation as a breakthrough therapy, fast track product, or regenerative advanced therapy device, or a device or drug component;’’.

SEC. 611. TROPICAL DISEASE PRODUCT APPLICATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 524(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa(a)(4)) is amended—

(1) in clause (i), by striking ‘‘and’’ at the end; and

(2) by adding at the end the following:

‘‘(iii) that contains reports of one or more new clinical investigations (other than bioavailability studies) that are essential to the approval of the device or drug component, or from any organization of such device or drug component, the Secretary shall issue a revised draft guidance or final guidance.’’.

(b) CONTENTS.—The amendments made by subsection (a) shall apply to human drug applications submitted after September 30, 2017.

TITLE VII—DEVICE INSPECTION AND REGULATORY IMPROVEMENTS

SEC. 701. RISK-BASED INSPECTIONS FOR DEVICES.

(a) IN GENERAL.—Section 510(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)) is amended—

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

‘‘(2) RISK-BASED SCHEDULE FOR DEVICES.—

‘‘(A) The Secretary, acting through one or more officers or employees designated by the Secretary, shall inspect establishments described in paragraph (1) that are engaged in the manufacture, propagation, compounding, or processing of a device or drug component (referred to in this subsection as ‘‘device establishments’’) in accordance with a risk-based schedule established by the Secretary.

‘‘(B) FACTORS AND CONSIDERATIONS.—In establishing the risk-based schedule under subparagraph (A), the Secretary shall—

(i) apply, to the extent applicable for device establishments, the factors identified in paragraph (4); and

(ii) consider the participation of the device establishment, as applicable, in international device audit programs in which the United States participates or the United States recognizes for purposes of inspecting device establishments;’’;

and

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ‘‘paragraph (3)’’ and inserting ‘‘paragraph (3) and subparagraph (B)’’; and

(B) in subparagraph (C), by inserting ‘‘or device’’ after ‘‘drug’’.

(b) FOREIGN INSPECTIONS.—Section 809(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(a)(1)) is amended by striking ‘‘section 510(h)(3)’’ and inserting ‘‘paragraph (2) or (3) of section 510(h)’’.

SEC. 702. IMPROVEMENTS TO INSPECTIONS PROCESS FOR DEVICE ESTABLISHMENTS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following:

‘‘(b)(1) In the case of inspections other than for-cause inspections, the Secretary shall—

(i) review processes and standards applicable to inspections of device establishments in effect as of the date of the enactment of this subsection, and update such processes and standards through the collection of uniform processes and standards applicable to such inspections. Such uniform processes and standards shall provide for—

(A) a reasonable timeframe for such processes and standards, as appropriate; and

(B) announcing the inspection of the establishment within a reasonable time before such inspection occurs, including by providing to the owner, operator, or agent in charge of the establishment a notification regarding the type and nature of the inspection;

(ii) develop eligibility criteria for, and increase trial recruitment to, clinical trials so that enrollment in such trials more accurately reflects the patients most likely to receive the drug, as applicable and as appropriate, while establishing safe use and supporting findings of substantial evidence of effectiveness; and

(b) GUIDANCE.—

(a) IN GENERAL.—Subparagraph (A) of section 510(h)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)(3)) is amended by striking ‘‘paragraph (2) or (3)’’ and inserting ‘‘paragraph (2) or (3) of section 510(h)’’.
(i) that occurs over consecutive days; and
(ii) to which each investigator conducting such an inspection shall adhere unless the investigator identifies to the establishment involved a reasonable amount of time is needed to conduct such investigation; and
(D) identifies practices for investigators and device establishments to facilitate the continuity of inspections of such establishments.

(2) FINAL GUIDANCE.—Not later than 1 year after providing notice and opportunity for public comment on the draft guidance issued under paragraph (1), the Secretary of Health and Human Services shall issue final guidance to implement subsection (b) of section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374a), as added by subsection (a).

(c) ADULTERATED DEVICES.—Subsection (j) of section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351) is amended by inserting “or device” after “drug”.

SEC. 703. REAUTHORIZATION OF INSPECTION PROGRAM.

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking “October 1, 2017” and inserting “October 1, 2022”.

SEC. 704. CERTIFICATES TO FOREIGN GOVERNMENTS FOR DEVICES.

Subsection (e)(4) of section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)) is amended—

(1) by adding at the end the following:

“(ii)(I) If the Secretary denies a request for certification under subparagraph (A)(ii) with respect to a device manufactured in an establishment (foreign or domestic) registered under section 510, the Secretary shall provide a substantive summary of the specific grounds for noncompliance identified by the Secretary.

(II) To a device manufactured in an establishment that has received a report under section 704(b), the Secretary shall not deny a request for certification as described in clause (i) with respect to a device based solely on the issuance of that report if the owner, operator, or agent in charge of such establishment has agreed to a plan of correction in response to such report.

(iii) The Secretary shall provide a process for a person who has been denied a certification as described in clause (i) to request a review of the denial to conform to the standards of section 517A(b).

(2) by moving the margins of subparagraphs (C) and (D) 4 ems to the left.

SEC. 705. FACILITATING INTERNATIONAL HAR MONIZATION FOR DIAGNOSTIC MEDICAL IMAGING.

Section 704(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)) is amended by adding at the end the following:

“(A) consult with the agency center charged with thepremarket review of devices shall have primary jurisdiction with respect to the review of an application, notification, or request described in paragraph (1). In conducting such review, such agency center may—

(i) consult with the agency center charged with the premarket review of drugs or biological products; and

(ii) review information and data provided to the Secretary by the sponsor of a contrast agent in an application submitted under section 505 of this Act or section 351 of the Public Health Service Act, so long as the sponsor of such contrast agent has provided to the Secretary of the applicable medical imaging device that is subject of such review a right of reference and the application is submitted in accordance with this subsection.

(2) no existing application submitted under section 515, a notification submitted under section 510(k), or a request submitted under section 513(f), as applicable, in conjunction with an applicable medical imaging device shall be subject to the requirements of such respective section. Such application, notification, or request submitted under this section shall not be subject to the requirements of this Act applicable to devices.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term ‘applicable medical imaging device’ means a device intended to be used in conjunction with a contrast agent (or class of contrast agents) for an imaging use that is described in the approved labeling of such contrast agent (or the approved labeling of any such contrast agent in the same class as such contrast agent); and

(B) the term ‘contrast agent’ means a drug that is approved under section 505 or licensed under section 351 of the Public Health Service Act, is intended for use in conjunction with an applicable medical imaging device, and—

(i) is a diagnostic radiopharmaceutical, as defined in section 515.2 and 601.31 of title 21, Code of Federal Regulations (or any successor regulations); or

(ii) is a diagnostic agent that improves the visualization of structure or function in the body by substantially different in signal intensity within the target tissue, structure, or fluid.”.
(b) APPLICATIONS FOR APPROVAL OF CON-
TRAST AGENTS INTENDED FOR USE WITH CERTAIN DIAGNOSTIC MEDICAL IMAGING DE-
VICES.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) is amended by adding at the end the following:

"(v) CONTRAST AGENTS INTENDED FOR USE WITH APPLICABLE MEDICAL IMAGING DE-
VICES.—

"(1) IN GENERAL.—The sponsor of a con-
trast agent for which an application has been appro-
ved may submit a supplement to the application seek-
ing approval for a new use following the authoriza-
tion of a premarket submission for an appli-
cable medical imaging device for that use with the contrast agent pursuant to section 520(p)(1).

"(2) REVIEW OF SUPPLEMENT.—In reviewing a supple-
ment submitted under this sub-
section, the agency center charged with the pre-
market review of drugs may—

(A) consult with the center charged with the pre-
market review of devices; and

(B) review information and data sub-
mitted to the Secretary by the sponsor of an appli-
cable medical imaging device pursuant to sec-
tion 513(f)(2) so long as the sponsor of such applicable medical imag-
ing device has provided to the sponsor of the contrast agent a right of reference.

DEFINITIONS.—For purposes of this sub-
section—

"(A) the term ‘new use’ means a use of a con-
trast agent that is described in the ap-
proved labeling of an applicable medical imag-
ing device described in section 520(p)(1), but that is not described in the approved labeling of the contrast agent; and

"(B) terms applicable medical imaging device' and ‘contrast agent’ have the mean-
gings given such terms in section 520(p)(1).

SEC. 707. RISK-BASED CLASSIFICATION OF AC-
CESSORIES.

(a) IN GENERAL.—Subsection (i) of section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) is amended by adding at the end the following:

"(i) POSTMARKET PILOT.—Section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d) is amended by adding at the end the following:

"(1) IN GENERAL.—In order to provide timely and reliable information on the safety and effectiveness of devices approved under sec-
tion 510, cleared under section 513(c), or clas-
sified under section 513(f)(2), including re-
ponses to adverse events and malfunctions, and to advance the objectives of part 803 of the Code of Federal Regulations (relat-
ing to postmarket surveillance of medical devices), the Secretary, within one year of the date of enactment of the FDA Reau-
thorization Act of 2017, initiate one or more pilot projects for voluntary participation by a manufacturer or manufacturers of a device or device type, or continue existing projects, in accordance with paragraph (2), that—

(A) are designed to efficiently generate reliable and timely safety and active surveil-
ance data for use by the Secretary or manufac-
turers of the devices that are involved in the pilot project;

(B) inform the development of methods, systems, data criteria, and programs that could be used to support safety and active surveil-
 lance activities for devices included or not included in such project;

(C) may be designed and conducted in co-
ordination with a comprehensive system for evalu-
ing the medical device's level of safety and effec-
tiveness, the criteria under clause (i), (ii), or (iii)

(D) use electronic health data including claims data, patient survey data, or any other data, as the Secretary determines ap-
propriate;

(E) prioritize devices and device types that meet one or more of the following cri-
criteria—

(i) Devices and device types for which the collection and analysis of real world evi-
dence regarding a device’s safety and effec-
tiveness is likely to advance public health;

(ii) Devices and device types that are widely used;

(iii) Devices and device types, the failure of which has significant health con-
sequences;

(iv) Devices and device types for which the Secretary—

(I) has received public recommendations in a hearing or notice with public hearing sta-
tes a request for a hearing or for a public hearing where the Secretary shall establish the conditions and processes—

(II) has determined to meet one or more of the criteria under clause (i), (ii), or (iii) and is appropriate for such a pilot project.

The Secretary shall establish the conditions and processes for such a pilot project.

"(2) PARTICIPATION.—The Secretary shall initiate one or more pilot projects for voluntary participation by a manufacturer or manufacturers of a device or device type, or continue existing projects, in accordance with paragraph (3), that—

(A) are designed to efficiently generate reliable and timely safety and active surveil-
ance data for use by the Secretary or manufac-
turers of the devices that are involved in the pilot project;

(B) inform the development of methods, systems, data criteria, and programs that could be used to support safety and active surveil-
 lance activities for devices included or not included in such project;

(C) may be designed and conducted in co-
ordination with a comprehensive system for evalu-
ing the medical device’s level of safety and effec-
tiveness, the criteria under clause (i), (ii), or (iii)

(D) use electronic health data including claims data, patient survey data, or any other data, as the Secretary determines ap-
propriate;

(E) prioritize devices and device types that meet one or more of the following cri-
criteria—

(i) Devices and device types for which the collection and analysis of real world evi-
dence regarding a device’s safety and effec-
tiveness is likely to advance public health;

(ii) Devices and device types that are widely used;

(iii) Devices and device types, the failure of which has significant health con-
sequences;

(iv) Devices and device types for which the Secretary—

(I) has received public recommendations in a hearing or notice with public hearing sta-
tes a request for a hearing or for a public hearing where the Secretary shall establish the conditions and processes—

(II) has determined to meet one or more of the criteria under clause (i), (ii), or (iii) and is appropriate for such a pilot project.

The Secretary shall establish the conditions and processes for such a pilot project.
a pilot project, including requirements for the data necessary to support such a recommendation.

(3) CONTINUATION OF ONGOING PROJECTS.—The Secretary may continue or expand under paragraph (1) or (B) a pilot project, with respect to providing timely and reliable information on the safety and effectiveness of devices approved under section 510(k) of title 21, or cleared under section 510(k), or classified under section 513(f)(2), that are being carried out as of the date of the enactment of the FDA Reauthorization Act of 2017. The Secretary may, on such a date of enactment, take such steps as may be necessary—

(A) to ensure such projects meet the requirements of subparagraphs (A) through (E) of paragraph (1); and

(B) to increase the voluntary participation in such projects by manufacturers of devices and facilitate public recommendations for any devices prioritized under such a project.

(4) IMPLEMENTATION.—

(A) CONTRACTING AUTHORITY.—The Secretary may carry out a pilot project meeting the criteria specified in subparagraphs (A) through (E) of paragraph (1) or a project continued or expanded under paragraph (3) by entering into contracts, cooperative agreements, grants, or other appropriate agreements, with any entity or entities that have a significant presence in the United States and meet the following conditions:

(i) If such an entity is a component of another organization, that organization has established an agreement under which appropriate security measures are implemented to maintain the confidentiality and privacy of the data described in paragraph (1)(D) and such agreement ensures that the entity will not make an unauthorized disclosure of such data to the other components of the organization in breach of requirements with respect to confidentiality and privacy of such data established under such security measures.

(ii) In the case of the termination or non-renewal of such a contract, cooperative agreement, grant, or other appropriate agreement, the entity or entities involved shall comply with each of the following:

(I) The entity or entities shall continue to comply with the requirements with respect to confidentiality and privacy specified in clause (i) with respect to all data disclosed to the entity under such an agreement.

(II) The entity or entities shall return any data disclosed to such entity pursuant to this subsection and to which it would not otherwise have access or, if returning such data is not practicable, destroy the data.

(iii) The entity or entities shall have one or more qualifications with respect to—

(I) research, statistical, epidemiologic, or clinical capability and expertise to conduct and complete the activities under this subsection, including the capability and expertise to ensure that the entity has the capability and expertise to de-identified data consistent with the requirements of this subsection;

(II) an information technology infrastructure to support electronic data and operational standards to provide security for such data, as appropriate;

(III) experience with, and expertise on, the development of research on, and surveillance of, device safety and effectiveness using electronic health data; or

(IV) such other expertise which the Secretary determines necessary to carry out such a project.

(B) REVIEW OF CONTRACT IN THE EVENT OF A MERGER OR ACQUISITION.—The Secretary shall ensure, through a contract, cooperative agreement, grant, or other appropriate agreement entered into under this paragraph with an entity meeting the conditions specified in subparagraph (A) in the event of a merger or acquisition of the entity in order to ensure that the requirements specified in this subsection will continue to be met.

(5) COMPLIANCE WITH REQUIREMENTS FOR RECORDS OR REPORTS ON DEVICES.—The participation of a manufacturer in pilot projects under this subsection or a project continued or expanded under paragraph (3) shall not affect the eligibility of such manufacturer to participate in any quarterly reporting program with respect to devices carried out under section 522 of the Medical Device User Fee Amendments of 2017 and subsection (i) of section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360f) as amended by subsection (a), for informing premarket and postmarket decision-making for multiple device types, and to determine whether the methods, systems, and programs in such pilot projects efficiently generate reliable and timely evidence about the effectiveness or safety surveillance of devices.

SEC. 709. REGULATION OF OVER-THE-COUNTER HEARING AIDS.

(a) IN GENERAL.—Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i), as amended by section 708, is further amended by adding at the end the following:

(7) LIMITATIONS.—No pilot project under this subsection or a project continued or expanded under paragraph (3) may meet the applicable requirements of this section or section 522, if—

(A) the Secretary may continue or expand the pilot project, including requirements for the data necessary to support such a recommendation, if applicable;

(B) the number of manufacturers that have agreed to participate in such project;

(C) the data sources used to conduct such project;

(D) the devices or device categories involved in such project; and

(E) the number of patients involved in such project; and

(f) the findings of the project in relation to device safety, including adverse events, malfunctions, and other safety information.

(b) REPORT.—Not later than January 31, 2022, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall conduct a review through an independent third party to evaluate the strengths, limitations, and appropriate use of evidence collected pursuant to real world evidence pilot projects described in subsection (a) to inform premarket and postmarket decision-making for multiple device types, and to determine whether the methods, systems, and programs in such pilot projects efficiently generate reliable and timely evidence about the effectiveness or safety surveillance of devices.

HEARING AIDS.—

(1) DEFINITION.—

(A) IN GENERAL.—In this subsection, the term ‘over-the-counter hearing aid’ means a device that—

(I) uses the same fundamental scientific technology as air conduction hearing aids (as defined in section 741.3030 of title 21, Code of Federal Regulations (or any successor regulation) or wireless air conduction hearing aids (as defined in section 741.3030 of title 21, Code of Federal Regulations (or any successor regulation);

(ii) is intended to be used by adults age 18 and older to compensate for perceived mild to moderate hearing impairment;

(iii) through tools, tests, or software, allows the user to control the over-the-counter hearing aid and customize it to the user’s hearing needs; and

(iv) use wireless technology; or

(II) includes tests for self-assessment of hearing loss; and

(v) is available over-the-counter, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online.

(B) EXCEPTION.—Such term does not include a personal sound amplification product intended to amplify sound for nonhearing impaired consumers in situations including hunting and bird-watching.

(2) REGULATION.—An over-the-counter hearing aid shall be subject to the regulations promulgated in accordance with section 709(b) of the FDA Reauthorization Act of 2017 and shall be exempt from sections 801.420 and 801.421 of title 21, Code of Federal Regulations (or any successor regulation) or wireless air conduction hearing aids (as defined in section 741.3030 of title 21, Code of Federal Regulations) (or any successor regulation).

(3) LIMITATIONS.—No.Filters project under this subsection or a project continued or expanded under paragraph (3) may meet the applicable requirements of this section or section 522.

(4) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report describing the progress of the pilot projects being conducted under this subsection and projects continued or expanded pursuant to paragraph (3), including for each such project—

(A) how the project is being implemented in accordance with paragraph (4), including how such project is being implemented through a contract, cooperative agreement, grant, or other appropriate agreement, if applicable;

(B) the number of manufacturers that have agreed to participate in such project;

(C) the data sources used to conduct such project;

(D) the devices or device categories involved in such project; and

(E) the number of patients involved in such project; and

(F) the findings of the project in relation to device safety, including adverse events, malfunctions, and other safety information.

(5) SUNSET.—The Secretary may not carry out a pilot project pursuant to section 518 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360f) as amended by subsection (a), and, not later than 180 days after the date on which the public comment...
period on the proposed regulations closes, shall issue such final regulations.

(2) REQUIREMENTS.—In promulgating the regulations under paragraph (1), the Secretary—

(A) include requirements that provide reasonable assurances of the safety and effectiveness of over-the-counter hearing aids; 

(B) include requirements that specify or adopt output limits appropriate for over-the-counter hearing aids;  

(C) include requirements for appropriate labeling of over-the-counter hearing aids, including requirements that such labeling include a conspicuous statement that the device is only intended for adults age 18 and older; 

(D) describe the requirements under which the sale of over-the-counter hearing aids is permitted, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online; and  

(E) PREMARKET NOTIFICATION.—The Secretary shall make findings under section 510(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m) to determine whether over-the-counter hearing aids (as defined in section 512(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m)), as amended by subsection (a), require a premarket notification under section 510(k) to provide reasonable assurance of safety and effectiveness.

(b) CONTENTS.—The report submitted under subsection (a) shall contain—

(1) the status of, and findings to date, with respect to, the proposed rule entitled “Refurbishing, Reconditioning, Rebuilding, Remanufacturing, and Servicing of Medical Devices Performed by Third-Party Entities and Original Equipment Manufacturers; Request for Comments” published in the Federal Register by the Food and Drug Administration on March 4, 2016 (81 Fed. Reg. 11477);  

(2) information presented during the October 2016 public workshop entitled “Refurbishing, Reconditioning, Rebuilding, Remanufacturing, and Servicing of Medical Devices Performed by Third-Party Entities and Original Equipment Manufacturers”;  

(3) a description of the statutory and regulatory authority of the Food and Drug Administration with respect to the servicing of devices conducted by any entity, including original equipment manufacturers and third party entities;  

(4) details regarding the Food and Drug Administration currently regulates devices, and the activities in which this regulation is conducted, including requirements for such submission and that is not the only facility intended to conduct one or more units operations in commercial production. Information provided by an applicant under this subparagraph shall not be considered the submission of an application under this subsection.  

(c) THE SECRETARY MAY EXPEDITE AN INSPECTION OR REINSPECTION UNDER SECTION 704 OF AN ESTABLISHMENT THAT PROPOSES TO MANUFACTURE A DRUG DESCRIBED IN SUBPARAGRAPH (A), (B), OR (C) OF THIS PARAGRAPH TO PREVENT THE SECRETARY FROM PRIORITIZING THE REVIEW OF OTHER APPLICATIONS AS THE SECRETARY DETERMINES APPROPRIATE.

(12) The Secretary shall publish on the internet the website of the Food and Drug Administration, and update at least once every 6 months, a list of all drugs approved under subsection (c) for which all patents and periods of exclusivity under this Act have expired and for which no application has been approved or filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), as amended by section 801, is further amended by adding at the end the following:

(13) Upon the request of an applicant regarding one or more specified pending applications under this subsection, the Secretary shall, as appropriate, provide review status, including the categorical status of the applications by each relevant review discipline.”

SEC. 802. ENHANCING REGULATORY TRANSPARENCY TO ENHANCE GENERIC COMPETITION.

Section 563(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 801, is further amended by adding after the end the following:

(2) DESIGNATION PROCESS.—(A) Subject to subsection (B), the Secretary shall designate the applicant that, in the Secretary’s review of, and act within 8 months of the date of the submission of an abbreviated new drug application submitted for review under this subsection that is for a drug—

(i) for which there are not more than 3 approved drug products listed under paragraph (7) for which there are no blocking patents and exclusivities; or

(ii) that has been included on the list section 506E.

(B) DESIGNATION PROCESS.—The applicant may request the Secretary to designate the drug as a competitive generic therapy.
(2) TIMING.—A request under paragraph (1) may be made concurrently with, or at any time prior to, the submission of an abbreviated new drug application for the drug under consideration.

(3) CRITERIA.—A drug is eligible for designation as a competitive generic therapy under this section if the Secretary determines that there is inadequate generic competition.

(4) DESIGNATION.—Not later than 60 calendar days after the receipt of a request under paragraph (1), the Secretary—

(A) determine whether the drug that is the subject of the request meets the criteria described in paragraph (3); and

(B) if the Secretary finds that the drug meets such criteria, designate the drug as a competitive generic therapy.

(c) ACTIONS.—In expediting the development and review of an application under subsection (a), the Secretary may, as requested by the applicant, take actions including the following:

(1) Hold meetings with the applicant and the review team throughout the development of the drug prior to submission of the application for such drug under section 505(j).

(2) Provide timely advice to, and interactive communication with, the applicant regarding the development of the drug to ensure that the development program to gather the data necessary for approval is as efficient as practicable.

(3) Involve senior managers and experienced review staff, as appropriate, in a collaborative, coordinated review of such application, including with respect to drug-device combination products and other complex products.

(4) Assign a cross-disciplinary project lead—

(A) to facilitate an efficient review of the development program and application, including in anticipation of inspections; and

(B) to serve as a scientific liaison between the review team and the applicant.

(d) REPORTING REQUIREMENT.—Not later than one year after the date of the approval of an application under section 505(j) with respect to a drug for which the development and review is expedited under this section, the applicant shall report to the Secretary on whether the drug has been marketed in interstate commerce since the date of such approval.

(e) DETERMINATIONS.—In this section:

(1) The term ‘generic drug’ means a drug that is approved pursuant to section 505(j).

(2) The term ‘inadequate generic competition’ with respect to a drug means it is not more than one approved drugs on the list of drugs described in section 505(j)(7)(A)(i) (not including drugs on the discontinued section of such list that is—

(A) the reference listed drug; or

(B) a generic drug with the same reference listed drug as the drug for which designation as a competitive generic therapy is sought.

(3) The term ‘reference listed drug’ means the listed drug (as such term is used in section 505(j) for the drug involved).

(b) GUIDANCE; AMENDED REGULATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall—

(i) not later than 18 months after the date of enactment of this Act, issue draft guidance on section 505H of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a); and

(ii) not later than 1 year after the close of the comment period for the draft guidance, issue final guidance on section 505H.

(b) CONTENTS.—The guidance issued under this paragraph shall—

(i) specify the process and criteria by which the Secretary makes a designation under section 505H of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(ii) specify the actions the Secretary may take to expedite the development and review of a competitive generic therapy pursuant to such a designation; and

(iii) include good review management practices for competitive generic therapies.

(2) AMENDED REGULATIONS.—The Secretary shall—

(A) in a timely manner after obtaining the advice of the review team and the applicant.

(B) involve senior managers and experts, including in anticipation of inspections.

(C) provide timely advice to, and interactive communication with, the applicant.

(D) assign a cross-disciplinary project lead—

(i) to facilitate an efficient review of the development program and application, including in anticipation of inspections; and

(ii) to serve as a scientific liaison between the review team and the applicant.

(2) Issues draft guidance on section 505(j) that addresses all of the application holder’s drugs in the active section of the list published under subsection (c) or (j) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(C)) and shall notify the Secretary in writing within 180 calendar days of the date of enactment of this Act.

SEC. 508. ACCURATE INFORMATION ABOUT DRUGS WITH LIMITED COMPETITION.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506H, as added by section 803, the following:

"SEC. 506I. PROMPT REPORTS OF MARKETING STATUS.

(a) NOTIFICATION OF WITHDRAWAL.—The holder of an application approved under subsection (c) or (j) of section 505 shall notify the Secretary in writing 180 days prior to withdrawing the approved drug from sale, or if 180 days is not practicable as soon as practicable but not later than the date of withdrawal. The holder shall include with such notice the—

(1) National Drug Code;

(2) identity of the drug by established name and by proprietary name, if any;

(3) new drug application number or abbreviated application number;

(4) strength of the drug;

(5) date on which the drug is expected to no longer be available for sale; and

(6) reason for withdrawal of the drug.

(b) NOTIFICATION OF DRUG NOT AVAILABLE FOR SALE.—The holder of an application approved under subsection (c) or (j) shall notify the Secretary in writing within 180 calendar days of the date of approval of the drug if the drug will not be available for sale within 180 calendar days of such date of approval. The holder shall include with such notice the—

(1) identity of the drug by established name and by proprietary name, if any;

(2) new drug application number or abbreviated application number;

(3) strength of the drug;

(4) date on which the drug will be available for sale if available for sale;

(5) reason for not marketing the drug after approval;

(6) ADDITIONAL ON-RIME REPORT.—Within 180 days of the date of enactment of this section, all holders of applications approved under subsection (c) or (j) of section 505 shall review the information in the list published under subsection 505(j)(7)(A) and shall notify the Secretary in writing that—

(1) all of the application holder’s drugs in the active section of the list published under subsection 505(j)(7)(A) are available for sale; or

(2) one or more of the application holder’s drugs in the active section of the list published under subsection 505(j)(7)(A) have been withdrawn from sale or have never been available for sale, and include with such notice the information pursuant to subsection (a) or (b), as applicable.

(d) FAILURE TO MEET REQUIREMENTS.—If a holder of an approved application fails to meet the requirements under subsection (a), (b), or (c), the Secretary may move the application holder’s drugs from the active section of the list published under subsection (c) or (j) to the discontinued section of the list, except that drugs the Secretary determines have been withdrawn from sale for reasons of safety or effectiveness shall be removed from the list in accordance with subsection 505(j)(7)(C). The Secretary shall monthly updates to the list based on information provided pursuant to subsections (a) and (b), and shall update the list based on the information provided under subsection (c) as soon as practicable.

(3) NOTIFICATION ON USE OF NOTICES.—Any notice submitted under this section shall not be made public by the Secretary and shall be used solely for the purpose of the updates described in subsection (e).

SEC. 508. SUITABILITY PETITIONS.

(a) IN GENERAL.—It is the sense of Congress that the Food and Drug Administration shall issue regulations to require the Secretary to consider suitability petitions under subsection 505(j)(7)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(C)) and shall, for such purposes, update the list published under subsection (c) or (j) of section 505.

(b) REPORT.—The Secretary of Health and Human Services shall submit to the annual reports under section 807—

(1) the number of pending petitions under section 505(j)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(C)); and

(2) the number of such petitions pending a substantive response for more than 180 days from the date of receipt.

SEC. 806. INSPECTION.

Within 6 months of the date of enactment of this Act, the Secretary of Health and Human Services shall develop and implement a protocol for expedited review of timely responses to reports of observations from an inspection under section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374). Such protocol shall—

(1) apply to responses to such reports pertaining to applications submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(C)); and

(A) for which the approval is dependent upon remediation of conditions identified in the report;

(B) for which concerns related to observations from an inspection under such section 704 are the only barrier to approval; and

(C) where the drug that is the subject of the application is a drug—

(i) for which there are not more than 3 other approved applications under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j));

(ii) that reference the same listed drug and for which there are less than 6 abbreviated new drug applications tentatively approved; and

(iii) that is included on the list under section 506E of such Act (21 U.S.C. 356e); and

(2) address expedited re-inspection of facilities, as appropriate; and

(3) establish a 6-month timeline for completion of review of such responses to such reports.

SEC. 807. REPORTING ON PENDING GENERIC DRUG APPLICATIONS AND PRIORITY REVIEW APPLICATIONS.

Not later than 180 calendar days after the date of enactment of this Act, and quarterly thereafter until October 1, 2022, the Secretary of Health and Human Services shall post on the website of the Food and Drug Administration that provides, with respect to the months covered by the report—
(1) with respect to applications filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that, during the most recent calendar year, were subject to priority review under paragraph (11) of such section 505(j) (as added by section 801) or expedited development and review under section 506H of the Federal Food, Drug, and Cosmetic Act (as added by section 803), the numbers of such applications (with denotation of such applications that were filed prior to October 1, 2014) that are— (A) initiated by the applicant; (B) awaiting action by the Secretary; and (C) approved by the Secretary; (2) the number of applications filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) and prior approval supplements withdrawn in each month; (3) the mean and median approval and tentative approval times and the number of review cycles for such applications; (4) the number of applications for which the Secretary has taken action pursuant to subsection (c) of such section 506H (as added by section 803) and any effect such section 506H may have on the length of time for approval under such section; (5) the number of such applications on which an applicant has been foreclosed due to the approval of a generic therapy under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) and prior approval supplements withdrawn in each month; (6) the number and type of meetings requested and held under such section 506H (as added by section 803); and (7) the number of such applications on which the Secretary has requested and held under such section 506H (as added by section 803) any effect such section 506H may have on the length of time for approval under such section 506H and the number of review cycles for such applications.

SEC. 808. INCENTIVIZING COMPETITIVE GENERIC DRUG DEVELOPMENT.

Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended— (1) in subparagraph (B), by adding at the end the following:—

\( (v) \) 180-DAY EXCLUSIVITY PERIOD FOR COMPETITIVE GENERIC DRUGS—

"(I) EFFECTIVENESS OF APPLICATION.—Subject to subparagraph (D)(iv), if the application is for a drug that is the same as a competitive generic therapy for which any first approved applicant has commenced commercial marketing, the application shall be made effective on the date that is 180 days after the date of the first commercial marketing of the competitive generic therapy (including the commercial marketing of the listed drug) by any first approved applicant.

"(II) LIMITATION.—The exclusivity period under subsection (c) shall not apply with respect to a competitive generic therapy that has been approved effective on the date that is 180 days after the date of the first commercial marketing of the competitive generic therapy (including the commercial marketing of the listed drug) by any first approved applicant.

"(III) DEFINITIONS.—In this clause and subparagraph (D)(iv):—

"(AA) that is designated as a competitive generic therapy under section 506H; and

"(BB) for which there are no unexpired patents or exclusivities on the list of products described in section 506(j)(7)(A) at the time of submission.

"(CC) that is approved for a 180-day exclusivity period under clause (iv) pursuant to subparagraph (D)."; and

(2) in subparagraph (D), by adding at the end the following:

"(IV) SPECIAL FORFEITURE RULE FOR COMPETITIVE GENERIC THERAPY.—The 180-day exclusivity period described in subparagraph (B)(v) shall be forfeited by a first approved applicant if the applicant fails to market the competitive generic therapy within 75 days after the date of approval of the first approved applicant’s application for the competitive generic therapy is made effective.

SEC. 809. GAO STUDY OF ISSUES REGARDING FIRST CYCLE APPROVALS OF GENERIC MEDICINES.

(a) Study by GAO.—The Comptroller General of the United States shall conduct a study to determine the following:


(2) If the rate determined pursuant to paragraph (1) for any GDUFA cohort year is lower than 20 percent, the reasons contributing to the relatively low rate of first cycle approvals and tentative approvals shall be itemized, assessed, and reported.

(b) Extent to which those approval standards are communicated clearly to industry and applied consistently during the review process; and

(c) The procedures for reviewing generic drug applications, including timelines for review activities by the Food and Drug Administration; and

(3) Making the determinations required by paragraph (1) and (2) and any review process improvements implemented pursuant to this Act, whether there are ways that the Food and Drug Administration could be improved to increase the rate of first cycle approvals and tentative approvals for generic drug applications. In making this determination, the Comptroller General shall consider, among other things, the role played by—

(A) the Food and Drug Administration’s implementation of approval standards for generic drug applications;

(B) the extent to which those approval standards are communicated clearly to industry and applied consistently during the review process;

(C) the procedures for reviewing generic drug applications, including timelines for review activities by the Food and Drug Administration;

(D) the extent to which those procedures are followed consistently (and those timelines are met) by the Food and Drug Administration;

(E) the processes and practices for communication between the Food and Drug Administration and sponsors of generic drug applications; and

(F) the completeness and quality of original generic drug applications submitted to the Food and Drug Administration.

(4) The term ‘competitive generic therapy’ means a drug—

\( (AA) \) that is designated as a competitive generic therapy under section 506H; and

\( (BB) \) for which there are no unexpired patents or exclusivities on the list of products described in section 506(j)(7)(A) at the time of submission.

\( (CC) \) that is approved for a 180-day exclusivity period under clause (iv) pursuant to subparagraph (D)."; and

(5) in subparagraph (D), by adding at the end—

"(V) 180-DAY EXCLUSIVITY PERIOD FOR COMPETITIVE GENERIC DRUGS.—

"(I) EFFECTIVENESS OF APPLICATION.—Subject to subparagraph (D)(iv), if the application is for a drug that is the same as a competitive generic therapy for which any first approved applicant has commenced commercial marketing, the application shall be made effective on the date that is 180 days after the date of the first commercial marketing of the competitive generic therapy (including the commercial marketing of the listed drug) by any first approved applicant.

"(II) LIMITATION.—The exclusivity period under subsection (c) shall not apply with respect to a competitive generic therapy that has been approved effective on the date that is 180 days after the date of the first commercial marketing of the competitive generic therapy (including the commercial marketing of the listed drug) by any first approved applicant.

"(III) DEFINITIONS.—In this clause and subparagraph (D)(iv):—

"(AA) that is designated as a competitive generic therapy under section 506H; and

"(BB) for which there are no unexpired patents or exclusivities on the list of products described in section 506(j)(7)(A) at the time of submission.

"(CC) that is approved for a 180-day exclusivity period under clause (iv) pursuant to subparagraph (D)."; and

(2) in subparagraph (D), by adding at the end the following:

"(IV) SPECIAL FORFEITURE RULE FOR COMPETITIVE GENERIC THERAPY.—The 180-day exclusivity period described in subparagraph (B)(v) shall be forfeited by a first approved applicant if the applicant fails to market the competitive generic therapy within 75 days after the date of approval of the first approved applicant’s application for the competitive generic therapy is made effective.

(3) The term ‘generic drug application’ means an abbreviated new drug application for approval of a generic drug under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

(4) The term ‘Secretary’ means the Secretary of Health and Human Services.

(5) The term ‘first cycle approvals and tentative approvals’ means all first cycle approvals and tentative approvals of a generic drug application or holder of a drug master file from the Food and Drug Administration describing all of the deficiencies that the Administration has identified in the generic drug application (including pending amendments) or drug master file that must be satisfactorily addressed before the generic drug application can be approved.

TITLE IX—ADDITIONAL PROVISIONS

SEC. 901. TECHNICAL CORRECTIONS.

(a) Section 307(a)(3) of the 21st Century Cures Act (Public Law 114–255) is amended—

(1) in the matter preceding paragraph (1), by striking “amended—” and inserting “amended—” and inserting “as amended by section 3102”;

(2) in paragraph (2), by striking “section 207(4)(C)” and inserting “section 3102(1)(C)’’;

(b) Section 506b(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356g(b)(1)(A)) is amended by striking “identify” and inserting “identify”;

(c) Section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended by striking “amended—” and inserting “amended—” and inserting “as amended by section 3102”;

(d) in subsection (a)(2), by striking “amended—” and inserting “amended by section 3102”;

(e) Section 510(h)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)(6)) is amended by striking “February 1” and replacing with “May 1”;

(f) Effective as of the enactment of the 21st Century Cures Act (Public Law 114–255)—

(1) section 3501(a) of such Act is amended by striking “by inserting after section 515B” and inserting “by inserting after section 515A”;

(2) section 515C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360–3), as inserted by such Act (21 U.S.C. 360–3), is redesignated as section 515B.

(g) Section 515B(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360–3(f)(2)), as redesignated by subsection (e)(2) of this section, is amended by striking “a proposed guidance” and inserting “a draft version of that guidance”;

(h) Section 515B(b)(5)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)(5)(D)) is amended by striking “medical device submissions” and inserting “medical devices that may be specifically the subject of a review by a classification panel”;

SEC. 902. ANNUAL REPORT ON INSPECTIONS.

Not later than March 1 of each year, the Secretary of Health and Human Services shall post on the internet website of the Food and Drug Administration information related to inspections of facilities necessary for approval of a drug under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), or clearance of a device under section 515 of such Act (21 U.S.C. 356e), or clearance of a device under section 510(k) of such Act (21 U.S.C. 352(k)) that were conducted during the previous calendar year. Such information shall include the following:—
(I) The median time following a request for information is not required.

(II) The number and titles of public meetings held on topics related to human drug applications and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Prescription Drug User Fee Amendments of 2017.

(III) The number of new drug applications and biological licensing applications approved under section 505 of the Federal Food, Drug, and Cosmetic Act.

(IV) RATIONALE FOR PDUFA PROGRAM CHANGES.—Beginning with fiscal year 2020, the Commissioner shall include in the annual report under paragraph (1)—

(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in section 301(b) of the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017; and

(B) the number and titles of public meetings held on topics related to the process for the review of devices, and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017; and

(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.

(1) by striking “Beginning with” and inserting the following:

(II) the number and titles of public meetings held on topics related to human drug activities and whether such meetings were required by statute or pursuant to a commitment under the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017.

(2) by adding at the end the following:

(III) RATIONALE FOR MUDUF PROGRAM CHANGES.—Beginning with fiscal year 2020, the Commissioner shall include in the annual report under paragraph (1)—

(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017; and

(B) the number and titles of public meetings held on topics related to the process for the review of devices, and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017; and

(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.

(1) by striking “Beginning with” and inserting the following:

(II) the number and titles of public meetings held on topics related to human drug activities and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Generic Drug User Fee Amendments of 2017.

(2) by adding at the end the following:

(III) RATIONALE FOR MUDUF PROGRAM CHANGES.—Beginning with fiscal year 2020, the Commissioner shall include in the annual report under paragraph (1)—

(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017; and

(B) the number and titles of public meetings held on topics related to the process for the review of devices, and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017; and

(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.

(1) by striking “Beginning with” and inserting the following:

(II) the number and titles of public meetings held on topics related to human drug activities and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Generic Drug User Fee Amendments of 2017.

(2) by adding at the end the following:

(III) RATIONALE FOR MUDUF PROGRAM CHANGES.—Beginning with fiscal year 2020, the Commissioner shall include in the annual report under paragraph (1)—

(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017; and

(B) the number and titles of public meetings held on topics related to the process for the review of devices, and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017; and

(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.

(1) by striking “Beginning with” and inserting the following:

(II) the number and titles of public meetings held on topics related to human drug activities and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Generic Drug User Fee Amendments of 2017.

(2) by adding at the end the following:

(III) RATIONALE FOR MUDUF PROGRAM CHANGES.—Beginning with fiscal year 2020, the Commissioner shall include in the annual report under paragraph (1)—

(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017; and

(B) the number and titles of public meetings held on topics related to the process for the review of devices, and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017; and

(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.

(1) by striking “Beginning with” and inserting the following:

(II) the number and titles of public meetings held on topics related to human drug activities and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Generic Drug User Fee Amendments of 2017.

(2) by adding at the end the following:

(III) RATIONALE FOR MUDUF PROGRAM CHANGES.—Beginning with fiscal year 2020, the Commissioner shall include in the annual report under paragraph (1)—

(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017; and

(B) the number and titles of public meetings held on topics related to the process for the review of devices, and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017; and

(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.

(1) by striking “Beginning with” and inserting the following:

(II) the number and titles of public meetings held on topics related to human drug activities and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Generic Drug User Fee Amendments of 2017.

(2) by adding at the end the following:

(III) RATIONALE FOR MUDUF PROGRAM CHANGES.—Beginning with fiscal year 2020, the Commissioner shall include in the annual report under paragraph (1)—

(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017 and the number of full-time equivalents funded by the Prescription Drug User Fee Amendments of 2017; and

(B) the number and titles of public meetings held on topics related to the process for the review of devices, and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Medical Device User Fee Amendments of 2017; and

(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.

(1) by striking “Beginning with” and inserting the following:

(II) the number and titles of public meetings held on topics related to human drug activities and whether such meetings were required by statute or pursuant to a commitment under the letters described in subparagraph (I) of section 301(b) of the Generic Drug User Fee Amendments of 2017.
the goals, and future plans for meeting the goals, including—

(A) information on all previous cohorts for which the Secretary has not given a complete response on all biosimilar biological product applications and supplements in the cohort;

(B) the number of original biosimilar biological product applications filed per fiscal year, and the number of approvals issued by the agency for such applications; and

(C) the number of resubmitted original biosimilar biological product applications filed per fiscal year and the number of approvals letters issued by the agency for such applications.

(3) REAL-TIME REPORTING.—

(A) IN GENERAL.—Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter, the Secretary shall post the data described in subparagraph (B) for such quarter and on a cumulative basis for the fiscal year on the internet website of the Food and Drug Administration, and may remove duplicative data from the annual report under this subsection.

(B) THE SECRETARY.—The Secretary shall publish the following data in accordance with subparagraph (A):

(i) The number and titles of draft final guidance on topics related to the process for the review of biosimilars, and whether such guidance were required by statute or pursuant to a commitment under the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017.

(ii) The number and titles of public meetings held on topics related to the process for the review of biosimilars, and whether such meetings were required by statute or pursuant to a commitment under the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017.

(4) RATIONALE FOR BSUFA PROGRAM CHANGES.—Beginning with fiscal year 2020, the Secretary shall include in the annual report under paragraph (1)—

(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017 and the number of full time equivalents funded by budget authority at the Food and Drug Administration, and whether such meetings were required by statute or pursuant to a commitment under the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017.

(ii) The number and titles of public meetings held on topics related to the process for the review of biosimilars, and whether such meetings were required by statute or pursuant to a commitment under the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017.

(5) ANALYSIS.—For each fiscal year that did not meet the review time and performance enhancement goals identified by the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017 for the applicable fiscal year, the Secretary shall include in the annual report under paragraph (1)—

(A) a detailed justification for such determination and the applicable, if any, of the types of circumstances and trends under which human drug applications that missed the review goal time were approved during the first cycle review, or application review goals were missed; and

(B) with respect to performance enhancement goals that were not achieved, a description of efforts the Food and Drug Administration has put in place for the fiscal year in which the report is submitted to improve the ability of such agency to meet such goal for the applicable fiscal year.

SEC. 904. ANALYSIS OF USE OF FUNDS.

(a) PDUFA REPORTS.—

(1) ANALYSIS IN PDUFA PERFORMANCE REPORTS.—Section 738A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379t-1(a)(1)(A)), as amended by section 903(b), is further amended by adding at the end the following:

"(aa) the number of applications filed and reports submitted during one fiscal year for which a decision is not scheduled to be made until the following fiscal year; and

(bb) the aggregate number of applications for each fiscal year that did not meet the goals identified by the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017 for the applicable fiscal year.

(2) ISSUE OF CORRECTIVE ACTION REPORTS.—Section 738A(a)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379t-1(a)(1)(A)), as amended by section 903(b), is further amended by adding at the end the following:

"(aa) the number of applications filed and reports submitted during one fiscal year for which a decision is not scheduled to be made until the following fiscal year; and

(bb) the aggregate number of applications for each fiscal year that did not meet the goals identified by the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017 for the applicable fiscal year.

(b) MDUFA REPORTS.—

(1) ANALYSIS IN MDUFA PERFORMANCE REPORTS.—Section 738A(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-1(a)(1)(A)), as amended by section 903(b), is further amended by adding at the end the following:

"(aa) the number of applications filed and reports submitted during one fiscal year for which a decision is not scheduled to be made until the following fiscal year; and

(bb) the aggregate number of applications for each fiscal year that did not meet the goals identified by the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017 for the applicable fiscal year.

(2) ISSUE OF CORRECTIVE ACTION REPORTS.—Section 738A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-1(a)(1)) is amended—

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

(B) by inserting after paragraph (1) the following:

"(2) CORRECTIVE ACTION REPORT.—Beginning with fiscal year 2018, for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit a corrective action report to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate. The report shall include the following information, as applicable:

(A) GOALS MET.—For each fiscal year, if the Secretary determines, based on the analysis under subsection (a)(5), that each of the goals identified in the letter described in section 101(b) of the Prescription Drug User Fee Amendments of 2017 for the applicable fiscal year have been met, the corrective action report shall include—

(A) a detailed justification for such determination and the applicable, if any, of the types of circumstances and trends under which human drug applications that missed the review goal time were approved during the first cycle review, or application review goals were missed; and

(B) with respect to performance enhancement goals that were not achieved, a description of efforts the Food and Drug Administration has put in place for the fiscal year in which the report is submitted to improve the ability of such agency to meet such goal for the applicable fiscal year.

(3) COMMUNICATIONS WITH CONGRESS.—

(A) each fiscal year, as applicable and requested, the Secretary shall submit a detailed report of the follow-up communication to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to report on the contents described in the reports under this section. Such hearing shall not later than 120 days after the end of each fiscal year for which fees are collected under this part.
fiscal year have met, the corrective action report shall include recommendations on ways in which the Secretary can improve and streamline the medical device application review process.

(1) GOALS MISSED.—For each of the goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 for the applicable fiscal year, if the Secretary determines that the goals were not achieved, a detailed description of efforts the Food and Drug Administration has put in place for the fiscal year in which the report is submitted to improve the ability of the Secretary to meet review time and performance enhancement goals identified by the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017.

(2) GOALS MET.—For each fiscal year, the report shall include the following information, as applicable:

(A) Communications with Congress.—For each fiscal year, and as applicable and requested, representatives from the Centers with expertise in the review of human drugs shall participate in a public hearing before the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives to report on the contents described in the reports under this section.

(B) Participations in congressional hearings.—For each fiscal year, as applicable and requested, representatives from the Food and Drug Administration shall participate in a public hearing before the Committee on Energy and Commerce of the House of Representatives, to report on the contents described in the reports under this section. Such hearing shall occur not later than 120 days after the end of each fiscal year for which fees are collected under this Act.

(c) GDUFA REPORTS.—

(1) Analysis in Gdufa performance reports.—Each fiscal year, and as applicable and requested, representatives from the Center for Drug Evaluation and Research shall prepare and submit a corrective action report to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate. The report shall include the following information:

(A) Communications with Congress.—For each fiscal year, if the Secretary determines, based on the analysis under subsection (a)(4), that each of the goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 for the applicable fiscal year have been met, the corrective action report shall include—

(1) a detailed justification for such determination; and
(2) a description of the types of circumstances and trends under which abbreviated new drug applications that were approved during the first cycle review, or review goals were missed; and
(3) with respect to performance enhancement goals that were not achieved, a detailed description of—
(A) the aggregate number of applications filed during one fiscal year for which fees are collected under this Act; and
(B) the aggregate number of applications for each fiscal year that did not meet the goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 for the applicable fiscal year.

(B) Relevant data to determine whether the Food and Drug Administration has met the performance enhancement goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 for the applicable fiscal year.

(C) The most common causes and trends for external or other circumstances that affected the ability of the Secretary to meet review time and performance enhancement goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017.
representatives from the Centers with expertise in the review of human drugs shall meet with representatives from the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives to report on the contents described in the reports under this section.

(2) REPORT.—(A) General.—The Comptroller General shall issue a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than July 30, 2020, containing the results of the study under paragraph (1).

(B) Recommendations.—As part of the report under this paragraph, the Comptroller General may provide recommendations, as applicable, on methods through which the Food and Drug Administration may improve planning for—
(i) the maintenance, renovation, and repair of facilities;
(ii) the purchase of furniture or other acquisitions; and
(iii) ways the Food and Drug Administration may allocate the expenses described in clauses (i) and (ii) of paragraph (1)(A), as informed by the analysis under paragraph (1)(B).

(3) Facilities Management. (A) In General.—The Comptroller General of the United States shall conduct a study on the expenses incurred by the Food and Drug Administration related to facility maintenance and renovation in fiscal years 2012 through 2019. The study under this paragraph shall include the following:

(i) A review of purchases and expenses differentiated by appropriated funds, and sources authorized by the Food and Drug Administration Safety and Innovation Act (Public Law 112-144) and this Act, as applicable, that contributed to—

(1) the maintenance of scientific equipment and any existing facility plan or plans to maintain previously purchased scientific equipment;
(2) the renovation of facilities in the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health; and
(ii) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(iii) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(iv) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(v) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(vi) the acquisition of other necessary materials and supplies by product category under paragraphs (1) through (5) of subparagraph (A) of section 711(b) of chapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.); and

(vii) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(viii) the acquisition of other necessary materials and supplies by product category under paragraphs (1) through (5) of subparagraph (A) of section 711(b) of chapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.);

(ix) an analysis of the Food and Drug Administration’s ability to further its public health mission and review medical products by incurring the expenses listed in clauses (i) through (vii) of subparagraph (A) of section 711(b) of chapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

(B) Analysis of the Food and Drug Administration’s ability to further its public health mission and review medical products by incurring the expenses listed in clauses (i) through (vii) of subparagraph (A) of section 711(b) of chapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

(C) The analysis of the Food and Drug Administration’s ability to further its public health mission and review medical products by incurring the expenses listed in clauses (i) through (vii) of subparagraph (A) of section 711(b) of chapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

SEC. 905. FACILITIES MANAGEMENT.

(a) Analysis.—(1) STUDY.—The Comptroller General of the United States shall conduct a study on the expenses incurred by the Food and Drug Administration related to facility maintenance and renovation in fiscal years 2012 through 2019. The study under this paragraph shall include the following:

(i) A review of purchases and expenses differentiated by appropriated funds, and sources authorized by the Food and Drug Administration Safety and Innovation Act (Public Law 112-144) and this Act, as applicable, that contributed to—

(1) the maintenance of scientific equipment and any existing facility plan or plans to maintain previously purchased scientific equipment;
(2) the renovation of facilities in the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health; and

(2) the renovation of facilities in the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health; and

(iii) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(iv) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(v) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(vi) the acquisition of other necessary materials and supplies by product category under paragraphs (1) through (5) of subparagraph (A) of section 711(b) of chapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.);

(vii) the acquisition of furniture, a description of any anticipated repairs and maintenance as well as repairs incurred, maintenance, and the budget plan for the scheduled or anticipated maintenance;

(viii) the acquisition of other necessary materials and supplies by product category under paragraphs (1) through (5) of subparagraph (A) of section 711(b) of chapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.);

(ix) an analysis of the Food and Drug Administration’s ability to further its public health mission and review medical products by incurring the expenses listed in clauses (i) through (vii) of subparagraph (A) of section 711(b) of chapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

(b) ADMINISTRATION.—(1) PDUPA.—Section 738(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(f)) is amended by adding at the end the following:

"(j) LIMITATION.—Beginning on October 1, 2023, the authorities under section 737(c) shall include only expenditures for leasing and necessary scientific equipment.''.

(2) MDUPA.—Section 738(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(h)) is amended by adding at the end the following:

"(k) LIMITATION.—Beginning on October 1, 2023, the authorities under section 737(c) shall include only leasing and necessary scientific equipment.''.

(3) GDUFA.—Section 744B(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-4(e)) is amended—

(A) in the subsection heading, by striking "LIMITATION" and inserting "LIMITATIONS";

(B) by striking "The total amount" and inserting the following:

"(B) by striking "The total amount" and inserting the following:

"(1) IN GENERAL.—The total amount; and

"(C) by adding at the end the following:

"(2) LEASING AND NECESSARY EQUIPMENT.—Beginning on October 1, 2023, the authorities under section 744(c) shall include only leasing and necessary scientific equipment.''.

(B) by striking the word "and" and inserting the word "including";


(A) in the subparagraph heading, by striking "LIMITATION" and inserting "LIMITATIONS";

(B) by striking "and inserting the following:

"(B) by striking "The fees authorized" and inserting the following:

"(C) by adding at the end the following:

"(i) in GENERAL.—The fees authorized; and

"(ii) LEASING AND NECESSARY EQUIPMENT.—Beginning on October 1, 2023, the authorities under section 744(c) shall include only leasing and necessary scientific equipment.''.

Mr. Speaker, I rise today in support...
Finally, this legislation includes a revised version of the RACE for Children Act that Representatives McCaul, Mullin, and Butterfield have worked tirelessly on for quite some time.

H.R. 2430 is the product of significant bipartisan and bicameral discussions with FDA and stakeholders that went throughout regular order at the committee after a series of substantive hearings and then received a unanimous vote. Which, Mr. Speaker, is probably why nobody will ever read about this or see it on television, because we actually worked together and did it in a bipartisan way and achieved the unanimous vote that will bring drugs and devices to patients quicker, sooner, and safer in the long run.

This legislation is yet another example of Congress getting good things done. We are working together. And it is important to thank my colleagues on both sides of the aisle for their work on this legislation, particularly full committee Ranking Member Pallone, Health Subcommittee Ranking Member Green, Health Subcommittee Chairman Burgess. This bipartisan work has produced a big win for patients.

The FDA will help bring lower-cost generic drug alternatives and biosimilars to market faster, increasing competition, lowering drug costs. It will streamline the process for reviewing or approving new treatments and cures for patients, allowing new and innovative therapies, drugs, and devices to patients more quickly.

Finally, this bill is a big win for the millions of Americans working in the healthcare sector and the drug and device manufacturers that help us live better and healthier lives.

Mr. Speaker, I urge my colleagues to vote “yes.” I want my colleagues and all Americans to know this is just step one in our effort in this committee to help patients get access to better medicines and lower costs.

Mr. Speaker, I reserve the balance of my time.

Mr. Pallone. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Barton), which I introduced by Congressmen McCaul, Butterfield, and Mullin, and which I am a original cosponsor, that will provide greater assistance and incentives to encourage additional competition for generic drugs.

Since this is a bipartisan compromise that my colleague Mr. Walden said, it really is important and people should take note that this is a major piece of legislation that is being done on a bipartisan basis by our committee. But it does not address every issue that I would have liked. It also includes troublesome language prohibiting the FDA from making the investments the agency needs as part of future user fee agreements. It is important that the FDA maintain a work environment that allows the agency to recruit and retain the world’s best and brightest. I am concerned that this final agreement preserves language advanced in the Senate bill that will make it difficult in the future for the FDA to make the investments needed to recruit personnel and meet performance goals set out in the user fee reauthorizations. This is a concern, again, that was put by my colleague Mr. Walden, that this language is a major piece of legislation that is going to be effective in the future for the FDA to make the investments needed to recruit personnel and meet performance goals.

The legislation before us today is the product of compromise and almost 2 years of work between FDA, Congress, industry, and other stakeholders. The FDA Reauthorization Act of 2012, a bill that would allow the FDA to continue its critical mission of reviewing and approving drugs and medical devices, and improving the quality of life for many Americans.

The legislation before us today is yet another example of Congress getting good things done, building on the work of 21st Century Cures Act by investing resources in the development of biomarkers and innovative clinical trial designs.

The fourth reauthorization of the Medical Product User Fee Amendments includes some important new policies that will help to increase the consistency, efficiency, and effectiveness of drug and medical device reviews.

The bill advances the use of the patient perspective and the risk-benefit assessment of medical devices. It establishes a system utilizing real world data for pre-market approval of new uses and post-market safety monitoring, and it improves pre-approval communication with manufacturers in an effort to expedite the review process.

This legislation also reauthorizes two of our newer user fee programs for generics and biosimilars. Both of these programs strive to expedite access to high-quality, lower-cost drugs for American families.

The FDARA will also allow the agency to undertake new initiatives to create a category of over-the-counter hearing aids, advance the development of pediatric devices, and provide greater assistance and incentives to encourage additional competition for generic drugs.

Since this is a bipartisan compromise, I urge my colleagues that as I mentioned, we don’t want the per Remove troublesome language prohibiting the FDA from making the investments the agency needs as part of future user fee agreements. It is important that the FDA maintain a work environment that allows the agency to recruit and retain the world’s best and brightest. I am concerned that this final agreement preserves language advanced in the Senate bill that will make it difficult in the future for the FDA to make the investments needed to recruit personnel and meet performance goals set out in the user fee reauthorizations. This is a concern, again, that was put by my colleague Mr. Walden, that this language is a major piece of legislation that is going to be effective in the future for the FDA to make the investments needed to recruit personnel and meet performance goals set out in the user fee reauthorizations.

This is a concern, again, that was put in by the Senate that I hope we can address in the future. But I do want to stress, at the end of the day, that this final product represents all of the significant discussions and compromises that were made, and, of course, the legislation that is going to be effective is the result of compromise.

I am pleased that we are considering this in a very timely fashion, because, as I mentioned, we don’t want the personnel who work at the FDA to be affected; and if we do this in a timely fashion, they won’t have to worry about pink slips or their jobs.

Mr. Speaker, I urge my colleagues to support H.R. 2430 so that we can continue to give the FDA the tools and resources it needs to continue doing the critical work of reviewing and improving lifesaving drugs and medical devices.

Mr. Speaker, I reserve the balance of my time.

Mr. Walden. Mr. Speaker, I thank my colleague from New Jersey for his good work and kind comments on our legislation that we put together.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Barton), the former chairman of the full committee.

(Mr. Barton asked and was given permission to revise and extend his remarks.)

Mr. Barton. Mr. Speaker, I commend Chairmen Walden and Ranking Member Pallone, along with subcommittee Chairmen Burgess and subcommittee Ranking Member Green for their excellent leadership on this piece of legislation.

If you look at the front page of The Washington Post this morning, you will see on the left-hand column the story about a miracle living drug to help cure cancer in children that have leukemia.

In the legislation before us, as the chairman just pointed out, there is the RACE for Children Act, which was introduced by Congressmen McCaul, Butterfield, and Mullin, and which I am a original cosponsor, that will make it possible to help children sooner.

This particular drug that is discussed on the front page of The Washington Post took decades to develop and has just now been approved.

How many thousands of children have died while that drug was being developed?

The legislation before us includes, as I said, the RACE for Children Act, which will make it possible to bring these innovative drugs to market much more quickly.

Mr. Speaker, I commend all the leaders and the members of the committee for this bipartisan piece of legislation, as Mr. Pallone has just pointed out. I am proud to vote for it, and I encourage all Members of the House to do the same.
These programs must be reauthorized in a timely manner to avoid a meltdown of the medical product development pipeline. We have had great collaboration and strong bipartisan working relationships throughout the process, from the publication of the goals letter from the House and Senate, the markups in the Health Subcommittee, all the way through the unanimous vote out of the Energy and Commerce Committee last month.

Since the first PDUFA was established, the FDA has created additional user fee programs for medical devices, generic drugs, and biosimilars. In this cycle, we see shortened review timelines and have given the FDA new tools to harness the latest science and streamline the review process.

FDARA would build on previous success by reauthorizing the user fees and make improvements in the review process like advancing the use of biologics and patient experience data. The bill includes additional provisions beyond the underlying agreements that are worthy of support.

To give some examples, it will promote generic drug development and competition, establish a category of over-the-counter hearing aids, crack down on counterfeit drugs, and foster innovation in medical imaging.

FDA approval is the global gold standard and reauthorizing the user fee programs will ensure the agency has the resources—particularly capable, qualified staffers—to fulfill this mission.

I look forward to working with my colleagues to establish a user fee program for over-the-counter products and reform the monograph systems once we have reauthorized the existing user fee programs that will soon expire.

I want to thank Ranking Member PALLONE, Chairman WALDEN, and the chair of the Health Subcommittee, Congresswoman BUTTERFIELD, for their work and commitment into timely user fee reauthorization.

I also want to thank the staff, Kim Trzeciak and John Stone, and my own staff, Kristen O’Neill, for the countless hours of work they did to get us to this place.

Mr. Speaker, I urge my colleagues to support H.R. 2430.

Mr. WALDEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS), chairman of the Subcommittee on Health.

Mr. BURGESS. Mr. Speaker, I thank the chairman for yielding me the time.

It is significant today to be here and be supporting H.R. 2430, the Food and Drug Administration Reauthorization Act of 2017.

The passage of this bill provides certainly the security to the scientists who are working even now in pursuit of better cures and, of course, hope for patients across the country who are awaiting better treatments of the diseases that are afflicting them.

By reauthorizing the Food and Drug Administration user fee program, we are ensuring that the Food and Drug Administration can continue to officially operate and approve new drugs for the market.

Upon becoming chairman of the Subcommittee on Health this year, I had the privilege of convening four separate legislative hearing costs that are included in H.R. 2430. In each of those hearings, we heard about the tremendous success of the user fee programs in expanding access to affordable medications, supporting biomedical research, and maintaining high standards at the FDA for safety, efficacy, and quality.

H.R. 2430 will build upon these successes and will also build upon the achievements that we achieved in the last Congress, in the 21st Century Cures Act. And now we can ensure that the FDA has resources necessary to get medical treatments and cures to patients and healthcare providers as quickly as possible.

This is a very important step forward for our committee and for this Congress, and we continue to pursue meaningful improvements to the healthcare system.

Mr. Speaker, I thank Ranking Member PALLONE, Ranking Member GENE GREEN, Ranking Member RICHARD G. HUMPHREY, Ranking Member WALTER B. JONES, both subcommittee and full committee, both subcommittee and full committee, who worked hard to improve the substance of this bill as it came through.

Clearly, I wish to thank the majority and minority staffs who worked so hard to bring this to fruition.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of this legislation, and I, too, want to thank all of the Members and staff who were engaged in preparing this bill for a vote on the floor of the House.

I want to focus on two of the amendments that are included in the bill—I am grateful for that—that I sponsored.

First, it includes my amendment to create a pilot project to evaluate postmarket safety of medical devices. It also includes my amendment which states that Congress and Federal agencies need to work together to lower drug prices. Everyone has been impacted by a high prescription drug, which is why 60 percent of Americans believe addressing the cost of prescription drugs needs to be a top priority.

The drug pricing crisis cannot be attributed to a single bad actor or a few blockbuster drugs. A recent study found that 97 percent of widely used brand name drugs had a price increase that exceeded inflation.

This crisis requires a comprehensive solution that increases transparency; lowers prices for patients, Medicare, and Medicaid; and ensures that every American can get access to the drugs that they need.

It is time for Congress to get serious about lowering the cost of drugs for Americans, and I urge my colleagues to support this legislation.

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON), the former chairman of the committee and full chairman of the 21st Century Cures Act legislation.

Mr. UPTON. Mr. Speaker, so this is a jobs bill. And those who know me know that I have a long record of supporting innovation when it comes to research and development of new drugs and devices.

That is why I was proud to help author the 21st Century Cures Act with my Democratic colleague DIANA DEGETTE. This bill broke down the barriers for research and development, put a greater focus on patient-centered care, and gave billions in resources to the National Institutes of Health.

President Obama signed our bill into law at the end of 2016. It marked a true victory for both patients and researchers across the country. And now that Cures is law, we have got to make sure that the FDA is able to handle the new breakthrough treatments in a timely and predictable fashion. As we continue to pursue meaningful improvements to the healthcare system.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, I thank the gentleman for yielding time and for his leadership on the committee.

Mr. Speaker, I rise in strong support of H.R. 2430, the FDA Reauthorization Act of 2017, which reauthorizes the FDA’s user fee programs that are critical to drug development, the medical device approval process, and, most importantly, to the patients who will benefit from these advances.

While I support this critical bill overwhelmingly, I want to highlight in particular, sections 503 through 505, which is the RACE for Children Act that my friend MIKE McCaul, Congressman MIKE McCaul, and I introduced earlier this year. Scientific advances have shown that some childhood and adult cancers share the same molecular targets.

RACE, Mr. Speaker, will help facilitate the expedient development of innovative and promising treatments for children living with cancer by providing the FDA new authority to require a pediatric investigation into an adult cancer drug if that drug uses molecular targeting and is relevant to the cancer.
I am grateful to Mr. WALDEN and Ranking Member PALLONE and their respective staffs for understanding the urgent need to enact the RACE for Children Act and for working with me, working with my staff, to see that it was included.

I would also like to highlight section 701 and 702, which is the text of a bill I introduced with Dr. BUCSHON to modernize and streamline FDA's medical device inspection process by moving to a risk-based inspection approach. The provision will allow FDA to better use its limited resources and improve patient safety by focusing on facilities that have the most potential to impact public health.

Finally, passage of the FDA Reauthorization Act of 2017 will send a strong signal to the administration that Congress values the critical importance of medical research and patient safety.

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE), a very important member of our committee.

Mr. LANCE. Mr. Speaker, I congratulate the chairman, the ranking member of the full committee, and the chairman of the subcommittee for this important work.

I rise in strong support of the Food and Drug Administration Reauthorization Act. We need a strong FDA to make sure lifesaving medicines reach the market and that patients have the peace of mind of a safe regulatory process. This bill ensures the wheels of creation keep turning, and in no part of our Nation is this more important than New Jersey, one of the medicine chests of the world.

It means that patients here in the United States and hundreds of millions around the world have benefited from the genius of our biopharmaceutical and life science industries. Patient safety is always the critical priority, and I am pleased this legislation includes language I authored to crack down on counterfeit drugs that are flooding into the United States. Too many Americans are falling victim to knockoffs that have infiltrated the U.S. supply chain, and this legislation significantly changes that.

Disease knows no bounds and, one way or another, each of us is affected by disease. This work makes a difference in patients' lives and makes sure the system from idea to pharmacy is working.

Mr. Speaker, I am honored to support this product.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Colorado, Ms. DEGETTE.

Ms. DEGETTE. Mr. Speaker, at a time of hyperpartisanship when traditions of consensus are seldom upheld, I am pleased to see Congress continue its tradition of passing FDA user fee reauthorization with broad bipartisan support.

It is absolutely critical that the FDA continue to promote medical innovation and support public health. To do so, it must have consistent funding, which this bill helps assure. I am also proud that this bill builds directly on the 21st Century Cures Act, which I coauthored with Representative Fred Upton.

Consistent with Cures, the bill before us today ensures that both the patient's voice and evidence from clinical practice can be considered during drug development when it is appropriate. It also helps establish a process for the FDA to identify biomarkers, which will facilitate the development of future cutting-edge therapies.

By reinforcing these key provisions of the 21st Century Cures Act, I am confident that the bill will help deliver on our bipartisan promise to jump-start treatments for families and for patients with unmet needs.

Mr. Speaker, I also want to thank Chairman WALDEN and Ranking Member PALLONE for incorporating provisions that will deepen our understanding of the psychosocial impact of disease. These provisions are based on the bipartisan Patient Experience in Research Act which Representative LANCE and I coauthored.

As more is learned about the social and emotional effects of disease, we can deliver better outcomes for patients by improving medication adherence, tailoring treatment regimens, and enhancing participation in clinical trials.

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), a very important member of our committee.

Mr. BILIRAKIS. Mr. Speaker, I rise today to urge the passage of the FDA Reauthorization Act. With this legislation, we can modernize the FDA and reduce the barriers to innovation and competition.

If America is going to lead the world in biomedical innovation, we need an FDA that can quickly review and approve new drugs. The FDA must act with the same urgency that patients feel waiting for cures.

Important, this bill includes a bipartisan provision that I authored with my colleague KURT SCHRADE.

The provision uses free market policies to help spur the development of new generic drugs, increase competition, and combat high drug prices.

I am also pleased we are including in the RACE for Children Act an important provision to advance pediatric cancer research and development. This would provide an opportunity to truly make a difference for our families, our friends, our neighbors, and the millions of Americans living with a deadly disease. Let's get this done.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I thank the chairman of our committee, our ranking member, Dr. BURGESS, and Mr. GREEN.

Facilitating the approval of these drugs, having the FDA work in a safe and constructive way, and having a quicker turnaround time is all really important. I really want to thank them for their leadership. This is something that had to be done. It is going to benefit everyone.

I want to talk about another issue that we didn't address, but we did debate, and that is the high cost of prescription drugs.

In this legislation, on the one hand, we are accommodating a reasonable request by the pharmaceutical industry for a faster and efficient approval process; but on the other hand, we are denying any relief to consumers who are getting absolutely hammered day in and day out with unjustified price increases because of the pricing power of the pharmaceutical industry.

Yes, they do do good things, life-extending and pain-relieving drugs, but that doesn't justify grinding consumers into the dust who can't afford the cost of those prescriptions, where it is just within reach that they can provide relief to their family.

We know how much pharmaceutical prices have been going up. It is hurting our employers, who are working hard to provide good healthcare to their employees. It is hurting taxpayers.

But every single one of us has met a constituent like a mom who is struggling with this choice of trying to afford something she can't afford or risk a loss she would never endure. I am talking about the EpiPen; $600 to get an EpiPen here in the United States.

Mylan makes that. They are a Netherlands-based company now. They moved over there for tax reasons. In the Netherlands, you can get it for $100. This isn't justifies, the chairman, the ranking member, and I know this.

When ELIJAH CUMMINGS and I met with President Trump, he knows it. He talked about the possibility of importation of safe drugs from Canada as a way of getting some price pressure on these companies.

We have got the committee that can address this. I would like us to do that.

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. Mr. Speaker, the FDA Reauthorization Act that we are considering today provides the FDA the resources it needs to ensure innovative and lifesaving drugs and medical devices are brought to the market in a safe and expedient manner, while providing transparency and certainty to manufacturers.

Further, the device inspection and regulatory improvements title reflects language I introduced with Representatives BROOKS, PETERS, and BUTTERFIELD, which will improve a risk-based approach to medical device establishment inspections and improves predictability for scheduled inspections, among other provisions.
Mr. Speaker, I urge my colleagues to support this legislation. I look forward to moving it through Congress and sending it to the President's desk.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Mr. Speaker, I rise in strong support of the FDA Reauthorization Act, as it is called.

It could not be more evident that the time has come for Congress to reckon with the problem of exorbitant drug prices. Every few months sees the headlines about another extreme price hike, as was just mentioned. Some unscrupulous pharmaceutical CEO buys the rights to produce drugs that have been on the market for decades, usually where there are no competitors, then, seemingly overnight, they raise the price astronomically.

In the case of Daraprim, a drug that is used by some transplant patients and people living with AIDS, the price went from $13.50 per pill to $750. That is outrageous, a price increase of 5,000 percent. For this drug and many others, the drugs have been off patent for years and there is no generic competitor on the market.

Contrary to what drug manufacturers say, we have seen from generic drugs saves patients and the government billions of dollars on a weekly basis. Unfortunately, generic drug manufacturers who want to bring these markets to competition face a long approval process, steep costs and uncertainty. This FDA act reckons with that.

It is time for Congress to act, also, on those unscrupulous providers. Gus Bilirakis and I introduced a bill providing competition to drive down those costs. We provide new incentives for generic drugs to come to market and reform the process.

I am in support of the bill.

Mr. WALDEN. Mr. Speaker, I want to commend my colleague from Oregon for his good work on this part of the bill.

Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. MULLIN).

Mr. MULLIN. Mr. Speaker, this spring in my district in Oklahoma, the McAlpin family of Tahlequah lost their 2-year-old son, Kai, to pediatric cancer. Kai’s parents refer to Kai as Warrior Kai because he fought cancer every day with courage and dedication like a true warrior. This bill today is the RACE for Children Act, which aims to create new and better pediatric treatment options for warriors like Kai.

Currently, there are over 900 drugs in development to treat cancer in adults, while only a handful of drugs are being developed to fight cancer in children. Clearly, those statistics show that the law has not kept up with scientific innovation.

RACE can help deliver lifesaving treatments for pediatric cancer patients by updating the Pediatric Research Act. This bill requires all drug manufacturers to test a new drug in a pediatric population before applying it to children during cancer treatment. RACE for Children puts safety first and ensures that researchers use scientific evidence when declaring effectiveness of a drug before providing it to patients.

I am glad to see the RACE for Children Act included today, and I thank Chairman McCaul and Congressman Butterfield for their work on the bill. The fight of Warrior Kai continues with us today.

Mr. PALLONE. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, I thank Chairman Walden, Ranking Member Pallone, Ranking Member Green, and Subcommittee Chairman Burgess for their leadership in uniting our colleagues across the aisle on a bill that supports patients and the life sciences industry. This user fee bill is a testa ment to what can be achieved when we dedicate our energies in the open and confront challenges together.

I would also like to specifically focus on one piece of the legislation, the Over-the-Counter Hearing Aid Act of 2017. A few weeks ago, a friend of mine wrote to me and shared her story of hearing loss. A 34-year-old lawyer, it nearly derailed her career by leaving her unable to argue cases in the courtroom. She continued by outlining the often overlooked side effects brought about by hearing loss—confusion, anxiety, depression, and memory loss—all compounded by prohibitive costs for hearing aids that aren’t covered by Medicare or most private insurers. Faced with prices upwards of $5,000, many Americans are denied the relief and the treatment that they deserve.

With this bipartisan bill, we will not only spark innovation and competition, we will help our constituents in their communities, offices, factory floors, and even their own homes. I hope my colleagues will support this bill.

I want to thank Representative Blackburn for her tireless work in getting it across the finish line as well.

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I rise today in strong support of the FDA Reauthorization Act, and I want to thank Chairman Walden and ranking member of our committee, Mr. Costello of Pennsylvania, Mr. Speaker, I rise today in support of the FDA Reauthorization Act, which is very important to our country and to Pennsylvania’s Sixth Congressional District.

With this bipartisan legislation, communities in my district are at the forefront of innovation in the life sciences industry, and this legislation will make sure our businesses remain competitive and on pace with public health needs.

This bill is critical to allowing us to conduct more bipartisan work to reduce drug costs, to advance therapies that can save lives, and to develop safe and innovative treatments for patients and their families.

Finally, Mr. Speaker, it is important that the public is aware that this is a bipartisan bill. There are some things that perhaps some Republicans would have liked to have seen in this bill that
didn’t make their way in, and there are some things that perhaps some Democrats would have liked to have seen make their way into this bill that didn’t. We found consensus and we worked together. It was a unanimous vote of the Energy and Commerce Committee. I am proud to stand behind that, and this is a good day for America.

Mr. PALLONE. Mr. Speaker, I yield 1 1/2 minutes to the gentlewoman from Michigan (Ms. Dingell).

Mrs. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2430, the FDA Reauthorization Act of 2017.

We all have loved ones, friends, and neighbors who are suffering from life-threatening diseases and illnesses and who want hope that that next generation treatment or therapy will still be available to them.

It is our shared responsibility to support the FDA as well as countless researchers and patient advocates across the country which are working to bring new cures to market. This critical, bipartisan legislation helps us achieve that important goal by reauthorizing user fee programs at FDA for 5 years.

I want to thank Chairman WALDEN, Ranking Member PALLONE, Chairman BURGESS, and Ranking Member GREEN for continuing the longstanding tradition on the Energy and Commerce Committee of advancing this legislation in a bipartisan manner. Our work together on this bill should be a model for how we can cooperate on other issues in the future, and it is good that we are passing this bill on the House floor well in advance of the September 30 deadline.

I also want to thank the committee for including provisions that I worked on with Mr. LANCE, Dr. BURGESS, and Mr. GREEN to enhance penalties for counterfeit and diverted drugs, and for including Mr. KENNEDY’S ‘over-the-counter’ hearing aid bill, which will go a long way to providing real relief to the 30 million Americans who suffer from hearing loss.

Hearing loss is a quality-of-life issue, plain and simple, and passage of today’s legislation will help many receive the treatment that they need in a quick manner, while also ensuring safety.

It is a good bill that deserves our support.

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CARTER), who is the resident pharmacist on the committee.

Mr. CARTER of Georgia. Mr. Speaker, I rise today to speak in support of H.R. 2430, the FDA Reauthorization Act. I think of its importance to our healthcare system and the millions of people who depend on it. The FDA Reauthorization Act is essential as we seek reforms to the way we develop new drugs and therapies and the ways in which we are able to get those to market.

Under this legislation, we are streamlining the approval process to maintain the provisions that make our market, while making changes to ensure new therapies aren’t unnecessarily held up.

We have set benchmarks for reviews to ensure that the drug approval process is moving along and doesn’t get bogged down by bureaucratic red tape. And most importantly, we are providing patients with a chance to pursue new and innovative drugs that can really make a difference in their life.

We have seen progress in the approval of rare disease drugs, helping millions who suffer from diseases that often have no treatment. With this bill, we can provide them with new opportunities.

Additionally, we will be able to see more generics entering the market, increasing competition and driving down costs for consumers.

I applaud Chairman WALDEN, Chairman BURGESS, and all of my colleagues on the committee for helping to get this essential legislation to the finish line.

Mr. WALDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. McCaul), chairman of the Homeland Security Committee and one of the authors of a portion of this bill that is really important for kids.

Mr. McCaul. Mr. Speaker, I thank Chairman WALDEN and all of my colleagues for their support. This is a bipartisan effort and I look forward to working with the chairman to find a path forward for Right to Try.

Mr. PALLONE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I said before, I am very proud of the fact that this bill is bipartisan, continuing a tradition of dealing with these FDA user fee and authorization bills on a bipartisan basis.

We worked long and hard to get this accomplished in a timely fashion, in particular, so that the personnel at the FDA are not threatened in any way. I am very hopeful that this will pass today, go over to the Senate and also pass there quickly, and be signed by the President soon.

Mr. Speaker, I urge all Members to support the bill, and I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I encourage my colleagues to support this legislation. As I have said, it is a bipartisan bill. I think even more importantly than that, Mr. Speaker, this legislation will save lives. It will bring about quicker cures for the hundreds of thousands who need new medicines and medical devices.

This is the finest work that we can do in this body, working with those scientists and innovators in helping develop a system where they can get approvals and get new medicines to market that are safe and that will save lives. We are doing that today.

I want to thank the staff, who have been incredibly important in this effort and my colleagues on both sides of the aisle who worked together. We didn’t get everything that everybody wanted in this bill, but we got a bill that passed unanimously out of our committee and that I believe the Senate will take up.

Mr. BIGGS. Mr. Speaker, I thank the chairman for bringing this bill forward and also for granting me time to speak on an issue that I am passionate about, which is Right to Try.

I support the underlying bill and hope that we have a chance, soon, to consider the Right to Try bill, which has been worked on by myself, Senator Johnson, and Representative Fitzpatrick.

As many know, Right to Try would allow terminally ill patients who have no other options left to receive drugs that have passed the Food and Drug Administration’s basic safety testing but which have not been fully approved.

In 2014, my home State of Arizona passed a similar Right to Try law with nearly 80 percent of the vote, due in large part to the heroic efforts of my late friend, Laura Duggan, who was battling incurable cancer at the time.

Today, nearly 40 States have enacted Right to Try legislation. This is a bipartisan cause and one that has received strong support from the White House. I am very proud of this bill and hope to work with the chairman to find a path forward for Right to Try.

Mr. PALLONE. Mr. Speaker, I yield myself the balance of my time.

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and adopt, as well, and we can move forward in such a positive direction for people that you heard about today from my colleagues.

Lives that are on the line can be saved by innovation. The quicker we get this innovation to the market, the more we can reduce costs and save lives.

Mr. Speaker, I call on my colleagues to support passage of this very important legislation, legislation that I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise today in support of H.R. 2430, the FDA Reauthorization Act of 2017 to reauthorize four important user fee programs: the Prescription Drug User Fee Act, the Medical Device User Fee Act, the Generic Drug User Fee Act, and the Biosimilar User Fee Act. These critically important laws have improved patient access to important therapies and expedited the FDA’s approval times while upholding the most rigorous standards for patient safety.

The Prescription Drug User Fee Act (PDUFA) was enacted in 1992 when drug review times were lagging and FDA simply couldn’t keep up with the flood of new drug applications. To address this, a fee was, first paid by applicants, PDUFA grants FDA the resources it needed to hire and support more staff. The program has been successful in reducing review-time backlogs and expediting safe and effective therapies to patients.

My legislation created the Medical Device User Fee Act (MDUFA), which was enacted in 2002 and has resulted in significant changes to the medical device industry and within the medical device center at the FDA. Through this user fee program, the device center has improved its efficiency and reduced the time it takes to bring effective medical devices to market. This legislation builds on the progress made in previous user fee agreements and will produce important developments for the medical device industry.

The Generic Drug User Fee Agreement (GDUFA) was enacted in 2012 and takes important steps to bring lower-priced drugs to the market more quickly for the American people. Finally, the Biosimilar User Fee Agreement (BUSA) was first enacted in 2012 through legislation I authored, is critical to supporting the nascent biosimilar industry and will lead to meaningful progress, breakthroughs and cures for the American people.

Previous user fee reauthorizations have included significant gains for pediatric populations. Before the Better Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA), which I authored, the vast majority of drugs (more than 80 percent) used in children were used off-label, without data for safety and efficacy. Today, that number has been reduced to 50 percent because of legislation. Both programs were permanently reauthorized in 2012, and while this agreement includes important changes to BPCA and PREA, there remains a need for more meaningful improvements. This legislation lays important groundwork and provides the foundation for future progress.

Finally, I urge my colleagues in the Senate to take up this legislation swiftly. It’s imperative that both houses of Congress pass the legislation and send it to the President in a timely manner for him to sign into law in order to provide essential resources to the FDA so they can continue to do their critical work.

Ms. MATSUI. Mr. Speaker, I rise today in support of H.R. 2430, the FDA user fee reauthorization bill that I worked on with my colleagues on the Energy & Commerce Committee.

Without Congress’ swift action to reauthorize this bill, the FDA would not be able to conduct its critical work ensuring that our nation’s drugs and devices are safe and effective.

Patients and families across the country battling diseases like Alzheimer’s, cancer, multiple sclerosis (MS), and diabetes, rely on innovation to provide new life-saving and life-enhancing treatments and unfortunately one disease cures. Without the FDA, we would not be able to ensure that those treatments and cures work and that they’re safe.

To quote Dr. Jeff Allen of the Friends of Cancer Research, “for the people who currently depend on safe and effective medicines for those who are holding strong for breakthroughs to come . . . and for every future patient . . . there isn’t time to waste.”

I urge my colleagues to support the passage of this bill.

Mr. Speaker, I am pleased that the House is considering H.R. 2430, the FDA Reauthorization Act of 2017. I note that H.R. 2430 would provide the U.S. Food and Drug Administration (FDA) with new statutory authority to require the sponsor of an orphan-designated drug, which has certain similarities to an already approved drug, to demonstrate “clinical superiority” compared to the already approved drug as a condition of receiving seven years of market exclusivity.

This authority will limit the number of drugs that are automatically entitled to seven years of exclusivity, while maintaining incentives for the development of innovative treatments for rare diseases.

I also note that the bill would improve transparency of the FDA’s execution of the Orphan Drug Act. Specifically, the bill directs the FDA to notify a sponsor in writing of any clinical superiority findings summaries for all drugs granted exclusivity based on a priority rationale on which the FDA relied in its clinical superiority findings summaries. Further, it would require the FDA to publish its clinical superiority findings summaries for all drugs granted exclusivity based on a demonstration of clinical superiority.

I urge my colleagues to support the FDA Reauthorization Act of 2017.

The SPEAKER pro tempore. The gentleman from Oregon (Mr. WALDEN) and the gentleman from Pennsylvania (Mr. MURPHY) move to recommit the bill to the Committee on Energy and Commerce. The motion is to be made in the name of the Speaker.

The SPEAKER pro tempore. The motion is on the motion offered by the gentleman from Oregon (Mr. WALDEN) and the gentleman from Pennsylvania (Mr. MURPHY). The question is on recommitting the bill to the Committee on Energy and Commerce.

The CLERK announced the result of the vote was as follows:

YEAS—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Hale
Bacon
Bacon (IN)
Barletta
Barton
Berman
BATES
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blinn
Boehm
Boehm (PA)
Boehm (ND)
Bongino
Burgess
Burks
Buettner
Budd
Burgess
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coleman
Colfax
Cole
Collins
Collins (GA)
Collins (NY)
Comer
Conaway
Cook
Costello (PA)

Passing the bill, H.R. 2430, as amended.

Adopting House Resolution 431, if ordered, and

Suspending the rules and passing H.R. 1492.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.


The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 431) providing for consideration of the bill (H.R. 2810) to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, and providing for consideration of the bill (H.R. 23) to provide drought relief in the State of California, and for other purposes, on which the yea and nay votes were ordered.

The CLERK read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 234, nays 183, not voting 16, as follows:

[Roll No. 326]

YEAS—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Hale
Bacon
Bacon (IN)
Barletta
Barton
Berman
BATES
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blinn
Boehm
Boehm (PA)
Boehm (ND)
Bongino
Burgess
Burks
Buettner
Budd
Burgess
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coleman
Colfax
Cole
Collins
Collins (GA)
Collins (NY)
Comer
Conaway
Cook
Costello (PA)

Cramer
Crawford
Culberson
Curts
Davidson
Davis, Rodney
DeFazio
DeGette
DeSaulnier
DelBianco
Dent
Dent
DesJarlais
Diaz-Balart
Donnelly
Duffy
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blinn
Boehm
Boehm (PA)
Boehm (ND)
Bongino
Burgess
Burks
Buettner
Budd
Burgess
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coleman
Colfax
Cole
Collins
Collins (GA)
Collins (NY)
Comer
Conaway
Cook
Costello (PA)

Hastert
Hanna
Herrera Beutler
Hice, Jody B.
Higginson (LA)
Holt
Hollingsworth
Hudson
Huculak
Hultgren
Icke
Jencks (KY)
Jenkins (WA)
Johnson (LA)
Johnson (OH)
Jones
Jordan
Katz
Kelly (MS)
Kelly (PA)
Kincheloe
Kinzinger
Kissell
Kustoff (TN)
Labrador
LaHood
LaMadrid
Larson
Latta
Lawson (MN)
Loebliondo
Long
Levitnik
Love
Lucas
Luetkemeyer
The SPEAKER pro tempore (during the Vote). There are 2 minutes remaining.

□ 1444

MESSRS. LOEBER AND DAVID S. SCOTT OF Florida changed their vote from "aye" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. SCHIFF. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 347.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 187, the ayes appeared to have it.
Mr. LOEBECK changed his vote from "aye" to "no.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 806, OZONE STANDARDS IMPLEMENTATION ACT OF 2017, AND H.R. 2997, 21ST CENTURY AVIATION INNOVATION, REFORM, AND AUTHORIZATION ACT

Mr. SESSIONS. Mr. Speaker, this morning the Rules Committee issued announcements outlining the amendment processes for two measures that will likely be before the Rules Committee next week.

An amendment deadline has been set for Monday, July 17, at 10 a.m., for H.R. 806, the Ozone Standards Implementation Act of 2017; and Monday, July 17, at noon, for H.R. 2997, the 21st Century AIRR Act.

The text of these measures is presently available on the Rules Committee website.

Feel free to contact me or my staff if we may provide any additional information.

MEDICAL CONTROLLED SUBSTANCES TRANSPORTATION ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1492) to amend the Controlled Substances Act to direct the Attorney General to register practitioners to transport controlled substances to States in which the practitioner is not registered under the Act for the purpose of administering the substances (under applicable State law) at locations other than principal places of business or professional practice, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 2, not voting 15, as follows:

[Roll No. 349]

[NAY—2]

[PERSONAL EXPLANATION]

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall votes Nos. 347, No. 348, and No. 349 due to my spouse's health situation in California. Had I been present, I would have voted "nay" on the Motion on Ordering the Previous Question on the Rule providing for consideration of both H.R. 23 and H.R. 2810. I would have also voted "nay" on H. Res. 431—Rule providing for consideration of both H.R. 23—Gaining Responsibility on Veterans' Healthcare Act of 2017 and H.R. 2810—National Defense Authorization Act for Fiscal Year 2018. I would have also voted "yea" on H.R. 1492—Medical Controlled Substances Transportation Act of 2017.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore, Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on additional motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the yeas and nays are ordered under clause 6 of rule XX.

Any record votes on the postponed questions will be taken later.

ENHANCING DETECTION OF HUMAN TRAFFICKING ACT

Mr. WALBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2664) to direct the Secretary of Labor to train certain Department of Labor personnel how to effectively detect and assist law enforcement in preventing human trafficking during the course of their primary roles and responsibilities, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2664

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhancing Detection of Human Trafficking Act".

SEC. 2. DEFINITION OF HUMAN TRAFFICKING.

In this Act the term "human trafficking" means an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

SEC. 3. TRAINING FOR DEPARTMENT PERSONNEL TO IDENTIFY HUMAN TRAFFICKING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor shall implement a program to—

(1) train and periodically retrain relevant personnel across the Department of Labor that the Secretary considers appropriate, how to effectively detect and assist law enforcement in preventing human trafficking during the course of their primary roles and responsibilities; and

(2) ensure that such personnel regularly receive current information on matters related to the detection of human trafficking, including information that becomes available outside of the Department’s initial or periodic retraining schedule, to the extent relevant to their official duties and consistent with applicable information and privacy laws.

(b) TRAINING DESCRIBED.—The training referred to in subsection (a) may be conducted through in-class or virtual learning capabilities, and shall include—

(1) methods for identifying suspected victims of human trafficking and, where appropriate, perpetrators of human trafficking;

(2) training that is most appropriate for a particular location or environment in which the personnel receiving such training perform their official duties;

(3) other topics determined by the Secretary to be appropriate reflecting current trends and best practices for personnel in their particular location or professional environment;

(4) a clear course of action for referring potential cases of human trafficking to the Department of Justice and other appropriate authorities; and

(5) a post-training evaluation for personnel receiving the training.

SEC. 4. REPORT TO CONGRESS.

Not later than 1 year after the date of the enactment of this Act, and each year thereafter, the Secretary of Labor shall report to the appropriate congressional committees on the training provided to the personnel referred to in section 3(a), including—

(1) an evaluation of such training and the overall effectiveness of the program required by this Act;

(2) the number of cases referred by Department of Labor personnel in which human trafficking was suspected and the metrics used by the Department to accurately measure and track its response to instances of suspected human trafficking; and

(3) the number of Department of Labor employees who have completed such training as required by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. WALBERG) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2664.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAVES. Mr. Speaker, I rise today in support of H.R. 2664, the Enhancing Detection of Human Trafficking Act.

Labor trafficking is the illegal exploitation of an individual for commercial gain. It knows no geological limits. It happens across our country and around the globe, including in my home State of Michigan.

Victims of labor trafficking are not a uniform group of people. Victims are young children, teenagers, men, and women.

In my home State of Michigan, the National Human Trafficking Hotline reported over 38 cases in 2016 involving labor trafficking. This is a 52 percent increase in the number of reported cases since 2015.

Globally, the International Labor Organization estimates there are 21 million people trapped in forced labor.

The growing number of human trafficking cases is alarming and more needs to be done to identify victims, catch traffickers, and end this form of modern-day slavery.

In the course of inspecting workplace safety and labor law compliance within the United States, Department of Labor employees often have a front line to view and to identify patterns of labor exploitation. Providing these employees with the proper training to detect and respond to the signs of human trafficking is an important part of the larger comprehensive effort to eradicate this scourge.

The Enhancing Detection of Human Trafficking Act would ensure the Department has a formal framework in place to detect trafficking and refer cases to law enforcement for prosecution.

Specifically, H.R. 2664 would:

Direct the Department of Labor to train appropriate staff on how to effectively detect instances of human trafficking;

Ensure personnel regularly receive information on current trends and best practices;

Allow flexible training options, including in-class and virtual learning options;

Establish a clear course of action for referring suspected instances of human trafficking to law enforcement; and

Require an evaluation and report to Congress on the implementation of the training and the metrics used to measure and track the agency’s response to human trafficking.

Mr. Speaker, one of the biggest obstacles we face in the fight against human trafficking is awareness. H.R. 2664 will ensure Department of Labor employees have the right training so that they recognize and effectively respond to this modern-day slavery.

I also thank Ranking Member SABLAN for his bipartisan support and work on this issue.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAVES. Mr. Speaker, I rise today in support of H.R. 2664, a bill to assist the United States Department of Labor in identifying and preventing cases of human trafficking.

I thank Chairman WALBERG for his leadership on this issue and for introducing this legislation of which I am an original cosponsor. As chair and ranking member of the Subcommittee on Health, Employment, Labor, and Pensions of the Education and the Workforce Committee, Mr. WALBERG and I have found common ground on a number of important issues facing the American people, and human trafficking is one of them.

We may think that human trafficking is something that occurs in far-off countries. And, yes, according to the International Labor Organization, there are 21 million men, women, and children around the world who are currently subjected to forced labor. Unfortunately, however, the incidence of human trafficking happens right here at home in the United States as well.

Polaris, a nonprofit that operates the National Human Trafficking Resource Center hotline here in the United States, received reports of over 8,000 cases of human trafficking in our country last year, an increase of 35 percent over the year before.

I have seen cases of this terrible scourge firsthand in my own district, the Northern Mariana Islands. A number of construction companies lured foreign workers to come to the Marianas with false promises and misrepresentations about pay and conditions.
The companies then withheld the employees’ wages and confiscated their passports. The workers were subjected to horrible working conditions, crowded and unsafe barracks with barely enough food and water. They were forced to work under unsafe conditions, suffering serious injuries without access to adequate medical care. There was even a workplace fatality.

To their credit, the Department of Labor’s OSHA and Wage and Hour divisions have worked to address these injustices and cite companies covering back wages. But we need to identify human traffickers and prevent cases like this before they happen.

That is the purpose of our bill, the Enhancing Detection of Human Trafficking Act. H.R. 2664 directs the Department of Labor to train appropriate Department staff on how to detect human trafficking, and ensure that these staff people get regular updates on how traffickers are adjusting to avoid detection.

Our bill establishes training for a clear course of action for referring cases of human trafficking to the Department of Justice and other appropriate authorities so these offenders are prosecuted.

And the bill requires the Department to report back to Congress within a year on the progress that is being made because Congress needs to do more than simply enact programs with lofty goals. We also need to build in mechanisms to tell us whether our programs are working as intended.

Mr. Speaker, the Enhancing Detection of Human Trafficking Act will, I believe, give the Department of Labor the tools and resources it needs to combat human trafficking. I ask my colleagues to vote “yes” on this bill.

I would like to also thank the leadership of the Human especially Chairwoman VIRGINIA FOXX and Ranking Member BOBBY SCOTT of the Education and the Workforce Committee, for moving this bill to the floor. And again, I thank my friend, Chairman WALBERG, for his leadership in this important area of public policy.

I reserve the balance of my time.

Mr. WALBERG. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. LANCE).

Ms. FOXX. Mr. Speaker, I thank both of my colleagues for their leadership on H.R. 2664 and bringing this important matter to the attention of the House.

I rise to express my strong support for this bill, and to commend, again, my colleagues for making a difference in the fight to end modern slavery.

Over the past few years, we have only begun to work out the horrific realities of human trafficking and how it established a foothold in this country. Thanks to the vigilance of faith-based groups, humanitarians across the globe, and the courage of survivors, we are learning more about the tactics and loopholes human traffickers exploit to prey on the most vulnerable among us.

Children are often the ones most vulnerable to exploitation. It is estimated that one in six endangered runaways are likely victims of this horrific crime. Earlier this year, with the leadership of Representatives Guthrie and Courtney, the House passed the Improving and Exploited Children Act.

That bipartisan legislation supports the critical efforts of the National Center for Missing & Exploited Children. It includes positive reforms to encourage new and innovative ways to recover and protect missing and exploited children, including those who are victims of trafficking. We need to do everything possible to ensure this vital work will continue, and that is what H.R. 1808 was all about.

But this is an issue that demands our ongoing attention. More solutions are needed, and that is why we are here today, to build on the bipartisan work we have already accomplished.

The Department of Labor has a unique vantage point for spotting violations in workplaces that can be tell-tale signs of modern slavery and labor exploitation. This bill equips DOL personnel to form partnerships with law enforcement and address signs of human trafficking in America’s workplaces.

Mr. Speaker, if we can shed light in any corner where this evil may lurk, we must.

Again, I commend Mr. WALBERG’s leadership on this issue and Mr. SABLAN for working with him so passionately. I am proud that the Committee on Education and the Workforce could do its part to support their work and bring this bill to the House.

I urge all Members to vote in favor of the Enhancing Detection of Human Trafficking Act.

Mr. SABLAN. Mr. Speaker, I yield such time as she may consume to the gentleman from California (Ms. BASS).

Ms. BASS. Mr. Speaker, I rise today in support of H.R. 2664, the Enhancing Detection of Human Trafficking Act, a bill to assist the U.S. Department of Labor in identifying and preventing cases of human trafficking.

Human trafficking is a global and domestic threat to basic human rights and humanity as we know it. However, the injustice of human trafficking is not just a global problem. Human rights abuses are happening right here in the United States every day and in every region across the country.

Polaris, a nonprofit that operates the National Human Trafficking Resource Center hotline here in the U.S. received reports of over 8,000 cases of human trafficking in our country last year, an increase of 35 percent over the year before.

When people hear the term “human trafficking,” they often think of far-away places, or perhaps even movie
Mr. Speaker, I have no further speakers, and I urge all my colleagues to please support, vote "aye" on H.R. 2664.

Mr. Speaker, I yield back the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, each year millions of men, women, and children are trafficked around the world, including in the United States. It is important that we combat this epidemic.

The Enhancing Detection of Human Trafficking Act is truly a bipartisan bill that will ensure that those who are in the field have knowledge, skills, and tools that they need to identify instances of human trafficking, assist victims, and properly refer cases so that perpetrators can be brought to justice.

I would like to reiterate my appreciation to Representative SABLAN for his support and work on this important issue. This is truly a bipartisan issue. It is an American issue. It is a human issue.

I urge my colleagues to vote in favor of H.R. 2664, and I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the bill passed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

Mr. Speaker, I would like to reiterate my appreciation to Representative SABLAN for his leadership on this legislation and for recognizing that we must give direction, as Members of the United States Congress, to how grants are to be utilized. This is a very, very important initiative to be able to help our law enforcement.

Let me give you the real life of some of those who have been sex-trafficked.

The life of Esperanza: She was waiting for a cousin outside her high school in Mexico one day when a strange man drove up in a car and forced her inside. He drove her across the Mexican/U.S. border and on to Houston, Texas, where he forced her to work in a cantina called La Costenita. She was pregnant. Three months later, she said Poncho drove her across the Mexican/U.S. border and on to Houston, Texas, where he forced her to work in a cantina called La Costenita.

This is a story that reads inside Houston's sex trade. I am a Representative of the congressional district in Houston where we have recognized that it is one of the hot spots of the sex trade.

But I do want to acknowledge that law enforcement, a sheriff, the police chief, the mayor, the head of the city, local government, all county government have all come together, Members of Congress, faith organizations, and recognized and made a resistant stance...
to stand against this sex trade. In fact, I want to applaud them for recognizing the plight of Esperanza.

I want to, with enthusiasm, support a bill that would amend the omnibus Crime Control and Safe Streets Act of 1968 to include an additional permissible use of amounts provided as grants under the Edward Byrne Memorial Justice Assistance Grant, also known as the Byrne JAG Program, to combat human trafficking, sex trafficking, including programs to reduce the demand for trafficking persons.

The legislation was introduced by Mrs. HARTZLER and joined by her colleague, Mr. CLAY. I am glad to be a cosponsor, as are members of the Judici ary Committee and others.

Sadly, sex trafficking, like labor trafficking, is a modern-day form of slavery. It is slavery. The epidemic of this abhorrent practice of sex trafficking continues.

First, sex trafficking occurs nationwide, and the data from the National Human Trafficking Hotline shows that reports of human trafficking were almost doubled, from 372 reported cases in 2012 to 670 reported cases in 2016, with sex trafficking accounting for more than 75 percent of all human trafficking.

Let me be very clear that sex trafficking is easy. It is very profitable because, unfortunately, you use the vulnerable victim over and over again.

Take Esperanza. She was waiting to go to high school. She became pregnant. You would think there would be some form of mercy, but she was forced to be used again, to be sex-trafficked again, and to find herself in a cantina in Houston, Texas, all the way from Mexico.

I really wanted to speak up, to ask the police for help," Esperanza said. "But I got caught up by the threats he would make to towards my daughter. I didn't want anything to happen to her.

Esperanza's whose real name is being withheld for her protection—had become just like the more than 19,000 sex trafficking cases reported in the US since 2007, according to the National Human Trafficking Resource Center.

The site says more than 2,600 sex trafficking cases have been reported in the US this year alone, most of them in California. Texas ranks as the nation's number-two sex trafficking state, on the website.

For the uninitiated, it's hard to imagine that thousands of young people—overwhelmingly women—have been kidnapped in Mexico or elsewhere and taken against their will to the United States, where they serve as sex slaves.

I thought human trafficking was just this crime that happens in third world countries. Until I started to look into my city," said Rachel Alvarez, a human trafficking case worker for the Houston YMCA.

Texas authorities first met Esperanza when they raided La Costenita in 2010.

"Her initial demeanor was just kind of stoic," remembered Steve Roskey, who took part in the raid when he was an agent with the Houston Police.

"But then, all of a sudden, we noticed tears start running down her face. She started telling us her story: how she got here, what he wanted."

When she told police that her pimp, a man named Alfonso Diaz-Juarez who also went by "Poncho," was holding her daughter, authorities sprung into action.

"We knocked on Poncho's family members' houses, we knocked on his friends' houses," Roskey said. "It irritated the family and friends. Eventually, he came out of his house. He did a lot of brutal things, to make the girls do something."

Diaz-Juarez wasn't among them. But Tencha had distanced herself from Las Palmas by leasing it to Diaz-Juarez.

When police found out, they arrested him on a previous warrant.

Diaz-Juarez pleaded guilty in a deal with prosecutors that led to his release several months later. Poncho was back on the loose.

Authorities continued to gather evidence in the big sex trafficking case.

"We realized early on that we had potential financial crimes, money laundering in particular, where we got the [Internal Revenue Service] involved in it," said Bradley.

The IRS began following the money, reviewing bank statements, locating assets.

We did an estimate on how much she made from the room rental, entrance fee, and the condoms for the whole period she was operating Las Palmas and that estimate was about $2.5 million," said IRS Special Agent Lucy Tan.

When it was time for police to move in and raid Las Palmas, 13 people were arrested. Diaz-Juarez wasn't among them. But Tencha was.

Twelve pleaded guilty.

Prosecutors charged Tencha with one count of conspiracy to commit sex trafficking, one count of conspiracy to harbor aliens, three counts of money laundering and one count of conspiracy to money launder.

Tencha pleaded not guilty.

When Tencha began crying in front of the judge, saying she was innocent and she had no idea what was going on.

You didn't have to speak Spanish to see how much pain they had over what had been done to them, and what they had to do," remembered Bradley. "You could just see it in their face, hear it in their voice."

day, when a strange man drove up in a car, forced her inside with him and sped away. At that moment, Esperanza had in effect become a sex slave.

"He beat and raped me," she told CNN's "The Hunt with John Walsh."

She said the man—who called himself Poncho—brought her to a madam who showed her how to charge clients and how to use a condom.

A few times Esperanza tried—and failed—to escape, but she said Poncho, now age 47, always tracked her down and beat her.

Eventually, Esperanza realized she was pregnant. Three months later, she said Poncho drove her across the Mexican-US border and on to Houston, Texas, where he forced her to work in a cantina called La Costenita.

She gave birth to a baby girl, but Poncho took the insurance that Esperanza would keep working as a sex slave and wouldn't escape.

"I really wanted to speak up, to ask the police for help," Esperanza said. "But I got caught up by the threats he would make to towards my daughter. I didn't want anything to happen to her.

Esperanza—whose real name is being withheld for her protection—had become just like the more than 19,000 sex trafficking cases reported in the US since 2007, according to the National Human Trafficking Resource Center.

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Tencha pleaded not guilty.

When Tencha began crying in front of the judge, saying she was innocent and she had no idea what was going on.

You didn't have to speak Spanish to see how much pain they had over what had been done to them, and what they had to do," remembered Bradley. "You could just see it in their face, hear it in their voice."
Ultimately, the jury found Tencha guilty and the judge sentenced her to life in prison. Despite the legal victory against Tencha, authorities are disturbed by the fact that Dias—her accomplice—was not charged.

“It’s very important to get Poncho arrested and prosecuted, because he will not stop doing what he does until he is arrested and put behind bars,” Laura, who still fears Poncho, admits she’ll “feel safer when he is captured. There aren’t any words to describe what a terrible person he is.”

Ms. JACKSON LEE. Mr. Speaker, second, we must provide our law enforcement with the necessary tools to fight the epidemic.

I would like to thank Agent Roskey, our fervent Houston Police Chief Art Acevedo, and chiefs before him for their entire effort and collaboration. Houston law enforcement has been working diligently, but they have limited funds.

“Too often, thousand of young people—overwhelmingly women—have been kidnaped around the world and taken against their will to the United States, where they serve as sex slaves and become victims of these horrendous crimes—especially children—who are afraid to seek help from law enforcement because of the risk that they will be treated as criminals rather than the victims they undoubtedly are.

Take Esperanza for example. She was wait- ing for her cousins outside of her high school in Mexico when a stranger drove up in a car and held her inside with him and sped away. At that moment, Esperanza had in effect become a sex slave.

Esperanza was an innocent child when she first became a victim of sex trafficking. Her 47 year old trafficker brought her to a madam at a Cantina, who taught her how to have sex with adult men for profit, and the trafficker would beat and rape this young child whenever she tried to escape.

Eventually Esperanza became pregnant and was driven across the Mexico-U.S. border onto Houston, Texas my congressional district, where her baby was taken by her perpetrator as insurance, in order to force Esperanza into his world of sex slave trade.

Like so many children living the daily night- mare of human trafficking, Esperanza was ter-rified to tell anyone what was occurring. ‘I really wanted to speak up, to ask the police for help,’ Esperanza said. ‘But I got caught up by the threats he would make towards my daughter. I didn’t want anything to happen to her.’

After waiting for this horrific nightmare to end, Esperanza eventually was rescued in a raid of the Cantina, thanks to the bravery and steadfast approach of Houston’s finest, like Agent Steve Roskey, a native Houstonian, then with the Texas Alcoholic Beverage Com- mission in Houston.

Esperanza’s prayers were answered because once she started telling Agent Roskey and the other Houston officials her story of how she got here, what she was forced to do, the identification of her trafficker and the tak- ing of her baby, Houston’s finest and Agent Roskey immediately started knocking on the perpetrator’s family members’ houses, knocked on his friends’ houses, and after the family and friends became irritated, they eventually dropped off the child to a cousin. The child was safe.

Thankfully, although traumatized, Esperanza survived the horrors of human trafficking but not all victims are as fortunate because there are many sad stories laced in this practice, which is why these unfortunate victims, like Esperanza, who fall prey to human trafficking, should absolutely not be treated as criminals for their involvement in these sex, and labor acts.

Second, we must provide our law enforce- ment with the necessary tools to fight this epi- demic. I would like to thank Agent Steve Roskey, our fervent Houston Police Chief, Art Acevedo, his entire department, and various other entities for all the hard work they are doing daily to combat this epidemic in sex traf-ficking.

Houston’s law enforcement are working diligently to take our city back from the grips of those who seek to perpetuate this appalling practice of sex trafficking.

Like Houston, law enforcement everywhere are fighting nightly offensives, with limited funds to crush the glaring statistics reported across this country by the National Human Trafficking Hotline.

Hence we must provide them with meaning- ful resources to make this goal a reality, and ensure that victims are not penalized for the illegal enterprise of the traffickers that exploit them.

This is why we must empower our law en- forcement everywhere, through the Byrne JAG Program, to fight the demand for sex traf-ficking by supporting H.R. 2480.

Finally, we understand it is already possible for state and local jurisdictions to use JAG Grant Program funding to combat human traf-ficking, including demand reduction, under the current purpose areas.

However, I support adding an additional pur- pose area for these grants that emphasizes the need to fund initiatives that target and fight human trafficking, as proposed under this bill. H.R. 2480 will ensure that state and local law enforcement agencies have the funds needed to implement more programs to com- bat human trafficking such as that which oc- curred at the Cantina in Esperanza’s case and all the trafficked victims rescued there that day.

The addition of this purpose area would allow state and local jurisdictions to target and penalize buyers who drive the demand for sex acts, human trafficking, and sexual exploi- tation; including the demand for sex trafficking involving children.

An example of a project that could be fund- ed by the addition of this purpose area is training for a multi-jurisdictional task force to conduct proactive stings on buyers in an effort to combat human trafficking, like the Cantina raid in my home district in Houston.

Accordingly, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Missouri (Mrs. HARTZLER), the chief sponsor of this legislation.

Mrs. HARTZLER. Mr. Speaker, I rise today to ask for support for H.R. 2480, the Empowering Law Enforcement to Fight Sex Trafficking Demand Act.

I would like to thank Chairman GOODLATTE and Ranking Member CON- YERS for their support, as well as Congresswoman KAREN BAKER, Congresswoman STEVE CHABOT, and Congressman WILLIAM LACY CLAY from Missouri, my friend, who have all co-led this effort with me.

The Empowering Law Enforcement to Fight Sex Trafficking Demand Act expands the authority of the Edward Byrne Justice Assistance Grants Pro- gram, or Byrne JAG, to enable law enforce- ment agencies to compete for Feder- al funding specifically to develop and execute sex trafficking demand re- duction programs. Adding this provision provides State and local agencies more flexibility in balancing precious re- sources to address sex trafficking.

Today, when many Americans hear the term “sex trafficking,” they might envision a young woman in Eastern Europe being abducted or a far-away brothel in Thailand. While both of these instances, sadly, happen, Ameri- cans must realize that sex trafficking happens in thousands of neighborhoods and cities all across our great country.

As recently as May, in the city of Springfield, Missouri, there were two
young girls, ages 13 and 14, that were recently rescued. Those two innocent girls were locked in a neighborhood home and forced to do drugs and engage in sexual acts for money. After some heroic police work, the man responsible was caught, but not before he robbed the girls of their innocence and confined them to years of mental torment.

This type of event occurs all too often and serves as a stark reminder that this horrendous crime can occur anywhere, despite its domestic problem that we cannot ignore.

Since 2007, the National Human Trafficking Hotline has reported 22,191 sex trafficking cases in the United States, and countless cases remain unreported.

According to leading researchers and law enforcement agencies, one of the primary causes of sex trafficking is consumer-level demand for commercial sex. Sex traffickers have discovered that illicit support of commercial sex is a lucrative business. In 2013, the Urban Institute estimated that the underground sex economy ranged from $39.9 million in Denver, Colorado, to $209 million in Atlanta, Georgia.

Despite the fact that demand is the ultimate driving force behind sexual exploitation of women and children, buyers are frequently overlooked as offenders in crimes of domestic sex trafficking. Recently, leaders in the law enforcement community have discovered effective ways to combat this demand for sex trafficking as those that include combating demand for commercial sex.

There are two primary ways to directly influence actual and potential buyers of commercial sex, and these are termed “demand reduction programs.” They are: education of actual and potential buyers of commercial sex, and law enforcement interventions aimed at deterring those who might buy sex from those who do. Many law enforcement agencies execute demand reduction programs, such as reverse sting operations, john schools, and community education. However, resource limitations preclude them from expanding these efforts. This bill provides law enforcement expanded funding opportunities to support demand reduction efforts.

This is a huge step in the right direction because the Byrne JAG grant is the current federal crime-fighting program, enabling communities to target resources to their most pressing local needs.

Byrne JAG’s hallmark is its flexibility; thus, States and localities are able to deploy Byrne JAG funding against their most pressing public safety challenges, such as sex trafficking. This allows communities to design complete programs, fill gaps, leverage other resources, and work across city, county, and State lines.

The Byrne JAG program is a cornerstone Federal crime-fighting program, and State and local law enforcement agencies, one of the primary funding authorities of the vital Byrne Justice Assistance Grant program, must be a paradigm shift in how we see and respond to victims of sex trafficking—most of whom are minors, 59 percent of all reported cases in 2016 per Polaris National Hotline, and nearly all of them having involvement in the child welfare system, 86 percent as reported in the 2016 National Center for Missing & Exploited Children—there must be a paradigm shift in how we see and respond to those engaged in the illicit buying of women and children for sex.

Mr. Speaker, I ask my colleagues to support this effort.

Ms. JACKSON LEE. Mr. Speaker, I yield 3 minutes to the distinguish gentlewoman from California (Ms. BASS), a member of the Judiciary Committee Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, who has a long history of dealing with the vulnerable children, children who have been in the foster care system, and a leading voice on the issue of sex and human trafficking.

As we know, dismantling the multifaceted web of sex trafficking requires collaborative and comprehensive action at every level of government. I am pleased to join Representative HARTZLER and so many of my colleagues as we continue to address this problem.

In conjunction with a number of bills introduced this Congress to strengthen and reauthorize the Trafficking Victims Protection Act, H.R. 2480 acknowledges that a comprehensive approach to eliminate sex trafficking necessarily requires the inclusion of demand reduction efforts. Specifically, this bill provides support to State and local jurisdictions working to eliminate sex trafficking by expanding the designated use of Byrne JAG funding to include the express purpose of combating sex trafficking demand.

It is important that we support concrete and effective measures in furtherance of demand reduction as a critical component of law enforcement. Yet in nearly every State across the country, especially when it comes to underage youth, the buyers of sex tend to be treated as Johns. When we are looking at underage girls, anybody that is purchasing sex should be viewed as a child molester.

Just as we are beginning to see the need to acknowledge the shift in how we see and respond to victims of sex trafficking—most of whom are minors, 59 percent of all reported cases in 2016 per Polaris National Hotline, and nearly all of them having involvement in the child welfare system, 86 percent as reported in the 2016 National Center for Missing & Exploited Children—there must be a paradigm shift in how we see and respond to those engaged in the illicit buying of women and children for sex.

Sex trafficking reduction programs under this bill would support enhanced efforts to arrest and prosecute these offenders. This bill would further help jurisdictions implement and facilitate necessary training programs designed to help law enforcement understand, identify, and appropriately respond fundamentally to those who buy and participate in sex trafficking.

Just as law enforcement make critical efforts in distinguishing and identifying victims in need of services from petty criminals, so, too, must efforts be made to identify and prosecute the buyers and predators. Thus, State and local justice systems would be eligible to receive Byrne JAG money to support innovative advancements in developing and acquiring cutting-edge technology.

For example, H.R. 2480 would support the use of programs like Spotlight, a web-based tool used by over 4,000 law enforcement agencies in the U.S. and Canada to enable them to collaborate across jurisdictions for streamlined identification of child sex trafficking victims.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. BASS. Mr. Speaker, I rise in support of H.R. 2480, the Empowering Law Enforcement to Fight Sex Trafficking Demand Act, a simple but powerful bill that will amend the Byrne JAG Grant Program to include funding initiatives aimed at disrupting and reducing the demand for sex trafficking.

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Sex trafficking reduction programs under this bill would support enhanced efforts to arrest and prosecute these offenders. This bill would further help jurisdictions implement and facilitate necessary training programs designed to help law enforcement understand, identify, and appropriately respond fundamentally to those who buy and participate in sex trafficking.

Just as law enforcement make critical efforts in distinguishing and identifying victims in need of services from petty criminals, so, too, must efforts be made to identify and prosecute the buyers and predators. Thus, State and local justice systems would be eligible to receive Byrne JAG money to support innovative advancements in developing and acquiring cutting-edge technology.

For example, H.R. 2480 would support the use of programs like Spotlight, a web-based tool used by over 4,000 law enforcement agencies in the U.S. and Canada to enable them to collaborate across jurisdictions for streamlined identification of child sex trafficking victims.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. JACKSON LEE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri. I thank him for his leadership on the issues of sex trafficking and human trafficking.

Mr. CLAY. Mr. Speaker, I thank the gentlewoman from Texas for yielding.

Rise today as an original cosponsor of H.R. 2480, the Empowering Law Enforcement to Fight Sex Trafficking Demand Act, along with my friend and distinguished colleague from Missouri, Congresswoman HARTZLER, and other colleagues.

This bipartisan act aims to provide local law enforcement with additional tools to fight the heinous epidemic of sex trafficking by expanding the authority of the vital Byrne Justice Assistance Grant act to enable law enforcement agencies to compete for Federal funding, specifically to develop and implement sex trafficking demand reduction programs.

Our legislation would also add an additional provision for Byrne JAG funding to allow local agencies more flexibility in prioritizing precious resources to combat domestic sex trafficking. The trafficking of mostly
young people for the purposes of sexual exploitation is a form of 21st century slavery that is pervasive around the world, around this country, and even in my home State of Missouri, as we heard earlier.

Sadly, because of my district’s central location and easy access to cross-country interstates and modes of transportation, the St. Louis area is one of the top 20 markets for the horrific and inhuman crime. Most of the victims are minor children, and some of them have been kidnapped, beaten, and deceived by organized criminal enterprises who are exploiting their bodies for profit.

But the sick and the inhuman practice could not continue without steady demand, and reducing that market is exactly the purpose of this important bill.

According to a recent report by the National Human Trafficking Resource Center, this multibillion dollar slavery system operates over 20 million young people worldwide, with at least 1¼ million of those victims in North America. Yet, last year in the United States, only about 5,000 cases were actually reported, leaving tens of thousands of other victims in the shadows with no protection, no help, and no hope.

As reported in the February 23, 2016 edition of The Atlantic magazine:

According to the United Nations’ Office on Drugs and Crime, the operation of human trafficking is the most commonly identified form of forced labor worldwide. And as a whole, human trafficking is a lucrative industry that, around the globe, rakes in at least $150 billion.

But it is unclear whether the numbers are an accurate representation of the problem, because many cases are not reported, according to Monique Villa, the CEO of the Thomson Reuters Foundation, which works to combat human trafficking.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. JACKSON LEE. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, the article continues on:

The problem with human trafficking is that, of course, the victims are silenced. We don’t have good data about it. You don’t know how many slaves there are around the world.

Traffickers also play into the narrative by telling victims who are exploited for sex that they are offenders, threatening to call the police and report them for prostitution if they push back. This makes sex trafficking particularly challenging because victims might be fearful of going to law enforcement and being charged with a crime.

Mr. Speaker, I urge Members to support this legislation.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the sponsor of this bill for her leadership. I am delighted to work with her as a cosponsor. And the speakers on the outside who are co-sponsors, I thank them for their important contribution.

I simply want to take this time to close and to say to all of us: Don’t forget the Esperanzas—plural—and their little boys as well, who are sex trafficked. Let them.

The addition of this purpose area added to the Byrne grants would allow States and local jurisdictions to target and penalize buyers who drive the demand for sex acts, human trafficking, and sexual exploitation, including demand for trafficking involving children. An example of a project that could be funded by the addition of this purpose area is training for a multi-jurisdictional task force to conduct proactive stings on buyers in an effort to combat human trafficking, just like what was done at the cantina raid in my home community in Houston.

The Texas Alcoholic Beverage Commission officer was one of those who helped bring this cantina, this substitute for sex trafficking kingpin down, and saved Esperanza.

Accordingly, I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I urge all of my colleagues to support this very important legislation that will help direct important resources to State and local governments to reduce demand for sex trafficking, and help to maybe protect and save a few young people and other people from this horrible crime.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. Speaker, I urge Members to support this legislation.

Mr. GOODLATTE. The House has passed.

Mr. Speaker, I yield the balance of my time.

Ms. JACKSON LEE. The House suspend the rules and pass the bill, H.R. 2460.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FREDERICK DOUGLASS TRAFFICKING VICTIMS PREVENTION AND PROTECTION REAUTHORIZATION ACT OF 2017

Mr. ROYCE of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2200) to reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:
Sec. 201. Findings.


TITLE III—AUTHORIZATION OF APPROPRIATIONS


Sec. 303. Authorization of appropriations for enhancing efforts to combat the trafficking of children.

Sec. 304. Authorization of appropriations under the International Megan's Law

Sec. 305. Authorization of appropriations for—

(a) Grants to assist in recognition of trafficking.

(b) Program requirements.

(c) Program evaluations.

(d) Definitions.

Sec. 111. REQUIRED TRAINING TO PREVENT HUMAN TRAFFICKING FOR CERTAIN CONTRACTORS.

(a) IN GENERAL.—Section 10118 of title 49, United States Code, is amended by adding at the end the following:

"(g) Training Requirements.—The Administrator of General Services shall ensure that any contractor entered into for provision of air transportation with a domestic carrier under this section requires that the contracting air carrier provides to the Administrator of General Services, the Secretary of Transportation, the Administrator of the Transportation Security Administration, the Commissioner of U.S. Customs and Border Protection an annual report regarding—

"(1) the number of personnel trained in the detection and reporting of potential human trafficking (as described in paragraphs (9) and (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), including the training required under section 44734(a)(4);"

"(2) the number of notifications of potential human trafficking victims received from staff or other passengers; and"

"(3) whether the air carrier notified the National Human Trafficking Hotline or law enforcement at the relevant airport of the potential human trafficking in each such notification of potential human trafficking, and if so, when the notification was made."

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any contract entered into after the date of enactment of this Act.

(c) CONCLUSION.—The amendment made by subsection (a) shall not apply to any contract entered into by the Secretary of Defense.

SEC. 112. PRIORITY FOR USE OF FUNDS FOR LODGING EXPENSES AT ACCOMMODATIONS LACKING CERTAIN POLICIES RELATING TO CHILD SEXUAL EXPLOITATION.

(a) IN GENERAL.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"§ 5713. Priority for use of funds for lodging expenses at accommodations lacking certain policies relating to child sexual exploitation.

(a) IN GENERAL.—For the purpose of making payments under this chapter for lodging expenses each agency shall ensure that, to the extent practicable and within the United States, any commercial lodging facilities for employees of that agency are booked in a preferred place of accommodation.

(b) PREFERRED PLACE OF ACCOMMODATION DEFINED.—In this section, ‘preferred place of accommodation’ means a commercial place of accommodation that—

"(1) has a zero-tolerance policy in place regarding the sexual exploitation of children (as described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A)) within the accommodation;

"(2) has procedures in place to identify and report any such exploitation to the appropriate authorities;"

"(3) makes training materials available to all employees to prevent such exploitation;"

"(4) has trained all employees annually on the identification of possible cases of such exploitation and training to report suspected abuse to the appropriate authorities;"

"(5) protects employees who report suspected cases of such exploitation according to the employee identification of children policy; and"

"(6) keeps records of the number of suspected cases of such exploitation, including

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Sec. 205. Expansion of Department of State rewards program.

Sec. 206. Briefing on countries with primarily migrant workforces.

Sec. 207. Report on local law of funding from the United States Agency for International Development.

Subtitle B—Child Soldier Prevention Act of 2017

Subtitle B—Governmental Efforts To Prevent Human Trafficking

TITLE I—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Programs To Support Victims and Persons Vulnerable to Human Trafficking

SEC. 101. GRANTS TO ASSIST IN THE RECOGNITION OF TRAFFICKING.

(a) Grants To Assist in Recognition of Trafficking.—Section 106(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(b)) is amended—

(1) by striking “The President” and inserting the following:

‘‘(1) IN GENERAL.—The President’’; and

(2) by adding at the end the following:

‘‘(2) GRANTS TO ASSIST IN THE RECOGNITION OF TRAFFICKING.—

‘‘(A) IN GENERAL.—The Secretary of Health and Human Services may award grants to local educational agencies, in partnership with nonprofit or nongovernmental agencies, to establish, expand, and support programs—

‘‘(i) to educate school staff to recognize and respond to signs of labor trafficking and sex trafficking;

‘‘(ii) to provide age-appropriate information to students on how to avoid becoming victims of labor trafficking and sex trafficking;

‘‘(B) PROGRAM REQUIREMENTS.—Amounts awarded under this paragraph shall be used for—

‘‘(i) education on—

‘‘(I) how to avoid becoming victims of labor trafficking and sex trafficking;

‘‘(II) how to avoid becoming victims of labor trafficking and sex trafficking;

‘‘(II) indicators that an individual is a victim or potential victim of labor trafficking or sex trafficking;

‘‘(III) options and procedures for referring such an individual, as appropriate, to information on such trafficking and services available for victims of such trafficking;

‘‘(IV) reporting requirements and procedures in accordance with applicable Federal and State laws and the relevant law enforcement agencies, to establish the safety of school staff and students reporting such trafficking.

‘‘(C) PRIORITY.—In awarding grants under this program, the Secretary of Health and Human Services may give priority to local educational agencies serving a high-intensity child sex trafficking area.

‘‘(D) DEFINITIONS.—In this paragraph:

‘‘(i) ESEA TERMS.—The terms ‘elementary school’, ‘local educational agency’, ‘other staff’, and ‘secondary school’ have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

‘‘(ii) HIGH-INTENSITY CHILD SEX TRAFFICKING AREA.—The term ‘high-intensity child sex trafficking area’ means a metropolitan area designated by the Director of the Federal Bureau of Investigation as a high-intensity child prostitution area.

‘‘(iii) LABOR TRAFFICKING.—The term ‘labor trafficking’ means conduct described in section 103(9)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9))

‘‘(iv) SCHOOL STAFF.—The term ‘school staff’ means teachers, nurses, school leaders and administrators, and other staff at elementary schools and secondary schools.

‘‘(vi) SEX TRAFFICKING.—The term ‘sex trafficking’ means the conduct described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

(b) INCLUSION IN AUTHORIZATION OF APPROPRIATIONS.—Section 113(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110(b)(1)) is amended by striking ‘‘section 107(c)’’ and inserting ‘‘sections 106(b) and 107(b)’’.

SEC. 102. PREVENTING FUTURE TRAFFICKING IN THE UNITED STATES THROUGH RECEIPT OF COMPLAINTS ABROAD.

(a) IN GENERAL.—The Secretary of State shall ensure that each diplomatic or consular post or other post designated by the Secretary of State is responsible for—

(1) making the public aware of the steps that can be taken to prevent, deter, and punish human trafficking;

(2) having in place effective mechanisms for receiving complaints of fraudulent recruitment of foreign workers;

(3) having in place effective mechanisms for receiving complaints regarding the use of human trafficking services;

(4) having in place effective mechanisms for receiving complaints of sexual exploitation;

(5) ensuring that the activities of the Foreign Commercial Service and the Office of the U.S. Trade and Commercial Presence are consistent with the purposes of this section; and

(6) ensuring that any individuals who report suspected cases of human trafficking are treated with dignity and respect.

(b) PROVISION OF INFORMATION.—Any information received pursuant to subsection (a) shall be transmitted to the Department of Justice, the Department of Labor, the Department of Homeland Security, and to any other relevant Federal agency for appropriate response. The President, the Secretary of Labor, and the head of any other such relevant Federal agency shall establish a process to address any actions to be taken in response.

(c) ASSISTANCE FROM FOREIGN GOVERNMENTS.—The employee designated for receiving information pursuant to subsection (a) should coordinate with foreign governments or civil society organizations in the countries of origin of victims of severe forms of trafficking in persons, with the permission of and without compromising the safety of such victims, to ensure that such victims receive any additional support available.

SEC. 103. MODIFICATION TO GRANTS FOR VICTIMS SERVICES.

Section 107(b)(2)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)(A)) is amended by striking “programs” and all that follows and inserting the following: “programs for victims of human trafficking, including programs that provide trauma-informed care or long-term housing options to such victims who are—

(1) between the ages of 18 and 24 and who are homeless, in foster care, or involved in the criminal justice system;

(2) transitioning out of the foster care system; or

(3) women or girls in underserved populations.”.
the reasons for suspicion, title of employee who reported the suspicion, and where the report was made.

**(c) REGULATIONS REQUIRED.—The Administrator of General Services shall—

(1) maintain a list of each preferred place of accommodation; and

(2) make all regulations as are necessary to carry out this section.

(b) CONFORMING AMENDMENT.—The table of sections for chapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new item:

"5713. Priority for use of funds for lodging expenses at accommodations listed in certain policies relating to child sexual exploitation.".

SEC. 113. ENSURING UNITED STATES PROCUREMENT DOES NOT FUND HUMAN TRAFFICKING.

Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

"(k) AGENCY ACTION TO PREVENT FUNDING OF HUMAN TRAFFICKING.—

(1) IN GENERAL.—The Secretary of State, Secretary of Labor, Administrator of the United States Agency for International Development, President of the Corporation for National and Community Service, Director of Management and Budget shall each submit to the Administrator of General Services (who shall submit such reports to the appropriate congressional committees), at the end of each fiscal year, a report that includes each of the following:

(A) The names and contact information of the individual within the agency’s office of legal counsel or office of acquisition policy who is responsible for overseeing the implementation of subsection (g) of this section, title XVII of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104a et seq.), and any related regulation in the Federal Acquisition Regulation (including the Federal Uniform Acquisition Regulation; Ending Trafficking in Persons (G F.R. Parts 1, 2, 9, 12, 42, and 52)).

(B) Agency action to ensure contractors are educated on the applicable laws and regulations listed in subparagraph (A).

(C) Agency action to ensure the acquisition workforce and agency officials under the expert counsel or office of acquisition policy are educated on the applicable laws and regulations listed in subparagraph (A), including best practices for—

(i) ensuring compliance with such laws and regulations;

(ii) assessing the serious, repeated, willful, or pervasive nature of any violation of such laws and regulations; and

(iii) evaluating steps contractors have taken to correct any such violation.

(D) The number of contracts containing language referring to the laws and regulations listed in subparagraph (A) and the number of contracts that did not contain any language referring to the laws and regulations listed in subparagraph (A).

(E) The number of allegations of severe forms of trafficking in persons received and the source type of the allegation (contractor, subcontractor, terminated contractor, subcontractor, or individual outside of the contract).

(F) The number of such allegations investigated by the Secretary of State, a summary of any findings of such investigation, and any improvements recommended by the agency to prevent such conduct from recurring.

(G) The number of such allegations referred to the Attorney General for prosecution under section 3271 of title 18, United States Code, and the outcomes of such referrals.

(H) Any remedial action taken as a result of such investigation, including whether—

(1) a contractor or subcontractor (at any tier) was debarred or suspended due to a violation of a law or regulation relating to severe forms of trafficking in persons; or

(2) a contractor or subcontractor was debarred pursuant to subsection (g) as a result of such violation.

(I) Any other assistance offered to agency contractors to ensure compliance with a law or regulation relating to severe forms of trafficking in persons.

(J) Any interagency meetings or data sharing regarding or disbarred contractors or subcontractors (at any tier) for severe forms of trafficking in persons.

(K) Any contract with a contractor or subcontractor (at any tier) located outside the United States and the country location for each such contractor or subcontractor.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ‘appropriate congressional committees’ means—

(A) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Oversight and Government Reform of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 114. TRAINING COURSE ON HUMAN TRAFFICKING AND GOVERNMENT CONSTRUCTION.

Any curriculum (including any continuing education curriculum) for the acquisition workforce used by the Federal Acquisition Institute established under section 1201 of title 5, United States Code, shall include—

(1) a one-hour course, which shall be at least 30 minutes, on the law and regulations relating to human trafficking and Government contracting.

SEC. 115. MODIFICATIONS TO THE ADVISORY COUNCIL ON HUMAN TRAFFICKING.

Section 115 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 253) is amended—

(1) in subsection (d)(2), to read as follows:—

‘‘(2) shall receive travel expenses, including per diem allowances, in accordance with the applicable provisions under subsection 1 of chapter 57 of title 5, United States Code,’’; and

(2) in subparagraph (b), by striking ‘‘2020’’ and inserting ‘‘2021’’.

SEC. 116. SENSE OF CONGRESS ON STRENGTHENING FEDERAL EFFORTS TO REDUCE DEMAND.

It is the sense of Congress that—

(1) all Federal anti-trafficking training (including training under section 114(c) of the Justice for Victims of Trafficking Act of 2015 (42 U.S.C. 14044g(c)) and under section 107(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9))) was debarred or suspended due to a violation of a law or regulation relating to severe forms of trafficking in persons;

(2) in subsection (g), to read as follows:

‘‘(g) Any interagency meetings or data sharing regarding or disbarred contractors or subcontractors (at any tier) was debarred or suspended due to a violation of a law or regulation relating to severe forms of trafficking in persons; or

(3) in clause (ii), by striking ‘‘prosecution’’ and inserting ‘‘prosecutions’’; and

(4) in clause (ii), by striking ‘‘convictions’’ and inserting ‘‘convictions’’.

SEC. 117. SENSE OF CONGRESS ON THE SENIOR POLICY OPERATING GROUP.

It is the sense of Congress that the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(g)) should create a working group to examine the role of demand reduction by and internationally, in achieving the purposes of the Justice for Victims of Trafficking Act (Public Law 114–22; 129 Stat. 237) and Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

Subtitle C—Preventing Trafficking in Persons in the United States

SEC. 121. DEPARTMENT OF JUSTICE TRAFFICKING MITIGATION STRATEGIES IN THE UNITED STATES.

(a) DEPARTMENT OF JUSTICE TASK FORCE.—Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101(d)(7)) is amended—

(1) in subparagraph (q)(vii), by striking ‘‘and’’ at the end;

(2) in subparagraph (h), by striking the period at the end and inserting ‘‘; and’’; and

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

‘‘(h) tactics and strategies employed by human trafficking task forces sponsored by the Department of Justice to reduce demand for trafficking victims;’’.

(b) REPORT ON STATE ENFORCEMENT.—Section 114(e)(1)(A) of the Justice for Victims of Trafficking Act of 2015 (42 U.S.C. 14044g(e)(1)(A)) is amended—

(1) by inserting ‘‘, noting the number of covered offenders’’ after ‘‘covered offense’’ in each place it occurs;

(2) in the matter preceding clause (i), by striking ‘‘rates’’ and inserting ‘‘number’’;

(3) in clause (i), by striking ‘‘arrest’’ and inserting ‘‘arrests’’;

(4) in clause (ii), by striking ‘‘prosecution’’ and inserting ‘‘prosecutions’’; and

(5) in clause (ii), by striking ‘‘conviction’’ and inserting ‘‘convictions’’.

SEC. 122. DESIGNATION OF A LABOR PROSECUTOR TO ENHANCE STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

Section 204(a)(1) of the Trafficking Victims Protection Reauthorization Act of 2005 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 new subparagraph:

‘‘(F) where appropriate, to designate at least one prosecutor for cases of severe forms of trafficking in persons (as such term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9))).’’.

SEC. 123. PREVENTING HUMAN TRAFFICKING IN FOREIGN MISSIONS AND DIPLOMATIC HOUSEHOLDS.

Subsection (a) of section 203 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1370c) is amended—

(1) in paragraph (2)—

(A) by striking ‘‘for such period as the Secretary determines is necessary’’; and

(B) by striking ‘‘The Secretary determines that there is’’ and all that follows until the end of the paragraph and inserting ‘‘there is an unpaid default judgment directly or indirectly related to human trafficking against the employer or a family member accredited by the embassy, the employer or family member has refused to agree to a voluntary departure and return to the country of origin, or the diplomatic mission or international organization hosting the employer’’.

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or family member has refused to waive immunity in a human trafficking case brought by the United States Government or to agree to prosecute the case in the country that accredited the employer or family member.”; and
(2) in paragraph (3)—
(A) by striking “is in place”; and
(B) in clause (ii)—
(i) by striking “3 years” and inserting “1 year”; and
(ii) by striking “is in place” and inserting “is in place”.

SEC. 131. SENSE OF CONGRESS.
It is the sense of Congress that—
(1) foreign assistance that addresses poverty alleviation and humanitarian disasters reduces vulnerability of men, women, and children to human trafficking and is a crucial part of the response of the United States to modern-day slavery.
(2) the Deputy Under Secretary of the Bureau of International Labor Affairs of the Department of Labor and the grant programs administered by the Deputy Under Secretary play an important role in preventing and protecting children from the worst forms of child labor, including situations of trafficking, and in reducing the vulnerabilities of men and women to situations of forced labor and trafficking; and
(3) the Secretary of Labor also plays a critical role in helping other Federal departments and agencies to overcome these obstacles.

SEC. 132. MODIFYING TO LIST OF CHILD-MADE AND SLAVERY-MADE GOODS.
(a) IN GENERAL.—Section 105(b)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7122(b)(2)(C)) is amended by inserting “, including, to the extent practicable, goods that are produced with forced labor or child labor” after “international standards”.
(b) INCLUSION IN AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations under section 113(f) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(f)), as amended by section 301(a) of this Act, are authorized to be made available to carry out the purposes described in section 105(b)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7122(b)(2)), as amended by subsection (a).

TITLE II—FIGHTING HUMAN TRAFFICKING ABROAD

Subtitle A—Efforts To Combat Trafficking

SEC. 201. INCREASING THE MANDATE AND STRENGTHENING THE INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.
Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7122(b)(3)) is amended by inserting “the Secretary of the Treasury, the United States Trade Represent-
“(iii) WRITTEN PLAN.—The Secretary of State shall endeavor to work with each country that receives a waiver under clause (ii) and with civil society organizations in each country to draft and implement a written plan described in such clause.

(D) In subparagraph (E)—

(i) by striking “through (III)” and inserting “through (vii)”;

(ii) by striking “shall provide” and all that follows and inserting the following: “shall provide, on a publicly available website maintained by the Department of State—

“(i) a detailed description of the credible evidence supporting such determination; and

“(ii) the source of the evidence submitted by the country under subparagraph (D)(ii)(I); and

(iii) supporting documentation providing credible evidence of—

“(I) the government’s action by the country to bring itself into compliance with the minimum standards for the elimination of trafficking, including copies of relevant laws or regulations adopted or modified; and

“(II) any actions taken by that country to enforce the minimum standards for the elimination of trafficking, as appropriate.”.

(E) Adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR CERTAIN COUNTRIES ON SPECIAL WATCH LIST THAT ARE DOWNGRADED DURING THE COURSE OF A REPORTING PERIOD.—Notwithstanding subparagraphs (D) and (E), a country that—

“(i) was included on the special watch list described in paragraph (A) for—

“(I) two consecutive years after the date of the enactment of subparagraph (D); and

“(II) any additional years after such date of enactment by reason of the President exercising the waiver authority under clause (ii) of subparagraph (D); and

“(ii) was subsequently included on the list of countries described in paragraph (1)(C) in the most recent annual report submitted in calendar year 2015 or in any calendar year thereafter; and

“(B) in the annual report submitted in the next reporting period, the country is listed on a list of countries described in paragraph (1)(B).

(F) WRITTEN PLAN.—The Secretary of State shall endeavor to work with each country that has been listed pursuant to subparagraph (1)(C) in the most recent annual report referred to in subparagraph (B) to draft and implement the written plan described in paragraph (2)(D)(ii).

(G) Definitions.—In this subsection:

“(A) Concrete actions means any of the following actions that demonstrably improve the condition of a substantial number of victims of human trafficking and persons vulnerable to human trafficking:

“(I) Enforcement actions taken.

“(II) Investigations actively underway.

“(III) Cases in the immigration courts conducted.

“(IV) Convictions attained.

“(V) Training provided.

“(VI) Programs and partnerships actively underway.

“(VII) Victim services offered, including immigration services and restitution.

“(VIII) The amount of money the government in question has committed to the actions described in clauses (i) through (vii).

“(IX) An assessment of the impact of such actions on the prevalence of human trafficking in the country.

“(B) CREDIBLE EVIDENCE.—The term ‘credible evidence’ means information relied upon by the Department of State to make determinations relating to the provisions set forth in this division, including—

“(i) reports by the Department of State;

“(ii) reports of other Federal agencies, including the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor;

“(iii) documentation provided by a foreign country, including copies of relevant laws, regulations, policies adopted or modified, enforcement actions taken and judicial proceedings, training conducted, consultations launched, and services provided;

“(iv) materials developed by civil society organizations;

“(v) information from survivors of human trafficking, vulnerable persons, and whistle-blowers;

“(vi) all relevant media and academic reports that, in light of reason and common sense, are worthy of belief; and

“(vii) information developed by multilateral institutions.”.

SEC. 204. REQUIREMENTS FOR STRATEGIES TO PREVENT TRAFFICKING.

(a) REPORT ON NEW PRACTICES TO COMBAT TRAFFICKING.—

(I) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 7 years, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report—

“(A) describing any practices adopted by the Department or the Agency to better combat

trafficking in persons, in accordance with the report submitted under section 101(b)(4) of the Trafficking Victims Protection Reauthorization Act of 2005, in order to reduce the risk of trafficking in post-conflict or post-disaster areas; and

“(B) if no such practices have been adopted, including a strategy to reduce the risk of trafficking in such areas.

(2) PUBLIC AVAILABILITY.—Each report submitted under paragraph (1) shall be posted on a publicly available website of the Department of State.

(b) CHILD PROTECTION STRATEGIES IN WATCH LIST COUNTRIES.—The Administrator of the United States Agency for International Development shall incorporate into the relevant country development cooperation strategy for each country on the special watch list described in section 110(b)(2)(A) or the list described in section 110(b)(1)(C) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107f(b)(2)(A) and (b)(1)(C)), as amended by section 203 of this Act, strategies for the protection of children and the reduction of the risk of trafficking.

SEC. 205. EXPANSION OF DEPARTMENT OF STATE BASIC AUTHORITIES ACT.

Paragraph (5) of section 36(c)(7)(A) of the Department Basic Authorities Act of 1956 (22 U.S.C. 7208(c)) is amended—

(1) in clause (i), by adding the following clause:

“(A) whether—

“(I) the government of such country toward improvement of the provision of services to victims of trafficking, vulnerable persons, and whistle-blowers;

“(II) any actions taken by that country to prevent trafficking in persons;

“(III) the extent to which the government of the country has consulted with domestic and international civil society organizations to improve the provision of services to victims of trafficking in persons, and

“(IV) the extent to which the government of the country is devoting sufficient budgetary resources—

“(a) to prevent trafficking in persons;

“(b) to protect and rehabilitate victims of human trafficking;

“(c) to obtain restitution for victims of human trafficking;

“(d) by the Department of State to better combat trafficking in persons, in accordance with the report submitted under section 101(b)(4) of the Trafficking Victims Protection Reauthorization Act of 2005, in order to reduce the risk of trafficking in post-conflict or post-disaster areas; or

“(e) if no such practices have been adopted, including a strategy to reduce the risk of trafficking in such areas.

(2) in clause (ii), by redesigning subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, two ems to the right;

(3) by inserting before clause (i), as so redesignated, the following:

“(A) means—

“(B) if no such practices have been adopted, by striking the period at the end and inserting ‘‘;’’; and

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

“(B) includes severe forms of trafficking in persons, as such term is defined in section 102(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(2)).’’.

SEC. 206. BRIEFING ON COUNTRIES WITH MARILY MIGRANT WORKFORCES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall provide to the Committee on Foreign Affairs and the Committee on the Judiciary of the House and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate a briefing that includes each country with a large domestic workforce of which more than 80 percent are third-country nationals, each of the following:

(1) an assessment of the progress made by the government of such country toward implementing the recommendations with respect to such country contained in the most recent ‘‘Trafficking in Persons Report’’ submitted by the Secretary under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), as amended by section 207 of this Act.

(2) a description of the efforts made by the United States to ensure that any domestic worker brought into the United States by an official of such country is not a victim of trafficking.

SEC. 207. REPORT ON RECIPIENTS OF FUNDING FROM THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

Not later than 90 days after the date of the enactment of this Act, and by October 1 of each of the following 4 years, the Administrator of the United States Agency for International Development shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House and the Committee on Foreign Relations and the
Committee on Appropriations of the Senate a report describing, with respect to the prior fiscal year—
(1) each obligation or expenditure of Federal Agency for the purpose of combating human trafficking and forced labor; and
(2) with respect to each such obligation or expenditure, the program, project, activity, primary recipient, and any sub-grantees or sub-contractors.

Subtitle B—Child Soldier Prevention Act of 2017

SEC. 211. FINDINGS.
Congress finds the following:
(1) The recruitment or use of children in armed conflict is unacceptable for any government or government-supported entity receiving United States assistance.
(2) The recruitment or use of children in armed conflict, including direct combat, support roles, and sexual slavery, occurred during 2015–2016 in Afghanistan, South Sudan, Sudan, Burma, the Democratic Republic of the Congo, Iraq, Nigeria, Rwanda, Somalia, Syria, and Yemen.
(3) Entities of the Government of Afghanistan, particularly the Afghan Local Police and Afghan National Police, continue to recruit children to serve as combatants or as servants, including as sex slaves.
(4) Police forces of the Government of Afghanistan participate in counterterrorism operations, direct and indirect combat, security operations, fight alongside regular armies, or are targeted for violence by the Taliban as well as by other opposition groups.
(5) In February 2016, a 10-year-old boy was assassinated by the Taliban after he had been publicly honored by Afghan local police forces for his assistance in combat operations against the Taliban.
(6) Recruitment and use of children in armed conflict by government forces has continued in 2016 in South Sudan with the return to hostilities.
(7) At least 650 children have been recruited and used in armed conflict in South Sudan in 2016, and at least 16,000 have been recruited since that country’s civil war began in 2013.

SEC. 212. AMENDMENTS TO THE CHILD SOLDIERS PREVENTION ACT OF 2008.
(a) DIVISION A—Section 402(2)(A) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c(2)(A)) is amended by inserting “police, or other security forces” after “governmental armed forces” each place it appears.
(b) PROHIBITION.—Section 404 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1) is amended—
(1) in subsection (a)—
(A) by inserting “police, or other security forces” after “governmental armed forces”; and
(B) by striking “recruit and use child soldiers” and inserting “recruit or use child soldiers”;
(2) by amending subsection (b)(2) to read as follows:
“(2) NOTIFICATION.—Not later than 45 days after the date of submission of each report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) the Secretary of State shall notify the appropriate congressional committees that the government of such country is taking United States Government funded steps to address the problem of child soldiers;”;
(3) in subsection (c)(1), by adding at the end before the period the following: “and certifies to the appropriate congressional committees that the government of such country is taking United States Government funded steps to address the problem of child soldiers;”;
and
(4) in subsection (e)(1), by striking “to a country” and all that follows through subsection (a) and inserting “to Afghanistan”.
(c) REPORTS.—Section 405 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–2) is amended—
(1) in subsection (c)—
(A) in the matter preceding paragraph (1), by striking “, during any of the 5 years following the date of enactment of this Act,”;
(B) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;
(C) by inserting after paragraph (1) the following:
“(2) a description and the amount of any assistance withheld under this title pursuant to the appropriations prohibition in section 404(a);”;
and
(D) in paragraph (5) (as so redesignated), by inserting “and the amount” after “a description”;
and
(2) by adding at the end following: “(d) INFORMATION TO BE INCLUDED IN ANNUAL TRAFFICKING IN PERSONS REPORT.—If a country is notified pursuant to section 404(b)(2), or a waiver is granted pursuant to section 404(c)(1), the Secretary of State shall include in each report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) the information required to be included in the annual report to Congress under paragraphs (1) through (5) of subsection (c) of this section.”.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

(a) IN GENERAL.—Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended by striking “2017” and inserting “2021”.
(b) HUMAN SMUGGLING AND TRAFFICKING CENTER.—Section 112A(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(b)(4)) is amended by striking “2017” and inserting “2021”.

(a) IN GENERAL.—Section 201(c)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 1404(c)(2)) is amended by striking “2017” and inserting “2021”.
(b) ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.—
(1) IN GENERAL.—Section 202(i) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 1404(c)(4)) is amended by striking “2017” and inserting “2021”.
(2) REPEAL OF SUNSET.—Section 1241 of the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4; 127 Stat. 149) is amended—
(A) by striking subsection (b); and
(B) by striking “(a) IN GENERAL.—Section 202” and inserting “(c) CHILD TRAFFICKING DESTRUCTION PROGRAM.—Section 236(i) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 1404(b)(i)) is amended by striking “2020” and inserting “2021”.
(d) ENHANCING STATE AND LOCAL EFFORTS.—Section 204(e) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 1404(c)(4)) is amended by striking “2020” and inserting “2021”.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.
Section 235(c)(6)(F) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1525(c)(6)(F)) is amended—
(1) in the matter preceding clause (1), by inserting “of Health” after “Secretary”; and
(2) by striking clause (ii), by striking “2017” and inserting “2021”.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS UNDER THE INTERNATIONAL MEGAN’S LAW.
Section 11 of the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (42 U.S.C. 1693h) is amended by striking “2018” and inserting “2021”.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS FOR AIRPORT PERSONNEL TRAINING TO IDENTIFY AND REPORT HUMAN TRAFFICKING.
There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection $250,000 for each of fiscal years 2018 through 2021 to expand outreach and live on-site anti-trafficking training for airport and airline personnel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentlewoman from California (Ms. BASS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material in the Record through today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the right word for the type of slavery we see today, the type of human trafficking that is slavery, is to focus on the fact that this is indentured servitude. This is human slavery, and traffickers around the world increasingly exploit over a million individuals—I am talking about women and children—in sex trafficking for commercial gain.

According to credible estimates, if we add to that those who are engaged in forced labor, that number that are actually enslaved is some 20 million. It is a coercive, multibillion-dollar industry that destroys families, destroys communities, strengthens brutal criminal networks, and tramples human dignity.

This plague is really global. It is not limited to the developing world. At a regular meeting of the Human Trafficking Congressional Advisory Committee I set up in southern California
nearly 4 years ago, I have met with brave survivors who endured forced labor and commercial sexual exploitation in my home State of California. I think of Angela Guanzon locked into her abusive workplace, sleeping on the hallway floor. I think of Carissa Phelps being sold on the streets of Fresno at the age of 12 by a very violent pimp.

Meeting them and having them testify showed me and many others that the horror of trafficking lies not in statistics, but in stolen lives. In the words of the great abolitionist, Frederick Douglass, enslavement is such an affront to human conscience that, in his words, "... to expose it, is to kill it. Slavery is one of those monsters of darkness to whom the light of truth is death."

Exposing the harsh reality of human trafficking to international daylight is a central tenet of the legislation here that we are reauthorizing today.

In the late 1990s, under the leadership of Congressman Chris Smith, the author of today's bill, the Foreign Affairs Committee initiated the Trafficking Victims Protection Act, which became law in 2000. That law created the annual Trafficking in Persons Report and the country tier rankings that put the issue on the radar screens of world governments for the first time and every year thereafter.

I was proud to have supported that legislation. It created the possibility of sanctions against the worst offenders. It also established law enforcement and other domestic initiatives to combat trafficking within the United States, which have been refined in the multiple reauthorizations that have followed.

The law has produced notable successes. More than 120 countries, in fact, have now enacted anti-trafficking laws, and many are improving their prosecution and conviction of those who are involved in trafficking. Countless lives have been improved and have been saved as a result.

In the "TIP Report released 2 weeks ago, 27 countries were upgraded to a higher tier, and that is progress. But sustained pressure and scrutiny are needed. Enacting a law is not the same thing as enforcing it, and, unfortunately, 21 countries slipped to a lower tier in last year’s report.

I am proud to be an original cosponsor of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act, which continues to update our fight against human trafficking. It extends until 2021 the current authorizations for our international and domestic programs, which expire at the end of September. It also contains multiple reforms and refinements to U.S. programs and strengthens the annual TIP Report and tier rankings.

I am pleased that this bill incorporates the text of a bill of mine, H.R. 1625, the TARGET Act, which I introduced earlier this year and the House passed in March. This important provision turns the tables on international traffickers by authorizing the State Department to offer and publicize bounties for their arrest and for their conviction.

I again want to thank the gentleman from New Jersey (Mr. SMITH) and thegentlewoman from California (Ms. BASS) for introducing this strong, bipartisan bill. I also want to thank the other seven committee members of referral for the input and assistance they provided on the portions of the bill within their jurisdiction.

H.R. 2200 is a critical contribution to the cause of human freedom and the cause of human dignity. It deserves our unanimous support.

Mr. Speaker, I reserve the balance of my time.


Hon. WILLIAM M. "MAC" THORNBERY, Chairman, House Armed Services Committee, Washington, DC.

DEAR CHAIRMAN THORNBERY: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 2200 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,
EDWARD R. ROYCE, Chairman.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017. Thank you for consulting with the Committee on Education and the Workforce and signing the bill with regard to H.R. 2200 on those matters within the Committee's jurisdiction.

In the interest of expediting the House's consideration of H.R. 2200, the Committee on Education and the Workforce will forgo further consideration of this bill. However, I do so only with the understanding that this measure moves through the legislative process.

Sincerely,
EDWARD R. ROYCE, Chairman.

HOUSE OF REPRESENTATIVES, Committee on Armed Services, Washington, DC, July 12, 2017.

Hon. EDWARD R. ROYCE, Chairman, House Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017.

I will seek to place our letters on H.R. 2200 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,
EDWARD R. ROYCE, Chairman.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017. Thank you for consulting with the Committee on Education and the Workforce and signing the bill with regard to H.R. 2200 on those matters within the Committee's jurisdiction.

In the interest of expediting the House's consideration of H.R. 2200, the Committee on Education and the Workforce will forgo further consideration of this bill. However, I do so only with the understanding that this measure moves through the legislative process.

Sincerely,
EDWARD R. ROYCE, Chairman.

HON. GREG WALDEN, Chairman, Committee on Energy and Commerce, Washington, DC.

Dear Chairman Walden: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 2200 into the Congressional Record during floor consideration of the bill, and appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HON. EDWARD ROYCE, Chairman, Committee on Foreign Affairs, Washington, DC.

Dear Chairman Walden: Thank you for your having consulted with us on provisions within H.R. 2200 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2200 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate your response confirming this understanding with respect to H.R. 2200, and ask that a copy of our exchange of letters on this matter be included in your committee’s report on the legislation or the Congressional Record during its consideration on the House floor.

Sincerely,

GREG WALDEN,
Chairman.


HON. GREG WALDEN, Chairman, Committee on the Judiciary, Washington, DC.

Dear Chairman Goodlatte: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 2200 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

DEAR CHAIRMAN ROYCE: I write in regard to H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017, which was referred in addition to the Committee on Energy and Commerce. I wanted to notify you that the Committee will forgo action on the bill so that it may proceed expeditiously to the House floor for consideration.

The Committee on Energy and Commerce takes this action with our mutual understanding that by foregoing consideration of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017, which was referred in addition to the Committee on Energy and Commerce, we do not waive any jurisdiction over subject matter contained in this or similar legislation and will be appropriately consulted and involved as this or similar legislation moves forward to address any remaining issues within the Committee’s jurisdiction. The Committee also reserves the right to seek appointment of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 2200, and a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of the bill.

Sincerely,

EDWARD R. ROYCE,
Chairman.


HON. EDWARD ROYCE, Chairman, Committee on Foreign Affairs, Washington, DC.

Dear Chairman Goodlatte: Thank you for your having consulted with us on provisions within H.R. 2200 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2200 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 2200, and a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of the bill.

Sincerely,

EDWARD R. ROYCE,
Chairman.

DEAR CHAIRMAN WALDEN: Thank you for consulting with the Foreign Affairs Committee, as this measure moves through the legislative process. I look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

DEAR CHAIRMAN ROYCE: I write concerning H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017. As you know, the Committee on Foreign Affairs received an original referral and the Committee on Oversight and Government Reform a secondary referral when the bill was introduced on April 27, 2017. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Oversight and Government Reform will forego action on the bill.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2200 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy of our exchange of letters on this matter be included in any bill report filed by the Committee on Foreign Affairs, as well as in the Congressional Record during any House-Senate conference on this or related legislation.

Sincerely,

JASON CHAFFETZ,
Chairman.


HON. BILL SHUSTER, Chairman, Committee on Transportation and Infrastructure, Washington, DC.

Dear Chairman Shuster: Thank you for working with the Foreign Affairs Committee on mutually agreeable text edits, and agreeing to be discharged from further consideration of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 2200 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.


HON. EDWARD R. ROYCE, Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017. As you know, the Committee on Foreign Affairs received an original referral and the Committee on Oversight and Government Reform a secondary referral when the bill was introduced on April 27, 2017. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Oversight and Government Reform will forego action on the bill.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2200 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy of our exchange of letters on this matter be included in any bill report filed by the Committee on Foreign Affairs, as well as in the Congressional Record during any House-Senate conference on this or related legislation.

Sincerely,

JASON CHAFFETZ,
Chairman.


HON. JASON CHAFFETZ, Chairman, Committee on Oversight and Government Reform, Washington, DC.

Dear Chairman Chaffetz: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 2200 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.


HON. JASON CHAFFETZ, Chairman, Committee on Oversight and Government Reform, Washington, DC.

Dear Chairman Chaffetz: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 2200 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.
As a result of your having consulted with us on provisions in H.R. 2200 that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure, I agree to waive formal consideration of any House-Senate conference on this legislation and request that you not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation is forwarded so that we may address any remaining issues that fall within our jurisdiction. The Committee will also reserve its rights to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H.R. 2200.

Sincerely,

KEVIN BRADY, Chairman, Committee on Ways and Means, Washington, DC.

Ms. BASS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017. This legislation is critical and necessary work to disrupt the child welfare-to-trafficking pipeline and find better, more effective ways to meet the critical needs of this vulnerable population. In particular, as we continue to tackle child sex trafficking in the United States, it is imperative that we provide a special focus on the immediate and long-term needs of at-risk foster youth. Young girls and disconnected youth have particular and sensitive needs as trafficking victims.

Current funding for housing and shelter for victims of trafficking is insufficient to meet the growing demand for youth services, especially young foster girls exploited through their emotional and financial vulnerabilities. At every level of government, we have an urgent responsibility to shut down pathways for child sex trafficking and to invest in critical housing needs for vulnerable youth and girls. This responsibility includes supporting and adopting H.R. 2200.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE of California. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH). He is the chairman of the Foreign Affairs Subcommittee on Elementary, Secondary, and Higher Education, Global Human Rights, and International Organizations, and, of course, he is the author of the original Trafficking Victims Protection Act. He is also the author of this bill today.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman Ed ROYCE for yielding. I thank him for his leadership on trafficking, for this bill in particular, for the impactful work, and the moral leadership he has provided. I also thank ELLOR ENGEL, our ranking member. I thank them from the bottom of my heart.

I want to thank KAREN BASS, the lead Democrat on the bill, for her exceptional leadership and her collaboration on this legislation.

I want to thank Speaker RYAN and Majority Leader MCCARTHY. I have to say—and I have been working on human trafficking since 1995, chaired probably more than 30 hearings and written four laws—I have never seen such a deep commitment to fighting trafficking and protecting victims
Kevin McCarthy helped ensure timely consideration. There are eight committees of referral. Sometimes that is a death knell for any bill. It is so hard to secure agreements and vote them out. Well, both of those chairmen and their staffs worked diligently and in good faith. At the end of the day, the leadership was there. They had our back on the legislation.

I want to thank Chairman Royce, again, for his extraordinary leadership as well.

Mr. Speaker, ever since the Trafficking Victims Protection Act of 2000 became law in 2000, combating human trafficking has been a major priority in the United States and, indeed, globally.

Over the last 17 years, police and civil society organizations—many of them faith based—have identified and rescued more than 250,000 victims worldwide. Some put that number at close to 1 million. Some of the traffickers in the U.S. have increased by more than 500 percent, but, frankly, our task is far from accomplished.

The International Labor Organization suggests that nearly 21 million people worldwide are trapped in slavery today. Most of them women and children.

That is unconscionable. Every human life is of infinite value. We have a duty to protect the weakest and most vulnerable from harm.

The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017 is comprehensive. It is bipartisan, and it is designed to strengthen, expand, and create new initiatives to protect victims, prosecute traffickers, and prevent this cruelty and exploitation from happening in the first place.

Title I of the bill focuses on combating trafficking in the United States. Title II focuses on the world. Title III authorizes appropriations of more than half a billion dollars over 4 years, including reauthorization of the TVPA of 2000.

The legislation, Mr. Speaker, is named in honor of the incomparable Frederick Douglass on the eve of his 200th birthday. Born a slave in 1818, he escaped when he was 20 and heroically dedicated his entire life to abolishing slavery and, after emancipation, to ending the Jim Crow laws in order to achieve equality and justice for African-American citizens. A gifted orator, author, editor, statesman, and Republican, he died in 1895.

Human trafficking, Mr. Speaker, is modern-day slavery that needs a Herculean effort to eradicate.

Among its numerous provisions and one that is of special interest to the Frederick Douglass Family Initiative—and we worked very closely with them on this—it authorizes HHS grant money to ‘establish, expand, and support programs’ to provide age appropriate information to students all across America to avoid becoming victims of sex and labor trafficking as well as to educate school staff to recognize and respond to signs of trafficking.

It adopts a number of best practices, like for example making sure that when government employees book rooms, that we utilize hotels where they have initiated efforts and sponsored training to eradicate child sex trafficking. We do the same thing with airlines. The flight attendants—Delta is a classic example—once trained, can spot trafficking in progress, inform the pilot, and when that plane lands or jet lands, there is the situation, there is an arrest of the traffickers and a rescue of the woman or children who are being trafficked.

We will now try, to the best of our ability, to hold the airlines to account. There needs to be reporting. It is already the law that they should provide this training. Now we want to ensure that training actually happens.

Chairman Royce talked about the TIP Report. Just a couple weeks ago, the Department of Justice, Bureau of Justice Statistics announced the 2017 TIP Report. It is a voluminous and very accurate report about what is happening in 190 countries around the world, including the United States.

Those countries that are designated as Tier 3, a country that fails to provide a robust response to fight human trafficking; again, to do this at home and abroad; and to acknowledge the all-day slavers on the border of Mexico, where we were seeing women fleeing who had been trafficked and who had been utilized sexually. Their parents had sold them out of desperation.

I do want to thank the cosponsors for acknowledging as well, Frederick Douglass. It is right that he was born in slavery, but he reminded us that there is no power without struggle, and there will have to be a struggle to end sex trafficking and human trafficking.

Mr. Speaker, I am reminded of the 1990s, when I met my first real modern-day slave on the border, where we were seeing women fleeing who had been trafficked and who had been utilized sexually. Their parents had sold them out of desperation. The SPEAKER pro tempore (Mr. Perry). The time of the gentleman has expired.

Mr. Royce of California. Mr. Speaker, I yield an additional 2 minutes to the gentleman.

Mr. Smith of New Jersey. Mr. Speaker, I just want to commend the Trump administration for finally holding China to account as a Tier 3 violator, a worst offender.

The pending bill makes a number of important reforms to the TIP Report and how it is prepared. My hope is that we will have an even better, more accurate, and more effective effort at holding countries accountable.

Again, this legislation applies to the United States for labor and sex trafficking as well as to the world. Again, I do want to thank all those who have been involved in it.

Let me just say we worked on this bill for well over a year with ATEST; Polaris; IJM; World Vision; United; Humanity; ECPAT; United States Conference of Catholic Bishops; Shared Hope International; CATW; Ambassador Swanee Hunt; the National Center for Missing & Exploited Children, which provided valuable insight; and others. They were all very much a part of our effort.

I also want to thank critical staff, including Luke Murray and Kelly Dixon, from the Majority Leader’s Office, who are outstanding—they get the job done, and they ask all the right questions about substance and process and helped us along—Doug Anderson, counsel of the House Committee on Foreign Affairs; Mary Noonan, my chief of staff; Piero Tossi; Allison Hollabaugh; Krystal Williams, Karen Bass’s staff member; and so many others on the committees that also made such a huge difference in enabling us to get this through all the committees to the floor today.

I urge my colleagues to pass the bill. Ms. Bass. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Ms. Jackson Lee), who is the ranking member on the Crime, Terrorism, Homeland Security, and Investigations Subcommittee of the Judiciary Committee.

Ms. Jackson Lee. Mr. Speaker, let me thank the authors of the legislation, Mr. Smith and Ms. Bass, for their leadership, and thank Chairman Royce for again reemphasizing the importance of this in terms of all committees, including the number of committees that have been noted.

Let me thank the cosponsors for acknowledging as well, Frederick Douglass. It is right that he was born in slavery, but he reminded us that there is no power without struggle, and there will have to be a struggle to end sex trafficking and human trafficking.

Mr. Speaker, I am reminded of the 1990s, when I met my first real modern-day slave on the border, where we were seeing women fleeing who had been trafficked and who had been utilized sexually. Their parents had sold them out of desperation. They were actual true slaves who were fleeing to the border of Bangladesh. That is a startling and stark recognition that in the 1990s, and now in the 21st century, slavery still exists.

I am delighted to be an original cosponsor of this legislation and to have worked on these issues, and to acknowledge the commemoration of Mr. Douglass’ 200th birthday.

So I am grateful for the $130 million in current funds appropriated to ensure a robust response to fight human trafficking; again, to do this at home and abroad; and to acknowledge the all-day slaves on the border of Mexico, where the only center of its kind was established to combat minor sex trafficking. In addition, this important bill helps many others.

Let me conclude by simply saying that I support the idea of holding air carriers accountable for human trafficking as well as to educate school staff to recognize and respond to signs of trafficking.

Mr. Speaker, I ask for support of the bill.

Mr. Royce of California. Mr. Speaker, I yield 2 minutes to the gentleman.
from Ohio (Mr. CHABOT), a senior member of the Committee on Foreign Affairs.

Mr. CHABOT. Mr. Speaker, I rise today in strong support of H.R. 2200, H.R. 2406, and H.R. 2664, three overwhelmingly bipartisan bills curbing and combating modern-day slavery at home and abroad.

I want to particularly thank Chairman ROYCE, as well as Chairman SMITH and the gentlewoman from California, Ms. BASS, the ranking member, all who have been leaders in this area for quite some time now, and we appreciate that very much.

As a parent, a grandparent now, and as a former teacher, I know that education empowers children. These bills on the floor today ensure that we are doing our utmost to allow every child across the globe the opportunity to reach their highest potential. That is why I introduced the bipartisan H.R. 2406, Protecting Girls' Access to Education Act, earlier this year, along with my Democratic colleague, ROBIN KELLY.

By providing access to safe primary and secondary education, our bill aims to offer educational opportunities to the 350 million girls globally who are not in school. There are 62 million girls who are not in school.

Similarly, these three bills, and the one that we are discussing right now on the floor today, are aimed at eradicating human trafficking and should improve every girl’s chances for a quality education and a more peaceful and stable life, both in the United States and abroad.

Unfortunately, there are young girls and women here in this country who are vulnerable in the greatest country on the face of the Earth. Obviously, the problem is much worse across the globe.

I want to thank all colleagues on both sides of the aisle for truly working in a bipartisan fashion to at least get a handle on one of the toughest things that we face globally, and that is child trafficking, human trafficking, and a whole range of issues along this line.

Ms. BASS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. GABBARD).

Ms. GABBARD. Mr. Speaker, too often we hear about human trafficking and sex slavery. It is often dismissed as a crime that only happens “over there”—overseas or in a foreign country.

The Global Slavery Index estimated that nearly 46 million people across 167 countries were victims of human trafficking in 2016. This problem is very real. But here at home, it is also a problem, where we have children and young people who are forced or coerced into sex work and hard labor in our communities across the country.

As America’s gateway to Asia, my home State of Hawaii sees an unprecedented number of people taken from their homes to be exploited here on our shores. In 2010, the FBI freed 400 Thai nationals from a Hawaii farm, the largest human trafficking case in our modern history.

In Hawaii, I know personally of girls as young as 11 and 13 years old who were recruited from schools, malls, beaches, and other places, and exploited by traffickers. While every State, including Hawaii, has passed legislation to ban trafficking and classify it as a felony, clearly stronger further action is needed to combat this modern, international slave trade.

This bill, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act, will do many things, including expanding programs to help educators recognize and respond to signs of human trafficking in minors to try to prevent this abuse and support local law enforcement as they identify prosecutors who will focus cases involving sex and slave trafficking.

I strongly support this legislation and urge my colleagues to vote “yes” to give these innocent men, women, and children a chance for safe, proactive, and healthy lives in our communities.

Mr. ROYCE of California. Mr. Speaker, I continue to reserve the balance of my time.

Ms. BASS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. Mr. Speaker, I thank my colleague, Congresswoman KAREN BASSETT of California, for her relentless work, and also my colleagues on the other side of the aisle, including Congressman CHRISS SMITH, for working on this.

Mr. Speaker, today is a historic day. I stand on the U.S. House floor to advocate for the passage of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act.

I have had many meetings with Kenneth Morris, Frederick Douglass’ great-great-great-grandson on this issue, sharing with him my work on my bill, H.R. 246, from the last Congress, which improves the response of victims of child sex trafficking. I am committed to ending human trafficking and to ensuring that this bill honoring Frederick Douglass’ legacy becomes a law.

The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act puts $330 million in funding for the prevention, protection, and, yes, prosecution of human trafficking. This investment is so needed. Mr. Speaker, because victims of human trafficking often live in the shadows of society. That is why it is up to all of us and why it is a bipartisian bill.

This legislation makes an investment in education. We have heard what it does with airports and what it does if you have survivors and government working together.

So let me end by reminding all of us that, in the words of Frederick Douglass, if we talk about protecting our children and preventing human sex trafficking, he would say, as he has said, “It is easier to build strong children” than to repair a broken system.

Let us talk about protection. These young girls and boys are sometimes held by invisible chains. We are here today to remove those chains.

Mr. ROYCE of California. Mr. Speaker, I continue to reserve the balance of my time.

Ms. BASS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. FRANKEL).

Ms. FRANKEL. Mr. Speaker, too much is often mentioned. But unlike guns and drugs, which can only be sold once, in trafficking, the human body is sold over and over and over again until it kills the person.

I very strongly support the ending of this modern-day slavery through the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act. I have worked closely with Representative SMITH since 1995,
Ms. BASS. Mr. Speaker, I thank the author of this important legislation, Mr. CHRIS SMITH; and I thank Chairman ROYCE for bringing it to the floor. I support this bill and I encourage my colleagues to do so as well.

Mr. ROYCE of California. Mr. Speaker, I yield back that balance of my time.

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

I would just mention, Mr. Speaker, that 20 years ago, human trafficking was unknown, I think, to most Americans and there was little public awareness of the severity of what we are calling here today modern-day slavery.

Seventeen years ago, Congress led on this issue by passing the Trafficking Victims Protection Act. We had very strong bipartisan support, and the rankings, the sanctions, the programs created by that law have been instrumental in building the momentum and awareness that exists out there today. And with each reauthorization, those laws have been fine-tuned, they have been strengthened. This bill continues that tradition. It is time to recommit ourselves to this noble fight against slave-like labor and sexual exploitation of underage children.

I have asked some of the victims why it is that so many of these criminal gangs move from drug running and other kinds of activity into this kind of behavior, and part of the response is: Because, you know, in a drug war, a gang member can get himself killed, but it is a lot easier to exploit a 14-year-old underage girl, it is a lot easier to be in that kind of business than it is in the more dangerous business.

We have got to overcompensate for this reality by passing legislation which allows these additional tools to be used to close down these criminal syndicates and deterrence for those gang members who consider going into this line of work.

So I thank Mr. SMITH, Congresswoman KAREN BASS, and all my fellow cosponsors of this bill. It deserves our strong support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by Mr. ROYCE, that the House suspend the rules and pass the bill, H.R. 2200, as amended.

The question was taken; and (two-thirds being in the affirmative) the bill was passed.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 23.

The Chair appoints the gentleman from Pennsylvania (Mr. PERRY) to preside over the Committee of the Whole.

Mr. ROYCE of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Chairman, in California, 5 years of historic drought caused billions of dollars of damage to our economy, destroyed tens of thousands of jobs, and brought many communities within just months of literally running out of water, all because we couldn’t store water from the wet years to assure plenty in the drought years.

Then back to back with this historic drought, we have just had one of the wettest winters on record. Massive torrents of water threatened entire communities, but there was little public awareness that exists out there today. And with each reauthorization, those laws have been fine-tuned, they have been strengthened. This bill continues that tradition. It is time to recommit ourselves to this noble fight against slave-like labor and sexual exploitation of underage children.

I have asked some of the victims why it is that so many of these criminal gangs move from drug running and other kinds of activity into this kind of behavior, and part of the response is: Because, you know, in a drug war, a gang member can get himself killed, but it is a lot easier to exploit a 14-year-old underage girl, it is a lot easier to be in that kind of business than it is in the more dangerous business.

We have got to overcompensate for this reality by passing legislation which allows these additional tools to be used to close down these criminal syndicates and create real deterrence for those gang members who consider going into this line of work.

So I thank Mr. SMITH, Congresswoman KAREN BASS, and all my fellow cosponsors of this bill. It deserves our strong support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2200, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GAINING RESPONSIBILITY ON WATER ACT OF 2017

GENRAL leave

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may file 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 23.
The GROW Act gives Federal agencies the tools they need to help safeguard communities from the hardship of future droughts. It codifies the historic Bay-Delta accord that provided an equitable balance between human and environmental water needs and guarantees the reliability and predictability of our water supplies.

It strengthens northern California area-of-origin water rights and prevents the Federal Government from demanding that people give up their water in order to operate on Federal land.

It streamlines the endlessly time-consuming and cost-prohibitive environmental permitting that is blocking new reservoir construction by coordinating Federal agencies and requiring transparency of the science behind its decisions.

It requires completion of studies for five new reservoirs that have dragged on for decades.

In addition, we have heard three objections from opponents. The first is that it will decimate salmon fisheries. On the contrary, it saves those fisheries where the environmental policies of the past 40 years have utterly failed to protect them.

The GROW Act targets the nonnative predators that are responsible for 90 percent of salmon losses as the smolts try to make their way to the ocean. It encourages the use of fish hatcheries to assure that salmon populations will increase dramatically in future years.

The second objection is that it will preempt State water rights laws. Read section 302 of the bill, “The Secretary of the Interior is directed, in operation of the Central Valley Project, to adhere to California’s water rights laws governing water rights priorities . . .”

It goes on to say that diversions “shall not be undertaken in a manner that alters the water rights priorities established by California law.”

It does have provisions necessary to codify the Bay-Delta agreement and combat invasive predators, but this doesn’t set a precedent for other States. California is unique among the States in the fact that it operates with a coordinated operating agreement that combines the federal Central Valley Project and the California State water projects and runs them as a unified system. This was at the request of California and its consent.

The third objection is that it rewards powerful agricultural interests at the expense of consumers. This is nonsense. An average consumer uses roughly 100 gallons a day to wash the dishes, water the lawn, everything else we do in our daily life. But when you purchase a cheeseburger, you have just consumed 750 gallons of water because that is what it takes to grow the ingredients in that cheeseburger. Buy a pair of jeans, you have just used 1,800 gallons of water.

The fact is that all of this water benefits consumers and the tens of thousands of farm workers and others who provide for their families from this water.

Droughts are nature’s fault. Water shortages are our fault. They are a choice we made a generation ago when we chose to neglect our infrastructure and mismanage our water resources. It has led to increasingly severe water shortages, spiraling utility and grocery bills, and economic stagnation. The GROW Act chooses a brighter future of abundance and prosperity that can begin today.

Mr. Chairman, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, so much for regular order. The bill before us today has not received a hearing in committee where witnesses could have testified about its effects. It has not gone through the markup process so that the committee of jurisdiction could actually debate and offer amendments to improve it.

Moreover, we are about to vote on a bill with several provisions that no one has ever seen. Wednesday, aside from a small group of Republican offices and special interests that have been working on the bill.

Now, this closed-door process not only ignores the changing conditions of water, in California and how the State has already been adapting to meet water conservation needs, but it also ignores all of California’s water provisions that were included, albeit at the last minute, in the WIF Act last year, which is now Federal law.

There has been no discussion, no hearing, no way to know how the provisions of this bill that overlap with the enacted law will actually be implemented by the Trump administration. This is legislating blind, and it is a bad idea.

On some level, I do understand my Republican colleagues’ fear of regular order on this bill. The more sunlight and public input that this bill gets, the uglier it looks. Make no mistake, if enacted, this bill will hurt a lot of people.

This bill takes water away from fishermen, from tribes, the environment, Delta farmers, and others in order to redistribute it primarily to a small group of some of the Nation’s biggest and most politically connected agribusiness interests.

My Republican colleagues often talk about State’s rights, yet this bill repeatedly overrides State laws over the objection of that State. I am talking, of course, about California.

A letter of opposition to H.R. 23 recently came from Governor Jerry Brown that said, “Part of the house in the California Congressional Delegation attesting to this. Governor Brown writes: “This bill overrides California water law, ignoring our State’s prerogative to oversee our waters. Command-deeming our priorities defined in Washington is not right.”

This assault on California law and its values are why both California Senator Dianne Feinstein and Senator Kamala Harris oppose this bill as well.

Now, here are just a few examples of the sections in this bill that preempt State law. Section 108(d) begins with the words “California law is preemp ted” on page 21, paragraph 3. That section goes on to direct State protections for certain fisheries.

Section 113 of the bill preempts California law that requires the restoration of California’s second longest river and that river’s native salmon runs.

Section 108 of the bill instructs the State of California that it is barred from managing the State’s water in any way that would “protect, enhance, or restore . . . any public trust value.” In other words, the broader public interest can’t be considered by the State when it is managing the water that belongs to the people of California.

Additionally, this bill eliminates existing fishery protections, which could put many of California’s native fisheries and the thousands of jobs they support on a path to extinction. That means that this is more than just a California problem, because fishing communities in Oregon and Washington also depend on California salmon runs.

There was a recent UC Davis report that found that if present trends continue, many of California’s salmon runs are on a path to extinction in the decades ahead. This bill would hasten the prediction into reality.

This is not just an environmental impact. It is a human one as well. We have heard from fishermen who are struggling to pay their mortgages, boats are being scrapped because owners can’t pay mooring fees, homes are being repossessed. We have heard about the struggles of small-business owners running restaurants, hotels, and other retail and service businesses. We have also heard from Indian Country, like the Hoopa Valley Tribe that I represent, about the dangers and other rights that this bill poses to tribal fisheries, to tribal water, fishing, property, and other rights.

Rather than simply picking winners and losers, as this destructive bill does, Congress should be working together to grow water supplies for everyone without violating Tribal responsibilities or overriding State sovereignty. Congress could be supporting a range of modern water technologies like reuse, desalination, water use efficiency, storm water capture, and groundwater storage and remediation. These are the tools that Federal agencies and other Federal and State agencies and supplies in recent years and are making our State more drought resilient, but this bill does none of that.

These are not controversial suggestions working on these modern water supply tools; in fact, it was the recognition of President George W. Bush who described the water that we could tap through reuse as the next great river of the American...
West. We should be focusing on those kind of noncontroversial consensus solutions.
I urge my colleagues to vote “no” on this bill, and I reserve the balance of my time.
Mr. McCINTOCK. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. Nunes), who has been a leader on this issue for more than two decades.
Mr. Nunes. Mr. Chairman, I thank Mr. McCINTOCK for yielding me the time and for his kind words.
Mr. Chairman, I am not going to respond to the other side of the aisle because some things that are said on this floor are so ridiculous that they don’t deserve a response. So I just want to talk today. Mr. Chairman, about the facts that we face in the San Joaquin Valley.
So in the southern and central San Joaquin Valley, we have about 3 million acres of farmland and that is the most fertile farmland in the world—not just in the United States, but in the world.
We are in danger of losing about a third of that farmland largely because the leftwing government in California has overreached so far that they are taking away people’s private property rights.
So I want to talk first about our water shortage. So this is the shortage of water that we have in the valley. So it is about 2.6 million acre-feet that are wasted, we farm all of the land that we have historically farmed in our area.
Now, these are farms that provide food for not only the people of the United States and all over the world but also for the families that work on these farms.
So we hear a lot about drought, and we have had supposedly a severe drought, and it was no question a severe drought, but what the left continues to ask is where is the water that gets dumped out into the ocean every year. So just from October of last year to just a couple days ago, 46 million acre-feet of water have gone out to the ocean. So if you go back to the chart I just had, we are only short 2.6 million acre-feet. So of the water that has flown into the delta in the middle of California, 92 percent of that has gone out to the ocean, and it has been wasted.
Now, on the other side of the aisle, they continually talk about global warming, and they continually talk about how the oceans are rising. Well, if you believe the oceans are rising, why would you want more water to flow out into the ocean? I don’t understand that.
So this is about a million acres of farmland that is going to come out of production if we don’t do anything about it. About 1 million acres over the next decade will begin to come out of production. In fact, some this year is already out of production because none of the water was moved early enough so that it could get to farms in time.
So even though we have flooding—so this picture was taken just a couple days ago—this is water spilling over the top of the dam that is going to go all the way out into the ocean and be wasted, for an ocean that supposedly is rising because of global warming. So this is happening because, as Mr. McCINTOCK said, we are not building water storage projects.
So what this bill does is it reverts back to what the Founding Fathers of our country, by our Constitution, by the way. It was Democrats working with the Republicans who built this water system in California. So if we take the existing water system that we have, we add to that four or five facilities, like Mr. McCINTOCK is talking about, all the land gets farmed, all the species get saved, everybody goes to work.
What you will not hear from the left, and this is very disturbing, I only picked the least disturbing of all the pictures, but I think it is important for people here in Washington and all over the United States to understand this, is this is just one family of many of thousands of families whose homes actually ran out of water. So this picture is not from Africa, it is not from somewhere in Southeast Asia. This is a picture from my area, from my district, from the central and southern San Joaquin Valley. These are people who are out of water.
So the left always talks about wanting to protect people, wanting people to be able to work, yet we have people with no water in their homes, and yet they are willing to spend billions of dollars on a water storage project. So this project is not from Africa, it is not from somewhere in Southeast Asia. This is a picture from my area, from my district, from the central and southern San Joaquin Valley. These are people who are out of water.
Mr. Huffman. Mr. Chairman, I yield myself such time as I may consume.
We often hear about water that flows through the estuary of California’s Bay-Delta system, we hear that sometimes described as wasted. There are some incorrect assumptions that we have to bring up when that happens, like the fact that almost all of that water that flows out through the estuary is to prevent saltwater intrusion so that the State and Federal water pumps aren’t sending salty water to millions of Californians. That wouldn’t work. In fact, if we shut down all of that outflow that my colleague just mentioned, that is exactly what you would see: massive saltwater intrusion and a shutdown of the State and Federal water projects.
There is also incredible value in the water that flows through that estuary for downstream communities and farmers and senior water right holders, and the hundreds of water users who depend on it for decades. No one understands that better than my colleague who represents some of those communities in the estuary, in the delta, Mike Thompson.
Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Thompson).
Mr. Thompson. of California. Mr. Chairman, I rise in opposition to this bill, and I rise on behalf of the fishermen, the landowners, the delta and north-of-delta farmers, the conservationists, the sportsmen, coastal communities, the counties in my district, and the water users across our State that will be harmed by this bill. We are disappointed to take care of the San Joaquin Valley’s mass agro businesses at the expense of everyone else.
More times than I can count, I have stood on this floor with my colleagues from California to explain that our State’s water system is complicated. It is because there are hundreds of stakeholders. There are decades of rules, laws, and court cases from every level of government and industry that regulate the delivery of water to users across our State.
Once again, this body is proposing to end run that delicate balance to benefit one interest. That is wrong.
Once again, we are gutting Federal protections for fish and wildlife that support our State’s $3.5 billion hunting and angling industry and our $1.5 billion salmon industry.
Once again, we are preempting California laws and regulations, telling State agencies across America they are okay with the Federal Government undermining State and local experts from coast to coast, but this time they are going further.
This bill isn’t just about water anymore. It is about giving contractors a pass on their obligations to be good stewards of the resources they are using in the Central Valley of California; it is about reneging on this body’s commitment to the restoration of wildlife and habitat that have suffered the consequences of water management plans that already put them last; it is about cutting stakeholders out of the picture and determining winners and losers in Federal statute; taking water decision away from our State’s system over the objections of our Governor, both of our Senators, and many of our colleagues in the House. This is wrong for California.
It won’t alleviate water shortages, but it will kill jobs, and it will ruin drinking water for millions.
We need real solutions that are based on sound science and that work for everyone. This bill is not that solution. It is bad for California’s economy, bad for our State sovereignty, and bad for our environment. I urge my colleagues to vote “no.”
Mr. McCINTOCK. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. Valadao), the author of this legislation.
Mr. Valadao. Mr. Chairman, the first slide that I wanted to present here is one that I think is very important when we talk about water going out into the ocean.
The first bar there, the dark blue one, is how much water was flowing through the estuary this past year. The second bar is actually a little bit of an exaggeration. If we took every
single reservoir that we propose in this bill, multiplied it by ten—ten times the amount of storage that we are proposing—we still wouldn’t use all that water. There would still be quite a bit of water flowing out into the ocean. So multiply every single project times ten, and we still don’t use up all the water.

So there was a lot of water wasted this year alone that we had the opportunity to capture if this bill had been passed, passed into law, and we had the opportunity to actually make a difference.

Why does that make a difference to so many folks? It makes a difference because the Central Valley is very important to the country. We feed the Nation. When you look at all the different commodities, and this is just a small sample, we produce over 400 different commodities, and a lot of these, a big majority, some of them as much as 99 percent of the different commodities that go through.

So everyone sitting at home around the country should pay attention, because this affects their food supply. Even the President, I guess the President, when you make yourself a salad at the salad bar, those salads, all those different products are produced mostly in the Central Valley, and so that is why this legislation is so important.

The reason why it is important to my farmers to get this done, even in a year like this, where we had a 200 percent rainfall, with the amount of water that was flowing through that was, again, in my opinion, wasted, they didn’t find it and we had a delay in decisions made, because the USGS, the water agencies, the state, the federal, they had a delay in making those decisions need to be made over at the beginning of the time when the rain is coming down and they know that the water is there, not in March or in April, because the opportunity has passed.

Farmers are very optimistic people. They put stuff in the ground, cover it with dirt, and hope that it will grow so they can feed the world, but having them wait until April to make those decisions to plant those commodities and create those jobs is just way too late. Planning decisions need to be made over at the beginning of this when the rain is coming down and they know that the water is there, not in March or in April, because the opportunity has passed.

Mr. Chairman, I rise in strong opposition to H.R. 23. Yet, again, it seems that instead of addressing the issues underlying California’s water supply, some of my colleagues are more interested in fanning the flames of century-old water disputes.

The city of Sacramento, which I represent, sits at the confluence of two major rivers, the Sacramento and the American. Because there is no such thing as an average water year in California, living under the threat of drought and flood has become a way of life for Sacramento residents.

We are working with the Army Corps to invest billions of dollars in flood protection, and we are working with the Bureau of Reclamation to build a groundwater bank and a water recycling facility to increase access to drinking water.

Congress should explore real solutions to drought challenges, as the Sacramento region is doing.

In the short term, we must be efficient about fixing leaks and waste while also continuing conservation efforts.

In the long-term, we should be taking advantage of new technologies to monitor our water use and making investments in wastewater cycling projects, making it possible for them to move forward more quickly and efficiently with Federal support. It ultimately became law.

Yet instead of debating these types of solutions, we are wasting time on a bill that does not solve our underlying water supply problem.

I grew up on a farm in the Central Valley. My father, my uncles, and my grandparents. We raised peaches, plums, nectarines, and grapes. I recall living and understanding what water means to us, so I do understand the value and sensitivities about water.

In the Sacramento region, where I now represent, we have already had to take a balanced approach, working to protect the environment while providing water for our farms and our cities.

It is misleading to claim that H.R. 23 will solve our drought problems. This legislation only prioritizes certain regions or industries instead of taking the comprehensive approach we need.

And by giving the Federal Government power to dictate the best uses of the State’s water, H.R. 23 sets a disastrous precedent for other States across the country that should raise alarm on both sides of the aisle.

The bill we are discussing today underwrites a State’s autonomy. Ultimately, I am concerned that this bill will weaken environmental protections for the Sacramento-San Joaquin delta, and harm our State’s ability to manage its water.

That is why I join my district and the State of California in strongly opposing this bill. We cannot afford to
give up California’s right to control its own water future. We must focus on an all-of-the-above strategy that puts us on the path to a sustainable water supply while protecting our environment.

Mr. Chairman, I strongly urge my colleagues to fix this legislation so it works.

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE of California. Mr. Chairman, the reason we are here today has to do with the drought in California that, frankly, could have been solved had we been allowed to move forward with the storage that we need. Because the process now is one of watching the rains come, watch the water run out to the ocean, and we do not have the ability to block the red tape that prevents us from building the storage that would hold that water so that we can use it during the drought.

What was the consequence of us not being able to address that? And why is it so important that we pass the GROW Act here that DAVID VALADAO from the Central Valley has introduced?

Well, the consequences were one of having thousands of jobs disappear. The consequences were having crops plowed under in hundreds of thousands of acres of farmland that had been left idle. The consequences were that billions of dollars were lost in the State. And, frankly, the State of California is one of the commodities that are one-third of the country’s vegetables. It is two-thirds of this country’s fruit. It is two-thirds of the nuts produced. The industry brings in $47 billion. When this happens, the consequences are felt by the farmers and by the people across California, by those thrown out of their jobs.

This is an incredibly important industry not only in California, but for the entire country. So, for years, we have gotten all the water we paid for or contracted for.

But not to let us go forward with the additional storage and to put roadblocks in front of that, to absolutely block commonsense solutions, this has got to stop. This is why this legislation needs to be made into law.

Mr. HUFFMAN. Mr. Chairman, just to clarify, our environmental laws are not preventing new dams from being built. In fact, the Bureau of Reclamation, the Congressional Research Service have looked at this and haven’t been able to identify a single—or my colleagues across the aisle have been able to identify a single dam project that somehow was blocked because of environmental law.

What has been stopping many of them—not all, but many of them—has been the financing challenge because many of these projects just don’t make a lot of sense. It is important to realize that projects that do make sense have moved forward. They have secured financing. They haven’t needed special shortcuts from the environmental laws. And they have happened, projects like Diamond Valley, projects like Los Vaqueros, probably the coming expansion of Los Vaqueros.

Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I thank the gentleman for yielding to me.

We, in the San Joaquin Valley, know that where food grows, water flows. That is not just a saying; that is the truth. It takes water to grow the food that we rely on to sustain ourselves.

Luckily, this year, we have been blessed with an abundance of rain and snow on the mountains—a record year. However, it is only because of the wettest year in California’s historical record that the agricultural heartland of California, a place where half of our Nation’s fruits and vegetables are grown, is, this year, free from drought. Only 1 year ago, over 83 percent of California was in a moderate drought or worse. We know the west coast drought is sure to come, threatening valley families and farm communities. It is either feast or famine. We measure water on 10-year averages. That is why we need solutions that solve this long-term challenge.

I commend Congressman VALADAO for continuing this effort. As I noted in a letter I wrote to him in February, though, I have concerns that this legislation, without some improvements, will fail to address the long-term solution that the Valley and our State so desperately needs. This solution must be, at the end of the day, multifaceted, must not pick winners and losers, as California water policies in the past have so frequently done, to the detriment of both the agricultural economy, which we have felt, and California’s ecosystems. Sadly, some of the provisions within this legislation, in my opinion, I think fail to meet this test.

Language within titles 1 and 3 would pose threats to the wetlands of Grasslands Ecological Area, the largest wetlands west of the Mississippi, a vital component of the Pacific Flyway, in an area that contributes nearly $73 million a year alone to Merced County, which I represent.

Section 106 would drastically cut collections to the Central Valley Project Restoration Fund, which pays for refuge water conveyance—that is very important to us—without oversight of the fund to other water users. It would also, I think, supersede State laws in some areas that, frankly, over the experience I have had, in many years, will create more problems than it solves.

In addition to these concerns, I know from having worked on water solutions for over 30 years that both here and in Sacramento, the only path to legislative success is through bipartisanship, bicameral action, as we experienced in 2013 when the WIIN Act that, by the way, authorized four reservoirs that was contained in the WIIN Act that Senator FEINSTEIN and I and Republicans in the House worked on together in a very constructive way.

So, as always, I stand ready to work with my colleagues in both the House and the Senate on a bipartisan basis to improve this legislation and get solutions that fix California’s broken water system to the President’s desk.

I support moving this legislation forward to the Senate. But let’s be clear, this is a work in progress, and much more work remains for this legislation, I think, to be successful.

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. CALV vet), the dean of the Republican delegation to the House.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

Last winter, two miracles occurred 3,000 miles apart. Here in Washington, our Nation’s Capital, Republicans and Democrats came together and passed a significant water bill that was signed into law. Back in California, we saw massive amounts of rainfall that came down in our drought-stricken state, quickly filling our depleted reservoirs.

But I think we can actually take another big step forward by passing H.R. 23, the GROW Act. This bill before us provides even more long-term water solutions for California by expediting the consideration of feasibility studies for water storage projects that have languished for periods of time that are longer than it took to actually build these projects. The legislation includes provisions that are critical to the Bay-Delta operations and help improve water reliability.

Last year, Mr. Chairman, you heard a lot of doomsday predictions from certain groups that said the language we passed would push threatened species towards extinction. That did not happen. Today you hear a lot of the same talk. But solutions to H.R. 23 are commonsense and will ensure reliability to the water supply of California.

Mr. Chairman, I encourage a “yes” vote.

Mr. HUFFMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we see this bill every Congress. That is, every 2 years we fight this thing out.

Let’s talk about what it would do. It would weaken the Endangered Species Act—that has been a target of the Republican Party for decades. It will benefit one region while harming another. It will make a few people very wealthy. It will likely cause additional drainage problems for the Westlands and other water districts. It will cause ocean salt to come farther inland in the California delta, poisoning farmland, destroying marinas, disrupting water supplies for cities along the delta, basically destroying the delta as we now know it. It will use precious limited water to plant evermore thirsty orchards in the desert. And it may expedite the creation of new dams with weakened environmental control.
Mr. Chairman, I thank the gentleman from California (Mr. GARAMENDI), representing the Sacramento Valley. Mr. GAR\textit{A}\textit{M}EN\textit{DI}NDI. Mr. Chairman, we have a serious case of legislative amnesia here. Apparently, the sponsors of this bill and those who are speaking in support of it have totally forgotten what we did last year. The WIIN Act last year addressed every single problem that has been presented here this afternoon. New reservoirs, four were authorized in the WIIN Act, which became law less than a year ago—7 months, to be exact; all of the issues of the outflows of water to the delta were addressed so that additional export of water from California occurred. I am wondering: What are we doing here with this piece of legislation, aside from totally disregarding the protections for the largest estuary on the West Coast, of the Western Hemisphere? The environmental protections are obviously not included. What are we doing with this legislation besides—oh, you wanted to talk about private water rights? Those private water rights are set in place by the laws of the State of California, which are overridden by this piece of legislation. Yes, that is true. This legislation removes the water rights that the State of California has given to individuals as well as irrigation districts, but they are stripped away.

What is this all about? Last year, a 2-year effort was completed and the WIIN Act was passed by this Congress, signed into law. It is in existence. Reservoirs can be built. Water conservation will take place. All of the things that we need to do are in place today.

So why are we fighting this fight? Because we don’t know how to actually implement a law that we passed last year? And, by the way, where is the funding for all you want to do here? There is no money in this. You want to do these things. You want water; you want reservoirs—put up the money. Don’t just sit here and regurgitate what we have done for the last 5 years and totally ignore the progress that was made with the WIIN legislation. We need to do this. I am opposed to this, and, hopefully, we will find some sensible action.

Mr. MC\textit{C}L\textit{I}N\textit{T}\textit{O}CK. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. Mr. Chairman, I would like to be able to address title VII of the Water Rights Protection Act in this bill.

Over many decades, Federal attempts to manipulate Federal permit, lease, and land management process to circumvent long-established State water law and hijack privately held water rights have sounded the alarm for all non-Federal water users that rely on these water rights for their livelihood. Federal Government’s overreach and infringement on private property rights that led to the introduction of this original bill in the 113th Congress involved the U.S. Forest Service’s attempt to require the transfer of privately held water rights to the Federal Government as a permit condition on National Forest System lands. With this permit condition, there is no compensation for the transfer of these privately held rights. The Forest Service permit condition has already hurt a number of stakeholders in my home State of Colorado, including Powderhorn Ski Area in Grand Junction and the Breckenridge Ski Resort. The same nefarious tactic has been used in Utah, Nevada, and other Western States, where agencies have required the surrender of possession of water rights in exchange for approving the conditional use of grazing allotments. This Federal water grab has broad implications that have begun to affect the farming and ranching community and are now threatening municipalities and other businesses.
In 2014, the Forest Service proposed a groundwater directive that would have expanded the agency’s reach over groundwater and established new bureaucratic hurdles to interfere with private water users’ ability to be able to access their water. Though the Forest Service ultimately withdrew this controversial groundwater directive, there are no guarantees that the directive or something similar won’t be back in the future.

The Water Rights Protection Act offers a sensible approach that preserves water rights and the ability to be able to develop water requisite to living in the arid West without interfering with water allocations for non-Federal parties or allocations that protect an environment that is cherished by all Westerners.

I look forward to continuing to work with my colleagues from other Western States to ensure that no State-recognized water right goes unproctected from the class of actions that this bill prohibits.

I appreciate the inclusion of this legislation and encourage its passage.

Mr. HUFFMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BERA), my colleague from the Sacramento area.

Mr. BERA. Mr. Chairman, here we go again. Today, we are debating a bill that many of my California colleagues and I have opposed time and time again on the floor of this body.

This bill allows Washington, D.C., politicians to pick winners and losers when it comes to California’s water. Now, that is not right. This is a partisan bill that is opposed by both California Senators as well as our Governor. Now, California water is complicated. It is a lot more complicated than healthcare. But it should be up to Californians to kind of decide how to use our water, what we ought to do with that water.

Water is incredibly critical to our State. This isn’t about picking winners and losers. When we think about water, we have certainly got to have storage, we certainly know we are going to have conveyance, but we have got to do this in a California way.

Unfortunately, H.R. 23 is going to pit northern California against southern California while overriding California’s own water law. This bill is also going to gut environmental protections and threaten the critical Bay-Delta ecosystem.

I fish on the Sacramento River, and salmon fishing is incredibly important to the State of California as well as the States to the north of us. This bill is not going to be a good bill. It is going to devastate the fishing industry.

We also have to think about drinking water for northern California.

Polo State Dam is in my district and Folsom Lake is in my district. It provides not only flood protection, but Folsom Lake provides surface drinking water for a lot of my constituents. We tried to put a simple amendment in here that would actually protect the quality of that drinking water. Unfortunately, H.R. 23 would mandate pumping levels that could negatively impact the Folsom Reservoir water supply. That is going to place many of my constituents at risk.

This isn’t a good bill. Let’s kill this bill. Let’s step back. Let Californians decide the best way to handle California water. That is what we ought to do.

Again, this bill is dramatic overreach. It is the Federal Government stepping into something that the State should actually decide. I hope my colleagues will join me in opposing this bill.

Mr. MCCLINTOCK. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of H.R. 23.

Today we are here to ensure, horrible pictures of some of the best agricultural land in the world that has been totally destroyed by the policies of people who are now claiming that they like the environment too much and that that should have, perhaps, some input more to do with their decision-making than what benefits people. Well, what happened is we have turned one of the most productive food-producing areas of the world into a catastrophe, a desert that produces nothing.

Who has been in charge of seeing this total destruction of what could be a garden for the people of the world? It has been, yes, the Obama administration appointees for the last year and, yes, in California, where we have had a leftwing liberal Democratic administration appointing radical environmentalists the same way Obama appointed radical environmentalists to determine policy.

And what does that mean to us? It means there is less food being produced. It means we have turned productive land into a horrible desert that even animals can’t exist upon.

No, it makes a lot of sense right now. What makes sense is that now we have gone through this drought and seen this destruction that didn’t need to happen. What we need to do is build dams. What we need to do is to make sure that the water that we now have here is being saved and that the people of our State don’t suffer, so that wealth that can be grown from the land in central California, which used to be the world’s breadbasket, that that wealth doesn’t just disappear from the face of the planet droughts.

No, you can’t really love nature unless you also love people, and right now the people of California deserve to have some planning done about storing water when we have it rather than suffering and having this type of destruction during our droughts.

Mr. HUFFMAN. Mr. Chairman, I yield myself such time as I may concur.

Responding briefly to a bit of hyperbole just now that somehow environmental laws have created a “desert that produces nothing in California,” we do need to remember the facts.

The truth is, even through this historic drought, farm employment rose 1.3 percent in the drought. The agricultural economy is thriving, and, thankfully, this year, even the most junior Federal contractors are enjoying a 100 percent allocation. They are fully realizing the vision of the American dream, the breadth of the country and the world. It is hardly a desert that produces nothing.

With that, I do need to contrast what has been happening on the other end of the system, many of the communities I represent, where fishing communities really do have nothing.

The California salmon season this year will be little or nothing. The Yurok Tribe that I represent that is dependent on fisheries, salmon fisheries in California, there was agriculture, will, for the second year in a row, close its Tribal fishery. We are seeing folks selling their boats. We are seeing fishing communities impacted in dramatic ways. There is real economic hardship, much like what was just described by my friend. So the facts do matter.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Bakersfield, California (Mr. MCCARTHY), the majority leader.

Mr. MCCARTHY. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his work when it comes to water in California.

Mr. Chairman, water is not optional, not in my district, not in California, not anywhere. But over the past 5 years, my constituents have struggled to survive without life-giving water in the face of a catastrophic drought. This past winter, heavy rains and snowfall have brought much-needed relief. In fact, there was so much water this past winter we ran out of room to store it.

But we cannot always expect a year to bring monsoon-level rains and record snow. What happens if next year’s rain and snowfall is average, or below average, or we have another drought? The Federal and State regulations that keep us from pumping and storing water will come back to haunt us.

The water bill passed by this body and signed into law last year was a downpayment on California’s future. Today’s legislation is another major investment in our State’s future.

So let’s look at pumping. There is no reason—absolutely no reason—we should prioritize potential benefit to fish over real benefits to families. This legislation increases delta pumping and will bring immediate relief to two-thirds of California south of the Delta.

But a long-term solution demands more pumping. While California’s population has doubled since the 1970s, we
Mr. KNIGHT. Mr. Chairman, I rise today in support of H.R. 23, the GROW Act, which makes important and necessary regulatory reforms to allow for better management of water resources throughout the West.

My home State of California recently suffered its worst drought on record, which significantly affected the entire State. Families, communities, workers, and businesses made significant sacrifices to conserve water and mitigate the drought's impact.

I applaud the water agencies and residents in my home district of Orange County for taking the necessary steps to adapt to the severe drought conditions. While substantial rainfall this winter effectively ended California's drought, the recent crisis was not just from a lack of rain. It is also the result of outdated State and Federal policies that have mismanaged critical water resources throughout the West.

The GROW Act is a crucial step toward addressing these failed policies. H.R. 23 will help California recover from this devastating drought and ensure the State is better equipped to handle future water deficiencies.

In addition to addressing water delivery and water rights issues, the bill also facilitates the development of new water storage projects, which is a key water management tool for southern California water agencies. These projects are critical to a number of California communities, like Orange County, that lack the access to water sources that could help them through nondrought conditions.

The GROW Act removes regulatory barriers from streamlining the permitting and approval process for new infrastructure projects.

Under current law, new water storage construction projects require approval from a number of Federal, State, and local agencies. This bill provides for a consolidated permitting process that would require Federal agencies to conduct coordinated reviews of non-Federal storage projects.

The GROW Act will also expedite feasibility studies for much-needed Federal storage projects, some of which have been unnecessarily delayed for years.

Mr. KNIGHT. Mr. Chairman, I rise today in support of H.R. 23, the Gaining Responsibility on Water Act, or GROW Act, which I am a proud cosponsor.

This bill takes an important step in protecting the water security of Californians and the food supply integrity of the United States.

As all of my colleagues from California know, the recent Western drought nearly crippled our State's agriculture industry and compromised the standard of living for all our constituents by raising prices at the grocery stores throughout the country. Mr. Chairman, while we can't control the weather, we can take steps to mitigate its potentially harmful effects.

I always like it when people say: Can we not just scrap the bill or can we start over? Or can we work together on that? That is just code for: please stop talking about water; please stop bringing issues to the floor where we can fix something. And that is what we hear today quite frequently.

One of the most baffling facets of this story is the fact that there were readily available water sources that could have been utilized but were held up by outdated regulations and red tape. Although we have received some relief from the drought this year, it would be a disgrace for us as lawmakers not to learn from this ordeal.

Mr. Chairman, we are blessed to live in the most developed Nation in the world where Americans are the envy of the world. We are the most developed Nation in the world.

Mr. Chairman, I want to thank my friend Mr. VALADAO for his continued leadership on this issue, and I urge my colleagues to support H.R. 23.

Mr. HUFFMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is time to fact check the fact checker.

The last major reservoir of over a million acre feet was in 1979. It was in New Melones, 2.3 million acre feet. The two reservoirs that the gentleman referenced combined are less than a million acre feet. They would fill New Melones to less than half of that amount.

With respect to water salinity, the Bay-Delta Accord, that is codified by this bill, guarantees the water needed to combat salt intrusion.

And finally, I would point out that, no, dams don't create water. Nature creates water. Dams store water from wet years so that we have plenty of it in dry years. That is where we have fallen a generation behind in our needs precisely because of the laws that the gentleman from California doggedly defends.

Mr. Chairman, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do appreciate the re-definition of 'major water storage
projects." It is not a definition that I think is recognized anywhere else other than just now on this floor, but I appreciate it.

Mr. Chair, there are many problems with this bill, and I do want to urge my colleagues to oppose it. I can’t keep track of the number of times the State of California has come up in our debate here these last several minutes. So let’s look to the State of California and see what the State of California says about this bill.

The Governor of the State of California opposes it in a hard-hitting letter that went out to the California delegation and others just a few days ago. The new attorney general of California, Xavier Becerra, wrote an equally critical letter opposing this bill. Both U.S. Senators from California oppose this bill.

It is going nowhere in the Senate and will not become law because of fundamental flaws that have been brought up earlier. I think could very well all of this bill has been introduced in this Congress.

It overrides California State sovereignty and State water laws in ways that are unacceptable to the people of California and the governor of the state of California. So when we keep bringing up California, let’s just be very clear that California doesn’t want this bill. California opposes this bill.

Now, I represent the downstream end of some water systems that we are talking about. When we talk about people and fish and jobs, it is important to remember that fishing jobs matter, too. In the communities that I represent, and also communities throughout Oregon and Washington that depend on California salmon runs, they are hurting.

This summer we are going to probably see a closure, for all intents and purposes, of the commercial salmon season. We are certainly going to see a closure of the Yurok Tribal Salmon Fishery for the second year in a row. That is not only economically devastating to Tribal communities that I represent, it has an emotional impact as well. These are communities that are hurting. In fact, the Yurok are reporting suicide rates among young people that are alarmingly high. The closure of this sacred fishery that is their grocery store, that is a sacred part of their existence, is certainly not going to help the communities that will contribute to the very severe problems that they are experiencing.

Fishing jobs matter, the environment matters, downstream communities that depend on this water that would be redistributed and reallocated by Congress through this short-sighted bill, that all matters, too.

Mr. Chairman, I urge my colleagues to oppose this wrong-headed bill, and I urge my colleagues across the aisle to keep on doing what we have been inviting them to do each of the past several years, and that is to reach across the aisle on bipartisan, commonsense water solutions. There is a lot that we could do together. Many of my colleagues served with me in the California State legislature. They know, because we did it together, that there is a different way. There is a better way.

It. We can pass landmark, bipartisan water legislation during our time together in Sacramento, and we did it because we didn’t try to pick winners and losers. We found all sorts of low-hanging fruit and consensus solutions, and we came up with something that supports a party of 52 in the California legislature.

That is what we can do. We can pass landmark, bipartisan water legislation during our time together in Sacramento, and we did it because we didn’t try to pick winners and losers. We found all sorts of low-hanging fruit and consensus solutions, and we came up with something that supports a party of 52 in the California legislature, and in every region of the State. We can do that here, too, but we won’t do it through this bill.

Mr. Chairman, I urge a “no” vote, and I yield back the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I yield myself the balance of my time.

Abundance or shortage, that is the question. And I want to thank and salute Mr. VALADAO for his work on this issue and for that choice so clearly before the House today.

It is true, we can choose to continue down this sad road that we have been on. That means increasingly severe government-induced shortages. It means higher water and grocery prices and a permanently declining quality of life for our children who will be required to stretch and ration every drop of water in their bleak and parched homes.

With this bill, we choose a different future. We choose abundance. We choose a future in which water flows again to the fertile fields of the Central Valley, providing full employment for families and affordable groceries from America’s agricultural cornucopia. It is a future in which families need not watch their gardens shrivel and die, and towns and cities need not fear mandatory water rationing and uncertain and unpredictable supplies.

It is a future in which long-established water rights are safe and secure from the whims of politicians and bureaucrats. We choose a future in which thriving populations of young salmon can swim to the sea un molested by the non-native predators that now kill 90 percent of them before they reach the ocean; a future in which new fish hatcheries assure the release of millions of additional salmon to supply a revived and expanding commercial fishing industry.

We choose a future in which great new reservoirs can store vast amounts of water in wet years to assure abundance in dry ones; a future in which families can enjoy the prosperity that abundant water and hydroelectricity and affordable groceries provide, and the quality of life that comes from that prosperity. Abundance or shortage? That is the question. We choose abundance.

Mr. Chairman, I yield back the balance of my time.

Ms. ESHOO. Mr. Chair, I rise in strong opposition to H.R. 23 because it upends decades of State and federal water law and needlessly pits water users against one another. On the heels of the worst drought in California’s history, this bill mandates that certain interests come out ahead of others.

California has just recently emerged from six years of a punishing drought that forced every resident to conserve water, caused million-acre-feet of agricultural land to be fallowed, and dramatically increased our State’s risk of major wildfires. The drought was a massive disaster and Congress should respond by investing in long-term resilience against future droughts such as water conservation, recycled groundwater recharge, and desalination. What Congress should not be doing is using the drought as an excuse to permanently spend a century of water law and countless protections for threatened and endangered wildlife.

H.R. 23 weakens or overrides decades of State and federal law, including the State and federal Endangered Species Acts; the National Environmental Policy Act; the Central Valley Project Improvement Act; and the San Joaquin River Settlement Act. This list should set off alarm bells for any proponent of States’ rights or cooperative federalism. For over a century, the Federal Government has deferred to State water law whenever possible. The GROW Act unwinds that history entirely.

By discarding a century of water law and science, this bill will decimate the San Francisco Bay-Delta ecosystem, drive the Delta smelt to extinction, and accelerate the decline of the wild salmon and steelhead runs which have been an important part of the Northern California economy since the mid-19th century.

This irresponsible bill also overrides science-based management of the delicate Delta infrastructure and would gut several of our most bedrock environmental laws. For these reasons I strongly oppose this legislation and I urge my colleagues to join me in voting no.

The Acting CHAIR (Mr. HILL). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-24. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 23

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gaining Responsibility on Water Act of 2017”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY
Sec. 101. Amendment to purposes.
Sec. 102. Amendment to definition.
Sec. 103. Contracts.
Sec. 104. Water transfers, improved water management, and conservation.
H5512

CONGRESSIONAL RECORD — HOUSE

July 12, 2017

Sec. 101. Amendment to purposes.
Section 3002 of the Central Valley Project Improvement Act (106 Stat. 4708) is amended—
(1) in subsection (f), by striking the period at the end; and
(2) by adding at the end the following:
"(g) to ensure that water dedicated to fish and wildlife purposes by this part is replaced and provided to Central Valley Project water contractors by December 31, 2018, at the lowest cost reasonably achievable; and"
"(h) to facilitate and expedite water transfers in accordance with this Act.";

Sec. 102. Amendment to definition.
Section 3003 of the Central Valley Project Improvement Act (106 Stat. 4707) is amended—
(1) by amending subsection (a) to read as follows:
"(a) the term 'anadromous fish' means those native stocks of salmon (including steelhead) and striped bass that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;";
(2) in subsection (i), by striking "and;";
(3) in subsection (m), by striking the period and inserting "; and;"; and
(4) by adding at the end the following:
"(n) the term "reasonable flows" means water flows capable of maintaining the viability of fish and wildlife in the Sacramento and San Joaquin Rivers and their tributaries up to the point the surface water is commingled with other water supplies.";
(3) By striking subsections (d), (e), and (f);
(4) By redesignating subsections (e) and (f) as subsections (d) and (e), respectively.
(5) By amending subsection (e) (as redesignated by paragraph (4)) (A) by striking "as a result of the increased repayment" and inserting "that exceed the cost-of-service";
(B) by inserting "the delivery of" after "rates applicable to"; and
(C) by striking ", and all increased revenues received by the Secretary as a result of the increased water prices established under subsection 3404(d) of this section.";

SEC. 103. CONTRACTS.
Section 3004 of the Central Valley Project Improvement Act (106 Stat. 4708) is amended—
(1) in subsection (b)—
(A) in paragraph (1)(B)—
(i) by striking "is authorized and directed to" and inserting "may";
(ii) by inserting "reasonable water" after "to provide";
(iii) by striking "anadromous fish, except that such" and inserting "anadromous fish, Such;";
(iv) by striking "instream flow" and inserting "reasonable instream flow";
(v) by inserting "and the National Marine Fisheries Service" after "United States Fish and Wildlife Service"; and
(vi) by striking "California Department of Fish and Game" and inserting "United States Geological Survey";
(B) in paragraph (2)—
(i) by striking "primary purpose" and inserting "purposes"
(ii) by striking "but not limited to" before "additional obligations"; and
(iii) by adding after the period the following:
"All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements are satisfied up to the point the surface water is commingled with other water supplies.";

Sec. 104. Water transfers, improved water management, and conservation.
Section 3005 of the Central Valley Project Improvement Act (106 Stat. 4708) is amended as follows:
(1) in the heading, by striking "purposes";
(2) In subsection (b)—
(A) by amending paragraph (1)(A) to read:
"(A) the authority to make transfers or exchange transactions under said contracts, the quantity of Central Valley Project water in accordance with this Act or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969;
(B) in paragraph (1)(A), by striking "to comply with other water supplies.";
(C) by amending paragraph (2), by adding at the end the following:
"(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of such proposal. If such district or agency or the Secretary determines that such proposal is complete, such district or agency or the Secretary shall state with specificity what must be added to or revised in order for such proposal to be complete.
"(F) Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer, but the contracting district from which the water is coming or the agency shall retain all authority under State law to approve or condition a proposed transfer.;";
and
(D) by adding at the end the following:
"(4) Notwithstanding any other provision of Federal reclamation law—
"(A) the authority to make transfers or exchanges of water, or arrangements using, Central Valley Project water that could have been conducted before October 30, 1992, is valid, and such transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by state or local; and
"(B) this title shall not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water that existed prior to October 30, 1992;";
(2) In subsection (b)—
(A) in the heading, by striking "METERING" and inserting "in General;
and
(B) by inserting after the first sentence the following:
"The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within its boundaries measure flows capable of maintaining the viability of fish and wildlife in the Sacramento and San Joaquin Rivers and their tributaries up to the point the surface water is commingled with other water supplies.";
(3) By striking subsections (d), (e), and (f);
(4) By redesignating subsections (e) and (f) as subsections (d) and (e), respectively.
(5) By amending subsection (e) (as redesignated by paragraph (4)) (A) by striking "as a result of the increased repayment" and inserting "that exceed the cost-of-service";
(B) by inserting "the delivery of" after "rates applicable to"; and
(C) by striking ", and all increased revenues received by the Secretary as a result of the increased water prices established under subsection 3404(d) of this section.";

Sec. 105. Fish, wildlife, and habitat restoration.
Section 3006 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended as follows:
(1) In subsection (b)—
(A) in paragraph (1)(B)—
(i) by striking "is authorized and directed to" and inserting "may";
(ii) by inserting "reasonable water" after "to provide";
(iii) by striking "anadromous fish, except that such" and inserting "anadromous fish, Such;";
(iv) by striking "instream flow" and inserting "reasonable instream flow";
(v) by inserting "and the National Marine Fisheries Service" after "United States Fish and Wildlife Service"; and
(vi) by striking "California Department of Fish and Game" and inserting "United States Geological Survey";
(B) in paragraph (2)—
(i) by striking "primary purpose" and inserting "purposes";
(ii) by striking "but not limited to" before "additional obligations"; and
(iii) by adding after the period the following:
"All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements are satisfied up to the point the surface water is commingled with other water supplies.";

Sec. 106. Restoration fund.
Section 3007(a) of the Central Valley Project Improvement Act (106 Stat. 4726) is amended as follows:
(1) By inserting “(1) IN GENERAL.—” before “There is hereby.”
(2) By striking “Not less than 67 percent” and all that follows through “Monies” and inserting “Monies”.
(3) By adding at the end the following:
(2) by striking “(i) the sale of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270);”;
(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act is amended—
(1) by striking “mitigation and restoration”;
(2) by striking “provided for or”;
(3) by striking of fish, wildlife, and all that follows through the period and inserting “of carrying out all activities described in this title.”;
(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d)(2) of the Central Valley Project Improvement Act is amended by inserting “no later than December 31, 2020,” after “As of the completion of this fiscal year,” and by inserting “shall be paid to the restoration fund.”
(d) COMPLETION OF ACTIONS.—Section 3407(d)(2) of the Central Valley Project Improvement Act is amended by inserting “no later than December 31, 2020,” after “As of the completion of this fiscal year,” and by inserting “shall be paid to the restoration fund.”
(e) REPORT; ADVISORY BOARD.—Section 3407 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended by adding at the end the following:
(g) REPORT ON EXPENDITURE OF FUNDS.—At the end of each fiscal year, the Secretary, in consultation with the Restoration Fund Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year. The plan shall contain a cost-effectiveness analysis of each expenditure.
(h) ADVISORY BOARD.—
(1) ESTABLISHMENT.—There is hereby established the Restoration Fund Advisory Board (hereinafter in this section referred to as the ‘‘Advisory Board’’) composed of 12 members selected by the Secretary, each for four-year terms, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent the various Central Valley interests. At least four of the members shall be from CVP agricultural users, three from CVP power users, and one of the Secretary and those recognized by the Secretary as ‘‘the appropriate agency head, the Advisory Board may designate a representative to act as an observer of the Advisory Board.
(2) DUTIES.—The duties of the Advisory Board are as follows:
(A) To meet at least semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels in projects carried out pursuant to the Central Valley Project Improvement Act.
(B) To ensure that any advice or recommendations made by the Advisory Board to the Secretary reflect the independent judgment of the Advisory Board.
(C) Not later than December 31, 2018, and annually thereafter, submit to the Congress and Congress recommendations required under subparagraph (A).
(3) By striking “(D) Not later than December 31, 2018, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the actions mandated under section 3406.” and inserting “(D) Not later than December 31, 2018, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the actions mandated under section 3406.”.
(4) By striking “(E) The Secretary shall implement the plan required by section 103 of Public Law 99–546 (100 Stat. 3051).” and inserting “(E) The Secretary shall implement the plan required by section 103 of Public Law 99–546 (100 Stat. 3051).”.
(5) By striking “(F) The Secretary shall coordinate with the State of California in implementing the plan required by section 103 of Public Law 99–546 (100 Stat. 3051).” and inserting “(F) The Secretary shall coordinate with the State of California in implementing the plan required by section 103 of Public Law 99–546 (100 Stat. 3051).”.
(6) By inserting “(1) IN GENERAL.—(A) To meet at least semiannually to develop and implement a plan for the mitigation and restoration of fish and wildlife,” before “and shall submit to Congress”.
(7) By inserting “(2) LIMITATION.—Nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99–546 (100 Stat. 3051).” before “(3) AUTHORITY FOR CERTAIN ACTIVITIES.—”.
(8) By inserting “(3) AUTHORITY FOR CERTAIN ACTIVITIES.—” before “(4) RATES.—”.
(9) By inserting “(4) RATES.—(A) The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose.” before “(B) The Secretary shall charge to a party using Central Valley Project facilities for such purpose.”.
(10) By inserting “(B) The Secretary shall charge to a party using Central Valley Project facilities for such purpose.” before “(C) The Secretary shall charge to a party using Central Valley Project facilities for such purpose.”.
(11) By inserting “(C) The Secretary shall charge to a party using Central Valley Project facilities for such purpose.” before “(D) The Secretary shall charge to a party using Central Valley Project facilities for such purpose.”.
(12) By inserting “(D) The Secretary shall charge to a party using Central Valley Project facilities for such purpose.” before “(E) The Secretary shall charge to a party using Central Valley Project facilities for such purpose.”.
(b) APPLICATION OF LAWS TO OTHERS.—Neither a Federal department nor the State of California, including any agency or board of the State of California, shall impose on any water right a pre-1914 appropriate right, or a pre-1914 appropriative right, any condition that restricts the exercise of that water right in order to conserve, enhance, recover or otherwise protect or restore any species or to reduce or avoid water supply shortages for the least cost, unless such costs are incurred on a voluntary basis. If a Federal department nor the State of California, including any agency or board of the State of California, restrict the exercise of any water right obtained pursuant to State law, including a pre-1914 appropriative right, in order to protect, enhance, or restore any species, or that requires an issuance of a permit; or structures, and activities or equipment involving a pre-1914 appropriative right, any condition that restricts the exercise of that water right in order to conserve, enhance, recover or otherwise protect or restore any species of fish other than salmon (including trout) and any part thereof, the State Water Project contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(c) Costs.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(d) NATIVE SPECIES PROTECTION.—California law is preempted with respect to any restriction on the quantity or size of nonnative fish taken or handled on public lands or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Central Valley Project or any part thereof, the State Water Project contractors and the Central Valley Project contractors will be accorded all the rights and responsibilities extended to applicants in the consultation process.

SEC. 113. SAN JOAQUIN RIVER SETTLEMENT.

(a) PURPOSE AND FINDINGS.—

(1) PURPOSE AND FINDINGS.—Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended to read as follows:

"(1) PURPOSE.—The purpose of this part is to authorize implementation of the Settlement.

(2) FINDINGS.—Congress finds that since the date of the enactment of this Act, the following conditions now persist with regard to implementation of the Settlement:

(1) Millions of dollars of economic damages have occurred due to seepage from rivers and reservoirs, and the water delivered to the State from the Settlement and San Joaquin River Restorations Program and such impacts will continue for the duration of the Settlement and Restoration Program implementation.

(2) Estimated costs of implementing the Settlement have more than doubled from the initial estimate, from a high-end estimate of $800,000,000 to more than $1,700,000,000, due to unrealistic initial cost estimates, additional, unanticipated cost increases related to the development and construction projects, and from increased construction costs to complete channel improvements, and other improvements not originally identified, the anticipated program of work for the Settlement is not reasonable, prudent and feasible to implement and the Settlement as originally authorized.

(3) Recent scientific assessments of likely future climate change suggest that no amount of additional flow in the San Joaquin River will result in any improvements in the San Joaquin Delta and other changed conditions have affected the Friant Division’s water supply in ways unimagined during the time of the Settlement’s signing, resulting in additional reductions in water supply for the Friant Division beyond what was agreed to in the Settlement.

(4) In consideration of existing conditions, it is unreasonable, prudent and feasible to implement the Settlement as originally authorized.

(2) DEFINITIONS.—Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended by adding at the end the following:

"(4) The term ‘Exchange Contractors’ means San Joaquin River Exchange Contractors Water Authority, whose members are the California Irrigation District, Columbia Canal Company, the Firebaugh Canal Water District, and the Delta Canal Company.

(5) The term ‘Government’ means the Governor of the State of California.

(6) The term ‘Gravelly Ford’ means the gravelly ford named in paragraph 18(c) of the San Joaquin River located at approximately River Mile 230.

(7) The term ‘Restoration Area’ means the San Joaquin River between Friant Dam and the Merced River confluence, and generally within 1,500 feet of the centerline of the river.

(8) The term ‘Restoration Flow’ means the high flows for the St. Francis drainage area as provided in paragraph 18(c) and exhibit B of the Settlement, of up to 10 percent of the applicable hydrograph flows, and any additional water acquired by the Secretary of the Interior from willing sellers to meet the Restoration Goal of the Settlement.

(9) The term ‘Restoration Fund’ means that fund established by this part.

(b) Continuation of Project.—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity related to any project of the CVP or the delivery of water therefrom pending completion of judicial review of any determination made under section 17(b)(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)(C)) for that project or permit.

(c) Project Defined.—For the purposes of this section:

(1) CVP.—The term “CVP” means the Central Valley Project.

(2) Project.—The term “project”—

(A) means an agency that is undertaken by a public agency, funded by a public agency, or that requires an issuance of a permit by a public agency;

(B) includes a potential to result in physical changes to the environment; and

(C) may be subject to several discretionary approvals by governmental agencies.

(3) Construction Activities.—

(B) may include construction activities, clearing of vegetation, activities related to existing structures, and activities or equipment involving the issuance of a permit; or

(C) as defined under the California Environmental Quality Act in section 21065 of the California Public Resource Code.

SEC. 111. ADDITIONAL EMERGENCY CONSULTATION.

For adjustments to operating criteria other than under section 108 or to take urgent actions to address water supply shortages for the least cost, the Secretary has now made findings that such improvements will not be completed until 2030 at the earliest and likely beyond that timeframe, which schedule assumes full funding of the Restoration Program, which has not occurred.

(b) Application of Laws to Others.—Neither a Federal department nor the State of California, including any agency or board of the State of California, shall impose on any water right a pre-1914 appropriative right, or a pre-1914 appropriative right, any condition that restricts the exercise of that water right in order to conserve, enhance, recover or otherwise protect or restore any species of fish other than salmon (including trout) and any part thereof, the State Water Project contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(b) Costs.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(b) Native Species Protection.—California law is preempted with respect to any restriction on the quantity or size of nonnative fish taken or handled on public lands or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Central Valley Project or any part thereof, the State Water Project contractors and the Central Valley Project contractors will be accorded all the rights and responsibilities extended to applicants in the consultation process.

SEC. 111. ADDITIONAL EMERGENCY CONSULTATION.

For adjustments to operating criteria other than under section 108 or to take urgent actions to address water supply shortages for the least cost, the Secretary has now made findings that such improvements will not be completed until 2030 at the earliest and likely beyond that timeframe, which schedule assumes full funding of the Restoration Program, which has not occurred.

(1) The term ‘Exchange Contractors’ means San Joaquin River Exchange Contractors Water Authority, whose members are the California Irrigation District, Columbia Canal Company, the Firebaugh Canal Water District, and the Delta Canal Company.

(2) The term ‘Government’ means the Governor of the State of California.

(3) The term ‘Gravelly Ford’ means the gravelly ford named in paragraph 18(c) of the San Joaquin River located at approximately River Mile 230.

(4) The term ‘Restoration Area’ means the San Joaquin River between Friant Dam and the Merced River confluence, and generally within 1,500 feet of the centerline of the river.

(5) The term ‘Restoration Flow’ means the high flows for the St. Francis drainage area as provided in paragraph 18(c) and exhibit B of the Settlement, of up to 10 percent of the applicable hydrograph flows, and any additional water acquired by the Secretary of the Interior from willing sellers to meet the Restoration Goal of the Settlement.

(6) The term ‘Restoration Fund’ means that fund established by this part.

(b) Continuation of Project.—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity related to any project of the CVP or the delivery of water therefrom pending completion of judicial review of any determination made under section 17(b)(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)(C)) for that project or permit.

(c) Project Defined.—For the purposes of this section:

(1) CVP.—The term “CVP” means the Central Valley Project.

(2) Project.—The term “project”—

(A) means an agency that is undertaken by a public agency, funded by a public agency, or that requires an issuance of a permit by a public agency;

(B) includes a potential to result in physical changes to the environment; and

(C) may be subject to several discretionary approvals by governmental agencies.

(B) may include construction activities, clearing of vegetation, activities related to existing structures, and activities or equipment involving the issuance of a permit; or

(C) as defined under the California Environmental Quality Act in section 21065 of the California Public Resource Code.

SEC. 111. ADDITIONAL EMERGENCY CONSULTATION.

For adjustments to operating criteria other than under section 108 or to take urgent actions to address water supply shortages for the least cost, the Secretary has now made findings that such improvements will not be completed until 2030 at the earliest and likely beyond that timeframe, which schedule assumes full funding of the Restoration Program, which has not occurred.
“(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Flows—

(A) if all improvements and mitigation measures required or implemented, including all actions necessary to prevent impacts on landowners, water agencies, and water users; and

(B) if such Flows will not exceed existing downstream channel capacities.

(3) SEEPAGE IMPACTS.—(A) The Secretary, in implementing this Act, shall not cause material adverse impacts to third parties. The Secretary shall adjust the minimum threshold elevation for groundwaters beneath any fields where permanent or other deep rooted crops are grown, and at least 6 feet below ground surface as a minimum threshold elevation for groundwater beneath any fields where annual or shallow rooted crops are grown. These minimum thresholds shall be adjusted yearly based upon information provided by individual landowners regarding the minimum threshold that they will need in order to grow their crop(s) that year. If during the course of the voluntary Settlement, the Secretary determines that detrimental seepage is being experienced or is reasonably likely to occur despite the adherence to the minimum threshold, the Secretary may place a volume sufficient to reduce seepage impacts by reducing the occurrence of groundwater to a non-damaging level below ground surface.

(B) If Flow reduction alone is not sufficient to mitigate for seepage impacts the Secretary shall mitigate by real estate transaction or installation of measures whichever option is requested by the landowner.

(C) Any water that seeps onto private property shall thereupon become the property of that landowner if the landowner takes control of the water including by re-diverting it to the San Joaquin River. If seepage water is returned to the San Joaquin River it shall meet applicable water quality requirements.

(4) TEMPORARY FISH BARRIER PROGRAM.—Using funds otherwise available from the San Joaquin River Restoration Fund if necessary, the Secretary shall implement improvements to the Hills Ferry Barrier or any replacement thereof in order to prevent upstream migration of any protected species to the restoration area. The Secretary shall work with the California Department of Fish and Wildlife for the improvement or replacement of the Hills Ferry Barrier in order to prevent the upstream migration of any protected species. If third parties south of the confluence with the Merced River are required to install their screens or fish bypass facilities in order to comply with this Act or with the terms of agreements or road crossings, the Secretary shall bear the costs of such screens or facilities, except to the extent that such costs are allocated or are further willingly borne by the State of California or by the third parties. Expenditures by Reclamation are non-reimbursable. Any protected species recovered at the Hills Ferry Barrier or in the Restoration Area or any river or water supply infrastructure therein that is relocated outside of the Restoration Area shall only be relocated to an area where there is an established self-sustaining population of that species.

(5)(A) in subsection (a)—

(i) by striking “as necessary” and inserting “as necessary, as provided for in this part and in a manner that does not conflict with the intent of Congress as expressed in this title which intent shall be afforded the greatest deference and any difference or ambiguity shall be resolved in favor of said intent” before the period at the end; and

(ii) by adding at the end the following: “except as provided in subsection (e) below, nothing”; and

(B) in subsection (b)—

(i) by striking “slate law, except as otherwise provided for herein or would conflict with achieving the purposes or intent of this title.”; and

(C) by adding at the end the following:

(e) in section 10007 through 5948 of the California Fish and Game Code and all applicable Federal laws, including this part, as amended, implemented or otherwise enforced by the Secretary, including, but not limited to, the Water Act of 2017, and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. 88–1658—LKK/GGH), shall be satisfied with regard to the development of the Friant Division, Delta Mendota canal, the continued performance of and compliance with the terms of the agreements of the United States to purchase water rights and for exchange of water, its Agreements with the entities that comprise the Exchange Contractors to deliver their water rights, the Merced River made possible by or aided by any appropriations and shall not be part of the programmatic funding for the Secretary or the Bureau of Reclamation.”.

(7) SETTLEMENT FUND.—Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(A) in subsection (a), by amending paragraph (3) to read as follows:

“(3) EXEMPTIONS.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity, public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis. Any appropriations by Congress to implement this part shall be on the basis of line item authorizations and appropriations and shall not be part of the programmatic funding for the Secretary.”

(B) by striking subsection (i) and inserting the following:

“(1) REACH 4B.—No Restoration Flows released shall be routed through section 4B of the San Joaquin River. The Secretary shall seek to make use of modified and/or existing conveyance facilities such as flood control channels in order to provide conveyance for the restoration flows. Congress finds that such use of multi-use facilities is both more economical and than seeking to restore certain sections of the San Joaquin River. The Secretary shall provide non-reimbursable funding for the incremental increase in maintenance costs for use of the flood control channels.

“(g) NO IMPACT ON WATER SUPPLIES.—Re-introduction or migration of species to the San Joaquin River upstream of the confluence with the Merced River made possible by or aided by the existence of restoration flows or any improvements to the river made hereunder shall not result in water supply impacts, additional storage releases, or bypass flows on unwilling third parties due to such re-introduction.

“(h) NO TRANSFERENCE OF LIABILITY.—Congress finds that the Federal interest in the restoration of the San Joaquin River upstream of the confluence with the Merced River has been satisfied with regard to the development of the Friant Division, Delta Mendota canal, the continued performance of and compliance with the terms of the agreements of the United States to purchase water rights and for exchange of water, its Agreements with the entities that comprise the Exchange Contractors to deliver their water rights, the Merced River made possible by or aided by any appropriations and shall not be part of the programmatic funding for the Secretary or the Bureau of Reclamation.”.

(8) CONGRESSIONAL RECORD — HOUSE
United States or the State of California be abridged or impaired."

"(4) ABSENCE OF AGREEMENT.—In the absence of an agreement with Friant Division long-term contractors, the Secretary shall cease any action to implement this part and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ-S–88–1658 LLK/GGH); provided, further, the Secretary shall also cease to collect or expend any funds from the San Joaquin River Restoration Settlement Fund as provided in subsection (b), then not later than 1 year after such determination, the Secretary and the Governor shall develop and approve a reasonable, prudent, and feasible plan for managing a warm water fishery on the San Joaquin River below Friant Dam, but upstream of Gravelly Ford, consistent with the following:

"(1) No water shall be released into the San Joaquin River for fishery purposes downstream of Gravelly Ford.

"(2) Existing and future contributions to the Restoration Flows Fund shall be expended for the purposes of—

"(i) warm water fishery improvements within the San Joaquin River channel upstream of Gravelly Ford; and

"(ii) water and fishery improvements in the San Joaquin River channel downstream of the confluence with the Merced River and other areas for benefit of fall run salmon.

"(3) The Secretary shall establish a fund to be jointly administered by the Friant Water Authority, Exchange Contractors, San Joaquin Tributaries Authority, and San Luis Delta Mendota Water Authority to fund restoration actions along the San Joaquin River and its tributaries that achieve water quality objectives for the protection of fish and wildlife. The Secretary shall transfer the following into the fund:

"(i) All funds in the San Joaquin River Restoration Settlement Fund that are remaining in the San Joaquin River Basin Restoration Flows Fund shall be transferred to the Friant Water Authority for implementing conveyance improvements on the Friant Kern Canal and Madera Canal to mitigate for subsidence impacts since their original construction; and

"(ii) All future payments by Friant Division long-term contractors pursuant to section 3006(c)(1) of the Reclamation Projects, Authorizations, and Financing Act of 1992 (Public Law 102-575; 106 Stat. 4721) as provided in the Settlement.

"(4) In the absence of an agreement with Friant Division long-term contractors, in the event the State of California, acting through the State Water Resources Control Board or other available source of the Friant Division, shall cease the use of the San Joaquin River to continue below Gravelly Ford for fish and wildlife purposes then—

"(i) all funding specified for transfer under this subsection shall cease; and any funds remaining in the San Joaquin River Basin Restoration Flows Fund shall be transferred to the Friant Water Authority for implementing conveyance improvements on the Friant Kern Canal and Madera Channel to mitigate for subsidence impacts since their original construction; and

"(ii) the authorization to implement the Settlement shall be suspended until the Secretary approves and the Governor shall develop and modify the Gaining Responsibility on Water Act of 2017 and applicable, the warm water fishery plan developed under section 10014(a), the Secretary shall only take the following actions to implement the Settlement according to the this Act:

"(1) Implementation of the Restoration Goal and the Water Management Goal of the Settlement only to the extent consistent with section 10014(b).

"(2) Restoration Flow releases shall be permitted on the San Joaquin River downstream of Sack Dam to the confluence with the Merced River.

"(3) No salmonids shall be placed into or allowed to migrate to the Restoration Area. If any salmonids are caught at the Hills Ferry Barrier, they shall be salvaged to the extent feasible and returned to an area where there is a viable sustainable salmonid population of substantially the same genotype or phenotype.

"(4) Implementation of a plan to reestablish, recapture, and/or restore the San Joaquin River Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all Friant Division long-term contractors caused by the Restoration Flows, to the greatest extent feasible.

"SEC. 10014. ALTERNATE LONG-TERM ACTIONS.

"(a) GRAVELY FORD—WARM WATER FISHERY.—

"(1) If it is determined under section 10012(a) that the Settlement should not be implemented as provided in subsection (b), then not later than 1 year after such determination, the Secretary and the Governor shall develop and approve a reasonable, prudent, and feasible plan for managing a warm water fishery on the San Joaquin River below Friant Dam, but upstream of Gravelly Ford, consistent with the following:

"(2) Other Improvements.—The remainder of the Improvements shall be constructed in an order deemed appropriate by the Secretary after the foregoing projects are completed.

"(2) If agreed to by the Exchange Contractors or any of its members, the Secretary shall enter into an agreement with the Exchange Contractors or any of its members providing that the Secretary shall retain financial responsibility for such improvements and shall reimburse the Exchange Contractors or any of its members incurred by the Exchange Contractors or any of its members, if any, expended in the construction of the improvements. The Secretary shall enter into a construction agreement with the Exchange Contractors or any of its members subject to their approval, consistent with the terms of this title.

"(a) TECHNICAL ADVISORY COMMITTEE AND RESTORATION ADMINISTRATOR.—The Secretary shall add to the Technical Advisory Committee (TAC), established pursuant to the Settlement, one representative from the Exchange Contractors and one representative from the San Luis & Delta-Mendota Water Authority. Any decisions and/or recommendations made by the Restoration Administrator shall be in full compliance with the TAC and made on the basis of consensus to maximum extent possible. Any recommendations made by the Restoration Administrator are advisory and shall be in full compliance with the references to the science relied on and specify the benefits to fish in the river, and include the level of consensus reached by the TAC. The Secretary’s final decision on any action, including flows, can deviate from the Restoration Administrator’s recommendation provided that the Secretary’s final decision is based upon sound and reasonable, prudent, and feasible decision making and is otherwise consistent with this title.

"(b) Restoration Flows.—The appropriate level of Restoration Flows under any circumstance shall be no greater that set forth in the hydrographs attached as exhibit B to the Settlement, and shall be greater than the real-time fishery needs required to meet the Restoration Goal. The Secretary shall make the final decision as to the appropriate level of Restoration Flows and other actions regarding implementation of the Restoration Program. The level of Restoration Flows shall be no less than a minimum not exceed channel capacity, cause seepage damage, or be inconsistent with any other requirements in this section. The Secretary’s final decision of any action, including flows, Commerce shall be fully supported by the best and or recommendations made by the Restoration Administrator are advisory and shall be in full compliance with the references to the science relied on and specify the benefits to fish in the river, and include the level of consensus reached by the TAC. The Secretary’s final decision on any action, including flows, can deviate from the Restoration Administrator’s recommendation provided that the Secretary’s final decision is based upon sound and reasonable, prudent, and feasible decision making and is otherwise consistent with this title.

"(b) RESTORATION FLOWS.—The appropriate level of Restoration Flows under any circumstance shall be no greater that set forth in the hydrographs attached as exhibit B to the Settlement, and shall be greater than the real-time fishery needs required to meet the Restoration Goal. The Secretary shall make the final decision as to the appropriate level of Restoration Flows and other actions regarding implementation of the Restoration Program. The level of Restoration Flows shall be no less than a minimum not exceed channel capacity, cause seepage damage, or be inconsistent with any other requirements in this section. The Secretary’s final decision of any action, including flows, Commerce shall be fully supported by the best and or recommendations made by the Restoration Administrator are advisory and shall be in full compliance with the references to the science relied on and specify the benefits to fish in the river, and include the level of consensus reached by the TAC. The Secretary’s final decision on any action, including flows, can deviate from the Restoration Administrator’s recommendation provided that the Secretary’s final decision is based upon sound and reasonable, prudent, and feasible decision making and is otherwise consistent with this title.

"(b) Fish Introduction.—No fishery shall be introduced or placed for any reason in to the San Joaquin River upstream of the Merced River, until Reclamation has released Restoration Flows downstream the San Joaquin River in each hydrological year type under normal, dry, and critically dry and determined that the improvements are fully functional and that seepage impacts have been fully mitigated. A maximum of 180 days before the introduction of spring run Chinook salmon the Bureau of Reclamation shall submit a report to Congress that provides a critical examination of the impact of Restoration Flows on the improvements, and the likelihood of success in restoring a salmon fishery that is viable, sustainable and capable of voitlational passage.

"(c) Exchange area. Any protected species migrating into the Restoration Area shall be deemed to be a nonessential experimental population. Congress finds that due to human caused physical changes to the pathways of the San Joaquin River upstream the confluence of the Merced River the San Joaquin River is
deemed a distinct and separate geographic area and no agency shall take any action pursuant to any authority or requirement of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other Federal statute or regulatory law that will have an adverse impact on landowners or water agencies within the Restoration Area unless such impacts are incurred on a voluntary basis.

(9) SUBSIDENCE.—Prior to implementing any other actions, the Secretary shall work with local water districts and landowners to ensure the actions include appropriate solutions to past and likely future subsidence. Without resolution to the subsidence issue, the improvements described in the Framework for Implementation published in 2015, including any amendments thereto, shall not be implemented.

(10) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain improvements, or facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall—

(A) identify the impacts associated with such actions;

(B) identify the actions that the Secretary must implement to mitigate any impacts on water users and landowners in the Restoration Area; and

(C) shall implement all of the mitigation actions so as to eliminate or reduce to an immaterial extent any adverse impacts on water users and landowners.

TITLE II—CALFED STORAGE FEASIBILITY STUDIES

SEC. 201. STUDIES.

The Secretary of the Interior, through the Commissioner of Reclamation, shall—

(1) complete the feasibility studies described in clauses (i) and (ii) of section 103(d)(3)(A) of Public Law 108–361 (118 Stat. 1634) and submit such appropriate committee reports of the House of Representatives and the Senate not later than November 30, 2018;

(2) complete the feasibility study described in clause (i)(II) of section 103(d)(3)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2018;

(3) complete a publicly available draft of the feasibility study described in clause (ii)(I) of section 103(d)(3)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2018;

(4) complete the feasibility study described in clause (ii)(I) of section 103(d)(3)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2019;

(5) complete the feasibility study described in section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1634) and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2019;

(6) in conducting any feasibility study under this Act, the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law, for the purposes of determining feasibility the Secretary shall document, delineate, and publish costs directly relating to the engineering and construction of a water storage project separately from the cost of determining feasibility or the construction of auxiliary facilities necessary to achieve regulatory compliance; and

(7) communicate, coordinate and cooperate with the Department of the Interior to which the Act or any other law applicable to the United States for operation of the Central Valley Project or the San Joaquin River relative to the Project as a result of this title.

SEC. 202. TEMPERATURE FLAT.

(a) DEFINITIONS.—For the purposes of this section—

(1) PROJECT.—The term "Project" means the Temperature Flat Reservoir Project on the Upper San Joaquin River.

(2) RMP.—The term "RMP" means the document titled "Bakersfield Field Office, Record of Decision and Approved Resource Management Plan" dated December 9, 2014.

(b) APPLICABILITY OF RMP.—The RMP and findings related thereto shall have no effect on or applicability to the Secretary's determination of feasibility of, or on any findings or environmental review documents related to—

(1) the Project; or


(c) DUTIES OF SECRETARY UPON DETERMINATION OF FEASIBILITY.—If the Secretary finds the Project to be feasible, the Secretary shall manage the water recommended in the RMP for designation under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) in a manner that does not impair any environmental reviews, preconstruction, construction, or other activities of the Project, regardless of whether or not the Secretary submits any official recommendation to Congress under the Wild and Scenic Rivers Act.

(d) RESERVED WATER RIGHTS.—Effective December 22, 2017, there shall be no Federal reserved water rights in connection with any segment of the San Joaquin River related to the Project as a result of any designation made under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.)

SEC. 203. WATER STORAGE PROJECT CONSTRUCTION.

The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may enter into agreements in the water storage projects identified in section 103(d)(1) of the Water Supply Reliability and Environmental Improvement Act (Public Law 102–575) with water users and water supply districts who receive water from either the State Water Project or the federal government, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California law. Pursuant to section 1215 of division 2, article 1.7 (commencing with section 1215 of chapter 1 of part 2 of division 2, sections 10665, 10565.5, 11128, 11406, 11461, 11462, and 11463, and sections 12009 through 12220, inclusive).

(b) DIVERSIONS.—Any action undertaken by the Secretary of the Interior and the Secretary of Commerce pursuant to any water rights laws governing water rights priorities and to honor water rights senior to those held by the United States for operation of the Central Valley Project, to advance those projects.

(c) NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.—The Secretary of the Interior shall immediately notify the Director of the California Department of Fish and Wildlife in writing if the Secretary of the Interior determines that the act of any diversions will adversely impact the endangered or threatened species listed under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other species covered by the opinion of the Director.

SEC. 301. OFFSET FOR STATE WATER PROJECT.

(a) IN GENERAL.—The Secretary of the Interior, through the Commissioner of Reclamation, shall—

(1) provide the State Water Project with a one-time new supply of water. The Secretary shall take actions in compliance with legal obligations imposed pursuant to or as a result of this title, including such actions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other species covered by the opinion of the Director, in a manner that alters the water rights priorities established by California law.

(b) NOT DIRECTED ADVERSE IMPACTS.

(c) NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.—The Secretary of the Interior shall—

(1) result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from either the State Water Project or the United States under water rights settlement contracts, exchange contracts, water service contracts, repayment contracts, or water supply contracts.

(2) cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed, the State Water Project or the California Department of Fish and Wildlife.

(c) COSTS.—To the extent that costs are incurred solely pursuant to or as a result of this title and would not otherwise have been incurred in the absence of this title and no agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency,
or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

c) Rights and Obligations Not Modified or Amended.—Nothing in this title shall modify or amend rights and obligations of the parties to any existing—

(1) water service, repayment, settlement, purchase, or exchange contract with the United States, obligation to settle exchange contracts and settlement contracts prior to the allocation of any other Central Valley Project water supplies, or

(2) State Water Project water supply or settlement contract with the State.

SEC. 304. ALLOCATIONS FOR SACRAMENTO VALLEY PROJECT CONTRACTORS.

(a) ALLOCATIONS.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (b), the Secretary of the Interior is directed in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

(A) Not less than 100 percent of their contract quantities in a "Wet" year.

(B) Not less than twice the contract percentage in a "Above Normal" year.

(C) Not less than 100 percent of their contract quantities in a "Below Normal" year that is preceded by an "Above Normal" or a "Wet" year.

(D) Not less than 50 percent of their contract quantities in a "Dry" year that is preceded by an "Above Normal", an "Above Normal", or a "Wet" year.

(E) In all other years not identified herein, the allocation percentage for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed shall not be less than twice the allocation percentage used in the Delta Central Valley Project agricultural water service contracts, up to 100 percent; provided, that nothing herein shall preclude an allocation to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed that is greater than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors.

(2) CONDITIONS.—The Secretary's actions under paragraph (1) shall be subject to—

(A) the priority of individuals or entities with Sacramento River Watershed interests, including those with Sacramento River Settlement Contracts, that have priority to the diversion and use of Sacramento River water over water rights held by the United States for operations of the Central Valley Project;

(B) the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors; and

(C) the Secretary's obligation to make water available to managed wetlands pursuant to section 1406(d) of the Central Valley Project Improvement Act of 2010-575.

(b) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in subsection (a) shall be construed to—

(1) modify any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary;

(2) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies;

(3) affect or limit the authority of the Secretary, to implement municipal and industrial water shortage policies; or

(4) affect allocations to Central Valley Project municipal and industrial contractors pursuant to such policies.

Neither subsection (a) nor the Secretary's implementation of subsection (a) shall constrain, govern, or affect, directly, the operations of the Central Valley Project, including any existing or future projects, or any deliveries from that Division, its units or facilities.

c) NO EFFECT ON ALLOCATIONS.—This section shall not—

(1) affect the allocation of water to Friant Division contractors; or

(2) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant Division.

(d) PROGRAM FOR WATER RESCHEDULING.—

The Secretary of the Interior shall develop and implement a program, not later than 1 year after the date of the enactment of this Act, to provide for the opportunity for existing Central Valley Project agricultural, municipal, and industrial water service contractors within the Sacramento River Watershed to reschedule water, provided such water under existing Central Valley Project water service contracts, from one year to the next.

e) DEFINITIONS.—In this section:

(1) The term "(existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed)" means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project, that have a water service contract in effect, on the date of the enactment of this section, that provides water for irrigation.

(2) The year type terms used in subsection (a) have the meaning given those year types in the Sacramento Valley Water Year Type (40–30–30) Index.

SEC. 305. EFFECT ON EXISTING OBLIGATIONS.

Nothing in this title preempts or modifies any existing obligation of the United States under Federal reclamation laws to operate the Central Valley Project in conformity with State law, including established water rights priorities.

TITLE IV—MISCELLANEOUS

SEC. 401. WATER SUPPLY ACCOUNTING.

(a) IN GENERAL.—All Central Valley Project water, except Central Valley Project water released pursuant to U.S. Department of the Interior Record of Decision, Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000 used to implement an action undertaken for a fishery beneficial purpose that was not imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 20, 1992, shall be credited to the quantity of Central Valley Project yield dedicated and managed under this section; provided, that nothing herein shall affect the Secretary of the Interior's duty to comply with any otherwise lawful requirement imposed on operations of the Central Valley Project under any provision of Federal or State law.

(b) RECLAMATION POLICIES AND ALLOCATIONS.—Reclamation policies and allocations shall not be based upon any premise or assumption that Central Valley Project contract supplies are supplemental or secondary to any other contractor source of supply.

SEC. 402. OPERATIONS OF THE TRINITY RIVER DIVISION.

The Secretary of the Interior, in the operation of the Trinity River Division of the Central Valley Project, shall not make releases from Lewiston Dam in excess of the volume for each water year type required by the U.S. Department of the Interior Record of Decision, Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2006 to be credited to the quantity of Central Valley Project yield dedicated and managed under this section; provided, that nothing herein shall affect the Secretary of the Interior's duty to comply with any otherwise lawful requirement imposed on operations of the Central Valley Project under any provision of Federal or State law.

SEC. 403. REPORT ON RESULTS OF WATER USAGE.

The Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Natural Resources of the State of California, shall publish an annual report detailing the in-stream flow releases from the Central Valley Project and California State Water Project, their explicit purpose and authority, and all measured environmental benefit as a result of the releases.

SEC. 404. Klamath Project Consultation Application.

If the Bureau of Reclamation initiates or re-initiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Klamath Project (or any part thereof), Klamath Project contractors shall be accorded all the rights and responsibilities extended to applicants in the consultation process. Upon request of the Klamath Project contractors, they may be represented through an association or organization.

SEC. 405. CA STATE WATER RESOURCES CONTROL BOARD.

(a) IN GENERAL.—In carrying out this Act, the Secretary shall—

(1) recognize Congressional opposition to the violation of private property rights by the California State Water Resources Control Board in its proposal to require a minimum percentage of unappropriated flows in certain tributaries of the San Joaquin River; and

(2) recognize the need to provide reliable water supplies to municipal, industrial, and agricultural users across the State.

TITLE V—WATER SUPPLY PERMITTING ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Water Supply Permitting Coordinating Act".

SEC. 502. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) BUREAU.—The term "Bureau" means the Bureau of Reclamation.

(3) QUALIFYING PROJECTS.—The term "qualifying projects" means new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 377 et seq.) which are constructed or authorized by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding, unless the project applicant elected to participate in the process authorized by this Act; and

(B) includes State-led storage projects (as defined in section 407(a)(2) of the WIN Act) for new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 377 et seq.) constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding, unless the project applicant elected to participate in the process authorized by this Act.

(c) COOPERATING AGENCIES.—The term "cooperating agency" means a Federal agency with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under Federal law and regulations, or a State agency subject to section 503(c).

SEC. 503. ESTABLISHMENT OF LEAD AGENCY AND COOPERATING AGENCIES.

(a) ESTABLISHMENT OF LEAD AGENCY.—The Bureau of Reclamation is established as the lead agency for purposes of coordinating all reviews,
analyses, opinions, statements, permits, licenses, or other approvals or decisions required under Federal law to construct qualifying projects.

(b) IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.—The Commissioner of the Bureau shall—

(1) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over the project or may be responsible for conducting any review of the project, and shall notify the agency of its responsibilities under this section; and

(2) notify any such agency, within a reasonable timeframe, that the agency has been designated by the Commissioner of the Bureau in regard to the qualifying project unless that agency responds to the Bureau in writing, within a timeframe set forth by the Bureau, notifying the Bureau that—

(A) it has no jurisdiction or authority with respect to the qualifying project; or

(B) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit, license, approval, or decision required for a qualifying project under applicable Federal laws and regulations; and

and

(3) coordinate the preparation of an environmental assessment, categorical exclusion, or another environmental document that will serve as the basis for making any decision with respect to the project or any decision required for the project, including a determination of Federal jurisdiction over the project.

SEC. 504. BUREAU RESPONSIBILITIES.

(a) IN GENERAL.—The principal responsibilities of the Bureau under this title are to—

(1) serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed qualifying projects;

(2) coordinate preparation of an environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and

(3) coordinate all Federal agency review necessary for project development and construction of qualifying projects.

(b) COORDINATION PROCESS.—The Bureau shall have the following coordination responsibilities:

(1) PRE-APPLICATION COORDINATION.—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a proposal as an initial meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes to—

(A) explain applicable processes, data requirements, and timeframes necessary to complete the required Federal agency reviews within the timeframe established; and

(B) establish the schedule for the qualifying project.

(2) CONSULTATION WITH CooperATING AGENCIES.—Consult with the cooperating agencies throughout the Federal agency review process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.

(3) NOTIFICATION.—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other things—

(A) the responsibilities of cooperating agencies under applicable laws and regulations;

(B) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, as applicable;

(C) the overall size and complexity of the qualifying project; and

(D) the overall schedule and cost of the qualifying project; and

(E) the sensitivity of the natural and historical resources that may be affected by the qualifying project.

(4) ENVIRONMENTAL COMPLIANCE.—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a qualifying project shall base their project approvals. In carrying out this section, the Secretary shall coordinate with the cooperating agencies to ensure that the environmental review record is prepared and maintained in a timely manner and is available to the public.

(5) CONSOLIDATED ADMINISTRATIVE RECORD.—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.

(6) PROJECT DATA RECORDS.—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible electronic format, and authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and to the public.

(7) PROJECT MANAGER.—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final authorizing documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under section 505.

SEC. 505. COOPERATING AGENCY RESPONSIBILITIES.

(a) ADHERENCE TO BUREAU SCHEDULE.—Upon notification of an application for a qualifying project, the Bureau shall submit all cooperating agencies to the Bureau a timeframe under which the cooperating agency reasonably considers it will be able to complete its authorizing responsibilities. The Bureau shall use the timeframe submitted under this subsection to establish the project schedule under section 504, and the cooperating agencies shall ensure that the project schedule established by the Bureau.

(b) ENVIRONMENTAL RECORD.—Cooperating agencies shall submit to the Bureau the environmental review material produced or compiled in the course of carrying out activities required under Federal law consistent with the project schedule established by the Bureau.

(c) DATA SUBMISSION.—To the extent practicable and consistent with Federal law, the cooperating agencies shall submit all relevant project data to the Bureau in a generally accessible electronic format to the project schedule set forth by the Bureau.

SEC. 506. FUNDING TO PROCESS PERMITS.

(a) IN GENERAL.—The Secretary, after public notice in accordance with subsection (a) of section 506 of the Administrative Procedure Act (5 U.S.C. 553), may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project.

(b) EFFECT ON PERMITTING.—In general, nothing in this section shall diminish or otherwise affect the Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) INTERAGENCY COORDINATION.—In carrying out this section, the Secretary shall coordinate with the cooperating agencies to ensure that the use of the funds accepted under this section for similar projects or activities not carried out using funds authorized under this section.

(d) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the cooperating agencies receiving funds under this section for qualifying projects shall ensure that the use of the funds accepted under this section for such projects shall not—

(A) impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally; or

(B) diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

(e) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the environmental impact statement for qualifying projects.

(f) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

TITLE VI—BUREAU OF RECLAMATION PROJECT STREAMLINING

SEC. 601. SHORT TITLE.

This title may be cited as the “Bureau of Reclamation Project Streamlining Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed statement of environmental impacts required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ENVIRONMENTAL REVIEW PROCESS.—The term "environmental review process" means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

(3) PERMIT.—The term "permit" means a Federal lead agency either substantively or procedurally.

(4) PUBLIC AVAILABILITY.—The term "permit" means a Federal lead agency either substantively or procedurally.

(5) PROJECT.—The term "project" means a surface water project, a project under the provisions of chapter XVI of Public Law 107–20, a Department of the Interior and Bureau of Reclamation project, or a rural water supply project investigated under Public Law 109–451 to be carried out, funded or
(A) REQUIREMENTS.—The term "project sponsor" means a State, regional, or local authority or instrumentality or other qualifying entity, such as a water conservation district, irrigation district, water conservancy district, joint powers authority, mutual water company, canal company, rural water district or association, or any other entity that has the capacity to enter into and administer an agreement with the United States under Federal reclamation law.

(2) FACTORS.—In making a determination that a project study described in subsection (a) described in subsection (a), the Secretary shall—

(B) whether the project will use any innovative action by other Federal, State, or local agencies;

(C) whether there is significant public dispute among the local project sponsor, joint powers authority, joint power districts, and special districts; and

(D) whether the project will require significant action by the Bureau of Reclamation or that would be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation or that would be amendatory of that Act (43 U.S.C. 371 et seq.).

The Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the reasons the requirements of subsection (a) are not attainable.

(3) NOTIFICATION.—Each time the Secretary notifies the non-Federal project cost-sharing entity that a project study described in subsection (a), the Secretary shall—

(A) have jurisdiction over the project;

(B) be required by law to conduct or issue a review, analysis, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (a), the Secretary shall—

(A) I N GENERAL.—The Secretary shall—

(1) expedite the completion of any ongoing project study that is initiated after the date of enactment of this Act and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the amount of time taken to complete each project study; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project;

(1) IN GENERAL.—The Secretary shall develop and implement a coordinated environmental review process for the development of project studies.

(2) COORDINATED REVIEW.—The coordinated environmental review process described in paragraph (1) shall require that any review, analysis, or statement, permit, license, or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (a), the Secretary shall—

(A) any project study for the development of a nonfederally owned and operated surface water project for the Secretary determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

(3) LIST OF PROJECT STUDIES.—

(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a list of all project studies that the Secretary has determined—

(1) requires the standards described in paragraph (1); and

(ii) does not have adequate funding to make substantial progress toward the completion of that project study.

(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

(b) PROJECT REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall—

(A) expedite the completion of a project study that is initiated after the date of enactment of this Act and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

(C) any project study for the development of a nonfederally owned and operated surface water project for the Secretary determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

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(ii) does not have adequate funding to make substantial progress toward the completion of that project study.

(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

The Secretary shall—

(1) expedite the completion of any ongoing project study initiated before the date of enactment of this Act and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

(C) any project study for the development of a nonfederally owned and operated surface water project for the Secretary determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

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(ii) does not have adequate funding to make substantial progress toward the completion of that project study.

(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

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(1) expedite the completion of any ongoing project study initiated before the date of enactment of this Act and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

(C) any project study for the development of a nonfederally owned and operated surface water project for the Secretary determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

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(ii) does not have adequate funding to make substantial progress toward the completion of that project study.

(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

The Secretary shall—

(1) expedite the completion of any ongoing project study initiated before the date of enactment of this Act and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

(C) any project study for the development of a nonfederally owned and operated surface water project for the Secretary determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.
(II) the project sponsor complies with all requirements applicable to the Secretary under—
   (aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
   (bb) any regulation implementing that Act; and
   (cc) any other applicable Federal law; and
   (III) the Secretary approves and adopts the document because the Secretary finds that the subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

(2) DUTIES.—The Secretary shall ensure that—
   (A) the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection;
   (B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.

(3) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by the Federal lead agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency.

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
   (B) parts 1500 through 1508 of title 40, Code of Federal Regulations (successor regulations).

(4) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project study, the Federal lead agency shall have authority and responsibility—
   (A) to take such actions as are necessary and proper to determine whether the Federal lead agency has jurisdiction or authority in the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and
   (B) to prepare or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), is completed in accordance with this section and applicable Federal law.

(d) PARTICIPATING AND COOPERATING AGENCIES.—

   (1) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to carrying out the environmental review process for a project study, the Secretary shall, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that—
   (A) have jurisdiction over the project;
   (B) are required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or
   (C) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

   (2) STATE AUTHORITY.—If the environmental review process is implemented by the Secretary for a project study within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—
   (A) have jurisdiction over the project;
   (B) are required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or
   (C) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(3) INVITATION.—

   (A) IN GENERAL.—The Federal lead agency shall, as early as practicable in the environmental review process, any agency identified under paragraph (1) to become a participating or cooperating agency, as applicable, in the environmental review process for the project study.
   (B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which the participating or cooperating agency shall be submitted, which may be extended by the Federal lead agency for good cause.

   (4) PROCESS.—

   (A) PROCEDURE.—The Federal lead agency, in consultation with the Federal lead agency, as applicable, shall conduct the environmental review process for a project study for any project study; the Federal lead agency, in consultation with the Federal lead agency, as applicable, shall set the deadline specified in the invitation that the invited agency—
   (i) has no jurisdiction or authority with respect to the project;
   (ii) has no expertise or information relevant to the project; or
   (iii) does not have adequate funds to participate in the project; and
   (B) does not intend to submit comments on the project.

   (5) ADMINISTRATION.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

   (6) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

   (A) supports a proposed project; or
   (B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

   (7) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency shall be concurrent reviews. Each participating or cooperating agency—
   (A) carry out the obligations of that agency under other applicable laws concurrently and in conjunction with the environmental review process, including—
   (i) promotes transparency, including the use of programmatic approaches to carry out the environmental review process that—
   (II) provide timely and accurate information in the environmental review process, including—
   (I) criteria for determining the general duration of the usefulness of the review; and
   (II) the timeline for updating any out-of-date reviews.

   (ii) describe—
   (I) the relationship between programmatic analysis and future tiered analysis; and
   (II) the role of the public in the creation of future tiered analyses; and

   (iii) are available to other relevant Federal, State, and local governmental agencies, Indian tribes, and the public.

   (D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

   (E) address any comments received under sub-paragraph (D).

   (h) COORDINATED REVIEWS.—

   (1) COORDINATION PLAN.—

   (A) ESTABLISHMENT.—The Federal lead agency shall, after consultation with and the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.

   (2) R EQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

   (A) establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.

   (i) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—

   (I) the responsibilities of participating and cooperating agencies under applicable laws; and
   (II) the resources available to the project sponsor, joint lead agency, and other relevant Federal and State agencies, as applicable;

   (III) the overall size and complexity of the project;

   (IV) the overall schedule for and cost of the project; and

   (V) the sensitivity of the natural and historical resources that could be affected by the project.

   (iii) MODIFICATIONS.—The Secretary may—

   (I) lengthen a schedule established under clause (i) for good cause; and
   (II) shorten a schedule only with concurrence of the affected participating and cooperating agencies and the project sponsor or joint lead agency, as applicable.

   (iv) DISSEMINATION.—A copy of a schedule established under clause (i) shall be—
(I) provided to each participating and cooperating agency and the project sponsor or joint lead agency, as applicable; and (II) made available to the public;

(ii) DEADLINES.—The Federal lead agency shall establish the following deadlines for comment during the environmental review process for a project study:

(A) ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and State agencies and the public on a draft environmental impact statement, a period of not more than 60 days from the date on which a draft environmental impact statement is published in the Federal Register of notice of the date of public availability of the draft environmental impact statement.

(B) OTHER ENVIRONMENTAL REVIEW PROCESS.—For all other comments permitted established by the Federal lead agency for agency or public comments in the environmental review process, a period of not more than 30 days after the date materials or information on which comment is requested are made available; unless—

(i) a different deadline is established by agreement of the Federal lead agency, the joint lead agency, as applicable, and all participating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(2) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (i) or (B), the Secretary shall submit to the Committee on Natural Resources any applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local law; or

(iii) the deadline is extended by the Federal lead agency for good cause.

(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (i) or (B), the Secretary shall submit to the Committee on Natural Resources any applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local law; or

(iv) the deadline is extended by the Federal lead agency for good cause.

(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public participation in the environmental review process under applicable Federal law (including regulations).

(5) TRANSPARENCY REPORTING.—(A) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal and State agencies, issue reporting requirements to make publicly available the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for each project study for which this section is applicable.

(B) PROJECT STUDY TRANSPARENCY.—Consistent with the requirements established under subparagraph (A), the Secretary shall make publicly available the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for each project study for which this section is applicable.

(I) ISSUE IDENTIFICATION AND RESOLUTION.—(1) COOPERATION.—The Federal lead agency, the cooperating agency, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.

(2) FEDERAL AND COOPERATING AGENCY RESPONSIBILITIES.—(A) IN GENERAL.—The Federal lead agency shall make information available to the cooperating agencies and participating agencies as early as possible in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the Federal lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent any agency from granting a permit or other approval that is needed for the project study.

(4) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—(A) IN GENERAL.—On the request of a participating or cooperating agency or project sponsor, the Secretary may convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—

(i) delay completion of the environmental review process; or

(ii) result in denial of any approval required for the project study under applicable laws.

(B) MEETING DATE.—A meeting requested under this paragraph shall be held not later than 10 days after the Secretary receives the request for the meeting, unless the Secretary determines that it is not practicable to do so.

(C) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

(D) ELEVATION OF ISSUE RESOLUTION.—If a resolution cannot be achieved within the 30-day period described in paragraph (B), a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall notify the heads of the relevant agencies for resolution.

(E) CONVENTION BY SECRETARY.—The Secretary may convene an issue resolution meeting under this paragraph at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under subparagraph (A).

(5) FINANCIAL PENALTY PROVISIONS.—(A) IN GENERAL.—If a Federal jurisdictional agency fails to comply with the requirements of this section, the Secretary shall not make available any funding to the Federal jurisdictional agency to fund the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

(B) DESCRIPTION OF DATE.—The date referred to in clause (i) is the date on which the Secretary provides written notification to the Committees of the House of Representatives and the Senate that includes a description of—

(i) the decision; and

(ii) the project study involved.

(C) LIMITATIONS.—(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project study shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

(ii) FAILURE TO DECIDE.—If a Federal lead agency fails to make a decision by an applicable deadline, the total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under this title and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

(D) NOTIFICATION OF TRANSFERS.—Not later than 19 days after the last date in a fiscal year on which funds of the Federal jurisdictional agency may be transferred under subparagraph (B) with respect to an individual decision, the agency shall submit to the appropriate committees of the House of Representatives and the Senate written notification that includes a description of—

(i) the decision; and

(ii) the total amount of all transfers under subparagraph (B) in that fiscal year relating to the decision;

(iii) the total amount of all transfers under subparagraph (B) in that fiscal year relating to the agency; and

(iv) the total amount of all transfers under subparagraph (B) in that fiscal year relating to the agency.

(E) NO FAULT OF AGENCY.—(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in this paragraph notifies, with a supporting explanation, the Federal lead agency, cooperating agencies, and project sponsor, as applicable, that—

(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law; or

(ii) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

(iii) the Federal lead agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of

decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C).

(ii) AMOUNT TO BE TRANSFERRED.—The amount referred to in subclause (I) is—

(aa) $20,000 for any project study requiring the preparation of an environmental assessment or an environmental impact statement; or

(bb) $10,000 for any project study requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.
full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why not enough funding is available to complete the review;

(ii) LACK OF FINANCIAL RESOURCES.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

(1) conduct a financial audit to review the notice; and

(II) not later than 90 days after the date on which the notice described in subclause (I) is completed, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the audit conducted under subclause (I).

(F) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

(i) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

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

(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process shall cooperate with each other, State and local agencies, and Indian tribes on environmental review and Bureau of Reclamation project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values;

(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning and project sponsors of study, decision, or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(ii) TECHNICAL ASSISTANCE.—If requested at any time by a State or project sponsor, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to a State or project sponsor in carrying out early coordination activities.

(3) MEMORANDUM OF AGREEMENTS IF REQUESTED.—If requested at any time by a State or project sponsor, the Federal lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memorandum of agreement with each other, Indian tribes, State and local governments, and other appropriate entities to carry out the early coordination activities, including environmental impact statements or environmental assessments under section 102(2)(C).

(i) TIMING OF CLAIMS.—

(1) TIMING.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 3 years after publication of a notice in the Federal Register announcing that results of the environmental review pursuant to an early consultation with the Federal agency for a project study that meets the criteria established in subsection (c)(1)(A) that—

(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

(ii) any requests previously received by the Secretary for new categorical exclusions; and

(B) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

(ii) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this Act, if the Secretary has identified a category of actions that merited establishing a categorical exclusion under section 1505 of title 40, Code of Federal Regulations (or successor regulations), the Secretary shall—

(1) publish a notice of the proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1505 of title 40, Code of Federal Regulations (or successor regulations); and

(ii) REVIEW OF PROJECT ACCELERATION REFORMS.—

(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) assess the reforms carried out under this section; and

(B) not later than 5 years and not later than 10 years after the date of enactment of this Act, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the assessment.

(2) CONTENTS.—The reports under paragraph (1) shall include—

(A) project delivery;

(B) compliance with environmental laws; and

(C) performance measurement.

(III) CATEGORICAL EXCLUSIONS IN EMERGENCY RESPONSE.—For the repair, rehabilitation, or reclamation of a Bureau of Reclamation surface water storage project that is in operation or under construction when damaged by an event occurring on or after January 1, 2003, the Secretary shall treat such repair, rehabilitation, or construction project as a class of action categorically excluded from the requirements relating to environmental assessment and environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or construction project is—

(1) in the same location with the same capacity, dimensions, and design as the original Bureau of Reclamation surface water storage project as before the declaration described in subsection (a); and

(2) commenced within a 2-year period beginning on the date of a declaration described in subsection (a).

SEC. 606. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Natural Resources of the Senate and the Committee on Energy and Natural Resources of the Senate an annual report, to be entitled "Report to Congress on Future Water Project Development", that identifies the following:

(1) PROJECT REPORTS.—Each project report that meets the criteria established in subsection (c)(1)(A).

(2) PROPOSED PROJECT STUDIES.—Any proposed project study submitted to the Secretary by a non-Federal interest pursuant to subsection (c)(3) that meets the criteria established in subsection (c)(1)(A).

(3) PROPOSED MODIFICATIONS.—Any proposed modification to an authorized water project or project study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (c)(3); or

(B) is identified by the Secretary for authorization.

(4) EXPEDITED COMPLETION OF REPORT AND DETERMINATIONS.—Any project study that was expedited and any Secretarial determinations under section 804.

(b) REQUESTS FOR PROPOSALS.—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed project studies and proposed modifications to authorized projects and project studies to be included in the annual report.

(2) DEADLINE FOR REQUESTS.—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(c) NOTIFICATION.—On the date of publication of each notice required by this subsection, the Secretary shall—

(1) make the notice publicly available, including on the Internet; and

(2) provide written notification of the publication to the Committee on Natural Resources of the Senate and the Committee on Energy and Natural Resources of the Senate.

(3) CONTENTS.—The Secretary shall include in each notice required by this subsection—

(A) a description of the project;

(B) the amount of funding estimated to be necessary for the project; and

(C) a statement of the criteria for inclusion in report.

(A) CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report
only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—
(i) are related to the missions and authorities of the Bureau of Reclamation;
(ii) require specific congressional authorization, including by an Act of Congress;
(iii) have not been previously authorized;
(iv) have not been included in any previous annual report; and
(v) if authorized, could be carried out by the Bureau of Reclamation.

(B) DESCRIPTION OF BENEFITS.—
(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized water resources development project or project study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification.
(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed project study) described in this clause are benefits to—
(I) the protection of human life and property;
(II) improvement to domestic irrigated water and power supplies; (III) the national economy; or 
(IV) the environment; or 
(V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent applicable and practicable, the Federal, non-Federal, and total costs of—
(i) for each proposed project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (b); and
(ii) for each proposed project study and proposed modification to a project or project study included in the annual report, whether the non-Federal interests submit to the Secretary or publish on the Internet a statement of support for the project report, proposed project study, or proposed modification to a project or project study included under paragraph (b).

(3) Certification.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to a project or project study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—
(I) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice requesting public comment (b)(1); and
(II) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(e) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) DEPARTMENT OF DEFENSE—ENFORCEMENT.—Nothing in this section shall be applicable to the Department of Defense.

SEC. 702. DEFINITIONS.

(a) Existing Authority.—Nothing in this title limits or expands any existing legal authority of the Secretary to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement, whether Federal or non-Federal, including through publication on the Internet.

(b) Reclamation Contracts.—Nothing in this in any way interferes with any existing or future Bureau of Reclamation contract entered into pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388), and Acts supplemental to and amendment of that Act).

(c) Endangered Species Act.—Nothing in this title limits or expands any existing legal authority of the Secretary to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement, whether Federal or non-Federal, including through publication on the Internet.

(d) Federal Power Act.—Nothing in this title limits or expands any existing legal authority of the Secretary to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement, whether Federal or non-Federal, including through publication on the Internet.

(e) Federal Reserved Water Rights.—Nothing in this title limits or expands any existing legal authority of the Secretary to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement, whether Federal or non-Federal, including through publication on the Internet.

(f) Indian Water Rights.—Nothing in this title limits or expands any existing legal authority of the Secretary to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement, whether Federal or non-Federal, including through publication on the Internet.

(g) Federally Held State Water Rights.—Nothing in this title limits the authority of the Secretary, through applicable State procedures, to acquire, use, enforce, or protect a State water right owned by the United States.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of House Report 115-212. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be limited to the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to a quorum call, and shall be disposed of as the report directs.
to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. LAMALFA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 115-212.

Mr. LAMALFA. Mr. Chair, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 63, strike line 19 through page 64, line 2 and insert the following:

(d) PROGRAM FOR WATER RESCHEDULING.—The Secretary of the Interior shall develop and implement a program, not later than 1 year after the date of enactment of this Act, to provide the opportunity for individuals or districts that receive Central Valley Project water under water service or repayment contracts or water rights settlement contracts within the American River, Sacramento River, Shasta and Trinity River Divisions to reschedule water, provided for under water service or repayment or settlement contracts, within the same year or from one year to the next.

Page 64, strike lines 3 through 12, and insert the following:

(e) DEFINITION.—In this section, the year type terms used in subsection (a)

The Acting CHAIR. Pursuant to House Resolution 931, the gentleman from California (Mr. LAMALFA) is a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LAMALFA. Mr. Chair, I thank Mr. McCLINTOCK for managing this bill and for his help on this.

I am pleased to support the bill, the GROW Act, which, contrary to some claims, protects northern California water rights and keeps more water in the north than the status quo. I should know because I represent the source of the overwhelming majority of California’s usable water.

The underlying bill improves water efficiency by allowing junior water contractors in the Sacramento Valley to carry over water supplies from one year to the next in Lake Shasta, retaining access to those supplies the following year, which promotes efficiency when you are banking that additional water for future use.

This amendment improves the bill by ensuring that all Federal water contractors in the Sacramento Valley have the same ability to reschedule their water supplies.

Mr. Chair, under the current system, water contractors are forced to use it or lose it. If water allocations are not fully used each year, the ability to access that water is lost.

Now, around Washington, D.C., that use-it-or-lose-it attitude usually means a lot of money that sits in certain agencies’ bank accounts or in their pots, it is just used up. Why would we want to do that kind of thing with water? We need to be banking it and saving it, where practical, to be usable in the next year or to pass to others who could use it as well.

During wet years, farms and ranches may choose to reschedule a portion of their water for the following year. This amendment makes it easier for them to do that, and I think it is a very good amendment.

Mr. Chair, I reserve the balance of my time.

Mr. COSTA. Mr. Chair, I thank the gentleman for yielding me the time.

Mr. HUFFMAN. Mr. Chairman, I also represent northern California. My friend, Mr. LAMALFA, just said that this bill fully protects northern California’s water. Well, we represent the two districts right next to each other that are the northernmost districts in California, and I can tell you, my part of northern California doesn’t do so well under this bill.

In fact, the only way we have been able to prevent a repeat of a catastrophic fish kill disaster in the Klamath River system each of the last several years has been by releasing cold water in the Trinity River, which is a major tributary to the lower Klamath River. That has been a lifesaver for the communities downstream that depend on those salmon runs. This bill would legislatively prohibit the Bureau of Reclamation from ever doing that again.

So this is not a bill that is good for northern California, certainly, my part of northern California. And I think the same goes for the other northern California colleagues that we have testified in opposition earlier.

Mr. Chair, I reserve the balance of my time.

Mr. LAMALFA. Mr. Chairman, providing flexibility for more parts of California does not, indeed, punish any other part of northern California. With that, we have to dispel some of these notions about what the end goal is for this legislation and for my amendment.

Mr. Chair, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Fresno, California (Mr. COSTA).

Mr. COSTA. Mr. Chair, I thank the gentleman for yielding me this time.

This amendment is about rescheduled water, and this is a technical term that, for people who aren’t familiar with water rights in California and other parts of the country, it allows people with water rights, whether they be senior or junior water rights, to reserve that water, in other words, to reschedule it, to hold it off for another time when it is needed most.

And so this is an important tool. I agree with Congressman LAMALFA that water users throughout California should have flexibility to use their water supplies in ways that are most beneficial to be able to reschedule it.

I do have some concerns that this amendment may have unintended consequences with other water users downstream and should it become law without changes. Specifically, it is critical that those with more junior water rights, like some of the areas I represent south of the California delta, are not negatively impacted when they reschedule their water from senior water rights holders.

Water is precious. You have water shortages. So if I want to reserve it for later in the year or for the next water year, that means rescheduled water. So for these water users, we want to protect that ability.

Additionally, in the event that a future wet year causes spilling of rescheduled water, it is critical that the priority of the water spilling is addressed in a fair and equitable manner.

I would like to work with the gentleman to address these concerns. And thank him, and thank the gentleman for yielding me the time.

Mr. LAMALFA. Mr. Chair, I am very pleased to be able to work with my colleague, Mr. COSTA, to ensure that these concerns are met and addressed as the bill moves through the Senate.

I believe the ability to reschedule water deliveries for these periods when they are needed should be offered as widely as possible, and I appreciate the support in that goal.

Indeed, the opportunity that we can help the Central Valley with this, I relish that opportunity to do so. More facilities to store more water is, indeed, very important so we have more flexibility for Mr. COSTA and his neighbors, constituents.

I yield such time as he may consume to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. Mr. Chair, I just want to say that this is a very good amendment. The committee supports it, and it is essential to providing the flexibility that is necessary.

I might point out my colleague from California, when we originally developed this bill more than 5 years ago, we consulted more than 50 water agencies throughout northern and central California, including many in Democratic congressional districts. Senior water rights are essential to northern California. This bill strengthens them, and Mr. LAMALFA’s amendment adds the management flexibility that is long overdue.

Mr. COSTA. Will the gentleman yield?

Mr. McCLINTOCK. I yield to the gentleman from California.

Mr. COSTA. I thank the gentleman for yielding.

That is correct. I know this was offered 5 years ago. I would like to point out, though, in the last 5 years of the drought conditions, we have learned a lot more about water storage ability and how you can and cannot use rescheduled water and, of course, how valuable it is.
So I respect and thank the gentleman, Congressman LAMALFA, for working together on this to ensure that we protect all of the water users in their ability to have flexibility, especially during drought times.

Mr. Chair, indeed, whether it is a drought period where we have to work even harder to spread that water around or in a year of abundance like what we had, we have to be wise about storing it where we can and having the flexibility to put it where we need to and having additional facilities in the future to store farther into the drought years that, no doubt, will come. This is what we are looking for in this legislation and what I am trying to promote for my particular area in northern California with this amendment.

Mr. Chair, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chair, I am prepared to close. How much time do I have remaining?

The Acting CHAIR. The gentleman from California (Mr. LAMALFA) has 45 seconds remaining, and the gentleman from California (Mr. HUFFMAN) has 2 minutes remaining.

Mr. HUFFMAN. Mr. Chair, I reserve the balance of my time.

Mr. LAMALFA. Mr. Chair, indeed, water battles in California have been very difficult for many, many years, but what I hear from the other side of the aisle is a whole lot of “no.” What I hear from normal Californians who aren’t in positions of elected leadership is to be more interested in catering to a few environmental groups instead of the needs of Californians, especially on the heels of drought, what these Californians are saying is: Get this stuff done. Get these projects done. Help us out. Help us to have jobs in our State and not cater to just a handful of interests here that will help us through another election.

Mr. Chair, I am pleased to present the overwhelming need and proud to work with these folks, and I yield back the balance of my time.

Mr. HUFFMAN. Mr. Chairman, I actually have no problem with my colleague’s attempt to make a clarification to this bill. That clarification is needed, I am sure, but it is important to realize that the reason it is needed is because we haven’t gone through regular order. We are talking about provisions that have not had the benefit of hearings, of markups, of witness testimony, clarifications that would have been made in the regular order process.

The underlying bill, it is important to remember, does enormous damage to California. That is what is opposed by the Governor, by our attorney general, by our two U.S. Senators, and by many members of the California delegation.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LAMALFA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COSTA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 115-212.

Mr. COSTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II, add the following:

SEC. 204. GEOPHYSICAL SURVEY.

The Bureau of Reclamation, in cooperation with the United States Geological Survey, the State of California, and local and State water agencies, may conduct detailed geophysical characterization activities of subsurface aquifer systems and groundwater vulnerability in California, which has experienced a critical, multi-year drought that resulted in severe groundwater overdraft in some areas, followed by less than optimal recharge from the heavy rainstorms and flooding during the 2016-2017 winter season. This geophysical survey should include data pertaining to the following:

1. Subsurface system framework: occurrence and geometry of aquifer and non-aquifer zones.

2. Aquifer storage and transmission characteristics.

3. Areas of greatest recharge potential.

The Acting CHAIR. Pursuant to the provisions of the House resolution, the Clerk will read the text of the amendment.

The Clerk: The amendment purports to address part of that.

Many groundwater basins have been overdrafted for long periods of time. Twenty-one of California’s 35 groundwater basins now are considered critically overdrafted. That is a real, real serious crisis.

It is critical that efforts are taken to recharge these groundwater aquifers so that the water is available during the dry years, which we know will surely come. This is all about sustainability. We know that the performance of any projected groundwater recharge and recovery project is reliant on a thorough understanding of how the surface and subsurface waters interact with a geographical region.

Without thoroughly developed and field-verified information about the geophysical characteristics of California’s groundwater aquifer systems and best areas for groundwater recharge projects, compliance with California’s recently enacted Sustainable Groundwater Management Act—it is simply infeasible for us to expect that we are going to do that without having all of this information together.

What we are trying to do in this legislation is provide the opportunity to ensure that we have a reliable water supply so that we have food security. After all, food security, I believe, is a national security issue for America. It doesn’t get looked at that way, but it is.

California’s Department of Water Resources has identified a number of gaps in the scientific body of knowledge that need to be filled in order to effectively recharge groundwater aquifers. Some of these studies show that simply irrigating lands in the Central Valley with right soil conditions for groundwater percolation could lead to an additional 2 million to 8 million acre-feet of groundwater infiltration. That would double the level of recovery rate in a post-drought winter like 2017.

This amendment would authorize the Bureau of Reclamation, partnered with scientific agencies, the United States Geological Survey, and the University of California, to conduct surveys for groundwater aquifers to identify, one, subsurface aquifer systems framework, including the geometry of areas where water can move more easily; two, aquifer storage and transmission characteristics; and three, land areas of greatest recharge potential.

I urge my colleagues to support this amendment.

Mr. McCLEINTOCK. Will the gentleman yield?
Mr. COSTA. I yield to the gentleman from California.

Mr. MCCLINTOCK. Mr. Chairman, I have no objection to this amendment. I thank the gentleman from Fresno, California, for his constructive contribution.

Mr. COSTA. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUFFMAN), who is from Marin County.

Mr. HUFFMAN. Mr. Chairman, I yield 30 seconds to my colleague for this forward-thinking amendment, and I support its adoption.

Mr. COSTA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. COSTA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 115–212.

Mr. COSTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II, add the following:

SEC. 204. HEADWATER-RESTORATION SCOPING STUDY.

The Bureau of Reclamation may partner with academia, specifically the University of California, and local and federal water agencies, to develop a study to enhance mountain runoff to Central Valley Project reservoirs from headwater restoration with the following aims:

(1) Estimate forest biomass density and annual evapotranspiration (ET) across the Shasta Lake watershed for the past decade using satellite and other available spatial data.

(2) Identify areas on public and private land that have high biomass densities and ET, and assess potential changes in ET that would ensue from forest restoration.

(3) Assess role of subsurface storage in providing drought resilience of forests, based on long-term historical estimates of precipitation, drought severity and stream discharge.

(4) Assess role of snowpack in annual water balance across the watersheds.

The Acting CHAIR. Pursuant to House direction, I recognize the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. COSTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to first, again, thank the Rules Committee chair and Ranking Member SLAUGHTER for making my amendment in order, as well as acknowledge my colleague from California, Congressman LAMALFA, for his work on this amendment.

Mr. Chairman, a record drought and the warmest and driest three seasons on record have brought renewed attention to California’s headwaters. These forests, meadows, and other source waters play a vital role in California’s water supply and management system, and they are under threat from a host of factors, including wildfires, climate change impacts, and poor management policies.

More effective forest and headwater management practices, such as increased use of forest thinning and watershed restoration, have demonstrated the potential to provide a measurable increase in water supply to the Central Valley Project reservoirs that receive runoff generated by these headwaters in the Sierra Nevadas, the beautiful mountains that we have in California.

The Sierra Nevada mountain range, many people don’t realize, generates nearly 60 percent of California’s developed water supply—60 percent. And that is why the abundance of snow on the mountains during the wintertime is so critical.

Some estimates indicate that simply by instituting more effective headwaters management policies, that up to 300,000 acre-feet of additional water supplies—300,000 acre-feet—could be generated each year.

Now, that is a significant yield of water when you look at the overdraft crop problems that we have and some of the other authorization of surface supplies—300,000 acre-feet—could be generated each year.

Now, simply managing our forests better could, in many instances, quadruple our water supply and better produce environmental outcomes for our forest ecosystems.

To put this in context, this is enough water to irrigate 100,000 acres, of which we have significant overdraft of land, or provide daily water for an additional 500,000 homes in California for an entire year.

My amendment would authorize the Bureau of Reclamation to enter into partnerships to determine the amount of water that could be untapped by doing these kinds of efforts.

Fixing California’s broken water system, as I have said repeatedly, means using all of the water tools in our water management toolbox. Included in this amendment, we would be having the opportunity to improve our headwater management in an integrated and multidisciplinary approach that is responsive to the changing conditions that we face as we know that will continue to occur.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from northern California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Chairman, I want to express my support for this amendment as well.

The headwaters of our watersheds play a crucial role in ensuring the reliability and the quality of water supplies throughout our State. Our water supply depends not just on artificial reservoirs, but also on natural reservoirs of snowpack and groundwater retention in the forests of these headwater areas.

Healthy, vibrant forests provide multiple benefits, including carbon capture and shade to reduce rapid snowmelt.

When trees are protected, forest soils act like sponges to absorb rainfall and slowly release it back into rivers and streams throughout the year.

This amendment is one of the many ways that we can ensure that the Bureau of Reclamation is building a 21st century water supply system for California and the West, so I strongly encourage support for it.

Mr. COSTA. Mr. Chairman, this is a commonsense amendment that has bipartisan support. Frankly, I think as we learned so much more about how the hydrology of California’s water systems develop, we need to take advantage of that knowledge. And this amendment will allow us to do so in a way that makes this so valuable resource that we sometimes take for granted—that is our water supply—to allow us to use it in a way that makes sense and will provide the water needs for all Californians.

Mr. Chairman, I urge the support of this amendment, and I yield back the balance of my time.

The Acting CHAIR (Mr. CARTER of Georgia). The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. DENHAM

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 115–212.

Mr. DENHAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV, insert the following:

SEC. 405. NEW MEXICO—DELIVERY.

The authority under section 4006 of the WIIN Act shall expire 7 years after the date of the enactment of this Act.

SEC. 407. ACTIONS TO BENEFIT THREATENED AND ENDANGERED SPECIES AND OTHER WILDLIFE.

None of the funds made available under section 408(b) of the WIIN Act shall be used for the acquisition or leasing of land, water for in-stream purposes if the water is already
committed to in-stream purposes, or interests in land or water from willing sellers if the land, water, or interests are already designated for environmental purposes by a court-approved decree or order or cooperative agreement.

SEC. 408. NON-FEDERAL PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN STANISLAUS RIVER

The program established under section 4010(d) of the WIIN Act shall not sunset before January 1, 2023.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. DENHAM) and a Member opposed each will control 5 minutes.

Mr. DENHAM. Mr. Chairman, I rise in support of my amendment to H.R. 23.

This amendment updates a small portion of the Water Infrastructure Improvements for the Nation Act, or the WIIN Act, to protect endangered species and assess water storage opportunities.

First, it sets a reasonable timeframe for the completion of expanded water storage opportunities at the New Melones Reservoir. These opportunities can increase available storage for conservation, transfers, and rescheduled water projects to allow for maximum storage within the reservoir. Conservative estimates of increased water storage have been at 100,000 acres-feet, which will provide water for over 400,000 people for a year.

With such a precious resource, we must ensure our water storage capacity is being used responsibly. This timeline of 7 years is consistent with other provisions of the WIIN Act, and will ensure the study will be completed so we can make best use of our water storage capacity.

Additionally, this amendment helps protect our threatened and endangered species.

In Western States, water users can buy and sell water rights. This provision prevents individuals from using funding set aside for species conservation to buy water rights and sell them back to the government.

Funding in section 4010(b) of the WIIN Act was allocated to benefit endangered species populations through habitat restoration, improved monitoring, and conservation fish hatcheries. This provision has been left out of the Central Valley Project Improvement Act for over a decade and needs to be applied to this section as well. This ensures funding will be used for its intended purposes to help endangered species, not to buy and resell water rights.

Finally, this amendment extends a program to protect native fish in the Stanislaus River for 2 years. This program allows for the taking of invasive species that prey on native salmon and steelhead in the Stanislaus River. It was originally authorized for 5 years. However, since the spawn cycle for these salmon is 3 years, it needs to be extended to ensure two full salmon cohort cycles can be observed.

In conclusion, this amendment protects native and endangered species, and ensures we are making the most of water storage capacity at the New Melones Reservoir. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DENHAM). The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 115–212, Mr. DEAULNIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV, insert the following:

SEC. 406. REVIEW OF AVAILABLE TECHNOLOGIES AND PROGRAMS

Amendment No. 5 Offered by Mr. DEAULNIER

The Acting CHAIR. The amendment was offered by the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV, insert the following:

SEC. 406. REVIEW OF AVAILABLE TECHNOLOGIES AND PROGRAMS

Section 406(e) of the Central Valley Project Improvement Act is amended by adding at the end the following:

"(d) The Secretary, through the office established under this subsection, shall review available and new, innovative technologies and programs for capturing municipal wastewater and recycling it for providing drinking water and energy, and report on the feasibility of expanding the implementation of these technologies and programs among Central Valley Project contractors."

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. DEAULNIER) and a Member opposed each will control 5 minutes.

Mr. DEAULNIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV, insert the following:

SEC. 406. REVIEW OF AVAILABLE TECHNOLOGIES AND PROGRAMS

Amendment No. 5 Offered by Mr. DEAULNIER

The Acting CHAIR. The amendment was offered by the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chairman, I yield back the balance of my time.

Mr. DEAULNIER. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Mr. Chairman, this amendment adds a superfluous provision that requires a study on a subject that we have already studied to death.

We find the left constantly proposing these technologies to manage our existing water shortage often as an excuse not to expand our ability to store new water supplies.

The problem is not complicated. These recycling projects are typically four times as expensive as traditional water storage. According to a 2016 study by the California Public Utilities Commission, if we had exhausted our existing resources, then these technologies might make sense if the alternative is no water at all. But that is not the alternative. The alternative is to develop our resources at about one-fourth the cost of these technologies the gentleman is trying to sell us—four times the cost.

No consumer in his right mind would pay four times more for the same product. Only politicians would do that, and the problem is when politicians make this choice, consumers end up paying.

Which brings me to my second objection to the gentleman’s amendment. Our traditional water projects are paid for by the users of the water, or proportion to their use, as is the beneficiary pays principle that has guided our water projects for generations.
These policies protect taxpayers from footing the bill for somebody else’s water.

The title 16 recycling projects the gentleman is promoting are not paid for by the water users but rather by general taxpayers, meaning these projects literally rob St. Petersburg to pay St. Paul.

If the gentleman would like to confine the provisions of the bill to require his constituents to pay four times more for their water or that his constituents would realize the water for my constituents, I would be happy to support him. But I sincerely doubt that is what he has in mind.

Mr. Chairman, I reserve the balance of my time.

Mr. DESAULNIER. Mr. Chair, I yield 1 minute to the gentlewoman from California (Ms. Matsu).

Ms. MATSUI. Mr. Chair, I rise in support of Mr. DESAULNIER’s amendment to H.R. 23.

Reusing projects provide sustainable water sources that help make our communities drought-resilient. In Sacramento, we are working to build a project that would use claimed wastewater to irrigate up to 18,000 acres of farmland and restore wetland. These are the types of projects that help prepare California for the next drought, and they result in more water for our farms and cities. We should be working on sustainable solutions like these.

Last Congress, I introduced a bill to improve the Bureau of Reclamation’s Title XVI Water Reclamation and Use Funding Program by removing the requirement that each recycling project receive an explicit congressional authorization. The bill was included in the WIIN Act passed into law last year, thereby expanding the pool of eligible projects.

Mr. DESAULNIER’s amendment continues to move us forward by emphasizing the importance of recycling in our approach to managing water use. I urge my colleagues to support it.

Mr. DESAULNIER. Mr. Chair, I yield 1 minute to the gentleman from California (Mr. Costa).

Mr. COSTA. Mr. Chair, I thank the gentleman for yielding.

Fixing California’s broken water system, as we all know, involves multiple strategies: recycled water, on-farm recharge, and other innovative methods of increasing water supply. We have found, improves the situation, but there is no silver bullet to solving California’s long-term water challenges.

In the understanding that, and this is why many communities moved forward on efforts to diversify their water supplies. For example, the Del Puerto’s Central Valley water supply that is rarely delivered.

This is cost-effective and costs less than other alternatives. We are partnering with local water districts in the city of Mendota and the city of Fresno. So this is a very valuable source of water, and we ought to encourage it whenever possible. More efforts like this are necessary.

Mr. Chair, I support the amendment. Mr. DESAULNIER. Mr. Chair, I yield 30 seconds to the gentleman from California (Mr. Huffman).

Mr. Huffman. Mr. Chairman, in defense of the economics of water recycling. I need to correct what is being generous. The WaterReuse Research Foundation has found that recycling projects tend to be among the cheapest ways to increase water supply. Potable water reuse is generally comparable or less expensive than alternative options. The Congressional Research Service has found that title 16 water recycling projects are comparable in price to alternate water sources—indeed, substantially cheaper—and that there is vast new potential to develop these water supplies.

This is exactly the kind of forward-thinking conversation we ought to have if we are serious about California water.

Mr. DESAULNIER. Mr. Chair, I yield back the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I would simply cite to my friend the California Public Utilities Commission report to 2030 that what would be the cost of future sources of water for California. They say very clearly that recycling water is nearly four times as costly as traditional sources of water, and that is being generous. I support the amendment that pencils out. This one does not. This one would require water bills to quadruple. For California, it is exactly policies like these that are driving water bills up. The people of California need to take more realistic choices they make at the ballot box have real world implications to the bills they are paying for simple things like water and power.

Chair. I ask for a “no” vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DESAULNIER).

Mr. DESAULNIER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 115-212.

Mr. PEARCE. Mr. Chair, I have an amendment at the desk.
emergency water releases that prevent
disease outbreaks for Tribal fisheries
in California’s Klamath River. The pro-
vision will significantly increase the
risk of widespread fish kills and lead to
traumatic losses for Tribal communities.

While this amendment doesn’t mit-
gate all of the negative impacts of this
bill, it will improve the bill somewhat
by including an additional legal protec-
tion for Tribal rights that will preserve
past, pending, or future Tribal water
erights settlements.

Mr. Chair, I urge support for this
amendment.

Mr. HUFFMAN. Mr. Chair, I ask
unanimous consent to claim the time
in opposition, although I am not op-
posed.

The Acting CHAIR. Is there objection
to the request of the gentleman from
California?

Mr. McCINTOCK. Mr. Chair, I ob-
ject.

The Acting CHAIR. Objection is
heard.

Mr. PEARCE. Mr. Chairman, I yield 1
minute to the gentleman from Colo-
rado (Mr. Tipton).

The Acting CHAIR. The gentleman
will suspend.

For what purpose does the gentleman
from Colorado seek recognition?

Mr. TIPTON. Mr. Chair, to speak to
the nature of the amendment.

The Acting CHAIR. Is the gentleman
opposed to the amendment?

Mr. TIPTON. Mr. Chair, I am.

The Acting CHAIR. The gentleman
from Colorado is recognized for 5 min-
utes.

Mr. TIPTON. Mr. Chairman, as my
colleague from New Mexico noted,
Wayne Aspinal of Colorado stated: “When
you touch water in the West, you touch
everything.”

We have that shared concern that
that water is going to be preserved. In
the West, water is a private property
right. We have State law, we have pri-
vate property systems, which have al-
ways been recognized by the Federal
government.

Unfortunately, we have seen and re-
lected in this portion of the legisla-
tion that we are discussing today, the
Federal Government reaching out to be
able to require conditional use of per-
mit water rights to be signed over to the
Federal Government. At issue is the
amendment that we are discussing right
now.

When we talk about our Native
American Tribes, my colleague and I
have shared in common interest, along
with our colleague, Mrs. Torres, in
terms of making sure that Native
American rights are protected from
taking by the Federal Government, as
well.

There is good news in the underlying
bill. The Department of the Interior
had made the statement that their
ability to be able to negotiate or enter
into water settlements with Tribes is
in no way affected or restricted by this
bill. It is in no way affected or re-
stricted by this bill, according to the
Department of the Interior.

While I have no objections to the
changes proposed in the savings clause
to be able to clarify as much, I did
want to be able to register concern on
the amendment that it may not have been
as definitive as I would like it to have
seen in regard to specifying Na-

tive American water rights.

I think that is common ground that
we are seeing on both sides of the aisle:
to make sure that those private prop-
erty rights are protected.

I will not vote against this amend-
ment, and I applaud my colleagues
working together with us to be able to
try and achieve an actual amiable solu-
tion on something that, as Westerners,
we understand probably better than
anyone else in the country the impor-
tance of water—water for our commu-
nities, water for the opportunity for
our communities to be able to grow
and to prosper.

On this particular issue, a very im-
portant segment of that community is the
valuable contributions that our Native
American Tribes make to all of our
communities.

Mr. Chair, I will be supporting the
overall legislation. In terms of their
work on this, I commend all Members.

Mr. Chair, I yield back the balance of
my time.

Mr. PEARCE. Mr. Chair, may I in-
quire as to how much time I have?

The Acting CHAIR. The gentleman
from New Mexico has 2 minutes re-
main.

Mr. PEARCE. Mr. Chairman, I yield 30
seconds to the gentleman from Cali-
ifornia (Mr. Huffman).

Mr. HUFFMAN. Mr. Chair, I cer-
tainly appreciate that my colleagues
are trying to help mitigate a small
amount of the harm caused by this bill,
but, unfortunately, the underlying bill
remains a disaster for Indian Country.

Title 5 of this bill is a direct attack
against the existing rights of Tribes in
my district. As I have said previously,
the Tribes in the Klamath River sys-
tem are the grocery store, the church,
the lifeline for the Tribes in my dis-
trict, and this bill explicitly prevents
Federal agencies from making emer-
gency water releases to combat fis-
disease and prevent massive fish kills
that would devastate these Tribal bal-
ance fisheries.

That is important to remember, lest
we get too carried away with whatever
curative effects this amendment might
have.

Mr. PEARCE. Mr. Chair, Tribes in
New Mexico and across the West de-
pend on water for agriculture, they de-
pend on it for their families, they de-
pend on it for spiritual reasons. With-
out rights, water can be taken by any-
one.

The amendment that Mrs. Torres
and I put forward is just trying to say
that rights are personal. They are pri-
ivate property rights, and no govern-
ment can take them away. It is a rea-
sonable amendment.

I appreciate the gentleman from
Colorado’s observations. We will at-
tempt to see that those observations
are dealt with in a meaningful way. In
the meantime, I simply ask Members
of the House to join with me in voting
for this amendment to H.R. 23.

Mr. Chair, I yield back the balance of
my time.

The Acting CHAIR. The question is
on the amendment offered by the gen-

tleman from New Mexico (Mr. Pearce).

The amendment was agreed to.
The Acting CHAIR. Under the rule, the previous question is ordered on the amendment to the amendment reported from the Committee of the Whole.

The amendment was agreed to. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to the committee. If adopted, the bill will immediately proceed to final passage as amended.

My request today is simple: to provide our firefighters with the water they need to effectively fight wildfires. As we speak, two large wildfires are burning in my district on the central coast of California. So far, over 40,000 acres of land have burned between the Alamo fire and the Whittier fire.

With more than a dozen homes and structures of central coast residents destroyed, we cannot overstate the important and effective work of hundreds of local, State, and Federal firefighters to contain these blazes and prevent more damages.

I spoke with incident commanders and toured both burn sites in Santa Barbara County, witnessing firsthand the incredible damage wreaked by these fires to our region.

I was grateful for the opportunity to address our firefighters and first responders and to thank these brave men and women for willing to risk their own safety to protect infrastructure and save lives.

In one harrowing instance, a firefighter cleared a path, driving a bulldozer through flaming brush to rescue dozens of Boy Scouts trapped at a campground at Lake Cachuma.

Today, we have a duty as appropriators to provide these men and women, working tirelessly in difficult conditions, with the resources they need to effectively combat these frequent and devastating wildfires across our country, and especially in my home State.

Ignoring our wildfire response when dealing with water allocation is irresponsible and will put American lives in danger.

In addition to adopting this simple amendment to ensure our firefighters’ access to water, I urge my colleagues to work to end the disruptive practice of fire borrowing.

Mr. CARBAJAL. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to the committee. If adopted, the bill will immediately proceed to final passage as amended.

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In addition to adopting this simple amendment to ensure our firefighters’ access to water, I urge my colleagues to work to end the disruptive practice of fire borrowing.
Mr. MCCLINTOCK. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, my friends' concerns are well placed; his amendment is completely misplaced.

The fact is that, for 45 years, our environmental laws have made the management of our forests virtually impossible. After 45 years of experience with these laws, imposed with the explicit promise they would improve our forest environment, I think we are entitled to ask: How is our forest environment doing? And the answer is damning; our forests are dying.

Timber harvests of surplus timber have fallen 80 percent in those years. The result is severe overcrowding in our forests. An acre normally supports between 20 to 100 trees, depending upon the topography; but because of these laws, average density in the Sierra has now ballooned to 266 trees per acre.

In this crowded condition, these trees fight for their lives against other trees trying to occupy the same ground. And in this crowded and stressed condition, they fall victim to disease, pestilence, drought, and, ultimately, catastrophic wildfire.

The answer is not this amendment that seeks to derail this needed water storage; it is to restore scientific management to our forests to restore them to a healthy condition. When I visited the command center of the Department of Interior several years ago that threatened Yosemite Valley, I asked the firefighters: What answer can I take in your name, back to Congress? And the answer was: Treatment matters. We need proper forest management.

The good news for my friend from Santa Barbara is he will soon have the opportunity to vote on just such a bill, the Resilient Federal Forest Act, by Mr. WESTERMAN of Arkansas. It treats the problems that plague our forests by addressing them at the root. It will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

This will be a 5-minute vote. The vote was taken by electronic device, and there were—ayes 189, noes 230, not voting 14, as follows:

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Not Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>189</td>
<td>230</td>
<td>14</td>
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Mr. CARBAJAL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARBAJAL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.
## RESIGNATION AS MEMBER OF COMMITTEE ON COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

**TIMOTHY J. WALZ**,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

## ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

| Mrs. NAPOLITANO | Mr. Speaker, I was absent during rollcall votes Nos. 350, 351, and 352 due to my spouse’s health situation in California. Had I been present, I would have voted “yea” on the DeSaulnier Amendment. I would have also voted “yea” on the Motion to Recommit. I would have also voted “nay” on final passage of H.R. 23—Gaining Control of Armed Services, which I write my resignation from the Committee on Armed Services effective immediately. It has been a privilege and honor to serve on this Committee and to use my 24-years of experience in the military to fight for our troops. Sincerely, **JIMMY PANETTA**, Member of Congress.
| Mrs. SCALISE | Mr. Speaker, I was unavoidably detained recognizing the Military Times. Had I been present, I would have voted “nay” on rollcall No. 350, “nay” on rollcall No. 351, and “yea” on rollcall No. 352. Sincerely, **Tim Walz**, Member of Congress.

## NOT VOTING—13


## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. GAETZ changed his vote from “no” to “aye.” So the bill was passed.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

**Mrs. NAPOLITANO**, Mr. Speaker, I was absent during rollcall votes Nos. 350, 351, and 352 due to my spouse’s health situation in California. Had I been present, I would have voted “yea” on the DeSaulnier Amendment. I would have also voted “yea” on the Motion to Recommit. I would have also voted “yea” on “nay” on final passage of H.R. 23—Gaining Control of Armed Services.

**Mr. GAETZ**, Mr. Speaker, I was unavoidably detained recognizing the Military Times. Had I been present, I would have voted “nay” on rollcall No. 350, “nay” on rollcall No. 351, and “yea” on rollcall No. 352.

## CONGRESSIONAL RECORD — HOUSE

| HoR 1719, to include addition of an enacting clause to the United States Code Title 32, to establish a small business development program and for other purposes... |

## SOURCES

[CONGRESSIONAL RECORD — HOUSE](https://www.congress.gov/)
Resolved. That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Panetta.

The resolution was agreed to. A motion to reconsider was laid on the table.

G E N E R A L L E A V E

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2810.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

P E R M I S S I O N T O C O N S I D E R
A M E N D M E N T N O . 8 8 P R I N T E D I N
P A R T B O F H O U S E R E P O R T 1 1 5 -
212 OUT OF SEQUENCE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2810, pursuant to House Resolution 431, amendment No. 88 printed in part B of House Report 115-212 may be considered out of sequence.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

N A T I O N A L D E F E N S E A U T H O R I Z A-
TION ACT FOR FISCAL YEAR 2018

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2810.

The Chair appoints the gentleman from Michigan (Mr. MITCHELL) to preside over the Committee of the Whole.

Mr. THORNBERRY. Mr. Chairman, I am proud to bring before the House H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. It was reported favorably by the House Armed Services Committee at 11:59 p.m. on June 28, 2017, by a vote of 42-3. Now, that voting is an indication of the bipartisan support that exists to support our troops and to fulfill our obligations placed on us by the Constitution.

Mr. Chairman, I think it is always helpful for us to remind ourselves of the authority under which we serve and our responsibilities. Article I, Section 8 of the Constitution says that Congress has the power and the responsibility "to raise and support Armies... To provide and maintain a Navy; To make Rules for the Government and Regulation of land and naval Forces." and of course, "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

The members of our committee and our staff take our responsibilities very seriously. This year, we seek to carry them out in a world which is as dangerous and complex as any of us have ever seen. One example from the news of the day is the alarming progress North Korea is making towards having an intercontinental ballistic missile that can carry nuclear weapons to our homeland.

Now, we have, of course, a number of tools to use, including diplomacy and sanctions, but there is no substitute for the military power, and I believe we must develop and deploy more of it to be ready to deal with these growing threats.

So the bill before us today substantially increases money for missile defense so we are more capable of protecting our homeland against those ballistic missiles. It also increases funding for key munitions and for intelligence surveillance and reconnaissance so we have better visibility on what adversary is doing.

It increases the end strength for the Army, the Navy, and the Air Force, just as they requested. And it funds more joint exercises with key allies in the Pacific. It boosts our shipbuilding budget to get more ships into the water faster, and also cheaper.

So, just as an example, Mr. Chairman, each of those items is important for dealing with this growing threat coming from North Korea and we could sit here and go through a similar sort of discussion when it comes to Iran, or the provocative actions of Russia or China, or the terrorist organizations of various shades.

Of course, we cannot guarantee that the capabilities that we will vote on in this bill will be available by the time the crisis comes for, unfortunately, Mr. Chairman, we are still dealing with defense budgets that were cut by more than 20 percent at a time when the threats are growing. So we can't guarantee that these capabilities will be available when we need them.

But what we can guarantee is, if we don't fund these things now, they will not be available when we need them, so that is the priority given to this bill.

Mr. Chairman, exactly 1 month ago, on June 12, Secretary Mattis and Chairman Panetta briefed our committee. And I would like to read just one paragraph of the Secretary's testimony where he was comparing what the military was like when he left it and when he came back as Secretary.

Mattis testified: "Four years later, I returned to the Department and I have been shocked by what I have seen with our readiness to fight. For all the heartache caused by the loss of our troops during these wars, no enemy in the field has done more harm to the readiness of our military than sequestration. We have sustained our ability to meet America's commitments abroad because our troops have stoically shouldered a much greater burden."

Four years later, shocked, more harm by sequestration than the enemies in the field, and it is only because our folks are so incredible that they have born an increasing burden. That is what the Secretary testified.

And we know we have the finest military in the world, but it is also indisputable that it has been severely damaged by continuing resolutions, by sequestration, and by failure of the executive and legislative branches to adequately support the men and women out there on the front lines. We have an urgent need to begin to repair and rebuild our military.

And I also believe, Mr. Chairman, it is fundamentally wrong to send men and women out on dangerous missions without providing them the best equipment, in the best shape, with the best training that our country can possibly provide. This bill, if followed by matching appropriation, takes a significant first step in meeting that objective, to support those troops. It also makes major reforms in the way the Pentagon does business. Among other reforms, it enables the military to buy commercial products through online sites such as Amazon, Staples, and Grainger. We require life cycle maintenance costs to be considered at the beginning of a program, as must intellectual property rights, to maximize competition in the maintenance and repairs. Oversight into service contracts has increased. And there is much more, of course, in the bill.

Mr. Chairman, this bill is the vehicle by which we usually, for 55 years, at least, fulfill our responsibilities under the Constitution that I mentioned, to provide for the common defense. I believe that is the first job of the Federal Government.

I want to just express my appreciation to each of the members of our committee. Each of them has contributed to the product before us. Each of them takes their responsibilities under the Constitution very seriously; no one more so than the Ranking Member, Mr.
Mr. SMITH of Washington. We don’t always agree on the judgment calls about issues, but I have no doubt that he and all the members of the committee try to do what is right for the country and put the interests of our troops first.

That attitude is a prerequisite that we must follow, I think, on the floor over the next 3 days as we go through the amendments which we will consider.

I also want to express appreciation to the committee and personal staff who have worked on this bill.

It has been a challenging year for a variety of reasons, but, as I started, I will finish. I am proud of this product. I hope it will gain the support of the entire House.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 5 minutes.

I thank the chairman, first of all, for his hard work on this bill, and all the members of the committee and the staff. As the chairman has pointed out, this is a bill that we have passed for 55 straight years. It is a long and complicated bill that essentially sets the defense and national security policy for our country, and there is a lot of good work that has gone into this bill.

Again, I thank the members for doing that. They recognize the complex threat environment that the chairman correctly described, and we are attempting to address it as best we can in this very difficult environment.

I think that the most difficult that I really want to emphasize is what the chairman said in the middle of his remarks: that over the past 6 years we have had one government shutdown, a number of continuing resolutions, several threatened government shutdowns, and the unpredictability that that has presented to the Defense Department.

Now, to be clear, it has also presented a fair amount—the same amount of unpredictability to the non-defense discretionary budget that also has to deal with those challenges. But that uncertainty about our budget has made it very difficult to plan, and nowhere is that more important than at the Department of Defense.

As they try to lay out a strategy for national security, not knowing from one month to the next how much money you are going to have or what you are going to be able to spend it on is a huge problem. I will say a little bit more about this later, because as big a problem as that is, we haven’t solved it.

As we debate this bill here today, we do not have a budget resolution from either the House or the Senate. This is a problem we still need to work on. However much money we wind up spending on defense, if we had a cohesive and understandable budget resolution from the Office of Management and Budget, we would be a lot easier to plan for those contingencies.

Again, I do want to compliment the work that has been done on this bill. Particularly, I focus a lot on unconventional threats. I think that is the changing nature of the world. I used to chair what is now called the Emerging Threats Committee. I want to thank Congresswoman STEFANIK and Ranking Member LANGEVIN for their work and focusing on cyber, focusing on supporting our special operation forces that have borne so much of the brunt of the fight that we face in countering terrorism.

I also want to thank Chairman ROGERS and Ranking Member COOPER for their work on the Strategic Forces Subcommittee, focusing on space, in particular, on the importance of emphasizing that. For a long time, our country dominated space. We didn’t have to worry about it. But now a lot of other countries are catching up and competing with us. I think this bill reflects the importance of that.

So there are a lot of very solid things in this bill, but I want to close by emphasizing two significant problems that we still need to address.

One is money, we don’t have a budget resolution. This bill has $921 billion in it, as I understand it, in the base bill, and another, I believe, $75 billion in the overseas contingency fund. We are spending nearly $700 billion in this bill on defense. That is a lot of money, and the chairman mentioned a lot of the very necessary programs that it is going towards. However, that breaks the budget caps.

In order to break the budget caps, the House and the Senate have to vote to break the budget caps. It is July. We haven’t done that. I will emphasize that in the Senate it actually requires 60 votes to break the budget caps.

As much as I see the need in defense, given the complex threat environment out there, it is very possible that $72 billion of what is in this bill is going to disappear between now and the end of this year unless we address the broader issue of sequestration and budget caps.

I will also emphasize that addressing that issue by gutting funding for the non-defense discretionary budget and plussing up defense is not going to work for a couple of reasons.

Number one, a lot of the national security needs that we have come out of some of those other items. The proposal to cut the State Department by 31 percent in a time when we face the threats the chairman described is ridiculous. In fact, I will quote Chairman Mattis as well, who said:

"My gosh, we don’t have enough money; we are way crazy short of our 2012 strategy’ and you still can’t say how short, then you don’t have a strategy. We need a strategy to make sure this money is spent wisely.

I will close with a compliment of the chairman for something that he has done. We should also not assume that simply spending more money at the Department of Defense is necessarily going to make us stronger. This is a huge problem, and we have to make sure we spend it efficiently and effectively. I think this bill has a lot of very solid efforts to try to make us do that, towards acquisition reform, towards spending the money more wisely. It is not just a matter of spending more money. We have got to spend it smarter, and we have got to confront the lack of a strategy, and we have got to confront the fact that we still have not resolved our budget resolution problem.

Mr. Chair, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chair, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. Wilson), chairman of the Subcommittee on Readiness.

Mr. WILSON of South Carolina. Mr. Chairman, I appreciate the House Armed Services Committee chairman, Mac THORNBERY, for his determined leadership to promote peace through strength. I am grateful to support H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018.
First of all, I would like to thank my colleague and ranking member, Congresswoman MADELEINE BORDALLO of Guam, for her tireless efforts and participation in this process, and I also thank the Readiness Subcommittee members of the House Armed Services Committee and the sides of the aisle for bipartisan input on this bill. The creation of the 2018 National Defense Authorization Act truly was bipartisan.

Mr. Chairman, over the past several months, we have heard testimony from every military service branch about their urgent need to address the alarming readiness shortfalls. Their testimonies were sobering, confirming Congress must take bold action.

Here today, we have the responsibility of reducing the risk to our servicemembers by making sure they are well trained, supported, and that the equipment they use is properly maintained and combat ready. There are numerous readiness provisions in the authorization, including adding over $2 billion to long-neglected facilities sustainment and restoration and modernization accounts.

It gives the Department of Defense more flexibility for shipyard repair, and real estate authorities for more efficient use of DOD resources.

It extends multiple temporary hiring authorities to allow the Department of Defense to fill critical manpower gaps, in particular at our defense industrial shipyards.

None of the readiness provisions are arbitrary. They are specifically targeted to stop and, as much as possible, to reverse the decline of the readiness of our Armed Forces so we can continue to combat and deter the threats to national security from around the world.

Mr. Chairman, I strongly support H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, and encourage my colleagues in the House to support it as well.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio, Ms. TSONGAS, the ranking member of the Subcommittee on Tactical Air and Land Forces.

Ms. TSONGAS. Mr. Chairman, two weeks ago, the Armed Services Committee advanced the National Defense Authorization Act for Fiscal Year 2018 to the House floor with broad bipartisan support. I would like to thank Chairman THORNBERRY and Ranking Member SMITH for their work in developing this year’s bill.

I would also like to thank Congresswoman TURNER, chairman of the Tactical Air and Land Forces Subcommittee, of which I am the ranking member, for his leadership and spirit of bipartisanship this year.

This year’s bill includes investments to fill genuine readiness needs and funding that is critical to ensuring that our men and women in uniform have the best cutting-edge resources and best equipment possible to keep them safe when defending our Nation.

I was encouraged that the bill we have passed out of committee directs the Defense Department to provide specific updates and reports on a number of issues, including that we can robustly conduct our oversight responsibility on behalf of the American people.

However, as we consider the bill on the floor today and in the coming days, I remain concerned about how we fund these needs. Substantial budget increases for the Department of Defense at the expense of other vital national programs undermines investments in our national competitiveness and the future of our country and, I believe, makes us less secure over the long term.

Providing our men and women in uniform with the resources they need to carry out their mission is one of our most critical missions. We must support our military and also fund these resources responsibly in order to safeguard our economic vitality and our national security.

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. TURNER, chairman of the Subcommittee on Tactical Air and Land Forces.

Mr. TURNER. Mr. Chairman, I rise in strong support of H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. I have the privilege of serving as the chairman of the Tactical Air and Land Forces Subcommittee, and I want to particularly thank my subcommittee’s ranking member, Ms. TSONGAS, for her support in completing the markup of the bill, as well as for her hard work and for the bipartisan work that we have done together on the issue of sexual assault in the military. I appreciate her leadership in that.

I strongly support this bill and can’t emphasize enough Chairman THORNBERRY’s steadfast leadership in raising the top line in this bill. This bill recommends $172 billion, a significant and needed increase over the original budget request that supports both the base and unfunded requirements, which totaled over $30 billion. Without Chairman THORNBERRY’s leadership, this number would not be sufficient.

We are presenting a budget that helps rebuild the readiness of our forces. This increased base funding will begin to rebuild full-spectrum readiness from years of deferred modernization brought on by the previous administration.

Within the Tactical Air and Land Forces Subcommittee jurisdiction, this bill authorizes over $12 billion in additional funds to address critical unfunded modernization requirements identified by the services.

The bill recognizes the importance of land forces in current and future operations and authorizes over $2 billion to accelerate armored brigade team modernization, to include additional Abrams tanks and Bradley fighting vehicles.

The bill addresses strike fighter capability and capacity shortfalls and authorizes another $2 billion in additional funding to secure additional F-35 Strike Fighters and F-18 Super Hornet aircraft. It also authorizes unfunded requirements for the Air Force, Navy, and Marine Corps.

I am also pleased that this bill supports the European Deterrence Initiative, using OCO monies to address the needs of our European allies.

This bill contains language from the BEHEARD sexual assault bill that I worked with Representative TSONGAS on, that we introduced in June, and I am very proud that we continue to advance for the cause of protecting our servicemembers from sexual assault.

I am also pleased to note that Evan’s Law is included in this bill. This bill will ensure that the that Department of Defense implements military residence policies so that we can keep our military families safe.

Mr. Chairman, I urge my colleagues to support the National Defense Authorization Act. Thanks, Ms. BORDALLO of Guam, for your leadership on this important effort to strengthen our military and our national security.
construction and healthcare essential to the military buildup on Guam. I also thank our Ranking Member SMITH and Readiness Subcommittee Chairman JOE WILSON for working with me on this issue and on this bill. I look forward to continuing to work together to protect the full intent of this legislation.

The readiness portion of this bill also includes provisions to support ship repair in the western Pacific, as well as full funding for critical military construction projects.

Given our posture, our strategic needs and challenges in the region, it is essential that we continue to sufficiently resource and support an active and engaged Indo-Asia-Pacific force.

I look forward to working with my colleagues on both sides of the aisle as this process continues.

And lastly, Mr. Chair, I would like to commend Vickie Plunkett for her over this process continues. And lastly, Mr. Chair, I would like to commend Vickie Plunkett for her over this process continues.

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In reference to the Seapower and Projection Forces Subcommittee, I believe that we have reversed a trend toward a diminishing Navy and are tracking toward a strengthened 355-ship fleet. The bill expands on the eight ships requested by the administration and adds additional Dry Docks. The bill also recommends additional advance procurement for aircraft carriers and attack submarines, while fully funding the Columbia class ballistic missile submarine and the B-21 raider bomber.

As to aircraft, the bill recommends an expansion of KC-46As, C-130Js, E-2Ds, and P-8s. Finally, the bill delivers the right authorities that will save the Department of Defense billions—yes, billions—of dollars.

Additionally, I want to recognize Ranking Member Joe Courtney. He has done extraordinary work and has been a true partner in this journey and continues to work in a collaborative, bipartisan basis to deliver the best for our national security.

I continue to be impressed with the results that can be achieved when a subcommittee and the full committee focuses on a common goal and works to achieve positive results.


Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from California (Ms. Speier), the ranking member of the Subcommittee on Military Personnel.

Ms. SPEIER. Mr. Chair, I thank the gentleman for yielding and for his outstanding leadership and candor on our committee. I want to give a special shout-out to our chairman, Mr. THORNBERRY, who shaved an hour and a half off our deliberations a couple of weeks ago by bringing us into the 21st century, and laptops to look at our amendment. So it was a great improvement.

I also want to thank my chair, Chairman MIKE COFFMAN, for his leadership. We have worked well together, and I look forward to continuing that relationship, and also to a top-notch staff.

This bill includes provisions that will provide the military services flexibility to recruit and retain members of our armed services and continues our commitment to taking care of our military families.

The NDAA continues funding for DOD impact aid for schools with large numbers of military-connected families and authorizes reimbursement, up to $500 for military spouses’ expenses related to obtaining a professional license or certification when moving to a new State.

The committee continues to provide oversight of important programs in the bill requiring reviews to ensure the Morale, Welfare, and Recreation programs are properly funded to required levels and the Department of Defense’s debt collection practices are fair and do not place undue burdens on servicemembers or their families.

The bill includes the PRIVATE Act, which I cosponsored with Congresswoman MARTHA MCSALLY and other members of the committee to prohibit the wrongful broadcast or distribution of intimate visual images and ensure the military services have the tools to protect our troops who violate the law.

The bill also provides support for victims of sexual assault by mandating training for Special Victims’ Counsel to recognize and address unique challenges often faced by male victims of sexual assault.

I am pleased that the bill continues the committee’s efforts to assist those with post-traumatic stress disorder and traumatic brain injury, as well as ensuring families are educated on suicide factors that are often associated with TBI or post-traumatic stress.

However, as Ranking Member SMITH has said, this NDAA fails to make the hard choices and trade-offs that are expected of us. The NDAA goes beyond the President’s request to provide 2.4 percent pay raises for our servicemembers and -women, at an additional cost of $200 million, an expense simply added to the top line.

The NDAA also authorizes an increased end-strength for the Army at a cost of $4 billion, again, simply adding it to the top line. Certainly, our troops deserve a pay raise, but the question that must be asked is: Where is the money coming from? And on what basis are these decisions being made?

Congress has not received a strategic plan from the Pentagon that would inform us on how large the military needs to grow. By just adding funding to the NDAA, Congress is not providing the stable, predictive funding the military needs. In order to do that, we need to address the big elephant in the room, the sequestration and budget control act caps.

The CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. I yield an additional 30 seconds to the gentlewoman.

Ms. SPEIER. Despite all of these additions, the committee was unfortunately unable to find the required offsets to fund an extension to the Special Survivor Indemnity Allowance to ensure it does not expire in May 2018. This falls short of my strong desire, and shared by other members of the committee, to permanently fix the survivor benefit compared.

This also amounts to a shameful tax on over 60,000 surviving spouses who are already struggling emotionally and financially. While the SSIA extension would be an important temporary fix, Congress needs to make a permanent fix to the offset.

We cannot continue to allow surviving military spouses to suffer from our inaction.

Mr. THORNBERRY. Mr. Chairman, I yield myself 30 seconds just to make two points.

Number one, President Barack Obama was inaugurated in January 2009. The first national security strategy he submitted was in May of 2010, a year-and-a-half later. So I don’t think it is completely unreasonable that we haven’t yet gotten the national security strategy from the new administration.

Secondly, the pay raise for the troops is based on the statutory formula which is related to the cost of living. That is where it comes from. And it seems to me to say, no, you don’t really get what the formula says you deserve, is not appropriate.

Now, the administration did not request it, and the criticism from some is that we should not provide it. I think if the formula is wrong, we should change it, but if the formula says that is how much the cost of living has gone up, we should provide it.

Mr. Chair, I am pleased to yield 2 minutes to the distinguished gentleman from Colorado (Mr. COFFMAN), the chair of the Subcommittee on Personnel.

Mr. COFFMAN. Mr. Chair, I rise today in strong support of H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018.

The bill contains significant policy and funding initiatives that continue our commitment to maintain military personnel and family readiness and address issues important to our troops. The provisions contained in this bill provide our warfighters, retirees, and their families the necessary pay and benefits to sustain them into today’s highly stressed force.

To support these efforts, this bill establishes a fully funded by-law pay raise for all of our servicemembers overriding the President’s ability to reduce the pay raise. After years of lower than by-law pay raise requests, it is critical that we continue to give our troops and their families the pay increases they deserve.

The bill increases the end-strengths of our Active Duty, National Guard, and Reserve forces, increasing mission readiness while reducing the stress and strain on the force and their families.

The bill further focuses last year’s management reform of the Military Health System to provide clear responsibility for the delivery of healthcare services at military medical treatment facilities and for military medical readiness.

The bill also stops an ill-considered, cost-saving measure that would close several U.S. military hospitals overseas. We believe our servicemembers and their families should continue to have the best medical care possible wherever they serve.

It also continues to improve sexual assault prevention and response by adding a new provision to the Uniform Code of Military Justice specifically pertains to the non-judicial sharing of intimate images, expanding Special Victims’ Counsel training to include training on the unique challenges often
faced by male victims, and clarifying the process by which a designated repre-
sentative can be appointed by a vic-
tim prior to a court-martial.

The CHAIR. The time of the gen-
tleman has expired. Mr. THORNBERY. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Colorado.

Mr. COFFMAN. Finally, servicemem-
bers returning to civilian life and their spouses experienced a challenge by varying State licensure and certification re-
quirements. Rather than imposing a single Federal standard on the States, we provide for a $500 reimbursement to defray these costs. We ask States to work with the Secretary of Defense to develop common standards where pos-
ible.

In conclusion, I want to thank Ms. SPEIER and her staff for their contribu-
tions to the mark and support in this process. Of course, we were joined by an active, informed, and dedicated group of subcommittee members. Their recommendations and priorities are clearly reflected in the National De-
fense Authorization Act for Fiscal Year 2018. Additionally, I appreciate the dedication and hard work of the sub-
committee staff.

Mr. Chairman, I strongly urge my colleagues to support this bill. Mr. SMITH of Washington. Mr. Chairman, I am pleased to yield 2 min-
utes to the gentlewoman from Cali-
ifornia (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chair-
man, I commend the dedicated bipartisan work of the House Armed Services Committee in recognizing our subcommittee chairs, members, and the staff as well in bringing this criti-
cal bill to the floor.

But as it has been stated earlier, the budget numbers that we are talking about contained in the bill are, unfor-
tunately, aspirational. We have not passed a budget resolution, and the Budget Control Act is still the law of the land.

While it is true that the BCA was a bipartisan failing—we can all take credit for that—pointing fingers does not solve the problems. We are on an uncertain and dangerous path, one where we have not been honest with ourselves on many levels and where we continue to play games with our men and women serving in the military. We must recognize that the only path to solving these issues is bipartisan collaboration and legislation to repeal the BCA. Continuing resolutions and unrealistic, deeply partisan budgets amount to nothing more than profes-
sional malpractice.

I have to say, Mr. Chairman, that I was encouraged to see that the Senate included a proposal similar to the one I introduced during markup to con-
tinue paying the widows of service-
members who died in defense of our Na-
tion. Their personal compensation is not just a small gesture but our funda-
mental responsibility.

I am also encouraged by the promise our chairman made regarding this

issue. He said that the issue “has to be fixed and will be,” but there are, as he acknowledged as well, “difficult trade-
offs that have to be made.” I com-
pletely agree. We will all have to con-
tribute to the solutions. I am prepared to do that, and I know that my col-
leagues are as well. We all have to hope together that we move forward and be prepared to do that.

Mr. THORNBERY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Mrs. HARTZLER) who is the distinguished chair of the Sub-
committee on Oversight and Investiga-

the National Defense Authorization Act for Fiscal Year 2018. I would like to thank Chairman THORN-

As Members of Congress, it is our re-
sponsibility to provide support for our men and women while they selflessly serve our Nation. This bill takes significant steps to address our military’s severe readiness crisis by en-
suring that our troops have the re-
sources, training, and capabilities needed to face the growing threats of today.

As chairwoman of the Oversight and Investigations Subcommittee, I am proud of the provisions included in this bill to reform the Foreign Military Sales process, provide funding to ad-
dress the critical infrastructure needs of the U.S. Nuclear Security Enter-
prise, and protect our Nation’s highly sensitive U.S. military information—
information that our adversaries are actively seeking to exploit.

This bill is good news for the warfighter. It authorizes 22 additional F-18 Super Hornets to help fill the Navy’s strike fighter shortfall and fully funds the B-21 Raider—a critical platform needed to defeat fu-
ture aggression around the world.

I am proud to represent Missouri’s Fourth Congressional District, which is home to Whiteman Air Force Base and Fort Leonard Wood. This bill funds modernization programs for the B-2 Spirit and authorizes phase one of a new hospital facility at Fort Leonard Wood.

Since arriving to Congress, I have been fighting to address the infrastruc-
ture needs at ammunition plants, like the one at Lake City, which is the sole source for our Army’s small caliber ammo. These plants are in dire need of modernization, and this bill authorizes much-needed funding to help improve these deteriorating facili-
ties.

Thanks to the leadership of Chair-
man THORNBERY, the Armed Services Committee increased defense spending to meet the needs of today’s warfighter. I appreciate the opportu-
nity to work with Ranking Member STEVI MOULTON and all the committee members on this bill. I am proud of the bipartisan fashion in which we work, and I urge my colleagues to support its passage.

Mr. SMITH of Washington. Mr. Chair-
man, I yield 2 minutes to the gentle-
man from Maryland (Mr. BROWN).

Mr. BROWN of Maryland. Mr. Chair-
man, first, let me start by thanking Chairman THORNBERY and Ranking Member SMITH not only for their lead-
ership but the bipartisan collaborative approach to the work of the commit-
tee.

Certainly as a new member of the 115th Congress, I find that very refresh-
ing from what I saw, and I am no surprise that 50-plus years in a row we have successfully passed the NDAA.

Mr. Chairman, the United States faces serious security threats: aggres-
sion from North Korea and Russia, long and costly campaigns in Afghanistan and Iraq, and new battlefields in cyber-

But increasing defense authoriza-

tions and appropriations, absent a clear national security strategy, will not make our country safer. We need a smart, strategic approach to national security that provides clear goals and objectives and that incorporates an all-
of-government approach. That means not only increasing defense spending, but also ensuring funding for the State Department and USAID and reversing proposed cuts to nondefense programs that make the world more stable and secure.

We owe it to our servicemen and -women to provide them with both the resources to accomplish their mission abroad and to pursue the American Dream when they return home, and that is good schools, family-supporting jobs, and safe neighborhoods. We cannot do one at the expense of the other. The long-term success of our country depends on that.

Mr. THORNBERY. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New York (Ms. STEFANIK) who is the distinguished chair of the Subcommittee on Emerg-
ing Threats and Capabilities.

Ms. STEFANIK. Mr. Chairman, today I rise in strong support of the National Defense Authorization Act for Fiscal Year 2018, which strengthens our readiness and ensures that those who serve our Nation are fully equipped, trained, and supported.

As the chairwoman of the Sub-
committee on Emerging Threats and Capabilities, I am especially proud of the bill that increases readiness, modernizes warfare capabilities, safeguarding tech-
nological superiority, enabling our Special Operations Forces around the
globe, providing resources and authorities to counter terrorism and unconventional warfare threats, and energizing programs and activities that counter the spread of weapons of mass destruction.

Our developments in cybersecurity carry three broad themes: First, the bill increases congressional oversight of cyber operations by including a bill introduced by myself, Ranking Member Langevin, Chairman Thornberry, and Ranking Member Smith that ensures Congress is adequately informed of sensitive military cyber operations.

Second, we bolster international partnerships for cyber warfare to counter aggressive adversaries, including efforts to counter and mitigate adversarial propaganda efforts and information warfare campaigns.

Third, the bill continues to build and enhance our U.S. cyber warfare capabilities and activities.

Furthermore, Mr. Chairman, this bill reinforces counterterrorism and unconventional warfare capabilities by fully resourcing U.S. Special Operations Command’s programs and activities and increasing congressional oversight of intelligence activities.

Finally, I would like to thank Mr. Rogers, chairman of the Strategic Forces Subcommittee, for including language that supports the decision for a future East Coast missile defense site.

I would like to thank Mr. Coffman, chairman of the Military Personnel Subcommittee, for including portions of my bill, the Lift the Relocation Burden From Military Spouses Act.

Before I conclude, I would like to thank Mr. Smith of Washington. Mr. Chairman, may I inquire as to how much time remains on each side.

The CHAIR. The gentleman from Nebraska (Mr. Bacon) has 9% minutes remaining. The gentleman from Texas has 8 minutes remaining.

Mr. Smith of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. Thornberry. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska (Mr. Bacon) who is a valued member of the committee and a retired Air Force General.


I served in the military under the past five Presidents starting with Ronald Reagan and witnessed firsthand the erosion of our combat edge. When I joined the Pentagon, we out-trained our competitors with a 2-to-1 flying-hour advantage. Today, we are lagging behind them in training, and it is unconstructive to send our warriors to fight without every possible advantage. We don’t want a close fight, but that is where we are at today.

As a General Officer, I was charged with preparing our forces to prevail in any adversary, a nearly impossible task given the damage done by a 22 percent reduction of defense spending over the last 8 years while we are at war. This act will begin to right the ship with a 10 percent top-line increase providing the means to rebuild readiness and defeat adversaries. It invests in peace through strength.

The Constitution charges this body with the power to provide for the common defense. For the Armed Services Committee, this is a solemn obligation rooted in over 50 years of bipartisanship, and we meet this obligation with the 2018 NDAA.

Mr. Chairman, I urge support. Mr. Smith of Washington. Mr. Chairman, I continue to reserve the balance of my time.

Mr. Thornberry. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. Kweisi) who is another very valuable member of this committee.

Mr. Knight. Mr. Chairman, I rise in support of H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. This bill is the result of mindful deliberation and absolute dedication to our Nation’s soldiers, sailors, airmen, and marines. I am proud to be standing here with fellow members of the Armed Services Committee and speak to the merits of this legislation.

In particular, the acquisition reforms in this bill will help get proven, advanced equipment in the hands of service members faster and for a better price. This bill brings much-needed innovation to the way defense acquisition personnel spend taxpayer dollars and the way businesses engage with the U.S. Government.

It prioritizes oversight of service contracts. This type of contract accounts for over 50 percent of DOD contract expenditures, which up to now was unclear and unanalyzed. It will help secure a better value for precious dollars spent through reforms in the contract auditing process.

The small-business industrial base is a critical part of DOD procurement. The stage was set to get started on the larger fleet. That was why so many of us were surprised on May 23 and disappointed when the White House sent over basically a 308-ship budget for a 355-ship fleet.

I am proud to say that, on a bipartisan basis, we have done much better in this bill than the budget that came over. Among other things, the bill explicitly makes it the policy of our Nation to achieve a 355-ship Navy. We add five additional ships in 2018, for a total of 12, to get us moving to the larger fleet that the prior administration and the new administration know that we need.

One area I am particularly proud of is the area of undersea forces. Reflecting the urgent testimony of our combatant commanders, our panel once again led the way in forging an aggressive but realistic plan to grow our submarine fleet.

To achieve this, our bill authorizes multiyear procurement authority for 13 Virginia class attack submarines for the next 5 years. Not only would this keep us at the two-a-year level we have been on for the last few years, but would go even further by reaching a three-submarine build rate in the coming years.

The seapower portion of the bill does much more to support a range of priorities on the seas and in the skies, far too many to itemize here today.

I will just say that I am proud of the bipartisan contribution of all of our subcommittee members into the product before the House today, and, again, thank you for your first year as subcommittee chairman.

In particular, I want to highlight the work of our subcommittee staff in...
helping us craft the bill. I am joined here today by one of my staff, Stephen Clement, who has been working with us, but he is going to be moving on to better things. I want to publicly thank him for his outstanding work in terms of helping us get to the place we are here to debate today.

In closing, I would urge my colleagues to support the Defense Authorization bill.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BANKS), a valuable member of our committee who continues to serve our Nation in the Reserves.

Mr. BANKS of Indiana. Mr. Chair, I rise today to express my strong support for the National Defense Authorization Act for Fiscal Year 2018.

As the most recently deployed veteran serving in Congress, serving in Afghanistan just 2 years ago, I know the national security challenges facing our country firsthand. While these challenges are not easily solved, this legislation represents a significant step forward.

I want to take a moment and specifically thank Chairman THORNBERRY for his leadership and assistance to myself and other freshman members of the committee.

Working together with colleagues on both sides of the aisle, the Armed Services Committee has crafted a bill focused on rebuilding and reforming the Department of Defense. By prioritizing what we need, fixing what we already have, and by being good stewards of the taxpayers’ dollars by proposing new contract audit reforms, this bill begins the hard work of getting our Department back on the right track.

While we cannot control the existential threats facing our Nation, we must ensure those in uniform are ready to address those threats when necessary.

Moreover, as this week’s tragic C-130 accident that claimed the lives of 16 servicemembers reminded all Americans, our servicemembers place their lives on the line each day.

The CHAIR. The time of the gentleman has expired.

Mr. THORNBERY. Mr. Chair, I yield an additional 30 seconds to the gentleman.

Mr. BANKS of Indiana. From giving our troops a well-deserved raise to funding our vital missile defense programs, this legislation brings the process of rebuilding and reforming our military so we are ready for whatever comes next.

Mr. SMITH of Washington. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, what I really want to focus on is the budget problem, because that is really underlying all of this.

We have heard a lot of good speeches from Members talking about what is in this bill, how important it is, how what is in this bill is attempting both to meet security threats and, as importantly, to make sure that we take care of the men and women who serve our military, who fight to protect us to make sure, first of all, that they and their families are taken care of from a financial standpoint, but also to make sure they have the equipment and training they need to be ready to fight the fights that we ask them to go to. I think that is one of the great challenges we are facing.

Whatever it is we decide ought to be our national security strategy, I think the thing we all agree on is we need to make sure we provide the training, equipment, and support so that the men and women in the military are ready for that fight.

The worst thing we can do is create a hollow force and set up an expectation that: You need to do all of this, but we are only going to train you for that. So if this other stuff comes up, you are not going to be ready.

We have talked about this a lot in our committee to make sure that we are ready for the fight that comes. And that is where the budget creates a very significant hurdle.

We have talked a lot about the Budget Control Act and sequestration. It is pretty clear why we had the Budget Control Act and sequestration. I was here for it. We were days away from defaulting and basically not meeting our commitments to pay our bills. There are those who figure that that can be a significant problem.

So we made an agreement. We were going to try to get the budget under control. Sequestration was put in place, with the expectation that it wouldn’t be implemented because we would come to a grand bargain on revenue and spending that would get our deficit under control. Well, we didn’t, and sequestration kicked in.

But as we sit here today, even if we got rid of sequestration, even if we got rid of the budget caps, we are still $20 trillion in debt. We are going to run a budget that is projected to go nowhere but up in the years ahead. I don’t believe that is sustainable.

Now, I don’t think we need to balance the budget tomorrow or next year or even in the next 5 years, but we need to get ourselves on a sustainable path. And we flat refuse to do that.

You don’t see a lot of campaigns promising to cut specific programs or promising to raise taxes. I love the fact that if you poll the American people, there is a very clear consensus on what they think we ought to do about this problem.

First of all, somewhere in the neighborhood of 80 percent of them support a balanced budget now, by the way. Not 5, 10 years, but right now.

You ask them: Well, here are all the downs and threatened shutdowns and the government spending that that $72 billion goes away and the Pentagon is in chaos. So this may be a good bill. It may be so good it doesn’t have the backing of the budget.

Let me finally suggest that there are some things that the Department of Defense could do. This is why the strategy is so important.

Yes, the Obama administration waited until May of 2010. They didn’t have 6 years of CRs and government shutdowns and threatened shutdowns and the changing threat environment that we have. They had a reasonably consistent set of problems. It was a set of problems, but they had the same Secretary of Defense from the previous administration. They had time to look at that.

Of course, if you ask them what taxes they would like to increase, by and large, they don’t want to increase taxes. It is interesting. If you can convince people that the taxes in question will not apply to them, for a brief moment they will be supportive of it. But then someone will wonder do you really convince them that at some point it might apply to them, and then they oppose it.

So our task as Members of Congress is to balance the budget without raising taxes or cutting spending. That, of course, is impossible. So what we have chosen to do is put off that decision for as long as is humanly possible.

That is why we do not have a budget resolution. Any budget resolution this body could create would fall on probably multiple fronts of what the public expects. It wouldn’t balance the budget. It would cut spending they didn’t want to cut. It probably wouldn’t raise taxes, coming from this majority, but if it did, it wouldn’t be popular. So we haven’t even started that honest conversation about the budget.

We hear in the Armed Services Committee all the time about all the needs, all the shortfalls, all the critical things we need to do. We argue about it and have been arguing about it, but in 6 years the Republican majority has not put forward a plan to control mandatory spending. They say that is the problem. No plan to do that. Certainly, they haven’t even considered the possibility of increasing revenue.

If we are this serious—and we should be—about making sure that we have the funds necessary to provide an adequate national security, then we should stop cowering from the budget debate.

Personally, I am all for raising taxes because I see the needs that the chairmen and everybody else has described, and I am actually prepared to pay for them. So we need to do that. That overarching budget problem is what has put us in this mess.

As we talk about this bill, as I said, it is $72 billion over the budget caps. Unless we get a vote to lift those budget caps—which I just mentioned is politically unpopular, which is why we haven’t done it for the full 6 months we have been in session this year—then that $72 billion goes away and the Pentagon is back in chaos.

So this may be a good bill. It may be so good it doesn’t have the backing of the budget.
We need this strategy urgently because the big question is: Are we spending the money correctly? Is the Department of Defense spending the money in the right way? Do we have a strategy to figure out how we should prioritize? We have seen how this crushing budget environment, it is absolutely critical that we do. We need to consider the possibility, for instance, that we might be spending some money that we shouldn’t be spending.

I would like to ask that question of the generals who come over and tell us how short they are of everything. I say: Well, where are we spending money, in your opinion, that we shouldn’t be? They never answer the question.

You cannot tell me in a $700 billion budget in a place as large as the Pentagon that there isn’t somebody over there who knows to say: Look, we shouldn’t be doing this.

Just to give one suggestion, we have had the BRAC debate forever. We have had a shrinking military, yet we have maintained the same infrastructure. We have seen study after study after study from the 1960s and 1970s about how much excess capacity they have and money that could be saved from doing that. But again this year, for, I submit, political reasons, BRAC is prohibited.

So we need to get a lot smarter about how we are going to spend this money and a lot smarter about our budget if this bill is actually going to become reality.

Mr. Chair, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as usual, the gentleman from Washington makes a number of good points.

We absolutely need to have national security based on a strategy and fund that strategy. There are many of us who would argue that is not what has happened in recent years.

I would just point out it was not only President Obama, but also President Bush and President Clinton. None of them provided a national security strategy in the first year that they were in office. I have tremendous confidence in Secretary Mattis, among others on the national security team. I believe they are looking at these issues and will provide us with a strategy.

The gentleman is also absolutely correct when he points out that the Defense Authorization bill is only one step in the process. There are many more steps to come.

I think we will have a budget on this floor to vote on shortly, I also expect that we are going to have appropriations made at some point in the coming weeks. I also believe that we are going to have the opportunity to vote on dealing with the sequestration caps, which, by the way, the administration and I think most of us in the House and I presume most in the other body will be in favor of doing away with because they have not been successful in accomplishing the goal for which they were put in place.

So there are clearly many more debates to have on other days. What we have this week on the floor before us is the Defense Authorization bill. And it is our obligation to authorize the things that the military needs.

I want to go back to the point that Mr. BANKS made a few minutes ago. These are life-and-death decisions. Our hearts break, our prayers go out to the families of the 15 marines and the one sailor who lost their lives Monday of this week in the plane crash in Mississippi. Just this morning, we go out and you and I, as the families of the seven sailors who lost their lives off of Japan a few weeks ago.

What it reminds us is exactly what Mr. BANKS said: this is a dangerous business, even on training mission, even on routine deployments. The men and women who volunteer to serve our country to protect us and to secure our freedoms deserve the very best our country can provide them. That is the goal of this. So I ask the men and women who serve us and further the national security of the United States.

You have heard from both sides of the aisle about many good things that are in this bill. We are going to go through a lot of amendments over the next several days. But at the end of the day, the point is, even with the good, the bad, and the ugly that gets put in this bill, to support the men and women who serve by voting “yes,” and I hope my colleagues will do that.

Mr. Chair, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chair, I ask that the following exchange of letters be included in the Record on H.R. 2810:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, WASHINGTON, DC, July 5, 2017.

Hon. William M. “Mac” Thornberry, Chairman, Committee on Armed Services, Washington, DC.

Dear Chairman Thornberry: I write concerning H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, as amended. There are certain provisions in the legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This, of course, is conditional on our mutual understanding that the Senate-passed bill does not prejudice the Committee with respect to the appointment of conferences or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee’s Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the Record on H.R. 2810 and into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

Bill Shuster,
Chairman.

Honorable William M. “Mac” Thornberry,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I also agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

William M. “Mac” Thornberry,
Chairman.

H5542

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC, July 5, 2017.

Hon. Bill Shuster,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

Dear Mr. Chairman:

Thank you for your letter concerning H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I also agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

William M. “Mac” Thornberry,
Chairman.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in support of our nation’s servicemembers, military families, and community colleges in support of the National Defense Authorization Act.
The 2018 NDAA supports our men and women in uniform by providing a much deserved 2.4 percent pay increase and extending special pay and bonuses for servicemembers. This bill further supports military families by prohibiting the proposed reduction to inpatient care for military medical treatment facilities located outside the United States, and will provide up to $500 for a spouse’s expense related to obtaining a license or certification in another state because of a military move.

Our nation’s military is one of the major economic drivers for the State of Texas. Texas is home to several of America’s largest military bases, including Fort Hood in Killeen, Fort Bliss in El Paso, and Joint Base San Antonio. Texas is also home to major defense manufacturing facilities that help our servicemembers protect America and employ thousands of hardworking Texans.

The NDAA includes a provision, Section 3507, that will authorize the U.S. Maritime Administration to designate and provide assistance to certain community colleges and workforce training centers as “centers of excellence” that provide valuable skills in the maritime sector.

This language will help community colleges, like San Jacinto College, in our district in Harris County, Texas, that provides a modern, comprehensive training program for working in our maritime industry. San Jacinto College works closely with Houston’s maritime community and the Port of Houston, and recently opened a state-of-the-art maritime training center last year.

This provision is modeled after legislation I introduced with Rep. ROBERT WITTMAN earlier this year, the Domestic Maritime Centers of Excellence Act (H.R. 2286). I hope our colleagues will support our Centers of Excellence provision and ensure its inclusion when the NDAA reaches the President’s desk.

I ask all my colleagues on both sides of the aisle to join me in supporting the National Defense Authorization Act.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–23, modified by the amendment printed in part A of House Report 115–212, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is a follows:

H.R. 2810

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

SECTION 1. SHORT TITLE. This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2018”. 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. 218. Limitation on availability of funds for contract writing systems.


TITLE IV—MILITARY PERSONNEL AUTHORIZATION AND APPROPRIATIONS Subtitle A—Active Forces Sec. 401. End strengths for active forces. Sec. 402. Revisions in permanent active duty end strength minimum levels. Subtitle B—Reserve Forces Sec. 411. End strengths for Selected Reserve. Sec. 412. End strengths for reserves on active duty in support of the reserves. Sec. 413. End strengths for military technicians (dual status). Sec. 414. Fiscal year 2018 limitation on number of non-dual status technicians. Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Sec. 813. Management of intellectual property matters within the Department of Defense.

Sec. 814. Improvement of planning for acquisition of services.

Sec. 815. Improvements to test and evaluation processes and tools.

PART III—ACQUISITION WORKFORCE

Sec. 821. Enhancements to the civilian program management workforce.

Sec. 822. Improvements to the hiring and training of the acquisition workforce.

Sec. 823. Extensions and modifications to acquisition demonstration project.

Sec. 824. Acquisition positions in the Offices of the Secretaries of the Military Departments.

PART IV—TRANSPARENCY IMPROVEMENTS

Sec. 831. Transparency of defense business system data.

Sec. 832. Major defense acquisition programs: display of budget information.

Sec. 833. Enhancements to transparency in test and evaluation processes and data.

Subtitle B—Streamlining of Defense Acquisition Statutes and Regulations

Sec. 841. Modifications to the advisory panel on streamlining and codifying acquisition regulations.

Sec. 842. Extension of maximum duration of fuel cost contracts.

Sec. 843. Exception for business operations from requirement to accept $2 coins.

Sec. 844. Repeal of expired pilot program.

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

Sec. 851. Limitation on unilateral definitive pricing.

Sec. 852. Codification of requirements pertaining to assessment, management, and control of operating and support costs for major weapon systems.

Sec. 853. Use of program income by eligible entities that carry out procurement technical assistance programs.

Sec. 854. Amendment to sustainment reviews.

Sec. 855. Clarification to other transaction authority.

Sec. 856. Clarifying the use of lowest price technically acceptable source selection process.

Sec. 857. Amendment to nontraditional and small contractor innovation prototyping program.

Sec. 858. Modifications to annual meeting requirement of Configuration Steering Boards.

Sec. 859. Change to definition of subcontract in certain circumstances.

Sec. 860. Amendment relating to applicability of inflation adjustments.

Subtitle D—Other Matters

Sec. 861. Comptroller General report on contractor business system requirements.

Sec. 862. Standard guidelines for evaluation of requirements for services contracts.

Sec. 863. Temporary limitation on aggregate annual amount available for contract services.

Sec. 864. Amendment relating to applicability of Title IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

Sec. 901. Responsibility of the Chief Information Officer of the Department of Defense for risk management activities regarding supply chain for information technology systems.

Sec. 902. Repeal of Office of Corruption Policy and Oversight.

Sec. 903. Designation of corruption control and prevention executives for the military departments.

Sec. 904. Maintaining civilian workforce capabilities to sustain readiness, the all-volunteer force, and operational effectiveness.

Sec. 905. Conforming amendments to title 10, United States Code.

Sec. 912. Extension of deadlines for reporting and briefing requirements for the Navy in connection with registration of small contractor innovation prototype programs.

Sec. 913. Other provisions of law and other references.

Subtitle C—Other Matters

Sec. 921. Transition of the Office of the Secretary of Defense to reflect establishment of the Director of Intelligence, Surveillance, and Reconnaissance.


Sec. 923. Briefing on force management level policy.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Prepayment of centralized reporting system.

Sec. 1003. Additional requirements relating to Department of Defense audits.

Subtitle B—Navy and Marine Corps


Sec. 1006. Policy of the United States on minimum number of battle force ships.

Subtitle C—Counterterrorism

Sec. 1021. Termination of requirement to submit annual background/identification display for Department of Defense combating terrorism program.

Sec. 1022. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1023. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1024. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.

Subtitle D—Miscellaneous Authorities and Limitations

Sec. 1031. Limitation on expenditure of funds for emergency and extraordinary expenses for intelligence and counter-intelligence activities and representation allowances.

Sec. 1032. Modifications to senatorial denning assistance authorities.

Sec. 1033. Prohibition on charge of certain tariffs on aircraft traveling through channel routes.

Sec. 1034. Limitation on divestment of U-2 or RQ-4 aircraft.

Sec. 1035. Prohibition on use of funds for retirement of legacy mine countermine or outdate.

Sec. 1036. Restriction on use of certain funds pending solicitation of bids for Western Pacific drydock facilities.

Sec. 1037. National Guard flyovers of public events.

Sec. 1038. Transfer of funds to World War I Centennial Commission.

Sec. 1039. Rule of construction regarding use of Department of Defense funding of a border wall.

Subtitle E—Studies and Reports


Sec. 1042. Report on Department of Defense arctic capability and resource gaps.

Sec. 1043. Review and assessment of Department of Defense personnel recovery and nonconventional assisted recovery mechanisms.

Sec. 1044. Mine warfare readiness inspection plan and report.

Sec. 1045. Report on civilian casualties from Department of Defense strikes.

Sec. 1046. Reports on infrastructure and capabilities of Lajes Field, Portugal.


Subtitle F—Coal Matter

Sec. 1051. Technical, conforming, and clerical amendments.

Sec. 1052. Workforce issues for relocation of Marinas to Guam.

Sec. 1053. Protection of Second Amendment Rights of Military Families.

Sec. 1054. Transfer of surplus firearms to corporations for the promotion of rifle practice and firearms safety.

Sec. 1055. National Guard accessibility to Department of Defense issued unmanned aircraft.

Sec. 1056. Sense of Congress regarding aircraft carriers.

Sec. 1057. Notice to Congress of terms of Department of Defense settlement agreements.

Sec. 1058. Sense of Congress recognizing the United States Navy Seabees.
Sec. 1069. Recognition of the United States Special Operations Command.
Sec. 1070. Sense of Congress regarding World War I.
Sec. 1071. Finding and sense of Congress regarding the National Guard Youth Challenge Program.
Sec. 1072. Sense of Congress regarding National Guard Heart Recognition Day.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Extension of authority for civilian employment of military personnel to conduct space activities.
Sec. 1102. Extension of authority to provide voluntary separation incentive pay for civilian employees of the Department of Defense.
Sec. 1103. Additional Department of Defense science and technology reinvention laboratories.
Sec. 1104. One-year extension 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 provide an annual allowance to retired military personnel for travel to receive medical care.
Sec. 1106. Direct hire authority for financial management experts in the Department of Defense workforce.
Sec. 1107. Extension of authority for temporary personnel flexibilities for domestic defense industrial base facilities and Major Range and Test Facilities Base civilian personnel.
Sec. 1108. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training
Sec. 1201. One-year extension of logistical support for coalition forces supporting certain United States military operations.
Sec. 1202. Modification to Special Defense Acquisition Fund.
Sec. 1203. Modification to military defense advisor authority.
Sec. 1204. Modification of authority to build capacity of foreign security forces.
Sec. 1205. Extension and modification of authority on training for Eastern European and national military forces in the course of multinational exercises.
Sec. 1206. Extension of participation in and support of the Inter-American Defense College.

Subtitle B—Matters Relating to Afghanistan and Pakistan
Sec. 1211. Extension of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
Sec. 1213. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Subtitle C—Matters Relating to Syria, Iraq, and Iran
Sec. 1221. Report on United States strategy in Syria.
Sec. 1222. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and the Levant.

Sec. 1223. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
Sec. 1224. Sense of Congress regarding threats posed by the Government of Iran.

Subtitle D—Matters Relating to the Russian Federation
Sec. 1231. Extension of limitation on military cooperation between the United States and the Russian Federation.
Sec. 1232. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
Sec. 1233. Statement of policy on the Russian Federation.
Sec. 1234. Modification and extension of Ukraine Security Assistance Initiative.
Sec. 1235. Limitation on availability of funds relating to implementation of the Open Skies Treaty.
Sec. 1236. Sense of Congress on importance of nuclear capabilities of NATO.
Sec. 1237. Sense of Congress on support for Georgia.
Sec. 1238. Sense of Congress on support for Estonia, Latvia, and Lithuania.

Sec. 1241. Short title.
Sec. 1242. Findings.
Sec. 1243. Compliance enforcement regarding Russian violations of the INF Treaty.
Sec. 1244. Development of INF range-ground-launched missile system.
Sec. 1245. Notification requirement related to Russian Federation development of noncompliant systems and United States actions regarding material breach of INF Treaty by the Russian Federation.
Sec. 1246. Limitation on availability of funds to extend the implementation of the New START Treaty.
Sec. 1247. Review of RS-26 ballistic missile.
Sec. 1248. Definitions.

Subtitle F—Fostering Unity Against Russian Aggression Act of 2017
Sec. 1251. Short title.
Sec. 1252. Findings and sense of Congress.
Sec. 1253. Strategy to counter threats by the Russian Federation.
Sec. 1254. Strategy to increase conventional defense.
Sec. 1255. Plan to counter the military capabilities of the Russian Federation.
Sec. 1256. Plan to increase cyber and information operations, deterrence, and defense.
Sec. 1257. Sense of Congress on enhancing maritime capabilities.
Sec. 1258. Plan to reduce the risks of miscalculation and unintended consequences that could precipitate a nuclear war.

Sec. 1259. Definitions.

Subtitle G—Matters Relating to the Indo-Asia-Pacific Region
Sec. 1263. Assessment of United States force posture and basing needs in the Indo-Asia-Pacific region.
Sec. 1264. Extended deterrence commitment to the Asia-Pacific region.
Sec. 1265. Authorization of appropriations to meet United States financial obligations under Compact of Free Association with Palau.

Sec. 1266. Sense of Congress reaffirming security commitments to the Governments of Japan and South Korea and triilateral cooperation between the United States, Japan, and South Korea.
Sec. 1267. Sense of Congress on freedom of navigation operations in the South China Sea.
Sec. 1268. Sense of Congress on strengthening the defense of Taiwan.
Sec. 1269. Sense of Congress on the Association of Southeast Asian Nations.
Sec. 1270. Sense of Congress on reaffirming the importance of the United States-Australia defense alliance.

Subtitle H—Matters Relating to the Middle East
Sec. 1271. NATO Cooperative Cyber Defense Center of Excellence.
Sec. 1272. Strategic Communications Center of Excellence.
Sec. 1273. Security and stability strategy for Somalia.
Sec. 1274. Assessment of Global Theater Security Cooperation Management Information System.
Sec. 1275. Future years plan for the European Deterrence Initiative.
Sec. 1276. Extension of authority to enter into agreements with participating countries in the American, British, Canadian, and Australian Armies' Plan.
Sec. 1277. Security strategy for Yemen.
Sec. 1278. Limitation on transfer of excess defense articles that are high mobility multi-purpose wheeled vehicles.
Sec. 1279. Department of Defense program to protect United States students against foreign threats.
Sec. 1280. Extension of United States-Israel anti-tunnel cooperation authority.
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TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of cooperative threat reduction funds.
Sec. 1302. Funding allocations.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs
Sec. 1401. Working capital funds.
Sec. 1402. Chemical agents and munitions destruction.
Sec. 1403. Drug interdiction and counter-drug activities defense-wide.
Sec. 1405. Defense Health Program.

Subtitle B—Other Matters
Sec. 1411. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facilities Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

 TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
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Sec. 1502. Procurement.
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Sec. 1507. Drug Interdiction and Counter-Drug activities.
Sec. 1508. Defense Inspector General.
Sec. 1509. Defense Health program.
Sec. 1611. Codification, extension, and modification of limitation on construction of National Reconnaissance Office.

Sec. 1612. Foreign commercial satellite services: cybersecurity threats and responses.

Sec. 1613. Extension of pilot program on commercial weather data.

Sec. 1614. Conditional transfer of acquisition and funding authority of certain weather missions to National Reconnaissance Office.

Sec. 1615. Evolved Expendable Launch Vehicle modernization and sustainment of assured access to space.

Sec. 1616. Commercial satellite communications pathfinder program.

Sec. 1617. Demonstration of backup and complementary Global Positioning System.

Sec. 1618. Enhancement of positioning, navigation, and timing capability.

Sec. 1619. Establishment of Space Flag training event.

Sec. 1620. Report on operational and contingency plans for the United States territory of satellite positioning ground monitoring stations of foreign governments.

Sec. 1621. Limitation on availability of funding for Joint Space Operations Center mission system.

Sec. 1622. Limitation on availability of funds relating to advanced extremely high frequency program.

Title XVI—Strategic Programs, Cyber, and Intelligence Matters

Subtitle A—Management and Organization of Space Programs

Sec. 1601. Establishment of Space Corps in the Department of the Air Force.

Sec. 1602. Establishment of subordinate unified command of the United States Strategic Command.

Subtitle B—Space Activities

Sec. 1610. Department of Defense Counterintelligence polygraph program.

Sec. 1611. Security clearance for dual-nationals.

Sec. 1612. Suspension or revocation of security clearances based on unlawful or inappropriate contacts with representatives of a foreign government.

Subtitle D—Cyberspace-Related Matters

Sec. 1650. Notification requirements for sensitive military cyber operations and cyber weapons.

Sec. 1651. Modification to quarterly cyber operations briefings.

Sec. 1652. Cyber Scholarship Program.

Sec. 1653. Plan to increase cyber and information operations, deterrence, and defense.


Subtitle E—Nuclear Forces

Sec. 1660. Security of nuclear command, control, and communications systems.

Sec. 1661. Oversight of aerial-lateral programs by Council on Oversight of the National Leadership Command, Control, and Communications System.

Sec. 1662. Establishment of Nuclear Command and Control Intelligence Fusion Center.

Sec. 1664. Evaluation and enhanced security of supply chain for nuclear command, control, and communications and continuity of government programs.

Sec. 1666. Oversight of missile defense programs by the National Leadership Command, Control, and Communications System.

Sec. 1667. Agreement on the importance of independent nuclear deterrent of the United Kingdom.

Sec. 1668. Prohibition on availability of funds for mobile variant of ground-based strategic deterrent missile.

Sec. 1669. Limitation on pursuit of certain command and control concept.

Sec. 1670. Procurement authority for certain parts of intercontinental ballistic missile fuzes.

Sec. 1671. Prohibition on availability of funds for the United States From Electromagnetic Pulse Attacks and Consequences.

Sec. 1672. Report on impacts of nuclear proliferation.

Subtitle F—Missile Defense Programs

Sec. 1678. Preservation of the ballistic missile defense capacity of the Army.

Sec. 1679. Modernization of Army long-range air and missile defense sensor.

Sec. 1680. Enhancement of operational test and evaluation of ballistic missile defense system.

Sec. 1685. Defense of Hawaii from North Korean ballistic missile attack.

Sec. 1686. Aegis Ashore anti-air warfare capability.

Sec. 1687. From drone short-range rocket defense system, Israeli cooperative missile defense program codevelopment and coproduction, and Arrow 3 testing.

Sec. 1688. Review of proposed ground-based midcourse defense system contract.

Sec. 1689. Sense of Congress and plan for development of space-based sensor layer for ballistic missile defense.

Sec. 1690. Sense of Congress and plan for development of space-based ballistic missile intercept layer.

Sec. 1691. Limitation on availability of funds for ground-based midcourse defense element of the ballistic missile defense system.

Sec. 1692. Conventional prompt global strike weapons program.

Sec. 1693. Determination of location of continental United States interceptor site.

Subtitle G—Other Matters

Sec. 1694. Protection of certain facilities and assets from unmanned aircraft.

Sec. 1695. Use of commercial items in Distributed Common Ground System.

Sec. 1696. Independent assessment of costs relating to ammonium perchlorate.

Sec. 1697. Limitation and business case analysis regarding ammonium perchlorate.

Sec. 1698. Industrial base for large solid rocket motors and related technologies.

Sec. 1699. Pilot program on enhancing information sharing for security of supply chains.

Sec. 1700. Commission to Assess the Threat to the United States From Electromagnetic Pulse Attacks and Consequences.

Subtitle H—Electromagnetic Spectrum Matters

Sec. 1701. Improving reporting on small business goals.

Sec. 1702. Uniformity in procurement terminology.

Sec. 1703. Responsibilities of commercial market representatives.

Sec. 1704. Responsibilities of Business Opportunity Specialists.

Subtitle B—Women’s Business Programs

Sec. 1710. Office of Women’s Business Ownership.

Sec. 1711. Women’s Business Center Program.

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Sec. 1713. Women’s Business Center Program.

Subtitle C—SCORE Program

Sec. 1721. SCORE reauthorization.

Sec. 1722. RESTORE Online component.

Sec. 1723. Study and report on the future role of the SCORE program.

Sec. 1724. Technical and conforming amendments.

Subtitle D—Small Business Development Centers Improvements

Sec. 1731. Use of authorized entrepreneurial development programs.

Sec. 1732. Marketing of services.

Sec. 1733. Data collection.

Sec. 1734. Fees from private partnerships.

Sec. 1735. Equity for small business development centers.

Sec. 1736. Confidentiality requirements.

Sec. 1737. Limitation on award of grants to small business development centers.

Subtitle E—Miscellaneous

Sec. 1741. Modification of past performance program to include consideration of past performance with allies of the United States.

DIVISION B—Military Construction Authorizations


Sec. 2002. Authorization of funds and amounts required to be specified by law.

Sec. 2003. Effective date.
TITLE XXI—ARMY MILITARY CONSTRUCTION
Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations.
Sec. 2105. Modification of authority to carry out certain Fiscal Year 2014 project.
Sec. 2106. Modification of authority to carry out certain Fiscal Year 2015 project.
Sec. 2107. Extension of authorization of certain Fiscal Year 2014 project.
Sec. 2108. Extension of authorizations of certain Fiscal Year 2015 projects.

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.
Sec. 2205. Extension of authorizations for certain Fiscal Year 2014 projects.
Sec. 2206. Extension of authorizations of certain Fiscal Year 2015 projects.

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.
Sec. 2305. Modification of authority to carry out certain Fiscal Year 2017 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2015 projects.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION
Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized energy resiliency and conservation projects.
Sec. 2403. Authorization of appropriations.
Sec. 2404. Modification of authority to carry out certain Fiscal Year 2017 project.
Sec. 2405. Extension of authorizations of certain Fiscal Year 2014 projects.
Sec. 2406. Extension of authorizations of certain Fiscal Year 2015 projects.

TITLE XXV—NATIONAL SECURITY PROGRAMS
Subtitle A—National Security Programs
Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES
Subtitle A—Project Authorizations and Authorizations 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 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 2015 project.
Sec. 2612. Extension of authorizations of certain Fiscal Year 2014 projects.
Sec. 2613. Extension of authorizations of certain Fiscal Year 2015 projects.

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. Prohibition on conducting additional base realignment and closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS
Subtitle A—Military Construction Program and Family Housing
Sec. 2801. Elimination of written notice requirement for military construction activities and reliance on electronic submission of notifications and reports.
Sec. 2802. Modification of thresholds applicable to unspecified minor construction projects.
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TITLE XXXV—MARITIME ADMINISTRATION

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Sec. 3203. Maritime Security Fleet Program; requirements on operation for new entrants.

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Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4011. Procurement.
The Navy has adopted a two-phase acquisition strategy for the U.S.S. John F. Kennedy (CVN-79), an action that will delay the introduction of this aircraft carrier by up to two years, reducing the total acquisition cost while significantly reducing magazine size, carrier air wing size, sortie rate, and on-station effectiveness among other vital factors as compared to the Ford class. Furthermore, a new design will delay the introduction of future aircraft carriers, exacerbating existing carrier gaps and threatening the national security of the United States.

Aircraft Carriers.—

In general.—The Secretary of the Navy shall as general agent for the Department of the Navy act to procure the construction, acceptance, and delivery of, and to make payment for, the aircraft carrier designated CVN–81 and CVN–82 in economic order replenishment.

(b) Increase in number of operational aircraft carriers.—

The Secretary of the Navy may procure an aircraft carrier in economic order replenishment in fiscal year 2019 for the purpose of entering into a contract or other agreement entered into in accordance with section 2435 of title 10, United States Code, is amended by striking “11 operational aircraft carriers” and inserting “12 operational aircraft carriers”.

(c) Shock Trials for CVN–78.—

The Secretary of the Navy shall conduct a contract or other agreement entered into in accordance with section 2435 of title 10, United States Code, is amended by striking “11 operational aircraft carriers” and inserting “12 operational aircraft carriers”.

A smaller design is projected to incur significant design and engineering cost while significantly increasing the total amount of funding obligated at the time of termination.

(c) Section 5062(b) of title 10, United States Code, is amended by striking “heavy icebreaker vessel” means a vessel that is capable for the destroyer determined under subsection (a), the Secretary may use incremental funding for that purpose for such later fiscal year.

(d) Definitions.—In this section:

(1) Heavy icebreaker vessel.—The term “heavy icebreaker vessel” means a vessel that is—

(A) to break through nonridged ice that is not less than 21 feet thick; and

(B) to operate continuously for 80 days without replenishment.

(d) Authority for Multiyear Procurement.—

Subject to section 23606 of title 10, United States Code, the Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018 and ending with the fiscal year 2022 program year, for the procurement of—

(A) Ten Arleigh Burke class destroyers;

(B) Flight III guided missile destroyers at a rate of not more than three such destroyers per year during the covered period; and

(C) Aegis weapon systems, AN/SPY–6(v) air and missile defense radar systems, MK 41 vertical launching systems, and commercial broadband satellite systems associated with such vessels.

SEC. 125. Multiyear Procurement Authority for Virginia Class Submarines and Associated Systems.

(a) Authority for Multiyear Procurement.—

Subject to section 23606 of title 10, United States Code, the Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018, for advance procurement associated with the vessels and systems for which a contract entered into in accordance with such section (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(f) Definitions.—In this section:

(1) Covered period.—The term “covered period” means the 5-year period beginning with the fiscal year 2019 program year and ending with the fiscal year 2022 program year.

(2) Virginia class submarine.—The term “Virginia class submarine” means a block V conventional submarine of the Virginia class.

(b) Authorization for Multiyear Procurement.—

Subject to section 23606 of title 10, United States Code, the Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018, for the procurement of—

(A) Ten Virginia class submarines;

(B) Flight III guided missile destroyers at a rate of not more than three such destroyers per year during the covered period; and

(C) Aegis weapon systems, AN/SPY–6(v) air and missile defense radar systems, MK 41 vertical launching systems, and commercial broadband satellite systems associated with such vessels.

SEC. 123. Limitation on Availability of Funds for Procurement of Icebreaker Vessels.

(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 Department of Defense for fiscal year 2018 may be obligated or expended for the procurement of an icebreaker vessel.

(b) Exception.—Notwithstanding the limitation in subsection (a), the Secretary of the Navy may use funds described in such subsection to act as general agent for the Department in the West Coast Command is operating pursuant to an icebreaker contract or other agreement entered into under section 2435 of title 10, United States Code.

SEC. 124. Multiyear Procurement Authority for Virginia Class Submarine and Associated Systems.

(a) Authorization for Multiyear Procurement.—

Subject to section 23606 of title 10, United States Code, the Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018, for advance procurement associated with the vessels and systems for which a contract entered into in accordance with such section (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(f) Covered Period Defined.—The term “covered period” means the 5-year period beginning with the fiscal year 2019 program year and ending with the fiscal year 2022 program year.

SEC. 126. Limitation on Availability of Funds for Arleigh Burke Class Destroyers and Associated Systems.

(a) Limitation.—None of the funds authorized to be appropriated by this Act or otherwise...
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SEC. 127. EXTENSIONS OF AUTHORITIES RELATING TO CONSTRUCTION OF CERTAIN VESSELS.

(a) EXTENSION OF AUTHORITY TO USE INCREASED FUNDING FOR LHA REPLACEMENT AUTHORIZATION ACT FOR FISCAL YEAR 2017—Subject to section 125(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–92) or the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SEC. 128. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 OSiREY AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code (except as provided in subsection (b)), the Secretary of the Navy may enter into one or more multiyear contracts, beginning in the 2016 program year, for the procurement of the following:

(1) V–22 Osprey aircraft.

(2) Common configuration-readiness and modernization upgrades for V–22 Osprey aircraft.

(b) MATERIALIZED AND EQUIPMENT DESCRIBED.—Notwithstanding section 2306b(b) of title 10, United States Code, the period covered by a contract entered into under paragraph (a) shall begin within the authority of subparagraph (A) and may exceed five years, but may not exceed seven years.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subparagraph (A) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for obligations for such later fiscal year.

Subtitle D—Air Force Programs

SEC. 131. STREAMLINING ACQUISITION OF INTER-CONTINENTAL BALLISTIC MISSILE SECURITY CAPABILITY.

(a) FINDINGS.—The Secretary finds the following:

(1) On September 25, 2014, then Secretary of the Air Force, Deborah Lee James, submitted a report to Congress on the replacement strategy of the United States for its UH–1N helicopter, which included the following information:

(A) On the age of the airframe: “The UH–1N is a versatile utility helicopter that was accepted into service in 1967 and was evaluated in 2006, and the aircraft was found to be ‘not effective.’ The shortcomings of the UH–1N were derived from specific mission requirements for carrying capacity, airspeed, unrefueled endurance, mission range, force protection for the floor, specific protection for all aircrews and passengers, survivability, and weapon systems.”

(B) On the ability to meet requirements: “The entire fleet supports five general homeland security missions. . .the ability of the UH–1N to accomplish that was evaluated in 2006, and the aircraft was found to be ‘not effective.’”

(2) On January 29, 2015, Secretary of the Air Force, Deborah Lee James, submitted a report to Congress on the replacement strategy of the United States for its UH–1N helicopter, which included the following information:

(1) The airframe was not able to meet specific mission requirements for carrying capacity, airspeed, unrefueled endurance, mission range, force protection for the floor, specific protection for all aircrews and passengers, survivability, and weapon systems.

(2) Regarding previous efforts to acquire a replacement aircraft, the report identified efforts that date back to 2006, including—

(i) an inspection of potential alternatives by Air Force Space Command in 2006;

(ii) the common vertical lift support platform program, which was cancelled in 2013;

(iii) two RAND corporation studies funded in 2013; and

(iv) the then-current proposal of the Air Force to procure modified Army UH–60 helicopters.

(b) WAIVER.—The Secretary of the Navy may waive the limitations in subsection (a) if the Secretary determines that the cost or schedule risk associated with the integration of the AN/SPY–6(v) airborne missile defense radar system and its associated missile defense radar system.

(c) COVERED DESTROYER DEFINED.—In this section, a covered destroyer means an Arleigh Burke class destroyer (DDG–51) for which funds were authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) or the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SEC. 132. LIMITATION ON SELECTION OF SINGLE CONTRACTOR FOR C–130H AVIONICS MODERNIZATION PROGRAM INCREMENT 2.

(a) LIMITATION.—The Secretary of the Air Force may not select only a single prime contractor to carry out increment 2 of the C–130H avionics modernization program unless the Secretary submits to the congressional defense committees a written certification that, in selecting such a single prime contractor, the Secretary will ensure, to the extent practicable, that commercially available off-the-shelf items are used under the program, including technology solutions and nondevelopmental items, and

(1) excessively restrictive military specification standards will not be used to restrict or eliminate full and open competition in the selection process.

(b) DEFINITIONS.—In this section, the terms “commercially available off-the-shelf item”, “full and open competition”, and “nondevelopmental item” have the meanings given the terms in chapter 1 of title 41, United States Code.

SEC. 133. LIMITATION ON AVAILABILITY OF FUNDS FOR EC–130H COMPASS CALL RECAPITALIZATION PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise available for the EC–130H Compass Call recapitalization program of the Air Force may be obligated or expended until a period of 30 days has elapsed following the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a certification described in subsection (b).

(b) CERTIFICATION.—The certification described in this subsection is a written statement certifying that:

(1) an independent review of the acquisition process for the EC–130H Compass Call recapitalization program of the Air Force has been conducted; and

(2) as a result of such review, it has been determined that the acquisition process for such program complies with all applicable laws, guidelines, and best practices.

SEC. 134. COST-BENEFIT ANALYSIS OF UPGRADES TO MQ–9 REAPER AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of the Air Force, shall conduct an analysis that compares the costs and benefits of the following:

(1) Upgrading fielded MQ–9 Reaper aircraft to a Block 5 configuration.

(2) Proceeding with the procurement of MQ–9B aircraft instead of upgrading fielded MQ–9 Reaper aircraft to a Block 5 configuration.

(b) REPORT REQUIRED.

(c) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the results of the cost-benefit analysis conducted under subsection (a).

(1) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

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

SEC. 135. AUTHORITY FOR PROCUREMENT OF ECONOMIC ORDER QUANTITIES FOR THE F–35 AIRCRAFT PROGRAM.

(a) AUTHORITY FOR PROCUREMENT OF ECONOMIC ORDER QUANTITIES.—Subject to subsection (c), the Secretary of Defense may enter into one or more contracts, beginning with the fiscal year 2018 program year, for the procurement of economic order quantities of the material and equipment described in subsection (b).

(b) MATERIAL AND EQUIPMENT DESCRIBED.—The material and equipment described in this subsection is material and equipment—

(1) that has completed formal hardware qualification testing for the F–35 aircraft program; and

(2) as a result of such review, it has been determined that the acquisition process for such program complies with all applicable laws, guidelines, and best practices.
(2) to be used in procurement contracts to be awarded under the F–35 aircraft program in fiscal years 2019 and 2020.

(c) LIMITATIONS.—

(1) MAXIMUM AMOUNT.—Of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 or any fiscal year thereafter the amount of funds in excess of $691,000,000 may be obligated or expended to enter into contracts under subsection (a).

(2) CERTIFICATION.—The Secretary of Defense may not enter into a contract under subsection (a) until a period of 15 days has elapsed following the date on which the Secretary submits to the congressional defense committees a written certification that the contract to be entered into under such subsection meets the following conditions:

(A) The contract will result in significant cost savings as compared to the total anticipated costs of procuring the property through contracts that are not for economic order quantities.

(B) The estimates of the cost of the contract and the anticipated cost savings resulting from the contract are realistic.

(C) The minimum need for the property that is to be procured under the contract is expected to remain substantially unchanged during the contract period.

(D) There is a reasonable expectation that, throughout the contract period, the head of the relevant military department or defense agency will remain substantially involved in the contract at the level required to avoid contract cancellation.

(E) The design of the property that is to be procured under the contract is expected to remain substantially unchanged and the technical risks associated with such design are not excessive.

(F) Entering into the contract will promote the national security interests of the United States.

(G) The contract satisfies the conditions described in subsection (o) through (F) of section 2306b(i)(3) of title 10, United States Code.

SEC. 142. LIMITATION ON DEMILITARIZATION OF CERTAIN CLUSTER MUNITIONS.

(a) LIMITATION.—Exception as provided in subsection (c), the Secretary of Defense may not demilitarize any cluster munitions until the date on which the Secretary of Defense submits to the congressional defense committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification described in this subsection is a written certification submitted by the Secretary of Defense that includes an inventory of covered munitions that meets not less than 75 percent of the operational requirements of the Department with respect to cluster munitions across the full range of military operational environments. The certification includes:

(1) information concerning the types of munitions covered by the inventory; and

(2) in subsection (c), information on the status of the program to demilitarize or destroy such munitions, without regard to the mode by which the munitions are demilitarized or destroyed.

(c) EXCEPTION FOR SAFETY.—The limitation under subsection (a) shall not apply to the demilitarization of cluster munitions that the Secretary determines—

(1) are unsafe as a result of an inspection, test, field incident, or other significant event that caused or contributed to a failure to meet performance or logistics requirements;

(2) are unsafe or could pose a safety risk if not demilitarized or destroyed;

(d) DEFINITIONS.—In this section:

(1) CLUSTER MUNITION.—The term ‘‘cluster munition’’ means a munition that is composed of a nonlethal canister or delivery body that contains multiple, conventional submunitions, without regard to the mode by which the munitions are delivered, when the term does not include—

(A) nuclear, chemical, or biological weapons;

(B) obucarant;

(C) pyrotechnics;

(D) nonlethal systems;

(E) non-explosive kinetic effect submunitions;

(F) electronic effects; or

(G) submunitions of a non-cluster munition.

(2) COVERED MUNITIONS.—The term ‘‘covered munitions’’ means cluster munitions containing submunitions that, after arming, do not result in more than 1 percent unexploded ordnance (as that term is defined in section 101(e)(5) of title 10, United States Code) across the range of intended operational uses.

(3) DEMILITARIZE.—The term ‘‘demilitarize’’, when used with respect to a cluster munition or components of a cluster munition—

(A) means to destroy the military offensive or defensive advantage inherent in the munition or its components; and

(B) includes any mutilation, scrapping, melting, burning, or alteration that prevents the use of the munition or its components for the military purposes for which the munition or its components was designed or for a lethal purpose.

SEC. 143. REIMSTATEMENT OF REQUIREMENT TO PROHIBIT DEMILITARIZATION OF C–5 AIRCRAFT.

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1639), as amended by section 132 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by inserting after subsection (c) the following:

(d) PRESERVATION OF CERTAIN RETIRED C–5 AIRCRAFT.—The Secretary of the Air Force shall preserve each C–5 aircraft that is retired by the Secretary during a period in which the total inventory of strategic airlift aircraft of the Secretary is less than 201, such that the retired aircraft—

(1) is stored in a flyable condition;

(2) can be returned to service; and

(3) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force:“.:

SEC. 144. REQUIREMENT THAT CERTAIN AIRCRAFT RECAPITALIZATION CONTRACTS USE SPECIFIED STANDARD DATA LINK.

Section 157 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–239; 126 Stat. 1667) is amended—

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

(b) SUBLISTICATION.—The Secretary of Defense shall—

(1) ensure that any solicitation issued for a Common Data Link described in subsection (a), regardless of whether the solicitation is issued by a military department or a contractor with respect to a subcontract—

(A) conforms to a Department of Defense specification standard, including interfaces and waveforms, existing as of the date of the solicitation; and

(B) does not include any proprietary or undocumented waveforms or control interfaces or data interfaces as a requirement or criterion for evaluation;

and

(2) notify the congressional defense committees not later than 15 days after issuing a solicitation for a Common Data Link to be sunset (CDL-TBS) waveform;”;

and

(2) in subsection (c), in the matter preceding paragraph (1)—

(A) by striking ‘‘Under Secretary of Defense for Acquisition, Technology, and Logistics’’ and inserting ‘‘Deputy Secretary of Defense’’;

(B) by striking ‘‘Under Secretary’’ and inserting ‘‘Deputy Secretary of Defense’’; and

(C) by inserting ‘‘before October 1, 2013’’ after ‘‘committees’’.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization Of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Program Requirements, Restrictions, And Limitations

SEC. 211. COST CONTROLS FOR PRESIDENTIAL AIRCRAFT RECAPITALIZATION PROGRAM.

(a) FIXED CAPABILITY REQUIREMENTS.—Except as provided in subsection (b), the capability requirements for aircraft procured under the presidential aircraft recapitalization program of the Air Force (referred to in this section as the ‘‘PAR Program’’) shall be the capability requirements identified in version 7.0 of the system requirements document for the PAR Program dated December 14, 2016.

(b) ADJUSTMENTS.—The Secretary of the Air Force may adjust the capability requirements described in subsection (a) only if the Secretary submits to the congressional defense committees a written determination that such adjustment is necessary—

(1) to resolve an ambiguity relating to the capability requirement;

(2) to address a problem with the administration of the capability requirement;

(3) to loosen the development cost or life-cycle cost of the PAR program;

(4) to comply with a change in international, Federal, State, or local law or regulation that takes effect after September 30, 2017;

(5) to address a safety issue; or

(6) subject to subsection (c), to address an emerging threat or vulnerability.

(c) LIMITATION ON ADJUSTMENT FOR EMERGING THREAT OR VULNERABILITY.—The Secretary of the Air Force may use the authority under paragraph (6) of subsection (b) to adjust the requirements described in subsection (a) only if the Secretary and the Chief of Staff of the Air Force, on a nondelegable basis—

(1) jointly determine that such adjustment is necessary and in the interests of the national security of the United States; and

(2) submit to the congressional defense committees notice of such joint determination.

(d) FORM OF CONTRACTS.—

(1) REQUIREMENT FOR FIXED-PRICE TYPE CONTRACTS.—Of the total amount of funds obligated or expended for contracts for engineering and manufacturing development under the PAR program, not less than 50 percent shall be for fixed-price type contracts.

(2) OTHER CONTRACT TYPES.—Except as provided in paragraph (1), a contract other than a fixed-price type contract may be entered into under the PAR program only if the service acquisition executive of the Air Force, on a nondelegable basis, approves the contract.

(e) QUARTERLY BRIEFCINGS.—Beginning not later than October 1, 2017, and on a quarterly basis thereafter through October 1, 2022, the Secretary of the Air Force shall provide to the Committee on Armed Services of the House of Representatives a briefing on the efforts of the Secretary to control costs under the PAR Program.

(f) ELEMENTS.—Each briefing under paragraph (1) shall include, with respect to the PAR Program, the following:

(A) An overview of the program schedule.

(B) A description of a fixed-price contract awarded under the program, including a description of the type of contract and the status of the contract.

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

(i) modification;

(ii) testing;

(iii) delivery; and

(iv) sustainment.

(j) SERVICE ACQUISITION EXECUTIVE DETERMINATIONS.—In this section, the term ‘‘service acquisition executive’’ has the meaning given that term in section 101(a)(10) of title 10, United States Code.

SEC. 212. CAPITAL INVESTMENT AUTHORITY.

...
SEC. 215. MODIFICATION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

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

(1) in subsection (a), by striking “to award cash prizes” and inserting “to award prizes, which may be cash prizes or nonmonetary prizes”; and

(2) in subsection (b), by striking “cash prizes” and inserting “prizes”;

SEC. 216. HYPERSONIC AIRBREATHING WEAPONS CAPABILITIES.

(a) In GENERAL.—The Secretary of Defense may transfer oversight and management of the Hypersonic Airbreathing Weapons Concept from the Defense Advanced Research Projects Agency to a responsible entity of the Air Force. The Secretary of the Air Force, acting through the head of the Air Force Research Laboratory, shall continue—

(1) to develop a reusable hypersonic test bed designed to facilitate the development of hypersonic airbreathing weapon systems;

(2) to explore emerging concepts and technologies for reusable hypersonic weapons systems beyond current hypersonic programs, focused on experimental flight test capabilities; and

(3) to develop defensive technologies and countermeasures against potential and identified hypersonic threats.

(b) HYPERSONIC AIRBREATHING WEAPON SYSTEM DEFINED.—In this section, the term ‘‘hypersonic airbreathing weapon system’’ means a missile or platform with military utility that operates at speeds near or beyond approximately five times the speed of sound, and that is designed to counter threats caused by an engine that burns fuel with oxygen from the atmosphere that is collected in an inlet.
(2) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for procurement for each system described in subsection (b).

(a) SYSTEMS DEPARTMENT.—The systems described in this subsection are the following:

(1) The Contract Writing System of the Army.
(2) The Electronic Procurement System of the Navy.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the Department of Defense 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.

Title III—Operation and Maintenance

Subtitle A—Authorization of Appropriations

Sec. 301. Authorizations of Appropriations.

Funds are here by authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

Sec. 311. CODIFICATION AND IMPROVEMENTS TO DEPARTMENT OF DEFENSE CLERGY COUNSELORS TO COORDINATE DEPARTMENT REVIEW OF APPLICATIONS FOR CERTAIN PROJECTS THAT MAY HAVE AN ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.

(a) Establishment of Military Aviation, Range, and Installation Assurance Program Office.—

(1) CODIFICATION AND IMPROVEMENT OF EXISTING LAW.—Chapter 7 of title 10, United States Code, is amended by inserting after section 183 the following new section:

"§183a. Military Aviation, Range, and Installation Assurance Program Office for review of mission obstructions

"(a) Establishment.—(1) The Secretary of Defense shall establish a Military Aviation, Range, and Installation Assurance Program Office for review of mission obstructions.

"(2) The Military Aviation, Range, and Installation Assurance Program Office shall—

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

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

"(b) Functions.—(1)(A) The Military Aviation, Range, and Installation Assurance Program Office shall serve as a clearinghouse to coordinate Department of Defense review of applications for energy projects filed with the Secretary of Transportation pursuant to section 44718 of title 49 and received by the Department of Defense from the Secretary of Transportation.

(B) To facilitate the review of an application for an energy project submitted pursuant to such a section, the Military Aviation, Range, and Installation Assurance Program Office shall—

(1) an integrated review process to ensure timely notification and consideration of any application that may have an adverse impact on military operations and readiness; and

(ii) planning tools necessary to determine the acceptability to the Department of Defense of the energy project proposal included in the application.

(2) The Military Aviation, Range, and Installation Assurance Program Office shall establish procedures for the Department of Defense 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 readiness, as specified in the funding table in section 4301.


Title III—Operation and Maintenance

Subtitle A—Authorization of Appropriations

Sec. 301. Authorizations of Appropriations.

Funds are here by authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

(c) Review of Proposed Actions.—(1) Not later than 30 days after receiving from the Secretary of Transportation a proposal for an energy project under section 44718 of title 49 that may have an adverse impact on military operations and readiness, the Military Aviation, Range, and Installation Assurance Program Office shall conduct a preliminary review of such application. Such review shall—

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

(B) identify any feasible and affordable actions that could be taken by the Department, the developer of such energy project, or others to mitigate such adverse impact and to minimize risk that could result from carrying out such energy project to proceed with development.

(2) If the Military Aviation, Range, and Installation Assurance Program Office determines under paragraph (1) that an energy project will have an adverse impact on military operations and readiness, the Military Aviation, Range, and Installation Assurance Program Office, with the approval of the Secretary of Defense, shall issue to the applicant a notice of presumed risk that describes the concerns identified by the Department in the preliminary review and requests a discussion of possible mitigation actions.

(3) Comprehensive Review.—(1) The Secretary of Defense shall conduct a comprehensive review of the adverse impact of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49.

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

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

(B) identify geographic areas in which projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49;

(C) develop procedures for periodically review and modify geographic areas identified under subparagraph (B) and to solicit and identify additional geographic areas as appropriate;

(D) develop procedures to periodically review and modify geographic areas identified under subparagraph (B) and to solicit and identify additional geographic areas as appropriate;

(E) identify any other projects for which the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that the project would result in an unacceptable risk to the national security of the United States. Such a determination shall constitute a finding pursuant to section 44718(f) of title 49.

(3) The Secretary of the Navy may not object to an energy project filed with the Secretary of Transportation pursuant to section 44718 of title 49 unless the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that the project would result in an unacceptable risk to the national security of the United States.

(d) Systems Described.—The systems described in this subsection are the following:

(1) The Military Aviation, Range, and Installation Assurance Program Office shall conduct a preliminary review of such application. Such review shall—

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

(B) identify any feasible and affordable actions that could be taken by the Department, the developer of such energy project, or others to mitigate such adverse impact and to minimize risk that could result from carrying out such energy project to proceed with development.

(2) If the Military Aviation, Range, and Installation Assurance Program Office determines under paragraph (1) that an energy project will have an adverse impact on military operations and readiness, the Military Aviation, Range, and Installation Assurance Program Office, with the approval of the Secretary of Defense, shall issue to the applicant a notice of presumed risk that describes the concerns identified by the Department in the preliminary review and requests a discussion of possible mitigation actions.

(3) Comprehensive Review.—(1) The Secretary of Defense shall conduct a comprehensive review of the adverse impact of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49.

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

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

(B) identify geographic areas in which projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49;

(C) develop procedures for periodically review and modify geographic areas identified under subparagraph (B) and to solicit and identify additional geographic areas as appropriate;

(D) develop procedures to periodically review and modify geographic areas identified under subparagraph (B) and to solicit and identify additional geographic areas as appropriate;

(E) identify any other projects for which the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that the project would result in an unacceptable risk to the national security of the United States. Such a determination shall constitute a finding pursuant to section 44718(f) of title 49.

(3) The Secretary of the Navy may not object to an energy project filed with the Secretary of Transportation pursuant to section 44718 of title 49 unless the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that the project would result in an unacceptable risk to the national security of the United States.

(e) Department of Defense Determination of Unacceptable Risk.—(1) The Secretary of Defense may not object to an energy project filed with the Secretary of Transportation pursuant to section 44718 of title 49 unless the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that the project would result in an unacceptable risk to the national security of the United States. Such a determination shall constitute a finding pursuant to section 44718(f) of title 49.

(2) Not later than 30 days after making a determination under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees, the Committees on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on such determination and the basis for such determination. Such report shall include an explanation of the basis for the determination, a discussion of the mitigation options considered, and an explanation of the case for or against a determination of unacceptable risk, the mitigation options were not feasible or did not resolve the conflict. The Secretary of Defense may provide public notice through the Federal Register of the determination.

(3) The Secretary of Defense may only delegate the responsibility for making a determination under paragraph (1) to the Deputy Secretary of Defense, an Under Secretary of Defense, or a Principal Deputy Under Secretary of Defense.

(f) Authority to Accept Contributions of Funds.—The Secretary of Defense is authorized to accept a voluntary contribution of funds from any organization for the purpose of offsetting the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of such a project on military operations and readiness or to conduct studies of potential measures to mitigate adverse impacts.

(g) Effect of Department of Defense Hazard Assessment.—An action taken pursuant to this section shall not be considered to be a determination of hazard required of the Secretary of Transportation under section 44718 of title 49.

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

(i) Definitions.—In this section:

(1) The term 'adverse impact on military operations and readiness' means any adverse impact of such a project on military operations and readiness, including—

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

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

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

(iv) acquisition of new systems by the Department and other departments and agencies of the Federal Government and timelines for fielding such new systems;

(v) modifications to the projects for which such applications are filed, including changes in siting, design, or technology.

(2) The Military Aviation, Range, and Installation Assurance Program Office shall make available online access to data reflecting geometric areas identified under paragraph (b) of section 44718 of title 49, on military operations and readiness, as specified in the funding table in section 4301.
“(2) The term ‘energy project’ means a project that provides for the generation or transmission of electrical energy.

“(3) The term ‘landowner’ means a person that owns a fee interest in real property on which the Secretary of Defense, for use by the armed forces for the purpose of conducting low-altitude, high-speed military training.

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

“(A) endanger safety in air commerce, related to the Department of Transportation or to other agencies of the United States;(B) interfere with the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports, related to the Department of Transportation or to other agencies of the United States; or(C) impair or degrade the capability of the Department of Defense to conduct training, research, development, testing, evaluation, and operations or to maintain military readiness.”

(2) CONFORMING AND CLARIFYING AMENDMENTS.—


(B) REALIGNMENT AND CLOTHING ASSURANCE.—Section 44718(b) of title 49, United States Code, is amended by striking “2113 of title 32, Code of Federal Regulations, as in effect on January 6, 2014” both places it appears and inserting “183a of title 10”.

(C) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 7 of title 10, United States Code, is amended by inserting after the item relating to section 183 the following new item:


(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount of not less than $125,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such transfer shall be made by paragraph 2215 of title 10, United States Code.

(2) SOURCE OF FUNDS.—Any transfer under subsection (a) shall be made using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for Base Realignment and Closure, Army.

(b) PURPOSE OF TRANSFER.—A transfer under subsection (a) shall be for the purpose of satisfying a stipulated penalty assessed by the Environmental Protection Agency in the settlement agreement dated July 14, 2016, against the Umatilla Chemical Depot, Oregon under the Federal Facility Agreement between the Army and the Environmental Protection Agency dated September 19, 1989.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of the Army makes a transfer under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 311. REALIGNMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTY IN CONNECTION WITH UMATILLA CHEMICAL DEPOT, OR. EGON.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount of not more than $183,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such transfer shall be made by paragraph 2215 of title 10, United States Code.

(2) SOURCE OF FUNDS.—Any transfer under subsection (a) shall be made using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for Base Realignment and Closure, Army.

(b) PURPOSE OF TRANSFER.—A transfer under subsection (a) shall be for the purpose of satisfying a stipulated penalty assessed by the Environmental Protection Agency in the settlement agreement dated July 14, 2016, against the Umatilla Chemical Depot, Oregon under the Federal Facility Agreement between the Army and the Environmental Protection Agency dated September 19, 1989.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of the Army makes a transfer under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 312. ENERGY PERFORMANCE GOALS AND MASTER PLAN.

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

(1) in paragraph (1), by inserting before the period at the end the following: “; the future demand for energy, and the requirements for the use of energy”; and

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

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

“(13) Opportunities to leverage financing provided by a non-Department entity to address installation energy needs.”

SEC. 313.付き添い SERVICE IN HIGH-SPEED MILITARY TRAINING.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount of not more than $125,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such transfer shall be made by paragraph 2215 of title 10, United States Code.

(b) SOURCE OF FUNDS.—Any transfer under subsection (a) shall be made using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for Base Realignment and Closure, Army.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of the Army makes a transfer under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

(d) APPROPRIABILITY.—Any transfer under subsection (a) shall be available—

(1) in subsection (a), by striking “Each report” and inserting “The reports for the first and third quarters of a calendar year”;

(2) in subsection (b), by striking “Each report” and inserting “2019”;

(3) in subsection (c), by striking “2019” and inserting “2024”.

SEC. 314. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTY IN CONNECTION WITH LONGHORN ARMY AMMUNITION PLANT, LUBRICANT ASSOCIATED WITH ARSENAL INDUSTRIAL BASE.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount of not more than $1,185,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such transfer shall be made by paragraph 2215 of title 10, United States Code.

(2) SOURCE OF FUNDS.—Any transfer under subsection (a) shall be made using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for Longhorn Army Ammunition Plant, Texas, under the Federal Facility Agreement for Longhorn Army Ammunition Plant, which was entered into between the Army and the Environmental Protection Agency in 1991.

(b) ACCEPTANCE OF PAYMENT.—If the Secretary of the Army makes a transfer under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 315. DEPARTMENT OF DEFENSE CLEANUP AND REMOVAL OF PETROLEUM, OIL, AND LUBRICANT ASSOCIATED WITH THE PRINZ EUGEN.

Amounts authorized to be appropriated for the Department of Defense for the fiscal year 2014 for necessary expenses for the removal and cleanup of petroleum, oil, and lubricants associated with the heavy cruiser Prinz Eugen, which was transferred from the United States to the Republic of the Marshall Islands in 1986.

Subtitle C—Logistics and Sustainment

SEC. 315. REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.


(1) in subsection (d), by striking “2018” and inserting “2019”;

(2) in subsection (e), by striking “2019” and inserting “2024”.

SEC. 316. GUIDANCE REGARDING USE OF ORGANIC INDUSTRIAL BASE.

The Secretary of the Army shall maintain the arsenals with sufficient workloads to ensure affordability and technical competence in all critical capability areas by establishing, not later than 90 days after the enactment of this Act, clear, step-by-step, prescriptive guidance on the process for conducting make-or-buy analyses, including the use of the organic industrial base.

Subtitle D—Reports

SEC. 311. QUARTERLY REPORTS ON PERSONNEL AND UNIT READINESS.

(a) MODIFICATION AND IMPROVEMENT.—Section 482 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Each report” and inserting “The reports for the first and third quarters of a calendar year”;

(B) by adding at the end the following new sentence: “The reports for the second and fourth quarters of a calendar year shall contain the information required by subsection (i).”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “REMEDIAL ACTIONS”;

(B) in the matter preceding paragraph (1), by striking “Each report” and inserting “A report for the second or fourth quarter of a calendar year”;

(C) in paragraph (1), by inserting “and” after the semicolon;

(D) by striking paragraph (2); and

(E) by redesignating paragraph (3) as paragraph (2).

(3) in subsection (d)(4), by striking “Each report” and inserting “A report for the second or fourth quarter of a calendar year”;

(4) in subsection (e), by striking “Each report” and inserting “A report for the second or fourth quarter of a calendar year”;

(5) in subsection (f)(1), by striking “Each report” and inserting “A report for the second or fourth quarter of a calendar year”;

(6) in subsection (g)(1), by striking “Each report” and inserting “A report for the second or fourth quarter of a calendar year”;

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

“REMEDIAL ACTIONS.—A report for the first or third quarter of a calendar year shall include—
“(1) a description of the mitigation plans of the Secretary to address readiness shortfalls and operational deficiencies identified in the report submitted for the preceding calendar quarter; and

“(2) for each such shortfall or deficiency, a timeline for resolution, the cost necessary for such resolution, the mitigation strategy the Department of Defense submitted to the Secretary that will resolve this with the Secretary, and any legislative remedies required.”.

(b) CONFORMING AMENDMENTS.—Section 117 of title 10, United States Code, is amended—

(1) in the chapter heading, by striking “QUARTERLY” and inserting “SEMI-ANNUAL”;

(2) in paragraph (1)(A), by striking “quarterly” and inserting “semi-annual”;

and

(3) in paragraph (2), by striking “each quarter” and inserting “at the end of the fiscal year covered by the report”.

SEC. 323. BIENNIAL REPORT ON CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITY.

Section 2646(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(4) Any workload shortfalls at any work breakdown structure category designated as a lower-level category pursuant to Department of Defense Instruction 4511.20, or any successor instruction, shall be submitted to the following officials:

(A) not later than January 31 of each of calendar years

(B) in paragraph (1)(A), by striking “quarterly” and inserting “semi-annual”;

and

(2) in subsection (e), by striking “each quarter” and inserting “at the end of the fiscal year covered by the report”.

SEC. 334. ANNUAL REPORT ON MILITARY WORK-DOGS USED BY THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—Section 10504 of title 10, United States Code, as amended by section 1021, is further amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “REPORT,” and inserting “REPORT ON STATE OF THE GUARD”; and

(B) by striking “The report” and inserting the following:

“(1) the annual report required by paragraph

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

“PHASE III: ANNUAL REPORT ON NON-FEDERALIZED SERVICE NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS.—(1) Not later than January 31 of each of calendar years 2018 and 2022, the Chief, National Guard Bureau shall submit to the recipients described in paragraph (3) a report that identifies the personnel, training, and equipment required by the Secretary of the Department of Defense.

“(A) to support civilian authorities in connection with natural and man-made disasters during the covered period; and

(B) to support international partnerships, military workers, support, and emergency activities relating to such disasters during the covered period.

“(2) In preparing each report under paragraph

(3) An explanation for any significant difference in the cost of procuring military working dogs from different sources by each military department or Defense Agency.

(4) The total number of domestically bred military working dogs and the number of dogs from foreign sources procured by each military department or Defense Agency.

(5) An estimate of the number of military working dogs expected to retire annually and the identification of the primary cause of the retirement of such dogs.

(6) An identification of the final disposition of military working dogs no longer in service.

(D) Military Working Dog Defined.—For purposes of this section, the term “military working dog” means a dog used in any official military capacity, as defined by the Secretary of Defense.

SEC. 335. ANNUAL BRIEFSING ON ARMY EXPLOSIVE ORDNANCE DISPOSAL.

Not later than 60 days after the last day of each of fiscal years 2018 through 2022, the Secretary of the Army shall provide to the Committee on Armed Services of the Senate and the House of Representatives briefings on the actions the Army has taken to address the following:

(1) Programmed funding and manpower to establish and implement the explosive ordnance disposal program (hereinafter referred to as “EOD”) and assist commandant position in the Army Ord-

(2) EOD personnel talent management, including

(A) written reports to the Committee on Armed Services of the Senate and the House of Representatives on the actions the Army has taken to address the following:

(B) Programmed funding and manpower to establish and implement the explosive ordnance disposal program (hereinafter referred to as “EOD”) and assist commandant position in the Army Ord-
(4) Efforts to improve EOD proponent and advocacy across the Army, including activities of the EOD Board of Advisors.

(5) Efforts to enhance synchronization of EOD missions and functions and retain critical interdependencies.

(6) Annual funding programmed through the future years defense program and exercised during the preceding fiscal year for EOD requirements including personnel, training, and equipment.

SEC. 336. REPORT ON EFFECTS OF CLIMATE CHANGE ON DEPARTMENT OF DEFENSE.

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

(1) Secretary of Defense James Mattis has stated: “It is appropriate for the Combatant Commanders to drive the understanding of the national security impact of climate change, the causes and effects, and the resulting vulnerabilities.”

(2) Secretary of Defense James Mattis has stated: “Climate change will impact the Department of Defense mission areas into their planning.”

(3) Chairman of the Joint Chiefs of Staff Joseph Dunford has stated: “It’s a question, once again, of being forward deployed, forward engaged and in a position to respond to the kinds of natural disasters that I think we see as a second or third order effect of climate change.”

(4) Former Secretary of Defense Robert Gates has stated: “Over the next 20 years and more, certain pressures-population, energy, climate, economic, environmental—could combine with rapid cultural, social, and technological change to produce new sources of deprivation, rage, and instability.”

(5) Former Chief of Staff of the U.S. Army Gordon Sullivan has stated: “Climate change is a national security issue. We found that climate instability will lead to instability in geopolitics and impact American military operations around the world.”

(6) The Office of the Director of National Intelligence (ODNI) has stated: “Many countries will encounter climate-induced disruptions—such as weather-related disasters, drought, famine, or damage to infrastructure—that stress their capacity to respond, cope with, and adapt.”

(b) EFFECTS OF CLIMATE CHANGE.—Climate-related impacts will also contribute to the readiness of the Department of Defense, including the in-service and sustainment of military personnel and equipment, and the viability and to increase the resiliency of the military systems, processes, and infrastructure necessary to military operations and installations.

(c) REPORT REQUIRED.—Not later than one year after the date of 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 effects of climate change over the next 20 years.

SEC. 337. APPROPRIATIONS AND OTHER MATTERS.

(a) MODIFICATION AND IMPROVEMENT OF AMMUNITION STORAGE BOARD.—Section 172 of title 10, United States Code, is amended—

(1) by striking “the Secretary of the military departments” and inserting “Secretary of Defense”;

(2) by inserting “that includes members” after “joint board”;

(3) by striking “selected by the Secretaries of the military departments” and inserting “selected by the Secretary of Defense”;

(4) by inserting “and other” before “civilian officers”;

(5) by striking “or both” and inserting “as necessary”;

(6) by striking “keep informed on stored” and inserting “provide oversight on storage and transportation of”;

(b) CLY DEPARTMENT OF DEFENSE.—

(1) SECTION HEADING.—The heading of section 172 of title 10, United States Code, is amended by striking “Ammunition storage” and inserting “Explosive safety”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 172 and inserting the following new item:

“172. Explosive safety board.”

SEC. 342. DEPARTMENT OF DEFENSE SUPPORT FOR MILITARY OR SECURITY FORCES.

The Secretary of Defense may provide financial support for the acquisition, installation, and maintenance of exhibits, facilities, historic displays, and programs at military service memorials and museums that highlight the role of women in the Armed Forces.

The Secretary of Defense may enter into a contract with a nonprofit organization for the purpose of performing such acquisition, installation, and maintenance.

SEC. 343. LIMITATION ON AVAILABILITY OF FUNDING FOR ADVANCED SKILLS MANAGEMENT SOFTWARE SYSTEM OF THE NAVY.

(a) LIMITATION.—None of the funds authorized to be available under this Act for research and development purposes that includes or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended for the enhancement of the advanced skills management software system of the Navy until a period of 60 days has elapsed following the date on which the Secretary of the Navy makes the submission required under subsection (b)(3).

(b) SUBMITTING THE LIMITATION.—The Secretary of the Navy shall—

(1) provide to the Committee on Armed Services of the House of Representatives a briefing on any enhancements that are needed for the advanced skills management software system of the Navy;

(2) after providing the briefing under paragraph (1), issue a request for information for such enhancements in accordance with part 15.2 of the Federal Acquisition Regulation; and

(3) submit to the Committee on Armed Services of the House of Representatives—

(A) the results of the request for information issued under paragraph (2); and

(B) a written certification that—

(i) as part of the request for information, the Navy solicited information on commercially available off-the-shelf software solutions that may be used to enhance the advanced skills management software system of the Navy; and

(ii) the Navy considered using such solutions.

(c) ADVANCED SKILLS MANAGEMENT SOFTWARE SYSTEM DEFINED.—In this section, the term “advanced skills management software system” means software applications that include, at a minimum—

(1) identify job task requirements for Navy personnel;

(2) assist in determining the profitabilities of such personnel;

(3) document qualifications and certifications of such personnel; and

(4) track the technical training completed by Navy aviation maintenance personnel.

SEC. 344. COST-BENEFIT ANALYSIS OF UNIFORM SPECIFICATIONS FOR AFGHAN MILITARY OR SECURITY FORCES.

Beginning on the date of the enactment of this Act, whenever the Secretary of Defense enters into a contract for the procurement of uniforms for Afghan military or security forces, the Secretary shall require, as a condition of the contract, that the contract include a requirement that the contractor conduct a cost-benefit analysis of the uniform specification for the Afghan military or security forces uniform. Such analysis shall determine—

whether there is a more effective alternative uniform specification, considering both operational environment and cost, available to the Afghan military or security forces;

the efficacy of the uniform specification compared to other alternatives (both proprietary and non-proprietary patterns);
(3) the costs and feasibility of transitioning the uniforms of the Afghan military or security forces to a pattern owned by the United States, using existing excess inventory where available, and acquiring the rights to the Spec-Fore pattern.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2018, as follows:

(a) The Army, 486,000.

(b) The Navy, 327,900.

(c) The Marine Corps, 185,000.

(d) The Air Force, 325,100.

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, 486,000.

‘‘(2) For the Navy, 327,900.

‘‘(3) For the Marine Corps, 185,000.

‘‘(4) For the Air Force, 325,100.’’

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths of Selected Reserve personnel of the reserve components as of September 30, 2018, as follows:

(1) The Army National Guard of the United States, 347,000.

(2) The Army Reserve, 202,000.

(3) The Navy Reserve, 59,000.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 106,600.

(6) The Air Force Reserve, 69,800.

(7) The Coast Guard Reserve, 7,000.

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

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2018, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(a) The Army National Guard of the United States, 16,260.

(b) The Army Reserve, 16,261.

(c) The Navy Reserve, 10,101.

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

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

(f) The Air Force Reserve, 3,388.

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

(a) In General.—The authorized number of military technicians (dual status) as of September 30, 2018, 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) Federal Army National Guard of the United States, 25,207.

(2) For the Army Reserve, 7,427.

(3) For the Air National Guard of the United States, 21,793.

(4) For the Air Force Reserve, 10,160.

(b) Variance.—Notwithstanding section 115 of title 10, United States Code, the end strength prescribed for reserve component (a) and inserted in subsection (a) of this section as of September 30, 2018, may not exceed the following:

(1) by 3 percent, upon determination by the Secretary of Defense that such action is in the national interest; and

(2) by 2 percent, upon determination by the Secretary of the military department concerned that such action would enhance training and readiness in essential units or in critical specialties or ratings.

SEC. 414. FISCAL YEAR 2018 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) Limitations.—

(1) National Guard.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2018, may not exceed the following:

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

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

(2) Army Reserve.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2018, may not exceed 425.

(3) Air Force Reserve.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2018, may not exceed 90.

(b) Non-Dual Status Technicians Defined.—In this section, the term ‘‘non-dual status technician’’ has the meaning given that term in section 10217(a) of title 10, United States Code.

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

During fiscal year 2018, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 112(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 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4201.

(b) Construction of Authorization.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2018.

SEC. 502. PILOT PROGRAM ON USE OF RETIRED SENIOR ENLISTED MEMBERS OF THE ARMY NATIONAL GUARD AS ARMY NATIONAL GUARD RECRUITERS.

(a) Pilot Program Authorized.—The Secretary of the Army may carry out a pilot program for the Army National Guard under which senior enlisted members of the Army National Guard would serve as contract recruiters for the Army National Guard.

(b) Objectives of Pilot Program.—The Secretary of the Army shall design any pilot program conducted under this section to determine the following:

(1) The feasibility and effectiveness of hiring retired senior enlisted members of the Army National Guard who have retired within the previous two years to serve as recruiters.

(2) The best method of providing a competitive compensation package for such retired senior enlisted members.

(3) The merits of requiring such retired senior enlisted members to wear a military uniform while performing recruiting duties under the pilot program.

(c) Consultation.—In developing a pilot program under this section, the Secretary of the Army shall consult with the operators of a previous pilot program carried out by the Army involving the use of contract recruiters.

(d) Commencement and Duration.—The Secretary of the Army may commence a pilot program under this section on or after January 1, 2018, and all activities under such a pilot program shall terminate no later than December 31, 2022.

(e) Reporting Requirement.—If a pilot program is conducted under this section, the Secretary of the Army shall submit to each House of Congress a report containing an evaluation of the success of the pilot program, including the determinations described in subsection (b). The report shall be submitted not later than January 1, 2020.

SEC. 503. EQUAL TREATMENT OF ORDERS TO RETIRED SENIOR ENLISTED MEMBERS OF THE RESERVE COMPONENTS FOR PRE-MOBILIZATION HEALTH CARE.

(a) Eligibility of Reserve Component Members for Pre-Mobilization Health Care.—Section 1074(d)(2) of title 10, United States Code, is amended by striking ‘‘in support...
of a contingency operation under" and inserting "under section 12304 of this title or".

(b) ELIGIBILITY OF RESERVE COMPONENT MEM-
BERS FOR TRANSITIONAL HEALTH CARE.—Section
1145(a) of title 10, United States Code, is amended by
striking "in support of a contingency operation" and
inserting "under section 12304 of this title or".

SEC. 504. DIRECT EMPLOYMENT PILOT PROGRAM
FOR MEMBERS OF THE NATIONAL GUARD AND
RESERVES.

(a) PROGRAM AUTHORITY.—The Secretary of
Defense may carry out a pilot program to en-
hance the efforts of the Department of Defense
to provide job placement assistance and related
employment services directly to members in the
National Guard and Reserves.

(b) ADMINISTRATION.—The pilot program shall
be offered to, and administered by, the adminis-
trating officials appointed under section 314 of
title 32, United States Code.

(c) COST-SHARING REQUIREMENT.—As a condi-
tion on the provision of funds under this section
to a State to support the operation of the pilot
program in the State, the State must agree to
contribute an amount, derived from non-Federal
sources, equal to at least 30 percent of the funds
provided by the Secretary of Defense under this
section.

(d) DIRECT EMPLOYMENT PILOT PROGRAM.—
The pilot program shall follow a job placement
program model that focuses on working one-on-
one with a member of a reserve component to
cost-effectively provide job placement services,
including services such as identifying unem-
ployed and under employed members, job match-

ing services, resume editing, interview prepara-
tion, and post-employment follow up. Develop-
ment of the pilot program should be informed by
State direct employment programs for members of
the reserve components, such as the programs
created in California and South Carolina.

(e) The Secretary of Defense shall develop outcome
evaluations to measure outcomes of the
cost-effectiveness of the pilot program.

(f) REPORTING REQUIREMENTS.—(1) REPORT
REQUIRED.—Not later than Janu-
ary 31, 2022, the Secretary of Defense shall sub-
mit to the Committees on Armed Services of the
Senate and the House of Representatives a re-
port describing the results of the pilot program.
The Secretary shall prepare the report in coordi-
nation with the Chief of the National Guard
Bureau.

(2) ELEMENTS OF REPORT.—A report under
paragraph (1) shall include the following:

(A) A description and assessment of the effec-
tiveness of the results of the pilot program,
including the number of members of the reserve
components hired and the cost-per-placement of
participating members.

(B) An assessment of the impact of the pilot
program and increased reserve component

-employment levels on the readiness of members of
the reserve components.

(c) The matters considered appropriate by the
Secretary.

(g) DURATION OF AUTHORITY.—(1) IN
GENERAL.—The authority to carry out the
program under this section shall expire on

(2) EXTENSION.—Upon the expiration of the
authority under paragraph (1), the Secretary of
Defense may extend the pilot program for not
more than two additional fiscal years.

SEC. 514. INCLUSION OF EMAIL ADDRESS BLOCK ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

(a) MODIFICATION REQUIRED.—The Secretary
of Defense shall modify the Certificate of Re-
lease or Discharge from Active Duty (DD Form
214), as modified by section 5202 of the
Military Justice Act of 2016 (division E of Public
Law 114-328; 130 Stat. 2904), by inserting an
endorsement identifying the location in which a
member of the Armed Forces may provide one or
more email addresses by which the member may be
contacted after discharge or release from active duty in
the Armed Forces.

(b) DEADLINE FOR MODIFICATION.—The Sec-
retary of Defense shall release a revised Certifi-
cate of Release or Discharge from Active Duty
(DD Form 214), modified as required by sub-
section (a), no later than one year after the date of the enactment of this section.

SEC. 515. PROVISION OF INFORMATION ON NATU-
RALIZATION THROUGH MILITARY SERVICE.

The Secretary of Defense shall ensure that
guarantee the availability of naturalization
through service in the Armed Forces under
section 328 of the Immigration and Nationality Act
(8 U.S.C. 1439) and the process by which to pur-
chase naturalization. The Secretary shall ensure
that resources are available to assist qualified
members of the Armed Forces to navigate the
application and naturalization process.

Subtitle C—Military Justice and Other Legal
Issues

SEC. 521. CLARIFYING AMENDMENTS RELAT-
ED TO THE UNIFORM CODE OF MILITARY
JUSTICE REFORM BY THE MILITARY
JUSTICE ACT OF 2016.

(a) ENFORCEMENT OF RIGHTS OF VICTIMS
OF OFFENSES UNDER UCMJ.—Section 906(e)(3)
of title 10, United States Code, is amended by
inserting at the end the following new sub-
paragraph:

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

"(1) by inserting "(A)" after "(2)";
"(2) by striking "President, and, to the extent
practicable, shall have priority over all other
proceedings before the court," and inserting the
following "President shall have priority over
sections 8030a of this title (article 6b)",; and
"(3) by adding at the end the following new
subparagraph:

"(B) To the extent practicable, a petition for
a writ of mandamus described in this subsection
shall have priority over all other proceedings be-
fore the Court of Criminal Appeals.

(2) "Review of any decision by the Court of
Criminal Appeals on a petition for a writ of
mandamus described in this subsection shall
have priority in the Court of Appeals for the
Armed Forces, as determined under the rules
of the Court of Appeals for the Armed Forces."

(b) REVIEW OF CERTAIN MATTERS BEFORE RE-
FERRAL OF CHARGES.—Sub-
section (a)(1) of section 830a of title 10, United
States Code (30a of the Uniform Code of
Military Justice), as amended by section 5202
of the Military Justice Act of 2016 (division E of Public
Law 114-328; 130 Stat. 2904), is amended by add-
ing at the end the following new subparagraph:
"(D) by adding at the end the following new
subsections:

subsection (e) of section 806 of this title (article 6b)."

(c) DEFENSE COUNSEL ASSISTANCE IN POST-
TRIAL MATTERS FOR ACCUSED CONVICTED
BY COURT-MARTIAL.—Section 1003(d) of title 10,
United States Code (38(c)(2) of the Uni-
form Code of Military Justice), is amended by
...
striking “section 860 of this title (article 60)” and inserting “section 860a, 860a-1, or 860b of this title (article 60, 60a, or 60b)”.

(d) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS—(b) of section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), as added by section 5237 of the Military Justice Act of 2016 (division E of Public Law 114–128; 130 Stat. 2921), is amended—

(1) in paragraph (2), by striking “or” after the semicolon;
(2) in paragraph (3), by striking the period and inserting a semicolon; and
(3) by adding at the end the following new paragraph:

“(4) is prohibited by law; or

(5) is contrary to, or is inconsistent with, a regulation prescribed by the President with respect to terms, conditions, or other aspects of plea agreements.”.

(e) APPLICABILITY OF STANDARDS AND PROCEDURES TO SENTENCE APPEAL—(1) in the matter preceding subparagraph (A), by inserting after “concluded,” the following: “and consistent with standards and procedures set forth in regulations prescribed by the President,”; and
(2) in subparagraph (B), by inserting before the period at the end the following: “, as determined in accordance with standards and procedures prescribed by the President.”

(f) SENTENCE OF REDUCTION IN ENLISTED GRADE.—

(1) IN GENERAL.—Subsection (a) of section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), as amended by section 5301 of the Military Justice Act of 2016 (division E of Public Law 114–128; 130 Stat. 2919), is amended—

(1) in the matter preceding subparagraph (A), by inserting after “concluded,” the following: “and consistent with standards and procedures set forth in regulations prescribed by the President,”; and
(2) in subparagraph (B), by inserting before the period at the end the following: “, as determined in accordance with standards and procedures prescribed by the President.”

(2) DUTIES OF COURT OF CRIMINAL APPEALS.—(A) The Court of Criminal Appeals shall—

(i) review the entire record of the trial, including all evidence adduced at the trial, in accordance with regulations prescribed by the President; and
(ii) on the findings and recommendations of the Judge Advocate General of the Army, the Judge Advocate General of the Navy, the Judge Advocate General of the Air Force, and the Judge Advocate General of the Marine Corps, issue a final and conclusive opinion on the matters appealed, as may be appropriate.

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect immediately upon the enactment of this Act.
SEC. 524. INFORMATION FOR THE SPECIAL VICTIMS’ COUNSEL OR VICTIMS’ LEGAL COUNSEL.

Section 1046e(b)(6) of title 10, United States Code, is amended by adding at the end the following new subsection:

"(a) NOTIFICATION REQUIRED.—A member of the Armed Forces, other than a member of the National Guard of a State, shall not be subject to any legal process (except a garnishment order arising from the performance of military duty; a child abuse garnishment order; or a garnishment order arising from the performance of military duty which is based on a court order for family support) to the extent that such legal process is granted by a court other than a court of competent jurisdiction in the State in which the Armed Forces member is located to the extent provided by section 1046e(b)(6) of title 10, United States Code.

(b) NOTIFICATION.—The court shall notify the Secretary concerned of any legal process (other than a garnishment order arising from the performance of military duty, a child abuse garnishment order, or a garnishment order arising from the performance of military duty which is based on a court order for family support) to the extent that such legal process is granted by a court other than a court of competent jurisdiction in the State in which the Armed Forces member is located.

SEC. 525. SPECIAL VICTIMS’ COUNSEL TRAINING REGARDING THE UNIQUE CHALLENGES FACED BY VICTIMS OF SEXUAL ASSAULT.

The baseline Special Victims’ Counsel training established under section 1045d(d)(2) of title 10, United States Code, shall include training for Special Victims’ Counsel to recognize and deal with the unique challenges often faced by male victims of sexual assault.

SEC. 526. GARNISHMENT TO SATISFY JUDGMENT RENDERED FOR PHYSICALLY, SEXUALLY, OR EMOTIONALLY ABUSING A CHILD.

(a) GARNISHMENT AUTHORITY.—Section 1408 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(a) NOTIFICATION REQUIRED.—A member of the Armed Forces of the United States, who has been convicted of a crime involving physical, sexual, or emotional abuse of a child and who is subject to a court-martial sentence, shall not be subject to garnishment to the extent provided by section 1046e(b)(6) of title 10, United States Code.

(b) NOTIFICATION.—The court shall notify the Secretary concerned of any garnishment order to the extent that such garnishment order is granted by a court other than a court of competent jurisdiction in the State in which the Armed Forces member is located.

SEC. 527. INCLUSION OF INFORMATION IN ANNUAL SAPRO REPORTS REGARDING MILITARY SEXUAL HARASSMENT AND INCIDENTS INVOLVING NON-COMBATANT PERSONS OR AFFILIATES.

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

"(i) The number of substantiated and unsubstantiated reports.

(b) NOTIFICATION.—Section 1631(b)(4) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding at the end the following new paragraph:

"(i) The number of substantiated and unsubstantiated reports.

SEC. 528. INCLUSION OF INFORMATION IN ANNUAL SAPRO REPORTS REGARDING MILITARY SEXUAL ASSAULT COMMITTED BY A MEMBER OF THE ARMED FORCES AGAINST THE MEMBER’S SPOUSE OR OTHER FAMILY MEMBER.

Beginning with the reports required to be submitted by March 1, 2018, under section 1631(b)(4) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note), information regarding a sexual assault committed by a member of the Armed Forces against the spouse or other family member of the member or another dependent of the member shall be included in such reports in addition to the annual Family Advocacy Program report. The information shall be provided in the same manner as information is provided with respect to other official and unofficial reports of sexual assault.

SEC. 529. NOTIFICATION TO MEMBERS OF THE ARMED FORCES UNDERGOING CERTAIN ADMINISTRATIVE SEPARATIONS OR DISCHARGE UNDER CONDITIONS OTHER THAN HONORABLE.

(a) NOTIFICATION REQUIRED.—A member of the Armed Forces who receives an administrative separation or discharge under conditions other than honorable shall be provided written notification that the member may petition the Secretary of the Navy to receive, despite the characterization of the member’s service, certain benefits under the laws administered by the Secretary of Veterans Affairs.

(b) DEADLINE FOR NOTIFICATION.—The Secretary shall notify a member under subsection (a) not later than 60 days after the date on which the member is notified of the administrative separation or discharge.

SEC. 530. CONSISTENT ACCESS TO SPECIAL VICTIMS’ COUNSEL FOR FORMER DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall revise Navy policy regarding the eligibility of former dependents of members of the Armed Forces to representation by a Victims’ Legal Counsel, which provides that a former dependent is eligible for such representation if, while entitled to legal assistance, the dependent was the victim of an alleged sex-related offense by a member of the Armed Forces.

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

SEC. 541. PROHIBITION ON RELEASE OF MILITARY SERVICE ACADEMY GRADUATES TO PARTICIPATE IN PROFESSIONAL SPORTS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(b) UNITED STATES NAVAL ACADEMY.—Section 6596(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The midshipman will not be used to allow the midshipman to pursue such a career.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 8394(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(d) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(e) UNITED STATES AIR FORCE ACADEMY.—Section 8394(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(f) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(g) UNITED STATES AIR FORCE ACADEMY.—Section 8394(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(h) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(i) UNITED STATES AIR FORCE ACADEMY.—Section 8394(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(j) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(k) UNITED STATES AIR FORCE ACADEMY.—Section 8394(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(l) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(m) UNITED STATES AIR FORCE ACADEMY.—Section 8394(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(n) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The cadet will not be used to allow the cadet to pursue such a career.

(o) UNITED STATES AIR FORC
SEC. 543. LIEUTENANT HENRY OSSIAN FLIPPER LEADERSHIP SCHOLARSHIP PROGRAM.(a) AUTHORITY.—The Secretary of the Army shall carry out a program to be known as the “Lieutenant Henry Ossian Flッpper Leadership Scholarship Program” under which the Secretary may provide, in accordance with this section, to a person—

(1) who is pursuing a recognized postsecondary credential at a minority-serving institution, and

(2) who enters into an agreement with the Secretary described in subsection (b).

(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—

(1) IN GENERAL.—To receive financial assistance under this section—

(A) a member of the Army shall enter into an agreement to serve on active duty in the Army for the period of obligated service determined under paragraph (2); and

(B) a person who is not a member of the Army shall enter into an agreement to enlist or accept a commission in the Army and to serve on active duty in the Army for the period of obligated service determined under paragraph (2).

(2) PERIOD OF OBLIGATED SERVICE.—The period of obligated service for a recipient of financial assistance shall be the period determined under paragraph (2).

(c) TERMS OF AGREEMENT.—An agreement entered into under this section by a person pursuing a recognized postsecondary credential shall include the following:

(A) SERVICE START DATE.—The period of obligated service will begin on a date after the award of the credential, as determined by the Secretary of the Army.

(B) ACADEMIC PROGRESS.—The person will maintain satisfactory academic progress, as determined by the Secretary, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

(C) OTHER TERMS.—Any other terms and conditions that the Secretary determines to be appropriate for carrying out this section.

(d) AMOUNT OF ASSISTANCE.—The amount of financial assistance for a person under this section shall be the amount determined by the Secretary of the Army as being necessary to pay the person’s cost of attendance at the minority-serving institution.

(e) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to persons in support of internships at the Department of Defense in periods between the academic years leading to the credential for which assistance is provided under this section.

(f) REPAYMENT FOR PERIOD OF UNINSURED OBLIGATED SERVICE.—A member of the Army who does not complete the period of active duty specified in the service agreement under subsection (b) shall be subject to the repayment provisions of section 303a(e) of title 10.

(g) DEFINITIONS.—In this Act:

(1) ESEA TERMS.—The terms “elementary school”, “secondary school”, and “local educational agency” have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201).

(2) SENIOR MILITARY COLLEGES.—The term “senior military colleges” means the senior military colleges described in section 2112a(a) of title 10, United States Code.
inserting ‘‘, from funds available for Major Force Program 11, to carry out family support programs under this section.’’.

(c) ELIMINATION OF PILOT PROGRAM—The reference to programs under former section 2107 of title 10, United States Code, as added by subsection (a) of this section, is further amended—

(1) in paragraph (1), by striking ‘‘Military Forces’’ each place it appears and inserting ‘‘armed forces’’;

(2) by striking ‘‘pilot’’ each place it appears;

(3) in subparagraph (D) of subsection (b), by—

(A) in the subsection heading, by striking ‘‘pilot’’;

and

(B) by striking ‘‘up to three’’ and all that follows through ‘‘providing’’ and inserting ‘‘programs to provide’’;

and

(4) in subsection (d), as redesignated by subsection (a) of this section, by—

(A) in paragraph (2), by striking ‘‘title 10, United States Code’’ and inserting ‘‘this title’’; and

(B) in paragraph (3), by striking ‘‘such title’’ and inserting ‘‘this title’’.

(d) CONFORMING REPEAL.—Section 554 of the National Defense Authorization Act for Fiscal Year 1985 (Public Law 99–510, 10 U.S.C. 1788 note) is repealed.

SEC. 554. REIMBURSEMENT FOR STATE LICENSING, CERTIFICATION COSTS OF A SPOUSE OF A MEMBER OF THE ARMED FORCES ARISING FROM RELOCATION TO ANOTHER STATE.

(a) REIMBURSEMENT AUTHORIZED.—Section 476 of title 37, United States Code, is amended by adding at the end the following new subsection:

‘‘(p)(1) The Secretary concerned may reimburse a member of the armed forces for qualified relicensing costs of the spouse of the member when—

‘‘(A) the member is reassigned, either as a permanent change of station or permanent change of assignment, from a duty station in one State to a duty station in another State; and

‘‘(B) the movement of the member’s dependents is authorized at the expense of the United States under this section as part of the reassignment.

‘‘(2) Reimbursement provided to a member under this subsection may not exceed $500 in connection with each reassignment described in paragraph (1).

‘‘(3) In this subsection, the term ‘qualified relicensing costs’ means costs, including exam and registration fees, that—

‘‘(A) are imposed by the State of the new duty station to secure a license or certification to engage in the same profession that the spouse of the member engaged in while in the State of the original duty station; and

‘‘(B) are paid or incurred by the member or spouse to secure the license or certification from the State of the new duty station after the date on which the orders directing the reassignment described in paragraph (1) are issued.’’.

(b) DEVELOPMENT OF RECOMMENDATIONS TO EXPEDITE LICENSE PORTABILITY FOR MILITARY SPOUSES.—

(1) CONSULTATION WITH STATES.—The Secretary concerned, the Secretary of Homeland Security with respect to the Coast Guard, shall consult with States—

(A) to identify barriers to the portability between States of the license, certification, or other grant of permission held by the spouse of a member of the Armed Forces to engage in an occupation when the spouse moves between States as part of the permanent change of assignment of the member; and

(B) to develop recommendations for the Federal Government and the States, together or separately, to expedite the portability of such licenses, certifications, and other grants of permission for military spouses.

(2) SPECIFIC CONSIDERATIONS.—In conducting the consultation and preparing the recommendations under paragraph (1), the Secretary concerned shall—

(A) accept licenses, certifications, and other grants of permission described in paragraph (1) issued by another State and in good standing in that State;

(B) the issuance of a temporary license pending completion of State-specific requirements; and

(C) the establishment of an expedited review process for military spouses.

(3) REPORT REQUIRED.—Not later than March 15, 2018, the Secretary shall submit to the appropriate congressional committees and the States a report containing the recommendations developed under this subsection.

(D) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ‘appropriate congressional committees’ means the congressional defense committees, the Committee on Homeland Security and Government Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives.

Subtitle F—Decorations and Awards

SEC. 556. REPLACEMENT OF MILITARY DECORATIONS AT THE REQUEST OF RELATIVES OF MEMBERS OF THE ARMED FORCES.

Subsection (a) of section 1135 of title 10, United States Code, is amended to read as follows—

‘‘(a) REPLACEMENT.—(1) The Secretary concerned shall replace, on a one-time basis, a military decoration upon the request of—

‘‘(A) the recipient of a military decoration;

‘‘(B) the immediate next of kin of a deceased recipient of a military decoration; or

‘‘(C) a relative of a military decoration who is related within the second or third degree of consanguinity to the deceased recipient.

‘‘(2) The Secretary may replace the military decoration under subparagraph (A) or (B) of paragraph (1) shall be provided without charge. The replacement of a military decoration under subparagraph (A) of paragraph (1) shall be provided at no cost to the Department of Defense.

‘‘(3) The authority provided by this subsection is in addition to any other authority available to the Secretary concerned to replace a military decoration.’’.

SEC. 556. CONGRESSIONAL DEFENSE SERVICE MEDAL.

(a) ESTABLISHMENT.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

‘‘§ 1136. Congressional Defense Service Medal.

‘‘(a) ESTABLISHMENT.—The Secretary of Defense shall, at the behest of and on behalf of Congress, a Congressional Defense Service Medal to a group or other entity to recognize, subject to subsection (c)(1), the exemplary achievement of the group or other entity in furtherance of the defense and national security of the United States.

‘‘(b) DESIGN AND CONTENT.—A Congressional Defense Service Medal shall be a gold medal of appropriate design, with suitable emblems, devices, and inscriptions. The Secretary of Defense may authorize the striking of a Congressional Defense Service Medal to recognize the specific group or other entity and the service or achievement for which the Congressional Defense Service Medal is being awarded; and

‘‘(c) ELIGIBILITY LIMITATIONS.—

‘‘(1) NATURE OF SERVICE OR ACHIEVEMENT.—

For a group or other entity to be eligible for the Congressional Defense Service Medal, the service or achievement to be recognized must—

‘‘(A) be in the field of endeavor of the group or other entity; and

‘‘(B) represent either a lengthy period of continuous superior service or achievement or a single act of military achievement so significant that the group or other entity is recognized and acclaimed by others in the same field of endeavor evidences by the character having received the highest honors in the field.

‘‘(2) EFFECT OF OTHER FEDERAL RECOGNITION.—A group or other entity may not receive a Congressional Defense Service Medal in recognition of service or achievement for which the group or other entity received a medal from the United States previously for the same or substantially the same service or achievement.

‘‘(3) PROHIBITION ON AWARD TO AN INDIVIDUAL.—A Congressional Defense Service Medal may not be awarded to a single individual.

‘‘(4) TIME LIMITATIONS.—A Congressional Defense Service Medal may not be awarded to a group or entity—

‘‘(i) until at least five years after the conclusion of the exemplary service or significant achievement for which the Congressional Defense Service Medal is being awarded; and

‘‘(ii) unless the award is made within 25 years after the conclusion of the exemplary service or significant achievement for which the Congressional Defense Service Medal is being awarded.

‘‘(5) DUPLICATE MEDALS.—The Secretary of Defense may arrange for the striking and sale of duplicate Congressional Defense Service Medal, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold Congressional Defense Service Medal.’’.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

‘‘1136. Congressional Defense Service Medal.’’.

SEC. 556. LIMITATIONS ON AUTHORITY TO REVOKE CERTIFICATION OR DECORATIONS AWARDED TO MEMBERS OF THE ARMED FORCES.

(a) LIMITATIONS.—

(1) LIMITATIONS.—Chapter 337 of title 10, United States Code, is amended by adding at the end the following new section:

‘‘§ 1628. Military decorations: limitations on revocation.

‘‘(a) LIMITATIONS.—Except as provided in subsection (b), the President or the Secretary of the Army may not authorize the revocation of a military decoration or the retraction of the military decoration to a member of the armed forces under the jurisdiction of the Secretary.

(b) EXCEPTIONS.—(1) Subsection (a) does not apply to the revocation of a military decoration if the revocation is ordered on account of—

‘‘(A) the acquisition of new or additional information that calls into question the service for which the member was awarded the military decoration; or

‘‘(B) the conviction of the member for a serious violent felony.

‘‘(2) In applying the exception described in paragraph (1)(B), the Secretary of the Army shall take into account, as an extenuating factor, whether the member has been diagnosed with Traumatic Brain Injury (TBI) or Post-Traumatic Stress Disorder (PTSD).

‘‘(c) DEFINITIONS.—In this section:

‘‘(1) TERM.—‘‘Military decoration’’ means the distinguished-service cross, distinguished-service medal, silver star, distinguished flying cross, or Soldier’s Medal. The term does not include the medal of honor award.

‘‘(2) ‘‘Serious violent felony’’ has the meaning given that term in section 559(c)(2)(F) of title 18.’’.

(c) LEGISLATIVE AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new section:
ADDITIONS.—The table of sections of this title is amended by striking the words 'the Air Force' and inserting 'a covered private sector employee' in the following place:

SEC. 574. SENSE OF CONGRESS REGARDING SEC. 504 OF TITLE 10, UNITED STATES CODE.

(2) in subsection (c)(3), by striking ‘‘covered private sector employee’’ and inserting ‘‘A covered private sector employee’’

(3) in subsection (d), by striking ‘‘covered private sector employee’’ and inserting ‘‘a covered private sector employee’’

SEC. 575. MILITARY DECORATIONS: LIMITATIONS ON REVOCATION

(1) LIM I TATIONS.—Chapter 857 of title 10, United States Code, is amended—

(a) LIMITATIONS.—Except as provided in subsection (b), the President or the Secretary of the Navy may not authorize the revocation of a military decoration after the actual award of the decoration to a member of the armed forces under the jurisdiction of the Secretary.

(b) EXCEPTIONS.—(1) Subsection (a) does not apply to the revocation of a military decoration if the revocation is ordered on account of—

(A) the acquisition of new or additional information that calls into question the service for which the member was awarded the military decoration; or

(B) the conviction of the member for a serious violent felony.

(2) In applying the exception described in paragraph (1)(B), the President and the Secretary of the Navy shall take into account, as an extenuating factor, whether the member has been diagnosed with Traumatic Brain Injury (TBI) or Post-Traumatic Stress Disorder (PTSD).

(c) DEFINITIONS.—In this section:

(1) The term ‘military decoration’ means the Navy distinguished-service medal, silver star medal, distinguished flying cross, or Navy and Marine Corps Medal. The term does not include the medal of honor.

(2) The term ‘serious violent felony’ has the meaning given that term in section 5599(c)(2)(F) of title 18.

(3) The term ‘covered private sector employee’ means—

(A) an individual employed by a private firm that is engaged in providing to the Department of Defense support of defense-related systems, products, or services; or

(B) an individual employed by a private firm in one of the critical infrastructure sectors identified in Presidential Policy Directive 21 (Critical Infrastructure Security and Resilience).

(d) CLERICAL AMENDMENTS.—

(1) LIM I TATIONS.—Chapter 567 of title 10, United States Code, is amended—

(2) TABLE OF SECTIONS.—The table of sections of this title is amended by striking the words ‘‘the Air Force’’ and inserting ‘‘a covered private sector employee’’ in the following place:

SEC. 576. VOTER REGISTRATION.

(2) I N GENERAL.—For the purposes of voting in any election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 301)) or State or local office, a servicemember who registers to vote in a State in which the servicemember is present in compliance with military orders for a permanent change of station shall not, solely by reason of that registration—

(A) be deemed to have acquired a residence or domicile in that State;

(B) be deemed to have become a resident in or a resident of that State; or

(C) be deemed to have lost a residence or domicile in any other State, without regard to whether or not the person intends to return to that State.

(2) NOTIFICATION BY THE SERVICEMEMBER.—A servicemember who elects to register to vote in the State in which the servicemember is present in compliance with military orders for a permanent change of station shall notify the Service Voting Action Officer of the military department concerned not later than 10 days after such registration.

(3) NOTIFICATION BY THE SERVICE VOTING ACTING OFFICER.—A Service Voting Action Officer who receives a notification under paragraph (2) shall notify the chief State election official of the State in which the servicemember resides or is domiciled of such notification not later than 10 days after such registration.

SEC. 577. EXPANSION OF UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY ENROLLMENT AUTHORITY TO INCLUDE MILITARY EMPLOYEES OF THE HOMELAND SECURITY INDUSTRY.

(1) DEFINITION.—Subsection (b) of section 9314a of title 10, United States Code, is amended to read as follows:

(b) COVERED PRIVATE SECTOR EMPLOYEE DEFINED.—(1) In this section, the term ‘covered private sector employee’ means—

(A) an individual employed by a private firm that is engaged in providing to the Department of Defense support of defense-related systems, products, or services; or

(B) an individual employed by a private firm in one of the critical infrastructure sectors identified in Presidential Policy Directive 21 (Critical Infrastructure Security and Resilience).

(2) A covered private sector employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long as the person remains employed by the same firm.

(3) Use of defined term.—Section 9314a of title 10, United States Code, is amended to read as follows:

Sec. 9314a. United States Air Force Institute of Technology.

(a) LIMITATIONS.—Except as provided in subsection (b), the President and the Secretary of Defense of the United States Code, which states that ‘‘the Secretary concerned may authorize to register to vote a person not described in paragraph (1) of that subsection if the Secretary determines that such enlistment is vital to the national interest’’.

TIT LE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. ANNUAL ADJUSTMENT OF BASIC MONTHLY PAY.

The adjustment in the rates of monthly basic pay required by subsection (a) of section 6009 of title 37, United States Code, to be made on January 1, 2018, shall take effect, notwithstanding any determination made by the President under subsection (e) of such section with respect to an alternative pay adjustment to be made on such date.

SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR HOUSING MODIFICATION AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES RESIDING IN MILITARY HOUSING PRIVATIZATION INITIATIVE HOUSING.

(a) I N GENERAL.— Paragraph (3) of section 403(b) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

(3) The Secretary of Defense may not reduce the basic allowance for housing in effect on December 31, 2017, for a member of a uniformed service who resides in a housing unit acquired or constructed under the authority of this chapter that is domiciled under section 309 of title 10 (known as the Military Housing Privatization Initiative) until January 1, 2019.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of such paragraph (3) shall be amended by striking ‘‘Four’’ and inserting ‘‘Subject to subparagraph (C), four’’.

SEC. 573. VOTER REGISTRATION.

Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. 4025(a)), is amended by adding at the end the following new subsection:

(3) REGISTRATION.— (a) In general.—For the purposes of voting in any election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 301)) or State or local office, a servicemember who registers to vote in a State in which the servicemember is present in compliance with military orders for a permanent change of station shall not, solely by reason of that registration—

(A) be deemed to have acquired a residence or domicile in that State;

(B) be deemed to have become a resident in or a resident of that State; or

(C) be deemed to have lost a residence or domicile in any other State, without regard to whether or not the person intends to return to that State.

(2) Notification by the Servicemember.—A servicemember who elects to register to vote in the State in which the servicemember is present in compliance with military orders for a permanent change of station shall notify the Service Voting Action Officer of the military department concerned not later than 10 days after such registration.

(3) Notification by the Service Voting Acting Officer.—A Service Voting Action Officer who receives a notification under paragraph (2) shall notify the chief State election official of the State in which the servicemember resides or is domiciled of such notification not later than 10 days after such registration.

(4) Interagency Consultation.—The Secretaries of the military departments concerned shall consult with each other on the requirements of this section in order to facilitate implementation of the provisions of this section.

(5) Waiver and Rollover.—The Secretary of the military department concerned may by written instruction waive or roll over any notification or determination made under this section to another State or officer in order to facilitate implementation of the provisions of this section.

SEC. 572. SERVICEMEMBERS’ GROUP LIFE INSURANCE.

Section 1301(b)(4) of title 38, United States Code, is amended by striking the second sentence.
§ 403a. Housing treatment for certain members of the Armed Forces, and their spouses and other dependents.

(a) Housing treatment for certain members of the Armed Forces. The Secretary of Defense shall prescribe regulations that permit a member of the armed forces described in paragraph (2) who is undergoing a permanent change of station described in section 1002(b)(1) of title 10, United States Code, to reside in Government-owned or Government-leased housing following the member's permanent change of station within the United States, if the member departs for the duty station to which the member relocates at a time different from the member's detachment date or the spouse or other dependent's arrival date, but only if such Government-owned or Government-leased housing is available without displacing a member without a spouse or dependent at such housing.

(b) Early housing eligibility. If a spouse or other dependent of a member whose request under subsection (a) is approved is eligible to reside in Government-owned or Government-leased housing following the member's permanent change of station within the United States, the spouse or other dependent may commence residing in such housing at any time during the covered relocation period.

(c) Temporary use of government-owned or government-leased housing intended for members without a spouse or dependent. If a spouse or other dependent of a member relocates at a time different from the member in accordance with subsection (a), the member may be assigned to Government-owned or Government-leased housing intended for the permanent housing of members of the armed forces without the spouse or other dependent's arrival date in order to offset reductions in basic housing allowance.

(d) Equitable basic allowance for housing. If a spouse or other dependent of a member relocates at a time different from the member in accordance with subsection (a), the amount of basic allowance for housing payable may be based on whichever of the following factors the Secretary considers to be the most equitable:

(1) The area of the duty station to which the member is reassigned.

(2) The area in which the spouse or other dependent resides, but only if the spouse or other dependent resides in that area when the member departs for the duty station to which the member relocates at a time different from the member's detachment date or the spouse or other dependent's arrival date.

(3) The area of the former duty station of the member, but only if that area is different from the area in which the spouse or other dependent resides.

(e) Rule of construction. Nothing in this section shall be construed to limit the payment or the amount of basic allowance for housing payable under section 403a(3)(A) of this title to a member whose request under subsection (a) is approved.

(f) Housing treatment education. The regulations prescribed pursuant to this section shall ensure that Government housing programs available under section 1002(b)(1) of title 10 include, as part of the assistance normally provided under such section, education about the housing treatment available under this section.

(g) Definitions. In this section:

(1) Covered relocation period. The term ‘covered relocation period’, when used with respect to a permanent change of station of a member of the armed forces, means the period that—

(i) begins 180 days before the date of the permanent change of station;

(ii) ends 180 days after the date of the permanent change of station.

(2) The regulations prescribed pursuant to this section shall include the broadening of the covered relocation period of a member for purposes of this section.

(3) 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 permanent changes of station of members of the Armed Forces that occur on or after October 1 of the fiscal year that begins after such date of enactment.

SEC. 604. PER DIEM ALLOWANCE POLICIES.

(a) Policy and regulations. The Secretary of each military department may not implement a new policy regarding per diem allowances under section 474 of title 37, United States Code, until after the Secretary of Defense issues the report under subsection (b).

(b) Report. The Secretary of the military department concerned may not implement a new policy regarding per diem allowances under section 474 of title 37, United States Code, after the Secretary of Defense issues the report under subsection (b).

Subtitle B—Bonuses and Special Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITY FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 308(b), relating to Selected Reserve enlistment bonus.

(2) Section 308(c), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308(d), relating to special pay for members assigned to certain high-priority units.

(4) Section 308(g)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308(e), relating to Ready Reserve enlistment and reinstatement bonus for persons with prior service.

(6) Section 308(f), relating to Selected Reserve enlistment and reinstatement bonus for persons with prior service.
(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.
(8) Section 910(g), relating to income replacement pay and bonus authorities for former medical officers and mental health professionals experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITY FOR HEALTH CARE PROFESSIONALS

(a) Title 10 Authorities.—The following sections of title 10, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 2130a(a)(1), relating to nurse officer competency program.
(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selective Reserve.
(3) Title 37 Authorities.—The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 302f(a), relating to access and retention bonuses for psychologists.
(2) Section 302a(d)(1), relating to access bonus for registered nurses.
(3) Section 333f(a)(1), relating to incentive special pay for nurse anesthetists.
(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.
(5) Section 302a(h), relating to access bonus for dental officers.
(6) Section 302(1), relating to access bonus for pharmacy officers.
(7) Section 302(1), relating to access bonus for medical officers in critically short wartime specialties.
(8) Section 302(1), relating to access bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS

The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.
(2) Section 312h(c), relating to nuclear career accession bonus.
(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 331(h), relating to general bonus authority for enlisted members.
(2) Section 332(g), relating to general bonus authority for officers.
(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.
(4) Section 334(l), relating to special aviation incentive pay and bonus authorities for officers.
(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.
(6) Section 336(g), relating to contracting bonuses for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.
(7) Section 331(h), relating to hazardous duty pay.
(8) Section 352(g), relating to assignment pay or special duty pay.
(9) Section 353(i), relating to skill incentive pay or proficiency bonus.
(10) Section 353(f), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of title 37, United States Code, are amended by striking “December 31, 2017” and inserting “December 31, 2018”:

(1) Section 302a(a), relating to aviation officer retention bonus.
(2) Section 307(a), relating to assignment incentive pay.
(3) Section 308(c), relating to reenlistment bonus for active members.
(4) Section 309(e), relating to enlistment bonus.
(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.
(6) Section 320a relating to accession bonus for new officers in critical skills.
(7) Section 327(h), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.
(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.
(9) Section 327(h), relating to accession bonus for officer candidates.

SEC. 616. REIMBURSEMENT FOR STATE LICENSE AND CERTIFICATION COSTS OF A MEMBER OF THE U.S. ARMED FORCES ARISING FROM SEPARATION FROM THE ARMED FORCES.

(a) Reimbursement Authorized.—Section 1143 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) Reimbursement for State Licensure and Certification Costs.—(1) The Secretary concerned may reimburse a member of the Armed Forces who separates from the Armed Forces for qualified relicensing costs of the member.
(2) The Secretary may reimburse to a member under this subsection not exceed $500."

(b) Title 37 Authorities.—The following sections of title 37, United States Code, are each amended by inserting "or 373" after "section 305".

SEC. 617. INCREASE IN MAXIMUM AMOUNT OF AVIATION BONUS FOR 12-MONTH PEIOD OF OBLIGATED SERVICE.

Section 334(c)(1)(B) of title 37, United States Code, is amended by striking "$35,000" and inserting "$38,000".

SEC. 618. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO 2008 CONSOLIDATION OF CERTAIN SPECIAL PAY AUTHORITIES.

(a) Repayment Provisions.

(1) Title 10.—Sections 510(h), subsections (a)(3) and (c) of section 305a, paragraphs (1) and (2) of section 305b(e), section 2105, section 2123(e)(1)(C), section 2128(e), section 2130a(d), section 2177(g), section 2173(g)(2), paragraphs (1) and (2) of section 229b(a), section 4348(f), section 6595(f), section 9348(f), subsections (a)(2) and (b) of section 16135, section 16260(a)(1)(B), section 16301(h), section 16303(d), and the matter preceding subparagraph (A) of paragraph (1) and the matter preceding subparagraph (A) of paragraph (2) of section 16401(f) of title 10, United States Code, are each amended by inserting "or 373" before "of title 37.

(2) Title 14.—Section 182(g) of title 14, United States Code, is amended by inserting "or 373" before "of title 37.

(b) Officers Appointed Pursuant to an Agreement Under Section 329 of Title 37.—Section 641 of title 10, United States Code, is amended by striking "or 373".

(c) Reenlistment Leave.—The matter preceding paragraph (1) of section 703(b) of title 10, United States Code, is amended by inserting "or paragraph (1) or (3) of section 351(a)" after "section 310(a)(2)".

SEC. 619. REST AND RECOVERY ABSENCE QUALIFIED MEMBERS EXTENDING DUTY AT A DESIGNATED LOCATION OVERSEAS.—The matter following paragraph (4) of section 705(a) of title 10, United States Code, is amended by inserting "or 352" after "section 314".

SEC. 620. MILITARY PAY AND ALLOWANCES CONTINUANCE WHILE IN A MISSING STATUS.—Section 532(a)(2) of title 37, United States Code, is amended by inserting "or paragraph (2) of section 351(a) after "section 310".

SEC. 621. MILITARY PAY AND ALLOWANCES.—Section 607(d) of title 37, United States Code, is amended—

(1) in paragraph (1)—
A in subparagraph (A), by inserting "or 351" after "section 301";
B in subparagraph (B), by inserting "or 352" after "section 301c";
C in subparagraph (C), by inserting "or 351a" after "section 301";
D in subparagraph (D), by inserting "or 352" after "section 305";
E in subparagraph (E), by inserting "or 352" after "section 350b";
F in subparagraph (F), by inserting "or 352" after "section 350b";
G in subparagraph (G), by inserting "or 352" after "section 350b";
H in subparagraph (I), by inserting "or 352" after "section 314";
I in subparagraph (J), by striking "316" and inserting "353b";
J in subparagraph (K), by striking "322" and inserting "353"; and

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(2) in paragraph (2)—
  (A) in subparagraph (A), by inserting “or 352” after “section 307”;
  (B) in subparagraph (B), by striking “308” and inserting “331”;
  (C) in subparagraph (C), by striking “309” and inserting “331”;
  (D) in subparagraph (D), by inserting “or 333” after “section 309”;

(pay and allowances.—Section 208(a)(2) of the Public Health Service Act (42 U.S.C. 210(a)(2)) is amended by inserting “or 333” after “306a(b).”

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

SEC. 621. FINDINGS AND SENSE OF CONGRESS RESPECTING THE SPECIAL SURVIVOR INDEMNITY ALLOWANCE.

(a) FINDINGS.—Congress finds the following:

(1) Dependency and indemnity compensation administered by the Department of Veterans Affairs provides financial support to the surviving spouses, children, and dependent parents of deceased veterans.

(2) The survivor benefit plan administered by the Department of Defense provides an inflation-adjusted annuity to the eligible survivors of certain deceased military personnel.

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

(1) the special survivor indemnity allowance was created to assist surviving spouses and began to repay the offset described in subsection (a)(3); and

(2) such offset should be repealed as soon as possible.

Subtitle D—Other Matters

SEC. 621. LAND CONVEYANCE AUTHORITY, ARMY AND AIR FORCE EXCHANGE SERVICE CONCERNING CHARLES F. H. DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Army and Air Force Exchange Service may convey, by sale, exchange, or a combination thereof, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 8901 autobahn drive in Dallas, Texas, and was purchased using nonappropriated funds of the Army and Air Force Exchange Service.

(b) CONSIDERATION.—

(1) IN GENERAL.—Consideration for the conveyance under subsection (a) shall be at least equal to the fair market value of the property, as determined by the Army and Air Force Exchange Service.

(2) TREATMENT OF CASH CONSIDERATION.—Any cash consideration received from the conveyance of the property under subsection (a) may be retained by the Army and Air Force Exchange Service since the property was acquired using nonappropriated funds.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Army and Air Force Exchange Service. The recipient of the property shall be required to cover the cost of the survey.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Army and Air Force Exchange Service may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Army and Air Force Exchange Service considers appropriate to protect the interests of the United States.

SEC. 622. ADVISORY BOARDS REGARDING MILITARY COMMISSARIES AND EXCHANGES.

The Secretary of Defense shall direct each commanding officer of a military base on which there is a military commissary or exchange to establish an advisory board, comprised of representatives of military or veterans service organizations, to advise the commanding officer regarding the interests of patrons and beneficiaries of military commissaries and exchanges.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. PHYSICAL EXAMINATIONS FOR MEMBERS OF A RESERVE COMPONENT MEMBERS SEPARATING FROM THE ARMED FORCES.

Section 1145 of title 10, United States Code, is amended—

(1) by redesigning subsections (d) and (e) as subsections (e) and (f), respectively; and

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

(4) PHYSICAL EXAMINATIONS FOR CERTAIN MEMBERS OF A RESERVE COMPONENT.—(1) The Secretary concerned shall provide a physical examination pursuant to subsection (a)(5) to each member of a reserve component who—

(A) during the two-year period before the date on which the member is scheduled to be separated from the armed forces served on active duty in support of a contingency operation for a period of more than 30 days;

(B) will not otherwise receive such an examination under paragraph (1); and

(C) elects to receive such a physical examination.

(2) The Secretary concerned shall—

(A) provide the physical examination under paragraph (1) to a member during the 90-day period before the date on which the member is scheduled to be separated from the armed forces; and

(B) issue orders to such a member to receive such physical examination.

(3) A member may not be entitled to health care benefits pursuant to subsection (a), (b), or (c) solely by reason of being provided a physical examination under paragraph (1).

(4) In providing to a member a physical examination under paragraph (1), the Secretary concerned shall provide to the member a record of the physical examination.

SEC. 702. MENTAL HEALTH EXAMINATIONS BEFORE MEMBERS SEPARATE FROM THE ARMED FORCES.

(a) IN GENERAL.—Section 1145(a)(5)(A) of title 10, United States Code, is amended by inserting “and a mental health examination conducted pursuant to section 1074n of this title” after “a physical examination”.

(b) CONFORMING AMENDMENT.—Section 1074n(a) of such title is amended by inserting “(and before separation from active duty pursuant to section 1145(a)(5)(A) of this title)” after “each calendar year”.

SEC. 703. PROVISION OF HYPERBARIC OXYGEN THERAPY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) HBOT TREATMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following section:

“§ 1074o. Provision of hyperbaric oxygen therapy for certain members

(1) HBOT TREATMENT.—(A) IN GENERAL.—The Secretary may furnish hyperbaric oxygen therapy at a medical treatment facility to a covered member if such therapy is prescribed by a physician to treat post-traumatic stress disorder or traumatic brain injury.

(B) COVERED MEMBER DEFINED.—In this section—

(A) “member” means a member of the armed forces who is—

(i) serving on active duty; and

(ii) diagnosed with post-traumatic stress disorder or traumatic brain injury.

(B) “Covered member” means a member determined by the Secretary concerned to be—

(i) for the medical readiness provided by the military medical treatment facilities of the Army; and

(ii) for maintaining a ready medical force of the Army.

(2) CLERICAL AMENDMENT.—Section 309(c)(2) of title 10, United States Code, is amended—

(1) by redesigning subparagraphs (A) and (B) as paragraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B) the following new subparagraph:—

“(A) the operation of such facility;”.

(b) ROLE OF SURGEONS GENERAL.—

(1) SURGEON GENERAL OF THE ARMY.—Section 208(a)(2) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Surgeon General is responsible—

(i) for the medical readiness provided by the military medical treatment facilities of the Army; and

(ii) for maintaining a ready medical force of the Army.

(2) SURGEON GENERAL OF THE AIR FORCE.—Section 309(b)(2) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Surgeon General is responsible—

(i) for the medical readiness provided by the military medical treatment facilities of the Navy; and

(ii) for maintaining a ready medical force of the Navy.

(3) SURGEON GENERAL OF THE NAVY.—Section 208(a)(2) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Surgeon General is responsible—

(i) for the medical readiness provided by the military medical treatment facilities of the Air Force; and

(ii) for maintaining a ready medical force of the Air Force.

(4) In carrying out subparagraph (A), the Surgeon General shall provide operational oversight of readiness matters of the military medical treatment facilities of the Air Force.

(5) Members of a reserve component who—

(A) are separated less than 90 days after separation from active duty.

(B) are separated from active duty less than 30 days before the member is scheduled to be separated from the armed forces.

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

“§ 1074n. Provision of hyperbaric oxygen therapy for certain members.

(a) REQUIREMENT.—In addition to any other qualification required by law or regulation, the
Secretary of Defense shall ensure that to serve as a podiatrist in the Armed Forces, an individual must have successfully completed a three-year podiatric medicine and surgery residency.

(b) Application.—Subsection (a) shall apply with respect to an individual who is commissioned as an officer in the Armed Forces on or after January 1, 2018.

Title VIII—Acquisition Policy, Acquisition Management, and Related Matters

Subtitle A—Defense Acquisition Streamlining and Improvement Act

PART I—ACQUISITION SYSTEM STREAMLINING

Section 801. PROCUREMENT THROUGH ONLINE MARKETPLACES.

(a) ESTABLISHMENT OF PROGRAM.—The Administrator of General Services shall establish a program to procure commercial products through online marketplaces for purposes of expediting procurement and ensuring reasonable pricing of commercial products. The Administrator shall carry out the program in accordance with this section, through more than one contract with an online marketplace provider, and shall design the program to enable Government-wide use of such marketplaces.

(b) USE OF PROGRAM BY SECRETARY OF DEFENSE.—The Department of Defense (or an agency of the Department of Defense) shall use the program established pursuant to subsection (a).

(c) DURATION.—The Secretary shall carry out the program under subsection (a) for a period of 1 year.
agree not to sell or otherwise make available to any third party any of the information listed in subsection (h)(1) in a manner that identifies the Federal Government, or any of its departments or agencies, however, except with written consent of the Administrator.

(c) COMPTROLLER GENERAL REVIEW OF SMALL BUSINESS PARTICIPATION.—

(1) REPORT REQUIREMENT.—Not later than three years after a contract with an online marketplace provider is awarded pursuant to subsection (a), the Comptroller General of the United States shall submit to the committees listed in paragraph (2) a report on small business participation in the program established pursuant to subsection (a). The report shall include—

(A) a discussion of small business concerns that have registered or that have sold goods with at least one online marketplace provider;

(B) trends in small business participation;

(C) the effect, if any, of the program on the ability of agencies to meet goals established under section 15(g) of the Small Business Act (15 U.S.C. 64(a)); and

(D) a discussion of the limitations, if any, to small business participation in the program.

(2) COMMITTEES.—The committees listed in this paragraph for the purposes of performing an incurred cost audit may not conduct further audit or review of an incurred cost audit performed by a qualified private auditor unless requested to do so as part of conducting contract quality assurance functions in accordance with the Federal Acquisition Regulation.

(3) S MALL BUSINESS CONCERN .—The term "small business concern" has the meaning given in section 105 of the Small Business Act (15 U.S.C. 644(g)); and

(4) TIMELINESS OF INCURRED COST AUDITS.—

(1) The Secretary of Defense shall ensure that all incurred cost audits performed pursuant to subsection (b) are performed in a timely manner.

(2) The Secretary of Defense shall notify a contractor within 60 days after receipt of an incurred cost submission from the contractor whether the submission is a qualified incurred cost submission.

(3) With respect to qualified incurred cost submissions received on or after the date of the enactment of this section, audit findings shall be issued for an incurred cost audit not later than one year after the date of receipt of such qualified incurred cost submission.

(4) If audit findings are not issued within one year after the date of receipt of a qualified incurred cost submission, such qualified incurred cost submission shall be considered accepted in its entirety unless the Secretary of Defense can demonstrate that the contractor unreasonably withheld information necessary to perform the incurred cost audit.

(e) REVIEW OF AUDIT PERFORMANCE.—Not later than April 1, 2023, the Comptroller General of the United States shall provide a report to the Committees on Armed Services of the House of Representatives and the Senate Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business and Entrepreneurship of the House of Representatives, in appropriate detail, on incurred cost audits performed under this section, including—

(1) an assessment of the role of the Defense Contract Audit Agency and by qualified incurred cost auditors in conducting incurred cost audits; and

(2) a review of the extent to which agencies comply with the requirements of this section, including an assessment of the extent to which agencies comply with the requirements of the audit findings for incurred cost audits.
separately by incurred cost audits performed by the Defense Contract Audit Agency and by qualified private auditors; 

(3) the effect, if any, on other types of audits conducted by the Defense Contract Audit Agency that results from incurred cost audits conducted by qualified private auditors; and

(4) the capability and capacity of commercial auditors to conduct incurred cost audits for the Department of Defense.

"(f) DEFINITIONS.—In this section:

(1) the term ‘commercial auditor’ means a private entity engaged in the business of performing audits;

(2) the term ‘flexibly priced contract’ means—

(A) a cost-type contract, fixed-price incentive fee contract, or price-redeterminable contract, or a task order issued under an indefinite-delivery indefinite-quantity contract order contract, for which final payment is based on actual costs incurred; or

(B) the materials portion of a time-and-materials contract or labor-hour contract of the Department of Defense.

(3) the term ‘incurred cost audit’ means an audit of charges to the Government by a contractor of costs incurred by the Department of Defense as sufficient to conduct an incurred cost audit.

(4) The term ‘qualified incurred cost submission’ has the meaning given those terms in section 2313b of title 10, United States Code.


(c) ADJUSTMENT TO VALUE OF COVERED CONTRACTS FOR REQUIREMENTS RELATING TO ALLOWABLE COSTS.—Subparagraph (B) of section 2324(1)(C) of title 10, United States Code, is amended by striking ‘‘to the equivalent’’ and all that follows through ‘‘higher multiple of $50,000’’ and inserting ‘‘in accordance with section 1906 of title 41’’.

PART II—EARLY INVESTMENTS IN ACQUISITION PROGRAMS

SEC. 811. REQUIREMENT TO EMPHASIZE RELIABILITY AND MAINTAINABILITY IN WEAPON SYSTEM DESIGN.

(a) SUSTAINMENT FACTORS IN WEAPON SYSTEM DESIGN.

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 23442. Sustainment factors in weapon system design

(a) IN GENERAL.—The Secretary of Defense shall ensure that the defense acquisition system gives ample emphasis to sustainment factors, particularly those factors that are affected principally by the design of a weapon system, in the development of a weapon system.

(b) REQUIREMENTS PROCESS.—The Secretary shall ensure that reliability and maintainability are included in the performance and attributes of the key performance parameter on sustainment during the development of capabilities requirements requirements for engineering activities and design specifications for reliability and maintainability.

(c) SOLLICITATION AND AWARD OF CONTRACTS.—

(1) REQUIREMENT.—The program manager of a weapon system shall include in the solicitation for and terms of a covered contract for the weapon system clearly defined and measurable requirements for engineering activities and design specifications for reliability and maintainability.

(2) EXCEPTION.—If the program manager determines that engineering activities and design specifications for reliability should not be a requirement in a covered contract, the program manager shall document in writing the justification for the decision.

(d) CONTRACT PERFORMANCE.—

(1) IN GENERAL.—The Secretary shall ensure that the Department of Defense uses best practices for responding to the positive or negative performance of a contractor in meeting the sustainment requirements of a covered contract for a weapon system. The Secretary shall encourage the use of incentive fees authorized in paragraph (2) in all covered contracts for weapon systems. The Secretary shall take the necessary actions to enable program offices to execute the recovery options required for each covered contract under paragraph (3).

(2) AUTHORITY FOR INCENTIVE FEES.—The Secretary of Defense is authorized to pay an incentive fee to a contractor that exceeds the design specification requirements for reliability or maintainability for a covered contract. In exercising the authority provided in this paragraph, the Secretary may provide in the terms of the contract for the payment of an incentive fee to a contractor not later than the date of acceptance of the last item under the contract.

(3) RECOVERY OPTIONS.—Any covered contract for a weapon system shall include terms for amounts to be paid by the contractor to the Government for failure to meet the design specification requirements for reliability and maintainability of the weapon system at the date of acceptance of the last item under the contract. Terms for such amounts shall be included in the solicitation for the contract. Such terms shall include provisions prohibiting the contractor from absorbing costs.

"(ii) the contractor, at no or minimal cost to the Government as determined by the Secretary

SEC. 803. MODIFICATIONS TO COST OR PRICING DATA AND REPORTING REQUIREMENTS.

(a) MODIFICATIONS TO SUBMISSIONS OF COST OR PRICING DATA.—

(1) TITLE 10.—Subsection (a) of section 2306a of title 10, United States Code, is amended—

(A) by striking—

(i) in paragraphs (1)(A), (2)(A), (3)(A), (3)(B), and (4)(A), by striking "$500,000’’ and inserting "$2,500,000’’; and

(ii) in paragraph (2)(B), by striking "$500,000’’ and inserting "$2,500,000’’; and

(B) in subsection (f), by striking—

(i) "October 13, 1994’’ and inserting "June 30, 2018’’; and

(ii) "(C) in subsection (f), by striking ‘‘to the amount’’ and all that follows through ‘‘higher multiple of $50,000’’ and inserting ‘‘in accordance with section 1906 of title 41’’.

SEC. 803. MODIFICATIONS TO COST OR PRICING DATA AND REPORTING REQUIREMENTS.
and included in the contract, identifies the cause of the failure in the system design, develops an engineering change, and, in the case of a production contract, modifies all end items to be delivered or already delivered under the contract; or

"(ii) the contractor provides the Government—

"(I) a refund in the amount required to identify the cause of the failure in the system design, develop an engineering change, and modify all end items delivered under the contract; and

"(II) associated technical data required to make the necessary modifications.

"(B) The Secretary may waive the requirement in subparagraph (A) with respect to a covered contract if the Secretary determines that—

"(i) the failure to determine the cause of the failure in the system design, develop an engineering change, and modify all end items delivered under the contract is not in the national security interests of the United States.

"(4) MEASUREMENT OF RELIABILITY AND MAINTAINABILITY.—In carrying out paragraphs (2) and (3), the program manager shall base determinations of a contractor’s performance on reliability and maintainability data collected during developmental testing and operational testing.

"(e) COVERED CONTRACT Defined.—In this section, the term ‘covered contract’, with respect to a weapon system, means a contract—

"(I) for the engineering and manufacturing development of a weapon system; or

"(II) for the production of a weapon system.

"(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"242. Sustainment factors in weapon system design.”.

(b) EFFECTIVE DATE FOR CERTAIN PROVISIONS.—Subsections (c) and (d) of section 2422 of title 10, United States Code, as amended by section (a), shall apply with respect to any covered contract (as defined in that section) for which the contract solicitation is issued on or after the date occurring one year after the date of the enactment of this Act.

(c) INVESTMENT PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of Defense shall establish an investment program for funding engineering changes to the design of a weapon system in the engineering and manufacturing development phase or in the production phase of a program to improve reliability or maintainability of the weapon system and reduce projected operating and support costs. The program may be funded from the Defense working capital fund, the Department of the Army, Development, Test, and Evaluation Fund, the Department of the Navy, Department of the Air Force, or Department of the Marine Corps.

"(2) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall provide a briefing to the Committees on Armed Services in the Senate and the House of Representatives on an implementation plan for the program under paragraph (1). The implementation plan shall set forth the process by which program managers apply for available funds, including information on the validation of business case analyses and the evaluation of applications. The briefing shall also include the results of a review of past or existing programs to improve reliability and maintainability and reduce operating and support costs of weapon systems, an assessment of best practices and lessons learned from these programs, and an assessment of the opportunities for cooperation among similar programs.

SEC. 812. LICENSING OF APPROPRIATE INTELLECTUAL PROPERTY TO SUPPORT MAJOR WEAPON SYSTEMS

(a) NEGOTIATED LICENSE FOR TECHNICAL DATA BEFORE DEVELOPMENT OR PRODUCTION OF MAJOR WEAPON SYSTEM.—

"(1) REQUIREMENT.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2438 the following new section:

"§2439. Negotiation of price for technical data before development or production of major weapon systems.

"The Secretary of Defense shall ensure that the Department of Defense, before selecting a contractor for the engineering and manufacturing development of a major weapon system, or for the production of a major weapon system, negotiates a price for technical data to be delivered under a contract for such development or production.

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

"2439. Negotiation of price for technical data before development or production of major weapon systems.”.

(b) EFFECTIVE DATE.—Section 2439 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any contract for engineering and manufacturing development of a major weapon system, or for the production of a major weapon system, entered into on or after the date occurring one year after the date of the enactment of this Act.

"(c) WRITTEN DETERMINATION FOR MILESTONE B APPROVAL.—

"(1) IN GENERAL.—Subsection (a)(3) of section 2366b of title 10, United States Code, is amended—

"(A) by striking ‘‘and’’ at the end of subparagraph (M); and

"(B) by inserting after subparagraph (N) the following new subparagraph (O):

"‘‘(O) appropriate actions have been taken to negotiate and enter into a contract or contract options for the technical data required to support the product support strategy for a major weapon system or subsystem of a major weapon system. In performing the assessment and developing the corresponding strategy required under subparagraph (c) for such a system or subsystem, a program manager shall consider the use of specially negotiated licenses to acquire customized technical data appropriate for the particular elements of the product support strategy.’’.

"(2) EFFECTIVE DATE.—Section 2366b(a)(3)(O) of title 10, United States Code, as added by paragraph (1), shall apply with respect to any major defense acquisition program receiving Milestone B approval on or after the date occurring one year after the date of the enactment of this Act.

"(d) PREFERENCE FOR NEGOTIATION OF CUSTOMIZED LICENSE AGREEMENTS.—Section 2320 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 subparagraph (e) the following new subsection (f):

"‘‘(f) PREFERENCE FOR SPECIALLY NEGOTIATED LICENSES.—The Secretary of Defense shall, to the maximum extent practicable, negotiate and enter into a contract with a contractor for a specially negotiated license for technical data to support the product support strategy of a major weapon system or subsystem of a major weapon system. In performing the assessment and developing the corresponding strategy required under paragraph (c) for such a system or subsystem, a program manager shall consider the use of specially negotiated licenses to acquire customized technical data appropriate for the particular elements of the product support strategy.’’.

SEC. 813. MANAGEMENT OF INTELLECTUAL PROPERTY MATTERS WITHIN THE DEPARTMENT OF DEFENSE

(a) MANAGEMENT OF INTELLECTUAL PROPERTY.—

"(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2321 the following new section:

"§2322. Management of intellectual property affairs within the Department of Defense.

"(2) OFFICE AND DIRECTOR OF INTELLECTUAL PROPERTY.—(2) There is an Office of Intellectual Property within the Office of the Under Secretary of Defense for Acquisition and Sustainment.

"(3) DUTIES.—(a) The Office shall develop and communicate with industry, including development opportunities, talent management programs, and training, for the cadre of intellectual property.
property experts established under subsection (c); and

“(B) develop, update, and coordinate intellectual property training provided to the acquisition workforce delivered pursuant to a contract or by an activity or services contract; and

“(C) advise the Director on the organizational structure and function of the cadre, the determination of the cadre’s size, and the criteria for the selection of cadre members and other matters relating to the cadre.”

“7329. Procurement of services: data analysis and requirements validation

“(a) In general.—The Secretary of Defense shall ensure that—

“(1) appropriate and sufficiently detailed data are collected and analyzed to support the validation of requirements for services contracts and to inform the planning, programming, budgeting, and execution process of the Department of Defense.

“(2) requirements for services contracts are evaluated appropriately and in a timely manner to inform decisions regarding the procurement of services; and

“(3) decisions regarding the procurement of services consider available resources and total force management policies and procedures.

“(b) Specification of amounts requested in budget.—Effective October 1, 2012, the Secretary of Defense shall annually submit to Congress information on services contracts that clearly and separately identifies the amount requested for each category of services to be procured or for each Defense Agency, Department of Defense Field Activity, military department, or military installation concerned, as applicable.

“(c) Review of acquisition workforce planning.—Each Services Requirements Review Board shall evaluate each requirement for a service contract, taking into consideration total force management policies and procedures, available resources, the analyses conducted under subsection (b), and contracting efficiency and effectiveness. An evaluation of a services contract for compliance with contracting policies and procedures may not be conducted before the completion of the next year’s acquisition workforce planning (as determined by the Secretary of Defense).”

“7338. Capability centers and best practices

“(a) Authority.—The Secretary of Defense may use existing authorities to establish within the Office of Intellectual Property a center or centers to provide intellectual property and related matters.

“(b) Placement in the Office of the Secretary of Defense.—Subsection (b) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(8) The Director shall foster communications with industry and serve as a central point of contact for organizations engaged in intellectual property matters.

“(c) Cadre of intellectual property experts.—The Director shall establish within the Office of Intellectual Property a cadre of personnel who are experts in intellectual property matters. The purpose of the cadre is to ensure that the Office of Intellectual Property maintains a cadre of highly qualified experts under section 9903 of title 10 of the United States Code, is amended by adding at the end the following new paragraph:

“(12) Intellectual property.”

“814. Improvement of planning for acquisition of services.

“(a) In general.—The Planning for Acquisition of Services, chapter 137 of title 10, United States Code, is amended by inserting after subsection 1322 the following new section:

“1322. Procurement of services: data analysis and requirements validation

“(a) In general.—The Secretary of Defense shall ensure that—

“(1) appropriate and sufficiently detailed data are collected and analyzed to support the validation of requirements for services contracts and to inform the planning, programming, budgeting, and execution process of the Department of Defense.

“(2) requirements for services contracts are evaluated appropriately and in a timely manner to inform decisions regarding the procurement of services; and

“(3) decisions regarding the procurement of services consider available resources and total force management policies and procedures.

“(b) Specification of amounts requested in budget.—Effective October 1, 2012, the Secretary of Defense shall annually submit to Congress information on services contracts that clearly and separately identifies the amount requested for each category of services to be procured or for each Defense Agency, Department of Defense Field Activity, military department, or military installation concerned, as applicable.

“(c) Review of acquisition workforce planning.—Each Services Requirements Review Board shall evaluate each requirement for a service contract, taking into consideration total force management policies and procedures, available resources, the analyses conducted under subsection (b), and contracting efficiency and effectiveness. An evaluation of a services contract for compliance with contracting policies and procedures may not be conducted before the completion of the next year’s acquisition workforce planning (as determined by the Secretary of Defense).”

“(d) Requirements evaluation.—Each Services Requirements Review Board shall evaluate each requirement for a service contract, taking into consideration total force management policies and procedures, available resources, the analyses conducted under subsection (b), and contracting efficiency and effectiveness. An evaluation of a services contract for compliance with contracting policies and procedures may not be considered to be an evaluation of a requirement for such services contract.

“(e) Timely planning to avoid bridge contracts.—(1) Effective October 1, 2018, the Secretary of Defense shall ensure that a requirement for a service contract shall be entered into, and funding for the services contract shall be secured.

“(2) Upon the first use, due to inadequate planning (as determined by the Secretary of Defense), of a bridge contract to provide for continuation of a service to be performed through a services contract, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, shall—

“(i) for a services contract in an amount less than $10,000,000, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the commander or the senior civilian official of the Defense Agency, Department of Defense Field Activity, military department, or military installation concerned, as applicable; and

“(ii) for a services contract in an amount equal to or greater than $10,000,000, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the service acquisition executive for the military department concerned, the head of the Defense Agency concerned, the combatant commander concerned, or the Under Secretary of Defense for Acquisition and Sustainment, as applicable.

“(f) Review of acquisition workforce planning.—Each Services Requirements Review Board shall evaluate each requirement for a service contract, taking into consideration total force management policies and procedures, available resources, the analyses conducted under subsection (b), and contracting efficiency and effectiveness. An evaluation of a services contract for compliance with contracting policies and procedures may not be considered to be an evaluation of a requirement for such services contract.

“(g) Procedures for using bridge contracts.—The head of a military department, the head of a Defense Agency, or the Under Secretary of Defense for Acquisition and Sustainment may use bridge contracts for services contracts for which funding has been provided for under a services contract or a procurement of services contract, as determined by the Secretary of Defense, to enter into a services contract for the same purposes.
services contract in an amount less than $10,000,000, the commander or senior civilian official referred to in subparagraph (A)(ii) shall provide notification of such second use to the Vice Chair of the Federal Acquisition Regulatory Council or, if the Under Secretary of Defense for Acquisition and Sustainment, as applicable.

(1) EXCEPTION.—Except with respect to the analyses required under this subsection, this section shall not apply to—

(A) services contracts in support of contingency operations, humanitarian assistance, disaster relief, or security emergencies; or

(B) services contracts entered into pursuant to an international agreement.

(g) DEFINITIONS.—In this section:

(1) The term ‘bridge contract’ means—

(A) an extension to an existing contract beyond the period of performance to avoid a lapse in service caused by a delay in awarding a subsequent contract; or

(B) a new short-term contract awarded on a sole-source basis to avoid a lapse in service caused by a delay in awarding a subsequent contract.

(2) The term ‘requirements officer’ means a member of the armed forces (other than the Coast Guard), the Department of Homeland Security, the Department of Justice, or a civilian employee of the Department of Defense responsible for a requirement for a service to be performed through a services contract.

(3) RESPONSIBILITY FOR CONTRACTING.—For purposes of the sufficiency assessment, the sufficiency assessment shall be conducted by the senior official within the military department with responsibility for developmental testing.

(b) ASSESSMENTS.—(1) ADJUSTMENT TO MILESTONE B BRIEF SUMMARY REPORT.—Section 2366b(c)(1) of title 10, United States Code, is amended by striking paragraphs (1) and (2), with respect to a major defense acquisition program, as defined in section 2430 of title 10, United States Code.

(c) REPORT.—Section 2366b(c)(1) of title 10, United States Code, as added by paragraphs (1) and (2) of this section, is amended—

(M) by inserting after subparagraph (F) the following new subparagraph (G):

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall implement a program man- aging and sustaining the sufficiency assessments required by section 2366b(c)(1) and section 2366c(a)(4) of title 10, United States Code, as added by paragraphs (1) and (2) of this section, at a minimum, the guidance and policies specified in subparagraphs (A), (B), (C), (D), (E), (F), and (G) of section 2360 of title 10, United States Code.

(D) by inserting after subparagraph (F) the following new subparagraph (G):

(1) IN GENERAL.—The Secretary of Defense shall implement a program for developing and expanding the use of automated data analytics tools, and modeling and simulation capabilities; and

(2) RISK FOR CONDUCTING ASSESSMENTS.—The Secretary of Defense shall conduct the program under this paragraph and the program established under subparagraph (A) with respect to a major defense acquisition program, as defined in section 2430 of title 10, United States Code.
(I) A description of how the program will be administered and overseen by the Secretaries of each military department, acting through the service acquisition executive for the department concerned.

(K) A description of how the program will be integrated with existing program manager development efforts at each military department.

(3) USE OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—Amounts in the Department of Defense Acquisition Workforce Development Fund (established under section 1705 of title 10, United States Code) may be used to pay the base salary of personnel in the program established under paragraph (1) during the period of time personnel are temporarily assigned to a developmental rotation or training program anticipated to last at least six months.

(4) IMPLEMENTATION.—The program established under paragraph (1) shall be implemented not later than September 30, 2019.

(b) INDEPENDENT STUDY OF INCENTIVES FOR PROGRAM MANAGERS.—

(1) REQUIREMENT FOR STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity described in paragraph (2) to carry out a comprehensive study of incentives for Department of Defense civilian and military program managers for major defense acquisition programs, including:

(A) additional pay options for program managers to provide incentives to senior civilian employees and military officers that accept and remain in program manager roles;

(B) a financial incentive structure to reward program managers for delivering capabilities on budget and on time;

(C) a comparison between financial and non-financial incentive structures for program managers in the Department of Defense and an appropriate comparison group of private industry companies.

(2) INDEPENDENT RESEARCH ENTITY.—The entity described in this subsection is an independent research entity that is a not-for-profit entity or a federally funded research and development center with appropriate expertise and analytical capabilities.

(3) REPORTS.—

(A) TO SECRETARY.—Not later than nine months after the date of the enactment of this Act, the Secretary应当 submit a report to the Comptroller General on the results of the comprehensive study of incentives for program managers described in paragraph (1).

(B) TO CONGRESS.—Not later than 30 days after receipt of the report under paragraph (A), the Secretary of Defense shall submit such report, together with any additional views or recommendations of the Secretary, to the congressional defense committees.

SEC. 822. IMPROVEMENTS TO THE HIRING AND TRAINING OF THE ACQUISITION WORKFORCE.

(a) USE OF FUNDS FROM THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND TO PAY SALARIES OF PERSONNEL TO MANAGE THE FUND.—

(I) IN GENERAL.—Subsection 1705(e) of title 10, United States Code, is amended—

(A) in paragraph (1)—

(i) by inserting "(A) before Subject to the provisions of this subsection"; and

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

"(BB) the Fund may also be used to pay salaries of personnel at the Office of the Secretary of Defense, military departments, and Defense Agencies to manage the Fund."; and

(B) in paragraph (2)—

(i) by striking "and" at the end of subparagraph (C); and

(ii) by striking the period and inserting ", and at the end of subparagraph (D); and

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

"(EE) describing the amount from the Fund that may be used to pay salaries of personnel at the Office of the Secretary of Defense, military departments, and Defense Agencies to manage the Fund (as defined in section 1705(c)(3) of title 10, United States Code), as added by paragraph (1)."

(b) COMPTROLLER GENERAL REVIEW OF EFFECTIVENESS OF HIRING AND RETENTION FLEXIBILITIES FOR ACQUISITION WORKFORCE PERSONNEL.—

(I) IN GENERAL.—Not later than June 30, 2019, the Comptroller General of the United States shall submit to the congressional defense committees a report on acquisition-related training and retention flexibilities available to program managers working on acquisitions but not considered to be part of the acquisition workforce (as defined in section 101(18) of title 10, United States Code) (hereafter in this subsection referred to as "non-acquisition workforce personnel").

(II) REQUIREMENTS.—The report shall address the following:

(A) The extent to which non-acquisition workforce personnel play a significant role in defining requirements, conducting market research, participating in source selection and contract negotiation efforts, and overseeing contract performance.

(B) The extent to which the Department is able to identify and track non-acquisition workforce personnel performing the roles identified in subparagraph (A).

(C) The extent to which non-acquisition workforce personnel are taking acquisition training.

(D) The extent to which acquisition workforce personnel are taking non-acquisition workforce training.

(E) The extent to which acquisition workforce training is needed for non-acquisition workforce personnel, including the types of training needed, the positions that need the training, and any challenges to delivering necessary additional training.

(c) BRIEFING ON IMPROVEMENTS TO THE DEFENSE CONTRACT AUDIT AGENCY WORKFORCE.—

(1) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Contract Audit Agency shall brief the Secretaries and Secretaries of Defense and the Comptroller General of the United States on the benefits of those experiences, including from industry experience, including from industry experiences while at the Defense Contract Audit Agency and from prior employment experiences, and the perspective of the Defense Contract Audit Agency on the benefits of those experiences.

(F) Ongoing efforts and future plans by the Defense Contract Audit Agency to improve the professionalism of its audit workforce, including changes in hiring, training, required
citations or qualifications, compensation structure, and increased opportunities for industry exchanges or rotations.

SEC. 823. EXTENSION AND MODIFICATIONS TO ACQUISITION DEMONSTRATION PROJECT.

(a) EXTENSION.—Section 1762(g) of title 10, United States Code, is amended by striking December 31, 2020 and inserting "December 31, 2023.

(b) IMPLEMENTATION STRATEGY FOR IMPROVEMENTS IN ACQUISITION DEMONSTRATION PROJECT.—

(1) STRATEGY REQUIRED.—The Secretary of Defense shall develop an implementation strategy to authorize improvements to the demonstration project required by section 1762 of title 10, United States Code, as identified in the second assessment of such demonstration project required by such section.

(2) ELEMENTS.—The strategy shall include the following elements:

(A) Actions that have been or will be taken to assess whether the flexibility to set starting salaries at different levels is being used appropriately by supervisors and managers to compete effectively for highly skilled and motivated employees.

(B) Actions that have been or will be taken to address any disparities in career outcomes across race or gender for employees in the demonstration project.

(C) Actions that have been or will be taken to strengthen the link between employee contribution and compensation for employees in the demonstration project.

(D) Actions that have been or will be taken to enhance the transparency of the pay system for employees in the demonstration project.

(E) A time frame and individual responsible for each action identified under subparagraphs (A) through (D).

(3) BRIEFING REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives and the Committee on Oversight and Government Reform of the House of Representatives on the implementation strategy required by paragraph (1).

SEC. 824. ACQUISITION POSITIONS IN THE OFFICES OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) OFFICE OF THE SECRETARY OF THE ARMY MAXIMUM NUMBER OF PERSONNEL.—Section 3014(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The limitation in paragraph (1) may be exceeded if a civilian employee is assigned on permanent duty in the Office of the Secretary of the Army or on the Army Staff and—

"(i) in a position within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics that had responsibility for oversight of acquisition programs or processes prior to February 1, 2018, and that was determined to be no longer needed as a result of section 901 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2339) and the amendments made by that section; or

"(ii) in a Joint Staff position that supported the Joint Requirements Oversight Council prior to December 23, 2016, and that was determined to be no longer needed as a result of section 925 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2339) and the amendments made by that section; or

"(B) the position described in subparagraph (A) is not filled by the Office of the Under Secretary of Defense for Acquisition and Sustainment or the Joint Staff after the employee's permanent duty assignment.

(c) OFFICE OF THE SECRETARY OF THE AIR FORCE MAXIMUM NUMBER OF PERSONNEL.—Section 3014(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The limitation in paragraph (1) may be exceeded if a civilian employee is assigned on permanent duty in the Office of the Secretary of the Air Force or on the Air Staff and—

"(i) in a position within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics that had responsibility for oversight of acquisition programs or processes prior to February 1, 2018, and that was determined to be no longer needed as a result of section 901 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2339) and the amendments made by that section; or

"(ii) in a Joint Staff position that supported the Joint Requirements Oversight Council prior to December 23, 2016, and that was determined to be no longer needed as a result of section 925 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2339) and the amendments made by that section; and

"(B) the position described in subparagraph (A) is not filled by the Office of the Under Secretary of Defense for Acquisition and Sustainment or the Joint Staff after the employee's permanent duty assignment.

PART IV—TRANSPARENCY IMPROVEMENTS

SEC. 831. TRANSPARENCY OF DEFENSE BUSINESS DATA.

(a) ESTABLISHMENT OF COMMON ENTERPRISE DATA STRUCTURES.—Section 2222 of title 10, United States Code, is amended—

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

"(7) Policy requiring that any data contained in a defense business system is an asset of the Department and to be shared with any other Department, agency, or contractor.

(b) OFFICE OF THE SECRETARY OF THE NAVY MAXIMUM NUMBER OF PERSONNEL.—Section 3014(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Common enterprise data structure means a mapping and organization of data from defense business systems into a common data set.

"(II) DATA GOVERNANCE PROCESS.—The term 'data governance process' means a system to manage the timely Department of Defense-wide sharing of data described under paragraph (3)(A)."
(b) ADDITIONAL DUTIES OF THE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—Section 139a(d) of title 10, United States Code, is amended by adding at the end the following new subsection:

"(9) Maintenance of common enterprise data structures established pursuant to section 2222 of this title, including establishing and maintaining enterprise data contained in a defense business system (as defined in such section) and used in a common enterprise data structure appropriate by the Secretary of Defense or the Director of Cost Assessment and Program Evaluation, . . . ."

(c) IMPLEMENTATION PLAN FOR COMMON ENTERPRISE DATA STRUCTURES.—(1) PLAN REQUIRED.—Not later than six months after the date of the enactment of this Act, the Deputy Chief Management Officer and the Director of Cost Assessment and Program Evaluation shall jointly develop a plan to implement the requirements of subsection (a).

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

(A) The major tasks required to implement the requirements of subsection (a) and the recommended time frames for each task.

(B) The estimated resources required to complete each major task identified pursuant to subparagraph (A).

(C) Any challenges associated with each major task identified pursuant to subparagraph (A) and steps to mitigate such challenge.

(D) A description of how data security issues will be appropriately addressed in the implementation of the requirements of subsection (a).

(3) SUBMISSION TO CONGRESS.—Upon completion of the plan required under paragraph (1), the Deputy Chief Management Officer and the Director of Cost Assessment and Program Evaluation shall submit such plan to the congressional defense committees.

SEC. 832. MAJOR DEFENSE ACQUISITION PROGRAM DISPLAY OF BUDGET INFORMATION.

(a) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433a the following new sections:

"§2434. Major defense acquisition programs: display of budget information

"(a) IN GENERAL.—In the defense budget materials for fiscal year 2020 and each subsequent fiscal year, a major defense acquisition program shall ensure that the funding requirements listed in section 2432a are displayed separately for major defense acquisition programs, as defined in section 2432 of title 10, United States Code.

"(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget justification display for a fiscal year shall include the funding requirement for each major defense acquisition program, including all sources of appropriations.

(1) for developmental test and evaluation;

(2) for operational test and evaluation;

(3) for the purchase of data from contractors; and

(4) for the purchase or license of technical data.

"(c) DEFINITIONS.—In this section, the terms 'budget' and 'defense budget materials' have the meaning given those terms in section 234 of this title.

(b) CLERICAL AMENDMENT.—The table of sections of the Code, as directed by section 144 of chapter 144 of title 10, United States Code, is amended by inserting after the item relating to section 2432a the following new item:

"2434. Major defense acquisition programs: display of budget information

SEC. 833. ENHANCING TRANSPARENCY IN TEST AND TESTING AND EVALUATION AND DATA ACQUISITION STATUTES AND REGULATIONS

(a) ADDITIONAL REQUIREMENTS RELATING TO DESIGNATION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—Section 139 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(B), by inserting before the period at the end the following: "and in accordance with subsection (l),"; and

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

"(l) For purposes of subsection (a)(2)(B), before designating a program that is not a major defense acquisition program for the purpose of section 2430 of this title as a major defense acquisition program for the purposes of this section, the Director shall provide in writing to the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Director of Operational Test and Evaluation, the Senate and the House of Representatives, and with the Secretaries of the military departments and the Secretary of Defense, a brief statement of the rationale for placing the program on the list of major defense acquisition programs and the circumstances of the program that led to the designation decision."; and

(3) by adding at the end of subsection (h)(4) the following: "The report shall also include a brief statement for each program on the oversight list of the Director each program that is not a major defense acquisition program for the purposes of section 2430 of this title but has been designated as a major defense acquisition program for the purposes of this section.

(b) CONSIDERATION OF LEGACY ITEMS OR COMPONENTS IN OPERATIONAL TEST AND EVALUATION REPORTS.—Section 2399(h)(2) of title 10, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (A);

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

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

"(B) a description of the performance of the items or components tested in relation to comparable legacy items or components, if such items or components exist and relevant data are available without requiring additional testing; and"

(c) OPPORTUNITY FOR MILITARY DEPARTMENT COMMENTS ON ANNUAL REPORT ON OPERATIONAL TEST AND EVALUATION.—Section 139(h) of title 10, United States Code, is amended—

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

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

"(5) Within 45 days after the submission of an annual report by the Director to Congress, the Secretaries of the military departments may each submit a report to the congressional defense committees addressing any concerns related to information included in the annual report, or provide updated or additional information as appropriate.".

(d) GUIDELINES FOR COLLECTION OF COST DATA ON TEST AND EVALUATION.—(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director of Operational Test and Evaluation and the Secretary of Defense shall jointly develop policies, procedures, guidance, and a collection method to ensure that consistent, high quality data are collected on the full range of estimated and actual developmental, operational, and operational testing costs for major defense acquisition programs. Data on estimated and actual developmental, operational, and operational testing costs shall be maintained in an electronic database maintained by the Director of Cost Assessment and Program Evaluation.

(2) CONCURRENCE AND COORDINATION.—In carrying out paragraph (1), the Director of Operational Test and Evaluation and the senior Department of Defense official responsible for developmental testing shall jointly develop policies, procedures, guidance, and a collection method to ensure that consistent, high quality data are collected on the full range of estimated and actual developmental, operational, and operational testing costs for major defense acquisition programs. Data on estimated and actual developmental, operational, and operational testing costs shall be maintained in an electronic database maintained by the Director of Cost Assessment and Program Evaluation.

(e) REPORT ON ENTERPRISE APPROACH TO TEST AND EVALUATION KNOWLEDGE MANAGEMENT.—(1) REPORT REQUIRED.—Within one year after the date of the enactment of this Act, the Director shall submit to the congressional defense committees and the Secretary of Defense an enterprise approach to test and evaluation knowledge management for test and evaluation, including data, data analysis tools, and simulation capabilities.

(f) EA Panel on Streamlining and Codifying Acquisition Regulations.

SEC. 841. MODIFICATIONS TO THE ADVISORY PANEL ON STREAMLINING AND CODIFYING ACQUISITION REGULATIONS.

(a) EXTENSION OF DATE FOR FINAL REPORT.—Subsection (e)(1) of section 863(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 889), as amended by section 863(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–228; 130 Stat. 2303), is amended—

(1) by striking "Not later than two years after the date on which the Secretary of Defense establishes the advisory panel" and inserting "Not later than January 1, 2019"; and

(2) by striking "the Secretary" and inserting "the Secretary and the congressional defense committees".

(b) TERMINATION OF PANEL.—The authority for the advisory panel on streamlining and codifying acquisition regulations is further amended by adding at the end the following new subsection:

"(e) TERMINATION OF PANEL.—The advisory panel shall terminate on the later of the date on which the final report of the panel is transmitted pursuant to subsection (e)(1) or on such later date as may be specified by the Secretary of Defense."

SEC. 842. EXTENSION OF MAXIMUM DURATION OF FUEL STORAGE CONTRACTS.

(a) EXTENSION.—Section 2922(b) of title 10, United States Code, is amended by striking "20 years" and inserting "30 years".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into on or after the date of the enactment of this Act and may be applied to a contract entered into before that date if the total contract period under the contract (including any option periods) does not expire on or after such later date as may be specified by the Secretary of Defense.
SEC. 843. EXCEPTION FOR BUSINESS OPERATIONS FROM REQUIREMENT TO ACCEPT 801 CONSUMES.

Paragraph (1) of section 512(p) of title 31, United States Code, is amended by adding at the end the following new flush sentence:

"This paragraph does not apply with respect to business operations conducted by the Secretary under a contract with an agency or instrumentality of the United States, including any non-proprietary fund instrumentality established under title 11, United States Code.''

SEC. 844. REPEAL OF EXPIRED PILOT PROGRAM.

Section 807(c) of Public Law 104–106 (10 U.S.C. 2410a note) is repealed.

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

SEC. 851. LIMITATION ON UNILATERAL DEFINITIZATION.

(a) LIMITATION.—Section 2326 of title 10, United States Code, is amended by—

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

(2) by inserting after the last paragraph of subsection (b) the following new subsection (c):

"(c) LIMITATION ON UNILATERAL DEFINITIZATION BY CONTRACTING OFFICER.—With respect to any undefinitized contractual action with a value greater than $1,000,000,000, if agreement is not reached on contractual terms, the contracting officer may not definitize such action.

"(d) DEFINITIZATION.—Section 2326 of title 10, United States Code, as amended by subsection (b), shall apply to any definitized contract action.

"(e) PEACETIME DEFENSE.—Section 2326 of title 10, United States Code, as amended by subsection (b), shall apply to any peace-time definitive contract action under section 2337, and any contract action entered into prior to the date of the enactment of this Act."'

SEC. 852. CODIFICATION OF REQUIREMENTS PERTAINING TO ASSESSMENT, MANAGEMENT, AND CONTROL OF OPERATING AND SUPPORT COSTS FOR MAJOR WEAPON SYSTEMS.

(a) CODIFYING AMENDMENT.—In general.—Chapter 137 of title 10, United States Code, is amended by adding after section 2337 the following new section:

"§2337a. Assessment, management, and control of operating and support costs for major weapon systems.

"(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue and maintain guidance on actions to be taken by the Secretary, the Under Secretary of Defense (Acquisition and Sustainment), and any other military department or defense agency with respect to the development and operation of major weapon systems. The guidance shall—

"(1) be issued in conjunction with the comprehensive guidance on life-cycle management and the development and production of major weapon systems required by section 2337 of this title;

"(2) require the military departments to retain each estimate of operating and support costs that is developed for any time during the life cycle of a major weapon system, together with supporting documentation used to develop the estimate;

"(3) require the military departments to update estimates of operating and support costs periodically throughout the life cycle of a major weapon system, to determine whether preliminary information and assumptions remain relevant and accurate, and identify and record reasons for variances;

"(4) establish policies and procedures for the collection, organization, maintenance, and availability of standardized data on operating and support costs for major weapon systems in accordance with section 2337 of this title;

"(5) establish standard requirements for the collection and reporting of data on operating and support costs for major weapon systems by contractors performing weapon system sustainment functions in an appropriate format, and develop contract clauses to ensure that contractors comply with such requirements;

"(6) require the military departments—

"(A) to collect and retain data from operational and developmental testing and evaluation on the reliability and maintainability of major weapon systems; and

"(B) to use such data to inform system design decisions, sustainment costs, and inform estimates of operating and support costs for such systems;

"(7) require the military departments to ensure that the data is collected at key life cycle management decision points and that appropriate measures are taken to reduce operating and support costs by influencing system design, development, and life cycle management strategies, and addressing key drivers of costs;

"(8) require the military departments to conduct an independent assessment of each major weapon system prior to key acquisition decision points (including milestone decisions) to identify features that are likely to drive future operating costs, changes to system design that could reduce such costs, and effective strategies for managing such costs;

"(9) include—

"(A) reliability metrics for major weapon systems; and

"(B) requirements on the use of metrics under subparagraph (A) to conduct further investigation and analysis into drivers of those metrics; and

"(10) require the military departments to conduct periodic reviews of operating and support costs for major weapon systems after such systems achieve initial operational capability to assess initial operational capability to identify and address factors resulting in growth in operating and support costs, and adapt support strategies to reduce such costs.

"(c) RETENTION OF DATA ON OPERATING AND SUPPORT COSTS.—

"(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall be responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for major weapon systems.

"(2) SUPPORT.—The Secretary of Defense shall ensure that the Director, in carrying out such responsibility—

"(A) promptly receives the results of all cost estimates and cost analyses conducted by the military departments and the independent cost assessment and program evaluation entities as required to determine and support costs of major weapon systems;

"(B) has timely access to any records and data of the military departments (including classified and proprietary information) that the Director considers necessary to carry out such responsibility; and

"(C) with the concurrence of the Under Secretary of Defense for Acquisition and Sustainment, may direct the military departments to collect and retain information necessary to support such responsibilities.

"(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ‘major weapon system’ has the meaning given that term in section 2379(f) of title 10, United States Code.

"(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding after the item relating to section 2377 the following new item:

"2377a. Assessment, management, and control of operating and support costs for major weapon systems.''

SEC. 853. USE OF PROGRAM INCOME BY ELIGIBLE ENTITIES THAT CARRY OUT PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414 of title 10, United States Code, is amended by—

(1) in the section heading, by striking "LIMITATION" and inserting "IFUNDING"; and

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

"(d) USE OF PROGRAM INCOME.—

"(1) An eligible entity that earned income in a specified fiscal year from activities carried out pursuant to a procurement technical assistance program funded under this chapter may retain an amount of such income not to exceed 25 percent of the cost of furnishing procurement technical assistance in such fiscal year, during the fiscal year following the specified fiscal year, to carry out a procurement technical assistance program funded under this chapter.

"(2) An eligible entity that does not enter into a cooperative agreement with the Secretary for a fiscal year—

"(A) shall notify the Secretary of the amount of income that the eligible entity carried over from the previous fiscal year; and

"(B) may retain an amount of such income equal to 10 percent of the value of assistance furnished by the Secretary under this section during the previous fiscal year.

"(3) In determining the value of assistance furnished by the Secretary under this section for any fiscal year, the Secretary shall account for the amount of any income the eligible entity carried over from the previous fiscal year.''

SEC. 854. AMENDMENT TO SUSTAINMENT REVIEW.

Section 2441(a) of title 10, United States Code, is amended by adding at the end the following:

"The Secretary concerned shall make the memorandum and supporting documentation for each sustainment review available to the Under Secretary of Defense for Acquisition and Sustainment within 30 days after the review is completed.''

SEC. 855. CLARIFICATION TO OTHER TRANS- ACTION AUTHORITY.

(a) CLARIFICATION TO REQUIREMENT FOR WRITTEN DETERMINATIONS FOR PROTOTYPE PROJECTS.—Section 2371b(a)(2) of title 10, United States Code, is amended by striking "for a transaction (for a prototype project)" and inserting "for a transaction (for a prototype project)".

(b) CLARIFICATION OF INCLUSION OF SMALL BUSINESSES PARTICIPATING IN SBIR OR STTR.—Section 2371b(d)(1)(B) of title 10, United States Code, is amended by inserting "(including small businesses participating in a program described under section 9 of the Small Business Act (15 U.S.C. 638) after "small businesses")'.

SEC. 856. CLARIFYING THE USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

Section 8133 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2276; 10 U.S.C. 2305 note) is amended—

(1) in subsection (b), by striking "and" at the end;
(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

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

(7) the Department of Defense would realize minimal or no additional innovation or future technological advantage; and

(8) with respect to a contract for procurement of goods procured are predominately expendable in nature, nontechnical, or have a short life expectancy or short shelf life.”;

and

(2) in subsection (c)—

(A) in paragraph (2), by striking “or” at the end;

(B) in paragraph (3), by striking the period at the end and inserting”; and

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

“(4) electronic test and measurement equipment for which calibration or repair costs are expected to substantially affect full life-cycle costs.”.

SEC. 857. AMENDMENT TO NONTRADE AND SMALL CONTRACTOR INNOVATION PROTOTYPING PROGRAM.

Section 894(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2318; 10 U.S.C. 2301 note) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

“(9) Unmanned ground logistics and unmanned aerial system capabilities enhancement.”.

SEC. 858. MODIFICATION TO ANNUAL MEETING REQUIREMENT OF CONFIGURATION STEERING BOARDS.

Section 814(c)(4) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4529; 10 U.S.C. 2430 note) is amended by striking “year,” and in the sentence beginning “the Under” inserting the following: “Secretary of Defense, the combatant commander concerned, and the head of the military department concerned.”

SEC. 859. CHANGE TO DEFINITION OF SUBCONTRACT IN CERTAIN CIRCUMSTANCES.

Section 1906(c)(1) of title 41, United States Code, is amended by adding at the end the following:

“The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Government and other parties and are not identifiable to a specific contract under the contract executive of the military department concerned as determined in writing that there have been no changes to the program requirements of a major defense acquisition program during the preceding year.”.

SEC. 860. AMENDMENT RELATING TO APPLICABILITY OF INFLATION ADJUSTMENTS.

Subsection 1906(d) of title 41, United States Code, is amended by inserting before the period at the end the following: “; and shall apply, in the case of the procurement of property or services by contract under a contract and any subcontract at any tier under the contract, effect on that date without regard to the date of award of the contract or subcontract.”.

SEC. 861. EXEMPTION FROM DESIGN-BUILD SELECTION PROCEDURES.

Subsection (d) of section 2305a of title 10, United States Code, is amended by striking the second sentence and inserting the following:

“If the contract value exceeds $4,000,000, the maximum number specified in the solicitation shall not exceed 5 unless—

(1) the solicitation is issued pursuant to a definitive delivery/indefinite quantity contract for design-build construction; or

(2) the head of the contracting activity, delegated authority to the contracting officer, approves the head of the contracting activity.”.

SEC. 852. REQUIREMENT THAT CERTAIN SHIP COMPONENTS BE MANUFACTURED IN THE UNITED STATES.

(a) ADDITIONAL PROCUREMENT LIMITATION.—

Section 2344(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Defense Secretary shall—

(A) the solicitation is issued pursuant to a definitive delivery/indefinite quantity contract for design-build construction; or

(B) the head of the contracting activity, delegated authority to the contracting officer, approves the head of the contracting activity.”.

(b) IMPLEMENTATION OF SHIP COMPONENTS.—

Subsection (a)(6) applies only with respect to contracts awarded after the date of the enactment of this Act.

SEC. 853. PROCUREMENT OF AVIATION CRITICAL SAFETY ITEMS.


(1) in paragraph (1)—

(A) by inserting “or an aviation critical safety item” after “(g)” of section 2319(g)(2) of title 10”;

(B) by striking “or” at the end of “the personal protective equipment” and inserting “or equipment”;

(C) by striking “or” at the end of “the personal protective equipment” and inserting “or equipment”;

(D) by striking the period at the end and inserting “;”.

(2) in paragraph (2), by inserting “or item” after “equipment”.

SEC. 864. MILESTONES AND TIMELINES FOR CONTRACTS FOR FOREIGN MILITARY SALES.

(a) ESTABLISHMENT OF STANDARD TIMELINES FOR FOREIGN MILITARY SALES.—The Secretary of Defense shall establish specific milestones and timelines to achieve such milestones for each foreign military sale authorized under chapter 5 of the Security Assistance Management Manual of the Defense Security Cooperation Agency for such foreign military sale is completed. Such milestones and timelines—

(1) may vary depending on the complexity of the foreign military sale; and

(2) shall cover the period beginning on the date of receipt of a complete letter of request (as described in such chapter 5) from a foreign country and ending on the date of the final delivery of a defense article or defense service sold through the foreign military sale.

(b) SUBMISSIONS TO CONGRESS.—

(1) QUARTERLY NOTIFICATION.—During the period beginning on the date of the enactment of this Act and ending on December 31, 2021, the Secretary shall submit to the congressional defense committees—

(A) a quarterly report that includes a list of all contracts that were awarded in the period beginning on the date of the enactment of this Act, the President of the United States, and the Secretary of Defense; and

(B) that failed to meet a standard timeline to achieve a milestone established under subsection (a).

(2) ANNUAL REPORT.—Not later than November 1, 2022, and annually thereafter, the Secretary shall submit to the congressional defense committees a report that includes—

(A) the number, set forth separately by dollar value and milestone, of foreign military sales that met the standard timeline to achieve a milestone established under subsection (a) during the preceding fiscal year; and

(B) the number, set forth separately by dollar value, milestone, and case development extenuating factor, of foreign military sales that failed to meet the standard timeline to achieve a milestone established under subsection (a).

(c) DEFINITIONS.—In this section:

DEFENSE ARTICLE.—The terms “defense article” and “defense service”

have the meanings given those terms, respectively, in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SEC. 865. NOTIFICATION REQUIREMENT FOR CERTAIN CONTRACTS FOR AUDIT SERVICES.

(a) NOTIFICATION TO CONGRESS.—If the Under Secretary of Defense (Comptroller) makes a written finding that a delay in performance of a contract while a protest is pending would hinder the annual preparation of audited financial statements for the Department of Defense, or the head of the procuring activity reasonably determined that the award of the contract does not authorize the award of the contract (pursuant to section 3553(c)(2) of title 31, United States Code) or the performance of the contract (pursuant to section 3553(c)(3) of title 31, United States Code) the Secretary of Defense shall—

(1) notify the congressional defense committees within 10 days after such finding is made; and

(2) describe any steps the Department of Defense plans to take to mitigate any hindrance identified in such finding to the annual preparation of audited financial statements for the Department.

(b) COVERED CONTRACT DEFINED.—In this section, the term “covered contract” means a contract for services to perform an audit to comply with the requirements of section 3553 of title 31, United States Code.

SEC. 866. TRAINING IN ACQUISITION OF COMMERCIAL ITEMS.

(a) TRAINING.—Not later than 180 days after the date of the enactment of this Act, the President of the Defense Acquisition University shall establish a comprehensive training program on the acquisition of commercial items, including the following:

(1) The acquisition of commercial items, including the interpretation of the phrase “of a type.”

(2) Price analysis and negotiations.

(3) Market research and analysis.

(4) Independent cost estimates.

(5) Parametric estimating methods.

(6) Value analysis.

(7) Other topics on the acquisition of commercial items necessary to ensure a well-educated acquisition workforce.

(b) STUDENT ENROLLMENT.—The President of the Defense Acquisition University shall set
goals for student enrollment for the training contract program established under subsection (a).

SEC. 867. NOTICE OF COST-FREE FEDERAL PROCUREMENT TECHNICAL ASSISTANCE IN AGREEMENT WITH REGULATIONS OF SMALL BUSINESS CONCERN PROCUREMENT WEBSITES.

(a) IN GENERAL.—The Secretary of Defense shall establish procedures to ensure that any notice or direct communication regarding the registration of small business concerns on a website maintained by the Department of Defense relating to contracting opportunities contains information about cost-free Federal procurement technical assistance services that are available through a procurement technical assistance program established under section 142 of title 41, United States Code.

(b) SMALL BUSINESS CONCERN DEFINED.—The term "small business concern" has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 868. COMPTROLLER GENERAL REPORT ON CONTRACTOR BUSINESS SYSTEM REQUIREMENTS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the feasibility and effectiveness of having the percentage of total gross revenue included in the definition of the term "covered contractor" in section 893(g)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 112-81) that are funded out of amounts available for overseas contingency operations.

(a) IN GENERAL.—The Secretary of Defense shall include—

(1) the information described in subsection (b) in its comprehensive checklist of total force management activities for the Department regarding the supply chain for information technology systems.

(b) DEFINITIONS.—In this section:

(1) the term "covered contractor" has the meaning given in section 893(g)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 112-81; 10 U.S.C. 2302 note).

(c) DUTIES.—(1) There is a corrosion control and prevention executive in the Department of the Army. The Assistant Secretary of the Army for Acquisition, Technology, and Logistics shall designate the corrosion control and prevention executive.

(2) In addition to the duties assigned under subsection (c), the principal responsibility of the executive under this section.

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

(4) The corrosion control and prevention executive in the Department shall be responsible for the formulation, management, and evaluation of programs for the acquisition and production of the Department, the corrosion control and prevention executive shall be responsible assigned under subsection (a)(2) and the Office of the Secretary of Defense, the program executive officers of the Department, and the Army National Guard.

(4) The corrosion control and prevention executive in the Department shall submit an annual report, not later than December 31 of each year, to the Secretary of the Army and to the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the Department, including corrosion-related funding levels to carry out all of the duties of the executive under this section.

(a) DESIGNATION.—(1) There is a corrosion control and prevention executive in the Department of the Navy. The Assistant Secretary of the Navy for Acquisition, Technology, and Logistics shall designate the corrosion control and prevention executive.

(b) DEPARTMENT OF THE NAVY.—

(1) DESIGNATION.—The table of sections at the beginning of chapter 33 of title 10, United States Code, is amended by striking the item relating to section 3238.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 10, United States Code, is amended by adding at the end the following new item:

(5) The corrosion control and prevention executive in the Department shall be responsible assigned under subsection (a)(2).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 10, United States Code, is amended by adding at the end the following new item:

(5) The corrosion control and prevention executive in the Department shall be responsible assigned under subsection (a)(2).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 10, United States Code, is amended by adding at the end the following new item:

(5) The corrosion control and prevention executive in the Department shall be responsible assigned under subsection (a)(2).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 10, United States Code, is amended by adding at the end the following new item:

(5) The corrosion control and prevention executive in the Department shall be responsible assigned under subsection (a)(2).

2018.

SEC. 869. STANDARD GUIDELINES FOR EVALUATION OF REQUIREMENTS FOR SERVICES CONTRACTS.

(a) IN GENERAL.—The Secretary of Defense shall encourage the use of standard guidelines within the Department of Defense for the evaluation of requirements for services contracts. Such guidelines shall be available to the Services Requirements Review Boards (established under section 235 of title 10, United States Code), the Assistant Secretary of Defense for Field Activity, and each military department for the purpose of standardizing the requirements evaluation required under section 2529 of title 10, United States Code, as added by this Act. Such guidelines may provide policy guidance or tools, including a comprehensive checklist of total force management activities. The Secretary of the Army shall designate the corrosion control and prevention executive shall be responsible assigned under subsection (a)(2) and the Office of the Secretary of Defense, the program executive officers of the Department, and the Army National Guard.

(a) DESIGNATION.—(1) There is a corrosion control and prevention executive in the Department of the Army. The Assistant Secretary of the Army for Acquisition, Technology, and Logistics shall designate the corrosion control and prevention executive.

(b) DEPARTMENT OF THE NAVY.—

(1) DESIGNATION.—The table of sections at the beginning of chapter 33 of title 10, United States Code, is amended by adding at the end the following new item:

(5) The corrosion control and prevention executive in the Department shall be responsible assigned under subsection (a)(2).

(b) DEFINITIONS.—In this section—

(1) the terms "Defense Acquisition and Field Activity", "military department", have the meanings given to such terms in title 10 of title 10, United States Code, and

(2) the term "total force management activities and procedures" means the policies and procedures established under section 128a of such title.

SEC. 870. TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

(a) LIMITATION.—Except as provided in subsection (b), the total amount obligated by the Department of Defense for contract services in fiscal year 2010 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) adjusted for net transfers from funding for overseas contingency operations.

(b) DEFINITIONS.—(1) CONTRACT SERVICES.—The term "contract services" has the meaning given that term in section 235 of title 10, United States Code, except that the term does not include services that are funded out of amounts available for overseas contingency operations.

(2) FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS.—The term "funding for overseas contingency operations" means amounts funded out of amounts available for overseas contingency operations in fiscal year 2010 that are funded out of amounts other than amounts so available in fiscal year 2018.
and relevant major subordinate commands of the Department.

“(3) The corrosion control and prevention executive shall be a civilian employee of the Department in the grade GS-15 or higher of the General Schedule.

“(b) QUALIFICATIONS.—In order to qualify for designation as the corrosion control and prevention executive, an individual—

“(1) have a working knowledge of corrosion prevention and control;

“(2) have strong program management and communication skills; and

“(3) understand the acquisition, research and development, test and evaluation, and sustainment policies and procedures across the Department, including sustainment of infrastructure.

“(c) DUTIES.—(1) The corrosion control and prevention executive in the Department shall be responsible for identifying the funding levels necessary to accomplish the items specified in paragraph (1).

“(2) In cooperation with the appropriate staff of the Department, the corrosion control and prevention executive in the Department shall develop, support, and provide the rationale for resources—

“(A) to initiate and sustain an effective corrosion control and prevention program in the Department;

“(B) to evaluate the program’s effectiveness; and

“(C) to ensure that corrosion control and prevention requirements for materiel are reflected in budgeting and policies of the Department for the formulation, management, and evaluation of personnel and programs for the entire Department, including the Navy Reserve and the Marine Corps Reserve.

“(d) The corrosion control and prevention executive in the Department shall submit an annual report, not later than December 31 of each year, to the Secretary of the Navy and the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the Department, including corrosion-related funding levels to carry out all of the duties of the executive under this section.

“(e) The corrosion control and prevention executive in the Department may not be assigned other duties that may interfere with the duties specified in this subsection and the principal responsibility assigned under subsection (a)(2).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 803 of title 10, United States Code, is amended by adding at the end the following new item:

“8025. Corrosion control and prevention executive.”

(3) REPEAL OF REPLACED PROVISION.—Effective 90 days after the date of the enactment of this section, section 3025 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–117; 10 U.S.C. 2228 note) is repealed.

(4) ONLINE FOR DESIGNATION.—Corrosion control and prevention executives who satisfy the qualifications specified in subsection (b) of sections 3025, 5029, and 8025 of title 10, United States Code, as added by this section, shall be designated not later than 90 days after the date of the enactment of this Act.

SECTION 904. MAINTAINING CIVILIAN WORKFORCE CAPABILITIES TO SUSTAIN READINESS, THE ALL VOLUNTEER FORCE, AND OPERATIONAL EFFECTIVENESS.

Section 912 of title 10, United States Code, as added by this section, shall be redesignated as the Secretary of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(2) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) REDENOMINATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(3) DEPARTMENT OF THE AIR FORCE.—(a) DESIGNATION.—Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:


(1) DESIGNATION.—There is a corrosion control and prevention executive in the Department of the Air Force, The Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics shall designate the corrosion control and prevention executive.

“(2) DUTIES.—(A) The corrosion control and prevention executive shall be responsible for identifying the funding levels necessary to accomplish the items specified in subsection (c) of this section, the principal responsibility assigned under subsection (a)(2).”.

(b) QUALIFICATIONS.—In order to qualify for designation as the corrosion control and prevention executive, the individual—

“(1) have a working knowledge of corrosion prevention and control;

“(2) have strong program management and communication skills; and

“(3) understand the acquisition, research and development, test and evaluation, and sustainment policies and procedures across the Department, including sustainment of infrastructure.

“(c) DUTIES.—(1) The corrosion control and prevention executive in the Department shall be responsible for identifying the funding levels necessary to accomplish the items specified in paragraph (1).

“(2) In cooperation with the appropriate staff of the Department, the corrosion control and prevention executive in the Department shall develop, support, and provide the rationale for resources—

“(A) to initiate and sustain an effective corrosion control and prevention program in the Department;

“(B) to evaluate the program’s effectiveness; and

“(C) to ensure that corrosion control and prevention requirements for materiel are reflected in budgeting and policies of the Department for the formulation, management, and evaluation of personnel and programs for the entire Department, including the Air Force Reserve and the Air National Guard.

“(d) The corrosion control and prevention executive in the Department shall submit an annual report, not later than December 31 of each year, to the Secretary of the Air Force and the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the Department, including corrosion-related funding levels to carry out all of the duties of the executive under this section.

“(e) The corrosion control and prevention executive in the Department may not be assigned other duties that may interfere with the duties specified in this subsection and the principal responsibility assigned under subsection (a)(2).”.

(2) SEC. 912. CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) REDENOMINATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 803 of title 10, United States Code, is amended by adding at the end the following new item:

“8025. Corrosion control and prevention executive.”
of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-238; 130 Stat. 2339), shall be deemed to be a reference to the Under Secretary of Defense for Acquisition, Technology, and Logistics under section 133 of title 10, United States Code; (2) to the position of Under Secretary of Defense for Acquisition, Technology, and Logistics under section 133 of title 10, United States Code; and (3) to the position of Under Secretary of Defense, to be established by section 901(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2341; 10 U.S.C. 131 note), shall be deemed to be a reference to the Deputy Secretary of Defense under section 132 of title 10, United States Code.

SEC. 922. EXTENSION OF DEADLINES FOR REPORTING AND BRIEFING REQUIREMENTS FOR THE NATIONAL DEFENSE STRATEGY FOR THE UNITED STATES.

Section 92(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2368) is amended—

(1) in paragraph (1), by striking “December 1, 2017” and inserting “September 30, 2018”;

(2) in paragraph (2), by striking “June 1, 2017” and inserting “September 1, 2017”;

SEC. 923. BRIEFING ON FORCE MANAGEMENT LEVEL-

(a) FINDINGS; SENATE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following: (A) The force management level policy that previously restricted the total number of members of the Armed Forces of the United States deployed to Afghanistan increased the cost of operations in Afghanistan.

(B) The restriction meant that the Department of Defense had to substitute available military personnel for costlier contract support.

(2) SENATE OF CONGRESS.—The Senate of Congress determined that the Department of Defense should have the authority to substitute civilian personnel for those members of the Armed Forces to avoid the cost of operations in Afghanistan.

SEC. 924. EFFECTIVE DATE.

This Act and the amendments made by this subtitle shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 921. TRANSITION OF THE OFFICE OF THE SECRETARY OF DEFENSE TO RE-

(a) REPEAL OF PROVISIONS PENDING EXECU-

TIONS—Until February 1, 2018, any reference in this Act, or an amendment made by this Act, to the position of Under Secretary of Defense for Research and Engineering, to be established by the amendment made by section 901(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-238; 130 Stat. 2339), shall be deemed to be a reference to the Under Secretary of Defense for Acquisition, Technology, and Logistics under section 133 of title 10, United States Code; (2) to the position of Under Secretary of Defense for Acquisition and Sustainment, to be established by section 901(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2346), shall be deemed to be a reference to the Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics under section 133(c)(2) of title 10, United States Code; and (3) to the position of Deputy Under Secretary of Defense for Acquisition and Sustainment commencing as of that date, without further appointment under section 133b of that title, as added by section 901(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2340).

SEC. 925. BRIEFING ON FORCE MANAGEMENT LEVEL.

(a) FINDINGS; SENATE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following: (A) The force management level policy that previously restricted the total number of members of the Armed Forces of the United States deployed to Afghanistan increased the cost of operations in Afghanistan.

(b) BRIEFING.—Not later than March 31, 2018, the Secretary of Defense shall provide to the congressional defense committees a briefing de-

(1) the steps that the Secretary is taking to re-

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TITHE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZA-

TIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2018 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with amounts available for the same purposes as the authorization to which transferred.

(b) LIMITATION.—Except as provided in para-

subsection (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(c) EXCEPTION FOR TRANSFERS BETWEEN MILI-

TARY PERSONNEL AUTHORIZATIONS.—A transfer made from one account to another under subsection (a) 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. PREPARATION OF CONSOLIDATED CORRECTIVE ACTION PLAN AND IM-

PLENMENTATION OF CENTRALIZED REPORTING SYSTEM.

(a) ESTABLISHMENT.—In accordance with the recommendations included in the Government Accountability Office report numbered GAO-17-85 as entitled “DoD Financial Management: Significant Efforts Still Needed for Remedying Audit Readiness Deficiencies”, the Under Secretary of Defense (Comptroller) of the Depart-

(b) DEVELOPMENT OF PLAN.—The Under Sec-

(c) REPORT.—The Under Secretary of Defense shall submit to the Senate and House Committees on Appropriations the report referred to in subsection (a) not later than the date of enactment of this Act.

SEC. 1003. ADDITIONAL REQUIREMENTS RELAT-

(a) FINANCIAL IMPROVEMENT AUDIT READI-

NESS PLAN.—Section 1003(a)(2)(A)(ii) of the Na-

(b) AUDIT.—The Under Secretary of Defense shall submit to the House Committee on Appropriations not later than 60 days after the date of enactment of this Act a report referred to in subsection (a).

(c) EFFECT OF AUTHORIZATION AMOUNTS.—

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

SEC. 1002. PREPARATION OF CONSOLIDATED CORRECTIVE ACTION PLAN AND IM-

PLEMENATION OF CENTRALIZED REPORTING SYSTEM.

(a) ESTABLISHMENT.—In accordance with the recommendations included in the Government Accountability Office report numbered GAO-17-85 as entitled “DoD Financial Management: Significant Efforts Still Needed for Remedying Audit Readiness Deficiencies”, the Under Secretary of Defense (Comptroller) of the Depart-

(b) DEVELOPMENT OF PLAN.—The Under Sec-

(c) REPORT.—The Under Secretary of Defense shall submit to the Senate and House Committees on Appropriations the report referred to in subsection (a) not later than the date of enactment of this Act.

SEC. 1003. ADDITIONAL REQUIREMENTS RELAT-

(a) FINANCIAL IMPROVEMENT AUDIT READI-

NESS PLAN.—Section 1003(a)(2)(A)(ii) of the Na-

(b) AUDIT.—The Under Secretary of Defense shall submit to the House Committee on Appropriations not later than 60 days after the date of enactment of this Act a report referred to in subsection (a).

(c) EFFECT OF AUTHORIZATION AMOUNTS.—

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).
Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2222 note) is amended by striking “are validated as real for audit by not later than” and inserting “go under the department’s requirement audit beginning”.

**Title B—Naval Vessels and Shipyards**

**Section 1011. National Defense Sealift Fund.**

(a) **Fund Purposes; Deposits.**—Section 2218 of title 10, United States Code, is amended—

(i) in subsection (A) in paragraph (1)—

(1) by striking subparagraph (D); and

(ii) by redesignating paragraph (E) as paragraph (D); and

(b) **In paragraph (3), by striking “or (D)” and inserting “and” and adding a period; and

(c) **In paragraph (4), by striking “(ii)” and inserting “and” and adding a period; and

**Section 1012. National Sea-Based Deterrence Fund for Multiyear Procurement of Certain Critical Components.**

(a) **In General.**—Section 2218a of title 10, United States Code, is amended—

(i) by striking “the common missile compartment” each place it appears and inserting “critical components”; and

(ii) by inserting “and” after the semicolon;

(iii) in subparagraph (C), by striking “, or”; and

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

(b) **Definition of Critical Component.**—

Subsection (k) of such section is amended by adding at the end the following new paragraph:

“(2) The term ‘critical component’ means—

(A) any item that is high volume or high value;

(B) any common missile compartment component, valve, torpedo tube, or Government furnished equipment subsystems, including propulsion and strategic weapon systems subsystems.”;

(c) **Clerical Amendment.**—The subsection heading for subsection (i) of such section is amended by striking “OF THE COMMON MISSILE COMPARTMENT”.

**Section 1014. Restrictions on the Overhaul and Modernization of National Shipyard Vessels.**

(a) **In General.**—Section 7310(b)(1) of title 10, United States Code, is amended—

(i) by striking “in the case” and inserting “Except as provided in subparagraph (B), in the case”;

(ii) by striking “during the 15-month” and all that follows through “United States”;

(iii) by inserting before the period at the end the following: “, other than in the case of voyage repairs”;

(iv) by striking at the end “.”;

(b) **Definition of Critical Component.**—

Subsection (k) of such section is amended by adding at the end the following new subparagraph:

“(3) The Secretary of the Navy may waive the application of subparagraph (A) to a contract award if the Secretary determines that the waiver is essential to the national security interests of the United States.”;

(c) **Effective Date.**—The amendments made by subsection (a) shall take effect on the later of the following dates:

(1) the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019.

(2) October 1, 2018.

**Section 1015. Availability of Funds for Retirement or Inactivation of Ticonderoga-Class Cruisers or Dock Landing Ships.**

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 may be obligated or expended—

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

(2) to place more than six cruisers and one dock landing ship in the modernization program under section 1026(a)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3519).

**Section 1016. Policy of the United States on Minimum Number of Battle Force Carrier Vessels.**

It shall be the policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships, with funding subject to the annual authorization of appropriation and the annual appropriation of funds.

**Subtitle C—Counterterrorism**

**Section 1021. Termination of Requirement to Submit Airline Passenger JUS- TIFICATION DISPLAY FOR DEPART- MENT OF DEFENSE COMBATANT TERRORISM PROGRAMS.**

Section 229 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **Termination.**—The requirement to submit a budget justification display under this section shall terminate on December 31, 2020.”.

**Section 1022. 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, 2018, to transfer, release, or in any other manner dispose of any individual detained at Guantanamo Bay, Cuba, to the United States, its territories or possessions of Khalid Sheikh Mohammed or any other detainee who—

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

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

**Section 1023. 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 to the United States.**

(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, 2018, 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, by the Department of Defense for the purposes of detention or imprisonment in the custody or under the control of any country, or any entity within such country, as follows:

(1) Libya.

(2) Somalia.

(3) Syria.

(4) Yemen.

**Section 1024. 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, 2018, to transfer, release, or in any other manner dispose of any individual detained at Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

(1) Nigeria.

(2) Somalia.

(3) Syria.

(4) Yemen.

**Section 1025. Biannual Report on Support of Special Operations to Combat Terrorism.**

Section 1227(g) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “March 1” and inserting “120 days after the last day of a fiscal year”; and
[The document contains legislative text with various provisions and subsections, details of which cannot be rendered here due to the nature of the content.]
remains an operational necessity because ships of the 7th Fleet have high operational tempo and experience vast distances between repair facilities.” (Letter from the Commander of the Pacific Fleet to the Governor of Guam, dated Feb

(B) “We must maintain a viable ship maintenance program sufficient to include supporting in operation and contingency plans (OPLANS and CONPLANS) and the U.S. Navy rebalance to the Pacific. Guam is a strategic location for depot-level ship maintenance on sovereign U.S. territory. This is a significant factor given that commercial dry docks available in foreign countries considered friendly to the United States may become unavailable to SEVENTH Fleet ships in time of crisis or war. Availability of CPF ships would be stressed if assets are required to dry dock in CONUS due to the non-availability of a secure dry docking capability in the Western Pacific. Dry-docking in Guam is a critical component of depot-level ship repair. The capability must be maintained and regularly exercised so that a capability and expertise are available to support ships of the SEVENTH Fleet in peace and war.” (Letter from the Commander of the Pacific Fleet to the Chief of Naval Operations, dated Feb 7, 2014).

(C) On February 24, 2016, in testimony before the Committees of the Senate and the House of Representatives, Admiral Harry Harris, Command

(D) The Navy currently has four fast-attack nuclear submarines homeported in Guam.

(E) The Navy homeports submarine squadrons at seven locations in the United States, each of which has dry-docking capability, with the exception of Guam.

(F) The Committee on Armed Services of the House of Representatives believes that dry-docking capability is a critical component of strategic importance and an operational priority for United States Pacific Fleet.

(G) The Navy currently has four fast-attack nuclear submarines homeported in Guam.

(H) The Navy homeports submarine squadrons at seven locations in the United States, each of which has dry-docking capability, with the exception of Guam.

(I) The Committee on Armed Services of the House of Representatives believes that dry-docking capability is a critical component of strategic importance and an operational priority for United States Pacific Fleet.

(J) The Navy currently has four fast-attack nuclear submarines homeported in Guam.

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(M) The Navy currently has four fast-attack nuclear submarines homeported in Guam.

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(R) The Committee on Armed Services of the House of Representatives believes that dry-docking capability is a critical component of strategic importance and an operational priority for United States Pacific Fleet.

(S) The Navy currently has four fast-attack nuclear submarines homeported in Guam.

(T) The Navy homeports submarine squadrons at seven locations in the United States, each of which has dry-docking capability, with the exception of Guam.

(U) The Committee on Armed Services of the House of Representatives believes that dry-docking capability is a critical component of strategic importance and an operational priority for United States Pacific Fleet.

(V) The Navy currently has four fast-attack nuclear submarines homeported in Guam.

(W) The Navy homeports submarine squadrons at seven locations in the United States, each of which has dry-docking capability, with the exception of Guam.

(X) The Committee on Armed Services of the House of Representatives believes that dry-docking capability is a critical component of strategic importance and an operational priority for United States Pacific Fleet.

(Y) The Navy currently has four fast-attack nuclear submarines homeported in Guam.

(Z) The Navy homeports submarine squadrons at seven locations in the United States, each of which has dry-docking capability, with the exception of Guam.


A. TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(ii) by redesigning subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(iii) by redesigning subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(f) DEFENSE INDUSTRIAL SECURITY REPORT.—Section 428 is amended by striking subsection (f).

(g) MILITARY MUSICAL UNITS GIFT REPORT.—Section 974(d) is amended by striking paragraph (3).

(h) HEALTH PROTECTION QUALITY REPORT.—Section 1070c is amended—

(i) by striking subsection (a); and

(jj) by redesigning subparagraphs (a) and (b) as subsections (a) and (b), respectively.

(k) MASTER PLANS FOR REDUCTIONS IN CIVILIAN POSITIONS.—

(1) IN GENERAL.—Section 1591 is amended—

(2) CONFORMING AMENDMENTS.—Section 1286a is amended—

(3) ACQUISITION WORKFORCE DEVELOPMENT FUND REPORT.—Section 1705 is amended—

(4) DEFENSE INDUSTRIAL SECURITY REPORT.—Section 1294 is amended—

(5) MILITARY FAMILY READINESS REPORT.—Section 1781b is amended by striking subsection (d).

(6) PROFESSIONAL MILITARY EDUCATION REPORT.—

(7) MILITARY FAMILY READINESS REPORT.—Section 1781b is amended by striking subsection (d).

(8) DEPARTMENT OF DEFENSE CONFERENCES FEE-COLLECTION REPORT.—Section 262 is amended by striking subsection (d).

(9) UNITED STATES CONTRIBUTIONS TO NATO COMMON-FUNDED BUDGETS REPORT.—Section 264 is amended by striking subsection (a).

(10) FOREIGN COUNTER-SPACE PROGRAMS REPORT.—

(11) ELIMINATION.—Section 2277 is repealed.

(12) ELIMINATION.—Section 115a is repealed.

(13) ELIMINATION.—Section 2157 is repealed.

(14) ELIMINATION.—Section 2306b(l)(4) is amended by striking the words "Not later than" and all that follows through the colon and inserting the following: “Each report required by paragraph (5) with respect to a contract or a master plan prepared under subsection (c)”. The Committee on Armed Services of the House of Representatives believes that dry-docking capability is a critical component of strategic importance and an operational priority for United States Pacific Fleet.

The Navy currently has four fast-attack nuclear submarines homeported in Guam.

The Navy homeports submarine squadrons at seven locations in the United States, each of which has dry-docking capability, with the exception of Guam.
Section 3038(f) is amended—
(A) by striking subsection (b); and
(B) in subsection (a), by striking “Such guidance” and inserting the following:

“(b) GUIDANCE.—The guidance prescribed pursuant to subsection (a).”

21. FOREIGN-CONTROLLED CONTRACTORS REPORT.—Section 2537 is amended—
(A) by striking subsection (b); and
(B) by redesignating subsection (c) as subsection (b).

22. SUPPORT FOR SPORTING EVENTS REPORT.—Section 2564 is amended—
(A) by striking subsection (e); and
(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

23. TECHNOLOGY AND INDUSTRIAL BASE POLICY GUIDELINES.—Section 2566 is amended—
(A) by striking subsection (b); and
(B) in subsection (a), by striking “Guidance” and inserting the following:

“(b) GUIDANCE.—The guidance prescribed pursuant to subsection (a).”

24. MILITARY INVESTMENTS VULNERABILITY ASSESSMENT REPORT.—Section 2639 is amended—
(A) by striking subsection (c); and
(B) by redesignating subsection (d) as subsection (c).

25. INDUSTRIAL FACILITY INVESTMENT PROGRAM CONSTRUCTION REPORT.—Section 2661 is amended by striking subsection (d).

26. STATEMENT OF AMOUNTS AVAILABLE FOR WATER CONSERVATION AT MILITARY INSTALLATIONS.—Section 2666(b) is amended by striking paragraph (2).

27. ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING PILOT PROJECTS REPORT.—Section 2881a is amended by striking subsection (e).

28. STATEMENT OF AMOUNTS AVAILABLE FROM ENERGY COST SAVINGS.—Section 2912 is amended by striking subsection (d).

29. ARMY TRAINING REPORT.—(A) ELIMINATION.—Section 4316 is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 is amended by striking the item relating to section 4316.

30. STATE OF THE ARMY RESERVE REPORT.—Section 3038(f) is amended—
(A) by striking “(1)” before “The”; and
(B) by striking paragraph (2).

31. STATE OF THE MARINE CORPS RESERVE REPORT.—Section 3144(d) is amended—
(A) by striking “(1)” before “The”; and
(B) by striking paragraph (2).

32. STATE OF THE AIR FORCE RESERVE REPORT.—Section 3038(f) is amended—
(A) by striking “(1)” before “The”; and
(B) by striking paragraph (2).

33. TITLE 32, UNITED STATES CODE.—Section 309 of title 32, United States Code, relating to an annual report on the National Guard Youth Challenge Program, is amended—
(A) by striking subsection (k); and
(B) by redesigning subsections (l) and (m) as subsections (k) and (l).

34. DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 2302 note), relating to an annual report on allied contributions to the common defense, is amended by striking subsections (c) and (d).


(1) in subsection (c)(1), by striking “Congress and”;
(2) in subsection (c), by striking paragraph (2); and
(3) in subsection (d), by striking paragraph (2).

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1992 AND 1993.—Section 1046 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 2302 note) relating to an annual report on defense cost-sharing, is amended by striking subsections (c) and (d).


(j) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002.—The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:
(1) NAVY AIRBORNE SIGNALS INTELLIGENCE, WEATHER, AND PERFORMANCE SYSTEM REPORT.—Section 346 (115 Stat. 1062) is amended—
(A) by striking subsections (b) and (c); and
(B) by redesignating subsection (d) as subsection (b).

(2) RELIABILITY OF FINANCIAL STATEMENTS REPORT.—Section 1068(d) (119 Stat. 133 note) is amended—
(A) by striking “(1)” before “On each”;
(B) by striking paragraph (2); and
(C) by redesigning paragraphs (1) and (3).


(l) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.—Section 1054 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) relating to an annual report on support to law enforcement agencies conducting counter-terrorism activities, is amended—
(A) by striking subsection (c); and
(B) by redesigning subsection (d) as subsection (c).

(m) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 1054 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–183) relating to an annual report on support to law enforcement agencies conducting counter-terrorism activities, is amended—
(A) by striking subsection (c); and
(B) by redesigning subsection (d) as subsection (c).

(n) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The National Defense Authorization Act for Fiscal Year 2007 (Public Law 110–181; 10 U.S.C. 2351 note) is amended as follows:
(1) NAVY AIRBORNE SIGNALS INTELLIGENCE, WEATHER, AND PERFORMANCE SYSTEM REPORT.—Section 1207 (122 Stat. 4544 note) is amended by striking subsection (b).

(2) ARMY PRODUCT IMPROVEMENT REPORT.—Section 330 (122 Stat. 68) is amended by striking subsection (e).

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(A) by striking subsection (e); and
(B) by redesigning paragraphs (f) and (g), as paragraphs (f) and (g), respectively.

(B) as paragraphs (1) and (2), respectively.

(q) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 113–223) is amended as follows:
(1) NAVY AIRBORNE SIGNALS INTELLIGENCE, WEATHER, AND RECONNAISSANCE CAPABILITIES REPORT.—Section 112(b) (124 Stat. 4153) is amended—
(A) by striking paragraph (3); and
(B) by redesigning paragraph (4) as paragraph (3).

(r) RELATIONSHIP OF TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS REPORT.—Section 243 (10 U.S.C. 2558 note) is amended—
(A) by striking subsection (e); and
(B) by redesigning subsections (d) and (e) as subsections (c) and (d), respectively.

(s) ACQUISITION OF MILITARY PURPOSE NON-DEVELOPMENTAL ITEMS REPORT.—Section 866 (10 U.S.C. 2302 note) is amended—
(A) by striking subsection (d); and
(B) by redesigning subsection (e) as subsection (d).

(t) NUCLEAR TRIAD REPORT.—Section 1054 (10 U.S.C. 113 note) is amended—
(A) by striking subsection (e); and
(B) by redesigning subsections (d) and (e) as subsections (c) and (d), respectively.

(u) PROCUREMENT OF MILITARY PURPOSE NON-DEVELOPMENTAL ITEMS REPORT.—Section 866 (10 U.S.C. 2302 note) is amended—
(A) by striking subsection (d); and
(B) by redesigning subsection (e) as subsection (d).

(v) GLOBAL SECURITY CONTINGENCY FUND REPORT.—Section 1207 (22 U.S.C. 2511 note) is amended—
(A) by striking subsection (a); and
(B) by redesigning subsections (a) and (b) as subsections (a) and (b).
(3) DATA SERVERS AND CENTERS COST SAVINGS REPORT.—Section 2867 (10 U.S.C. 2223a note) is amended by striking subsection (d).

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) is amended as follows:

(1) F–22A RAFTER MODERNIZATION PROGRAM REPORT.—Section 1061 (127 Stat. 1163) is amended by striking subsection (c).

(2) TRICARE MAIL–ORDER PHARMACY PROGRAM REPORT.—Section 716 (10 U.S.C. 1074g note) is amended—

(A) by striking subsection (e); and

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

(3) WARRIORS IN TRANSITION PROGRAMS REPORT.—Section 738 (10 U.S.C. 1071 note) is amended—

(A) by striking subsection (e) and (f); and

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

(4) USE OF INDEMNIFICATION AGREEMENTS REPORT.—Section 856 (128 Stat. 1861) is repealed.

(5) COUNTER SPACE TECHNOLOGY REPORT.—Section 917 (126 Stat. 1876) is repealed.

(6) IMAGERY INTELLIGENCE AND GEOSPATIAL INFORMATION REPORT.—Section 921 (126 Stat. 1876) is amended by striking subsection (c).

(7) COMPUTER NETWORK OPERATIONS COORDINATION REPORT.—Section 1079 (10 U.S.C. 221 note) is amended by striking subsection (c).

(8) UPDATES OF ACTIVITIES OF OFFICE OF SECURITY COOPERATION IN IRAQ REPORT.—Section 1211 (126 Stat. 1833) is amended by striking paragraph (b).

(9) UNITED STATES PARTICIPATION IN THE ATAKES PROGRAM REPORT.—Section 1276 (10 U.S.C. 2350c note) is amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as subsection (e).

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—The National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) is amended as follows:

(1) MODERNIZING PERSONNEL SECURITY STRATEGY METRICS REPORT.—Section 907(c)(3) (10 U.S.C. 1564 note) is amended—

(A) by striking “(A) METRICS REQUIRED.—In” and inserting “In” and;

(B) by striking subparagraph (B).

(2) DEFENSE Clandestine Service REPORT.—Section 923 (10 U.S.C. prec. 421 note) is amended—

(A) by striking subsection (b); and

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

(3) SELECTED ACQUISITION REPORTS.—Selections to DOD REPORT.—Section 1249 (127 Stat. 2925) is repealed.

(4) SMALL BUSINESS GROWTH REPORT.—Section 1611 (127 Stat. 946) is amended by striking subsection (d).

(5) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—The Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows:

(1) MODERNIZING PRIVATE SECTOR PERSONNEL TO DEFENSE ADVANCED RESEARCH PROJECTS AGENCY REPORT.—Section 232 (10 U.S.C. 2358 note) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) GOVERNMENT LODGING PROGRAM REPORT.—Section 2514 (128 Stat. 1111 note) is amended by striking subsection (d).

(3) DOD RESPONSE TO COMPROMISES OF CLASSIFIED INFORMATION REPORT.—Section 1052 (128 Stat. 2341) is repealed.

(4) PERSONNEL PROTECTION AND PERSONNEL SURVIVABILITY EQUIPMENT LOAN REPORT.—Section 1207 (10 U.S.C. 2342 note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(5) DOD ASSISTANCE TO COUNTER ISIS REPORT.—Section 1236 (128 Stat. 3558) is amended by striking subsection (d).

(6) COOPERATIVE THREAT REDUCTION PROGRAM USE OF CONTROLLED INFORMATION REPORT.—Section 1125 (50 U.S.C. 3715) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(7) COOPERATIVE THREAT REDUCTION PROGRAM FACILITIES CERTIFICATION REPORT.—Section 1341 (50 U.S.C. 3741) is amended—

(A) by striking “(a) ALLOCATION OF FUNDS. “;

(B) by striking subsections (b), (c), and (d); and

(C) by adding at the end the following new sentence: “This requirement shall terminate on December 19, 2019.”

(b) PRESERVATION OF CERTAIN ADDITIONAL REPORTS.—Effective as of December 23, 2016, and as if included therein as enacted, section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended as follows:

(1) GENERAL DEFENSE REPORTS.—Paragraph (1) is amended by striking “113(c)” and inserting “113(c), (e), and (f)”.

(2) ANNUAL OPERATIONS AND MAINTENANCE REPORT.—Paragraph (2) is amended by inserting after “Section” the following: “116 and section”.

(3) SELECTED ACQUISITION REPORTS.—Paragraph (4) is amended by inserting after “Section” the following: “116 and section”.

(4) NATIONAL GUARD BUREAU REPORT.—By inserting after paragraph (63) the following new paragraph:

“(64) Section 1050(b).”.

(b) PRESERVATION OF CERTAIN ADDITIONAL REPORTS.—Effective as of December 23, 2016, and as if included therein as enacted, section 1061(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by adding at the end the following new paragraph:

“(18) Section 1209(d) (127 Stat. 3542).”.

(b) EFFECTIVE DATE.—Except as provided in subsections (w) and (x), the amendments made by the enactment of this Act; or by section 1209(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) are applicable—

(1) to the date of the enactment of this Act; or

(2) November 25, 2017.

(2) November 25, 2017.

(b) EFFECTIVE DATE.—Except as provided in subsections (w) and (x), the amendments made by the enactment of this Act; or

(2) November 25, 2017.

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(2) November 25, 2017.

(b) EFFECTIVE DATE.—Except as provided in subsections (w) and (x), the amendments made by the enactment of this Act; or

(2) November 25, 2017.
(5) readiness to support combatant commander campaign plans, operational plan, concept plan, or the Joint Strategic Capabilities Plan; (6) required operational capability; (7) related force posture, direction, and control processes; and (8) inspection periodicity.

(c) APPLICABILITY.—The inspection requirements under this section apply to the following units and organizations:

(1) Surface MCM vessels or vessels performing MCM tasks.
(2) Mine countermeasures squadrons.
(3) Mobile mine assembly groups and mobile mine assembly units.
(4) Aircraft patrol squadrons with mine laying capabilities.
(5) LCS and LCM MCM mission modules upon reaching IOC.
(6) Number of countermeasures squadrons.
(7) Units exercising command and control over MIW forces.
(8) MCM operational support ships.
(9) Attack and guided missile submarines with mine laying capabilities.
(10) Magnetic and acoustic silencing facilities.
(11) EOD MCM or VSW Companies and Platoons.
(12) SEAL (ESG/CGR) USMC units with VSW capability.

(d) CERTIFICATION.—The Chief of Naval Operations shall submit to the Secretary of Defense, the Combatant Commanders, the Chairman of the Joint Chiefs of Staff and to Congress a report on the program under this subsection. The report shall contain a classified section which addresses capability and capacity to meet JSCP, OPLAN, CONPLAN and contingency requirements and unclassified section with general summary and readiness trends.

(e) CONFORMING REPEAL.—Section 1090 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is repealed.

SEC. 1055. REPORT ON CIVILIAN CASUALTIES FROM DEPARTMENT OF DEFENSE STRIKES.

(a) REPORT REQUIRED.—For each calendar year, the Secretary of Defense shall submit to the congressional defense committees a report on strikes carried out by the Department of Defense against terrorist targets located outside Government-designated areas of active hostilities and against enemy combatants located inside Government-designated areas of active hostilities during the period beginning on January 1 and ending on December 31 of the year covered by the report. Such report shall include each of the following:

(1) The number of such strikes carried out in—
(A) locations outside Government-designated areas of active hostilities; and
(B) locations inside Government-designated areas of active hostilities;

(2) An assessment of the combatant and non-combatant deaths resulting from those strikes, including the number of such deaths—
(A) occurring outside of Government-designated areas of active hostilities; and
(B) occurring within Government-designated areas of active hostilities, with the number of such deaths displayed to indicate the Government-designated country or location within the Government-designated country where such deaths occurred.

(3) To the extent feasible and appropriate, the general reasons for any discrepancies between post-strike assessments from the Department of Defense and credible reporting from non-governmental organizations regarding non-combatant deaths resulting from such strikes.

(4) A description of steps taken by the Department of Defense to mitigate harm to civilians in conducting such strikes.

(5) An update of the terms “combatant” and “noncombatant” as used in the report.

(6) The monthly tabulations collected by the Department of Defense of combatant and non-combatant deaths occurring inside of areas of active hostilities, and any revisions to previously reported tabulations.

(7) A specification of the countries where strikes occurred, or locations within countries where strikes occurred—
(A) designated as areas of active hostilities; and
(B) not designated as areas of active hostilities.

(8) Deadline for reports. —The reports required by subsection (a) shall be submitted as follows:
(1) The report for 2018 shall be submitted not later than December 31, 2018.
(2) The report for 2019, and for each subsequent year, shall be submitted by not later than March 1 of the year following the year covered by the report.

(c) REVIEW OF REPORTING.—In preparing a report under this section, the Secretary of Defense shall review relevant and credible post-strike all-source reporting, including such information from non-governmental sources.

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

(e) PUBLIC AVAILABILITY.—The Secretary of Defense shall make the unclassified form of the report publicly available.

SEC. 1056. REPORTS ON INFRASTRUCTURE AND CAPABILITIES OF LAJES FIELD, PORTUGAL.

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

(1) Lajes Field, Portugal, is an enabler of United States operations in Europe, Africa, and the Atlantic.

(2) Lajes field has capabilities and infrastructure that reflect significant long-term investments by the United States, including a 10,000 foot runway, housing for more than 650 personnel and their families, a power plant and water facilities, significant communication capabilities, and an on-demand medical clinic.

(3) Lajes Field provides a strategic location to monitor the activities of foreign powers in the Atlantic and Mediterranean, including Russia’s increased naval presence and China’s efforts to establish a military presence in the Atlantic.

(4) The Department of Defense has not fully utilized the infrastructure at Lajes Field.

(b) INFRASTRUCTURE AND CAPABILITIES REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the infrastructure and capabilities of Lajes Field, Portugal. Such report shall include each of the following:

(1) An assessment of communications infrastructure at Lajes Field, including the estimated cost to—
(A) upgrade the existing infrastructure to add additional bandwidth of 56 giga-bits-per-second; and
(B) connect the existing infrastructure to any currently planned additional undersea cables to increase the available bandwidth by at least 56 giga-bits-per-second.

(2) A justification for the current status of Lajes Field as an on-accompanied tour location and an assessment of the estimated costs of converting assignments at Lajes Field to an accompanied tour location.

(3) An assessment of the estimated cost of allowing members of the Armed Forces of the United States to occupy the on-base housing owned by the United States.

(4) An update to the Housing Requirements and Market Analysis for Lajes Field to assess the housing availability for a base population of up to 2000 military and civilian personnel.

(5) The geographic location of Lajes Field as a location for air-to-air training or anti-submarine warfare missions, including the costs of any necessary infrastructure upgrades, as well as any potential national benefits.

(c) FUEL STORAGE SYSTEM REPORT.—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 House of Representatives a report on the environmental impact of fuel storage systems at Lajes Field. Portugal. Such report shall include an impact assessment of the soil contamination from Department of Defense fuel storage systems at Lajes Field, including an assessment of—

SEC. 1057. REPORT ON JOINT PACIFIC ALASKA RANGE COMPLEX MODERNIZATION.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report regarding proposed improvements to the Joint Pacific Alaska Range Complex.

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

(1) An analysis of existing JPARC infrastructure.

(2) A summary of improvements to the range infrastructure the Secretary determines are necessary—
(A) for fifth generation fighters to train at maximum potential; and
(B) to provide a realistic air warfare environment versus a near-peer adversary for—
(i) four squadrons of fifth generation fighters;
(ii) annual Red Flag-Alaska exercises; and
(iii) biannual Operation Northern Edge exercises.

Subtitle F—Other Matters

SEC. 1061. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 113(i)(1) is amended by striking “the Committee on” and inserting “the Committee on”.

(2) Section 113(i)(9) is amended by striking “section 1202(b) of the Cooperative Threat Reduction Act of 1992 (22 U.S.C. 5952(b))” and inserting “section 1231(a) of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 2711(a))”.

(3) Section 122a(a) is amended by striking “the Committee on” and inserting “the Committee on”.

(4) Section 122b(c)(1) is amended by striking “the Committee on” and inserting “the Committee on”.

(5) Section 124(i)(2) is amended by striking “of Representatives” and inserting “of Representatives”.

(6) Section 129a is amended—
(A) in subsection (b), by striking “(as identified pursuant to section 118b of this title)”;
(B) in subsection (c)—
(i) by striking paragraph (1); and
(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(7) Section 130(b)(1) is amended by adding a period at the end.

(8) Section 139(c)(2) is amended by inserting a period at the end of paragraph (K).

(9) Section 153(a) is amended by inserting a comma after “the Committee”.

(10) Section 164(a)(1) is amended by striking “section 664(f)” and inserting “section 664(d)”.

(11) Section 166(c) is amended by striking “section 2011” and inserting “section 322”.

(12) Section 167(b)(2)(A) is amended by striking “Fiscal Year 2014” and inserting “Fiscal Year 2016”.

(13) Section 171a is amended—
(A) in subsection (f), by striking “(4)” and inserting “(4)”;
(B) in subsection (o)(3), by striking “section 2365(e)” and inserting “sections 2365(e) and 2366a(d)”.

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is amended to read as follows:

(1) Section 176(c)(3)(B)(iii) is amended by striking "Joints" and inserting "Joint".
(2) Section 181(b)(1) is amended by striking "section 118" and inserting "section 115(g)(3)".
(3) Section 222(b) is amended by striking "both" through the period at the end and inserting "major force programs.".
(4) Section 342(c)(2) is amended by striking the second "department" and inserting "Department of the Army, Department of the Navy, and Department of the Air Force".
(5) Section 801(a) (1 of the Uniform Code of Military Justice) is amended in the matter preceding paragraph (1) by striking "chapter" and inserting "chapter (the Uniform Code of Military Justice)".
(6) Section 806(b) (article 6b of the Uniform Code of Military Justice) is amended by striking "(the Uniform Code of Military Justice)".
(7) Section 107c(a)(1)(E) is amended by striking "military" and inserting "military".
(8) Section 1451 is amended by moving subparagraphs (B) and (C) two lines to the left.
(9) Section 1451 is amended in subsections (a) and (b) by striking "section 1450(a)(4)" each place it appears and inserting "section 1450(a)(5)".
(10) Section 1452(c) is amended in paragraphs (1) and (3) by striking "section 1450(a)(4)" both places it appears and inserting "section 1450(a)(5)".
(11) Section 1552(h) is amended by striking "calendar" each place it appears and inserting "calendar".
(12) Section 1553(i) is amended by striking "calendar" each place it appears and inserting "calendar".
(13) Section 2664(b)(3) is amended by striking "date of the" and all the follows through "2015" and inserting "December 19, 2014".
(14) Section 2130a is amended—
(i) in paragraph (1), by inserting "PERFORMANCE BOUNDARY" after "(1)";
(ii) by designating the four paragraphs after paragraph (4) as paragraphs (5), (6), (7), and (8), respectively;
(iii) in paragraph (5), as redesignated, by inserting "SERVICE ACQUISITION PORTFOLIO GROUPS." after "(5)"; and
(iv) in paragraph (6), as redesignated, by inserting "STAFF AUGMENTATION CONTRACTS." after "(6)".
(15) Section 2334(a)(6)(B) is amended by adding a semicolon at the end of the section.
(16) Section 2335 is amended by striking "(2 U.S.C. 431 et seq.)" in subsections (c)(1) and (d)(3) and inserting "(52 U.S.C. 3001 et seq.)".
(17) The table of sections at the beginning of chapter 139 is amended by inserting at paragraph at the end of the items relating to sections 2372 and 2372a.
(18) Section 2346(a)(6) is amended by striking "conveys" and inserting "convey".
(20) The item relating to section 2431b in the table of sections at the beginning of chapter 144 is amended to read as follows:

2431b. Risk management and mitigation in weapons, defense acquisition programs and major systems.

(21) Section 2430 is amended by striking "subsections (a)(2)" in subsections (b) and (c) and inserting "subsections (a)(2)(B)".
(22) Section 2433(d) is amended by inserting "(1)" after "REVIEW,".
(ii) in subsection (b), in the matter preceding subparagraph (A).

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

(2) The CONFERENCES TO STALKING.—Title 10, United States Code, is amended as follows:

(A) Section 673(a) is amended—

(1) by striking ‘‘920a, or 920c’’ and inserting ‘‘920c, 920e, or 925’’;

(ii) by striking ‘‘120a, or 120c’’ and inserting ‘‘120c, or 130’’.

(B) Section 474a is amended—

(1) by striking ‘‘920a, 920b, 920c, or 925’’ and inserting ‘‘920b, 920c, 125, or 930’’; and

(ii) by striking ‘‘120a, 120b, 120c, or 125’’ and inserting ‘‘120b, 120c, or 130’’.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect immediately after the amendments made by the Military Justice Act of 2014 (division E of Public Law 113–320) take effect as provided for in section 5452 of that Act (130 Stat. 2967).

(D) Section 1044(g)(1) is amended—

(1) by striking ‘‘920a, 920b, 920c, or 925’’ and inserting ‘‘920b, 920c, 125, or 930’’; and

(ii) by striking ‘‘120a, 120b, 120c, or 125’’ and inserting ‘‘120b, 120c, or 130’’.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect immediately after the amendments made by the Military Justice Act of 2014 (division E of Public Law 113–320) take effect as provided for in section 5452 of that Act (130 Stat. 2967).

(E) Section 2330a(h)(6) of title 10, United States Code, is amended—

(i) by striking paragraph (3).

(ii) by inserting ‘‘the table of sections at the beginning of subtitle A, of title 10, United States Code’’.

(iii) by inserting ‘‘of the Uniform Code of Military Justice’’.

(iv) by inserting ‘‘section 2330a(j)’’.

(F) Section 824(d)(1)(B) (130 Stat. 2279) is amended—

(i) by striking ‘‘The table of chapters for title 10, United States Code’’.

(ii) by striking ‘‘120a, 120b, 120c, or 125’’.

(iii) by striking ‘‘120b, 120c, 125, or 130’’.

(G) Section 824(d)(1)(B) (130 Stat. 2279) is amended—

(i) by striking ‘‘The table of chapters for title 10, United States Code’’.

(ii) by striking ‘‘120a, 120b, 120c, or 125’’.

(H) Section 2330a(h)(6) of title 10, United States Code, is amended—

(i) by striking paragraph (3).

(ii) by inserting ‘‘the table of sections at the beginning of subtitle A, of title 10, United States Code’’.

(iii) by inserting ‘‘of the Uniform Code of Military Justice’’.

(iv) by inserting ‘‘section 2330a(j)’’.

(v) by inserting ‘‘section 2330a(j)’’.

(F) Section 131(b)(5) is amended—

(ii) by striking ‘‘section 2330a(j)’’.

(G) Section 1205(c)(2) of Public Law 114–320 is amended—

(i) by striking paragraph (3).

(ii) by inserting ‘‘section 2330a(j)’’.

(iii) by inserting ‘‘section 2330a(j)’’.

(H) Section 2829E(a) (130 Stat. 2733) is amended—

(i) by striking paragraph (2).
Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1012) is amended by striking subsections (b) and (c).

SEC. 1065. NATIONAL GUARD ACCESSIBILITY TO DEFENSE DEPARTMENT UNMANNED AIRCRAFT FOR STATE AND NATIONAL GUARD OPERATIONS.

(a) REVIEW REQUIRED.—Not later than one year after the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of the Army, shall conduct a comprehensive review of the suitability of unmanned aircraft systems (UAS) for State and National Guard operations, including coordination processes, documentation, and timeliness of change requests. The review shall include the effects of transitioning the capability to State and National Guard operations and shall submit the review to the Committees on Armed Services of the Senate and House of Representatives.

(b) SUBMITTAL TO CONGRESS.—Not later than 30 days after the completion of the review required by subsection (a), the Secretary shall submit the review to the Committees on Armed Services of the Senate and House of Representatives.

SEC. 1066. SENSE OF CONGRESS REGARDING AIRCRAFT CARRIERS.

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

(1) Naval aviation was born in the United States when Eugene Ely launched from the deck of a United States Navy ship on November 14, 1910, in a Curtiss Model D.

(2) In 1915, Cpt. Henry C. Mustin made the first catapult launch and first take off in a ship underway in a Curtiss Model AB-2, beginning a century of technological advancements that have led to today’s Electromagnetic Aircraft Launch System (EALS), which has replaced the steam catapults with powerful magnets to launch jet aircraft.

(3) In 1942, Lt. Dixie Kiefer made the first night catapult launch in a Vought UO-1 in San Diego harbor, leading to today’s aircraft carriers being a floating city at sea with a 24-hour airport.

(4) The first nuclear-powered aircraft carrier, USS Enterprise (CVN 65), was commissioned in 1961, ushering in a new era of the world’s most dominant airpower.

(5) In 2013, the first of the next generation of aircraft carriers, Gerald R. Ford, was christened, marking a continuation of the innovative naval aviation and shipbuilding advancement, and war fighting capabilities of aircraft carriers.

(6) In 2013, aircraft carrier USS George Washington (CVN 73) provided humanitarian assistance, medical supplies, food, and water to the victims in the Philippines of Super Typhoon Haiyan, once again demonstrating versatility of the air, sea, and land component of the nation’s military to defend the Nation’s freedom.

(7) For over 70 years, aircraft carriers have been employed in every major and many smaller conflicts, including World War II, Korea, Vietnam, Grenada, Lebanon, Libya, Operation Desert Storm, Afghanistan, Iraq, and the fight against terrorism.

(8) The United States Navy’s aircraft carriers are a cornerstone of the Nation’s ability to project its power and strength.

(9) When aircraft carriers sail the globe they are a statement of national purpose and a symbol of the Nation’s industrial strength, competitive edge, and economic prosperity.

(10) Aircraft carriers are a modern, very mobile United States Navy, and utilize air, sea, and land capabilities to provide autonomous search and attack capabilities in the face of not only current threats, but also emerging technologies.

(11) Aircraft carriers enable the United States Armed Forces to carry out operations from international waters, avoiding the complications of securing fly-over rights and land-base rights from other nations.

(12) Aircraft carriers are a modern, very mobile United States Navy, and utilize air, sea, and land capabilities to provide autonomous search and attack capabilities in the face of not only current threats, but also emerging technologies.

(13) Over 90 percent of world trade is moved by sea, including much of the world’s gas and oil supply, and aircraft carriers and their strike forces are constantly on patrol in vital regions of the world to keep lanes open and protect the interests of the United States and its allies.

(14) There are more than 2,450 companies in 48 States and over 364 congressional districts, and more than 13,100 shipbuilders who proudly contribute to the construction and maintenance of these complex and technologically advanced ships.

(15) Thousands of members of the United States Armed Forces have served the Nation aboard aircraft carriers in war, peace, and times of crisis.

(16) When crisis occurs the first question that comes to everyone’s lips is “Where is the nearest carrier?”

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

(1) United States aircraft carriers are the pre-eminent power projection platform and have served the Nation’s interests in times of war and in times of peace, adapting to the immediate and ever-changing nature of the world for over 90 years.

(2) Aircraft carrier contributions and heritage should be celebrated; and

(3) The people of the United States should be encouraged to celebrate the heritage of aircraft carriers in the United States and to always remember the role these vessels play in defending the Nation.

SEC. 1067. NOTICE TO CONGRESS OF TERMS OF DEPARTMENT OF DEFENSE SETTLEMENT AGREEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any court order, at the request of the Chairman of the Committee on Armed Services of the Senate or the House of Representatives or the Chairman of the Committee on Appropriations of the Senate or the House of Representatives, the Secretary of Defense shall make available (in an appropriate manner and in a manner consistent with the Attorney General) a copy of any Department of Defense settlement (including a consent decree) in any civil action involving the Department of Defense, or any military department or agency, if, in the opinion of the Secretary, in consultation with the Attorney General, the terms of the settlement agreement affect the congressional authorization or appropriations process with respect to the Department of Defense.

(b) CONSULTATION REQUIREMENT.—Before making a request under subsection (a)—

(1) the Chairman of the Committee on Armed Services of the Senate or the Committee on Appropriations of the Senate shall consult with the Chairman of the Committee on the Judiciary of the Senate; and

(2) the Chairman of the Committee on Armed Services of the House of Representatives shall consult with the Chairman of the Committee on the Judiciary of the House of Representatives.

SEC. 1068. SENSE OF CONGRESS RECOGNIZING THE UNITED STATES NAVY SEABEES.

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

(1) For over 70 years, aircraft carriers have been employed in every major and many smaller conflicts, including World War II, Korea, Vietnam, Grenada, Lebanon, Libya, Operation Desert Storm, Afghanistan, Iraq, and the fight against terrorism.

(2) Aircraft carriers contribute and heritage should be celebrated; and

(3) The people of the United States should be encouraged to celebrate the heritage of aircraft carriers in the United States and to always remember the role these vessels play in defending the Nation.

(b) SENSE OF CONGRESS.—Congress recognizes the United States Navy Seabees and the Navy personnel who comprise the construction force for the Navy and the Marine Corps as critical elements in deterrence conflict, overcoming aggression, and rebuilding democratic institutions.

SEC. 1069. RECOGNITION OF THE UNITED STATES SPECIAL OPERATIONS COMMAND.

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

(1) On April 16, 1987, Congress required the establishment of a Special Operations Command, which was to be an elite fighting force drawn from all of the branches of the Armed Forces.

(2) As a headquarters organization, USSOCOM comprises four service-component commands, consisting of the United States Army Special Operations Command, United States Navy Special Warfare Command, United States Marine Corps Forces Special Operations Command, and United States Air Force Special Operations Command, and includes various sub-unified commands.

(3) Each service-component command has sub-component commands consisting of—

(A) Army Special Forces (Green Berets), Rangers, Special Operations Aviation, Civil Affairs, Military Information Support Operations; (B) Navy SEALS and Special Warfare Combatant-Craft Crewmen; (C) Air Force Commandos and Special Tactics Airmen; (D) Marine Raiders and; (E) Joint Special Operations Forces; (F) USSOCOM protects and defends the United States in a variety of ways, including direct action, special reconnaissance, unconventional warfare, foreign internal defense, civil affairs operations, counterterrorism, military information support operations, counter-proliferation of weapons of mass destruction, security force assistance, contingency operations, hostage rescue and recovery, foreign humanitarian assistance, and other missions as assigned.

(5) USSOCOM has an unequaled ability to anticipate and respond to threats and drug-related threats and USSOCOM has led many successful missions globally.

(6) Members of many USSOCOM missions are identified, so the American people may never know the details and extent of the bravery of Special Operations Forces, but a sample of missions provide a glimpse into the bravery and talents of these members of the Armed Forces:

(A) On May 2, 2011, Osama bin Laden was killed in a special operations mission in Pakistan by members of which the outstanding men and women in America’s intelligence and Armed Forces, especially those from SOCOM, remained focused on bringing Osama bin Laden to justice, and on May 2, 2011, justice was served.

(B) On April 12, 2009, the Maersk Alabama was rescued unharmed in a special operations mission.
mission in the Indian Ocean, after a five-day standoff between the United States Navy and Somali pirates.

(C) On April 1, 2003, Jessica Lynch, a United States Army soldier, was taken prisoner for nine days in Iraq, was rescued by Special Operations Forces during a night raid in the hospital where she was being held.

(D) On December 13, 2003, in Operation Red Dawn, Special Operations Forces captured dis- posed Iraqi president Saddam Hussein, who was hiding in a spider hole.

(E) On January 17, 1991, as Operation Desert Storm began, Special Operations Forces slipped hundreds of miles into Iraq to identify Iraqi Scud missile targets as targets for American fighter jets.

(F) On December 20, 1944, in Operation Just Cause and Operation Nifty Package, Special Operations Forces entered into Panama to bring its then President Manuel Noriega to justice for drug-trafficking.

(G) Approximately 70,000 Regular component, National Guard, and reserve component personnel from all four services and Department of Defense civilians are assigned to USSOCOM headquarters and encompass three special operations commands, and eight sub-unified commands.

(H) The heroism, skill, and patriotism of USSOCOM personnel and their families are without parallel.

(I) The responsibilities of USSOCOM are growing; therefore, the nation and its military must continue to be central to the defense of the United States in future decades.

(J) The sacrifices of many, the service of all, and the Special Operations Forces community should be honored for their service and commitment to keeping our country safe.

SEC. 1070. SENSE OF CONGRESS REGARDING WORLD WAR I.

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

(1) The United States declared war against Germany on April 6, 1917, to redress wrongs, in- cluding violation of neutrality and the non-military submarine warfare, violation of United States neutrality, and denial of freedom of the seas to nonbelligerent nations.

(2) The United States associated itself with the allied powers of the United Kingdom and its Commonwealth, France and its colonies, Russia, Italy, and Japan to defeat the German Empire.

(3) The United States, consisting of the Regular Army, National Guard, and Reserve Corps, with the addition of volunteers and the draftees of the National Army, underwent a transformation from a frontier constabulary and coastal defense force to a modern land warfare force.

(4) Early 20th century military and technol- ogical advances resulted in the incorporation of motor transport, aviation, anti-aircraft artillery, tanks, chemical weapons, aircraft carriers, submarines, and mine warfare into the American arsenal. New water mines, and other innovations into the military arsenal of the United States.

(5) The need to quickly build a military strength of four million soldiers and half a mil- lion sailors required the mobilization of the human resources of the United States, during which millions of diverse ethnic groups, races, and classes—native-born and immigrant—foresaw a new American identity.

(6) The United States Army maintained its de- fense strategy in the Pacific, the southern border, and overseas possessions, while the Army American Expeditionary Forces deployed “Over There” for combat operations in Europe starting in June 1917.

(7) By the end of World War I, almost two million members of the Army served overseas in the American Expeditionary Forces; Whereas, during World War I, the United States Navy in- creased in strength from approximately 69,000 officers and sailors and 342 vessels to more than 553,000 officers and men and 2,714 vessels; (8) The Navy operated in the Atlantic and Pacific Oceans, and the North and Mediterranean Seas in cooperation with allied navies.

(9) The Navy captured the German U-boat menace by dispatching destroyers, which eventually totaled 70 in number, and 169 other vessels to counter the submarine threat.

(10) Navy vessels escorted troop transports carrying 1,250,000 passengers and escorted sup- ply transports carrying 27 percent of all cargo shipped to Europe.

(11) The Navy deployed five batteries of large- caliber battleship guns mounted on railroad trains to France for service as long-range artillery for the French Army.

(12) The United States Coast Guard transferred to the operational control of the Navy, and augmented that service with approximately 5,000 officers and sailors, 47 vessels of all types, and 279 shore stations.

(13) The United States Marine Corps, with an eventual wartime strength of 75,000 officers and men, deployed a trained and machine gun battalion to constitute an infantry brigade integrated into the Army’s 2nd Division for service in France.

(14) On July 4, 1917, Colonel Charles E. Stan- ton, one of the officers on the staff of General John Pershing, commander of the American Expedi- tional Forces in Europe, famously announced his presence to the citizenry when Colonel Stanton proclaimed upon his arrival in France, “Lafayette, we are here!”.

(15) Whereas the American Expeditionary Forces formed three field armies, nine corps and forty-three divisions, plus various units of the Services of Supply.

(16) The American Expeditionary Forces suf- fered 244,000 casualties in fighting in thirteen named campaigns in World War I.

(17) Participation in World War I resulted in the completion of a period of reform and profession- alism that transformed the Armed Forces from a small dispersed organization to a modern industrialized fighting force capable of global reach and influence.

(b) SENSE OF CONGRESS.—Congress—

(1) honors the memory of the fallen heroes who wore the uniform of the United States Armed Forces during World War I, and salutes the service of all who served in the armed forces of the United States during World War II;

(2) commends the brave members of the United States Armed Forces for preserving and protecting the interests of the United States during World War I;

(3) commends the Navy for their efforts in “making the world safe for democracy,” and preserving the founding principles of the United States at home and abroad during World War I;

(4) commends the brave members of the United States Armed Forces for preserving and pro- tecting the sea lanes of commerce and commu- nications during World War I that ensured the continued prosperity of the United States;

(5) celebrates and congratulates the United States Army, Navy, Marine Corps, Air Force, and Coast Guard for their service during World War I;

(6) calls on all people of the United States to join in the commemoration of the centennial of World War I in events throughout the United States and overseas.

SEC. 1071. FINDINGS AND SENSE OF CONGRESS REGARDING THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) the National Guard Youth Challenge Program of the Department of Defense is an opportunity to work with State and local govern- ments to engage with the youth of the nation, providing military-based training, the opportu- nity to earn a high school degree, and high physical fitness standards.

(2) The National Guard Youth Challenge Program is the oldest United States military decoration in present use.

(3) The Purple Heart medal is awarded in the name of the President of the United States to members of the Armed Forces who are killed or wounded in action against an enemy of the United States or are killed or wounded while held as prisoners of war.

(b) SENSE OF CONGRESS.—Congress—

(1) supports the goals and ideals of National Purple Heart Recognition Day; and

(2) encourages all people of the United States—

(A) to learn about the history of the Purple Heart medal;

(B) to honor recipients of the Purple Heart medal; and

(C) to conduct appropriate ceremonies, activi- ties, and programs to demonstrate support for people who have been awarded the Purple Heart medal.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. EXTENSION OF DIRECT HIRE AUTHOR- ITY FOR DOMESTIC DEFENSE INDUS- TRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE.

(a) IN GENERAL.—Subsection (a) of section 1125 of subtitle B of title XI of the National De- fense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “During fiscal years 2017 and 2018,” and insert- ing “During each of fiscal years 2017 through 2021.”

(b) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2018 through 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives and the Committee on Oversight and Government Reform of the House of Representatives including—

(1) a description of the effect of such section 1125 (as amended by subsection (a)) on the manage- ment of the Department of Defense civilian civilian human resources, and impact on the Department of Defense during the most recently ended fiscal year; and

(2) the number of employees—

(A) hired under such section during such fiscal year; and

(B) expected to be hired under such section during the fiscal year in which the briefing is provided.

SEC. 1102. EXTENSION OF AUTHORITY TO PRO- VIDE VOLUNTARY SEPARATION IN- CENTIVE PAY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DE- FENSE.

(a) IN GENERAL.—Section 1107 of title XI of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “September 30, 2018,” and inserting “September 30, 2021”.

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(b) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2016 through 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives and the Committee on Oversight and Government Reform of the House of Representatives including—

(1) a description of the effect of such section 1107 (as amended) on the management of the Department of Defense civilian workforce during the most recently ended fiscal year;

(2) the number of employees offered voluntary separation incentive payments during such fiscal year by operation of such section; and

(3) the number of such employees that accepted such payment.

SEC. 1108. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.


(b) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2017 through 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives and the Committee on Oversight and Government Reform of the House of Representatives including—

(1) a description of the effect of such section 1107 (as amended) on the management of the Department of Defense civilian workforce during the most recently ended fiscal year;

(2) the number of employees sent overseas under such section during such fiscal year; and

(3) the impact of such section 1133 (as amended by such subsection) on the management of civilian personnel at domestic defense industrial base facilities and Major Range and Test Facilities Base during the most recently ended fiscal year; and

(4) the number of employees sent under such section during such fiscal year; and

(b) expected to be hired under such section during the fiscal year in which the briefing is provided.

SEC. 1109. ONE-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PERSONNEL FLEXIBILITIES FOR DOMESTIC DEFENSE INDUSTRY PERSONNEL.

(a) MINOR AMENDMENTS.—Section 322 of title 10, United States Code, is amended by inserting “and members of the armed forces” after “civilian employees of the Department of Defense”.

(b) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2017 through 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives and the Committee on Oversight and Government Reform of the House of Representatives including—

(1) a description of the effect of such section 1132 (as amended by subsection (a)) on the management of civilian personnel at domestic defense industrial base facilities and Major Range and Test Facilities Base during the most recently ended fiscal year; and

(2) the number of employees hired under such section during such fiscal year; and

(b) expected to be hired under such section during the fiscal year in which the briefing is provided.

SEC. 1203. MODIFICATION TO MINISTRY OF DEFENSE ADVISOR AUTHORITY.

(a) MINOR AMENDMENTS.—Section 1230(a) of title 10, United States Code, is amended by striking “employees” in each place it appears and inserting “advisors or trainers”;

(b) by striking “employees” in each place it appears and inserting “advisors or trainers”;

and

(c) by striking “each assigned employee’s actual” and inserting “the activities of each assigned employee’s actual”;

and

(d) by striking “the activities of each assigned employee’s actual”.}
(c) CONGRESSIONAL NOTICE.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by inserting “or a member of the armed forces after the death of an employee of the Department of Defense”; 

(2) in paragraph (1), by striking “employee as an advisor” and inserting “advisor or trainee”; and 

(3) in paragraph (3), by striking “employee” and inserting “advisor or trainer”. 

SEC. 1204. MODIFICATION OF AUTHORITY TO SUSTAIN, OR OVERSEE NATIONAL SECURITY FORCES OF FOREIGN COUNTRY.

Subsection (c) of section 333 of title 10, United States Code, is amended—

(1) by striking “Department is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country to organize, administer, employ, manage, maintain, sustain, or oversee national security forces.”; and 

(2) in paragraph (3), by inserting “or the Department of Defense” after “Department”.

(3) in paragraph (4)—

(A) in the heading, by striking “INSTITUTIONAL CAPACITY BUILDING” and inserting “RE-SPECT CONTROL OF THE MILITARY”; 

(B) in the first sentence, by striking “that the Department is already undertaking, or will undertake as part of the program” and all that follows and by inserting “for the period beginning October 1, 2015, and ending on December 31, 2018”.

SEC. 1205. EXTENSION AND MODIFICATION OF AUTHORITY FOR UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—

(1) in general.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2484), is further amended—

(A) by striking “October 1, 2016” and inserting “October 1, 2017”; and 

(B) by striking “December 31, 2017” and inserting “December 31, 2018”.

(b) REPORT REQUIRED.—Not later than December 31, 2018, the Secretary of Defense shall submit to the appropriate congressional committees a report on the expenditure of funds under the authority of subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), including a description of the following:

(i) The purpose for which such funds were expended.

(ii) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization supported by such amount.

(iii) Any limitation imposed on the expenditure of funds under such subsection, including on any recipient of funds or any use of funds expended.

(iii) The congressional defense committees; and 

(ii) the Committee on Foreign Affairs of the House of Representatives.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (a) of section 1227 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2478), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2484), is further amended—

(A) by striking “INSTITUTIONAL CAPACITY BUILDING” and inserting “RE-SPECT CONTROL OF THE MILITARY”;

(B) in the second sentence, by striking “$1,100,000,000” and inserting “$1,000,000,000”;

(C) DEVELOPING COUNTRY DEFINED.—In this subsection, the term ‘developing country’ has the meaning given such term in section 301(4) of title 10, United States Code.”.

(c) REPORT REQUIRED.—Not later than December 31, 2018, the Secretary of Defense shall submit to the appropriate congressional committees a report on the expenditure of funds under the authority of subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), including a description of the following:

(i) The purpose for which such funds were expended.

(ii) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization supported by such amount.

(iii) Any limitation imposed on the expenditure of funds under such subsection, including on any recipient of funds or any use of funds expended.

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

(i) the congressional defense committees; and 

(ii) the Committee on Foreign Affairs of the House of Representatives.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION OF AUTHORITY TO TRANSFER NATIONAL MILITARY AND SECURITY FORCES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.


(b) EXCESS DEFENSE ARTICLES.—Subsection (i) of section 1222 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2478), is further amended by striking “December 31, 2017” in each place it appears and inserting “December 31, 2018”.

SEC. 1212. REPORT ON UNITED STATES STRATEGY IN AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than February 15, 2018, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report that describes the United States strategy in Afghanistan.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description of United States assumptions, security interests, and corresponding objectives in Afghanistan.

(2) A description of how current military efforts align to such objectives and, given current timelines necessary to achieve such objectives.

(3) An explanation of the conditions necessary for the Afghan National Defense and Security Forces to become self-sufficient.

(4) A description of a projected long-term and sustainable United States role in Afghanist
(D) by striking “December 31, 2017” in each place it appears and inserting “December 31, 2018”;

(2) EXTENSION OF LIMITATION ON AMOUNTS ELIGIBLE FOR WAIVER.—Subsection (g) of section 1218 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2448) is amended:

(A) by striking “October 1, 2016” and inserting “October 1, 2017”;

(B) by striking “December 31, 2017” and inserting “December 31, 2018”;

Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1211. REPORT ON UNITED STATES STRATEGY IN SYRIA.

(a) In General.—Not later than February 1, 2018, the Secretary, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report that describes the strategy of the United States in Syria.

(b) Matters to Be Included.—The report required by subsection (a) shall include each of the following:

(1) A description of the key security and geopolitical interests, objectives, and long-term goals in Syria for the United States and indicators for the effectiveness of efforts to achieve such objectives and goals.

(2) A description of United States assumptions regarding the current intelligence picture, the roles and ambitions of other countries, and the interests of relevant Syrian groups with respect to such objectives.

(3) A description of how current military and diplomatic efforts in Syria align with such objectives, and a realistic projection of the timeline necessary to achieve such objectives.

(4) The resources required to achieve such objectives.

(5) An analysis of the threats posed to United States interests by Russian and Iranian influences in Syria, as well as the threats posed to such interests by the Islamic State of Iraq and the Levant, Al Qaeda, Hezbollah, and other violent extremist organizations in Syria.

(6) A description of long-term and sustainable United States involvement in Syria and the conclusion of the current United States effort in Syria.

(7) A description of the coordination between the Department of Defense and the Department of State in ensuring the transition from military operations to stabilization programming, including a description of how local governance and civil society will be restored in areas secured through United States military operations in Syria.

(8) A description of the threat of harm to United States forces in Syria and a justification based on the threat to United States interests.

(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 Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT.


(A) by inserting “fiscal year 2018” before “fiscal year 2018;” and

(B) by striking “fiscal year 2018” and inserting “fiscal year 2019;

(b) Quarterly Progress Report.—Subsection (d) of such section is further amended—

(1) by adding a paragraph (1), after adding “(1) by striking “December 31, 2018” and inserting “December 31, 2019”; and

(2) by adding at the end the following: “which shall be provided in unclassified form with a classified annex if necessary; and

(2) by adding at the end the following:

(a) security in liberated areas in Iraq;

(b) the extent to which security forces trained and equipped, directly or indirectly, through the Office of Security Cooperation in Iraq (OSC-I) are prepared to provide post-conflict stabilization and security in such liberated areas and

(c) the effectiveness of security forces in the post-conflict environment and an identification of which such forces will provide post-conflict stabilization and security in such liberated areas.

(c) Funding.—Subsection (g) of such section is further amended—


(2) by striking “fiscal year 2017” and inserting “fiscal year 2018”;

and

(3) by striking “$630,000,000” and inserting “$1,200,000,000.”

(d) Sense of Congress.—Recognizing the important role of the Iraqi Christian military within the military campaign against ISIL in Iraq, and the specific Christian population in Iraq, it is the sense of Congress that the United States should provide arms, training, and appropriate equipment to vetted elements of the Nineveh Plains Safety Committee.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.


(b) Limitation on Amount.—Subsection (c) of such section is amended—

(1) by striking “fiscal year 2017” and inserting “fiscal year 2018”;

and

(2) by striking “$42,000,000” and inserting “$42,000,000.”

(c) Source of Funds.—Subsection (d) of such section is amended by striking “fiscal year 2017” and inserting “fiscal year 2018.”

SEC. 1224. SENSE OF CONGRESS ON THREATS PosED BY THE GOVERNMENT OF IRAN.

(a) Finding.—Congress expresses concerns over state-sponsored by Iran and over Iran’s integration of conventional warfare, cyber and information operations, intelligence operations, and other activities to undermine United States national security interests.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the United States should counter the malign activities of the Government of Iran;

(2) the United States should maintain a capable military presence in the Arabian Gulf region to deter, and, if necessary, respond to Iranian aggression;

(3) the United States should strengthen ballistic missile defense capabilities;

(4) the United States should ensure freedom of navigation at the Bab al Mandab strait and the Strait of Hormuz; and

(5) the United States should counter Iranian efforts to illicitly proliferate weapons, including cruise and ballistic missiles.

Subtitle D—Matters Relating to the Russian Federation

SEC. 1231. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) Prohibition.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 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 restriction on the obligation or expenditure of funds required by subsection (a) if the Secretary—

(1) determines that to do so is in the national security interest of the United States; and

(2) submits a notification of the waiver, at the time the waiver is invoked, 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.

SEC. 1232. STATEMENT OF POLICY ON THE RUSSIAN FEDERATION.

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

(1) The Russian Federation, under the leadership of President Vladimir Putin, continues to demonstrate its malign activities to expand its sphere of influence and undermine international norms and institutions in regions around the globe, including through the following activities:

(A) An assessment of the United States intelligence community stated “...Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election...,” presented in the intelligence community assessment on Russian activities and intentions in recent U.S. elections.

(B) The Russian Federation has interfered in the April 2017 election and runoff election in May 2017 of the French Presidential elections, as confirmed by Admiral Mike Rogers, Director of the National Security Agency, at a Senate Committee on Armed Services hearing on May 9, 2017, “If you look at the French elections... we became aware of Russian activity...”.

(C) The Russian Federation has threatened states and actors in their sphere of influence, as stated by General Curtis M. Scaparrotti, Commander of the United States European Command, in testimony at a House Committee on Armed Services hearing on March 29, 2017, “a resurgent Russia has turned from partner to antagonist. Countries along Russia’s periphery, especially Ukraine and Georgia, are under threat from Moscow’s malign influence and military aggression.”.

(D) The Russian Federation has occupied and attempted to annex Crimea from Ukraine.

(E) The Russian Federation has employed hybrid warfare tactics, including cyber warfare, electronic warfare, and information warfare to gain influence. This includes the use of hybrid tactics to destabilize connected Russian-salient forces in eastern Ukraine and, in 2008, the Russian incursion in Georgia.

(F) The Russian Federation has engaged in military intervention in the civil war in Syria.

(2) Both the Secretary of Defense, James Mattis, and the Chairman of the Joint Chiefs of Staff, General Joseph Dunford, highlight the Russian Federation as the number one geo-strategic threat to the United States.

(3) The Government of the Russian Federation continues its decade’s long modernization of its conventional military force with the buildup of large numbers of professionalized forces on Russia’s borders with Europe, re-establishing military bases in the Arctic, investment in its nuclear triad, advanced weapons systems, fighter jets, and naval vessels.
(A) In June 2016, the Center for Strategic and International Studies released its report, “Evaluating U.S. Army Force Posture in Europe: Phase II”, which included the recommendation that Army Europe be restructured, de-dedicated, and transformed into a combat aviation brigade. The report also recommends additional prepositioned equipment in Western Europe.

(5) In January 2016, the National Commission on the Future of the Army released its findings and recommendations, which included recommendations for strategic posture, including major force transformation. The commission recommended that the United States consider the long-term future of Army Europe, noting that the United States must be prepared to respond to emerging threats and continue to engage with NATO partners.

SEC. 1235. LIMITATION ON AVAILABILITY OF FUNDS FOR IMPLEMENTATION OF THE OPEN SKIES TREATY.

(a) LIMITATION ON CONDUCT OF FLIGHTS.—(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for any fiscal year for purposes of implementing the Open Skies Treaty shall be used to operate a flight from any point in the United States to any point outside the United States.

(2) PLAN DESCRIBED.—The plan described in this paragraph is a plan developed by the Secretary of Defense, in coordination with the Secretary of State, the Joint Chiefs of Staff, the Director of National Intelligence, and the Director of the National Reconnaissance, to include a strategy for implementation of the Open Skies Treaty.

(3) UPDATE.—To the extent necessary and appropriate, the Secretary of Defense, in coordination with the Secretary of State, the Joint Chiefs of Staff, the Director of National Intelligence, and the Director of the National Reconnaissance, shall update the updated plan described in paragraph (2) with respect to a fiscal year and submit the updated plan to the appropriate congressional committees.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

(2) the Select Committee on Intelligence and Committee on Foreign Relations of the House of Representatives; and

(3) any other congressional committees designated by the Senate and the House of Representatives.

(c) NOTIFICATION.—Any plan described in paragraph (2) shall be submitted to the appropriate congressional committees at least 30 days before any flight is conducted under such plan.

(6) In January 2016, the National Commission on the Future of the Army released its findings and recommendations, which included recommendations for strategic posture, including major force transformation. The commission recommended that the United States consider the long-term future of Army Europe, noting that the United States must be prepared to respond to emerging threats and continue to engage with NATO partners.

SEC. 1236. SENSE OF CONGRESS ON IMPORTANCE OF NUCLEAR CAPABILITIES OF NATO.

(a) FINDINGS.—Congress finds the following:

(1) The Warsaw Summit Communique, issued on July 9, 2016, by the North Atlantic Treaty Organization (in this section referred to as "NATO") clearly defines the need for, and the urgency of, the modernization of NATO.

(2) The Warsaw Summit Communique states—

(A) with respect to the nuclear deterrence capability of NATO, as a means to prevent conflict and defend against conventional and nuclear attacks, as well as integrate the nuclear deterrence defense, and as essential, therefore, deterrence and defense, based on an appropriate mix of nuclear, conventional and non-conventional security, remains relevant today;

(B) with respect to the importance of the fundamental purpose of NATO's nuclear capabilities, to preserve peace, prevent coercion, and deter aggression. Nuclear weapons are unique. Any employment of nuclear weapons against NATO would fundamentally alter the nature of a conflict. The circumstances in which NATO would feel compelled to use nuclear weapons are extremely remote; and

(b) with respect to the nature of the nuclear deterrence posture of NATO. NATO must continue to adapt its strategy to the new security environment—including with respect to capabilities and other measures required—to ensure that NATO's overall deterrence and defense posture is capable of addressing potential adversaries' doctrine and capabilities, and that it remains credible, flexible, resilient, and adaptable; and

(c) in paragraph (1) during such fiscal year for purposes of implementing the Open Skies Treaty shall be used to operate a flight from any point in the United States to any point outside the United States.

In this sense, U.S. nuclear weapons are fundamental to our nation's security and have historically provided a deterrent against aggression and security assurance to U.S. allies. A robust, flexible, and survivable U.S. nuclear arsenal underpins the U.S. ability to deploy conventional forces worldwide.

(4) On March 28, 2017, General Curtis Scaparrotti, Commander of the United States European Command and the Supreme Allied Commander, Europe, testified before the House Armed Services Committee on Armed Services of the House of Representatives that "NATO and U.S. nuclear forces continue to be a vital component of our deterrence. Our modernization efforts are crucial; we must preserve a ready, credible, and safe nuclear capability.".

(5) The Russian Federation is currently undergoing significant modernization and recapitalization of all three legs of its nuclear triad, continues to field and modernize a large variety of non-strategic nuclear weapons, and is developing new and unique nuclear capabilities.

(6) Russia remains in violation of the INF Treaty due to the development, testing, and, most recently, the deployment of ground-launched cruise missiles in violation of the INF Treaty.

H5595

CONGRESSIONAL RECORD — HOUSE

July 12, 2017

SEC. 1243. MODIFICATION AND EXTENSION OF UKRAINIAN SECURITY ASSISTANCE INITIATIVE.

Section 1243 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 120 Stat. 1668, as amended by section 1257 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–288; 130 Stat. 2949), is further amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "$175,000,000" and inserting "$300,000,000"; and

(B) in paragraph (2), by striking "fiscal year 2017" and inserting "fiscal year 2018";

and

(ii) by striking "$100,000,000" and inserting "$150,000,000";

(iii) in subsection (g), by striking "fiscal year 2017" and inserting "fiscal year 2018"; and

(iv) in subsection (i), by striking "$150,000,000" and inserting "$200,000,000";

and

(iv) in subsection (i), by striking "$150,000,000" and inserting "$200,000,000";

and

(v) in subsection (j), by striking "fiscal year 2017" and inserting "fiscal year 2018";

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(7) On March 28, 2017, General Paul Selva, Vice Chairman of the Joint Chiefs of Staff, described the security consequences of the deployment of such INF Treaty-violating missiles, testifying before the Committee on Armed Services of the House of Representatives that “our assessment of the impact is that it more threatens NATO infrastructure and within the European continent...”

(8) On March 28, 2017, General Curtis Scaparrotti, in testimony before the Committee on Armed Services of the House of Representatives, responded to a question asking if Russia intends to return to compliance with the INF Treaty by saying “I don’t have any indication that they will at this time.”

(9) Rhetoric from Russian officials has demonstrated that Moscow has sought to leverage its nuclear arsenal to threaten and intimidate neighboring countries, including members of NATO, as was the case when the Russian Ambassador to Denmark stated, “Danish warships will be targets for Russian nuclear missiles” in response to Denmark’s potential cooperation in the NATO missile defense system.

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

(1) the nuclear and conventional deterrence capabilities of NATO are of critical importance to the security of the United States and the NATO alliance, and must continue to adapt to the changed security environment in Europe;

(2) the ability of the United States to forward-deploy capable aircraft and ground weapons to members of NATO, and of select members of NATO to participate in the nuclear deterrence mission of NATO by hosting forward-deployed nuclear weapons as part of the United States nuclear capability, is central to the credibility of the nuclear deterrence and defense posture of NATO;

(3) the strategic forces of the United States, the Intercontinental Forces of the United Kingdom and the French Republic, and the dual-capable aircraft operated by the United States and NATO constitute foundational elements of the nuclear deterrence and defense posture of NATO;

(4) NATO should modernize its nuclear-related infrastructure to ensure the highest-level of safety and security;

(5) effective deterrence requires NATO to conduct nuclear planning and exercises aligned with the United States and share those plans, while maintaining nuclear-related capabilities and infrastructure, including dual-capable aircraft, command and control networks, and facilities; and

(6) continued credibility of the deterrence and defense posture of NATO, the planned completion of F-35A aircraft development and testing, as well as the delivery of such aircraft to members of NATO, must not be delayed.

(c) INF TREATY DEFINED.—In this section, the term “INF Treaty” means the Treaty between the United States 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 Treaty” signed at Washington December 8, 1987, and entered into force June 1, 1988.

SEC. 1237. SENSE OF CONGRESS ON SUPPORT FOR ESTONIA, LATVIA, AND LITHUANIA.

(a) FINDINGS.—Congress finds the following:

(1) The Baltic States of Estonia, Latvia, and Lithuania are highly valued allies of the United States, and they have demonstrated their commitment to advancing our mutual interests as well as those of the NATO Alliance.

(2) Operation Atlantic Resolve is a series of exercises and training designed to demonstrate the United States’ commitment to its European partners and allies, including the Baltic States of Estonia, Latvia, and Lithuania, with the shared goal of peace and stability in the region. Operation Atlantic Resolve strengthens communication and understanding, and is an important effort to deter Russian aggression in the region.

(3) Through Operation Atlantic Resolve, the European Deterrence Initiative undertakes exercises, training, and rotational presence necessary to fulfill strategic responsibilities, including the Baltic States, into a common defense framework.

(4) Three Baltic States contributed to the NATO-led International Security Assistance Force in Afghanistan, sending disproportionate numbers of troops and operating with few caveats. The Baltic States continue to engage in Operation Resolute Support in Afghanistan.

(b) SENSE OF CONGRESS.—Congress finds the following:

(1) reaffirms United States support for Georgia and the efforts of the Government of Georgia to provide for the defense of its people and sovereign territory.

SEC. 1238. SENSE OF CONGRESS ON SUPPORT FOR ESTONIA, LATVIA, AND LITHUANIA.

(a) FINDINGS.—Congress finds the following:

(1) The Baltic States of Estonia, Latvia, and Lithuania are highly valued allies of the United States, and they have demonstrated their commitment to advancing our mutual interests as well as those of the NATO Alliance.

(2) Operation Atlantic Resolve is a series of exercises and training designed to demonstrate the United States’ commitment to its European partners and allies, including the Baltic States of Estonia, Latvia, and Lithuania, with the shared goal of peace and stability in the region. Operation Atlantic Resolve strengthens communication and understanding, and is an important effort to deter Russian aggression in the region.

(3) Through Operation Atlantic Resolve, the European Deterrence Initiative undertakes exercises, training, and rotational presence necessary to fulfill strategic responsibilities, including the Baltic States, into a common defense framework.

(4) Three Baltic States contributed to the NATO-led International Security Assistance Force in Afghanistan, sending disproportionate numbers of troops and operating with few caveats. The Baltic States continue to engage in Operation Resolute Support in Afghanistan.

(b) SENSE OF CONGRESS.—Congress finds the following:

(1) reaffirms United States support for Georgia and the efforts of the Government of Georgia to provide for the defense of its people and sovereign territory.

SEC. 1239. FINDINGS.


(b) SENSE OF CONGRESS.—Congress finds the following:

(1) The Department of Defense in its September 2013 report, Report on Conventional Prompt Global Strike Options if Exempt from the Restrictions of the Intermediate-Range Nuclear Forces Treaty between the United States and the Russian Federation, stated that it has multiple validated missile development options that are consistent with INF Treaty prohibitions imposed on the United States as a result of its compliance with the INF Treaty.

(2) It is not in the national security interests of the United States to be unilaterally legally prohibited from developing dual-capable ground-launched cruise missiles with ranges between 500 and 5,500 kilometers, while Russia makes advances in developing and fielding this class of weapon systems, and such unilateral limitation cannot be allowed to continue indefinitely.

(3) The United States Government is aware of other consistency and compliance concerns regarding Russian actions vis-à-vis its INF Treaty of 1987.

(4) Since 2013, senior United States officials, including the President, the Secretary of State, and the Chairman of the Joint Chiefs of Staff, have repeatedly stated that Russia’s INF Treaty noncompliance will be targets for Russian nuclear missiles.” in response to concerns raised by some Members of Congress about Russia’s failure to return to compliance with the INF Treaty.

(5) It is the policy of the United States as follows:


SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Intermediate-Range Nuclear Forces (INF) Treaty Preservation Act of 2017”.

SEC. 1242. FINDINGS.

(a) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States as follows:
(1) The actions undertaken by the Russian Federation in violation of the INF Treaty constitute a material breach of the 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.

(3) For so long as the Russian Federation remains in noncompliance with the INF Treaty, the United States should take actions to encourage the United States to return to compliance.

(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. 1292; and

(b) seeking additional missile defense assets in the European theater 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) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated by this Act for fiscal year 2018 for research, development, test, and evaluation, as specified in the funding table in division D, $50,000,000 shall be made available for—

(A) the development of active defenses to counter ground-launched missile systems with ranges between 500 and 5,500 kilometers;

(B) counterforce capabilities to prevent attacks from ground-launched cruise missiles;

(C) countering strike capabilities to enhance the capabilities of the United States identified in section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1292).

(2) DEVELOPMENT.—Of the amount authorized to be appropriated by paragraph (1), $25,000,000 is authorized for fiscal year 2018 to be appropriated for purposes undertaken to carry out section 1244(a), including with respect to research and development activities.

SEC. 1244. DEVELOPMENT OF INF RANGE-GROUND- LAUNCHED MISSILE SYSTEM.

(a) ESTABLISHMENT OF A PROGRAM OF RECORD.—The Secretary of Defense shall establish a program of record to develop a conventional road-mobile ground-launched cruise missile system with a range of between 500 and 5,500 kilometers.

(b) REPORT.—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 status of the program of record.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated by this Act for fiscal year 2018 for research, development, test, and evaluation, as specified in the funding table in division D, $50,000,000 shall be made available for—

(A) the development of active defenses to counter ground-launched missile systems with ranges between 500 and 5,500 kilometers;

(B) counterforce capabilities to prevent attacks from ground-launched cruise missiles;

(C) countering strike capabilities to enhance the capabilities of the United States identified in section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1292).

(2) DEVELOPMENT.—Of the amount authorized to be appropriated by paragraph (1), $25,000,000 is authorized for fiscal year 2018 to be appropriated for purposes undertaken to carry out section 1244(a), including with respect to research and development activities.

SEC. 1245. NOTIFICATION REQUIREMENT RELATED TO RUSSIAN FEDERATION DEVELOPMENT OF NONCOMPLIANT SYSTEMS AND UNITED STATES ACTIONS REGARDING MATERIAL SUPPORT OR EXTRADITION REQUESTED BY THE RUSSIAN FEDERATION.

(a) DECLARATION OF POLICY.—Congress declares that because of the Russian Federation’s violations of the INF Treaty, including the flight-test, production, and possession of prohibited systems, its actions have defeated the object and purpose of the INF Treaty, and thus constitute a material breach of the INF Treaty.

(b) NOTIFICATION BY DIRECTOR OF NATIONAL INTELLIGENCE.—

(1) IN GENERAL.—The Director of National Intelligence shall notify the appropriate congressional committees of any development, deployment, or test of a system by the Russian Federation that the preliminary determination is inconsistent with the INF Treaty.

(2) DEADLINE.—A notification under this subsection shall be made not later than 15 days after the date on which the Director makes the determination under this subsection with respect to which the notification is required.

(c) REPORT BY PRESIDENT.—Not later than 15 days after the date on which the President certifies to the appropriate congressional committees that the Russian Federation continues to be in material breach of the INF Treaty in whole or in part for so long as the Russian Federation remains in noncompliance with the INF Treaty, the President shall submit to the appropriate congressional committees a report that contains a determination of the President’s verifiable elimination of all missiles that are in violation of or may be inconsistent with the INF Treaty.

SEC. 1246. LIMITATION ON AVAILABILITY OF FUNDS TO EXTEND THE IMPLEMENTATION OF THE NEW START TREATY.

SEC. 1247. REVIEW OF RS–26 BALLISTIC MISSILE.

(a) Short Title.—The terms of the New START Treaty or would be a violation of the INF Treaty because Russian Federation has flight-tested such missile to ranges covered by the INF Treaty in more than one warhead configuration.

(c) Authorization of Additional Appropriations.—

(1) The actions undertaken by the Russian Federation in violation of the INF Treaty constitute a material breach of the INF Treaty.

(2) The United States shall consider for purposes of all policies and decisions that the RS–26 ballistic missile of the Russian Federation is a violation of the INF Treaty.
to future influence efforts worldwide, including against United States allies and their election systems.

(5) The Russian Federation continues its aggression in the Eastern Mediterranean. In 2008, the Russian Federation fomented conflict in Georgia. Further, the Russian Federation is directing combined Russian-Separatist units in eastern Ukraine, activities that are evolving and prolonging the most significant conflict in Europe.

(6) The investment of over $5 billion in the European Reassurance Initiative (EDI), now the European Deterrence Initiative (EDI), has proven successful in significantly enhancing the ability of United States forces, NATO allies, and regional partners to deter Russian aggression. EDI has bolstered our European bases and partners but supported essential investments in NATO’s military capacity, interoperability, and agility.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the risks of miscalculation in a crisis are exacerbated by the Russian Federation’s shift to a military doctrine of “escalate to de-escalate”, lowering the threshold for Russian use of nuclear weapons and thereby increasing the risk of using nuclear weapons, potentially escalating in to a massive nuclear exchange;

(2) subversive and destabilizing activities by the Russian Federation targeting NATO allies and partners causes concern and should be condemned;

(3) European Deterrence Initiative (EDI) investments are long-term and, as such, Congress expects EDI commitments to continue for the duration of the base budget, and further EDI should build on United States presence by increasing the United States permanent force posture and;

(4) credible deterrence requires steadfast cooperation and joint action with NATO allies and partners and other United States allies and partners in the European Command.

SEC. 1253. STRATEGY TO COUNTER THREATS BY THE RUSSIAN FEDERATION.

(a) Strategy Required.—The Secretary of Defense, in coordination with the Secretary of State and in consultation with each of the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of each of the regional and functional combatant commands, shall develop and implement a comprehensive strategy to counter threats by the Russian Federation.

(b) Plan Required.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the strategy required by subsection (a).

(2) Elements.—The report required by subsection (a) shall include the following elements:

(A) An evaluation of strategy objectives and motivations of the Russian Federation.

(B) A detailed description of Russian threats to the national security of the United States, including threats that may pose challenges below the threshold of armed conflict.

(C) A discussion of how the strategy complements the National Security Strategy and the National Military Strategy.

(D) A discussion of the end states, means, and objectives to the strategy.

(E) A discussion of how the strategy’s objectives with respect to deterrence, escalation control, and conflict resolution.

(F) A description of the strategy’s objectives across geographic regions and military functions and domains that are inherent to the strategy.

(G) A description of the posture, forward presence, and readiness requirements inherent to the strategy.

(H) A description of the roles of the United States Armed Forces in implementing the strategy, including—

(i) the role of United States nuclear capabilities;

(ii) the role of United States space capabilities;

(iii) the role of United States cyber capabilities;

(iv) the role of United States conventional ground forces;

(v) the role of United States naval forces;

(vi) the role of United States air forces; and

(vii) the role of United States special operations forces.

(i) An assessment of the force requirements needed to implement and sustain the strategy.

(j) A description of the logistical requirements needed to implement and sustain the strategy.

(k) An assessment of the technological research and development requirements needed to implement and sustain the strategy.

(l) An assessment of the training and exercise requirements needed to implement and sustain the strategy.

(M) An assessment of the budgetary resource requirements needed to implement and sustain the strategy through December 31, 2030.

(N) A discussion of how the strategy provides a framework for future planning and investments in regional defense initiatives, including the European Deterrence Initiative.

(3) Form.—The report required by this subsection shall be submitted in unclassified form but may contain a classified annex.

SEC. 1254. STRATEGY TO INCREASE CONVENTIONAL PRECISION STRIKE WEAPON STOCKPILES IN THE UNITED STATES AND AFRICA AND THE MIDDLE EAST.

(a) Strategy Required.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall develop and implement a strategy to increase conventional precision strike weapon stockpiles in the United States European Command’s areas of responsibility.

(b) Report Required.—

(1) IN GENERAL.—Not later than April 1, 2018, the Secretary of Defense shall submit to the appropriate congressional committees a report on the strategy required by subsection (a).

(2) FORM.—The report required by this subsection shall be submitted in unclassified form but may contain a classified annex.

SEC. 1255. PLAN TO INCREASE MILITARY CAPABILITIES OF THE RUSSIAN FEDERATION.

(a) Plan Required.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to counter the military capabilities of the Russian Federation.

(b) Report Required.—

(1) IN GENERAL.—Not later than April 1, 2018, the Secretary of Defense shall submit to the appropriate congressional committees a report on the plan required by subsection (a).

(2) FORM.—The report required by this subsection shall be submitted in unclassified form but may contain a classified annex.

SEC. 1256. SENSE OF CONGRESS ON ENHANCING MARITIME CAPABILITIES.

Congress notes the 2016 Force Structure Assessment (FSA) that increased the requirement for fast attack submarine (SSN) from 48 to 66 and supports an acquisition plan that enhances maritime capabilities that address this requirement.

SEC. 1258. PLAN TO REDUCE THE RISKS OF Miscalculation and Unintended Consequences that could precipitate a nuclear war.

(a) Findings.—Congress finds that—

(1) the Russian Federation has adopted a dangerous nuclear doctrine that includes a strategy of ‘escalate to de-escalate’; which could lower the threshold for Russian use of nuclear weapons in a regional conflict; and

(2) such nuclear doctrine exacerbates the risk of miscalculation and unintended consequences that could precipitate a nuclear war.

(b) Plan Required.—

(1) IN GENERAL.—Not later than March 1, 2018, the Secretary of Defense, in coordination with the Chairman of the Joint Chief of Staff, the Commander of the United States Strategic Command, and the Commander of the United States European Command, shall submit to the congressional defense committees a plan that includes options to reduce the risk of miscalculation and unintended consequences that could precipitate a nuclear war.

(2) Elements.—The plan required under this subsection shall include—

(A) An assessment of the value of military-to-military dialog to reduce such risk; and

(B) any other recommendations the Secretary determines to be appropriate.

SEC. 1259. DEFINITIONS.

In this subtitle:

(1) Appropriately Congressional Committees.—The term ‘appropriately 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) NATO.—The term ‘NATO’ means the North Atlantic Treaty Organization.

Subtitle G—Matters Relating to the Indo-Asia-Pacific Region.

SEC. 1261. SENSE OF CONGRESS ON THE INDO-ASIA-PACIFIC REGION.

It is the sense of Congress that—

(1) the security and prosperity of the Indo-Asia-Pacific region are vital to the national interests of the United States;
(2) the United States should maintain a military capability in the region that is able to project power, deter acts of aggression, and respond, if necessary, to regional threats;
(3) support by the Department of Defense to realign forces, commit additional assets, and increase investments to the Indo-Asia-Pacific region are necessary to maintain a robust United States force posture in the region;
(4) the Secretary of Defense should—
(A) assess the current United States force posture in the Indo-Asia-Pacific region to ensure that the United States posture is an appropriate forward presence in the region;
(B) invest in critical munitions, undersea warfare capabilities, and offensive and defensive cyber capabilities, and other capabilities conducive to operating effectively in contested environments; and
(C) enhance regional force readiness through joint training and exercises, considering contingencies ranging from gray zone to high-end peer-press; and
(5) the United States should continue to engage in the Indo-Asia-Pacific region by strengthening alliances and partnerships, supporting nations and bodies such as the Association of Southeast Asian Nations (ASEAN), building cooperative security arrangements, addressing shared challenges, and reinforcing the regional order.

SEC. 1262. REPORT ON STRATEGY TO PRIORITIZE UNITED STATES DEFENSE INTERESTS IN THE INDO-ASIA-PACIFIC REGION.

(a) REQUIRED REPORT.—Not later than Feb-
ary 1, 2018, the Secretary of Defense, in con-
sultation 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 that contains a strategy to prioritize United States defense interests in the Indo-Asia-Pacific region. The strategy shall address the following:
(1) the security challenges, including threats, emanating from the Indo-Asia-Pacific region.
(2) The primary objectives and priorities in the Indo-Asia-Pacific region, including—
(A) the military missions necessary to address threats on the Korean Peninsula;
(B) the role of the Department of Defense in the Indo-Asia-Pacific region regarding security challenges and terrorism; and
(C) the primary objectives and priorities for combating terrorism in the Indo-Asia-Pacific region;
(3) Department of Defense plans, force posture, capabilities, and resources to address any gaps.
(4) The roles of allies, partners, and other countries in achieving United States defense objectives and priorities.
(5) Actions the Department of Defense could take, in coordination with other Federal departments or agencies, to advance United States national security interests in the Indo-Asia-Pacific region.
(6) Any other matters the Secretary of Defense determines to be appropriate.
(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1263. ASSESSMENT OF UNITED STATES FORCE POSTURE AND BASING NEEDS IN THE INDO-ASIA-PACIFIC REGION.

(a) ASSESSMENT REQUIRED.—
(1) IN GENERAL.—The Secretary of Defense shall conduct an assessment of United States force posture and basing needs in the Indo-Asia-Pacific region.
(2) ELEMENTS.—The assessment required under paragraph (1) shall include the following:
(B) An analysis of future realignments of United States forces in the region, including options for strengthening United States presence, access, readiness, training, exercises, logistics, and pre-positioning.
(C) A discussion of any factors that may influence the United States posture.
(D) Any recommended changes to the United States posture in the region.

SEC. 1264. EXTENDED DETERRENCE COMMITMENT TO THE ASIA-PACIFIC REGION.

(a) FINDINGS.—Congress finds the following:
(1) The 2019 Nuclear Posture Review reaffirmed the United States commitment to extended deterrence and continued protection of the treaty allies of the United States under the United States nuclear umbrella.
(2) The United States Republic of Korea Defense Strategy Committee and the United States-Japan Extended Deterrence Dialogue provide value communication channels for ensuring the commitment of the United States to the policy of extended nuclear deterrence and allow for bilateral discussions on how United States capabilities can be leveraged to credibly deter North Korea, China, and their nuclear threats.
(3) States in the United States have consistently emphasized the United States commitment to extended deterrence and defense across the full spectrum of military capabilities, including nuclear capabilities.
(4) On September 9, 2016, President Obama responded to a North Korean nuclear test by issuing the following statement, “I restated to President Park and Prime Minister Abe the unshakable U.S. commitment to take necessary steps to defend our allies in the region, including through our deployment of a Terminal High Altitude Area Defense system to the ROK, and the commitment to extended deterrence, guaranteed by the full spectrum of U.S. defense capabilities.”

(b) REPORT.—
(1) IN GENERAL.—Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes the assessment required under subsection (a).
(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1265. AUTHORIZATION OF APPROPRIATIONS TO MEET UNITED STATES FINANCIAL OBLIGATIONS UNDER COMPACT OF FREE ASSOCIATION WITH PALAU.

There is authorized to be appropriated for fiscal year 2018 $123,900,000 to the Secretary of the Interior, to remain available until expended, for obligations under the Compact of Free Association with Palau (48 U.S.C. 1931 note; Public Law 99–658).

SEC. 1266. SENSE OF CONGRESS REAFFIRMING SECURITY COMMITMENTS TO THE GOVERNMENTS OF JAPAN AND SOUTH KOREA AND TRILATERAL COOPERATION BETWEEN THE UNITED STATES, JAPAN, AND SOUTH KOREA.

It is the sense of Congress that—
(1) the United States values its alliances with the Government of Japan and the Republic of Korea, based on shared values of democracy, the rule of law, free and open markets, and respect for human rights;
(2) the United States reaffirms its commitment to these alliances with Japan and South Korea, which are critical for the preservation of peace and stability in the Asia-Pacific region and throughout the world;
(3) the United States recognizes the substantial financial commitments of Japan and South Korea to the maintenance of United States forces in Japan and South Korea, which is important for maintaining the balance of power in the Asia-Pacific region and beyond; and
(4) the United States values its alliance with Japan and South Korea, which is critical for the preservation of peace and stability in the Asia-Pacific region and throughout the world.
(4) the United States reaffirms its commitment to Article V of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, which applies to the Japanese islands;
(5) the United States supports continued implementation and expansion of defense cooperation with Japan in accordance with the 2015 U.S.-Japan Guidelines and additional measures to strengthen this defense cooperation, including by expanding foreign military sales, establishing new cooperative technology development programs, increasing military exercises, or other actions as appropriate;
(6) the United States and South Korea share deep concerns that the nuclear and ballistic missile proliferation by North Korea and aggressive provocations pose great threats to peace and stability on the Korean Peninsula, and the United States recognizes that South Korea has made important commitments to the bilateral security alliance, including by hosting a Terminal High Altitude Area Defense (THAAD) system;
(7) the United States and South Korea should continue further defense cooperation, by enhancing mutual security based on the Mutual Defense Treaty between the United States and the Republic of Korea and the Republic of Korea’s contributions in capabilities critical to the combined defense;
(8) the United States welcomes greater security cooperation with, and among, Japan and South Korea, and the increased mutual interests and address shared concerns, including the bilateral military intelligence-sharing pact between Japan and South Korea, signed on November 23, 2016, and the Intelligence Sharing Agreement between the United States, Japan, and South Korea, signed on December 29, 2015, and
(9) recognizing that North Korea poses a threat to the United States, Japan, and South Korea, and that the security of the three countries is intertwined, the United States welcomes and encourages trilateral defense cooperation, including through expanded exercises, training, and information sharing that strengthens integration.
SEC. 1267. SENSE OF CONGRESS OF FREEDOM OF NAVIGATION OPERATIONS IN THE SOUTH CHINA SEA.
It is the sense of Congress that—
(1) the United States has a national interest in maintaining freedom of navigation, respect for international law, and unimpeded lawful commerce in the South China Sea;
(2) the United States should condemn any assertion that limits the right to freedom of navigation and overflight; and
(3) the United States should keep to a regular and routine schedule for freedom of navigation operations in the sea and air.
SEC. 1268. SENSE OF CONGRESS ON STRENGTHENING THE DEFENSE OF TAIWAN.
It is the sense of Congress that—
(1) the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) codified the basis for commercial, cultural, and other relations between the United States and Taiwan, and the Six Assurances are an important aspect in guiding bilaterial relations;
(2) Section 3(a) of that Act states that “the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability”;
(3) the United States, in accordance with such section, should seek available and provide timely review of requests for defense articles and defense services that may be necessary for Taiwan to maintain a sufficient self-defense capability;
(4) Taiwan should significantly increase its defense budget to maintain a sufficient self-defense capability;
(5) the United States should support expanded exchanges focused on practical training for Taiwan personnel by and with United States military units, including exchanges between services, to empower senior military officers to identify and develop asymmetric and innovative capabilities that strengthen Taiwan’s ability to defend itself against such threats;
(6) the United States should seek opportunities for expanded training and exercises with Taiwan;
(7) the United States should encourage Taiwan’s continued investments in asymmetric self-defense capabilities that are mobile, survivable against threatening forces, and able to take full advantage of Taiwan’s geography; and
(8) the United States should continue to—
(A) support humanitarian assistance and disaster relief exercises that increase Taiwan’s resilience and ability to respond to and recover from natural disasters; and
(B) recognize Taiwan’s already valuable military contributions to such efforts.
SEC. 1269. SENSE OF CONGRESS ON THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS.
(a) FINDING.—Congress finds that 2017 is the 50th anniversary of the formation of the Association of Southeast Asian Nations (ASEAN), which includes Indonesia, Malaysia, the Philippines, Singapore, Thailand, Brunie, Vietnam, Laos, and Burma.
(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the United States supports the development of regional initiatives, including the ASEAN Regional Forum, the ASEAN Defense Ministers Meeting Plus, the East Asia Summit, and the expanded ASEAN Maritime Forum, to increase regional cooperation and ensure that disputes are managed without intimidation, coercion, or force;
(2) the United States recognizes ASEAN efforts to promote peace, security, and prosperity in the region, including the steps taken to highlight the importance of peaceful dispute resolution and the need for adherence to international rules and standards;
(3) United States defense engagement with ASEAN and the ASEAN Defense Ministers Meeting Plus should continue to be forums to discuss shared challenges in the maritime domain and the need for greater information sharing among ASEAN nations; and
(4) the United States welcomes continued work with ASEAN and regional partners to establish more reliable and routine crisis communication mechanisms.
SEC. 1270. SENSE OF CONGRESS ON REAFFIRMING THE STEWARDSHIP OF THE UNITED STATES-AUSTRALIA DEFENSE ALLIANCE.
It is the sense of Congress that—
(1) the United States Alliance with the Government of Australia, and the shared values and interests between both countries are essential to promoting peace, security, stability, and economic prosperity in the Indo-Asia-Pacific region;
(2) the annual rotations of United States Marine Corps forces to Darwin, Australia, and enhanced rotational U.S. Air Force aircraft to Australia pave the way for even closer defense and security cooperation;
(3) the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007, should continue to facilitate industry collaboration and innovation to meet shared security challenges and reinforce military ties;
(4) as described by Australian Prime Minister Malcolm Turnbull, North Korea is “a threat to the prosperity and security of the United States and Australia should continue to cooperate to defend against the threat of North Korea’s nuclear and missile capabilities; and
(5) the United States and Australia also should continue to address the threat of terrorism and strengthen information sharing.
SEC. 1273. SECURITY AND STABILITY STRATEGY FOR SOMALIA.

(a) In general.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains a comprehensive United States strategy to achieve long-term stability in Somalia and includes each of the following elements:

(1) A description of United States strategic objectives in Somalia and the benchmarks for assessing progress toward such objectives.

(2) An assessment of the threats posed to Somalia, the broader region, the United States, and partners of the United States, by al-Shabaab and organizations affiliated with the Islamic State of Iraq and the Levant in Somalia, including the origins, strategic aims, tactical methods, funding sources, and leadership of each organization.

(3) A description of the key international and United States governance, diplomatic, development, military, and intelligence resources available to address instability in Somalia.

(4) A plan to improve coordination among, and effectiveness of, United States governance, diplomatic, development, military, and intelligence resources that are not fulfilling the threat of al-Shabaab and organizations affiliated with the Islamic State of Iraq and the Levant in Somalia.

(5) A description of the role the United States plans to play in addressing political instability and supporting long-term security and stability in Somalia.

(6) A description of the contributions made by the African Union Mission in Somalia (in this section referred to as ‘‘AMISOM’’) to security in Somalia and an assessment of the anticipated duration of such support to be provided by AMISOM to troop contributing countries.

(7) A plan to train the Somali National Army and other Somali security forces, that also includes:

(A) a description of the assistance provided by other countries for such training; and

(B) a description of the efforts to integrate regional militias into the unified Somali security forces;

and

(C) a description of the security assistance authorities under which any such training would be provided by the United States and the recommendations of the Secretary to address any gaps under such authorities to advise, assist, or accompany the Somali National Army or other Somali national security forces and responsibilities that are not fulfilled by other countries or by international organizations.

(8) A description of the steps the United States, AMISOM, and any forces trained by the United States are taking in Somalia to minimize civilian casualties and other harm to civilians.

(9) Any other matters the President considers appropriate.

(b) Form.—The report required under subsection (a) shall be submitted in an unclassified form but may include a classified annex.

(c) Appropriate congressional committees defined.—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 1274. ASSESSMENT OF GLOBAL THEATER SECURITY COOPERATION MANAGER INFORMATION SYSTEM.

(a) Report.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth an assessment, obtained by the Secretary for purposes of the report, of the effectiveness of measures taken to improve the functionality of the Global Theater Security Cooperation Management Information System (in this section referred to as the ‘‘G-TSCMIS’’).

(b) Contents.—The report required under subsection (a) shall contain the following:

(1) In general.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC) or a government entity with expertise in security cooperation programs and activities of the Department of Defense, selected by the Secretary for purposes of the assessment.

(2) Use of previous studies.—The entity conducting the assessment may use and incorporate information from previous studies on matters appropriate to the assessment.

(c) Elements.—The assessment obtained for purposes of subsection (a) shall include the following:

(1) An assessment of the extent to which security cooperation organizations are entering consistent, full, and accurate information into G-TSCMIS in a timely manner, and the impacts of inconsistent, incomplete, inaccurate, and tardy data entry on the functionality of the G-TSCMIS as a tool for security cooperation planning, resource allocation, and program adjustment.

(2) An assessment of any measures taken by the Department of Defense to ensure the full participation of other countries in entering into the G-TSCMIS in a timely manner, including any guidance issued or resource allocation determinations.

(3) An assessment of the effectiveness of oversight measures to ensure the full scope of security cooperation activities are entered into the G-TSCMIS in a timely manner.

(4) An assessment of utilization by and functionality for users of the G-TSCMIS across the Department of Defense, including the extent to which the G-TSCMIS business process reengineering that was conducted under the G-TSCMIS as a tool for security cooperation planning, resource allocation, and program adjustment.

(5) An assessment of the extent to which security cooperation in the Department of Defense is entered into the G-TSCMIS in a timely manner, including any guidance issued or resource allocation determinations.

(6) A plan to fully resource United States governance, diplomatic, development, military, and intelligence resources to achieve the objectives of the EDI.

(7) A discussion of the strategy’s objectives relative to threats posed by Al Qaeda in the Arabian Peninsula and the Islamic State in Iraq and the Levant-Yemen Province, including the origins, leadership, strategic aims, tactical methods, and resources attributable to each organization.

(8) A description of any military activities that would be funded by the United States.

(9) Any other matters the President considers appropriate.

(b) Form.—The plan required under subsection (a) shall be submitted in an unclassified form but may include a classified annex.

(c) Limitations.—

(1) General limitation.—The Secretary of Defense may not take any action to divest any site identified for divestiture but not yet divested under the European Infrastructure Consolidation Initiative until the Secretary submits to the appropriate congressional committees a proposed divestiture plan that was submitted to the congressional committees a report that contains a security strategy for Yemen.

(2) Site-specific limitation.—In the case of a proposed divestiture of a site under the European Infrastructure Consolidation Initiative, the Secretary of Defense may not take any action to divest the site unless the Secretary certifies to the congressional committees that no military requirement for future use of the site is foreseeable.

SEC. 1275. FUTURE YEARS PLAN FOR THE EUROPEAN DETERRENCE INITIATIVE.

(a) Plan required.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains a security strategy for Yemen.

(b) Matters to be included.—The plan required under subsection (a) shall include the following:

(1) A description of the objectives of the EDI.

(2) An assessment of resource requirements to achieve the objectives of the EDI.

(3) An assessment of capabilities requirements to achieve the objectives of the EDI.

(4) An assessment of logistics requirements, including force enablers, equipment, supplies, storage, and maintenance requirements, to achieve the objectives of the EDI.

(5) An identification and assessment of required infrastructure investments to achieve the objectives of the EDI, including potential infrastructure investments by host nations and new construction of new or existing sites that would be funded by the United States.

(6) An assessment of security cooperation investments required to achieve the objectives of the EDI.

(7) A plan to fully resource United States force posture and capabilities, including—

(A) details regarding the strategy to balance the force structure of the United States forces to source additional permanently stationed United States forces in Europe as a part of any planned growth in each service;

(B) the infrastructure capacity of existing locations and their ability to accommodate additional permanently stationed United States forces in Europe;

(C) the potential new locations for additional permanently stationed United States forces in Europe, including an assessment of infrastructure and military construction resources necessary to accommodate additional United States forces in Europe;

(D) a detailed timeline to achieve desired permanent posture requirements; and

(E) any other matters the President considers appropriate.

SEC. 1276. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENTS WITH PARTICIPATING COUNTRIES IN THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES PROGRAM.

Section 1274(g) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239, 126 Stat. 2626, 10 U.S.C. 239a) note is amended by striking ‘‘five years’’ and inserting ‘‘ten years’’.

SEC. 1277. SECURITY STRATEGY FOR YEMEN.

(a) Report required.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains a comprehensive United States strategy to achieve the objectives of the EDI.

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

(1) A discussion of the strategy’s compliance with applicable legal authorities.

(2) A detailed description of the security environment.

(3) A detailed description of the threats posed by Al Qaeda in the Arabian Peninsula and the Islamic State in Iraq and the Levant–Yemen Province, including the origins, leadership, strategic aims, tactical methods, and resources attributable to each organization.

(4) A detailed description of the threats posed to freedom of navigation through the Bab al Mandab Strait and to United States interests in the Middle East as well as any United States efforts to mitigate those threats.

(5) A discussion of the ends, ways, and means intended to achieve the strategy.

(6) A discussion of the strategy’s objectives regarding counterterrorism and long-term stability in Yemen.

(7) A plan to coordinate the United States diplomatic, development, military, and intelligence resources necessary to implement the strategy.
Title XIV—Other Authorizations
Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, for Operation and Maintenance, for the Department of Defense, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, for the Office of the Inspector General, 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 for Fiscal Year 2010 (50 U.S.C. 1512);

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DEFENSE ACTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

Subtitle B—Other Matters

SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO THE DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES DEMONSTRATION FUND.

(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, $15,500,000 may be transferred to the Joint 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 2006 (Public Law 114–67; 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 (a)(2) of section 1004(a)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–383; 124 Stat. 4244), functions transferred under subsection (a) may be used for operations of the Department of Defense for fiscal year 2018 for the use of the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

TITLES XI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE AND TREATMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) PURPOSE.—The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2018 to provide additional funds—

(1) for overseas contingency operations being carried out by the Armed Forces; and

(2) for procurement, research, development, test, and evaluation, operation and maintenance, and military personnel, as specified in the funding tables in sections 402, 403, 408, and 409.

(b) TREATMENT OF FUNDS.—The Director of the Office of Management and Budget shall apportion the funds identified in subsection (a)(2) to the Department of Defense without restriction, limitation, or constraint on the execution of such funds in support of base requirements, including any restriction, limitation, or constraint imposed by, or described in, the document entitled “Criteria for War/Overseas Contingency Operations Funding Requests” transmitted by the Department of Defense to the Office of Management and Budget on September 9, 2010, or any successor or related guidance.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2018 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in—

(1) the funding table in section 402; or

(2) the funding table in section 403.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in—

(1) the funding table in section 402; or

(2) the funding table in section 403.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in—

(1) the funding table in section 402; or

(2) the funding table in section 403.

SEC. 1506. WOPPEN HEALTH CARE CENTER.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for the Woppen Health Care Center, as specified in the funding table in section 404.

SEC. 1507. DRUG INTERDICTION AND COUNTER-NARCOTICS ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for the Office of the Inspector General for the Department of Defense, as specified in the funding table in section 405.

SEC. 1508. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Department of Defense for fiscal year 2018, for expenses, not otherwise provided for, for the Office of the Inspector General for the Department of Defense, as specified in the funding table in section 406.

SEC. 1509. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Department of Defense for fiscal year 2018, for expenses, not otherwise provided for, for the Office of the Inspector General for the Department of Defense, as specified in the funding table in section 407.

SEC. 1510. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized by such subtitle are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1511. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in support of overseas contingency operations, the Secretary, in accordance with section 2502, may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2018 between any such authorizations for that fiscal year (or any subdivisions thereof).

(2) EFFECT OF TRANSFER.—Amounts of authorizations transferred under this section shall be treated as amounts authorized for the same purposes as the authorizations to which transferred.

(b) LIMITATIONS.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $2,500,000,000.

SEC. 1513. LIMITATIONS, REPORTS, AND OTHER MATTERS.

SUBTITLE C—Limitations, Reports, and Other Matters

SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2018 shall be subject to the conditions contained in sections (b) through (g) of section 1521(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–383; 124 Stat. 4244).

(b) EQUIPMENT DISPOSITION.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using funds provided by title X of the Ike Skelton National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–383; 124 Stat. 4244) under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces. The Secretary shall notify the Appropriations Committees on Appropriations on the transfer of equipment. Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by the government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(c) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the quarterly report required under paragraph (5).

(d) TREATMENT OF SECURITY FORCES FUND.—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.

(e) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted under this subsection, section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 538; 10 U.S.C. 2302 note), section 1521(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 114–291; 128 Stat. 3612), section 1531(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088), and section 1521(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 115–288), during the period covered by the report. Each report shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department of Defense or of which copies were made under paragraph (2), as required by paragraph (3).

(f) ALLOCATION OF FUNDS.—(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2018, it is the goal that $41,000,000 shall be—

(A) the integration, retention, training, and treatment of women in the Afghan National 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 Security Forces, including the special operations forces;

(B) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Internal Affairs; and

(C) development and dissemination of gender education and training materials within the Afghan Ministry of Human Rights, Gender and Child Rights;

(D) development and dissemination of gender education and training materials within the Afghan Ministry of Education; and

(E) development and dissemination of gender education and training materials within the Afghan Ministry of Health.
(D) efforts to address harassment and violence against women within the Afghan National Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their places of duty;

(F) support for Afghan National Police Family Response Units; and

(G) training for female security and police officers.

(2) ASSESSMENT OF AFGHAN PROGRESS ON SECURITY OBJECTIVES—

(A) IN GENERAL.—Not later than June 1, 2018, the Secretary of Defense, in consultation with the Secretary of State, shall 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 the progress of the government of the Islamic Republic of Afghanistan toward meeting shared security objectives. In conducting such assessment the Secretary shall consider each of the following:

(A) The extent to which the government of Afghanistan has taken steps toward increased accountability and reducing corruption within the Ministry of Interior.

(B) The extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghan National Security Fund investment, including through training.

(C) 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 re-taking territory, defending against terrorist attacks.

(D) Whether or not the government of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriated directly to security forces charged with fighting the Taliban and other terrorist organizations.

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

(2) WITHHOLDING OF ASSISTANCE FOR INSUFFICIENT PROGRESS—

(A) IN GENERAL.—If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to the assessment under paragraph (1) that the government of Afghanistan has made insufficient progress, 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, in consultation with the Secretary of State, shall provide notice to Congress not later than 30 days after making the decision to withhold such assistance.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

SUBTITLE A—Management and Organization of Space Programs

SECTION 1601. ESTABLISHMENT OF SPACE CORPS IN THE DEPARTMENT OF THE AIR FORCE.

(a) CERTIFICATION.—Not later than January 1, 2019, the Secretary of the Air Force shall certify to the congressional defense committees that the Space Corps under chapter 809 of title 10, United States Code, as amended by subsection (b), is established.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 809 of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 809—SPACE CORPS"

"Subchapter I—General Matters"

"Sec. 8091. Establishment."

"Sec. 8092. Authorities and Responsibilities."

"Sec. 8093. Research and development and procurement of satellites and terminals."

"Sec. 8094. Space functions of other elements of the Department of Defense."

"SUBCHAPTER I—GENERAL MATTERS"

"Sec. 8091. Establishment."

"Sec. 8092. Authorities and Responsibilities."

"Sec. 8093. Research and development and procurement of satellites and terminals."

"Sec. 8094. Space functions of other elements of the Department of Defense."

"§ 8091. Establishment.

"(a) ESTABLISHMENT.—Not later than January 1, 2019, the Secretary of Defense shall establish in the executive part of the Department of the Air Force a Space Corps. The function of the Space Corps shall be to assist the Secretary of the Air Force in carrying out the duties described in section 8092.

"(b) COMPOSITION.—The Space Corps shall be composed of the following:

(1) The Chief of Staff of the Space Corps.

(2) Such other offices and officials as may be established by law or as the Secretary of the Air Force, in consultation with the Chief of Staff of the Space Corps, may establish or designate.

(3) DUTIES.—Except as otherwise specifically provided by law, the Space Corps shall be organized in such manner, and the members of the Space Corps shall perform, such duties and have such powers as the Secretary may prescribe. Such duties shall include—

(1) protecting the interests of the United States in space;

(2) deterring aggression in, from, and through space;

(3) providing combat-ready space forces that enable the commanders of the combatant commands to fight and win the space dimension of conflict;

(4) organizing, training, and equipping space forces; and

(5) conducting space operations of the Space Corps under the command of the Commander of the United States Space Command.

§ 8092. Authorities and responsibilities

(a) PROFESSIONAL ASSISTANCE.—The Chief of Staff of the Space Corps shall furnish professional assistance to the Secretary, the Under Secretary of the Air Force, and the Assistant Secretaries of the Air Force.

(b) AUTHORITY.—Under the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff of the Space Corps shall—

(1) subject to subsections (c) and (d) of section 8014 of this title, prepare for such employment of the Space Corps, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, celebrating, demobilizing, and maintaining of the Space Corps, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;

(2) investigate and report upon the efficiency of the Space Corps and its preparation to support military operations by commanders of the combatant commands;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) as directed by the Chief of Staff, coordinate the action of organizations of the Space Corps; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

(c) FUNCTIONS.—To the extent practicable, the Secretary shall provide to the Space Corps the functions of the Department of the Air Force that may be feasibly shared with the Space Corps, including with respect to the United States Air Force Academy, recruitment, and basic training.

§ 8093. Research and development and procurement of satellites and terminals

(a) RESEARCH AND DEVELOPMENT.—The Secretary of the Air Force shall serve as the primary agent of the Department of Defense with respect to the research, development, test, and evaluation of satellites and user satellite terminals used by the Air Force, the Space Corps, and other Defense agencies (as otherwise provided by section 8094 of this title).

(b) PROCUREMENT.—The Secretary shall serve as the primary agent of the Department of Defense with respect to the research, development, test, and evaluation of satellites and user satellite terminals used by the military departments and the Defense Agencies (except as otherwise provided by section 8094 of this title).

(c) MILESTONE DECISION AUTHORITY.—(1) Notwithstanding any other provision of law,
§8094. Space functions of other elements of Department of Defense

(a) MILITARY DEPARTMENTS.—Nothing in this chapter shall affect the authority of each Secretary concerned to—

(1) carry out the research, development, test, and evaluation of satellites and user satellite terminals of the military departments of the Secretary concerned;

(2) operate such terminals; and

(3) develop requirements to ensure that the space programs of the Department of Defense support the mission of the Secretary concerned.

(b) CERTAIN DEFENSE AGENCIES.—Nothing in this chapter shall affect the authority of each Director concerned to—

(1) carry out the research, development, test, and evaluation and procurement of satellites and user satellite terminals of the Defense Agency of the Director concerned;

(2) operate such terminals; and

(3) develop requirements to ensure that the space programs of the Department of Defense support the mission of the Director concerned.

(c) DEFINITIONS.—In this section:

(1) the term ‘Director concerned’ means—

(A) the Director of the National Reconnaissance Office, with respect to matters concerning the National Reconnaissance Office; and

(B) the Director of the National Geospatial-Intelligence Agency, with respect to matters concerning the National Geospatial-Intelligence Agency;

(2) the term ‘Secretary concerned’ means—

(A) the Secretary of the Army, with respect to matters concerning the Army; and

(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy.

SUBCHAPTER II—ORGANIZATION

Sec. 8096. Chief of Staff of the Space Corps.

(a) APPOINTMENT.—(1) There shall be a Chief of Staff of the Space Corps, appointed by the President, by and with the advice and consent of the Senate. The Chief of Staff shall serve at the pleasure of the President.

(2) The Chief of Staff shall be appointed for a term of six years. In time of war or during a national emergency declared by Congress, the Chief of Staff may be reappointed for a term of not more than six years.

(3) (A) The first Chief of Staff appointed after the date of the enactment of this section shall be the Secretary of the Air Force, and the second Chief of Staff shall be the Secretary of the Space Corps.

(B) Each subsequent Chief of Staff shall be appointed from the general officers of the Space Corps.

(4) The President may appoint an officer as Chief of Staff only if—

(A) the officer has had significant experience in joint duty assignments; and

(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 604(d) of this title) as a general officer.

(5) The President may waive paragraphs (4) in the case of an officer if the President determines such action is necessary in the national interest.

(b) GRADE.—The Chief of Staff of the Space Corps, while so serving, has the grade of general without vacating the permanent grade of the officer.

(c) REPORTING.—Except as otherwise prescribed by law, the Chief of Staff of the Space Corps serves as the chief of staff of the Space Corps and as such shall serve as the Secretary of the Air Force and is directly responsible to the Secretary.

(d) DUTIES.—Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff of the Space Corps shall—

(1) preside over the Space Corps;

(2) transmit the plans and recommendations of the Space Corps to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) after approval of the plans or recommendations of the Space Corps by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Space Corps as are designated by the Secretary;

(5) perform the duties prescribed for the Chief of Staff by sections 171 and 254f of title 10, United States Code, and other provisions of law; and

(6) perform such other military duties, not otherwise assigned by law, as are assigned to the Chief of Staff by the President, the Secretary of Defense, or the Secretary of the Air Force.

(e) JOINT CHIEFS OF STAFF.—(1) The Chief of Staff of the Space Corps shall also perform the duties prescribed for the Chief of Staff as a member of the Joint Chiefs of Staff under section 151 of this title.

(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of the duties of the Chief of Staff as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military matters by members of the Joint Chiefs of Staff on matters affecting the Department of the Air Force.

(f) SUBJECT TO THE AUTHORITY, DIRECTION, AND CONTROL OF THE DEFENSE SECRETARY.—The Chief of Staff shall keep the Secretary of the Air Force fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

(g) CLERICAL AMENDMENTS.—The table of chapters at the beginning of subtitle D of title 10, United States Code, is amended by striking the following two items, and by inserting at the end of that table the following new items:

§809. Space Corps. (Added by Pub. L. 115-232.)

§8091. (Added by Pub. L. 115-232.)

(c) JOINT CHIEFS OF STAFF.—Chapter 5 of title 10, United States Code, is amended as follows:

(1) In section 151(a), by adding at the end the following new subsection:

‘‘(8) The Chief of Staff of the Space Corps.’’;

(2) in section 152(b)(1)(B), by striking ‘‘or the Commandant of the Marine Corps’’ and inserting ‘‘the Commandant of the Marine Corps, or the Chief of Staff of the Space Corps’’;

(d) ARMED FORCES POLICY COUNCIL.—Section 1001 of title 10, United States Code, is amended by inserting the following:

‘‘(3) the Chief of Staff of the Air Force, the Chief of Staff of the Space Corps, and the Commandant of the Marine Corps.’’

(e) ARMED FORCES SERVICE COUNCILS.—Sections 201, 202, and 203 of title 10, United States Code, are amended by inserting ‘‘and the Chief of Staff of the Space Corps’’ after ‘‘the Commandant of the Marine Corps’’.

(f) ARMED FORCES POLICY COUNCIL.—Section 1001 of title 10, United States Code, is amended by inserting the following:

‘‘(6) the Chief of Staff of the Space Corps.’’

(g) CLERICAL AMENDMENTS.—The table of parts at the beginning of part II of title 10, United States Code, is amended by—

(1) striking the title ‘‘Army’’ and inserting ‘‘Space Corps’’; and

(2) in section 291, by striking ‘‘Army’’ and inserting ‘‘Air Force’’.

(h) TERMINATION.—The provisions of chapter 22, title 10, United States Code, are amended by striking ‘‘the Secretary of the Air Force’’ and inserting ‘‘the Secretary of the Space Corps’’.

§8091. (Added by Pub. L. 115-232.)

(a) APPOINTMENT.—The Secretary of the Space Corps may appoint the Chief of Staff of the Space Corps.

(b) GRADE.—The Chief of Staff of the Space Corps, while so serving, has the grade of general without vacating the permanent grade of the officer.

(c) REPORTING.—Except as otherwise provided by law, the Chief of Staff of the Space Corps shall report to the Secretary of the Space Corps and advise the Secretary of the Space Corps with regard to such plans and recommendations as the Secretary of the Space Corps determines are necessary.

(d) CERTAIN DEPARTMENTAL DUTIES.—In performing the duties of the Secretary of the Space Corps, the Chief of Staff shall perform the duties prescribed for the Secretary of the Space Corps by sections 171 and 254f of title 10, United States Code, and other provisions of law; and

(e) CONDITIONS.—The Chief of Staff of the Space Corps may not serve as the Chief of Staff of the Air Force.

(f) COUNTRY.—The Chief of Staff of the Space Corps shall be a citizen of the United States.

§8092. (Added by Pub. L. 115-232.)

(a) APPOINTMENT.—The Secretary of the Space Corps may appoint an officer as Chief of Staff of the Space Corps.

(b) GRADE.—The Chief of Staff of the Space Corps, while so serving, has the grade of general without vacating the permanent grade of the officer.

(c) REPORTING.—Except as otherwise provided by law, the Chief of Staff of the Space Corps shall report to the Secretary of the Space Corps and advise the Secretary of the Space Corps with regard to such plans and recommendations as the Secretary of the Space Corps determines are necessary.

(d) CERTAIN DEPARTMENTAL DUTIES.—In performing the duties of the Secretary of the Space Corps, the Chief of Staff shall perform the duties prescribed for the Secretary of the Space Corps by sections 171 and 254f of title 10, United States Code, and other provisions of law; and

(e) CONDITIONS.—The Chief of Staff of the Space Corps may not serve as the Chief of Staff of the Air Force.

(f) COUNTRY.—The Chief of Staff of the Space Corps shall be a citizen of the United States.

§8093. (Added by Pub. L. 115-232.)

(a) APPOINTMENT.—The Secretary of the Space Corps may appoint an officer as Chief of Staff of the Space Corps.

(b) GRADE.—The Chief of Staff of the Space Corps, while so serving, has the grade of general without vacating the permanent grade of the officer.

(c) REPORTING.—Except as otherwise provided by law, the Chief of Staff of the Space Corps shall report to the Secretary of the Space Corps and advise the Secretary of the Space Corps with regard to such plans and recommendations as the Secretary of the Space Corps determines are necessary.

(d) CERTAIN DEPARTMENTAL DUTIES.—In performing the duties of the Secretary of the Space Corps, the Chief of Staff shall perform the duties prescribed for the Secretary of the Space Corps by sections 171 and 254f of title 10, United States Code, and other provisions of law; and

(e) CONDITIONS.—The Chief of Staff of the Space Corps may not serve as the Chief of Staff of the Air Force.

(f) COUNTRY.—The Chief of Staff of the Space Corps shall be a citizen of the United States.

§8094. (Added by Pub. L. 115-232.)

(a) APPOINTMENT.—The Secretary of the Space Corps may appoint an officer as Chief of Staff of the Space Corps.

(b) GRADE.—The Chief of Staff of the Space Corps, while so serving, has the grade of general without vacating the permanent grade of the officer.

(c) REPORTING.—Except as otherwise provided by law, the Chief of Staff of the Space Corps shall report to the Secretary of the Space Corps and advise the Secretary of the Space Corps with regard to such plans and recommendations as the Secretary of the Space Corps determines are necessary.

(d) CERTAIN DEPARTMENTAL DUTIES.—In performing the duties of the Secretary of the Space Corps, the Chief of Staff shall perform the duties prescribed for the Secretary of the Space Corps by sections 171 and 254f of title 10, United States Code, and other provisions of law; and

(e) CONDITIONS.—The Chief of Staff of the Space Corps may not serve as the Chief of Staff of the Air Force.

(f) COUNTRY.—The Chief of Staff of the Space Corps shall be a citizen of the United States.
SEC. 1611. CODIFICATION, EXTENSION, AND MODIFICATION OF LIMITATION ON CONSTRUCTION OF UNITED STATES TERRITORY OF SATELLITE POSITIONING GROUND MONITORING STATIONS OF FOREIGN GOVERNMENTS.

(a) CODIFICATION, REVERSION, AND MODIFICATION.—Chapter 135 of title 10, United States Code, is amended by inserting at the end the following new section:

"$2279c. Limitation on construction on United States territory of satellite positioning ground monitoring stations of certain foreign governments."

"(b) Exception.—The limitation in subsection (a) shall not apply to foreign governments that are allies of the United States.

"(c) Sunset.—The limitation in subsection (a) shall terminate on December 31, 2023.

(b) TRANSFER OF PROVISION.—Subsection (b) of section 1602 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2281 note) is—

(1) transferred to section 2279c of title 10, United States Code, as added by subsection (a);

(2) inserted as the first subsection of such section;

(3) redesignated as subsection (a); and

(4) amended—

(A) by amending the subsection heading to read as follows: "LIMITATION"; and

(B) by striking paragraph (4)."

SEC. 1612. FOREIGN COMMERCIAL SATELLITE SERVICES: CYBERSECURITY THREATS AND LAUNCHES.

(a) CYBERSECURITY RISKS.—Subsection (a) of section 2279 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "; or" and inserting ", or";

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

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

"(3) entering into such contract would create a cybersecurity risk for the Department of Defense.

(b) LAUNCHES.—

(1) IN GENERAL.—Such section is amended—

(A) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(B) by inserting after subsection (a) the following new subsection:

"(b) Launches and Manufacturers.—

(1) In addition to the prohibition in subsection (a), and except as provided in subsection (c), the Secretary may not enter into a contract for satellite services with any entity if the Secretary reasonably believes that such satellite services will be provided using satellites that will be—

(A) designed or manufactured in a covered foreign country, or by an entity controlled in whole or in part by, or acting on behalf of, the government of a covered foreign country; or

(B) a launch vehicle that is designed or manufactured in a covered foreign country, or that is provided by the government of a covered foreign country or by an entity controlled in whole or in part by, or acting on behalf of, the government of a covered foreign country, regardless of the location of the launch (unless such location is in the United States).

(2) Exception.—The limitation in paragraph (1) shall not—

(A) apply to launches in the United States using launch vehicles with engines designed or manufactured in or provided by any entity of the Russian Federation; or

(B) affect any other provision of law authorizing the use of Russian rocket engines within a United States launch vehicle.

(3) LAUNCH VEHICLE DEFINED.—In this subsection, the term ‘launch vehicle’ means a fully integrated space vehicle.

(c) DEFINITIONS.—Subsection (f) of section 2279 of title 10, United States Code, as added by paragraph (1), shall not apply with respect to—

(A) a launch that occurred prior to the date that is six months after the date of the enactment of this Act; or

(B) a contract or other agreement relating to launch services that, prior to the date that is six months after the date of the enactment of this Act, was either fully paid for by the contractor or covered by a legally binding commitment of the contractor to pay for such services.

(d) IMPLEMENTATION OF PLAN.—The Secretary of the Air Force shall implement the plan developed under paragraph (1) of subsection (b), and the Director of the National Reconnaissance Office shall implement the plan developed under paragraph (2) of such subsection, unless the Secretary and the Director each make a waiver under subsection (c).

SEC. 1615. EVOLVED EXPENDABLE LAUNCH VEHICLES: MODERNIZATION AND ENHANCEMENT OF SECURED ACCESS TO SPACE.

(a) Development.—

(1) EVOLVED EXPENDABLE LAUNCH VEHICLE.—Using funds described in paragraphs (4) and (5) of section 2279 of title 10, United States Code, the Secretary of Defense may—

(A) develop a domestic rocket propulsion system to replace non-allied space launch engines; or

(B) develop the necessary interfaces to, or in integration of, such domestic rocket propulsion system with an existing or new launch vehicle.

(2) MODIFICATIONS.—The Secretary of Defense may—

(A) certify the launch vehicle as unique to national security space missions to meet the assured access to space requirements pursuant to section 2279 of title 10, United States Code, with respect to only—

(i) modifications to such vehicles required for national security space missions, including—

(I) certification and compliance of such vehicles for usage in national security space missions; and

(II) modifications that cannot otherwise be met through the use of commercially available launch vehicles; and

(ii) other upgrades to meet performance, reliability, and orbital requirements that cannot otherwise be met through the use of commercially available launch vehicles; and

(B) enhance the launch vehicle to maintain or enhance its capability to meet the assured access to space requirements for national security space missions.
(III) other facilities and equipment, including ground systems and expanded capabilities, unique to national security space launches and the launch of national security payloads; (D) to modernize and improve existing launch vehicles, or existing launch vehicles previously contracted for use by the Air Force, including restarting a dormant infrastructure to increase the cost effectiveness of the launch system; (E) certify new, modified, or existing launch vehicle systems; or (F) develop, design, and integrate parts for new launch vehicle systems to the extent such parts are developed primarily for national security use.

(2) DEFINITION.—In this section, the term ‘‘pathfinder program’’ means the commercial satellite communications programs of the Air Force designed to demonstrate the feasibility of new, alternate procurement models for commercial satellite communications.

SEC. 1617. DEMONSTRATION OF BACKUP GPS CAPABILITY, NAVIGATION, AND TIMING CAPABILITIES OF GLOBAL POSITIONING SYSTEM

(a) PLAN.—During fiscal year 2018, the Secretary of Defense, the Secretary of Transportation, and the Secretary of Homeland Security (referred to in this section as the ‘‘Secretaries’’) shall jointly initiate a demonstration under subsection (b) that the Secretary is capable of receiving signals from the Galileo satellites of the European Union and the QZSS satellites of Japan, beginning with increment 2 of the acquisition of such capabilities.

(b) REQUIREMENTS.—The demonstration shall include— (1) the results of the study conducted under section 1618 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2595); and (2) an analysis of the options that the Secretary determines necessary to carry out such demonstration.

(c) NOTIFICATION.—Not later than 30 days before any date on which the Secretary publishes a draft or final request for proposals, or obligations, for the development of new launch vehicle systems, including with respect to any associated operation and maintenance of capabilities and infrastructure relating to such systems.

(d) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of Cost Assessment and Program Evaluation, shall submit to the House of Representatives a report containing the Secretary’s determination of the most effective method to meet the assured access to space requirements pursuant to section 2272 of title 10, United States Code, with respect to each of the following:

(1) The five-year period beginning on the date of the enactment of this Act.

(2) The 10-year period beginning on the date of the enactment of this Act.

(3) The period consisting of the full lifecycle of the evolved expendable launch vehicle program.

(e) ROCKET PROPULSION SYSTEM DEFINED.—In this section, the term ‘‘rocket propulsion system’’ means—

(1) the development authorized by subsection (a)(1), a main booster, first-stage rocket engine (including such an engine using kerosene or methane-based or other propellant) or motor. The term does not include a launch vehicle for an upper stage, a strap-on motor, or related infrastructure.

SEC. 1618. ENHANCEMENT OF POSITIONING, NAVIGATION, AND TIMING CAPABILITY

(a) PLAN.—The Secretary of Defense shall develop and implement a plan to increase the positioning, navigation, and timing capability of the Department of Defense to provide resilience to the positioning, navigation, and timing capabilities of the Department. Such plan shall—

(1) include an assessment of the feasibility, benefits, and risks of military Global Positioning System user equipment terminals having the capability to receive signals from the Galileo satellites of the European Union and the QZSS satellites of Japan, beginning with increment 2 of the acquisition of such capabilities;

(2) include an assessment of options to use hosted payloads to provide redundancy for the Global Positioning System;

(3) ensure that the Secretary, with the concurrence of the Secretary of State, engages with relevant allies of the United States to—

(A) enable military Global Positioning System user equipment terminals to receive the positioning, navigation, and timing signals of such allies; and

(B) negotiate other potential agreements relating to the enhancement of positioning, navigation, and timing;

(4) include any other options the Secretary of Defense determines appropriate;

(5) include an evaluation by the Director of National Intelligence of the benefits and risks, if any, of using foreign positioning, navigation, and timing signals; and

(b) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(1) submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate the plan under subsection (a); and

(2) submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate the evaluation described in paragraph (6) of such subsection.

SEC. 1619. ESTABLISHMENT OF SPACE FLAG TRAINING EVENT

(a) ESTABLISHMENT.—Not later than December 31, 2020, the Secretary of Defense shall establish an annual capstone training event titled ‘‘Space Flag’’ for space professionals that—

(1) develop and test doctrine, concepts of operation, and tactics, techniques, and procedures, for—

(A) protecting and defending assets and interests of the United States through the spectrum of space control activities;

(B) operating in the event of degradation or loss of the capabilities of the Department of Defense as specified in the funding tables in division D.

(2) develop and test doctrine, concepts of operation, and tactics, techniques, and procedures, for—

(A) protecting and defending assets and interests of the United States through the spectrum of space control activities;

(B) operating in the event of degradation or loss of the capabilities of the Department of Defense as specified in the funding tables in division D.

(f) DEFINITIONS.—In this section:
SEC. 1621. LIMITATION ON AVAILABILITY OF FUNDING FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act for the Air Force, none may be used to purchase or otherwise make available for fiscal year 2018 for the Joint Space Operations Center mission system, not more than 75 percent may be obligated or expended until the Secretary of the Air Force certifies to the congressional defense committees that the Secretary has developed the plan under subsection (b).

(b) PLAN.—The Secretary shall develop and implement a plan to operationalize existing commercial space situational awareness capabilities to address warfighter requirements, consistent with their relative utility. The Secretary shall commence such implementation by not later than March 30, 2018.

SEC. 1622. LIMITATION ON AVAILABILITY OF FUNDING RELATING TO PROTECTED EXTREMELY HIGH FREQUENCY PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, Air Force, for protected tactical enterprise (PE 1206766F), protected satellite communications (PE 1206717F), or protected satellite communication services (PE 1206855F) for the Evolved Strategic SATCOM (ESS) system, may be obligated or expended on a final contract other than a service contract or other contract for the purposes under section 3 of the AEHF program of record until the date on which the reports required under subsection (b) are submitted to the congressional defense committees.

(b) ASSESSMENTS AND CERTIFICATIONS.—

(1) The Commanders of STRATCOM and NORTHCOM jointly certifies a protected satcom system other than the AEHF program of record or an extension to meet all applicable requirements for Nuclear Command and Control and continuity of government, and all other functions related to protected communications of the National Command Authority and the Combatant Commands, to include operational forces in a peer-near-peer jamming environment.

(2) The Chairman of the Joint Chiefs of Staff submits the validated military requirement for protection of the National Command Authority and the Combatant Commands; and

(3) The Secretary of the Air Force submits a detailed plan for the ground control system and all user terminals developed and acquired by the Air Force will be synchronized through development and deployment to meet all applicable requirements for Nuclear Command and Control and continuity of government, and all other functions related to protected communications of the National Command Authority and the Combatant Commands; and

SEC. 1631. SECURITY CLEARANCES FOR FACILITIES OF CERTAIN CONTRACTORS.

(a) Authority.—Any senior management official, senior employee appointed under paragraph (1) has the authority to act on behalf of the contractor with respect to such facility independent of any senior management official other officer, or director described in paragraph (2).

(b) SECURITY CLEARANCES FOR FACILITIES OF CERTAIN CONTRACTORS.

SEC. 1635. REVIEW OF SUPPORT PROVIDED BY DEFENSE INTELLIGENCE ELEMENTS TO ACQUISITION ACTIVITIES OF THE DEPARTMENT.

(a) REVIEW.—The Secretary of Defense shall review the support provided by Defense intelligence elements to the acquisition activities conducted by the Secretary, with a specific focus on such support—

(1) conducting planning, prioritizing, and resourcing relating to developmental weapon systems; and
(e) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelli-
gence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “Defense intelligence element” means an intelligence agency, office, or element that is designated as a chairman’s position identified by the Office of Personnel Management as critical to national security and associated algorithms, including how the Director would use such authori-
ties, consistent with applicable laws and proce-
dures relating to the protection of sources and methods.

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

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Permanent Select Committee on Intelli-
gence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1640. DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLICY PROGRAM.

Section 1564(a)(b) of title 10, United States Code, is amended by adding at the end the fol-
lowing new paragraph:

“(5) Any person who is a United States na-
tional who also has the nationality of a foreign state.”.

SEC. 1641. SECURITY CLEARANCE FOR DUAL-NATIONALS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1564a the following new section:


(a) IN GENERAL.—In the case of an indi-
vidual who is a United States national who also has the nationality of a foreign state who is ap-
pointed to or hired for a position designated by the Office of Personnel Management as critical to national security or sensitive or special sensitive, the Secretary shall provide additional review before approving a secu-

(4) many U.S. companies have talent and technolo-
gical capability that the Federal Gov-
ernment could harness; and

(5) these companies would be able to more ef-
fectively develop automation, artificial intel-
ligence, and associated algorithms if given ac-
cess to data of the National Geospatial-Intelli-
gence Agency, consistent with applicable laws and proce-
dures relating to the protection of sources and methods.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall submit to the appropriate congressional committees a report on the authorizations necessary to conduct commercial activities relating to the Director determine that the Director de-
necessitates necessary to engage in basic research, ap-
plied research, data transfers, and development projects, with respect to automation, artificial intelligence, and associated algorithms, includ-
ing how the Director would use such authori-
ties, consistent with applicable laws and proce-
dures relating to the protection of sources and methods.

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

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Permanent Select Committee on Intelli-
gence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1640. DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLICY PROGRAM.

Section 1564(a)(b) of title 10, United States Code, is amended by adding at the end the fol-
lowing new paragraph:

“(5) Any person who is a United States na-
tional who also has the nationality of a foreign state.”.

SEC. 1641. SECURITY CLEARANCE FOR DUAL-NATIONALS.

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(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall submit to the appropriate congressional committees a report on the authorizations necessary to conduct commercial activities relating to the Director determine that the Director de-
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plicated research, data transfers, and development projects, with respect to automation, artificial intelligence, and associated algorithms, includ-
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gence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1640. DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLICY PROGRAM.

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(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall submit to the appropriate congressional committees a report on the authorizations necessary to conduct commercial activities relating to the Director determine that the Director de-
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plicated research, data transfers, and development projects, with respect to automation, artificial intelligence, and associated algorithms, includ-
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(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Permanent Select Committee on Intelli-
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plicated research, data transfers, and development projects, with respect to automation, artificial intelligence, and associated algorithms, includ-
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dures relating to the protection of sources and methods.

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

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Permanent Select Committee on Intelli-
gence of the House of Representatives and the Select Committee on Intelligence of the Senate.

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Section 1564(a)(b) of title 10, United States Code, is amended by adding at the end the fol-
lowing new paragraph:

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(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall submit to the appropriate congressional committees a report on the authorizations necessary to conduct commercial activities relating to the Director determine that the Director de-
necessitates necessary to engage in basic research, ap-
plicated research, data transfers, and development projects, with respect to automation, artificial intelligence, and associated algorithms, includ-
ing how the Director would use such authori-
ties, consistent with applicable laws and proce-
dures relating to the protection of sources and methods.

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

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Permanent Select Committee on Intelli-
gence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1640. DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLICY PROGRAM.

Section 1564(a)(b) of title 10, United States Code, is amended by adding at the end the fol-
lowing new paragraph:

“(5) Any person who is a United States na-
tional who also has the nationality of a foreign state.”.

SEC. 1641. SECURITY CLEARANCE FOR DUAL-NATIONALS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1564a the following new section:


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(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall submit to the appropriate congressional committees a report on the authorizations necessary to conduct commercial activities relating to the Director determine that the Director de-
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plicated research, data transfers, and development projects, with respect to automation, artificial intelligence, and associated algorithms, includ-
ing how the Director would use such authori-
ties, consistent with applicable laws and proce-
dures relating to the protection of sources and methods.

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

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Permanent Select Committee on Intelli-
gence of the House of Representatives and the Select Committee on Intelligence of the Senate.
promptly submit to the congressional defense committees notice in writing of any sensitive military cyber operation conducted under this title no later than 48 hours following such operation.

“(b) PROCEDURES.—(1) The Secretary of Defense shall establish and submit to the congressional defense committees procedures for complying with the requirements of subsections (a) and (c) not later than 48 hours after any change to such procedures at least 14 days prior to the adoption of any such changes.

(2) The congressional defense committees shall ensure that committee procedures designed to protect unauthorized disclosure classified information relating to national security of the United States are sufficient to protect the information that is submitted to the committees pursuant to this section.

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

(c) SENSITIVE MILITARY CYBER OPERATION DEFINED.—(1) In this section, the term ‘sensitive military cyber operation’ means an action described in paragraphs (2) and (3) that—

(A) is carried out by the armed forces or by a foreign partner in coordination with the armed forces; and

(B) is intended to cause effects outside a geographic location where United States armed forces are involved in hostilities (as that term is used in section 1543 of title 50, United States Code).

(2) The actions described in this paragraph are the following:

(A) An offensive cyber operation.

(B) A defensive cyber operation outside the Department of Defense Information Networks to defend an ongoing or imminent threat.

(3) The use as a weapon of any cyber capability that has been approved for such use under international law by a military department no later than 48 hours after any military department concerned has completed such review.

(2) The use as a weapon of any cyber capability that is intended for use as a weapon, the results of any review of the capability for legality under international law pursuant to Department of Defense Information Assurance Requirements for Cyber Operations, including any relevant legal limitations.

(3) An outline of any interagency activities and initiatives relating to the operations.

(4) Any other matters the Secretary determines to be appropriate.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to the operations carried out by the command and any hostile cyber activity directed at the command.

(c) NAME OF PROGRAM.—The programs authorized under this chapter shall be known as the Cyber Scholarship Program.

SEC. 1653. CYBER SCHOLARSHIP PROGRAM.

(a) NAME OF PROGRAM.—Section 2200 of title 10, United States Code, is amended—

(1) by inserting ‘‘(1) and (2)’’ before ‘‘Not less’’; and

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

(2) Not less than five percent of the amount authorized for financial assistance under this section for a fiscal year shall be available for providing financial assistance for the pursuit of an associate degree at an institution described in paragraph (1).

(c) CYBER DEFINITION.—Section 2200 of title 10, United States Code, is amended to read as follows:

‘‘cyber’’. Definitions

‘‘(1) The term ‘cyber’ includes the following:

(A) Offensive cyber operations.

(B) Defensive cyber operations.

(C) Department of Defense information networks and operations defense.

(D) Any other information technology that the Secretary of Defense considers to be related to the cyber activities of the Department of Defense.

(2) The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term ‘Center of Academic Excellence in Cyber Education’ means an institution of higher education that is designated by the Director of the National Security Agency as a Center of Academic Excellence in Cyber Education.

(d) CONFORMING AMENDMENTS.—

(1) Chapter 112 of title 10, United States Code, is further amended—

(1) in the chapter heading, by striking ‘‘INFORMATION SECURITY’’ and inserting ‘‘CYBER’’;

(B) in section 2200 (as amended by subsection (a))—

(i) in subsection (a), by striking ‘‘Department of Defense information assurance requirements’’ and inserting ‘‘the cyber requirements of the Department of Defense’’; and

(ii) in subsection (b)(4), by striking ‘‘information assurance’’ and inserting ‘‘cyber disciplines’’;

(C) in section 2200a (as amended by subsection (b))—

(i) in subsection (a)(1), by striking ‘‘an information assurance discipline’’ and inserting ‘‘a cyber discipline’’;

(ii) in subsection (b)(1), by striking ‘‘information assurance’’ and inserting ‘‘cyber disciplines’’; and

(D) in section 2200c, by striking ‘‘an information technology position’’ and inserting ‘‘a cyber position’’;

(E) in section 2200d, by striking ‘‘information assurance disciplines’’ and inserting ‘‘cyber disciplines’’; and

(F) in section 2200e, by striking ‘‘Information Assurance’’ each place it appears and inserting ‘‘cyber’’;

(2) 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 2200b and inserting the following:

2200c. Centers of Academic Excellence in Cyber Education.

(3) Section 7045 of title 10, United States Code, is amended—

(A) by striking ‘‘Information Security Scholarship program’’ each place it appears and inserting ‘‘Cyber Scholarship program’’;

(B) in subsection (a)(1)(B), by striking ‘‘Information Assurance’’ and inserting ‘‘cyber assurance’’; and

(4) Section 7904(4) of title 38, United States Code, is amended by striking ‘‘Information Assurance’’ and inserting ‘‘Cyber’’.

(e) REDESIGNATIONS.—

"§130k. Notification requirements for cyber weapons.

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense shall promptly submit to the congressional defense committees notice in writing of the following:

(1) The capability of a cyber weapon that is intended for use as a weapon, the results of any review of the capability for legality under international law pursuant to Department of Defense Information Assurance Requirements for Cyber Operations, including any relevant legal limitations.

(2) An outline of any interagency activities and initiatives relating to the operations.

(3) Any other matters the Secretary determines to be appropriate.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to the operations carried out by the command and any hostile cyber activity directed at the command.

(c) NAME OF PROGRAM.—The programs authorized under this chapter shall be known as the ‘‘Cyber Scholarship Program’’. "
SEC. 1654. PLAN TO INCREASE CYBER AND INTELLIGENCE OPERATIONS, DETERRENCE, AND PROTECTION.

(a) FINDINGS.—Congress finds the following:

(1) Cyber threats originating from the Asia-Pacific region targeting the United States and the Asian allies and partners of the United States have grown through the use of cyber intrusions, exfiltration, and espionage by China and North Korea.

(2) In February 2016, Admiral Harry Harris Jr., Commander, Pacific Command, in his testimony noted “increased cyber capacity and nefarious activity, especially by China, North Korea, and Russia underscore the growing requirement to evolve command, control, and operational authorities”.

(3) Admiral Harris stated “that in order to fully leverage the cyber domain, PACOM requires an enduring theater cyber capability able to provide cyber planning, integration, synchronization, and direction of cyber forces.”

(b) PLAN.—The Secretary of Defense shall develop a plan to—

(1) increase inclusion of regional cyber planning within larger United States joint planning exercises in the Asia-Pacific region;

(2) enhance joint, regional, and combined information operations and strategic communications strategies to counter Chinese and North Korean information warfare, malign influence, and propaganda activities; and

(3) identify potential areas of cybersecurity collaboration and partnership capabilities with Asian allies and partners of the United States.

(c) BRIEFING.—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 plan required under subsection (b).

SEC. 1655. REPORT ON TERMINATION OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

(a) REPORT.—Not later than December 1, 2017, the Secretary of Defense shall submit to the appropriate congressional committees a report on the progress of the Department of Defense in meeting the requirements of section 1642 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2601).

(b) ELEMENTS.—The report under subsection (a) shall include, with respect to any decision to terminate the dual-hat arrangement described in section 1642 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2601), the following:

(1) A description of the conditions described in subsection (b)(2)(C) of such section 1642.

(2) A identification of any challenges to meeting such conditions.

(3) Identification of entities or persons requiring additional resources as a result of any decision to maintain the dual-hat arrangement.

(4) Identification of any updates to statutory authorities needed as a result of any decision to terminate the dual-hat arrangement.

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

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate; and

(3) the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle E—Nuclear Forces

SEC. 1661. NOTIFICATIONS REGARDING DUAL-CAPABLE F-35A AIRCRAFT.

Section 179(f)(1) of title 10, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

“(6) If a House of Congress adopts a bill authorizing or appropriating funds for the Department of Defense that, as determined by the Council, provides funds in an amount that will result in a delay in the nuclear certification or delivery of F-35A dual-capable aircraft, the Secretary shall provide the Senate and the House of Representatives a report on the status of the dual-hat arrangement.”

SEC. 1662. OVERSIGHT OF DELAYED ACQUISITION PROGRAMS BY COUNCIL ON OVERSIGHT OF THE NATIONAL LEADER-SHIP, COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) STATUS UPDATES.—Section 171a of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

“(k) STATUS OF ACQUISITION PROGRAMS.—(1) On a quarterly basis, each program manager of a covered acquisition program shall transmit to the co-chairs of the Council, acting through the senior steering group of the Council, a report that includes—

(A) the covered acquisition program;

(B) the requirements of the program;

(C) the development timeline of the program; and

(D) the status of the program, including whether the program is delayed and, if so, whether such delay will result in a program schedule delay.

“(2) Not later than seven days after the end of each quarter, the co-chairs of the Council shall submit to the appropriate congressional committees a report that identifies, with respect to the reports transmitted to the Council under paragraph (1) for that quarter—

(A) each covered acquisition program that is delayed more than 180 days; and

(B) any covered acquisition program that should have been included in such reports but was excluded, and the reasons for such exclusion.

“(3) In this subsection, the term ‘covered acquisition program’ means each acquisition program of the Department of Defense that materially contributes to—

(A) the nuclear command, control, and communications systems of the United States; or

(B) the continuity of government systems of the United States.”.

(b) INSTRUCTION.—The Secretary of Defense shall issue a Department of Defense Instruction, or revise such an Instruction, to ensure that program managers carry out subsection (k)(1) of section 171a of title 10, United States Code, as added by subsection (a).

SEC. 1663. ESTABLISHMENT OF NUCLEAR COMMAND AND CONTROL INTELLIGENCE FUSION CENTER.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly establish an intelligence fusion center to enhance the protection of nuclear command, control, and communications systems and the continuity of government programs, systems, and processes.

(b) CHARTER.—In establishing the fusion center under subsection (a), the Secretary and the Director shall develop a charter for the fusion center that includes the following:

(1) To carry out the duties of the fusion center.

(2) The acquisition of authorities needed as a result of any decision to develop additional authorities.

(A) The roles and responsibilities of officials and elements of the Federal Government, including a detailed description of the organizational relationships of such officials and the elements of the Federal Government that are key stakeholders;

(B) The organization reporting chain of the fusion center;

(C) The staffing of the fusion center;

(D) The processes of the fusion center; and

(E) How the fusion center integrates with other elements of the Federal Government;

(3) Procedures to ensure that the appropriate workforce of the fusion center is identified, trained, and cleared to access information on the programs, systems, and processes that relate, either wholly or substantially, to nuclear command, control, and communications or continuity of government, including with respect to both the programs, systems, and processes that are designated as special access programs (as defined in section 4.3 of Executive Order 13526 (30 U.S.C. 3161 note) or any successor Executive order) and the programs, systems, and processes that contain sensitive compartmented information.

(c) COORDINATION.—In establishing the fusion center under subsection (a), the Secretary and the Director shall coordinate with the elements of the Federal Government that the Secretary and Director determine appropriate.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary and the Director shall jointly submit to the appropriate congressional committees a report containing—

(A) the charter for the fusion center developed under subsection (b); and

(B) a plan on the budget and staffing of the fusion center.

(2) ANNUAL REPORTS.—At the same time as the President submits to Congress the annual budget submission under section 402 of title 2, United States Code, for fiscal year 2019 and each fiscal year thereafter, the Secretary and the Director shall submit to the appropriate congressional committees a report on the fusion center, including, with respect to the period covered by the report—

(A) any updates to the plan on the budget and staffing of the fusion center;

(B) any updates to the charter developed under subsection (b); and

(C) a summary of the activities and accomplishments of the fusion center.

(3) SUNSET.—No report is required under this subsection after December 31, 2021.

SEC. 1664. SECURITY OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM FROM COMMERCIAL DEPENDENCIES.

(a) FINDINGS.—Congress finds the following:

(1) At a hearing before the Committee on Armed Services of the House of Representatives...
on September 30, 2015, Deputy Secretary of Defense Robert Work, responding to a question about the use of Huawei telecommunications equipment, stated, “In the Office of the Secretary, we look at potential vulnerabilities within the system, that it is a risk we felt was unacceptable.”

(3) At a hearing before the Committee on Armed Services of the House of Representatives on June 22, 2016, Acting Assistant Secretary of Defense for Homeland Defense and Global Security Thomas Alkin, stated, “There are currently no Huawei or ZTE products on the DoD Unified Capabilities Approved Products List (APL).”

(b) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees whether the Secretary uses covered telecommunications equipment or services, as a substantial or essential component of any system, or as critical technology as part of any system, to carry out—

(1) the nuclear deterrence mission of the Department, including with respect to ballistic missile defense.

(2) the homeland defense mission of the Department.

(3) the continuity of government mission of the Department.

(4) programs relating to covered programs receive the highest priority of such supply chain risk management programs and reporting.

(c) PROHIBITION AND MITIGATION.—(1) Unless as provided by paragraph (2), beginning on the date that is one year after the date of the enactment of this Act, the Secretary of Defense may not procure or obtain, or enter into a contract to procure or obtain, any equipment, system, or service to carry out the missions described in paragraphs (1) and (2) of subsection (b) 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) WAIVER.—The Secretary may waive the prohibition in paragraph (1) on a case-by-case basis for a single one-year period if the Secretary—

(A) determines that such waiver to be in the national security interests of the United States; and

(B) certifies to the congressional committees that—

(i) there are sufficient mitigations in place to guarantee the ability of the Secretary to carry out the missions described in paragraphs (1) and (2) of subsection (b); and

(ii) the Secretary is removing the use of covered telecommunications equipment or services in carrying out such mission.

(3) DELEGATION.—The Secretary may delegate the authority to make a waiver under paragraph (2) to any official other than the Deputy Secretary of Defense or the co-chairs of the Council on Oversight of the National Leadership Command, Control, and Communications System established by section 171a of title 10, United States Code.

(d) DEFINITIONS.—In this section:

(1) the term “congressional defense committees” means any of the following:

(A) the Senate Appropriations Committee.

(B) the House Appropriations Committee.

(C) the Senate Armed Services Committee.

(D) the House Armed Services Committee.

(2) the term “covered equipment” 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) Telecommunications services provided by such entities or using such equipment.

(C) Telecommunications equipment or services produced or provided by an entity that the Secretary of Defense reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(3) the term “covered foreign country” means any of the following:

(A) The People’s Republic of China.

(B) The Russian Federation.

(C) 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) Telecommunications services provided by such entities or using such equipment.

(C) Telecommunications equipment or services produced or provided by an entity that the Secretary of Defense reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

SECTION 1655. OVERSIGHT OF AERIAL-LAYER PROGRAMS BY COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Any analysis of alternatives for the Senior Leader Airborne Operations Center, the executive airlift program of the Air Force, and the E-6B modified for transport aircraft 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 weapons system, program, or system of systems have minimal consequences for the capability of such weapons system, program, or system to meet operational requirements or otherwise satisfy mission requirements.

RISK MITIGATION STRATEGIES.—In carrying out an evaluation under paragraph (1) with respect to a covered program specified in subparagraph (B) or (C) of subsection (c)(2), the Secretary shall develop strategies for mitigating the risks of supply chain vulnerabilities identified in the course of such evaluation.

(b) PRIORITIZATION OF CERTAIN SUPPLY CHAIN RISK MANAGEMENT PROGRAMS.—

(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 an existing 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 the highest priority of such supply chain risk management programs and reporting.

(b) REQUIREMENTS.—(A) EMBARGO.—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.

(2) SUBMISSION.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the requirements established under subparagraph (A).

(c) DEFINITIONS.—In this section:

(1) the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(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 relating to any of the following:

(A) Nuclear weapons.

(B) Nuclear command, control, and communications.

(C) Continuity of government.

(D) Ballistic missile defense.

SECTION 1668. LIMITATION ON PURSUIT OF CERTAIN COMMAND AND CONTROL CONCEPT.

(a) LIMITATION ON COMMAND AND CONTROL CONCEPT.—The Secretary of the Air Force may not award a contract for engineering and manufacturing development for the ground-based strategic deterrent program that would result in a command and control concept for such program that consists of less than 15 fixed launch control centers per missile silo unless the Commander of the United States Strategic Command determines that—

(i) the plans of the Secretary for a command and control concept consisting of less than 15 fixed launch control centers per missile silo are appropriate, meet requirements, and do not contain excessive risk;

(ii) the risks to schedules and costs from such concept are minimized and manageable;

(iii) the strategy and plan of the Secretary for addressing cyber threats for such concept are robust; and

(iv) with respect to such concept, the Secretary has established an appropriate process...
for considering and managing trade-offs among requirements relating to survivability, long-term operations and sustainment costs, procurement costs, and military personnel needs; and

(2) transition to the Secretary and the congressional defense committees such determination.

(b) INABILITY TO MAKE DETERMINATION.—If the Secretary proposes to award a contract specified in subsection (a) and the Commander is unable to make the determination under such subsection, the Commander shall submit, in writing to the 41st United and the congressional defense committees the reasons for not making such determination.

(c) NO EFFECT ON COMPETITION.—Nothing in subsection (a) or (b) shall be construed to affect or prohibit the ability of the Secretary to use fair and open competition procedures in soliciting, awarding contracts for the ground-based strategic deterrent program.

SEC. 1669. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZEES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2018 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in division D, $6,334,000 shall be available for the procurement of components to contract for in accordance with section 164(f) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 114–51; 129 Stat. 131). (b) COVERED PARTS DEFINED.—In this section, the term "covered parts" means commercially available off-the-shelf items as defined in section 104 of the United States Code.

SEC. 1670. SENSE OF CONGRESS ON IMPACT OF INDEPENDENT NUCLEAR DETERRENCE ON THE UNITED KINGDOM.

It is the sense of Congress that—

(1) nuclear deterrence is foundational to the defense and security of the United States and the security of the United States is enhanced by a nuclear-armed ally with common values and security priorities;

(2) the United States sees the nuclear deterrent of the United Kingdom as central to transatlantic security and welcomes the commitment of the United Kingdom to the North Atlantic Treaty Organization (NATO) to continue to spend two percent of gross domestic product on defense;

(3) in the face of increasing threats, the presence of credible nuclear deterrent forces of the United Kingdom is essential to international stability and for NATO; (4) the commitment of the United Kingdom to sustaining an independent nuclear deterrent, deployed continuously at sea, provides a vital second decision-making point within the deterrent capability of NATO, creating essential uncertainty in the mind of any potential adversary;

(5) the United States Navy must continue to execute the Columbia-class submarine program on time and on budget to ensure that the sea-based leg of the nuclear triad of the United States is sustained and the program delivers a Common Missile Compartment, the Trident II (D5) Strategic Weapon System, and associated equipment and production capabilities, to support the successful development and deployment of the Dreadnought submarines of the United Kingdom;

(6) the support that the United Kingdom provides to deployments of strategic ships and aircraft of the United States at specialized facilities enables the deterrence posture of the United States as well as mutual deterrence of adversaries and assurance to the allies and partners of the United States; and

(7) the United Kingdom, with the United States, is critical to the United States for the nuclear use of atomic energy ensures a peer in the technology and science of nuclear weapons and provides independent expert peer review of the nuclear programs of the United States, ensuring resilience, and cost effectiveness to the nuclear defense program.

SEC. 1671. PROHIBITION ON AVAILABILITY OF FUNDS FOR MOBILE VARIANTS OF GUIDED MISSILE STRATEGIC DETERRENT MISSILE.

(a) PROHIBITION.—None of the funds authorized to be appropriated for this Act or otherwise made available for fiscal years 2017 through 2019 may be obligated or expended to retain the option for, or develop, a mobile variant of the ground-based strategic deterrent missile.

(b) CONFORMING REPEAL.—Section 1664 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2615) is repealed.

SEC. 1672. REPORT ON IMPACTS OF NUCLEAR PROLIFERATION.

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

(1) nuclear proliferation continues to be a serious threat to the security of the United States;

(2) it is critical for the United States to understand the dynamics of nuclear proliferation that ensure the necessary policies and resources are in place to prevent the proliferation of nuclear materials and weapons;

(3) efforts to deter the danger of states and non-state actors acquiring nuclear weapons or nuclear-weapon-usable material should be a clear priority for United States national security; and

(4) Secretary of Defense James Mattis testified before Congress on June 12, 2017, that “nuclear nonproliferation has not received enough attention over quite a few years”.

(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 containing—

(1) a description of the impacts of nuclear proliferation on the security of the United States;

(2) a description of how the Department of Defense is contributing to the current strategy to respond to the threat of nuclear proliferation, and what resources are being applied to this effort, including whether there are any funding gaps; and

(3) if and how nuclear proliferation is being addressed in the Nuclear Posture Review and other relevant documents.

Subtitle F—Missile Defense Programs

SEC. 1681. ADMINISTRATION OF MISSILE DEFESE AND DEFENSE DEPRATMENTS.

(a) MAJOR FORCE PROGRAM.—(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§239a. Missile defense and defense programs: major force program and budget assessment

"(a) ESTABLISHMENT OF MAJOR FORCE PROGRAM.—The Secretary of Defense shall establish a unified major force program for missile defense and defense programs pursuant to section 222(b) of title 10, United States Code, to provide for the planning, budgeting, and execution of missile defense programs in accordance with the requirements of the Department of Defense and national security.

"(b) BUDGET ASSESSMENT.—(1) The Secretary shall include with the defense budget materials for each of fiscal years 2019 through 2023 a report on the budget for missile defense and defense programs for each of such fiscal years.

"(2) Each report on the budget for missile defense and defense programs pursuant to paragraph (1) shall include the following:

(A) a description of the budget for missile defense and defense programs for each of fiscal years 2019 through 2023;

(B) a description of the budget for missile defense and defense programs for each of fiscal years 2019 through 2023 which compares the budget for missile defense and defense programs for each of fiscal years 2011 and 2017; and

"(b) (C) the transition of missile defense programs to the military departments pursuant to paragraph (1).

(b) SCOPE.—The report under paragraph (a) shall cover the period covered by the future-year defense program that is submitted under section 211 of title 10, United States Code.

(3) REPORT.—

(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 on the plans of the Department of Defense for the transition of missile defense programs from the Missile Defense Agency to the military departments pursuant to paragraph (1).

(B) SCOPE.—The report under subparagraph (A) shall cover the period covered by the future-year defense program that is submitted under section 211 of title 10, United States Code, in the year in which such report is submitted.

(C) MATTERS INCLUDED.—The report under subparagraph (A) shall include the following:

(i) an identification of—

(I) the missile defense programs planned to be transitioned from the Missile Defense Agency to the military departments;

(ii) the missile defense programs, if any, not planned for transition to the military departments;

(iii) the schedule for transition of each missile defense program planned to be transitioned to a military department, and an explanation of such schedule.

(ii) a description of—

(I) the status of the plans of the Missile Defense Agency and the military departments for the transition of missile defense programs from the Agency to the military departments; and

(ii) the status of any agreement between the Missile Defense Agency and one or more of the
military departments on the transition of any such program from that agency to the military departments, including any agreement on the operational test criteria that must be achieved before transfer.

(iv) An identification of the element of the Department of Defense (whether the Missile Defense Agency, a military department, or both) that will assume control of the Secretary for funding each missile defense program to be transitioned to a military department, and at what date.

(v) A description of the type of funds that will be used (whether funds for research, development, test, and evaluation, procurement, military construction, or operation and maintenance) for each missile defense program to be transitioned to a military department.

(vi) An explanation of the number of systems planned for procurement for each missile defense program to be transitioned to a military department, and the schedule for procurement of each such system.

(vii) A description of how the Missile Defense Agency will continue the responsibility for the research and development of improvements to missile defense programs.

(c) ROLE OF MISSILE DEFENSE AGENCY.

(1) The Secretary of the Army—(A) T ERMS.—Subsection (a) of section 205 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 205. Missile Defense Agency

(a) TERM OF DIRECTOR.—The Director of the Missile Defense Agency shall be appointed for a 5-year term.

(b) REPORTING.—The Missile Defense Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering.’’.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 11 of such title is amended by adding at the end the following new item:

“‘205. Missile Defense Agency.’”

(3) Application.—

(A) Subsection (a) of section 205 of title 10, United States Code, as added by paragraph (1), shall apply the day following the date on which the present incumbent in the office of the Director of the Missile Defense Agency, as of the date of the enactment of this Act, ceases to serve as such.

(B) Reporting.—Subsection (b) of such section 205 shall apply beginning on February 1, 2018.

(C) In carrying out such reporting and subsection, the Missile Defense Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Acquisition and Logistics pursuant to Department of Defense Directive 5134.09. Any reference in such Instruction to the Under Secretary of Defense for Acquisition, Technology, and Logistics shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering, including with respect to the Under Secretary serving as the chairman of the Missile Defense Board.

SEC. 1682. MODERNIZATION OF ARMY LOWER TIER AIR AND MISSILE DEFENSE SENSOR.

(a) APPROVAL OF ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than April 15, 2018, the Secretary of the Army shall issue an acquisition strategy for a 360-degree lower tier air and missile defense sensor that achieves initial operating capability by not later than January 1, 2022.

(2) REQUIREMENTS.—The acquisition strategy under paragraph (1) shall—

(A) ensure the use of competitive procedures;

(B) clearly describe the open-architecture design to be used;

(C) provide a comprehensive fielding plan that provides 360-degree lower tier air and missile defense sensor capability to all units of the Army by not later than January 1, 2026;

(D) define the operation and sustainment cost savings of the acquisition strategy and other acquisition options of the Army;

(E) identify programmatic cost avoidance that could be achieved through co-production, co-development, or foreign military sales;

(F) ensure the fielding of an interim gap-filler capability to the highest priority forces (consisting of not less than three battalions) for imminent threats; and

(G) identify the estimated cost to field both the 360-degree lower tier air and missile defense sensor capability and the interim capability pursuant to subparagraph (E).

(b) LIMITATION.—If the Secretary of the Army does not issue the acquisition strategy under subsection (a) by April 15, 2018, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the lower tier air and missile defense sensor of the Army that are unobligated as of such date may be obligated or expended.

(c) TRANSFER.—

(1) MDA.—If the Secretary of the Army does not issue the acquisition strategy under subsection (a) by April 15, 2018, the Secretary of Defense shall transfer, from the Secretary of the Army to the Director of the Missile Defense Agency—

(A) the responsibility to issue the acquisition strategy described in subsection (a) by not later than December 15, 2018; and

(B) beginning on the date of such approval, the responsibility to implement such acquisition strategy to procure a 360-degree lower tier air and missile defense sensor.

(2) ARMY.—If the Secretary of Defense carries out the transfer under paragraph (1), after the 360-degree lower tier air and missile defense sensor achieves Milestone B approval (or equivalent), but before such sensor achieves Milestone C approval (or equivalent), the Secretary of Defense shall transfer, to the Director of the Missile Defense Agency to the Secretary of the Army the responsibility to procure such sensor.

(c) DEFINITIONS.—The terms ‘‘Milestone B approval’’ and ‘‘Milestone C approval’’ have the meanings given those terms in section 2366 of title 10, United States Code.
(c) Test.—The Director of the Missile Defense Agency shall—
(1) not later than 270 days after the date of the enactment of this Act, conduct a test to evaluate the capability to defeat a simple intercontinental ballistic missile threat using the standard missile 3 block IIA missile interceptor; and
(2) as part of the integrated master test plan for the ballistic missile defense system, develop a plan that establishes the capability to defeat a complex intercontinental ballistic missile threat, including a complex threat posed by the intercontinental ballistic missiles of North Korea.

SEC. 1686. AGIOT ASHORE ANTI-AIR WARFARE CAPABILITY.

(a) Authorization.—Using funds authorized to be appropriated by sections 101 and 202 of this Act, otherwise made available for fiscal year 2018 for procurement and research, development, test, and evaluation, as specified in the funding tables in division D, the Secretary of Defense may demonstrate the capability to defeat an intercontinental ballistic missile, including a complex threat posed by the intercontinental ballistic missiles of North Korea, through a demonstration that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

(b) Agreement.—Funds described in paragraph (1) for the ballistic missile defense system, developed under this section, and available for the Missile Defense Agency—
(1) not more than $221,500,000 may be provided to the Government of Israel to procure the David's Sling Weapon System, including for coproduction of parts and components in the United States by United States industry; and
(2) not more than $92,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for coproduction of parts and components in the United States by United States industry.

(c) 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, Technology, and Logistics 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) separate certifications for each respective system.

(d) Review.—
(1) The report under paragraph (2) is submitted to the congressional defense committees by the Under Secretary to—
(A) certify to the congressional defense committees that an amended bilateral international agreement is in place with Israel; and
(B) certify to the congressional defense committees that funds associated with the agreement have been obligated in accordance with the requirements of the appropriate congressional committees.

SEC. 1687. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM, ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND COPRODUCTION, AND ARROW 3 TESTING.

(a) Iron Dome Short-Range Rocket Defense System—

(1) Availability of Funds.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for procurement, research, development, test, and evaluation, as specified in the funding tables in division D, the Secretary of Defense and the Missile Defense Organization shall—
(i) the United States and Israel have met all applicable knowledge points, technical milestones, and production readiness reviews required by the research, development, test, and evaluation profile detailing Israeli contributions for such respective systems; and
(ii) the United States and Israel have met all applicable knowledge points, technical milestones, and production readiness reviews required by the research, development, test, and evaluation profile detailing Israeli contributions for such respective systems.

(2) Reprogramming and Transfers.—Any reprogramming or transfer made to carry out subsection (a) shall be carried out in accordance with established procedures for reprogramming or transfers.

SEC. 1688. REVIEW OF PROPOSED GROUND-BASED MIDCOURSE DEFENSE SYSTEM CONTRACTUAL STRATEGY.

(a) Limitation on Changes to Contracting Strategy.—The Director of the Missile Defense Agency may not change the contracting strategy for the systems integration, operations, and test of the ground-based midcourse defense system until the date on which—
(1) the report under subsection (b)(2) is submitted to the congressional defense committees; and
(2) a period of 30 days has elapsed following the date of such submission.

(b) Review.—
(1) In General.—The Director of Cost Assessment and Program Evaluation shall conduct a review of the contract strategy for the systems integration, operations, and test of the ground-based midcourse defense system until the date on which—
(2) a period of 30 days has elapsed following the date of such submission.
(i) system readiness performance and reliability growth;
(ii) development, integration, and fielding of new homeland defense capabilities; and
(iii) cost performance against baseline contract.

(B) With respect to alternate contracting approaches:

(i) an enumeration of the processes, procedures, and command media that have been established by the Missile Defense Agency and proven to be effective for the execution of programs that are of the scale of the ground-based midcourse defense system; and

(ii) the manner in which a new contract will control for growth in the personnel and support contracts of the Federal Government to support cost growth and minimize the risk of schedule delay.

(D) A baseline for historical and current staffing of the ground-based midcourse defense system program with respect to the personnel of the Federal Government, personnel of federally funded research and development centers, personnel of departments and agencies of the Federal Government, and support contractors.

(E) Projections of the staffing categories specified in subparagraph (D) under a new contracting strategy. How such staffing categories will be limited to prevent significant cost growth and to minimize the risk of schedule delays.

(F) The views and recommendations of the Director for any changes the current ground-based midcourse defense system contract or a new contract, including the proposed contracting strategy of the Missile Defense Agency.

(G) Any other such matters the Director determines appropriate.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The Director of Cost Assessment and Program Evaluation shall transmit to the Under Secretary of Defense for Research and Engineering and the Missile Defense Executive Board the review under paragraph (1).

(3) REPORT.—Not later than 30 days after the date on which the Under Secretary of the Missile Defense Executive Board receives the review under paragraph (2), the Under Secretary and Board shall jointly submit to the congressional defense committees a report containing—

(A) the review, without change; and

(B) any views and recommendations of the Under Secretary and the Board on such review.

SEC. 1689. SENSE OF CONGRESS AND PLAN FOR DEVELOPMENT OF SPACE-BASED SENSOR LAYER FOR BALLISTIC MISSILE DEFENSE.

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

(1) the defense of the homeland, the deployed members of the Armed Forces, and the allies of the United States against the threat of attack by ballistic and cruise missiles is the highest priority of the Missile Defense Agency;

(2) the Missile Defense Agency, and the Defense Department, and all support agencies, must prioritize the design, development, and deployment of the space-based missile defense sensor layer;

(3) a space-based missile defense sensor layer is essential for the future of the missile defense of the homeland, the deployed members of the Armed Forces, and the allies of the United States;

(4) such a space-based layer can, and should, benefit a multitude of other important defense and intelligence requirements, including targeting and space situational awareness.

(b) DEVELOPMENT.—After the date on which the Director of the Missile Defense Agency submits the plan and letter subsection (c), the Director, in coordination with the Secretary of the Air Force and the heads of the Defense Agencies and combat support agencies that the Director determines appropriate, shall develop a space-based ballistic missile defense sensor layer that—

(1) provides missile defense engagement quality precision tracking data of the United States beginning in the boost phase and continuing throughout subsequent flight regimes; and

(2) serves intelligence, surveillance, and reconnaissance, including targeting and space situational awareness; and

(3) achieves operational prototype payload at the earliest practicable date.

(c) SPACE-BASED MISSILE DEFENSE SENSOR LAYER PLAN.—Not later than one year after the enactment of this Act, the Director shall submit to the appropriate congressional committees a plan that includes—

(1) how the Director will carry out subsection (b), including with respect to the estimated costs—

(A) for the operational prototype payload specified in paragraph (3) of such subsection; and

(B) to develop, acquire, and deploy, and the lifecycle costs to operate and sustain, a space-based sensor layer, and recommendations for any research and development activities to rapidly mature such technologies; and

(3) an assessment of what capabilities such a space-based sensor layer can contribute that other sensor layers do not contribute;

(4) how the Director will leverage the use of national technical means, commercially available space and terrestrial capabilities, hosted payloads, small satellites, and other capabilities to carry out subsection (b); and

(5) any other matters the Director determines appropriate.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “space combat agency” has the meaning given that term in section 193(f) of title 10, United States Code.

(3) The term “Defense Agency” has the meaning given that term in section 101(a)(11) of title 10, United States Code.

SEC. 1690. SENSE OF CONGRESS AND PLAN FOR DEVELOPMENT OF SPACE-BASED BALLISTIC MISSILE INTERCEPT LAYER.

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

(1) a space-based missile defense layer will exploit the natural environment of space, and integrate them into the ballistic missile defense system; and

(2) these advantages include—

(A) a presence to defend against asymmetric threats;

(B) access to geographically denied areas;

(C) capability to close a global fire control loop for such systems; and

(D) complementing existing terrestrial capabilities; and

(E) increasing the overall survivability and resilience of the entire national missile defense system.

(b) DEVELOPMENT.—The Director of the Missile Defense Agency shall develop a space-based ballistic missile interceptor layer to the ballistic missile defense system that is—

(1) regionally focused;

(2) capable of providing boost-phase defense; and

(3) achieves an operational capability at the earliest practicable date.

(c) SPACE-BASED BALLISTIC MISSILE INTERCEPT LAYER PLAN.—Not later than one year after the enactment of this Act, the Director shall submit to the appropriate congressional committees a plan to carry out subsection (b) during the five-year period following the date of the plan. Such plan shall include the following:

(1) A concept definition phase consisting of multiple awarded contracts to identify feasible solutions consistent with architectural principles, performance goals, and price points established by the Director, such as contracts relating to—

(A) refined concepts and designs;

(B) engineering trade studies;

(C) medium-to-high fidelity digital representations of the space-based ballistic missile intercept weapon system; and

(D) a proposed integration and test sequence that could potentially lead to a live-fire boost phase intercept during fiscal year 2022.

(2) During the technology risk reduction phase, contractors will define proposed demonstrations to a preliminary design review level prior to a technology development phase downselect.

(3) Technology development phase consisting of two competitively awarded contracts to mature the preferred space-based ballistic missile intercept weapon system concepts to and to potentially conduct a live-fire boost phase intercept fly-off during fiscal year 2022 with brassboard hardware and prototype software on a path to the operational goal.

(4) Any other matters the Director determines appropriate.

(d) ESTABLISHMENT OF SPACE TEST BED.—In carrying out subsection (b), the Director of the Missile Defense Agency shall establish a space test bed to—

(1) conduct research and development regarding options for a space-based defensive layer, including with respect to space-based interceptors and directed energy platforms; and

(2) identify the most cost-efficient and promising technological solutions to implementing such layer.

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

(1) the congressional defense committees; and

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

SEC. 1691. LIMITATION ON AVAILABILITY OF FUNDS FOR GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the ground-based midcourse defense element of the ballistic missile defense system, $50,000,000 may not be obligated or expended until the date on which the Secretary of
Defense provides to the congressional defense committees—
(1) a written certification that the risk of mission failure of ground-based midcourse interceptors is unacceptable to foreign objects due to foreign object debris has been minimized; or
(2) if the certification under paragraph (1) cannot be made, a briefing on the corrective measures that will be carried out to minimize such risk, including—
(A) a timeline for the implementation of the measures and
(B) the estimated cost of implementing the measures.

SEC. 1682. CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM
(a) EARLY OPERATIONAL CAPABILITY.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall plan to reach early operational capability for the conventional prompt strike weapons system by not later than September 30, 2022.
(b) LIMITATION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, Defense-wide, for the conventional prompt strike weapons system, not more than 50 percent may be obligated or expended until the date on which the Chairman of the Joint Chiefs of Staff, in consultation with the Chief of the Army, the Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Strategic Command, in consultation with the congressional defense committees, report on—
(1) the required level of resources that is consistent with the level of priority assigned to the associated capability gaps of more than one military department, Defense Agency, or other element of the Department; and
(2) the estimated period for the delivery of a medium-range early operational capability, the required level of resources necessary to field a medium-range early operational capability global strike weapons system, within the United States (including the territories and possessions of the United States), and a detailed plan consistent with the urgency of the associated capability gap across multiple platforms;
(3) the joint performance requirements that—
(A) ensure interoperability, where appropriate, between and among joint military capabilities; and
(B) are necessary, as designated by the Chairman of the Joint Chiefs of Staff, to fulfill capability gaps of more than one military department, Defense Agency, or other element of the Department; and
(4) in consultation with the Secretary of Defense, any plan (including policy options) considered appropriate to address any potential risks of ambiguity from the launch or employment of such a capability.

SEC. 1683. DETERMINATION OF LOCATION OF CONTINENTAL UNITED STATES INTERCEPTOR SITE.
(a) DETERMINATION.—Not later than 30 days after the date on which the Ballistic Missile Defense Review is issued, the Secretary of Defense shall determine the location of a potential addition to the continental United States interceptor site, to be used by having the capability to provide shoot-void-kill coverage to the entire continental United States.
(b) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees a report describing the location of the potential addition to the continental United States interceptor site, to be used by having the capability to provide shoot-void-kill coverage to the entire continental United States.
(c) ELEMENTS.—The assessment under subsection (a) shall include the following:
(1) For each weapon system that must be requalified by the new supply of ammonium perchlorate as described in subsection (a), an estimate of the requalification costs.
(2) The types and number of tests that are needed to determine whether any currently planned tests, as of the date of the assessment, may be leveraged, or testing across programs may be used, to decrease requalification costs while retaining and ensuring qualification standards.
(3) Estimates of any other costs relating to ammonium perchlorate that the Secretary determines appropriate.

SEC. 1684. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT SYSTEMS
Subparagraph (C) of section 130(c)(1) of title 10, United States Code, is amended to read as follows:
"(C)(1) relates to—
"(i) the nuclear deterrence mission of the Department of Defense, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;
"(ii) the missile defense mission of the Department of Defense; or
"(iii) the national security space mission of the Department; or
"(ii) is part of a Major Range and Test Facility Board (as defined in section 196(i) of this title)."

SEC. 1685. USE OF COMMERCIAL ITEMS IN DISTRIBUTED COMMON GROUND SYSTEM
(a) IN GENERAL.—Except as provided in subsection (b), the procurement process for each covered Distributed Common Ground System shall be carried out in accordance with section 2377 of title 10, United States Code.
(b) EXCEPTIONS.—Section 2377 of title 10, United States Code, shall not apply to the procurement of an item or service for a covered Distributed Common Ground System if the item or service—
(1) is used to integrate the capabilities of the system with another information system, in a case in which such integration is required; or
(2) is not available in an existing commercial product.
(c) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term ‘‘appropriate congressional committees’’ means—
(A) the congressional defense committees; and
(B) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.
(2) COVERAGE.—The term ‘‘covered Distributed Common Ground System’’ includes the following:
(A) The Distributed Common Ground System of the Army.
(B) The Distributed Common Ground System of the Navy.
(C) The Distributed Common Ground System of the Marine Corps.
(D) The Distributed Common Ground System of the Air Force.
(E) The Distributed Common Ground System of the Special Operations Command.

SEC. 1687. INDEPENDENT ASSESSMENT OF COSTS RELATING TO AMMONIUM PERCHLORATE.
(a) ASSESSMENT.—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 an assessment of the costs to the Department of Defense relating to contractors and subcontractors of the Department using a new supply of ammonium perchlorate for weapon systems.
(b) ELEMENTS.—The assessment under subsection (a) shall include the following:
(1) For each weapon system that must be requalified by the new supply of ammonium perchlorate as described in subsection (a), an estimate of the requalification costs.
(2) The types and number of tests that are needed to determine whether any currently planned tests, as of the date of the assessment, may be leveraged, or testing across programs may be used, to decrease requalification costs while retaining and ensuring qualification standards.
(3) Estimates of any other costs relating to ammonium perchlorate that the Secretary determines appropriate.

SEC. 1688. LIMITATION AND BUSINESS CASE ANALYSIS REGARDING AMMONIUM PERCHLORATE
(a) In General.—The Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation, shall conduct a business case analysis regarding the options of the Federal agencies to support a domestic industrial base to supply ammonium perchlorate for use in solid rocket motors. Such analysis should include assessments of the near and long-term costs, program impacts, opportunities for competition, opportunities for redundant or complementary capabilities, and national security implications of—
(1) continuing to rely on one domestic provider;
(2) supporting development of a second domestic source;
(3) requiring ammonium perchlorate as Government-furnished material and providing it to all necessary programs; and
(4) such other options as the Secretary determines appropriate.
(b) Elements.—The analysis under subsection (a) shall, at minimum, include—
(1) an estimate of all associated costs, including development, procurement, and qualification costs, as applicable;
(2) an assessment of options, under various scenarios, for the quantity of ammonium perchlorate that would be required by the Department of Defense; and
(3) the assessment of the Secretary of how the Requirements for ammonium perchlorate of other Federal agencies impact the requirements of the Department of Defense.
(c) REPORT.—The Secretary shall submit the business case analysis required by subsection (a) to the Comptroller General of the United States and the Committees on Armed Services of the Senate and House of Representatives by March 1, 2018, along with the report submitted by the Secretary.
(d) REVIEW.—The Comptroller General of the United States shall conduct a review of the report submitted by the Secretary under subsection (c) and, not later than 30 days after receiving such report, provide a briefing on such review to the Committees on Armed Services of the Senate and House of Representatives.
(e) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended for the development of a new source for ammonium perchlorate until 45 days after the date on which the report under subsection (c) is submitted to the Comptroller General of the United States and the Committees on Armed Services of the Senate and House of Representatives.
(f) WAIVER.—The Secretary of Defense may waive the limitation under subsection (e) if the Secretary determines that such waiver to be in the national security interest of the United States; and
(g) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees the assessment under subsection (a), without change, together with any comments or views of the Secretary regarding the assessment.

SEC. 1689. INDUSTRIAL BASE FOR LARGE SOLID ROCKET MOTORS AND RELATED TECHNOLOGIES.
(a) PLAN.—The Secretary of Defense, in consultation with the National Aeronautics and Space Administration, shall develop a plan to ensure a robust domestic industrial base for large solid rocket motors, including

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with respect to the critical technologies, subsystems, components, and materials within and relating to such rocket motors.

(b) SUSTAINMENT OF DOMESTIC SUPPLIERS.—The Secretary shall develop the plan under subsection (a) in a manner that, if carried out, sustains not less than two domestic suppliers for each of the following:

(1) Large solid rocket motors.
(2) Small liquid-fueled rocket engines.
(3) Aeroshells for reentry vehicles (or reentry bodies).

(4) Strategic radiation-hardened microelectronics.

(5) Any other critical technologies, subsystems, materials, and components within and relating to large solid rocket motors that the Secretary determines appropriate.

(c) REPORT.—

(1) COMMISSION.—Not later than February 1, 2018, the Secretary shall submit to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services of the Senate a report that includes the plan under subsection (a).

(2) MATTERS INCLUDED.—With respect to the sustainment of domestic suppliers as described in subsection (b), the report under paragraph (1) shall include the views of the Secretary on the following:

(A) Each sustainment of not less than two domestic suppliers for each item specified in paragraphs (1) through (5) of such subsection.

(B) The risks within the industrial base for each such item.

(C) The estimated costs for such sustainment.

(D) The opportunities to ensure or promote competition within the industrial base for each such item.

SEC. 1699A. PILOT PROGRAM ON ENHANCING INFORMATION SHARING FOR SECURITIZED DOMESTIC SUPPLIERS.

(a) ESTABLISHMENT.—Not later than June 1, 2019, the Secretary of Defense shall establish a pilot program to enhance information sharing with cleared defense contractors to ensure all source information is appropriately, singularly, and exclusively shared for the purpose of ensuring the security of the supply chain of covered programs.

(b) SELECTION.—The Secretary shall select 10 acquisition or sustainment programs of the Department of Defense to participate in the pilot program under subsection (a), of which—

(1) not fewer than one program shall be related to nuclear weapons;

(2) not fewer than one program shall be related to nuclear command, control, and communications;

(3) not fewer than one program shall be related to continuity of government;

(4) not fewer than one program shall be related to ballistic missile defense;

(5) not fewer than one program shall be related to other command and control systems; and

(6) not fewer than one program shall be related to logistics.

(c) REPORT.—Not later than March 1, 2018, the Secretary shall submit to the congressional defense committees a report that includes—

(1) details on how the Secretary will establish the pilot program under subsection (a) to ensure all source information is appropriately, singularly, and exclusively shared for the purpose of ensuring the security of the supply chain of covered programs;

(2) the identification of any legislative action or administrative action required to provide the Secretary with specific additional authorities required to implement the pilot program;

(3) clearance of contractors.

(4) CLEANED DEFENSE CONTRACTORS DEFINED.—In this section, the term ‘‘cleaned defense contractors’’ means contractors of the Department of Defense who have a security clearance, including contractor facilities that have a security clearance.

SEC. 1699B. COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACKS AND EVENTS.

(a) ESTABLISHMENT.—There is hereby established a Commission to be known as the ‘‘Commission to Assess the Threat to the United States from Electromagnetic Pulse Attacks and Events’’ (hereafter in this section referred to as the ‘‘Commission’’). The purpose of the Commission is to assess and make recommendations with respect to the threat to the United States from electromagnetic pulse attacks and events.

(b) COMPOSITION.—

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

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

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

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

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

(2) CHAIR AND VICE CHAIR.—

(A) CHAIR.—The chair of the Committee on Armed Services of the House of Representatives shall serve as chair of the Commission.

(B) VICE CHAIR.—The ranking minority member of the Committee on Armed Services of the House of Representatives shall serve as vice chair of the Commission.

(3) SECURITY CLEARANCE REQUIRED.—Each individual appointed as a member of the Commission shall possess (or have recently possessed before the date of such appointment) the appropriate security clearance necessary to carry out the duties of the Commission.

(4) QUALIFICATION.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and defense aspects of electromagnetic pulse threats and vulnerabilities.

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

(6) DUTIES.—

(1) REVIEW AND ASSESSMENT.—The Commission shall review and assess—

(A) the nature and likelihood of potential electromagnetic pulse (hereafter in section referred to as ‘‘EMP’’) attacks and events, both manmade and natural, that could be directed at or affect the United States within the next 20 years;

(B) the vulnerability of United States military and civilian systems to EMP attacks and events, including vulnerabilities to the emergency preparedness and immediate response; and

(C) the capability of the United States to repair and recover from damage inflicted on United States electromagnetic military systems by EMP attacks and events; and

(D) the feasibility and cost of hardening critical military and civilian systems against EMP attack and events.

(2) RECOMMENDATIONS.—The Commission shall recommend any actions it believes should be taken by the United States to better prepare, effectively respond to, and recover from EMP attacks and events.

(c) DUTIES FROM GOVERNMENT.—

(1) COORDINATION.—The Commission shall coordinate its activities with the Department of Defense.

(2) TERMINATION.—The Commission shall terminate one year after the date of the enactment of this Act.

(d) COOPERATION.--In general, the Commission shall coordinate its activities with the Department of Defense.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that includes the views of the Secretary with respect to the findings, conclusions, and recommendations of the Commission.

(f) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of Defense, $5,000,000 is available to fund the activities of the Commission, as specified in the funding tables in division D.

(g) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(h) TERMINATION.—The Commission shall terminate three months after the date on which the Secretary of Defense submits the report under subsection (f).

(i) REPEAL.—Title XIV of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-388) is repealed.

SEC. 1699C. PILOT PROGRAM ON ELECTROMAGNETIC SPECTRUM MAPPING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program to assess the viability of space-based mapping of the electromagnetic spectrum used by the Department of Defense.

(b) DURATION.—The authority of the Secretary to carry out the pilot program under subsection (a) shall terminate on the date that is one year after the date of the enactment of this Act.

(c) INITIATING FUNDING.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) demonstrating how the Secretary plans to implement the pilot program under subsection (a).

(d) FINAL BRIEFING.—Not later than 90 days after the pilot program under subsection (a) is completed, the Secretary shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) on the utility, cost, and other considerations regarding the mapping of the electromagnetic spectrum used by the Department of Defense.
TITLE XVI—MATTERS RELATING TO SMALL BUSINESS PROCUREMENT
Subtitle A—Improving Transparency and Clarity for Small Businesses

SEC. 1701. IMPROVING REPORTING ON SMALL BUSINESS CONCERNS.
(a) In general.—Section 15(h)(2)(E) of the Small Business Act (15 U.S.C. 644(h)(2)(E)) is amended—
(1) in clause (i)—
(A) in subclause (III), by striking ‘‘and’’ at the end; and
(B) by adding at the end the following new subclause:
‘‘(VII) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns for purposes of the initial contract; and
(VIII) that were purchased using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;’’;
(2) in clause (ii)—
(A) in subclause (IV), by striking ‘‘and’’ at the end; and
(B) by adding at the end the following new subclauses:
‘‘(V) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns for purposes of the initial contract; and
(VI) that were purchased using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;’’;
(3) in clause (iii)—
(A) in subclause (V), by striking ‘‘and’’ at the end; and
(B) by adding at the end the following new subclause:
‘‘(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned by an Alaska Native Corporation for purposes of the initial contract;’’;
(4) in clause (iv)—
(A) in subclause (IV), by inserting ‘‘and’’ at the end; and
(B) by adding at the end the following new subclause:
‘‘(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned by an Alaska Native Corporation for purposes of the initial contract;’’;
(5) in clause (v)—
(A) in subclause (IV), by striking ‘‘and’’ at the end; and
(B) by adding at the end the following new subclause:
‘‘(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by women for purposes of the initial contract; and’’;
(6) in clause (vi)—
(A) in subclause (VII), by striking ‘‘and’’ at the end; and
(B) by adding at the end the following new subclause:
‘‘(IX) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by women for purposes of the initial contract; and
(X) that were purchased using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, or a subset of any such concerns;’’;
(7) in clause (vii)—
(A) in subclause (VII), by striking ‘‘and’’ at the end; and
(B) by adding at the end the following new subclause:
‘‘(IX) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by women for purposes of the initial contract; and
(X) that were purchased using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;’’;
(8) in clause (viii)—
(A) in subclause (VIII), by striking ‘‘and’’ at the end; and
(B) by adding at the end the following new subclause:
‘‘(X) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by women for purposes of the initial contract; and
(XI) that were purchased using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;’’;
(9) in clause (v).—
(A) in subclause (I), by striking ‘‘and’’ at the end; and
(B) by adding at the end the following new subclause:
‘‘(II) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;’’
SEC. 1702. UNIFORMITY IN PROCUREMENT TERMINOLOGY.
(a) In general.—Section 8701(5) of title 41, United States Code, is amended to read as follows:
‘‘(5) TOTAL PURCHASES AND CONTRACTS FOR PROPERTY AND SERVICES.—The term ‘total purchases and contracts for property and services’ means total number and total dollar amount of contracts and orders for property and services.’’

SEC. 1703. RESPONSIBILITIES OF COMMERCIAL MARKET REPRESENTATIVES.
Section 4(h) of the Small Business Act (15 U.S.C. 633(h)) is amended to read as follows:
‘‘(b) EFFECTIVE DATE.—The Administrator of Federal Procurement Data System, the System for Award Management, and reporting to the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36 (or the designee of such official) shall be advance notice of the establishment of the commercial market representative system. Such notice shall include—
(1) providing the small business concerns with information on methods and tools to identify potential subcontractors that are small business concerns; and
(2) assistance to increase awards to subcontractors that are small business concerns through visits, training, and reviews of past performance;
(3) providing counseling on how a small business concern may maintain or promote its capacity to contractors awarded contracts containing the clause described in section 8(d)(3); and
(4) conducting periodic reviews of contractors awarded contracts containing the clause described in section 8(d)(3) to assess compliance with subcontracting plans required under section 8(d)(6).’’

SEC. 1704. RESPONSIBILITIES OF COMMERCIAL MARKET REPRESENTATIVES.
Section 4(h) of the Small Business Act (15 U.S.C. 633(h)) is amended to read as follows:
‘‘(b) EFFECTIVE DATE.—The Administrator of Federal Procurement Data System, the System for Award Management, and reporting to the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36 (or the
designee of such official) shall be to implement sections 7, 8, and 45 and to complete other duties related to contracting programs under this Act. Such duties shall include—

(A) in respect to small business concerns eligible to receive contracts and subcontracts pursuant to section 8(a)—

(i) providing guidance, counseling, and referral to such concerns, and assistance with technical, management, financial, or other matters that will improve the competitive viability of such concerns;

(ii) identifying causes of success or failure of such concerns;

(iii) providing comprehensive assessments of such concerns, including identifying the strengths and weaknesses of such concerns;

(iv) in the case of a Business Opportunity Specialist, documenting compliance with the requirements of sections 7 and 8 and any regulations implementing those sections;

(v) explaining the requirements of sections 7, 8, 15, 31, 36, and 45, and

(vi) advising on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of such a contract or subcontract;

(B) reviewing and monitoring compliance with mentor-protégé agreements under section 45;

(C) representing the interests of the Administrator and small business concerns in the award, modification, and administration of contracts and subcontracts awarded pursuant to section 8(a); and

(D) reporting fraud or abuse under section 7, 8, 15, 31, 36, or 45 or any regulations implementing such provisions;

(2) CERTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Consistent with the requirements of subparagraph (B), a Business Opportunity Specialist described under section 7(10)(D) shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification.

(B) DELAY OF CERTIFICATION REQUIREMENT.—The certification described in subparagraph (A) is not required—

(i) for any person serving as a Business Opportunity Specialist on the date of the enactment of this subsection, until the date that is one calendar year after the date such person was appointed as a Business Opportunity Specialist; or

(ii) for any person serving as a Business Opportunity Specialist on or before January 3, 2013, and

(C) JOB POSTING REQUIREMENTS.—The duties and certification requirements described in this subsection shall be included in any initial job posting for the position of a Business Opportunity Specialist.

Subtitle B—Women’s Business Programs

SEC. 1711. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.

Section 29(a) of the Small Business Act (15 U.S.C. 656(a)) is amended—

(1) in paragraph (4), by striking paragraph (4); and

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

(3) by inserting after paragraph (1) the following:

(2) the term ‘eligible entity’ means—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

(B) a State, local, or regional economic development organization, so long as the organization certifies that grant funds received under this section will not be commingled with other funds;

(C) an institution of higher education, unless such institution is currently receiving a grant under section 21;

(D) a development, credit, or finance corporation, so long as the corporation certifies that grant funds received under this section will not be commingled with other funds; or

(E) any combination of entities listed in subparagraphs (A) through (D); and

(4) by adding at the end the following:

‘‘(5) the term ‘women’s business center’ means the location at which counseling and training on the management, operations (including manufacturing, services, and retail), access to capital, credit, market opportunities, and any other matter is needed to start, maintain, or expand a small business concern owned and controlled by women;’’;

(2) by striking ‘‘The projects shall’’ and inserting the following:

‘‘(I) In general.—There is established a Women’s Business Center Program under which the Administrator may provide a grant to any eligible entity to operate one or more women’s business centers’’;

(3) by striking ‘‘The projects shall’’ and inserting the following:

‘‘(2) USE OF FUNDS.—The women’s business centers shall be designed to provide counseling and training that meets the needs of women, especially socially or economically disadvantaged women, and shall; and

(4) by adding at the end the following:

‘‘(3) AMOUNT OF GRANTS.—’’;

(5) in general.—The amount of a grant provided under this subsection to an eligible entity per project year shall not be more than $185,000 (as such amount is annually adjusted by the Administrator to reflect the change in inflation),

(A) IN GENERAL.—The amount of a grant provided under this subsection to an eligible entity per project year shall not be more than $185,000 (as such amount is annually adjusted by the Administrator to reflect the change in inflation),

(B) ADDITIONAL GRANTS.—

(i) in general.—Notwithstanding subparagraph (A), with respect to an eligible entity that has received $185,000 under this subsection in a project year, the Administrator may award an additional grant under this subsection of up to $55,000 during such project year if the Administrator determines that the eligible entity—

(1) agrees to obtain an amount whose value has been approved and notice of award has been issued, cash contributions from non-Federal sources of a non-Federal dollar for each Federal dollar received; and

(II) is in good standing with the Women’s Business Center Program; and

(III) has met performance goals for the previous project year, if applicable.

(ii) LIMITATIONS.—The Administrator may only award additional grants under clause (i)—

(1) for not more than the 3rd and 4th quarters of the fiscal year; and

(II) from unobligated amounts made available to the Administrator to carry out this section;

(iii) NOTICE AND COMMENT REQUIRED.—The Administrator may only make a change to the standards by which an eligible entity obtains or maintains grants under this section, the standards for accreditation, or any other requirement for the operation of a women’s business center if the Administrator provides notice and an opportunity for public comment, as set forth in section 553(b) of title 5, United States Code, without regard to any exceptions provided for under section 553.

(iv) CONDITIONS OF PARTICIPATION.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘the recipient organization’’ and inserting ‘‘an eligible entity’’; and

(B) by striking ‘‘financial assistance’’ and inserting ‘‘a grant’’;

(2) in paragraph (3)—

(A) by striking ‘‘financial assistance authorized pursuant to this paragraph may be made by’’ and inserting ‘‘grants authorized pursuant to this section’’; and

(B) by striking ‘‘any combination of entities listed in subparagraphs (A) through (D)’’; and

(C) by adding the following:

‘‘(iii) ‘recipient organization’ and inserting ‘‘an eligible entity’’;’’.
(3) in paragraph (4)—
(A) by striking “recipient of assistance” and inserting “eligible entity”;
(B) by striking “during any project,” it shall not be required to maintain and account for any grants under this section.

(6) EXAMINATION OF ELIGIBLE ENTITIES.—
(A) REQUIRED SITE VISIT.—Each applicant, prior to receiving a grant under this section, shall have a site visit by an employee of the Administrator, in order to ensure that the applicant has sufficient resources to provide the services for which the grant is being provided.

(B) ANNUAL REVIEW.—An employee of the Administrator shall—
(i) conduct an annual review of the compliance of each eligible entity receiving a grant under this section, including a financial examination; and
(ii) provide such review to the eligible entity as required under subsection (l).

(7) REMEDIATION OF PROBLEMS.—
(A) REVIEW AND SELECTION OF ELIGIBLE ENTITIES.—If a review of an eligible entity under paragraph (6) identifies any problems, the eligible entity shall, within 45 calendar days after receiving such review, provide the Administrator with a plan of action, including specific milestones, for correcting such problems.

(B) PLAN OF ACTION REVIEW BY THE ASSISTANT ADMINISTRATOR.—The Assistant Administrator shall review each plan of action submitted under subparagraph (A) within 30 calendar days after receiving such plan and—
(i) if the Assistant Administrator determines that such plan will bring the eligible entity into compliance with all the terms of the grant agreement, approve such plan; or
(ii) if the Assistant Administrator determines that such plan is inadequate to remedy the problems identified in the annual review to which such plan relates, the Assistant Administrator shall, within 15 calendar days after such determination, provide such review to the eligible entity.

(C) AMENDMENT TO PLAN OF ACTION.—An eligible entity receiving a grant under subsection (B)(ii) shall have 30 calendar days after the receipt of the determination to amend the plan of action to satisfy the problems identified by the Assistant Administrator and submit such plan to the Assistant Administrator.

(D) AMENDED PLAN REVIEW BY THE ASSISTANT ADMINISTRATOR.—Within 15 calendar days after the receipt of an amended plan of action under subparagraph (B)(ii), the Assistant Administrator shall either approve or reject such plan and provide such approval or rejection in writing to the eligible entity.

(E) APPEAL OF ASSISTANT ADMINISTRATOR DETERMINATION.—
(i) IN GENERAL.—If the Assistant Administrator reviews an amended plan under subparagraph (B), the eligible entity shall have the opportunity to appeal such decision to the Administrator, who may delegate such appeal to an appropriate Department or Agency.

(ii) OPPORTUNITY FOR EXPLANATION.—Any appeal described under clause (i) shall provide an opportunity for the eligible entity to provide, in writing, any additional information that the eligible entity’s plan remedies the problems identified in the annual review.

(III) NOTICE OF DETERMINATION.—The determination of the appeal shall be provided to the eligible entity, in writing, within 15 calendar days after the eligible entity’s filing of the appeal.

(iv) EFFECT OF FAILURE TO ACT.—If the Administrator fails to act on an appeal made under this subparagraph within the 15 calendar day period established under clause (iii), the eligible entity’s amended plan of action submitted under subparagraph (C) shall be deemed to be approved.

(v) TERMINATION OF GRANT.—
(A) IN GENERAL.—The Administrator shall require that, if an eligible entity fails to comply with any condition approved by the Assistant Administrator under paragraph (7)(B)(i) or an amended plan of action approved by the Assistant Administrator under paragraph (7)(D) or approved on appeal under paragraph (7)(E), the Assistant Administrator terminate the grant provided to the eligible entity under this section.

(B) APPEAL OF TERMINATION.—An eligible entity that has a grant terminated under subparagraph (A) shall have the opportunity to challenge the termination on the record and after an opportunity for a hearing.

(C) FINAL AGENCY ACTION.—The determination made pursuant to subparagraph (B) shall be considered final agency action for the purposes of chapter 7 of title 5, United States Code.

(8) TERMINATION OF GRANT.—
(A) IN GENERAL.—The Administrator shall require, if the Assistant Administrator determines that an eligible entity fails to comply with any condition approved by the Assistant Administrator under paragraph (7)(B)(i) or an amended plan of action approved by the Assistant Administrator under paragraph (7)(D) or approved on appeal under paragraph (7)(E), the Assistant Administrator terminate the grant provided to the eligible entity under this section.

(B) APPEAL OF TERMINATION.—An eligible entity that has a grant terminated under subparagraph (A) shall have the opportunity to challenge the termination on the record and after an opportunity for a hearing.

(C) FINAL AGENCY ACTION.—The determination made pursuant to subparagraph (B) shall be considered final agency action for the purposes of chapter 7 of title 5, United States Code.

(F) APPLICATIONS AND CRITERIA FOR INITIAL GRANT.—Subsection (I) of section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

(1) APPLICATION.—Each eligible entity desiring a grant under subsection (B) shall submit to the Administrator an application that contains—

(A) a certification that the eligible entity—
(i) has designated an executive director or program manager, who may be compensated using grant funds under subsection (B) or other sources, to manage the women’s business center for which a grant under subsection (B) is sought; and
(ii) meets the accreditation and reporting requirements established by the Director of the Office of Management and Budget;

(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women’s business center, including the ability to obtain the non-Federal contribution required under subsection (C);

(C) information relating to the assistance to be provided by the women’s business center in the area in which the women’s business center is located;

(D) information demonstrating the experience and effectiveness of the eligible entity in—
(i) conducting the services described under subsection (C);
(ii) providing training and services to a representative number of women who are socially or economically disadvantaged; and
(iii) working with partners of the Administration and other entities, such as universities; and

(E) a 5-year plan that describes the ability of the eligible entity to provide the services described under subsection (a)(2), including to a representative number of women who are socially or economically disadvantaged;

(F) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL GRANTS.—

(A) REVIEW AND SELECTION OF ELIGIBLE ENTITIES.—

(i) IN GENERAL.—The Administrator shall review applications to determine whether the applicant has met obligations to perform the activities required by a grant under this section, including—

(ii) the experience of the applicant in conducting activities required by the grant; and

(iii) the amount of time needed for the applicant to commence operations should it be awarded a grant under this section.

(II) MODIFICATIONS PROHIBITED AFTER ANNOUNCEMENT.—With respect to a public announcement of any opportunity to be awarded a grant under this section made by the Administrator pursuant to subsection (I)(1), the Administrator may not modify the criteria established pursuant to clause (I) with respect to such opportunity unless required to do so by an Act of Congress or an order of a Federal court.

(II) RULE OF CONSTRUCTION.—Nothing in this clause may be construed as prohibiting the Administrator from modifying the criteria issued pursuant to subclause (I) after providing an opportunity for public notice and comment or to amend the criteria as such guidance applies to an opportunity to be awarded a grant under this section that the Administrator has not yet publicly announced pursuant to subsection (I)(1).

(B) RECORD RETENTION.—

(1) IN GENERAL.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 5 years.

(2) PAPERWORK REDUCTION.—The Administrator shall take steps to reduce, to the maximum extent practicable, the burden associated with carrying out clause (I).

(G) NOTIFICATION REQUIREMENTS UNDER THE WOMEN’S BUSINESS CENTER PROGRAM.—Subsection (2)(A) of section 29(m) of the Small Business Act (15 U.S.C. 656) is amended by inserting after subsection (k) the following:

(2) NOTES TO APPLICANTS AND CANDIDATES.—The Administrator shall provide to each applicant and candidate considered for an award—

(A) a notice of the award opportunities, and

(B) a notice of the selection criteria.
(3) APPLICATION AND APPROVAL FOR CONTINUATION GRANTS.—

(A) SOlicitation of applications.—The Administrator shall solicit applications and award grants under this subsection for the first fiscal year beginning after the date of enactment of this Act, and every third fiscal year thereafter.

(B) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

(i) a certification that the applicant—

(1) is an eligible entity;

(2) has demonstrated a commitment to and capability to support women as business owners by conducting training and counseling services; and

(3) has the ability and resources to meet the needs of the market to be served by the women’s business center for which a grant under this subsection is sought; including the ability to obtain the non-Federal contribution required under subsection (g)(5); and

(ii) may withhold a grant under this subsection, if the Administrator determines that the information provided by the applicant or the information provided by the applicant is inadequate;

(C) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the Women’s Business Center Program.

(C) TECHNICAL AND CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656(c)), as amended by this Act, is further amended by adding at the end the following:

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

(EE) the successful accreditation of the applicant under the accreditation program developed under subsection (g)(5); and

(F) any additional criteria that the Administrator may reasonably require.

(G) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator shall consider—

(1) the economic conditions affecting the eligible entity; and

(2) the impact a waiver under this paragraph would have on the credibility of the Women’s Business Center Program under this section.

SEC. 1713. MATCHING REQUIREMENTS UNDER WOMEN’S BUSINESS CENTER PROGRAM.

Section 29(c) of the Small Business Act (15 U.S.C. 656(c)), as amended by this Act, is further amended by adding at the end the following:

(2) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged; and

(3) the total number of new startup businesses served by the applicant.

(3) the percentage of eligible entities served by the applicant who are socially or economically disadvantaged.

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out the SCORE program authorized by section 8(b)(1) such sums as may be necessary for the Administrator to make grants or enter into cooperative agreements in a total amount that does not exceed $500,000 in each of fiscal years 2018 and 2019.

SEC. 1722. SCORE PROGRAM.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(A) in subsection (b)(1)(B), by striking “a Service Corps of Retired Executives (SCORE)” and inserting “the SCORE program described in subsection (c)”;

(B) in subsection (c) and inserting the following new subsection:

“(c) SCORE PROGRAM.—The term ‘SCORE Association’ means the Service Corps of Retired Executives Association or any successor or other organization that receives a grant from the Administrator to operate the SCORE program under paragraph (2)(A).

“(B) VOLUNTEERS.—A volunteer participating in the SCORE program shall—

(i) provide, at no cost to individuals who own, or aspire to own, small business concerns personal counseling, mentoring, and coaching relating to the process of starting, expanding, managing, buying, and selling a business; and

(ii) facilitate low-cost educational workshops for individuals who own, or aspire to own, small business concerns; and

(ii) as appropriate, use tools, resources, and expertise of other organizations to carry out the SCORE program.

“(D) ANNUAL REPORT.—The SCORE Association shall submit to the Administrator an annual report that contains—

(i) the number of individuals counseled or trained under the SCORE program;

(ii) the number of hours of counseling provided under the SCORE program; and

(iii) the extent possible—

(I) the number of small business concerns formed with assistance from the SCORE program;

(II) the number of small business concerns expanded with assistance from the SCORE program; and

(III) the number of jobs created with assistance from the SCORE program.

“(E) PERFORMANCE METRICS.—The SCORE Association shall submit to the Administrator a report containing the performance metrics, including the number of small business concerns created by the number of jobs created and retained by, and the funding amounts directed towards small business concerns.

“(F) USE AND AUTHORIZATION.—In conducting the financial audit of the SCORE program, in which case disclosure shall be limited to the information necessary for the audit.

“(A) ADMINISTRATOR USE OF INFORMATION.—This paragraph shall not—

(i) restrict the access of the Administrator to program activity data; or

(ii) prevent the Administrator from using client information to conduct client surveys.

“(C) STANDARDS.—

(i) in GENERAL.—The Administrator shall, after the opportunity for notice and comment, establish standards under subsection (A)(ii) and (ii) conducting client surveys, including standards for oversight of the surveys and for dissemination and use of client information.

“(ii) MAXIMUM PRIVACY PROTECTION.—The standards issued under this subparagraph shall, to the extent practicable, provide for the maximum amount of privacy protection.”

SEC. 1723. ONLINE COMPONENT.

(a) IN GENERAL.—Section 8(c) of the Small Business Act (15 U.S.C. 637(c)), as amended by this Act, is further amended by adding at the end the following:

“(E) USE OF AUTHORIZED ENTREPRENEURIAL DEVELOPMENT PROGRAMS.

“(A) USE OF AUTHORIZED PROGRAM.—The SCORE program shall carry out a study on the future role of the SCORE program and develop a strategic plan for how the SCORE program will evolve to meet the needs of small business concerns over the course of the 5 years following the date of enactment of this Act, with markers and specific objectives for the first, third, and final year of the 5-year period.

“(B) REPORT.—Not later than the end of the 6-month period beginning on the date of enactment of this Act, the SCORE Association shall submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate containing—

(I) all findings and determinations made in carrying out the study required under subsection (a); and

(II) the strategic plan developed under subsection (a).

“(C) EXPANDED SUPPORT FOR ENTREPRENEURS.—

(I) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall use the programs authorized in sections 7(j), 8(b)(1)(B), 357, 358, 373, and 389 of the Small Business Act (15 U.S.C. 637(c)(1), 637(b)(1)(B), 647, 657, 676, and 689) to deliver entrepreneurial services, support for the development and maintenance of clusters, or business training.

“(2) NOTIFICATION.—This section shall not apply to services provided to assist small business concerns owned by an Indian tribe (as such term is defined in section 8(a)(13)).

SEC. 1724. STUDY AND REPORT ON THE FUTURE ROLE OF THE SCORE PROGRAM.

(a) STUDY.—The SCORE Association shall carry out a study on the future role of the SCORE program and develop a strategic plan for how the SCORE program will evolve to meet the needs of small business concerns over the course of the 5 years following the date of enactment of this Act, with markers and specific objectives for the first, third, and final year of the 5-year period.

(b) REPORT.—Not later than the end of the 6-month period beginning on the date of enactment of this Act, the SCORE Association shall submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate containing—

(I) all findings and determinations made in carrying out the study required under subsection (a); and

(II) the strategic plan developed under subsection (a).

(c) DEFINITIONS.—For purposes of this section, the terms ‘SCORE Association’ and ‘SCORE program’ shall have the meaning given those terms, respectively, under section 8(c)(1) of the Small Business Act (15 U.S.C. 637(c)(1)).
SEC. 1732. MARKETING OF SERVICES.
Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding the following in subsection—

‘‘(o) NO PROHIBITION OF MARKETING OF SERVICES.—The Administrator may not prohibit applicants receiving grants under this section from marketing and advertising their services to individuals and small business concerns.’’.

SEC. 1733. DATA COLLECTION.
(a) IN GENERAL.—Section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) is amended—

(1) by striking ‘‘as provided in this section and’’ and inserting ‘‘as provided in this section;’’; and

(2) by inserting before the period at the end the following: ‘‘, and (iv) governing data collection activities related to applicants receiving grants under this section’’;

(b) ANNUAL REPORT ON DATA COLLECTION.—Section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648), as amended by this Act, is further amended by adding at the end the following new subsection—

‘‘(o) ANNUAL REPORT ON DATA COLLECTION.—The Administrator shall submit an annual report to the Congress, and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, reporting on the data collection activities and any data collection activities related to the operation of such private partnerships and cosponsorships.’’.

SEC. 1734. FEES FROM PRIVATE PARTNERSHIPS AND COSPONSORSHIPS.
Section 21(a)(3) of the Small Business Act (15 U.S.C. 648(a)(3)), as amended by this Act, is further amended by adding at the end the following:

‘‘(D) FEES FROM PRIVATE PARTNERSHIPS AND COSPONSORSHIPS.—Participation in private partnerships and cosponsorships with the Administration shall not limit small business development center or cosponsorship fees or other income related to the operation of such private partnerships and cosponsorships.’’.

SEC. 1735. EQUITY FOR SMALL BUSINESS DEVELOPMENT CENTERS.
Subclause (I) of section 21(a)(4)(C)(i) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(i)) is amended to read as follows—

‘‘(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section, not more than $600,000 may be used by the Administration to pay the expenses described under subparagraphs (B) through (D) of section 20(a)(1).’’.

SEC. 1736. CONFIDENTIALITY REQUIREMENTS.
Section 21(a)(7)(A) of the Small Business Act (15 U.S.C. 648(a)(7)(A)) is amended by inserting after ‘‘the Agency’’ the following: ‘‘or any State, local, or Federal agency, or to any third party’’.

SEC. 1737. LIMITATION ON AWARD OF GRANTS TO SMALL BUSINESS DEVELOPMENT CENTERS.
(a) IN GENERAL.—Section 21 of the Small Business Act (15 U.S.C. 648), as amended by this Act, is further amended—

(1) in subsection (a)(1), by striking ‘‘any woman’s business center operating pursuant to section 29’’;

(2) by adding the following new subsection:

‘‘(q) LIMITATION ON AWARD OF GRANTS.—Except for not-for-profit institutions of higher education, and notwithstanding any other provision of law, the Administrator may not award grants (including contracts and cooperative agreements) under this section to any entity other than those that received grants (including contracts and cooperative agreements) under this section prior to the date of the enactment of this subsection, and that seek to renew such grants (including contracts and cooperative agreements) after such date.’’;

(b) RULE OF CONSTRUCTION.—The amendments made by this section may not be construed as prohibiting a women’s business center from receiving a subgrant from an entity receiving a grant under section 21 of the Small Business Act (15 U.S.C. 648).

Subtitle E—Miscellaneous

SEC. 1741. MODIFICATION OF PAST PERFORMANCE PILOT PROGRAM TO INCLUDE CONSIDERATION OF PAST PERFORMANCE WITH ALLIES OF THE UNITED STATES.
(a) IN GENERAL.—Section 8(d)(17) of the Small Business Act (15 U.S.C. 648(d)(17)) is amended—

(1) in subparagraph (G)—

(A) in clause (i), by inserting ‘‘and, set forth separately, the number of small business exporters, after “small business concerns”; and

(B) in clause (ii), by inserting ‘‘separately by applications from small business concerns and from small business exporters, after “applications”; and

(2) by amending subparagraph (H) to read as follows—

‘‘(H) DEFINITIONS.—In this paragraph—

(i) the term ‘appropriate official’ means—

(I) a commercial market representative;

(II) another individual designated by the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36; or

(III) the Office of Small and Disadvantaged Business Utilization of a Federal agency, if the head of the Federal agency and the Administrator agree;

(ii) the term ‘defense item’ has the meaning given that term in section 36(h)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(h)(4)(A));

(iii) the term ‘major non-NATO ally’ means a country designated as a major non-NATO ally under section 202(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2302(h)); and

(iv) the term ‘past performance’ includes performance of a contract for a sale of defense items (under section 38 of the Arms Export Control Act (22 U.S.C. 2778) to the government of a member nation of North Atlantic Treaty Organization, the government of a major non-NATO ally, or the government of a country with which the United States has a defense cooperation agreement (as certified by the Secretary of State); and

(b) TECHNICAL AMENDMENT.—Section 8(d)(17)(A) of the Small Business Act (15 U.S.C. 637(d)(17)(A)) is amended by striking ‘‘paragraph 13(A)’’ and inserting ‘‘paragraph 13(A)’’.
Army: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
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<td>California</td>
<td>Fort Huachuca</td>
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<td>Colorado</td>
<td>Fort Carson</td>
<td>$3,000,000</td>
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<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
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</tr>
<tr>
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<td>Fort Benning</td>
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</tr>
<tr>
<td>Indiana</td>
<td>Fort Gordon</td>
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</tr>
<tr>
<td>New York</td>
<td>U.S. Military Academy</td>
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</tr>
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<td>Fort Jackson</td>
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<tr>
<td>Texas</td>
<td>Camp Bullis</td>
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</tr>
<tr>
<td></td>
<td>Yakima</td>
<td>$19,500,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
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<tbody>
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<td>Germany</td>
<td>Stuttgart</td>
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<td>Weisbaden</td>
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</tr>
<tr>
<td>Korea</td>
<td>Kunsan Air Base</td>
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</table>

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Fort Gordon</td>
<td>Family Housing New Construction</td>
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<td>Massachusetts</td>
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(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $34,156,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 986) for Joint Base Lewis-McChord, Washington, for construction of an airfield operations complex, the Secretary of the Army may construct stand-by generator capacity of 1,000 kilowatts.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3670) for Fort Shafter, Hawaii, for construction of a command and control facility, the Secretary of
Army: Extension of 2014 Project Authorization

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<tr>
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<th>Installation or Location</th>
<th>Project</th>
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SEC. 2109. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECTS.


(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
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<th>State/Country</th>
<th>Installation or Location</th>
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<tr>
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<td>Texas</td>
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Army: Extension of 2015 Project Authorizations

<table>
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</tr>
<tr>
<td></td>
<td>Indian Island</td>
<td></td>
<td>$44,440,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$36,358,000</td>
</tr>
<tr>
<td>California</td>
<td>Barstow</td>
<td>$36,359,000</td>
</tr>
<tr>
<td>Camp Pendleton</td>
<td></td>
<td>$61,139,000</td>
</tr>
<tr>
<td>Lemoore</td>
<td></td>
<td>$60,828,000</td>
</tr>
<tr>
<td>Twentynine Palms</td>
<td></td>
<td>$55,099,000</td>
</tr>
<tr>
<td>Miramar</td>
<td></td>
<td>$47,600,000</td>
</tr>
<tr>
<td>Coronado</td>
<td></td>
<td>$36,000,000</td>
</tr>
<tr>
<td>NSA Washington</td>
<td></td>
<td>$14,810,000</td>
</tr>
<tr>
<td>Mayport</td>
<td></td>
<td>$84,818,000</td>
</tr>
<tr>
<td>Albany</td>
<td></td>
<td>$43,300,000</td>
</tr>
<tr>
<td>Joint Region Marianas</td>
<td></td>
<td>$284,679,000</td>
</tr>
<tr>
<td>Joint Base Pearl Harbor-Hickam</td>
<td></td>
<td>$73,200,000</td>
</tr>
<tr>
<td>Wahiawa</td>
<td></td>
<td>$65,364,000</td>
</tr>
<tr>
<td>Kittery</td>
<td></td>
<td>$61,692,000</td>
</tr>
<tr>
<td>Camp Lejeune</td>
<td></td>
<td>$103,767,000</td>
</tr>
<tr>
<td>Cherry Point Marine Corps Air Station</td>
<td></td>
<td>$15,671,000</td>
</tr>
<tr>
<td>Dam Neck</td>
<td></td>
<td>$29,262,000</td>
</tr>
<tr>
<td>Joint Expeditionary Base Little Creek-Story</td>
<td></td>
<td>$2,596,000</td>
</tr>
<tr>
<td>Portsmouth</td>
<td></td>
<td>$72,990,000</td>
</tr>
<tr>
<td>Yorktown</td>
<td></td>
<td>$36,358,000</td>
</tr>
<tr>
<td>Indian Island</td>
<td></td>
<td>$44,440,000</td>
</tr>
</tbody>
</table>

SEC. 2200. AUTHORIZED NAVY MILITARY CONSTRUCTION

The following table may be read in connection with the Army projects set forth in section 2101 of that Act (127 Stat. 986), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.
Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$22,045,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$21,860,000</td>
</tr>
</tbody>
</table>

Navy: Family Housing

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain Island</td>
<td>SW Asia</td>
<td></td>
<td>$2,138,000</td>
</tr>
<tr>
<td>Mariana Islands</td>
<td>Guam</td>
<td></td>
<td>$40,875,000</td>
</tr>
</tbody>
</table>

Navy: Extension of 2014 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Great Lakes</td>
<td>Unaccompanied Housing</td>
<td>$35,851,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon</td>
<td>Wastewater Treatment Plant</td>
<td>$11,334,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Quantico</td>
<td>Fuller Road Improvements</td>
<td>$9,013,000</td>
</tr>
</tbody>
</table>

Navy: Extension of 2015 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District of Columbia</td>
<td>NSA Washington</td>
<td>Electronics Science and Technology Lab</td>
<td>$31,735,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Indian Head</td>
<td>Advanced Energetics Research Lab Complex Ph 2</td>
<td>$15,346,000</td>
</tr>
</tbody>
</table>

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED AIR FORCE 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 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:
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the author-
ization of appropriations in section 2304(a) and available for military family hous-
ing functions as specified in the funding table in section 4601, the Secretary of the Air
Force may acquire 142 hectares of land on
(b) MARIANA ISLANDS.—In the case of the au-
thorization contained in the table in sec-

(b) LIMITATION ON TOTAL COST OF CONSTRUC-
TION PROJECTS.—Notwithstanding the cost vari-
ations authorized by section 2304 of title 10,
United States Code, and any other cost vari-
ation authorized by law, the total cost of all
projects carried out under section 2301 may not exceed the total amount authorized to be appro-
priated under subsection (a), as specified in the
funding table in section 4601.

(b) TABLE.—The table referred to in subsection (a) is as follows:

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECTS.

(a) HANSCOM AIR FORCE BASE.—In the case of the authorization contained in the table in sec-

(b) MARIANA ISLANDS.—In the case of the au-

(c) CHABELLEY AIRFIELD.—In the case of the
authorization contained in the table in section
2902 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114-228; 130 Stat. 2742) for Chabelley Air-

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Darwin</td>
<td>$76,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>RAF Fairford</td>
<td>$45,650,000</td>
</tr>
<tr>
<td></td>
<td>RAF Lakenheath</td>
<td>$136,992,000</td>
</tr>
</tbody>
</table>

SEC. 2902. FAMILY HOUSING.

Using amounts appropriated pursuant to the author-
ization of appropriations in section 2304(a) and available for military family hous-
ing 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

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for
fiscal years beginning after September 30, 2017, for military construction, land acquisition,
and military family housing functions of the Department of the Air Force, as specified in the
funding table in section 4601.

(2) Certification.—In the case of the authoriza-
tion contained in the table in section 2301(b) of the Military Construction Authorization
Act for Fiscal Year 2017 (division B of Public Law 114-228; 130 Stat. 2742) for acquiring 142
hectares of land at an unspecified location in the Mariana Islands, the Secretary of the Air
Force may acquire 142 hectares of land on Tinian in the Northern Mariana Islands for a
cost of $21,900,000.
TITLE XXIV—DEFENSE AGENCIES
MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES
CONSTRUCTION AND LAND ACQUISITION
PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the author-
ization of appropriations in section 2403(a) and available for military construction projects in-
side the United States as specified in the fund-
ing table in section 4601, the Secretary of De-
fense may acquire real property and carry out military construction projects for the installa-
tions or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>Emergency Power Plant Fuel Storage</td>
<td>$43,642,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KC-46 Two-Bay Maintenance Hangar</td>
<td>$258,735,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Coronado</td>
<td></td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Schriever Air Force Base</td>
<td></td>
<td>$9,100,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Eglin Air Force Base</td>
<td></td>
<td>$46,400,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Hurlburt Field</td>
<td></td>
<td>$10,350,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kunia</td>
<td></td>
<td>$23,900,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>St. Louis</td>
<td></td>
<td>$5,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td></td>
<td>$8,228,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td></td>
<td>$90,039,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Bragg</td>
<td></td>
<td>$22,900,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Shaw Air Force Base</td>
<td></td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Hill Air Force Base</td>
<td></td>
<td>$258,735,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td></td>
<td>$64,364,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the author-
ization of appropriations in section 2403(a) and available for military construction projects out-
side the United States as specified in the fund-
ing table in section 4601, the Secretary of De-
fense may acquire real property and carry out military construction projects for the installa-
tions or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Spangdahlem Air Base</td>
<td>$79,141,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart</td>
<td>$46,609,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$18,100,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Vicenza</td>
<td>$62,406,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$30,800,000</td>
</tr>
<tr>
<td></td>
<td>Kadena Air Base</td>
<td>$27,573,000</td>
</tr>
<tr>
<td></td>
<td>Okinawa</td>
<td>$11,900,000</td>
</tr>
<tr>
<td></td>
<td>Sasebo</td>
<td>$45,600,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Torii Commo Station</td>
<td>$25,323,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Punta Boringuen</td>
<td>$61,071,000</td>
</tr>
<tr>
<td></td>
<td>Menwith Hill Station</td>
<td>$11,000,000</td>
</tr>
</tbody>
</table>

SEC. 2402. AUTHORIZED ENERGY RESILIENCY
AND CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the author-
ization of appropriations in section 2403(a) and available for energy resiliency and conservation
projects inside the United States as specified in the funding table in section 4601, the Secretary of
Defense may carry out energy resiliency and conservation projects under chapter 173 of title
10, United States Code, for the installations or locations inside the United States, and the
amounts set forth in the table:
### Energy Resiliency and Conservation Projects: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Schriever Air Force Base</td>
<td>$15,260,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$5,880,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>NAVBASE Guan</td>
<td>$6,920,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>MCBH Kaneoe Bay</td>
<td>$6,185,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>NSA South Potomac-Indian Head</td>
<td>$10,790,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$5,300,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom AFB</td>
<td>$6,086,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Lejeune/New River</td>
<td>$9,750,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F.E. Warren</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>$12,232,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States—Using amounts appropriated pursuant to the authorization of appropriations in section 2401(a) and available for energy resiliency and conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy resiliency and conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

### Energy Resiliency and Conservation Projects: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honduras</td>
<td>Soto Cano Air Base</td>
<td>$12,600,000</td>
</tr>
<tr>
<td>Italy</td>
<td>NSA Naples</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>Japan</td>
<td>CFA Yokosuka</td>
<td>$8,530,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Osan Air Base</td>
<td>$13,700,000</td>
</tr>
</tbody>
</table>

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variation authorized by section 2553 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. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

In the case of the authorization in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2017 (Public Law 114-326; 120 Stat. 2700) for Kaiserslautern, Germany, for construction of the Sembach Elementary/Middle School Replacement, the Secretary of Defense may construct an elementary school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 985) and extended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114-326; 130 Stat. 2702), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

### Defense Agencies: Extension of 2014 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>Lakenheath Middle/High School</td>
<td>$69,638,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Corps Base Quantico</td>
<td>Quantico Middle/High School</td>
<td>$40,586,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon</td>
<td>PPFA Support Operations Center</td>
<td>$14,800,000</td>
</tr>
</tbody>
</table>

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (128 Stat. 3661), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:
Defense Agencies: Extension of 2015 Project Authorizations

TITLE XXV—INTERNATIONAL PROGRAMS
Subtitle A—North Atlantic Treaty Organization Security Investment Program

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.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, 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

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

<table>
<thead>
<tr>
<th>Country</th>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Army</td>
<td>Camp Humphreys, Republic of Korea</td>
<td>Unaccompanied Enlisted Personnel Housing, Phase I</td>
<td>$76,000,000</td>
</tr>
<tr>
<td></td>
<td>Army</td>
<td>Camp Humphreys, Republic of Korea</td>
<td>Type I Aircraft Parking Apron</td>
<td>$10,000,000</td>
</tr>
<tr>
<td></td>
<td>Air Force</td>
<td>Kunsan Air Base, Republic of Korea</td>
<td>Construct Airfield Damage Repair</td>
<td>$6,500,000</td>
</tr>
<tr>
<td></td>
<td>Air Force</td>
<td>Osan Air Base, Republic of Korea</td>
<td>Main Gate Entry Control Facilities</td>
<td>$13,000,000</td>
</tr>
</tbody>
</table>

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Contributions

Wernher von Siemens GmbH & Co. KG of Munich, Germany
The United States.

State/Country | Installation or Location | Project | Amount |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Geraldton</td>
<td>Combined Communications Gateway Geraldton</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>Brussels Elementary/High School Replacement</td>
<td>$41,626,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Okinawa</td>
<td>Kubasaki High School Replacement/Renovation</td>
<td>$99,420,000</td>
</tr>
<tr>
<td></td>
<td>Commander Fleet Activities Sasebo</td>
<td>E.J. King High School Replacement/Renovation</td>
<td>$37,681,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Stennis</td>
<td>SOF Land Acquisition Western Maneuver Area</td>
<td>$17,224,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>SOF Squadron Operations Facility (STS)</td>
<td>$23,333,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Defense Distribution Depot Richmond</td>
<td>Replace Access Control Point</td>
<td>$5,700,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Langley-Eustis</td>
<td>Hospital Addition/Central Utility Plant Replacement</td>
<td>$41,200,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon</td>
<td>Redundant Chilled Water Loop</td>
<td>$15,100,000</td>
</tr>
</tbody>
</table>

SEC. 2512. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECTS.

(a) CAMP HUMPHREYS.—In the case of the authorization contained in the table in section 2511 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114-328; 130 Stat. 2704) for Camp Humphreys, Republic of Korea, for construction of the 8th Army Correctional Facility, the Secretary of Defense may construct a level 1 correctional facility of 26,000 square feet and a utility and tool storage building of 400 square feet.

(b) K-16 AIR BASE.—In the case of the authorization contained in the table in section 2511 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114-328; 130 Stat. 2704) for the K-16 Air Base, Republic of Korea, for renovation of the Special Operations Forces (SOF) Operations Facility, B-606, the Secretary of Defense may renovate an operations administration area of 5,500 square meters, 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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>New Castle</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Orchard Training Area</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Presque Isle</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Sykesville</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Arden Hills</td>
<td>$19,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$39,000,000</td>
</tr>
</tbody>
</table>
**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wisconsin</td>
<td>Springfield</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Las Cruces</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Pickett</td>
<td>$4,550,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Tumwater</td>
<td>$31,000,000</td>
</tr>
</tbody>
</table>

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fallbrook</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Lewis-McChord</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Fort Buchanan</td>
<td>$26,000,000</td>
</tr>
<tr>
<td></td>
<td>Aguadilla</td>
<td>$12,400,000</td>
</tr>
</tbody>
</table>

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>March Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bradley IAP</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Fort Wayne International Airport</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Louisville IAP</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Jackson International Airport</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Rosecrans Memorial Airport</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Hancock Field</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Toledo Express Airport</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Rickenbacker International Airport</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Klamath Falls IAP</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Joe Foss Field</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>McGhee-Tyson Airport</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Dane County Regional Airport/Truax Field</td>
<td>$8,000,000</td>
</tr>
</tbody>
</table>

**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:
SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

SEC. 2611. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Starkville, Mississippi, for construction of an Army Reserve Center at that location, the Secretary of the Army may acquire approximately fifteen acres (633,400 square feet) of land.

National Guard and Reserve: Extension of 2014 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td></td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Robins Air Force Base</td>
<td></td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td></td>
<td>$5,200,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td></td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Westover ARB</td>
<td></td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Minneapolis-St Paul IAP</td>
<td></td>
<td>$9,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td></td>
<td>$6,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>NAS JRB Fort Worth</td>
<td></td>
<td>$3,100,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td></td>
<td>$3,100,000</td>
</tr>
</tbody>
</table>

SEC. 2612. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2604, and 2607 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2018 or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2015 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Homestead ARB</td>
<td>Entry Control Complex</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>175th Network Warfare Squadron Facility</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Bultville</td>
<td>Army Reserve Center</td>
<td>$14,500,000</td>
</tr>
</tbody>
</table>

SEC. 2613. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in sections 2602 and 2604 of that Act (128 Stat. 3688, 3689), shall remain in effect until October 1, 2018 or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing

SEC. 2801. ELIMINATION OF WRITTEN NOTICE REQUIREMENT FOR MILITARY CONSTRUCTION ACTIVITIES AND RELIANCE ON ELECTRONIC SUBMISSION OF NOTIFICATIONS AND REPORTS.

(a) MILITARY CONSTRUCTION AUTHORITIES.—Subchapter I of chapter 109 of title 10, United States Code, is amended as follows:

(1) Section 2803(b) is amended—

(A) by striking “in writing”; and

(B) by striking “seven-day period” and inserting “five-day period”; and

(2) Section 2804(b) is amended—

(A) by striking “in writing”; and

(B) by striking “14-day period” and inserting “seven-day period”; and

(C) by striking “or, if earlier, the end of the seven-day period; and”.

(3) Section 2805 is amended—

(A) in subsection (b) —

(i) by striking “in writing”; and

(ii) by striking “21-day period” and inserting “14-day period”; and

(iii) by striking “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided”; and

(B) in subsection (c) —

(i) by striking “in writing”; and

(ii) by striking “21-day period” and inserting “14-day period”; and

(iii) by striking “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided”.;
(A) Section 2806(c) is amended—

(A) in paragraph (1), by inserting "of Defense" after "the Secretary"; and

(B) by striking "(4)" and all that follows through the end of paragraph and inserting the following: 

"only after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the transaction, including a detailed description of the transaction and a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section;"

(b) MILITARY FAMILY HOUSING ACTIVITIES.—Subchapter II of chapter 169 of title 10, United States Code, is amended as follows:

(1) Section 2825(b) is amended—

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

(B) in paragraph (5), as redesignated—

(i) by striking "the first sentence" and inserting "in that paragraph"; and

(ii) in paragraph (1) —

(I) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided"; and

(II) by striking "in writing" and inserting "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided".

(2) Section 2854(a) is amended—

(A) by striking "in writing" and inserting "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided"; and

(B) by striking "(A)" and all that follows through the end of the subsection and inserting the following:

"only after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the transaction, including a detailed description of the transaction and a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section;"

(c) ADMINISTRATIVE PROVISIONS.—Subchapter III of chapter 169 of title 10, United States Code, is amended as follows:

(1) Section 2853(c) is amended—

(A) by striking "in writing" both places it appears; and

(B) in paragraph (1)(B) —

(i) by striking "period of 21 days" and inserting "14-day period"; and

(ii) by striking "or, if earlier, the end of the 7-day period beginning on the date on which a copy of the notification is provided".

(2) Section 2854(b) is amended—

(A) by striking "in writing" and inserting "(A)"; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(3) Section 2854(a) is amended—

(A) by striking "in writing" both places it appears; and

(B) in paragraph (1)(B) —

(i) by striking "period of 21 days" and inserting "14-day period"; and

(ii) by striking "or, if earlier, the end of the 7-day period beginning on the date on which a copy of the notification is provided".

(4) Section 2854(b) is amended—

(A) by striking "in writing" and inserting "(A)"; and

(B) by striking "21-day period" and inserting "14-day period".

(5) Section 2854(c) is amended—

(A) by striking "in writing" both places it appears; and

(B) in paragraph (1)(B) —

(i) by striking "period of 21 days" and inserting "14-day period"; and

(ii) by striking "or, if earlier, the end of the 7-day period beginning on the date on which a copy of the notification is provided".

(6) Section 2854(d)(1) is amended—

(A) in the first sentence, by striking "after a period of 21 days" and all that follows through the end of the sentence and inserting the following: "until after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the transaction, including a detailed description of the transaction and a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section;"

(b) NOTIFICATION.—Subchapter V of chapter 169 of title 10, United States Code, is amended as follows:

(1) Section 2810 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(2) Section 2814 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(3) Section 2817 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(4) Section 2818 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(5) Section 2819 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(6) Section 2820 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(7) Section 2824 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(8) Section 2825 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(9) Section 2826 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(10) Section 2827 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(11) Section 2828 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(12) Section 2829 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(13) Section 2830 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(14) Section 2831 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(15) Section 2832 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(16) Section 2833 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(17) Section 2834 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(18) Section 2835 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(19) Section 2836 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(20) Section 2837 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".

(21) Section 2838 is amended—

(A) by striking "in writing" both places it appears; and

(B) by striking "(1) period of 21 days" and inserting "14-day period".
SEC. 2804. USE OF OPERATION AND MAINTENANCE FUNDS FOR MILITARY CONSTRUCTION PROJECTS TO REPLACE FACILITIES DAMAGED OR DESTROYED BY NATURAL DISASTERS OR TERRORISM INCIDENTS.

(a) AUTHORIZING USE OF FUNDS.—Section 2854 of title 10, United States Code, is amended by—

(1) by striking “30-day period” and inserting “14-day period”; and

(2) by striking “December 31, 2017” and inserting “December 31, 2018”.  

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of such section is amended—

(1) by striking October 1, 2016” and inserting “October 1, 2017”;

(2) by striking “December 31, 2017” and inserting “December 31, 2018”;

(3) by striking “fiscal year 2019” and inserting “fiscal year 2019”. 

SEC. 2805. MODIFICATION OF THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR CONSTRUCTION PROJECTS.

(a) INCREASE IN THRESHOLD; UNIFORM THRESHOLD FOR ALL PROJECTS.—Section 2805(a)(2) of title 10, United States Code, is amended by striking “$1,000,000” and inserting “$750,000.”

(b) NOTICE REQUIREMENTS.—Subsection (b) of section 2805(c) of such title is amended by striking “$1,000,000” and inserting “$2,000,000”.

(c) USE OF OPERATION AND MAINTENANCE FUNDS.—Section 2805(c) of such title is amended by—

(1) by inserting after “submit” the following: “; and

(2) by striking “written” and inserting “electronic medium pursuant to section 480 of this title”.

(d) EXCEPTIONS TO LIMITATIONS ON LAND ACQUISITION REDUCTION IN SCOPE OR INCREASE IN COST.—Section 2664(d)(4)(D) of title 10, United States Code, is amended—

(1) by inserting after “written”; and

(2) by striking “or, if over sooner, a period of 14 days elapses from the date on which a copy of that notification is provided”.

(e) LEASES OF NON-EXCESS DEFENSE PROPERTY.—Section 2667(d)(3) of title 10, United States Code, is amended by striking “provide to the congressional defense committees written notice” and inserting “submit, in an electronic medium pursuant to section 480 of this title, to the congressional defense committees a notice”.

(f) MAINTENANCE AND REPAIR AND JURISDICTIONS FOR DEFENSE AGENCIES.—Section 2682(c)(2) of title 10, United States Code, is amended by striking “(2) the Secretary submits a notification to the appropriate committees of Congress concerning such transaction, and all other such proposed transactions for that month, is provided for in an electronic medium pursuant to section 480 of this title, to the appropriate congressional committees a notice”.

(g) AGREEMENTS TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.—Section 2684(a)(4)(D) of title 10, United States Code, is amended—

(1) in clause (i), by striking “provides written notice” and inserting “submits, in an electronic medium pursuant to section 480 of this title, a notice”; and

(2) in clause (ii), by striking “14 days” and all that follows through the end of the clause and inserting the following: “10 days after the date on which the notice is submitted under clause (i).”.

(h) CONVEYANCE OF SURPLUS REAL PROPERTY FOR NATURAL RESOURCE CONSERVATION.—Section 2663(d) of title 10, United States Code, is amended by striking subsection (e) and inserting the following new subsection:

“(3) The authority of the Secretary concerned—

(A) to acquire land pursuant to section 2663(d)(1) of this title, if the Secretary concerned—

(i) determines that the land is not needed at the military installation, 

(ii) determines that the land is not needed for national defense purposes, and

(iii) determines that the land is not needed for national defense purposes because it is not part of a military installation;

(B) to acquire land pursuant to section 2663(d)(2) of this title, if the Secretary concerned—

(i) determines that the land is not needed at the military installation, and

(ii) determines that the land is not needed for national defense purposes; and

(C) to acquire land pursuant to section 2663(d)(3) of this title, if the Secretary concerned—

(i) determines that the land is not needed at the military installation, and

(ii) determines that the land is not needed for national defense purposes for reasons specified in section 2663(d)(1), (2), or (3)”.

SEC. 2806. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.


(1) in paragraph (1), by striking “December 31, 2017” and inserting “December 31, 2018”; and

(2) in paragraph (2), by striking “fiscal year 2018” and inserting “fiscal year 2019”.

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of such section is amended by—

(1) by striking “October 1, 2016” and inserting “October 1, 2017”;

(2) by striking “December 31, 2017” and inserting “December 31, 2018”;

(3) by striking “fiscal year 2019” and inserting “fiscal year 2019”. 

SEC. 2807. CLARIFICATION OF APPLICABILITY OF FAIR MARKET VALUE CONSIDERATION REQUIREMENTS TO MILITARY LANDS FOR RIGHTS-OF-WAY.

Section 2668 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “DISPOSITION OF” and inserting “CONDITIONS OF”;

(2) by striking “Subsections (b)(4), (c), and (e)” and inserting “Subsections (b)(4), (c), and (e)”.

SEC. 2811. ELIMINATION OF WRITTEN NOTICE REQUIREMENT FOR MILITARY REAL PROPERTY ACQUISITION AND RECONVEYANCE ON ELECTRONIC SUBMISSIONS OF NOTIFICATIONS AND REPORTS.

(a) GENERAL REAL PROPERTY TRANSACTION REPORT.—Section 2662(a) of title 10, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) The authority of the Secretary concerned to enter into a transaction described in paragraph (1) is carried out only if the Secretary has determined that the transaction is necessary for the purposes of national defense, and that the transaction is consistent with national security or the proper operation of a military installation.”.
“(B) that is located on a military installation not covered by subparagraph (A) and for which the Secretary concerned makes a determination that the conveyance under paragraph (2) is advantageous to the United States.”.

SEC. 2814. PROHIBITING USE OF UPDATED ASSESSMENT OF PUBLIC SCHOOLS ON DEPARTMENT OF DEFENSE INSTALLATIONS TO SUPERSEDE FUNDING OF CERTAIN PROJECTS.

(a) Prohibiting Use of Updated Assessment to Supersede Funding of Certain Public School Projects.—Subsection (a) of section 2814 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 1995) is amended by adding at the end the following new paragraph:

“(3) The feasibility and cost-effectiveness of other potential methods to protect against unintentional window falls by young children in military family housing units to be determined in the enactment of the National Defense Authorization Act for Fiscal Year 2017.

SEC. 2815. REQUIREMENTS FOR WINDOW FALL PREVENTION DEVICES IN MILITARY FAMILY HOUSING.

(a) Requirement.—Chapter 169 of title 10, United States Code, is amended by inserting after subsection (a) the following new subsection:

“§2879. Window fall prevention devices in military family housing units

“(a) Require Use of Devices on Certain Windows.—The Secretary concerned shall ensure that each Committee on Armed Services of the Congress shall report to the President of the United States, by the Secretary of the Navy, as determined by the Secretary; and

“(b) Briefer on Implementation.—Not later than 7 years after the date of the enactment of this Act, the Secretary of each military department shall brief the Committee on Armed Services of the House of Representatives on the implementation of section 2879 of title 10, United States Code (as added by subsection (a)), and include for each military department the following:

“(1) The extent to which the Secretary is in compliance with the requirements of such section.

“(2) A plan for the retrofitting of existing military family housing units to enable the units to meet the requirements of such section.

“(3) The feasibility and cost-effectiveness of expanding such a retrofitting effort to include such section to apply to windows for which the bottom sill—

“(A) is within 42 inches of the floor, as measured in the interior of the unit; or

“(B) is 22 inches or more above the ground, as measured on the exterior of the unit.

“(4) The feasibility and cost-effectiveness of modifying the requirements of such section to require otherwise equipped with window fall prevention devices that meet the following requirements:

“(A) The device attaches to the window frame and covers the entire opening with materials of sufficient strength to withstand 60 pounds (27 kg) of force.

“(B) The device allows protection in case of a fully opened window.

“(C) The device prohibits the passage of a 4 inch rigid sphere anywhere in the window opening.

“(D) The device has a 2 step release mechanism that—

“(i) allows the window to be fully opened for emergency escape or rescue with no more than 15 lb ft of force;

“(ii) requires 2 distinct actions to operate;

“(iii) is clearly identified for use in an emergency;

“(iv) is not designed in a manner which accommodates the use of locking devices which require special tools or knowledge to operate, such as combination locks or key locks.

“(5) The feasibility and cost-effectiveness of extending the requirements of such section to private housing leased or otherwise used by military families.

“(6) The feasibility and cost-effectiveness of other potential methods to protect against unintentional window falls by young children in military family housing units.

“SEC. 2816. AUTHORIZING REIMBURSEMENT OF STORED COMPOSITION, WITHOUT REGARD TO WHETHER OR NOT IT IS ENFORCED OR USED.

(a) Authorization.—Chapter 46 of title 10, United States Code, is amended by inserting at the end the following new subsection:

“§2869. Prohibiting collection of amounts in addition to rent from members assigned to the Exchange

“(a) Prohibition.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“(b) Permitting Certain Additional Payments.—Nothing in this section shall be construed to prohibit an eligible entity from imposing additional payments for non-essential utility services, as determined in accordance with regulations promulgated by the Secretary.

“(c) No Effect on Rental Guarantees or Differential Lease Payments.—Nothing in this section shall be construed to affect the authority of the Secretary to enter into rental guarantee agreements under section 2877 of this title or to make differential lease payments under section 2877 of this title, so long as such agreements or payments do not require a member of the armed forces who is assigned to a military family housing unit or to military unaccompanied housing unit under this subchapter to pay an out-of-pocket fee or payment in addition to the member’s basic housing allowance.

“(d) Clerical Amendment.—The table of sections for chapter 169 of such title is amended by inserting after the item relating to section 2875 the following new item:

“§2866. Prohibiting collection of amounts in addition to rent from members assigned to the Exchange Entity; and

“Subtitle C—Land Conveyances

SEC. 2821. LAND EXCHANGE, NAVAL INDUSTRIAL RESERVE ORDANCE PLANT, SUNNYVALE, CALIFORNIA.

(a) Land Exchange Authorized.—The Secretary of the Navy may convey to an entity (in the case referred to in the ‘Exchange Entity’) all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, comprising the Naval Industrial Reserve Ordance Plant (NROP) located in Sunnyvale, California in exchange for—

“(1) real property, including improvements thereon, that will replace the ‘Exchange Entity’ and meet the readiness requirements of the Department of the Navy, as determined by the Secretary; and
(2) relocation of contractor and Government personnel and equipment from the NIROP to the replacement facilities.

(b) LAND EXCHANGE AGREEMENT. —

(1) DEFINITION OF EXCHANGE AGREEMENT. — The exchange authorized under subsection (a) shall be governed by a land exchange agreement that identifies the property to be exchanged (including improvements thereon), the roles and responsibilities of the Secretary and the Exchange Entity in carrying out the exchange, and the roles and responsibilities of the Secretary and the Exchange Entity in carrying out the exchange.

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS. — Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601). (c) DURATION; CASH EQUALIZATION PAYMENT IF NIROP VALUE EXCEEDS VALUE OF EXCHANGE PROPERTY. —

(1) VALUATION. — The values of the properties to be exchanged by the Secretary and the Exchange Entity under subsection (a) (including improvements thereon) shall be determined by an independent appraiser selected by the Secretary in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(2) CASH EQUALIZATION PAYMENT. — If, as determined in accordance with paragraph (1), the value of the NIROP is greater than the combination of the value of the property to be conveyed by the Exchange Entity under subsection (a) and the relocation costs covered by the Exchange Entity under such subsection, the Exchange Entity shall make a cash equalization payment to the Secretary to equalize the values. Nothing in this paragraph may be construed to require the Secretary to make a cash equalization payment to the Exchange Entity if the value of the property to be conveyed by the Exchange Entity and the relocation costs covered by the Exchange Entity are greater than the value of the NIROP.

(d) PAYMENT OF COSTS OF CONVEYANCE. — The Secretary shall require the Exchange Entity to pay costs incurred by the Department of the Navy to carry out the exchange authorized under subsection (a), including costs incurred for land surveys, environmental documentation, the review of replacement facilities design, real estate appraisals, including appraisals preparing and executing the agreement described in subsection (b), and any other administrative costs related to the exchange. If amounts are collected from the Exchange Entity in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange under subsection (a), the Secretary shall refund the excess amount to the Exchange Entity.

(e) TREATMENT OF AMOUNTS RECEIVED. —

(1) INKIND CONSIDERATION. — Amounts received under subsection (d) shall be used in accordance with section 2695(c) of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY. — The exact legal description of the property, including acreage, to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(g) RELATION TO OTHER MILITARY CONSTRUCTION REQUIREMENTS. —

(1) EXCLUSION FROM TREATMENT AS MILITARY CONSTRUCTION PROJECT. — The acquisition or disposition of any property pursuant to the exchange authorized under subsection (a) shall not be treated as a military construction project for which an authorization is required by section 2802 of title 10, United States Code, or for which reporting is required by section 2662 of such title.

(2) EXCLUSION OF REQUIREMENT FOR PRIOR SCREENING BY GENERAL SERVICES ADMINISTRATION FOR ADDITIONAL FEDERAL USE. — Section 2696(h) of title 10, United States Code, does not apply to the conveyance of any real property pursuant to the exchange authorized under subsection (a).

(h) ADDITIONAL TERMS AND CONDITIONS. — The Secretary may require such additional terms and conditions in connection with the exchange authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(i) SUNSET. — The authority provided to the Secretary to carry out the exchange under subsection (a) shall expire on July 1, 2023.

SEC. 2822. LAND CONVEYANCE, NAVAL SHIP REPAIR FACILITY, GUAM.

(a) CONVEYANCE. — Not later than 1 year after the date of the enactment of this Act, the Secretary of the Navy shall convey, without consideration, to the Guam Economic Development Authority (hereafter referred to as the ‘‘Authority’’) all right, title, and interest of the United States in and to the real property (including improvements thereon and related personal property) consisting of the former Naval Ship Repair Facility in Guam, as identified under the base realignment and closure authority carried out under the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2674) for purposes of providing support for ship repair and other military maintenance requirements.

(b) REVERSAL.— If the Secretary of the Navy determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose for which the Secretary conveyed it, all right, title, and interest in and to such 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.— The Secretary of the Navy shall be responsible for the costs of carrying out the conveyance under subsection (a), including survey costs, costs for environmental documentation and remediation, and any other administrative costs related to the conveyance.

(d) DESCRIPTION OF PROPERTY.— The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined and transmitted to the Authority in accordance with section 2667 of title 10, United States Code, and shall be available for the same purposes for which amounts collected under this provision may be retained.

SEC. 2823. LEASE OF REAL PROPERTY TO THE UNITED STATES NAVAL ACADEMY ALUMNI ASSOCIATION AND NAVAL ACADEMY FOUNDATION, ANNAPOLIS, MARYLAND.

(a) AUTHORITY. — The Secretary of the Navy may lease approximately 3 acres at the United States Naval Academy in Annapolis, Maryland, to the United States Naval Academy Alumni Association and the United States Naval Academy Foundation Inc. (hereafter referred to as the ‘‘lessees’’), for the purpose of enabling the lessees to construct, operate, and maintain the Alumni Association and Foundation Center.

(b) DURATION OF LEASE.— At the option of the Secretary of the Navy, the lease entered into under this section shall be in effect for 50 years. Upon the termination of the lease, the Secretary may extend the lease for such additional period as the Secretary may determine.

(c) PAYMENTS UNDER LEASE.—

(1) AMOUNT OF PAYMENTS BASED ON FAIR MARKET VALUE.— The Secretary of the Navy shall require the lessees to make payments under the lease in accordance with section 2695(c) of title 10, United States Code.

(2) PAYMENTS IN THE FORM OF IN-KIND CONSIDERATION.— To the extent that the lessee makes payments under the lease in the form of in-kind consideration, such consideration may be paid as a lump-sum payment for the entire lease term, or any part thereof, or in annual installments.

(d) DESCRIPTION OF IN-KIND CONSIDERATION.— The in-kind consideration paid under the lease shall include the relocation of any Naval Support Activity Annapolis functions presently located on the land to be leased to alternate locations deemed sufficient by the Secretary; and (ii) may include annual support (including cash, real property, or personal property) provided by the lessees after the date the lease is executed, to be used for the benefit of, or for use in connection with, the Naval Academy, and may extend the lease for such additional period in which reporting is required by section 2662 of title 10, United States Code.

(e) LEASEBACK PROHIBITED.— During the period in which the lease entered into under this section is in effect, the Secretary of the Navy may not lease any of the space constructed by the lessees on the property leased under this section.

(f) PAYMENT OF COSTS OF ENTERING INTO AND MANAGING LEASE.—

(1) PAYMENT REQUIRED. — The Secretary of the Navy shall require the lessees to cover the costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, in entering into and managing the lease under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the lease as defined in section 2667 of title 10, United States Code.

(2) ADDITIONAL TERMS AND CONDITIONS.— The Secretary of the Navy shall require the lessees to cover the costs incurred by the Secretary in entering into and managing the lease. Amounts so credited shall not 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.

SEC. 2824. LAND CONVEYANCE, NATICK SOLDIER SYSTEM CENTER, MASSACHUSETTS.

(a) CONVEYANCE AUTHORIZED.— The Secretary of the Army may sell and convey all right, title,
and interest of the United States in and to parcels of real property, consisting of approximately 96 acres and improvements thereon, located in the vicinity of Hudson, Wayland, and Needham, Massachusetts, that are the sites of military family housing supporting military personnel assigned to the United States (U.S.) Army Natick Soldier Systems Center.

(b) CONCLUDING PROVISION.—The Secretary shall use competitive procedures for the sale authorized by subsection (a).

(5) CONCLUSION.—The Secretary shall make the conveyance or exchange, if any, to the Department or any other governmental, public, or private entity unless the recipient agrees—

“(A) to prohibit the commercial development of the real property; and

“(B) to conserve and protect the ecological, scenic, wildlife, recreational, cultural, historical, national defense, national security, and scientific resources of the real property.

“Sec. 2827. LAND CONVEYANCE, FORMER MILITARY ALERT FACILITY KNOWN AS QUEBEC-01, LARAMIE COUNTY, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of Wyoming (in this section referred to as the ‘State’), all right, title, and interest of the United States in and to the real property, consisting of the former Missile Alert Facility (MAF) known as ‘Quebec-01’, located in Laramie County, Wyoming, for the purpose of operating a historical site, interpretive center, or museum.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—Subject to paragraph (2), the Secretary shall require the State to convey costs incurred by 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 State in advance of the Secretary's 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 State.

(2) LIMITATION ON PAYMENT OF COSTS BY STATE.—

(a) LIMITATION.—Paragraph (1) shall apply only to amounts the Secretary expects to be received directly from the State as reimbursement under the Programmatic Agreement described in subparagraph (B), as such Agreement is in effect at the time of the payment of the costs.

(b) PROGRAMMATIC AGREEMENT DESCRIBED.—

The Programmatic Agreement described in this subparagraph is the Programmatic Agreement between Francis E. Warren Air Force Base, and the Wyoming State Historic Preservation Officer, Regarding the Implementation of the Strategic Arms Reduction Treaty at Francis E. Warren Air Force Base Cheyenne, Laramie County, Wyoming.

(c) TREATMENT OF AMOUNTS RECEIVED.—

Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account used to incur the costs incurred by the Secretary in carrying out the conveyance, or if such fund or account has expired at the time of credit, to an appropriate appropriation, or to an account in the Treasury established pursuant to section 2863(b) for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such appropriation, account, or fund for the same purpose, 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) 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 purposes for which the property was conveyed, the Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.
Title D—Military Land Withdrawals

SEC. 2831. INDEFINITE DURATION OF CERTAIN MILITARY LAND WITHDRAWALS AND RESERVATIONS AND IMPROVED MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) IMPROVING MANAGEMENT OF CURRENTALLY WITHDRAWN LANDS—(1) Sec. 2925(a) of the Sikes Act (16 U.S.C. 670a(a)(2)) is amended by striking “, acting through the Director of the United States Fish and Wildlife Service,”.

(b) TERMINATION DATES—(1) Sec. 2925 of title XXIX of Public Law 104–201; 110 Stat. 2813) is further amended by inserting after section 2926 the following new section:

“SEC. 2926. DETERMINATION OF CONTINUING MILITARY NEED FOR WITHDRAWAL AND RESERVATION AND PUBLIC REPORTS.

“(a) DETERMINATION OF CONTINUING MILITARY NEED.—Whenever an integrated natural resources management plan covering the lands withdrawn and reserved under this subtitle is reviewed as to operation and effect as required by section 2917(b)(3) of the Sikes Act (16 U.S.C. 670a(b)(2)), but not less than every five years, the Secretary of the Navy shall include the Secretary’s determination regarding whether there will be a continuing military need for any or all of the withdrawn and reserved lands for the following five years.

“(b) PUBLIC REPORTS.—(1) CHANGES IN LAND CONDITIONS.—(A) Concurrent with each review of an integrated natural resources management plan described in subsection (a), the Secretary of the Navy and the Secretary of the Interior shall jointly prepare and issue a report describing any changes in the condition of the lands withdrawn and reserved under this subtitle since the date of any previous report under this paragraph or the date of the environmental analysis prepared to support the actions that changed the condition of the lands.

(2) COMBINATION WITH OTHER REPORTS.—A report under subsection (a) shall include a summary of current military use of the lands withdrawn and reserved under this subtitle, any changes in military use of the lands since the previous report, and efforts related to the management of natural and cultural resources and environmental remediation of the lands during the previous five years.

“(c) DETERMINATION OF TERMINATION DATES.—A report under subsection (a) shall be combined with, or incorporated by reference, any comprehensive report required by any other provision of law regarding the lands withdrawn and reserved under this subtitle.

“(d) TERMINATION REPORT.—Before the finalization of a report under this subsection, the Secretary of the Navy and the Secretary of the Interior shall invite interested Federal agencies as members of the intergovernmental executive committee to serve as members of the intergovernmental executive committee.

“(A) at least one elected officer (or other authorized representative) from each local government, and Indian tribal government in the vicinity of the withdrawn and reserved lands, as determined by the Secretary of the Interior;

“(B) at least one elected officer (or other authorized representative) from each local government and tribal government in the vicinity of the withdrawn and reserved lands, as determined by the Secretary of the Interior;

“(C) on the recommendation of the intergovernmental executive committee.

“(d) TERMINATION.COMMENT.—(A) Before the finalization of a report under this subsection, the Secretary of the Navy and the Secretary of the Interior shall invite interested Federal agencies as members of the intergovernmental executive committee.

(B) At least one elected officer (or other authorized representative) from the government of the State of California; and

(C)isons from interested Federal agencies as members of the intergovernmental executive committee.

“(2) TERMINATION PROCEDURE.—The final version of a report under this subsection shall be made available to the public and submitted to the Committees on Armed Services and Energy and Natural Resources of the Senate and the Committees on Armed Services and Natural Resources of the House of Representatives.

“(3) DETERMINATION OF TERMINATION DATES.—The Juniper Butte Range Withdrawal Act (title XXIX of Public Law 105–261; 112 Stat. 2226) is amended—

(A) in section 2915—

(i) in the section heading, by striking “Duration” and inserting “Relinquishment”; and

(ii) in subsection (a), by striking “TERMINATION,” and all the words after the semicolon, and inserting “EFFECT OF RELINQUISHMENT ON OPERATION OF GENERAL LAND LAWS.—Upon relinquishment of Department of the Air Force jurisdiction over lands withdrawn and reserved by this title;”;

(iii) in subsection (b), by striking “PROCESS” after “RELINQUISHMENT”;

(iv) in paragraph (1), by striking “under subsection (c)”;

and

(B) in section 2916—

(i) in the section heading, by striking “or upon termination of withdrawal”; and

(ii) in subsection (a)(1), by striking “and in all cases not later than 2 years before the date of termination of withdrawal and reservation “; and

(iii) in subsection (b), by striking “environmental remediation and all that follows through the end of the subsection and inserting “environmental remediation before relinquishing, to the Secretary of the Interior, jurisdiction over any lands identified in a notice of intent to relinquish under section 2915(b);”;

and

(iv) in subsection (c), by striking “termination date” both places it appears and inserting “relinquishment date”;

“(2) ESTATE OF INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—Section 2910 of the Juniper Butte Range Withdrawal Act (title XXIX of Public Law 105–261; 112 Stat. 2231) is amended by adding at the end the following new subsection:

“(d) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—The memorandum of understanding under subsection (a) shall be modified as provided in subsection (c) to establish an intergovernmental executive committee for the sole purpose of exchanging views, information, and advice relating to the management of the lands withdrawn and reserved under this title.

“(e) REPRESENTATION.—The intergovernmental executive committee shall consist of the Secretaries of the Air Force and the Navy and the Secretary of the Interior as members, and such other representatives from interested Federal agencies as members of the intergovernmental executive committee.

“(2) COMPOSITION.—(A) The Secretary of the Air Force and the Secretary of the Interior shall invite representatives from interested Federal agencies as members of the intergovernmental executive committee.

(B) The Secretary of the Air Force and the Secretary of the Interior shall invite representatives from interested Federal agencies as members of the intergovernmental executive committee.
“(i) at least one elected officer (or other authorized representative) from the government of the State of Idaho; and
(ii) at least one elected officer (or other authorized representative) from each local government and Indian tribal government in the vicinity of the withdrawn and reserved lands, as determined by the Secretaries.

(4) DISTRIBUTION OF REPORT.—The final version of a report under this subsection shall be made available to the public and submitted to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, and the Committees on Armed Services and Natural Resources of the House of Representatives.

(5) OPERATION.—The memorandum of understanding shall establish procedures for creating a forum for exchanging views, information, and advice relating to the management of natural and cultural resources on the withdrawn and reserved lands, procedures for rotating the chair of the intergovernmental executive committee, and procedures for scheduling regular meetings, which shall occur no less frequently than twice a year.

(6) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 1) does not apply to the intergovernmental executive committee.
hold at least one public meeting concerning the report in a location or locations reasonably accessible to persons who may be affected by management of the lands addressed by the report.

(II) by striking subparagraph (A) and inserting "The Secretary shall announce not less than 15 days before the date of the meeting by advertisements in local newspapers of general circulation, notices on the internet, including the website of the affected military range (if one exists), and any other means considered necessary or desirable by the Secretary."

(III) in subparagraph (B), by striking "(i)" and inserting "(ii)".

(IV) in subparagraph (C), by striking "the term of the withdrawal and reservation, as described in subparagraphs (A) and (B) of section 2911,

(V) in subparagraph (D), by striking "(1) in the section heading, by striking "Military Lands Withdrawal Act of 1999 (title MILITARY NEED.—Whenever an integrated natural resources management plan covering the lands withdrawn and reserved is prepared and issued under this subsection, the Secretary shall jointly prepare and issue a report describing any changes in the condition of the lands withdrawn and reserved for the following five years.

(4) PROCEEDINGS.—The Secretary of the Interior shall invite interested Federal agencies as members of the intergovernmental executive committee. The duties of the coordinator shall include in the memorandum of understanding under subsection (a).

(5) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the intergovernmental executive committee.

(6) RANGES COVERED BY MILITARY LAND WITHDRAWALS ACT OF 2013.—

(1) ELIMINATION OF TERMINATION DATE AND CONFORMING AMENDMENTS.—The Military Land Withdrawals Act of 2013 (title XXIX of Public Law 2013–66; 137 Stat. 1265) is amended—

(A) by striking sections 2919, 2920; 2936, 2946, and 2979;

(B) in section 2921, by striking "On the termination of" and inserting "On the relinquishment of"; and

(C) in section 2922(d)(3)—

(i) by striking "and" and inserting "or";

(ii) by striking "or the expiration of the termi-
Withdrawals Act of 2013 (title XXIX of Public Law 113-66; 127 Stat. 1025) is further amended by inserting after section 2918 the following new section:

SEC. 2919. INTERGOVERNMENTAL EXECUTIVE COMMITTEE.

(a) Establishment and Purpose.—For the lands withdrawn and reserved by sections 2913, 2941, and 2971, the Secretary concerned and the Secretary of the Interior shall establish, by memorandum of understanding, an intergovernmental executive committee for each location for the sole purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the withdrawn and reserved lands.

(b) Composition.

(1) Representatives of other Federal agencies.—The Secretary concerned and the Secretary of the Interior shall include representatives from interested Federal agencies as members of the intergovernmental executive committee for a location covered by subsection (a).

(2) Representatives of state and local governments.—The Secretary concerned and the Secretary of the Interior shall invite to serve as members of the intergovernmental executive committee for a location covered by subsection (a)—

(A) at least one elected officer (or other authorized representative) from the government of the State in which the withdrawn and reserved lands are located; and

(B) at least one elected officer (or other authorized representative) from each local government in the State in which the withdrawn and reserved lands are located.

(c) Operation.—The intergovernmental executive committee for a location covered by subsection (a) shall operate in accordance with the terms set forth in the memorandum of understanding under subsection (a).

(d) Procedures.—The memorandum of understanding under subsection (a) shall establish procedures for creating a forum for exchanging views, information, and advice relating to the management of natural and cultural resources on the withdrawn and reserved lands, procedures for rotating the chair of the intergovernmental executive committee, and procedures for scheduling regular meetings, which shall occur no less frequently than twice a year.

(e) Coordinator.—The Secretary concerned, in consultation with the Secretary of the Interior, shall appoint an individual to serve as coordinator of the intergovernmental executive committee for a location covered by subsection (a). The coordinator shall be included in the memorandum of understanding under subsection (a). The coordinator shall not be a member of the committee.

(f) Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a intergovernmental executive committee for a location covered by subsection (a).

SEC. 2832. TEMPORARY SEGREGATION FROM PUBLIC LAND LAWS OF PROPERTY SUBJECT TO PROPOSED MILITARY LAND WITHDRAWAL; TEMPORARY USE PERMITS AND TRANSFERS OF SMALL PARCELS OF LAND BETWEEN DEPARTMENTS OF INTERIOR AND MILITARY DEPARTMENTS. MORE EFFICIENT SURVEYING OF LANDS.


(1) by striking "Any application" and inserting "(a) Contents of Application.—Any application;"

(2) by striking "shall specify" and inserting "(b) shall specify and shall keep a record of the application filed by the Secretary of the Interior and shall keep a record of the application filed by the Secretary of the Interior;" and

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

(b) Temporary Segregation From Public Land Laws.—

(1) Public Notice.—Not later than 30 days after the date of the receipt of an application under subsection (a), the Secretary of the Interior shall publish a notice in the Federal Register stating that the application has been submitted, identifying the land that is the subject of the application, and stating the extent to which the land is to be segregated in accordance with paragraph (2).

(2) Authorization of Additional Arrangements for Use and Transfer of Lands Under Jurisdiction of Secretary of the Interior.—Upon publication of a notice under paragraph (1), the land identified in the notice shall be segregated from the operation of all public land laws to the extent specified in the notice. The segregation of such land pursuant to such notice shall terminate upon the earlier of—

(A) the enactment of some or all of the withdrawal or reservation by Congress; or

(B) the expiration of the 7-year period which begins on the date of the publication of the notice.

(3) Definition.—In this subsection, the term 'public land laws' includes the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(b) Authorization of Additional Arrangements for Use and Transfer of Lands Under Jurisdiction of Secretary of the Interior.—Such Act (43 U.S.C. 157 et seq.) is further amended by adding at the end the following new section:

SEC. 7. SHORT-TERM PERMITS FOR USE OF DEPARTMENT OF INTERIOR LANDS FOR MILITARY TRAINING AND TESTING.

(a) Authority.—The Secretary of the Interior may grant permits to any other authority to grant permits for the use of land, the Secretary of the Interior may grant a permit to the Secretary of Defense to use land under the administrative jurisdiction of the Secretary of the Interior. Any such permit—

(1) shall be issued consistent with section 2902 of title 10, United States Code;

(2) shall allow the Department of Defense to use the land only for purposes of training and testing that are consistent with the purposes for which the Secretary of the Interior manages the land; and

(3) may contain such other requirements as the Secretary of the Interior considers appropriate.

(b) Duration of Permit.—A permit granted under this section shall be in effect for such period as the Secretary of the Interior considers appropriate, except that such period may not exceed 30 days.

SEC. 8. TRANSFERS OF SMALL PARCELS OF LAND BETWEEN THE DEPARTMENTS OF DEFENSE AND INTERIOR.

(a) Transfer Authorized.—Subject to any vested rights, valid claims, and without cost for the value of the land or any improvements thereon—

(1) the Secretary of the Interior may transfer administrative jurisdiction over land that meets the requirements of subsection (b) to the Secretary of a military department; and

(2) the Secretary of a military department may transfer administrative jurisdiction over land that meets the requirements of subsection (b) to the Secretary of the Interior.

(b) Requirements for Land Eligible for Transfer.—The requirements of this subsection are as follows:

(1) Contiguity.—The land is contiguously located already under the administrative jurisdiction of the Secretary to whom such jurisdiction is transferred.

(2) Limitation on Acreage.—No single parcel of the land is larger than 5,000 acres of contiguous area.

(3) No Recent Prior Transfer of Contiguous Land.—The land is not contiguous to any other land for which administrative jurisdiction has been transferred under the authority of this section during the previous 5 years.

(c) Prior Use for Military Purposes.—In the case of land transferred to the Department of Defense, the land was used for defense purposes immediately prior to the date of transfer.

(d) Map and Legal Description.—The Secretary of the Interior shall, prior to the date of transfer, prepare and register a notice containing the legal description of any land transferred under subsection (a);
‘(B) file maps and legal descriptions of the land with—

‘(i) the Committees on Armed Services and
Energy and Natural Resources of the Senate, and

‘(ii) the Committees on Armed Services and
Natural Resources of the House of Representa-
tives; and

‘(C) make copies of such maps and legal de-
scriptions available for public inspection in the
appropriate offices of the Bureau of Land Man-
gement.

‘(2) FORCE OF LAW.—For purposes of any
transfer of administrative jurisdiction over land
under subsection (a), the legal description and
map for the land shall be the legal description
of the land filed under paragraph (1)(B), except
that the Secretary of the Interior may correct
clerical and typographical errors in the legal de-
scription or map.

‘(d) TREATMENT AND USE OF LAND TRANS-
FERRED TO THE SECRETARY OF A MILITARY
DEPARTMENT.—Upon a transfer of administrative
jurisdiction over land to the Secretary of a mili-
tary department under subsection (a)—

‘(1) the land shall be treated as property (as
defined in section 102(9) of title 40, United
States Code) under the administrative jurisdic-
tion of the Secretary of the military depart-
ment; and

‘(2) the land shall be withdrawn from all
forms of appropriation under the public land
laws, including the mineral leasing laws, the
geothermal leasing laws, for as long as the land is under the administra-
tive jurisdiction of a Secretary of a military de-
partment.

‘(e) TREATMENT AND USE OF LAND TRANS-
FERRED TO THE SECRETARY OF THE INTERIOR.—
Upon a transfer of administrative jurisdiction
over land to the Secretary of the Interior under
subsection (a)—

‘(1) the land shall become public land; and

‘(2) the land shall be administered for the
same purposes and be subject to the same condi-
tions of use as the adjacent public land.

‘(f) EFFECT ON OTHER AUTHORITIES.—The au-
thority provided by this section is in addition to,
and not subject to, any other authority relating
to transfers of land.

‘(g) Short Title.—Section 1 of such Act (43
U.S.C. 155) is amended—

(1) by striking “Notwithstanding” and inserting
“(a) WITHDRAWAL, RESERVATION, OR
RESTRICTION ON PUBLIC LANDS FOR DEFENSE
PURPOSES;—Notwithstanding”; and

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

“(b) Short Title.—This Act may be cited as
the ‘Engle Act’. “

‘(d) Promoting More Efficient Surveying
And Mapping.—In this subtitle, the following de-
finitions shall be used:

‘Affiliated Area.—The term ‘affiliated area’
means the land conveyed under this subtitle.

‘Administrative Jurisdiction.—The term
‘administrative jurisdiction’ means—

‘Park.—The term ‘Park’ means Shiloh National
Military Park, a unit of the National Park
System.

‘Secretary.—The term ‘Secretary’ means
the Secretary of the Department of the
Interior.

‘Subtitle.—Subtitle F—Shiloh National Military
Park.

‘SEC. 2851. SHORT TITLE.

This subtitle may be cited as the ‘Shiloh Na-
tional Military Park Boundary Adjustment
and Parker’s Crossroads Battlefield Designation
Act’.

‘SEC. 2852. DEFINITIONS.

In this subtitle, the following definitions apply:

‘(1) A ffiliated A rea.—The term ‘affiliated area’
refers to the land conveyed under this subti-
tle.

‘(2) Park.—The term ‘Park’ means Shiloh Na-
tional Military Park, a unit of the National
Park System.

‘(3) Secretary.—The term ‘Secretary’ means
the Secretary of the Interior.

‘SEC. 2853. AREAS TO BE ADDED TO SHILOH NA-
tional Military Park.

(a) ADDITIONAL AREAS.—The boundary of
Shiloh National Military Park is modified to in-
clude the areas that are generally depicted on
the map entitled ‘Shiloh National Military
Park, Proposed Boundary Adjustment’, num-
bered 304/30,011, and dated July 2014, as follows:

(1) Fallen Timbers Battlefield.

(2) Russell Hotel.

(3) Davis Bridge Battlefield.

(b) Acquisition Authority.—The Secretary
may acquire lands described in subsection (a)
by donation, purchase, exchange, leasing with
dianoated or appropriated funds, or exchange.

(c) Administration.—Any lands acquired
under this section shall be administered as part
of the Park.

‘SEC. 2854. ESTABLISHMENT OF AFFILIATED AREA.

(a) In General.—Parker’s Crossroads Battle-
field in the State of Tennessee is hereby estab-
lished as an affiliated area of the National Park
System.

(b) Description.—The affiliated area shall
be managed in accordance with this sub-
title, the Secretary shall provide a copy
of the completed general management plan to
the Committees on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

‘SEC. 2855. PRIVATE PROPERTY PROTECTION.

(a) No Use of Condemnation.—The Sec-
retary of the Interior shall not acquire by con-
demnation any land or interests in land under
this subtitle for any purpose of this subtitle.

(b) Written Consent of Owner.—No non-
Federal property may be included in the Shiloh
National Military Park without the written con-
sent of the owner.

(c) No Buffer Zone Created.—Nothing in
this subtitle, the establishment of the Shiloh Na-
tional Military Park, or the management plan
for the Shiloh National Military Park shall be
construed to create buffer zones outside of the
Park. That activities or uses can be seen, heard,
or detected from areas within the Shiloh Na-
tional Military Park shall not preclude, limit,
control, regulate, or determine the conduct
or management of activities or uses outside of the
Park.

Subtitle G—Other Matters

‘SEC. 2856. MODIFICATION OF DEPARTMENT OF
DEFENSE GUIDANCE ON USE OF AIR-
FIELD PAVEMENT MarkINGS.

(a) Modification Required.—The Secretary
of Defense shall require such modifications of
Unified Facilities Guide Specifications for pave-
mint markings (UFGS 32 17 23.00 20 Pavement
Markings, UFGS 32 17 24.00 10 Pavement
Markings), Air Force Engineering Technical Letter
ETL 97–18 (Guide Specification for Airfield and
Runway Marking), and Department of Defense guidance on airfield pavement mark-
ings as may be necessary to prohibit the use of
Type I glass beads or any glass beads with a 1.6 refractive index or less from use on airfield
markings on airfields under the control of the
Secretary.

(b) Effective Date.—The modifications re-
quired under this subsection with respect to
procurements occurring after September 30,
2018.
(B) by striking “Secretary may acquire” and inserting “Chief Operating Officer may acquire”; and
(2) in paragraph (2)—
(A) by striking “Secretary of Defense determines” and inserting “Chief Operating Officer determines”; and
(B) by striking “Secretary shall dispose” and inserting “Chief Operating Officer shall dispose”;
(b) LEASING OF NON-EXCESS PROPERTY.—Subsection (i) of section 1311 of such Act (24 U.S.C. 411(i)) is amended—
...
DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in division D.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 18–D–150, Surplus Plutonium Disposition, Savannah River Site, Aiken, South Carolina, $9,000,000.
Project 18–D–620, Exsascale Computing Facility Modernization Project, Lawrence Livermore National Laboratory, Livermore, California, $3,000,000.
Project 18–D–650, Tritium Production Capability, Savannah River Site, Aiken, South Carolina, $6,800,000.
Project 18–D–690, Fire Station, Y–12 National Security Complex, Oak Ridge, Tennessee, $23,000,000.
Project 18–D–670, Exsascale Class Computer Cooling Equipment, Los Alamos National Laboratory, Los Alamos, New Mexico, $22,000,000.
Project 18–D–820, FL Fuel Development Laboratory, Pantex Plant, Amarillo, Texas, $5,200,000.
Project 18–D–870, Materials Staging Facility, Pantex Plant, Amarillo, Texas, $5,200,000.
Project 18–D–920, KF Fuel Development Laboratory, Pantex Power Laboratory, Scone, Virginia, $1,000,000.
Project 18–D–921, KF Overhead Piping, Kessling Site, West Milton, New York, $6,688,000.
Project 18–D–951, Component Test Complex, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $3,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for defense environmental cleanup activities in carrying out programs as specified in the funding table in division D.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 18–D–401, Saltstone Disposal Units 88 and 89, Savannah River Site, Aiken, South Carolina, $50,000,000.
Project 18–D–402, Emergency Operations Center Replacement, Savannah River Site, Aiken, South Carolina, $50,000,000.
Project 18–D–404, Modification of Waste Encapsulation Facility, Hanford Site, Richland, Washington, $6,500,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for other defense activities in carrying out programs as specified in the funding table in division D.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for activities associated with the nuclear energy as specified in the funding table in division D.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. NUCLEAR SECURITY ENTERPRISE INFRASTRUCTURE RECAPITALIZATION AND REPAIR.

(a) FINDINGS.—Congress finds the following:

(1) On September 7, 2016, during testimony before the Subcommittee on Strategic Forces of the Committee on Armed Services of the House of Representatives—

(A) the Administrator for Nuclear Security, Frank Klotz, said—

(i) ‘‘Our infrastructure is extensive, complex, and, in many critical areas, several decades old. More than half of NNSA’s approximately 6,000 real property assets were built more than 40 years ago, and only nearly 30 percent date back to the Manhattan Project era. Many of the enterprise’s critical utility, safety, and support systems are failing at an increasing and unpredictable rate, which poses both programmatic and safety risk.’’; and

(ii) ‘‘I can think of no greater threat to the nuclear security enterprise than the state of NNSA’s infrastructure.’’

(B) the President and Chief Executive Officer of Consolidated Nuclear Security, Morgan Smith, said—

‘‘Many key facilities at both Pantex and Y–12 were constructed in the 1940s and were intended to operate for as little as one decade. Many facilities and their supporting infrastructure have exceeded or far exceeded their expected life, and major systems within the facilities are beginning to fail.’’; and

(C) the Director of Los Alamos National Laboratory, Dr. Charlie McMillan, said—

‘‘One of the things that keeps me up at night is the realization that essential capabilities are held at risk by the possibility of such failures; in many cases, our enterprise has a single point of failure.’’

(2) In a letter sent on December 23, 2015, by the Secretary of Energy, Ernest Moniz, to the Director of the Office of Management and Budget, Mr. David L. Skaggs, the Secretary of Energy stated—

‘‘A majority of the National Nuclear Security Administration’s (NNSA) facilities and systems are well beyond end-of-life. . . Infrastructure problems such as falling ceilings are increasing in frequency and severity, unacceptably risking the safety and security of both personnel and material at NNSA facilities, as well as in some instances, potential offsite risks. The entire complex could be placed at risk if there is a single failure where a single point would disrupt a critical link in infrastructure.’’

(3) The Nuclear Posture Review published in April 2010 stated that ‘‘in order to sustain a safe, secure, and effective U.S. nuclear stockpile as long as nuclear weapons exist, the United States must possess a modern physical infrastructure. . . Today’s nuclear complex, however, has fallen into neglect. Although substantial science, technology, and engineering investments were made during the last decade under the auspices of the Stockpile Stewardship Program, the complex still includes many oversized and costly-to-maintain facilities built during the Manhattan Project era. The Secretary of Energy is working with plutonium and uranium date back to the Manhattan Project. Safety, security, and environmental issues associated with these aging facilities are mounting, as are the costs of addressing them.’’

(4) In 2006, the bipartisan Congressional Commission on the Strategic Posture of the United States established by section 1062 of the National Defense Authorization for Fiscal Year 2007—Public Law 110–181 stated, with regards to key production facilities, that ‘‘existing facilities are genuinely decrepit and are maintained in a safe and secure manner only at high cost.’’

(5) Previous efforts to address the deferred maintenance and repair challenges within the nuclear security enterprise, such as the Facilities Infrastructure Recapitalization and Repair Program and the recent halt in the growth of back-log metrics, are laudable but insufficient for the magnitude of the problem.

(6) Figures provided by the Administrator for Nuclear Security estimate the backlog of deferred maintenance and repair needs of the nuclear security enterprise to be approximately $179,000,000,000.

(b) FACILITIES AND INFRASTRUCTURE RECAPITALIZATION AND REPAIR PROGRAM.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Administrator for Nuclear Security shall establish and carry out a program known as the Facilities Infrastructure Recapitalization and Repair Program to reduce the backlog of deferred maintenance and repair needs of the nuclear security enterprise (as defined in section 4902(b) of the Atomic Energy Defense Act (50 U.S.C. 2501(b))). The Administrator shall ensure that, by not later than five years after the date of the enactment of this Act, the program achieves the goal of reducing such backlog of deferred maintenance and repair needs by 50 percent.

(2) AUTHORITIES.—

(A) PROCESS.—

(i) IN GENERAL.—The Secretary of Energy shall provide to the Administrator a process that will enhance or streamline the ability of the Administrator to carry out the program under paragraph (1) in an efficient and effective manner, including with respect to—

(I) the demolition or construction of non-nuclear facilities of the Administration that have a total estimated project cost of less than $100,000,000; and

(II) the decontamination, decommissioning, and demolition (to be performed in accordance with applicable Environmental Protection Agency and National Institute of Occupational Safety and Health standards) of facilities of the Administration that have a total estimated project cost of less than $50,000,000.

(ii) FUNDING.—Clause (i) may be carried out using amounts authorized to be appropriated for fiscal year 2018 or any subsequent fiscal year.

(B) APPLICATION OF CERTAIN REQUIREMENTS.—For purposes of the Management Procedures Memorandum 2015–01 of the Office of Management and Budget, or such successor memorandum, in carrying out the program under paragraph (1), the Administrator may—

(i) modify the manner in which the activities during a fiscal year that differs from the fiscal year of corresponding facility demolition;

(ii) perform demolition of different facility categories and have the demolition credit count towards the construction of new facilities with different facility category code; and
(iii) have the net reduction in infrastructure footprint for the five fiscal years prior to the date of the enactment of this Act, and the demolition during the five fiscal years following such date of such deferred maintenance as a factor for the purpose of meeting the intent of such memorandum.

(3) PLAN.—Together with the budget of the President submitted to Congress under section 1106(a) of title 31, United States Code, for fiscal year 2019, the Secretary and the Administrator shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate a plan to carry out the program under paragraph (1) to achieve the goal specified in such paragraph. Such plan shall include:

(A) a description of the program to carry out such paragraph during the period covered by the future-years nuclear security program under section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453); and

(B) the criteria for selecting and prioritizing projects within the program under paragraph (1);

(C) mechanisms for ensuring the robust management and oversight of such projects;

(D) a description of the process provided to the Administrator to carry out the program pursuant to paragraph (1); and

(E) a description of any legislative actions the Secretary may request to further enhance or streamline authorities or processes relating to the program;

and

(F) a certification by the Secretary that such budget enables the program to meet the goal specified in paragraph (1).

(4) TERMINATION.—The Administrator shall terminate the program under paragraph (1) on the date that is five years after the date of the enactment of this Act.

(c) INCLUSION IN BIENNIAL DETAILED REPORT.—Section 4203(d)(4) of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended—

(I) in subparagraph (B), by striking '; and''; and

(ii) by inserting at the end and inserting a semicolon;

and

(iii) striking the period at the end and inserting '; and''; and

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

"(D)(i) a description of—

(I) the metrics (based on industry best practices) used by the Administrator to determine the infrastructure deferred maintenance and repair needs of the nuclear security enterprise; and

(II) the percentage of replacement plant value being spent on maintenance and repair needs of the nuclear security enterprise; and

(ii) an explanation of whether the annual spending on replacement needs complies with the recommendation of the National Research Council of the National Academies of Sciences, Engineering, and Medicine that such spending be in an amount equal to four percent of the replacement plant value, and, if not, the reasons for such noncompliance and a plan for how the Administrator will ensure facilities of the nuclear security enterprise are being properly sustained.''.

(d) REQUIREMENTS RELATING TO CRITICAL DECISIONS.—

(1) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

"SEC. 4211. INCORPORATION OF INTEGRATED SURETY ARCHITECTURE IN TRANSPORTATION PROGRAMS.

(a) INCORPORATION.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by inserting after such item a new item:

"(b) SHIPMENTS.—(1) The Administrator shall secure that each program under paragraph (1) incorporate surety technologies relating to transportation and shipping developed by the Integrated Surety Architecture program of the Administrator.

(2) A shipment described in this paragraph is an over-the-road shipment of the Administration that involves any nuclear weapon planned to be in the active force profile after 2025.

(3) Each independent cost estimate or independent cost review under paragraph (1) shall include—

(A) whether the cost baseline or the budget estimate for the period covered by the future-years nuclear security program has changed, and the rationale for any such change; and

(B) any views of the Secretary or the Administrator regarding such estimate or review.

(4) Each nuclear weapons system undergoing life extension at the completion of phase 6.2, relating to design definition and cost study.

(5) Each nuclear weapons system undergoing life extension at the completion of phase 6.4, relating to production engineering, and before the initiation of phase 6.5, relating to first production.

(6) Each new nuclear facility within the nuclear security enterprise that is estimated to cost more than $500,000,000 before such facility achieves critical decision 1 and before such facility achieves critical decision 2 in the acquisition process.

"(c) IMPLEMENTATION OF CERTAIN DIRECTION.—The Administrator shall implement the direction relating to this section contained in the classification accompanying the following new item:

"Sec. 4715. Matters relating to critical decisions.—

(1) the nuclear security enterprise, comprised of the infrastructure and capabilities of the laboratories and plants coupled with the dedicated and talented scientists, engineers, technicians, and administrators who form the backbone of the enterprise, are a central component of the nuclear deterrence enterprise;

(2) if left unaddressed, the state of the infrastructure within the nuclear security enterprise represents a direct, long-term threat to the credibility of the nuclear deterrent of the United States;

(3) both Congress and the President must take strong, sustained action to recapitalize and repair this infrastructure;

(4) the Administrator must continue to carry out expeditious demolition of old facilities of the Administration to reduce long-term costs and improve safety; and

(5) each budget of the President submitted to Congress under section 1106(a) of title 31, United States Code, for such fiscal year thereafter during the life of the program established pursuant to subsection (b)(1) should include funding in an amount sufficient to carry out the program to achieve the goal specified in such subsection.

"Sec. 3112. COST ESTIMATES FOR LIFE EXTENSION PROGRAM AND MAJOR ALTERATION PROJECTS.

Subsection (b) of section 2417 of the Atomic Energy Defense Act (50 U.S.C. 2537(b)) is amended to read as follows:

"(f) INDEPENDENT COST ESTIMATES AND REVIEWS.—(1) The Secretary, acting through the Administrator, shall submit to the congressional defense committees and the Nuclear Weapons Council the following:

(A) an independent cost estimate of the following:

(i) Each nuclear weapon system undergoing life extension at the completion of phase 6.2, relating to design definition and cost study.

(ii) Each nuclear weapon system undergoing life extension at the completion of phase 6.4, relating to production engineering, and before the initiation of phase 6.5, relating to first production.

(iii) Each nuclear weapons system undergoing life extension at the completion of phase 6.6, relating to the acquisition process.

(iv) Each nuclear weapons system undergoing a major alteration project (as defined in section 2535(a)(2) of this title).

(B) An independent cost review of each nuclear weapon system undergoing life extension at the completion of phase 6.2, relating to study of feasibility and down-select.

(2) Each independent cost estimate and independent cost review under paragraph (1) shall include—

(A) whether the cost baseline or the budget estimate for the period covered by the future-years nuclear security program has changed, and the rationale for any such change; and

(B) any views of the Secretary or the Administrator regarding such estimate or review.
SEC. 3114. BUDGET REQUESTS AND CERTIFICATION REGARDING NUCLEAR WEAPONS Dismantlement.

Section 3114 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) by redesignating subsection (d) as subsection (c) and

(2) by inserting after subsection (c) the following new subsections:

(d) BUDGET REQUESTS.—The Administrator for Nuclear Security shall ensure that the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2019 through 2021 includes amounts for the nuclear weapons dismantlement and disposition activities of the National Nuclear Security Administration in accordance with the limitations in subsection (a).

(e) CERTIFICATION.—Not later than February 1, 2018, the Administrator shall certify to the congressional defense committees that the Administrator is carrying out the nuclear weapons dismantlement and disposition activities of the Administration in accordance with the limitations in subsections (a) and (b).

SEC. 3115. IMPROVED INFORMATION RELATING TO ADVANCED NAVAL REACTOR FUEL SYSTEM AND ARMS CONTROL PROGRAM.

(a) IMPROVED INFORMATION.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2563 et seq.) is amended by adding at the end the following new section:

SEC. 4310. INFORMATION RELATING TO DEFENSE NUCLEAR NONPROLIFERATION RESEARCH AND DEVELOPMENT PROGRAM AND ARMS CONTROL PROGRAM.

“(a) TECHNOLOGIES AND CAPABILITIES.—The Administrator shall document, for efforts that are not focused on basic research, the technologies and the plans of the defense nuclear nonproliferation research and development program—

(1) that are transitioned to end users for further development or deployment; and

(2) that are deployed.

“(b) ASSESSMENTS OF STATUS.—(1) In assessing projects under the defense nuclear nonproliferation research and development program or the defense nuclear nonproliferation and arms control program, the Administrator shall compare the status of each such project, including underlying assessment of the final results of such project, to the baseline targets and goals established in the initial project plan of such project.

(2) The Administrator may carry out paragraphs (1) and (2) of section 4310(b) using a common template or such other means as the Administrator determines appropriate.

(b) INCLUSION IN PLAN.—Section 4209(b) of such Act (50 U.S.C. 2575(b)) is amended—

(1) by redesignating paragraph (16) as paragraph (18); and

(2) by inserting after paragraph (15) the following new paragraphs:

“(16) A summary of the technologies and capabilities documented under section 4310(a).

(17) A summary of the assessments conducted under section 4310(b)."

SEC. 3116. RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL REACTOR FUEL BASED ON LOW-ENRICHED URANIUM.

(a) PROHIBITION ON AVAILABILITY OF FUELS FOR FISCAL YEAR 2018.—

(1) RESEARCH AND DEVELOPMENT.—Except as provided by paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for defense nuclear nonproliferation, as specified in the funding table in division D—

(A) $5,000,000 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 fuel system based on low-enriched uranium; and

(B) if the Secretary of Energy and the Secretary of the Navy determine under section 3118(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1196) that such low-enriched uranium activities and research and development should continue, an additional $30,000,000 may be made available to the Deputy Administrator for such purpose.

(b) PROHIBITION ON AVAILABILITY OF FUNDS REGARDING CERTAIN ACCOUNTS AND PURPOSES.—

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

§7319. Requirements for availability of funds relating to advanced naval nuclear fuel systems based on uranium.

“(a) AUTHORIZATION.—Low-enriched uranium activities may only be carried out using funds authorized to be appropriated or otherwise made available for the Department of Energy for atomic energy defense activities for defense nuclear nonproliferation.

“(b) PROHIBITION REGARDING CERTAIN ACCOUNTS.—(1) None of the funds described in this paragraph may be obligated or expended to carry out low-enriched uranium activities.

“(2) The funds described in this paragraph are from programs to be transitioned or otherwise made available for any fiscal year for any of the following accounts:

(A) Shipbuilding and conversion, Navy, or any other account of the Department of Defense.

(B) Any account within the atomic energy defense activities of the Department of Energy other than defense nuclear nonproliferation, as specified in subsection (a).

“(3) The prohibition in paragraph (1) may not be superseded except by a provision of law that specifically supersedes this section. A provision of law, including a table incorporated into an Act, that appropriates funds described in paragraph (2) may be obligationed or expended to carry out low-enriched uranium activities.

“(4) The prohibition under paragraph (3) may not be superseded except by a provision of law that specifically supersedes this section unless such provision specifically cites to this section.

(c) LOW-ENRICHED URA NIUM ACTIVITIES DEFINED.—In this section, the term ‘low-enriched uranium activities’ means the following:

“(1) Planning or carrying out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

“(2) Procuring ships that use low-enriched uranium in naval nuclear propulsion reactors.

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

“§7319. Requirements for availability of funds relating to advanced naval nuclear fuel systems based on low-enriched uranium”."

(c) REPORTS.—

(1) ISSUES.—Not later than 180 days after the enactment of this Act, the Secretary of the Navy and the Deputy Administrator for Naval Reactors shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the cost and timeline required to assess the feasibility, costs, and requirements for a design of the Virginia-class replacement nuclear attack submarine that would allow for the use of a low-enriched uranium fueled reactor, if technically feasible, without changing the diameter of the submarine.

(2) RESEARCH AND DEVELOPMENT.—Not later than 60 days after the date of the enactment of this Act, the Deputy Administrator for Naval Reactors shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the planned research and development activities on low-enriched uranium and highly enriched uranium fuel that could apply to the development of a low-enriched uranium fuel or an advanced highly enriched uranium fuel.

(b) WITH RESPECT TO SUCH ACTIVITIES FOR EACH SUCH FUEL—

(i) the costs associated with such activities; and

(ii) a detailed proposal for funding such activities.

SEC. 3117. 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 2018 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 arising 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); and

(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 of not more than $50,000,000 that the Secretary 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. 3118. NATIONAL NUCLEAR SECURITY ADMINISTRATION PAY AND PERFORMANCE PAY PROGRAM.

(a) PAY BANDING AND PERFORMANCE-BASED PAY ADJUSTMENT PROJECT.

(1) EXTENSION.—The Administrator for Nuclear Security shall carry out the project until the date that is five years after the date of the enactment of this Act. The Administrator shall carry out such project in accordance with the demonstration project plan, including with respect to the authority of the Administrator to modify such system pursuant to such plan and waiving certain authorities or requirements under such plan.

(2) NAVAL NUCLEAR PROPULSION PROGRAM.—The Deputy Administrator for Naval Reactors...
may carry out the demonstration project with respect to the employees of the Naval Nuclear Propulsion Program in positions in the competitive service.

(3) ASSIGNMENTS.—In carrying out the demonstration project, the Administrator shall authorize, and establish incentives for, employees of the National Nuclear Security Administration to be able to engage in certain activities authorized under programs of the Administration, the headquarters and field offices of the Administration, and the management and operating contractors of the Administration.

(4) REQUIREMENTS FOR SENIOR-LEVEL POSITIONS.—The Administrator shall establish requirements for a certain number and types of positions at the headquarters and field offices of the Administration, including with respect to—

(A) professional training and continuing education;

and

(B) a certain number and types of rotational assignments under paragraph (3), as determined by the Administrator.

(5) DEFINITIONS.—In this subsection:

(A) The term ‘demonstration project’ means the Naval Nuclear Security Administration Pay Banding and Performance-Based Pay Adjustment Demonstration Project that is carried out—

(i) pursuant to section 4703 of title 5, United States Code; and

(ii) in accordance with the demonstration project plan and this subsection.

(B) The ‘demonstration project plan’ means the demonstration project plan published in the Federal Register on December 21, 2007 (72 Fed. Reg. 72,776).

(2) ROTATIONS FOR CERTAIN CONTRACTORS.—

(1) INCREASED USE.—The Administrator for Nuclear Security shall increase the use of rotational assignments of employees of the management and operating contractors of the National Nuclear Security Administration to the headquarters and field offices of the Administration, the Department of Defense, and other military departments, the intelligence community, and other departments and agencies of the Federal Government.

(2) METHODS.—The Administrator shall carry out paragraph (1) by—

(A) establishing incentives for—

(i) the management and operating contractors to participate in rotational assignments; and

(ii) the departments and agencies of the Federal Government specified in such paragraph to facilitate such assignments;

(B) providing professional and leadership development opportunities during such assignments;

(C) using details and other applicable authorities and programs, including the mobility program under subchapter VI of chapter 32 of title 5, United States Code (commonly referred to as the ‘Intergovernmental Personnel Act Mobility Program’); and

(D) taking such other actions as the Administrator determines appropriate to increase the use of such rotational assignments.

(c) RED-TEAM ANALYSIS.—

(1) ANNUAL REPORT.—The Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall carry out a red-team analysis of the Federal employee staffing structure of the Administration with respect to the Administrator for Nuclear Security meeting the authorized personnel levels under section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 23441a).

(2) MATTERS INCLUDED.—The analysis under paragraph (1) shall include assessments of—

(A) the number of Federal employees within each program of the Administration, and whether such numbers are appropriately balanced with respect to the size, scope, functions, budgets, and goals of each program; and

(B) the number of Senior Executive Service positions within the Administration, including a comparison of such number to other comparable departments and agencies of the Federal Government, and whether such number is appropriate.

(d) BRIEFSING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(A) the Administrator for Nuclear Security shall provide a briefing to the appropriate congressional committees on the implementation of—

(i) section 3248 of the National Nuclear Security Administration Act, as added by subsection (a); and

(ii) subsection (b); and

(B) The Director for Cost Estimating and Program Evaluation shall provide to such committees a briefing on the analysis under subsection (c).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means—

(A) the Committees on Armed Services of the House of Representatives and the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Energy and Natural Resources of the Senate; and

(D) the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 3119. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.

(a) IN GENERAL.—Subject to paragraph (b), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the National Nuclear Security Administration for the MOX facility for construction and project support activities.

(b) WAIVER.—The Secretary of Energy may waive the requirement in subsection (a) if the Secretary submits to the Committees on Armed Services of the House of Representatives and the Senate the following:


(2) Notification that the Secretary has sought to enter into consultations with any relevant State necessary to pursue an alternative option for carrying out the plutonium disposition program, and

(3) Notification that the Secretary has been unable to enter into a fixed-price contract with the prime contractor of the MOX facility for construction and project support activities under subsection (a) that the Secretary determines sufficiently minimizes risk and cost to the Department of Energy.

(c) Certification that—

(1) the alternative option for carrying out the plutonium disposition program exists;

(2) the total lifecycle cost of such alternative option would be less than approximately half of the estimated remaining total lifecycle cost of the mixed-oxide fuel program; and

(3) pursuing such alternative option is in the best interest of the Federal Government.

(d)Waiver of provisions.—(1) The Secretary of Energy shall—

(A) remove plutonium from South Carolina; and

(B) ensure a sustainable future for the Savannah River Site.

(e) DEFINITIONS.—In this section:

(1) The term ‘MOX facility’ means the mixed-oxide fuel fabrication facility at the Savannah River Site.

(2) The term ‘project support activities’ means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

SEC. 3120. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR INFILTRATION.—(1) The Secretary of Energy shall adjust the amount of the minor construction threshold on October 1, 2017, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for the current fiscal year.

(2) The Secretary shall adjust the amount of the minor construction threshold on October 1, 2017, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for the current fiscal year.

(3) By adding at the end the following new subsection:

(P) may ignore any such increase of less than 1 percent.

(4) For purposes of this subsection, the term ‘Consumer Price Index’ means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 3121. DESIGN COMPETITION.

(a) FINDINGS.—Congress finds the following:

(1) In January 2016, the Atomic Energy Defense Act established a congressionally-mandated study panel from the National Academies of Science testify before the House Committee on Armed Services that:

(A) ‘The National Nuclear Security Administration (NNSA) complex must engage in robust design competitions in order to exercise the design and production skills that underpin stockpile stewardship and are necessary to meet evolving threats.’

(B) ‘To exercise the full set of design skills necessary for an effective nuclear deterrent, the Department of Energy should develop and conduct the first in what the committee envisions to be a series of design competitions that integrate the full end-to-end process from novel design conception through engineering, building, and non-nuclear testing of a prototype.’

(2) In March 2016 testimony before the House Committee on Armed Services regarding a Defense Science Board (DSB) report titled, ‘Seven Defense Priorities for the New Administration’, members of the DSB said:

(A) ‘A key contributor to nuclear deterrence is the continuous, adaptive design of the nuclear weapons development, design, and production functions for nuclear weapons in both the DOE and DOD... Yet the DOE laboratories and DOD contractor complexes have done little integrated design and development work outside of life extension for 25 years, let alone concept development that could serve as a hedge to surprise.’

(B) ‘The Defense Science Board believes that the triad’s complementary features remain robust tenets for the design of a future force. Replacing our current, aging force is essential, but our disadvantaged in the more complex nuclear environment we now face to provide the adaptability or flexibility to credibly hold at risk what adversaries value. In particular, if the threat evolves in ways that favorably change the cost/benefit calculus in the view of an adversary’s leadership, then we should be in a position to quickly restore a credible deterrence posture.’

(3) In a memorandum dated May 9, 2014, then-Secretary of Energy Ernie Moniz said:

(A) ‘If nuclear military capabilities are to provide deterrence for the nation they need to meet the needs of a bipolar world with roots in the Cold War era. A more complex, chaotic, and nuclear arms control environment calls for a more integrated system...In order to uphold the Department’s mission to ensure an effective nuclear deterrent... we must...’
ensure our nuclear capabilities meet the challenges of known and potential geopolitical and technological trends. Therefore we must look ahead, using the expertise of our laboratories, to how the threats that could be employed by other nations could impact deterrence over the next several decades.

(b) We must challenge our thinking about our programs in order to permit foresighted actions that may reduce, in the coming decades, the chances for surprise and that buttress deterrence.

(b) COMPETITION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator for Nuclear Security, in coordination with the Chairman of the Nuclear Nonproliferation and the Secretary of Energy, shall carry out a new and comprehensive design competition for a nuclear warhead that could be employed on ballistic missiles of the United States by 2030. Such competition shall—

(A) examine options for warhead design and related delivery system requirements in the 2030s, including—

(i) life extension of existing weapons;

(ii) new capabilities; and

(iii) other concepts that the Administrator and the Chairman determine necessary to fully exercise and create responsive design capabilities in the enterprise and ensure a robust nuclear deterrent into the 2030s;

(B) assess how the capabilities and defenses that may be required by other nations could impact deterrence in 2030 and beyond and how such threats could be addressed or mitigated in the warhead and related delivery systems;

(C) exercise the full set of design skills necessary for an effective deterrent and responsive enterprise through production of conceptual designs and, as the Administrator determines appropriate, production of non-nuclear prototypes of components or sub-systems; and

(D) examine and recommend actions for significantly shortening timelines and significantly reducing cost associated with design, development, certification, and production of the warhead, without reducing worker or public health and safety.

(2) TIMING.—The Administrator shall—

(a) during fiscal year 2018 develop a plan to carry out paragraph (1); and

(b) during fiscal year 2019 implement such plan.

(c) BRIEFING.—Not later than March 1, 2018, the Administrator, in coordination with the Chairman of the Nuclear Weapons Council, shall brief the Committees on Armed Services of the Senate and House of Representatives on the plan of the Administrator to carry out the warhead design competition under subsection (a). The briefing shall include an assessment of the costs, benefits, risks, and opportunities of such plan, particularly impacts to ongoing life extension programs and infrastructure projects.

SEC. 3237. SECURITY CLEARANCE FOR DUAL-NATIONALS EMPLOYED BY NATIONAL NUCLEAR SECURITY AGENCY.

(a) IN GENERAL.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended by inserting after section 2326 the following new section:

(b) CONFORMING AMENDMENT.—Section 2353(b) of the National Nuclear Security Administration Act (50 U.S.C. 2453) is amended by striking paragraph (5).

(c) SELECTED ACQUISITION REPORTS.—Section 4217(a) of the Atomic Energy Defense Act (50 U.S.C. 2537) is amended by striking ‘‘fiscal year’’ and inserting ‘‘fiscal years’’.

(d) LONG-TERM PLAN FOR MEETING NATIONAL SECURITY REQUIREMENTS FOR UNENCUMBERED URANIUM.—Section 4212(a) of the Atomic Energy Defense Act (50 U.S.C. 2536) is amended by striking ‘‘Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, in’’ and inserting ‘‘Not later than December 31 of’’.

(e) DEFENSE NUCLEAR NONPROLIFERATION MANAGEMENT PLAN.—Section 4309 of the Atomic Energy Defense Act (50 U.S.C. 2575) is amended—

(1) in subsection (a), by striking ‘‘In GENERAL.—Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, in’’ and inserting ‘‘Not later than March 31 of each odd-numbered year’’;

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following new subsection (c):

‘‘SEC. 3238. ASSESSMENT AND OPERATING CONTRACTS OF NATIONAL SECURITY LABORATORIES.

(a) ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, 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 benefits, costs, challenges, risks, efficiency, and effectiveness of the strategies the Administrator has implemented in the management and operating contracts for national security laboratories. The Administrator may not award such contract to a federally funded research and development center with which the Department of Energy or the National Nuclear Security Administration is the primary sponsor. The Administrator and the director of each national security laboratory, shall provide to the federally funded research and development center conducting the assessment under subsection (a) the information the center requires to conduct such assessment.

(b) SUBMISSION.—

(1) NSA.—Not later than 90 days after the date on which the Administrator and a federally funded research and development center enter into the contract under subsection (a), the center shall submit to the Administrator a report on the assessment conducted under subsection (a). Such report shall include the following:

(A) An assessment of the acquisition strategy and contract administration for the management and operating contracts of national security laboratories, and whether such strategy, plans, and contracts provide the best outcomes to the Federal Government with respect to performance, cost, efficiency, and effectiveness.

(B) An assessment of the total costs, for each national security and cybersecurity laboratory that are incurred because of using a for-profit model for the management and operating contract that would not be incurred under a nonprofit model, and the performance, cost, efficiency, and effectiveness that would be expected to increase or decrease under a nonprofit model.

SEC. 3122. DEPARTMENT OF ENERGY COUNTER- INTELLIGENCE POLYGRAPH PROGRAM.

Section 4004(b) of the Atomic Energy Defense Act (50 U.S.C. 2544(b)) is amended by adding at the end the following new paragraph:

(4) The regulations prescribed under paragraph (1) shall ensure that the persons subject to the counterintelligence polygraph program required by subsection (a) include any person who—

(A) a United States national who also has the nationality of a foreign state; and

(B) seeking employment with the National Nuclear Security Administration.

SEC. 3123. SECURITY CLEARANCE FOR DUAL-NATIONALS EMPLOYED BY NATIONAL NUCLEAR SECURITY AGENCY.

(a) IN GENERAL.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended by inserting after section 2304 the following new section:

(b) CONFORMING AMENDMENT.—Section 2353(b) of the National Nuclear Security Administration Act (50 U.S.C. 2453) is amended by striking paragraph (5).

(c) SELECTED ACQUISITION REPORTS.—Section 4217(a) of the Atomic Energy Defense Act (50 U.S.C. 2537) is amended by striking ‘‘fiscal year’’ and inserting ‘‘fiscal years’’.

(d) LONG-TERM PLAN FOR MEETING NATIONAL SECURITY REQUIREMENTS FOR UNENCUMBERED URANIUM.—Section 4212(a) of the Atomic Energy Defense Act (50 U.S.C. 2536) is amended by striking ‘‘Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, in’’ and inserting ‘‘Not later than December 31 of’’.

(e) DEFENSE NUCLEAR NONPROLIFERATION MANAGEMENT PLAN.—Section 4309 of the Atomic Energy Defense Act (50 U.S.C. 2575) is amended—

(1) in subsection (a), by striking ‘‘In GENERAL.—Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, in’’ and inserting ‘‘Not later than March 31 of each odd-numbered year’’;

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following new subsection (c):

‘‘SEC. 3238. ASSESSMENT AND OPERATING CONTRACTS OF NATIONAL SECURITY LABORATORIES.

(a) ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, 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 benefits, costs, challenges, risks, efficiency, and effectiveness of the strategies the Administrator has implemented in the management and operating contracts for national security laboratories. The Administrator may not award such contract to a federally funded research and development center with which the Department of Energy or the National Nuclear Security Administration is the primary sponsor. The Administrator and the director of each national security laboratory, shall provide to the federally funded research and development center conducting the assessment under subsection (a) the information the center requires to conduct such assessment.

(b) SUBMISSION.—

(1) NSA.—Not later than 90 days after the date on which the Administrator and a federally funded research and development center enter into the contract under subsection (a), the center shall submit to the Administrator a report on the assessment conducted under subsection (a). Such report shall include the following:

(A) An assessment of the acquisition strategy and contract administration for the management and operating contracts of national security laboratories, and whether such strategy, plans, and contracts provide the best outcomes to the Federal Government with respect to performance, cost, efficiency, and effectiveness.

(B) An assessment of the total costs, for each national security and cybersecurity laboratory that are incurred because of using a for-profit model for the management and operating contract that would not be incurred under a nonprofit model, and the performance, cost, efficiency, and effectiveness that would be expected to increase or decrease under a nonprofit model.
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(C) An assessment of whether the Administrator is appropriately using, managing, and overseeing the national security laboratories with respect to the nature of the laboratories as federally funded research and development centers.

(2) CONGRESS.—Not later than 30 days after the date on which the Administrator receives the report under paragraph (1), the Administrator shall submit to the Committees on Armed Services of the House of Representatives and the Senate such report, without change, together with any comments the Administrator determines appropriate.

(3) LIMITATION.—

(A) AND END EXTENSION OF CONTRACT.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the National Nuclear Security Administration may be obligated or expended to award, or to extend, a management and operating contract for a national security laboratory until the date on which the Administrator submits to the congressional defense committees the report under paragraph (2).

(B) WAIVER FOR EXTENSION.—The Secretary of Energy may waive the limitation in subparagraph (A), to the extent necessary to support the management and operating contract for a national security laboratory if the Secretary—

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

(ii) notifies the Committees on Armed Services of the House of Representatives and the Senate of such determination.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Committee on Energy and Natural Resources of the Senate.

(2) The term "defense nuclear waste" means radioactive waste that—

(A) resulted from the reprocessing of spent nuclear fuel that was generated from atomic energy defense activities; and

(B) contains more than 100 nCi/g of alpha-emitting transuranic isotopes with half-lives greater than 30 years.

SEC. 3134. REPORT ON CRITICAL DECISION–1 ON MATERIAL STAGING FACILITY PROJECT.

Not later than November 30, 2017, the Administrator for Nuclear Security shall submit to the congressional defense committees a report containing the following:

(1) The decision memorandum of the Administrator with respect to Critical Decision–1 on the Material Staging Facility project at the Pantex Plant.

(2) The preferred alternative approved by the Administrator for such Critical Decision–1.

(3) The cost-range estimates, including a description of the costs saved or avoided from not processing and sustaining the Area 4 at the Pantex Plant.

(4) The schedule-range estimates that include completion of the Material Staging Facility by 2024.

(5) The risk factors and risk mitigation and management options relating to the Material Staging Facility.

(6) The expected improvements to operations and security provided by the Material Staging Facility, once operational, including the potential annual costs.

(7) Such other matters as the Administrator considers appropriate.

SEC. 3135. MODIFICATION OF STOCKPILE STABILITY, MANAGEMENT, AND RESPONSIVENESS PLAN.

(a) ANNUAL REPORT.—Together with the submission to Congress of the budget of the President under section 105(a) of title 31, United States Code, for each of fiscal years 2019 through 2021, the Administrator for Nuclear Security shall submit to the congressional defense committees a briefing containing a copy of the assessment under subsection (a), with-out change, and any views of the Administrator.

(b) ASSESSMENT AND BRIEFING.—

(1) NNSA.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the appropriate congressional committees a report on each covered hardware program concerned.

(2) MATTERS INCLUDED.—The information contained in the Selected Acquisition Report for a fiscal year for a covered hardware program shall be the information contained in the Selected Acquisition Report for such fiscal year for a major acquisition program on Energy subchapter 2432 of title 10, United States Code, expressed in terms of the covered hardware program.

(c) REPORTS.—

The Secretary of Energy shall submit to Congress a report evaluating the impact of such systems.

(T) The benefits to the national security of the United States resulting from the deployments of such systems, including costs to the United States and to any host nation.

(2) Options for technological advances that would make radiation detection less expensive or more effective.

(3) The benefits to the national security of the United States resulting from the deployments of such systems.

SEC. 3137. ANNUAL SELECTED ACQUISITION REPORTS ON CERTAIN HARDWARE RELATING TO DEFENSE NUCLEAR NONPROLIFERATION.

(a) ANNUAL SELECTED ACQUISITION REPORTS.—

(1) IN GENERAL.—At the end of each fiscal year, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on each covered hardware project. The reports shall be known as Selected Acquisition Reports for the covered hardware program concerned.

(2) MATTERS INCLUDED.—The information contained in the Selected Acquisition Report for a fiscal year for a covered hardware project shall be the information contained in the Selected Acquisition Report for such fiscal year for a major acquisition program on Energy subchapter 2432 of title 10, United States Code, expressed in terms of the covered hardware program.

(b) DEFINITIONS.—In this section—

(T) The term "covered hardware program" means projects carried out under the defense nuclear nonproliferation research and development program.

(2) C O N G R E S S.—Not later than 30 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to Congress a report evaluating the impact of such systems.

(3) Options for technological advances that would make radiation detection less expensive or more effective.

(4) The benefits to the national security of the United States resulting from the deployments of such systems.

SEC. 3138. ANNUAL APPROPRIATIONS FOR DESIGN TRADE OPTIONS OF W80-4 WARHEAD.

(a) ASSESSMENT.—The Director for Cost Estimating and Program Evaluation shall conduct an assessment of the design trade options, and the associated cost and benefit analyses for each such option, for the W80-4 warhead relating to the drug-select options to be contained in the final Phase 6.2 study report. Such assessment shall include a review of the cost and schedule estimates of each such option.

(b) ASSESSMENT AND BRIEFING.—

(1) NNSA.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a briefing containing a copy of the assessment under subsection (a), without change, and any views of the Administrator.

(2) FORM.—The assessment submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

T I T L E X X X I I I — D E F E N S E NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2018, $30,600,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

T I T L E X X X I X — N A V A L PE T R O L E U M RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of the Treasury $4,900,000 for fiscal year 2018 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.
TITILE XXXV—MARITIME ADMINISTRATION
SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.
There are authorized to be appropriated to the Department of Transportation for fiscal year 2018 and available thereafter, to be obligated for the purpose of providing financial assistance to the United States merchant marine, such sums as may be necessary for the following:
(1) Expenses necessary for operations of the United States Merchant Marine Academy, $84,400,000, of which—
(A) $66,400,000 shall be for Academy operations; and
(B) $18,000,000 shall remain available until expended for capital asset management at the Academy.
(2) Expenses necessary to support the State maritime academies, $27,400,000, of which—
(A) $2,400,000 shall remain available until September 30, 2019, for the Student Incentive Program;
(B) $3,000,000 shall remain available until expended for direct payments to such academies; and
(C) $22,000,000 shall remain available until expended for the construction and repair of State maritime academy training vessels.
(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $30,000,000, which shall remain available until expended.
(4) For expenses necessary to support Maritime Administration operations and programs, $80,000,000.
(5) 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, $30,000,000.
(6) For expenses necessary to provide assistance for small shipyards and maritime communities under section 5401 of title 46, United States Code, $40,000,000.

SEC. 3502. MERCHANT SHIP SALES ACT OF 1946.
(a) AMENDMENTS.—The Merchant Ship Sales Act of 1946 (50 U.S.C. 4401 et seq.) is amended by—
(1) repealing the first section and sections 2, 3, 5, 12, and 14;
(2) in section 8, redesignating subsection (d) as section 8(d) of title 46, United States Code, transferring it to appear after section 56307 of such title; and
(3) redesignating section 11 as section 57100 of title 46, United States Code, and transferring it to appear before section 57101 of such title.
(b) CONFORMING AND CLERICAL AMENDMENTS.—
(1) Section 2218 of title 10, United States Code, is amended by striking “section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744)” each place it appears and inserting “section 57100 of title 46”.
(2) Section 3134 of title 46, United States Code, is amended—
(A) by striking “31,” and inserting “31 or”;
and
(B) by striking “or the Merchant Ship Sales Act of 1946 (50 U.S.C. 1743 et seq.),”.
(3) Section 3703a(b)(6) of title 46, United States Code, is amended by—
(A) striking “section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744)” and inserting “section 57100”;
(B) by striking “section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744)” and inserting “section 57100”.
(4) Section 52101(c)(1)(A)(i) of title 46, United States Code, is redesignated as section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744)” and inserting “section 57100”.

(5) Section 56308 of title 46, United States Code, as redesignated and transferred by subsection (a)(2) of this section, is amended—
(A) by striking so much as precedes “vessel constructed” and inserting the following:
§56308. Transfer of substitute vessels
“in the case of any”;
(B) by inserting “(Transportation)” after “Secretary”;
and
(C) by striking “adjustments with respect to the retained vessels as provided for in section 9, and”.
(6) Section 57100 of title 46, United States Code, as redesignated and transferred by subsection (a)(3) of this section, is amended—
(A) by striking so much as precedes the text of subsection (b) and inserting the following:
§57100. National Defense Reserve Fleet
(a) FLEET COMPONENTS.—
(B) in subsection (b), by inserting before the first sentence the following: “PERMITTED USES.—”;
and
(C) in subsection (c)—
(i) by inserting before the first sentence the following: “EXEMPTION FROM TANK VESSEL CONSTRUCTION STANDARDS.”;
(ii) by striking “of title 46, United States Code”;
(7) Section 57101 of title 46, United States Code, is amended by striking “maintained under section (d) of such section 902, as amended” and inserting “section 56309 or 56310, as applicable’’;
(8) The analysis for chapter 563 of title 46, United States Code, is amended by inserting after the item relating to section 56307 the following:
§6308. Transfer of substitute vessels
(9) The analysis for chapter 571 of title 46, United States Code, is amended by inserting before the item relating to section 57101 the following:
§57101. National Defense Reserve Fleet

SEC. 3503. MARITIME SECURITY FLEET PROGRAM; RESTRICTION ON OPERATION FOR NEW ENTRANTS.
(a) RESTRICTION.—Section 52106(a) of title 46, United States Code, is amended—
(1) in paragraph (1)(A), by inserting “, except as provided in paragraph (2),” after “in the foreign commerce or”;
(2) in paragraph (1)(B), by striking “and” after the semicolon at the end;
(3) by redesigning paragraph (2) as paragraph (3); and
(4) by inserting after paragraph (1) the following:
“In the case of a vessel, other than a replacement vessel or vessel purchased by section (f), first covered by an operating agreement after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the vessel shall not be operated in the transportation of cargo between points in the United States and its territories either directly or via a foreign port; and”.
(b) CONFORMING AMENDMENTS.—Section 53106 of title 46, United States Code, is amended—
(1) in subsection (b), by striking “section 52106(a)” and inserting “paragraph (1) and (2) of section 52106(a)”;
(2) in subsection (d)(3), by striking paragraph “§ 52106(c)(1)” and inserting “§ 52106(c)(1)”; and
(3) in subsection (d)(5), by striking “section 52106(c)(1)” and inserting “section 52106(c)(1) as otherwise applicable with respect to such vessel’’.

SEC. 3504. CODIFICATION OF SECTIONS RELATING TO FLEET COMMISSION, CHARTER, AND REQUISITION OF VESSELS.
(a) EMERGENCY FOREIGN VESSEL ACQUISITION; PURCHASE OR REQUISITION OF VESSELS LYING IDLE IN UNITED STATES WATERS.
(1) is redesignated as section 56309 of title 46, United States Code, and transferred to appear at the end of chapter 563 of such title, as otherwise amended by this title; and
(2) is amended—
(A) by striking “That during” and inserting the following:
§56309. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters
“During”;
(B) by striking “section 902 of the Merchant Marine Act, 1936, as amended” each place it appears and inserting this chapter; and
(C) by striking “the second paragraph of subsection (d) of such section 902, as amended” and inserting “section 56305”.
(b) VOLUNTARY PURCHASE OR CHARTER AGREEMENTS.—Section 2 of such Act (50 U.S.C. 197)—
(1) is redesignated as section 56310 of title 46, United States Code, and transferred to appear after section 56309 of such title (as amended by subsection (a)); and
(2) is amended—
(A) by striking so much as precedes “During” and inserting the following:
§56310. Voluntary purchase or charter agreements; and
(B) by striking “section 902 of the Merchant Marine Act, 1936,” and inserting “this chapter”.
(c) REQUISITIONED VESSELS.—Section 3 of such Act (50 U.S.C. 198)—
(1) is redesignated as section 56311 of title 46, United States Code, and transferred to appear after section 56310 of such title (as amended by subsections (a) and (b));
(2) is amended by striking so much as precedes subsection (a) and inserting the following:
§56311. Requisitioned vessels;
and
(3) is amended—
(A) except as provided in subparagraphs (B) and (C), by striking “this Act” each place it appears and inserting “section 56309 or 56310, as applicable’’;
(B) in subsection (c)—
(i) in the first sentence, by striking “this Act” and inserting “section 56309 or 56310, as applicable’’; and
(ii) by striking “the second paragraph of section 9 of the Shipping Act, 1916, as amended,” and inserting “section 57109”;
and
(C) in subsection (d)—
(i) in the first sentence by striking “provisions of section 3709 of the Revised Statutes” and inserting “section 3709 of title 41”;
(ii) in the second sentence—
(1) by striking “this Act” and inserting “section 56309 or 56310, as applicable’’; and
(2) by striking “or the Merchant Marine Act, 1936” and inserting “chapter 575”;
and
(iii) by striking subsection (f).
(d) DOCUMENTED DEFINED.—Chapter 563 of title 46, United States Code, as amended by this section, is further amended by adding at the end the following:
§56312. Documented defined
“In sections 56309 through 56311, the term ‘documented’ means, with respect to a vessel, that a certificate of documentation has been issued for the vessel under chapter 121.”;
(e) CLERICAL AMENDMENT.—The analysis for chapter 563 of title 46, United States Code, as otherwise amended by this title, is further amended by adding at the end the following:
“§56309. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters
§56310. Voluntary purchase or charter agreements
§56311. Requisitioned vessels
§56312. Documented defined”.

REFERENCES—Any reference in a law, regulation, document, paper, or other record of the United States to a section that is redesignated
and transferred by this section is deemed to refer to such section as so redesignated and transferred.

SEC. 5305. ASSISTANCE FOR SMALL SHipyards.

(a) In General.—Chapter 541 of title 46, United States Code, is amended—

(1) in the section heading, by striking "and maritime communities" and all that follows through the period and inserting "relating to shipbuilding, ship repair, and associated industries;";

(2) by amending paragraph (2) by inserting paragraph (1) to read as follows:

"(1) consider projects that foster—

(A) efficiency, competitive operations, and quality ship construction, repair, and reconfiguration;

(B) employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries; and;

(4) in subsection (c)(1)—

(A) by inserting "to" after "may be used"; and

(B) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) make capital and related improvements in small shipyards; and

(B) provide training for workers in shipbuilding, ship repair, and associated industries.";

(5) in subsection (d), by striking "unless" and all that follows before the period;

(6) in subsection (e);

(A) by redesignating paragraph (2) as paragraph (2); and

(B) by striking paragraphs (3) as provided in paragraph (2); and

(7) in subsection (i), by striking "2015" and all that follows before the period and inserting "2018 and 2019 to carry out this section $30,000,000".

(b) CLERICAL AMENDMENT.—The analysis for chapter 541 of title 46, United States Code, is amended by striking the item relating to section 54101 and inserting the following: "54101. Assistance for small shipyards.

SEC. 5306. REPORT ON SEXUAL ASSAULT VICTIM RECOVERY IN THE COAST GUARD.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, 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 sexual assault prevention and response policies of the Coast Guard and strategic goals related to sexual assault victim recovery.

(b) CONTENTS.—The report shall—

(1) describe Coast Guard strategic goals relating to sexual assault climate, prevention, response, and accountability, and actions taken by the Coast Guard to promote sexual assault victim recovery;

(2) explain how victim recovery is being incorporated into Coast Guard strategic and programmatic guidance related to sexual assault prevention and response;

(3) examine current Coast Guard sexual assault prevention and response policy with respect to—

(A) Coast Guard criteria for what comprises sexual assault victim recovery;

(B) alignment of Coast Guard personnel policies to enhance—

(i) an approach to sexual assault response that gives priority to victim recovery;

(ii) upholding individual privacy and dignity; and

(iii) the opportunity for the continuation of Coast Guard service by sexual assault victims;

(4) sexual harassment response, including a description of the circumstances under which sexual harassment is considered a criminal offense; and

(5) to ensure victims and supervisors understand the full scope of resources available to aid in long-term recovery, explain how the Coast Guard informs its workforce about changes to sexual assault prevention and response policies related to victim recovery.

SEC. 5307. CENTERS OF EXCELLENCE.

(a) In General.—Chapter 541 of title 46, United States Code, is amended by adding at the end of the following:

"§54102. Centers for excellence for domestic maritime workforce training and education.

"(a) DESIGNATION.—The Secretary of Transportation may designate as a center of excellence for domestic maritime workforce training and education a covered training entity located in a State that borders on the—

(1) Gulf of Mexico;

(2) Atlantic Ocean;

(3) Long Island Sound;

(4) Pacific Ocean;

(5) Great Lakes; or

(6) Mississippi River System.

"(b) DETERMINATION.—The Secretary may enter into a cooperative agreement (as that term is used in section 6305 of title 31) with a center of excellence designated under subsection (a) to support maritime workforce training and education at the center of excellence, including efforts of the center of excellence to—

(1) admit additional students;

(2) recruit and train faculty;

(3) expand facilities;

(4) create new maritime career pathways; or

(5) award students credit for prior experience, including military service.

"(c) COVERED TRAINING ENTITY.—In this section, the term 'covered training entity' means an entity that is—

(1) a community or technical college; or

(2) a maritime training center—

(A) operated by, or under the supervision of, a State; and

(B) with a maritime training program in operation on the date of enactment of this section.

SEC. 5401. 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 obligation, 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, on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING 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 1512 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 AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLe XIV—Procurement

SEC. 4101. PROCUREMENT.

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### MISSILE PROCUREMENT, ARMY

**SURFACE-TO-AIR MISSILE SYSTEM**

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**AIR-TO-SURFACE MISSILE SYSTEM**

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**MODIFICATIONS**

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**SUPPORT EQUIPMENT & FACILITIES**

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Realignment European Reassurance Initiative to Base

Total Realign European Reassurance Initiative to Base

Total Unfunded Requirement

Total Procurement of W&T&CV, Army

Authorized

House
## SEC. 4501. PROCUREMENT  

**In Thousands of Dollars**

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**TOTAL PROCUREMENT OF AMMUNITION, ARMY**

**1,879,283**

**2,235,247**

### OTHER PROCUREMENT, ARMY

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### COMMUNICATIONS

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**OTHER PROCUREMENT, NAVY**

**SHIP PROPULSION EQUIPMENT**

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**TOTAL OTHER PROCUREMENT, NAVY**

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**AIRCRAFT PROCUREMENT, AIR FORCE**

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**MISSILE PROCUREMENT, AIR FORCE**

**MISSILE REPLACEMENT EQUIPMENT—BALLISTIC**

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**TOTAL PROCUREMENT, DEFENSE-WIDE**

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**TOTAL PROCUREMENT, DEFENSE-WIDE**

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** PROCUREMENT OF AMMO, NAVY & MC **

** NAVY AMMUNITION **

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** MARINE CORPS AMMUNITION **

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** OTHER PROCUREMENT, NAVY **

** OTHER SHIPBOARD EQUIPMENT **

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** OTHER SHORE ELECTRONIC EQUIPMENT **

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** CLASSIFIED PROGRAMS **

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** PROCUREMENT, MARINE CORPS **

** ARTILLERY AND OTHER WEAPONS **

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### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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**PROCUREMENT, DEFENSE-WIDE**

**MAJOR EQUIPMENT, DINA**

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**MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY**

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**CLASSIFIED PROGRAMS**

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**AVIATION PROGRAMS**

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### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

**(In Thousands of Dollars)**

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### NATIONAL GUARD AND RESERVE EQUIPMENT

**UNDISTRIBUTED**

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### SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

**(In Thousands of Dollars)**

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### TOTAL PROCUREMENT

The total procurement for shipbuilding and conversion, navy is $6,046,800.

### TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

**(In Thousands of Dollars)**

<table>
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### APPLIED RESEARCH

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H5676

July 12, 2017

CONGRESSIONAL RECORD — HOUSE
SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

rfrederick on DSKBCBPHB2PROD with HOUSE

Line

Program
Element

011
012
013
014
015
016
017
018
019
020
021
022
023
024
025
026
027

0602307A
0602308A
0602601A
0602618A
0602622A
0602623A
0602624A
0602705A
0602709A
0602712A
0602716A
0602720A
0602782A
0602783A
0602784A
0602785A
0602786A

028

0602787A

029
030
031
032
033
034
035
036
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040
041
042
043

0603001A
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0603004A
0603005A
0603006A
0603007A
0603009A
0603015A
0603125A
0603130A
0603131A
0603270A
0603313A

044
045
046
047
048
049
050
051
052

0603322A
0603461A
0603606A
0603607A
0603710A
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0603734A
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0603794A

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0603327A

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057
058

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0603627A
0603639A

059

0603645A

060
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0603747A
0603766A

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0603779A
0603790A
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0603807A
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0604114A
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0604118A
0604120A
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1206308A

VerDate Sep 11 2014

FY 2018
Request

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17:30 Jul 13, 2017

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**OPERATIONAL SYSTEMS DEVELOPMENT**

178 0603778A MLRS PRODUCT IMPROVEMENT PROGRAM
    179 0603813A TRACTOR PULL
    180 0604190A AVIATION TEMPERED TECHNOLOGY SUPPORT
    181 0607113A WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS
    182 0607133A TRACTOR SMOKE
    183 0607134A LONG RANGE PRECISION FIRES (LRPF)
    184 0607135A APACHE PRODUCT IMPROVEMENT PROGRAM
    185 0607136A BLACKHAWK PRODUCT IMPROVEMENT PROGRAM
    186 0607137A CHINOOK PRODUCT IMPROVEMENT PROGRAM
    187 0607138A FIXED WING PRODUCT IMPROVEMENT PROGRAM
    188 0607139A IMPROVED TURBINE ENGINE PROGRAM
    189 0607140A EMERGING TECHNOLOGIES FROM NIB
    190 0607141A LOGISTICS AUTOMATION
    191 0607142A AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT
    192 0607143A UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS
    193 0607551A FAMILY OF BIOMETRICS
    194 0607552A PATRIOT PRODUCT IMPROVEMENT
    195 0607865A PATRIOT PRODUCT IMPROVEMENT
    196 0607866A UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS

**END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES**

230 0708045A END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES

**ADDITIONAL RDT&E REQUIREMENTS**

2010374A AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM

**UNFUNDED REQUIREMENTS**

Unfunded requirement—UH-60V development

**CONGRESSIONAL RECORD — HOUSE**

July 12, 2017

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)
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## SYSTEM DEVELOPMENT & DEMONSTRATION

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**Subtotal Management Support**

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**RESEARCH, DEVELOPMENT, TEST & EVAL, AF**

**BASIC RESEARCH**

001 0601102F DEFENSE RESEARCH SCIENCES | 342,919 | 342,919 |
002 0601103F UNIVERSITY RESEARCH INITIATIVES | 147,923 | 147,923 |
003 0601104F HIGH ENERGY LASER RESEARCH INITIATIVES | 11,417 | 11,417 |

**SUBTOTAL BASIC RESEARCH** | 505,259 | 505,259 |

**APPLIED RESEARCH**

004 0602102F MATERIALS | 124,264 | 124,264 |
005 0602201F AEROSPACE VEHICLE TECHNOLOGIES | 124,678 | 129,678 |
006 0602202F HUMAN EFFECTIVENESS APPLIED RESEARCH | 108,784 | 108,784 |
007 0602203F AEROSPACE PROPULSION | 192,659 | 197,659 |
008 0602204F AEROSPACE SENSORS | 152,782 | 152,782 |
009 0602205F SCIENCE AND TECHNOLOGY MANAGEMENT—MAJOR HEADQUARTERS ACTIVITIES | 8,353 | 8,353 |
010 0602206F SPACE TECHNOLOGY | 116,503 | 116,503 |
011 0602207F CONVENTIONAL MUNITIONS | 112,195 | 112,195 |
012 0602208F DIRECTED ENERGY TECHNOLOGY | 132,993 | 132,993 |
013 0602209F DOMINANT INFORMATION SCIENCES AND METHODS | 167,818 | 167,818 |
014 0602210F HIGH ENERGY LASER RESEARCH | 43,049 | 43,049 |

**SUBTOTAL APPLIED RESEARCH** | 1,284,114 | 1,294,114 |

**ADVANCED TECHNOLOGY DEVELOPMENT**

015 0603112F ADVANCED MATERIALS FOR WEAPON SYSTEMS | 37,856 | 47,856 |
016 0603113F SUSTAINANCE SCIENCE AND TECHNOLOGY (S&T) | 22,811 | 22,811 |
017 0603114F ADVANCED AEROSPACE SENSORS | 49,978 | 49,978 |
018 0603115F AEROSPACE TECHNOLOGY DEVELOPMENT | 115,906 | 115,906 |
019 0603116F AEROSPACE PROPULSION AND POWER TECHNOLOGY | 104,499 | 104,499 |
020 0603117F ELECTRONIC COMBAT TECHNOLOGY | 60,551 | 60,551 |
021 0603118F ADVANCED SPACECRAFT TECHNOLOGY | 58,910 | 58,910 |
022 0603119F MAU SPACE SURVEILLANCE SYSTEM (MSSS) | 10,433 | 10,433 |
023 0603120F HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT | 33,635 | 33,635 |
024 0603121F CONVENTIONAL WEAPONS TECHNOLOGY | 167,415 | 167,415 |
025 0603122F ADVANCED WEAPONS TECHNOLOGY | 45,502 | 45,502 |
026 0603123F MANUFACTURING TECHNOLOGY PROGRAM | 46,450 | 46,450 |
027 0603124F BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION | 49,011 | 49,011 |

**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT** | 794,617 | 809,617 |

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

028 0603260F INTELLIGENCE ADVANCED DEVELOPMENT | 5,652 | 5,652 |
029 0603261F ADVANCED TECHNOLOGY AND AIR-TO-AIR MISSILE (AMRAAM) | 12,200 | 12,200 |
030 0603262F COMBAT IDENTIFICATION TECHNOLOGY | 24,397 | 24,397 |
031 0603263F NTO RESEARCH AND DEVELOPMENT | 3,851 | 3,851 |
032 0603264F INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL | 19,736 | 19,736 |
033 0603265F POLLUTION PREVENTION—DEM/VAL | 2 | 2 |
034 0603266F LONG RANGE STRIKE—BOMBER | 2,003,580 | 2,003,580 |
035 0603267F INTEGRATED AVIONICS PLANNING AND DEVELOPMENT | 65,458 | 65,458 |
036 0603268F ADVANCED TECHNOLOGY AND AIR-ASSENSORS | 68,719 | 94,519 |
037 0603269F UNFUNDED REQUIREMENT—SAFLES-2B | 11,500 | 11,500 |
038 0603270F UNFUNDED REQUIREMENT—Hyperspectral Chip Development | 14,706 | 14,706 |
## SECTION 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### (In Thousands of Dollars)

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**Program Increase**

- Unfunded Requirement: 
  - Long-Endurance Aerial Platform (LEAP) Ahead Prototyping: $(150,000)

### MANAGEMENT SUPPORT

- **Unfunded requirement**
  - Long-Endurance Aerial Platform (LEAP) Ahead Prototyping: $(150,000)

### TOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

- **4,605,030**

### SYSTEM DEVELOPMENT & DEMONSTRATION

- **4,895,930**

- **FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS**
  - Request: $5,100
  - House: $5,100

## OTHER ACTIVITY

- **Program Reduction**
  - [-93,845]
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| 269  | USAF MODELING AND SIMULATION | 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**TOTAL ADVANCED TECHNOLOGY DEVELOPMENT AND PROTOTYPES**

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<td>Information Technology Development</td>
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**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES**

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**SYSTEM DEVELOPMENT AND DEMONSTRATION**

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**SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION**

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## MANAGEMENT SUPPORT

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Program increase for cyber vulnerability assessments and hardening ........... (20,000)

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**Line Program Element**

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**SUBTOTAL MANAGEMENT SUPPORT** ......................................................................................... 1,010,530 1,010,530
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  

#### (In Thousands of Dollars)

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**TOTAL OPERATIONAL SYSTEM DEVELOPMENT**  
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#### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

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**SUBTOTAL MANAGEMENT SUPPORT**  
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**TOTAL OPERATIONAL TEST & EVAL, DEFENSE**  
210,900 210,900

**TOTAL RDT&E**  
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### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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#### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

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**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**  
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#### SYSTEM DEVELOPMENT & DEMONSTRATION

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#### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

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**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION**  
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#### OPERATIONAL SYSTEMS DEVELOPMENT

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#### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT**  
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**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY**  
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#### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

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<th>Item</th>
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<td>207</td>
<td>0204311N</td>
<td>INTEGRATED SURVEILLANCE SYSTEM</td>
<td>11,600</td>
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**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**  
27,710 27,710

#### OPERATIONAL SYSTEMS DEVELOPMENT

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<tr>
<th>Line</th>
<th>Program Element</th>
<th>Item</th>
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<td>INTEGRATED SURVEILLANCE SYSTEM</td>
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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT**  
102,555 91,055

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY**  
130,365 118,765
### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)

<table>
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### SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)

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### SEC. 4204. RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY

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### SEC. 4205. RESEARCH, DEVELOPMENT, TEST & EVAL, AF

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## SEC. 4301. OPERATION AND MAINTENANCE

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<td>AF UPL—POTUS voice conference configuration</td>
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<td>AF UPL—pots for testing</td>
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<td>AF UPL—BMC software</td>
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<td>Increase GBM magazine capacity at Fort Greely</td>
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<td>Procure 3 additional EKVs</td>
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<td>Procure 3 additional boosters</td>
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### TITLE XLIII—OPERATION AND MAINTENANCE

#### SEC. 4301. OPERATION AND MAINTENANCE

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<td>Improve unit training and maintenance readiness</td>
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<td>Realign European Reassurance Initiative to Base</td>
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<td>[683,591]</td>
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<td>MODULAR SUPPORT BRIGADES</td>
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<td>Execute the National Military Strategy</td>
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<td>030</td>
<td>ECHELONS ABOVE BRIGADE</td>
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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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<td>AVIATION ASSETS</td>
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<td>FORCE READINESS OPERATIONS SUPPORT</td>
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<td>LAND FORCES SYSTEMS READINESS</td>
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<td>LAND FORCES DEPOT MAINTENANCE</td>
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#### FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION

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<td>REALIGN EUROPEAN REASSURANCE INITIATIVE TO BASE</td>
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<td>MANAGEMENT AND OPERATIONAL HEADQUARTERS</td>
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#### MOBILIZATION

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<td>INDUSTRIAL PREPAREDNESS</td>
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#### SUBTOTAL MOBILIZATION | 776,525 | 839,387 |

### TRAINING AND RECRUITING

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#### SUBTOTAL TRAINING AND RECRUITING | 5,108,822 | 5,115,492 |

### ADMIN & SRFWIDE ACTIVITIES

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#### SUBTOTAL ADMIN & SRFWIDE ACTIVITIES | 2,084,922 | 2,102,822 |

### CONGRESSIONAL RECORD — HOUSE

July 12, 2017

**Request**
**Authorized**

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**Congressional Record**

- STRATEGIC MOBILITY
- Sustainment of strategically positioned assets enabling force projection
- 346,667

- ARMY PREPOSITIONED STOCKS
- 422,108

- INDUSTRIAL PREPAREDNESS
- 7,750
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H5694

CONGRESSIONAL RECORD — HOUSE

July 12, 2017

SEC. 4301. OPERATION AND MAINTENANCE

(In Thousands of Dollars)

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OPERATION & MAINTENANCE, NAVY

OPERATING FORCES

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MOBILIZATION

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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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#### OPERATION & MAINTENANCE, AF RESERVE

#### OPERATING FORCES

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#### ADMINISTRATION AND SERVICEWIDE ACTIVITIES

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#### UNDISTRIBUTED

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#### OPERATION & MAINTENANCE, ANG

#### OPERATING FORCES

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#### ADMINISTRATION AND SERVICE-WIDE ACTIVITIES

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**MISCELLANEOUS APPROPRIATIONS**

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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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<th>Item</th>
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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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### OPERATING FORCES

#### ARMY

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## SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
### (In Thousands of Dollars)

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<td>Unfunded Requirement- Joint Task Force Platform Expansion</td>
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<td>Unfunded Requirement- Publicly Available Information (PAI) Capability Acceleration</td>
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### Admin & Srwide Activities

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### TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE

- **Subtotal**: 7,712,080
- **House Authorized**: 7,287,561

### Ukraine Security Assistance

- **Ukraine Security Assistance**: 150,000
- **Subtotal Ukraine Security Assistance**: 150,000

### TOTAL OPERATION & MAINTENANCE

- **Subtotal**: 48,037,028
- **House Authorized**: 45,929,178

## SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

### (In Thousands of Dollars)

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### Operation & Maintenance, Army

- **Subtotal**: 82,619

### Operation & Maintenance, Army Res

- **Subtotal**: 82,619

### Operation & Maintenance, ARNG

- **Subtotal**: 173,900

### Operation & Maintenance, ARNG

- **Subtotal**: 173,900
## Sec. 4401. Military Personnel

### July 12, 2017

### Title XLIV—Military Personnel

#### Sec. 4401. Military Personnel

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### Operation & Maintenance, Navy

#### Operating Forces

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### Operation & Maintenance, Marine Corps

#### Operating Forces

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### Operation & Maintenance, Navy Reserve

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<td>Restore sustainment shortfalls</td>
<td>6,700</td>
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<tr>
<td></td>
<td><strong>Subtotal Operating Forces</strong></td>
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### Operation & Maintenance, Air Force

#### Operating Forces

<table>
<thead>
<tr>
<th>Line</th>
<th>Item</th>
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<tbody>
<tr>
<td>507</td>
<td>Facilities Sustained, Restoration and Modernization</td>
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<tr>
<td></td>
<td>Demolition of excess facilities</td>
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<td>Restore restoration and modernization shortfalls</td>
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### Operation & Maintenance, AF Reserve

#### Operating Forces

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<td>15,300</td>
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<td>Restore restoration and modernization shortfalls</td>
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### Operation & Maintenance, ANG

#### Operating Forces

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<td>47,600</td>
<td>Facilities Sustained, Restoration and Modernization</td>
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<td>Restore sustainment shortfalls</td>
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### Total Operation & Maintenance

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<td>2,106,599</td>
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### SEC. 4401. MILITARY PERSONNEL

#### (In Thousands of Dollars)

<table>
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<tr>
<th>Item</th>
<th>FY 2018 Request</th>
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<tbody>
<tr>
<td>Military Personnel Appropriations</td>
<td>133,881,636</td>
<td>134,066,025</td>
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<tr>
<td>Military Personnel Pay Raise</td>
<td>[206,400]</td>
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<tr>
<td>Realign European Reassurance Initiative to Base</td>
<td>[214,289]</td>
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<tr>
<td>Freeze BAH reduction for Military Housing Privatization Initiative</td>
<td>[125,000]</td>
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<tr>
<td>Historical unobligated balances</td>
<td>[–363,300]</td>
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<tr>
<td>Department of Defense State Partnership Program</td>
<td>[2,000]</td>
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<td>Medicare-Eligible Retiree Health Fund Contributions</td>
<td>7,804,427</td>
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<tr>
<td><strong>Total, Military Personnel</strong></td>
<td>141,686,063</td>
<td>141,870,452</td>
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### SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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<th>Item</th>
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<td>Military Personnel Appropriations</td>
<td>4,276,276</td>
<td>4,061,987</td>
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<td>Realign European Reassurance Initiative to Base</td>
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### SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

#### (In Thousands of Dollars)

<table>
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<tr>
<th>Item</th>
<th>FY 2018 Request</th>
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<tbody>
<tr>
<td>Military Personnel Appropriations</td>
<td>1,017,700</td>
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<tr>
<td>Increase Active Army end strength by 10k</td>
<td>[829,400]</td>
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<tr>
<td>Increase Army National Guard end strength by 4k</td>
<td>[105,500]</td>
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<tr>
<td>Increase Army Reserve end strength by 3k</td>
<td>[82,800]</td>
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<tr>
<td>Medicare-Eligible Retiree Health Fund Contributions</td>
<td>44,140</td>
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<tr>
<td>Accrual payment associated with increased Army end strength</td>
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<td><strong>Total, Military Personnel</strong></td>
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### TITLE XLV—OTHER AUTHORIZATIONS

#### SEC. 4501. OTHER AUTHORIZATIONS

#### (In Thousands of Dollars)

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<th>Item</th>
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<tbody>
<tr>
<td>WORKING CAPITAL FUND, ARMY</td>
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<tr>
<td>INDUSTRIAL OPERATIONS</td>
<td>43,140</td>
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<tr>
<td>SUPPLY MANAGEMENT—ARMY</td>
<td>40,636</td>
<td>90,747</td>
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<tr>
<td>Realign European Reassurance Initiative to Base</td>
<td>[50,111]</td>
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<tr>
<td><strong>TOTAL WORKING CAPITAL FUND, ARMY</strong></td>
<td>83,776</td>
<td>135,887</td>
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<td>WORKING CAPITAL FUND, AIR FORCE</td>
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<td>SUPPLY MANAGEMENT</td>
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<td><strong>TOTAL WORKING CAPITAL FUND, AIR FORCE</strong></td>
<td>66,462</td>
<td>66,462</td>
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<tr>
<td>WORKING CAPITAL FUND, DECA</td>
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<tr>
<td>COMMISSARY OPERATIONS</td>
<td>1,389,340</td>
<td>1,344,340</td>
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<tr>
<td>Civilian Personnel Compensation and Benefits</td>
<td>[–20,000]</td>
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<tr>
<td>Commissary operations</td>
<td>[–25,000]</td>
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<tr>
<td><strong>TOTAL WORKING CAPITAL FUND, DECA</strong></td>
<td>1,389,340</td>
<td>1,344,340</td>
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<tr>
<td>WORKING CAPITAL FUND, DEFENSE-WIDE</td>
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<tr>
<td>SUPPLY CHAIN MANAGEMENT—DEFENSE</td>
<td>47,018</td>
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</table>
## THEATER MEDICAL INFORMATION PROGRAM

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2018 Request</th>
<th>House Authorized</th>
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</thead>
<tbody>
<tr>
<td>NATIONAL DEFENSE SEALIFT FUND</td>
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<tr>
<td>LG MED SPD RO/RO MAINTENANCE</td>
<td>135,800</td>
<td>135,800</td>
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<tr>
<td>DOD MOBILIZATION ALTE RATIONS</td>
<td>11,197</td>
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<tr>
<td>TAH MAINTENANCE</td>
<td>54,453</td>
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<tr>
<td>RESEARCH AND DEVELOPMENT</td>
<td>18,622</td>
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<tr>
<td>READY RESERVE FORCES</td>
<td>289,255</td>
<td>296,255</td>
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<td>Strategic Sealift SLEP</td>
<td>[7,000]</td>
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<tr>
<td><strong>TOTAL NATIONAL DEFENSE SEALIFT FUND</strong></td>
<td><strong>509,327</strong></td>
<td><strong>516,327</strong></td>
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## CHEM AGENTS & MUNITIONS DESTRUCTION

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2018 Request</th>
<th>House Authorized</th>
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<tbody>
<tr>
<td>CHEM DEMILITARIZATION—O&amp;M</td>
<td>104,237</td>
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<tr>
<td>CHEM DEMILITARIZATION—RDT&amp;E</td>
<td>839,414</td>
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<tr>
<td>CHEM DEMILITARIZATION—PROC</td>
<td>16,081</td>
<td>16,081</td>
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<tr>
<td><strong>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION</strong></td>
<td><strong>961,732</strong></td>
<td><strong>961,732</strong></td>
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</table>

## DRUG INTERDICATION & CTR-DRUG ACTIVITIES, DEF

<table>
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<tr>
<th>Item</th>
<th>FY 2018 Request</th>
<th>House Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE</td>
<td>674,001</td>
<td>691,001</td>
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<tr>
<td>Administrative Overhead</td>
<td>[–2,000]</td>
<td></td>
</tr>
<tr>
<td>SOUTHCOM ISR</td>
<td>[21,000]</td>
<td></td>
</tr>
<tr>
<td>Travel, Infrastructure, Support</td>
<td>[–2,000]</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL DRUG INTERDICATION &amp; CTR-DRUG ACTIVITIES, DEF</strong></td>
<td><strong>790,814</strong></td>
<td><strong>807,814</strong></td>
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## OFFICE OF THE INSPECTOR GENERAL

<table>
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<tr>
<th>Item</th>
<th>FY 2018 Request</th>
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</thead>
<tbody>
<tr>
<td>OPERATION AND MAINTENANCE</td>
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<td>334,087</td>
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<tr>
<td>RDT&amp;E</td>
<td>2,800</td>
<td>2,800</td>
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<tr>
<td><strong>TOTAL OFFICE OF THE INSPECTOR GENERAL</strong></td>
<td><strong>336,887</strong></td>
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## DEFENSE HEALTH PROGRAM

<table>
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<tr>
<th>Item</th>
<th>FY 2018 Request</th>
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<tbody>
<tr>
<td>IN-HOUSE CARE</td>
<td>9,457,768</td>
<td>9,457,768</td>
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<tr>
<td>Maintenance of inpatient capabilities of OCONUS MTFs</td>
<td>[10,000]</td>
<td></td>
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<tr>
<td>Pre-mobilization health care under section 12304b</td>
<td>[8,000]</td>
<td></td>
</tr>
<tr>
<td>PRIVATE SECTOR CARE</td>
<td>15,317,732</td>
<td>15,317,732</td>
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<tr>
<td>CONSOLIDATED HEALTH SUPPORT</td>
<td>2,193,045</td>
<td>2,193,045</td>
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<tr>
<td>INFORMATION MANAGEMENT</td>
<td>1,803,733</td>
<td>1,803,733</td>
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<tr>
<td>MANAGEMENT ACTIVITIES</td>
<td>330,732</td>
<td>321,752</td>
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<tr>
<td>Program decrease</td>
<td>[–9,000]</td>
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<tr>
<td>EDUCATION AND TRAINING</td>
<td>737,730</td>
<td>737,730</td>
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<tr>
<td>BASE OPERATIONS/COMMUNICATIONS</td>
<td>2,255,163</td>
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## RDT&E

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<td>EXPLORATORY DEVELOPMENT</td>
<td>64,881</td>
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<td>ADVANCED DEVELOPMENT</td>
<td>246,268</td>
<td>276,268</td>
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<tr>
<td>Program increase for hypoxia research</td>
<td>[5,000]</td>
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<tr>
<td>Research of chronic traumatic encephalopathy</td>
<td>[25,000]</td>
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<td>DEMONSTRATION/VALIDATION</td>
<td>99,039</td>
<td>99,039</td>
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<td>ENGINEERING DEVELOPMENT</td>
<td>170,602</td>
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<td>MANAGEMENT AND SUPPORT</td>
<td>69,191</td>
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<tr>
<td>CAPABILITIES ENHANCEMENT</td>
<td>13,438</td>
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## PROCUREMENT

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<td>INITIAL OUTFITTING</td>
<td>26,978</td>
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<tr>
<td>REPLACEMENT &amp; MODERNIZATION</td>
<td>369,831</td>
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<tr>
<td>THEATER MEDICAL INFORMATION PROGRAM</td>
<td>8,326</td>
<td>6,326</td>
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<tr>
<td>DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION</td>
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## UNDISTRIBUTED

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<td>Foreign Currency adjustments</td>
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<td>Historical unobligated balances</td>
<td>[–134,100]</td>
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<td><strong>33,545,866</strong></td>
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<td>FY 2018 Request</td>
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**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

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<th>Item</th>
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<tbody>
<tr>
<td>WORKING CAPITAL FUND, ARMY</td>
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<tr>
<td>INDUSTRIAL OPERATIONS</td>
<td></td>
<td></td>
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<tr>
<td>SUPPLY MANAGEMENT—ARMY</td>
<td>50,111</td>
<td>–50,111</td>
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<tr>
<td>Realign European Reassurance Initiative to Base</td>
<td></td>
<td></td>
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<tr>
<td>TOTAL WORKING CAPITAL FUND, ARMY</td>
<td>50,111</td>
<td>–50,111</td>
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<tr>
<td>WORKING CAPITAL FUND, DEFENSE-WIDE</td>
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<td>ENERGY MANAGEMENT—DEFENSE</td>
<td>70,000</td>
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<td>SUPPLY CHAIN MANAGEMENT—DEFENSE</td>
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<tr>
<td>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</td>
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<tr>
<td>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEF</td>
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<td>196,300</td>
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<tr>
<td>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</td>
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<tr>
<td>OFFICE OF THE INSPECTOR GENERAL</td>
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<tr>
<td>OPERATION AND MAINTENANCE</td>
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<td>TOTAL OFFICE OF THE INSPECTOR GENERAL</td>
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<td>DEFENSE HEALTH PROGRAM</td>
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<tr>
<td>OPERATION &amp; MAINTENANCE</td>
<td></td>
<td></td>
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<tr>
<td>IN-HOUSE CARE</td>
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<td>PRIVATE SECTOR CARE</td>
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<td>CONSOLIDATED HEALTH SUPPORT</td>
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<td>TOTAL DEFENSE HEALTH PROGRAM</td>
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<td>TOTAL OTHER AUTHORIZATIONS</td>
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**TITLE XLVI—MILITARY CONSTRUCTION**

**SEC. 4601. MILITARY CONSTRUCTION**

<table>
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<tr>
<th>Account</th>
<th>State/Country and Installation</th>
<th>Project Title</th>
<th>FY 2018 Request</th>
<th>House Agreement</th>
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<td>Fort Benning</td>
<td>Air Traffic Control Tower</td>
<td>28,000</td>
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<td>Highland</td>
<td>Training Support Facility</td>
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<td></td>
<td>Fort Benning</td>
<td>Training Support Facility</td>
<td>28,000</td>
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<td></td>
<td>Fort Carson</td>
<td>Ammunition Supply Point</td>
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<td>Fort Carson</td>
<td>Battlefield Weather Facility</td>
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<td>Eglin AFB</td>
<td>Multipurpose Range Complex</td>
<td>18,000</td>
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<td>Georgia</td>
<td>Training Support Facility</td>
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<td>Fort Gordon</td>
<td>Access Control Point</td>
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<td>Fort Gordon</td>
<td>Automation-Aided Instructional Building</td>
<td>18,500</td>
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<td></td>
<td>Germany</td>
<td>Commissary</td>
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## Military Construction, Air Force Total

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Total: 1,738,796

### California
- Camp Pendleton: Ambulatory Care Center Replacement
- Camp Pendleton: SOF Marine Battalion Company/Team Facilities
- Camp Pendleton: SOF Motor Transport Facility Expansion
- Coronado: SOF Basic Training Command
- Coronado: SOF Logistics Support Unit One Ops Fac. #3
- Coronado: SOF Seal Team Ops Facility
- Coronado: SOF Seal Team Ops Facility

### Colorado
- Schriever AFB: Ambulatory Care Center/Dental Add./Alt.

### Connecticut
- Classified Location: Battalion Complex, PH I

### Florida
- Eglin AFB: SOF Simulator Facility
- Eglin AFB: Upgrade Open Storage Yard
- Hurlburt Field: SOF Combat Aircraft Parking Area
- Hurlburt Field: SOF Simulator & Fuselage Trainer Facility

### Georgia
- Fort Gordon: Blood Donor Center Replacement

### Germany
- Rhine Ordnance Barracks: Medical Center Replacement Incr 7
- Spangdahlem AB: Spangdahlem Elementary School Replacement
- Stuttgart: Robinson Barracks Elem. School Replacement

### Greece
- Souda Bay: Construct Hydrant System

### Guam
- Andersen AFB: Construct Truck Load & Unload Facility

### Hawaii
- Kunsan: NSAH Kunsan Tunnel Entrance

### Italy
- Sigonella: Construct Hydrant System
- Vicenza: Vicenza High School Replacement

### Japan
- Iwakuni: Construct Bulk Storage Tanks PH 1
- Kadema AB: SOF Maintenance Hangar
- Kadema AB: SOF Special Tactics Operations Facility
- Okinawa: Replace Mooring System
- Sasebo: Upgrade Fuel Wharf
- Yoko AB: Tapa Comm Station
- Yoko AB: Yokota AB Airfield Apron
- Yokota AB: Hangar/Aircraft Maintenance Unit
- Yokota AB: Operations and Warehouse Facilities
- Yokota AB: Simulator Facility

### Maryland
- Bethesda Naval Hospital: Medical Center Addition/Alteration Incr 2

### Missouri
- Fort Leonard Wood: NSAW Recapitalization Building #2 Incr 3
- Fort Leonard Wood: Hospital Replacement
- St Louis: Next NGA West (NGW) Complex

### New Mexico
- Cannon AFB: SOF C-130 AGE Facility

### North Carolina
- Camp Lejeune: Ambulatory Care Center Addition/Alteration
- Camp Lejeune: Ambulatory Care Center-Dental Clinic
- Camp Lejeune: Ambulatory Care Center/Dental Clinic
- Camp Lejeune: SOF Human Performance Training Center
- Camp Lejeune: SOF Motor Transport Maintenance Expansion
- Fort Bragg: SOF Human Performance Training Ctr
- Fort Bragg: SOF Support Battalion Admin Facility
- Fort Bragg: SOF Tactical Equipment Maintenance Facility
- Fort Bragg: SOF Tactical Equipment Maintenance Facility
- Seymour Johnson AFB: Construct Tanker Truck Delivery System

### Puerto Rico
- Punta Boringuén: Ramey Unit School Replacement

### South Carolina
- Shaw AFB: Consolidate Fuel Facilities

### Texas
- Fort Bliss: Blood Processing Center
- Fort Bliss: Hospital Replacement Incr 8

### United Kingdom
- Menwith Hill Station: RAFMH Main Gate Rehabilitation

### Wyoming
- Cheyenne 

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**Total:** 1,610,774

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July 12, 2017
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**Family Housing Construction, Army Total**

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**Family Housing Operation And Maintenance, Army Total**

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**Family Housing Construction, Navy And Marine Corps Total**

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**Family Housing Operation And Maintenance, Navy And Marine Corps Total**

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**Family Housing Construction, Air Force Total**

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**Family Housing Operation And Maintenance, Air Force Total**

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**Family Housing Operation And Maintenance, Defense-Wide Total**

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**DOD Family Housing Improvement Fund Total**

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SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

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<tr>
<td></td>
<td>AF Unspecified Worldwide Locations</td>
<td>ERI: Planning and Design</td>
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<td></td>
<td>AF Unspecified Worldwide Locations</td>
<td>OCO—Planning and Design</td>
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<td></td>
<td>Military Construction, Air Force Total</td>
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<td>478,030</td>
<td>434,652</td>
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<td>Speravilla</td>
<td>Construct Hydrant System</td>
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<td>Def-Wide</td>
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<td>Military Construction, Defense-Wide Total</td>
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<td>Total, Military Construction</td>
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<td>638,130</td>
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**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2018 Request</th>
<th>House Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nuclear Energy</td>
<td>133,000</td>
<td>133,000</td>
</tr>
</tbody>
</table>

**Atomic Energy Defense Activities**

**National nuclear security administration:**

- Weapons activities | 10,239,344 | 10,423,344 |
- Defense nuclear nonproliferation | 1,793,310 | 1,873,310 |
- Naval reactors | 1,479,751 | 1,479,751 |
- Federal salaries and expenses | 418,595 | 407,595 |

**Total, National nuclear security administration** | 13,931,000 | 14,184,200 |

**Environmental and other defense activities:**

- Defense environmental cleanup | 5,537,186 | 5,607,186 |
- Other defense activities | 615,512 | 616,512 |
- Defense nuclear waste disposal | 30,000 | 30,000 |

**Total, Environmental & other defense activities** | 6,882,698 | 6,655,698 |

**Total, Atomic Energy Defense Activities** | 20,313,698 | 20,639,898 |

**Total, Discretionary Funding** | 20,446,698 | 20,772,898 |

**Nuclear Energy**

- Idaho site-wide safeguards and security | 133,000 | 133,000 |

**Total, Nuclear Energy** | 133,000 | 133,000 |

**Weapons Activities**

**Directed stockpile work**

- Life extension programs
  - B61 Life extension program | 788,572 | 788,572 |
  - W76 Life extension program | 224,134 | 224,134 |
  - W88 Alteration program | 332,292 | 332,292 |
  - W80-4 Life extension program | 399,090 | 399,090 |

**Total, Life extension programs** | 1,744,088 | 1,744,088 |

**Stockpile systems**

- B61 Stockpile systems | 59,729 | 59,729 |
- W76 Stockpile systems | 51,400 | 51,400 |
- W78 Stockpile systems | 60,100 | 60,100 |
- W80 Stockpile systems | 80,087 | 80,087 |
- B63 Stockpile systems | 35,762 | 35,762 |
- W87 Stockpile systems | 82,200 | 82,200 |
- W88 Stockpile systems | 131,576 | 131,576 |

**Total, Stockpile systems** | 501,854 | 501,854 |

**Weapons dismantlement and disposition**

- Operations and maintenance | 52,000 | 52,000 |
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

<table>
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<tr>
<th>Program</th>
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<th>House Authorized</th>
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<tr>
<td>Stockpile services</td>
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<tr>
<td>Production support</td>
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<td>Research and development support</td>
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<tr>
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<td>Management, technology, and production</td>
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<td><strong>Total, Stockpile services</strong></td>
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<tr>
<td>Strategic materials</td>
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<tr>
<td>Uranium sustainment</td>
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<td>20,579</td>
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<tr>
<td>Plutonium sustainment</td>
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<td>Tritium sustainment</td>
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<td>Domestic uranium enrichment</td>
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<td>Strategic materials sustainment</td>
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<td><strong>Total, Strategic materials</strong></td>
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<td>Advanced Capabilities for Subcritical Experiments</td>
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<td>Ignition</td>
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<td>Pulsed power inertial confinement fusion</td>
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<td><strong>734,244</strong></td>
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<td><strong>Total, Advanced manufacturing</strong></td>
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<td><strong>Total, RDT&amp;E</strong></td>
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<td>Infrastructure and operations (formerly RTBF)</td>
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<td>Operations of facilities</td>
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<tr>
<td>Safety and environmental operations</td>
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<tr>
<td>Maintenance and repair of facilities</td>
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<td>Program increase to address high-priority preventative maintenance through FIRRP</td>
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<td>Recapitalization</td>
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<tr>
<td>Construction:</td>
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<tr>
<td>18-D-670, Material Staging Facility, PX</td>
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</table>
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2018 Request</th>
<th>House Authorized</th>
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<tbody>
<tr>
<td>Project initiation</td>
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<tr>
<td>18–D–660, Fire Station, Y–12</td>
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<td>28,000</td>
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<tr>
<td>18–D–650, Tritium Production Capability, SRS</td>
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<td>17–D–640 Ultra Complex Enhancements Project, KNS</td>
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<td>17–D–630 Expand Electrical Distribution System, LLNL</td>
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<td>16–D–615 Albuquerque complex project</td>
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<td>15–D–613 Emergency Operations Center, Y–12</td>
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<td>07–D–220 Radioactive liquid waste treatment facility upgrade project, LANL</td>
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<td>07–D–220–04 Transuranic liquid waste facility, LANL</td>
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<tr>
<td>06–D–141 Uranium processing facility Y–12, Oak Ridge, TN</td>
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<td>04–D–125 Chemistry and metallurgy research facility replacement project, LANL</td>
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<td><strong>Total, Construction</strong></td>
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<td><strong>1,036,995</strong></td>
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<td><strong>Total, Infrastructure and operations</strong></td>
<td><strong>2,803,137</strong></td>
<td><strong>2,958,337</strong></td>
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</table>

**Secure transportation asset**

| Operations and equipment                                                 | 219,464         | 219,464         |
| **Total, Secure transportation asset**                                   | **325,064**     | **325,064**     |

**Defense nuclear security**

| Operations and maintenance                                                | 686,977         | 719,977         |
| Support to physical security infrastructure recapitalization and CSTART   |                 | (33,000)        |
| **Total, Defense nuclear security**                                       | **686,977**     | **719,977**     |

**Information technology and cybersecurity**

| Legacy contractor pensions                                                | 232,050         | 232,050         |
| **Total, Weapons Activities**                                            | **10,239,344**  | **10,425,544**  |

**Defense Nuclear Nonproliferation**

**Defense Nuclear Nonproliferation Programs**

**Global material security**

| International nuclear security                                           | 46,339          | 46,339          |
| Radiological security                                                   | 146,340         | 146,340         |
| Nuclear smuggling detection                                             | 144,429         | 139,429         |
| Program decrease                                                        |                 | (5,000)         |
| **Total, Global material security**                                      | **337,108**     | **332,108**     |

**Material management and minimization**

| HEU reactor conversion                                                  | 125,500         | 125,500         |
| Nuclear material removal                                                | 32,925          | 37,925          |
| Acceleration of priority programs                                       |                 | (5,000)         |
| Material disposition                                                    | 173,669         | 173,669         |
| **Total, Material management & minimization**                           | **332,094**     | **337,094**     |

**Nonproliferation and arms control**

| Defense nuclear nonproliferation R&D                                    | 129,703         | 129,703         |
| Acceleration of low-yield detection experiments and 3D printing efforts  | 446,095         | 451,095         |
| **Total, Nonproliferation**                                             | **279,000**     | **349,000**     |

**Nonproliferation Construction:**

| 18–D–150 Surplus Plutonium Disposition Project                          | 9,000           | 9,000           |
| 39–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS              | 270,000         | 340,000         |
| Program increase                                                       |                 | (70,000)        |
| **Total, Nonproliferation construction**                               | **1,524,000**   | **1,590,000**   |

**Low Enriched Uranium R&D for Naval Reactors**

| Direct support to low-enriched uranium R&D for Naval Reactors           | 0               | 5,000           |
| Legacy contractor pensions                                             | 40,950          | 40,950          |
| Nuclear counterterrorism and incident response program                  | 217,360         | 277,360         |
| Rescission of prior year balances                                      |                 | (49,000)        |
| **Total, Defense Nuclear Nonproliferation**                            | **1,793,310**   | **1,873,310**   |

**Naval Reactors**

<p>| Naval reactors development                                             | 473,267         | 473,267         |
| Columbia-Class reactor systems development                              | 156,700         | 156,700         |
| SBG Prototype refueling                                                | 190,000         | 190,000         |
| Naval reactors operations and infrastructure                             | 466,884         | 466,884         |
| <strong>Construction:</strong>                                                       |                 |                 |
| 15–D–904 NRF Openpack Storage Expansion                                | 13,700          | 13,700          |
| 15–D–903 KL Fire System Upgrade                                        | 15,000          | 15,000          |
| 14–D–901 Spent fuel handling recapitalization project, NRF             | 116,000         | 116,000         |</p>
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<tr>
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<tr>
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<tr>
<td>Total, Naval Reactors</td>
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**Federal Salaries And Expenses**

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<tr>
<td>Program decrease to support maximum of 1,690 employees</td>
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<td>Total, Office Of The Administrator</td>
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<td>407,595</td>
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**Defense Environmental Cleanup**

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<td>Hanford site:</td>
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<tr>
<td>River corridor and other cleanup operations</td>
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<tr>
<td>Acceleration of priority programs</td>
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<tr>
<td>Central plateau remediation</td>
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<tr>
<td>Acceleration of priority programs</td>
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<td>Richland community and regulatory support</td>
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**Construction:**

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<td>OR-0041—D&amp;D - Y–12</td>
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**SNF stabilization and disposition—2012** | 19,975 | 19,975 |

**Solid waste stabilization and disposition** | 170,101 | 170,101 |

**Radioactive liquid tank waste stabilization and disposition** | 113,232 | 113,232 |

**Soil and water remediation—2035** | 44,727 | 44,727 |

**Idaho National Laboratory**

<table>
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<td>Total, Idaho National Laboratory</td>
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**NNSA sites**

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<td>Nevada</td>
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<tr>
<td>Sandia National Laboratories</td>
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<tr>
<td>Total, NNSA and Nevada sites</td>
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**Oak Ridge Reservation**

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<td>U233 Disposition Program</td>
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<td>OR cleanup and disposition</td>
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<tr>
<td>OR reservation community and regulatory support</td>
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<tr>
<td>OR Solid waste stabilization and disposition technology development</td>
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<td>Total, Oak Ridge Reservation</td>
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**Office of River Protection**

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<td>Construction:</td>
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<td>01–D–416 A–D WTP Subprojects A–D</td>
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<td>01–D–416 E—Pretreatment Facility</td>
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<td>Total, 01–D–416 Construction</td>
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<td>WTP Commissioning</td>
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<td>Total, Waste treatment and immobilization plant</td>
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**Tank farm activities**

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<td>Rail liquid tank waste stabilization and disposition</td>
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</tr>
<tr>
<td>15–D–409 Low activity waste pretreatment system, ORP</td>
<td>92,000</td>
<td>92,000</td>
</tr>
<tr>
<td>Total, Tank farm activities</td>
<td>806,311</td>
<td>806,311</td>
</tr>
<tr>
<td>Total, Office of River protection</td>
<td>1,504,311</td>
<td>1,504,311</td>
</tr>
</tbody>
</table>
**Savannah River Sites:**

- Nuclear Material Management ................................................................. 323,482 350,482
- Acceleration of priority programs ........................................................ (27,000)

**Environmental Cleanup**

- Environmental Cleanup ........................................................................ 159,478 159,478

**Construction:**

- 08–D–402, Emergency Operations Center ........................................... 500 500

**Total, Environmental Cleanup** .............................................................. 159,978 159,978

**SR community and regulatory support** .................................................... 11,249 11,249

**Radioactive liquid tank waste:**

- Radioactive liquid tank waste stabilization and disposition .................. 597,258 597,258

**Construction:**

- 17–D–402—Saltstone Disposal Unit #7 ................................................... 15–D–405 Salt waste processing facility, Savannah River Site .................. 40,000 40,000
- 15–D–411 Safety significant confinement ventilation system, WIPP ........ 46,000 46,000
- 15–D–412 Exhaust shaft, WIPP ................................................................. 19,600 19,600

**Total, Construction** .............................................................................. 65,600 65,600

**Total, Savannah River site** .................................................................... 1,282,467 1,309,467

**Waste Isolation Pilot Plant**

- Operations and maintenance ................................................................. 206,617 206,617
- Central characterization project ............................................................... 22,500 22,500
- Transportation ...................................................................................... 21,854 21,854

**Construction:**

- 15–D–411 Safety significant confinement ventilation system, WIPP ....... 46,000 46,000
- 15–D–412 Exhaust shaft, WIPP ................................................................. 19,600 19,600

**Total, Construction** .............................................................................. 65,600 65,600

**Total, Waste Isolation Pilot Plant** .......................................................... 316,571 316,571

**Safeguards and Security**

- Oak Ridge Reservation .......................................................................... 15–D–411 Safety significant confinement ventilation system, WIPP ........ 16,500 16,500
- Paducah .............................................................................................. 14,049 14,049
- Portsmouth ......................................................................................... 12,713 12,713
- Richland/Hanford Site ......................................................................... 75,600 75,600
- Savannah River Site ........................................................................... 142,314 142,314
- Waste isolation Pilot Project ................................................................. 5,200 5,200
- West Valley ....................................................................................... 2,784 2,784

**Total, Safeguards and Security** .............................................................. 269,160 269,160

**Other Defense Activities**

- Environment, health, safety and security ............................................. 130,693 130,693
- Program direction .................................................................................. 22,109 22,109

**Total, Environment, Health, safety and security** .................................. 159,458 159,458

**Independent enterprise assessments**

- Independent enterprise assessments ..................................................... 24,068 24,068
- Program direction .................................................................................. 50,863 50,863

**Total, Independent enterprise assessments** .......................................... 74,931 74,931

**Specialized security activities** ............................................................... 237,912 240,912
- Program direction ................................................................................ (3,000)

**Office of Legacy Management**

- Legacy management ........................................................................... 137,674 137,674
- Program direction .................................................................................. 16,932 16,932

**Total, Office of Legacy Management** .................................................... 154,606 154,606

**Defense-related activities**

- Defense related administrative support
The CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 115–212 and amendments en bloc described in section 3 of House Resolution 431.

Each further amendment printed in part B of the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the order of the House of today, amendment No. 88 may be considered out of sequence.

It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THORNBERRY

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 115–212.

Mr. THORNBERRY. Mr. Chairman, I yield the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I agree with the chairman. This is not the place for the gentleman from Texas (Mr. THORNBERRY) to offer an amendment that contains technical errors.

The CHAIR. The amendment is offered and will be in order.

Mr. SMITH of Washington. Mr. Chair, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chair, I yield back the balance of my time.

The CHAIR. No further amendments to the bill, as amended, shall be in order except those printed in part B of House Report 115–212 and amendments en bloc described in section 3 of House Resolution 431.

Each further amendment printed in part B of the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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AMENDMENT NO. 1 OFFERED BY MR. THORNBERRY

The CHAIR. The amendment is offered and will be in order.

Mr. SMITH of Washington. Mr. Chair, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chair, I yield back the balance of my time.
The CHAIR. Pursuant to House Resolution 431, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, this amendment is a pretty straightforward amendment. It does two things. One, it saves and conserves valuable taxpayer dollars to be used on higher priority issues, and it holds the Department of Defense accountable for current law.

Mr. Chairman, we currently have in place a variety of agreements with folks who buy biofuels at costs ranging up to $28 a gallon. The Army actually bought some at $40 a gallon. At a time when you have heard, for over an hour now, the need for conserving resources, for re prioritizing resources, having those kind of contracts, new contracts in existence makes no sense whatsoever.

This amendment would simply say that while sequestration is going on, while we are under the draconian measures of sequestration, the Army, Department of Defense, Navy, Air Force will not enter into new contracts. Existing contracts, wherever they may be, will continue. But once we move past the horizon, given shale drilling and all of the opportunity to use these cheaper fuels.

So I ask my colleagues to support the amendment. This makes sense. It does not squander taxpayer resources. It does not affect existing contracts. It would only be for new contracts. The industry itself, of course, is going to be for it because they are selling a commodity at $28 a gallon versus $3 a gallon, and you would expect them to be against my amendment. But my amendment benefits the servicemen and women and for the taxpayers.

Mr. Chairman, I encourage a “yes” vote, and I reserve the balance of my time.

Mr. CARBAJAL. Mr. Chair, I rise in opposition to this amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CARBAJAL. Mr. Chair, before I proceed, I wanted to take a quick few seconds to thank and recognize Chairman THORNBERRY and Ranking Member SMITH for their leadership and service. And I want to recognize Mr. CONAWAY and Mr. LANGEVIN for their leadership and service.

This amendment limits competition between alternative fuel sources and may even force DOD to pay more by explicitly prohibiting purchases of cheaper fuel. That is not only inefficient, it is irresponsible.

The Department of Defense is the single largest energy consumer in the world. We should be incentivizing the diversification of liquid fuels as an option to bring down costs and reduce our fuel dependency.

Not only does this amendment risk increased costs for DOD procurement, but it also stunts potential economic growth in the rapidly expanding biofuel field, a billion-dollar industry worldwide.

Yet another troubling result of this amendment, if passed, is its potential to impede military operations where an alternative fuel may be the only option available.

It is unethical to endanger our men and women in uniform with this ban, and, at the very least, a waiver should be included for national security matters.

Military leaders and experts have told Armed Services Committee members that time and time again about the direct threat that climate change, particularly sea level rise, poses to our military operations and installations both at home in places like Norfolk and across the world.

My colleague, Mr. LANGEVIN, included language in this year’s NDAA that specifically acknowledges this threat. It directs the Department of Defense to study the impact of climate change and prepare an effective strategy to address its effects.

We have long known that carbon pollution and fossil fuels are heavily contributing to a changing climate and the extreme weather patterns that accompany this phenomenon. It is irresponsible for this Congress to ignore this reality and not even consider cost-effective and more clean energy sources for our military.

Finally, I would like to point out that this amendment is completely unnecessary. Current law already prohibits DOD from purchasing alternative fuel in large quantities unless it is cost-competitive with traditional fuel. I urge my colleagues to oppose this misguided amendment that does far more harm than good to our Defense Department and to our service members.

Mr. Chair, I reserve the balance of my time.

Mr. CONAWAY. Mr. Chair, how much time do I have?

The CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. CONAWAY. Mr. Chair, the gentleman is incorrect in the sense that the $510 million over 2 or 3, however long sequestration is going to be in place, measurably affect climate change one way or the other. The small amounts of fuel that are allowed to be purchased in excess of competitive costs are 2 million gallons at 28 bucks a gallon.

The Department of Defense buys 107 billion gallons of fuel, so any number up to some multimillion dollar number, million gallon amount could be hidden under this amount. We also don’t have a good accounting process to understand exactly what those costs are when they enter into these contracts, and asking the Department of Agriculture to subsidize this process does not make any sense.

In order to hide from the program, the issue is the Department of Defense buys the fuel, they send a bill to the Commodities Credit Corporation to actually pay for it. So it is not even on the Department of Defense’s books and records to get the proper accounting to make sure. This is straightforward stuff.

You can’t, on the one hand, argue that we need to provide all that needs to be provided for our men and women to fight and spend an extra $51 billion, plus $510 million that we don’t know where that went on a product that can be brought for $3.35 a gallon.

I would argue there is nowhere in the way today where we need drop-in jet fuel that can be provided somewhere else. That argument is specious and it makes no sense whatsoever. That may be some future issue, but that is not today.

I would argue that we are going on the shale drilling and the opportunity to provide fossil fuels for our military and their direct mission of fighting, not doing the other things to try to support this issue, makes no
The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chair, I yield myself such time as I might consume.

Mr. Chairman, at a time when we need to balance our budget and prevent a legacy of debt from being left to the next generation, it is finally time to ask ourselves: Not only should we blast through the budget caps, but can’t we afford to at least make a small and important step towards protecting our fiscal security as a nation, which is a critical part of our national security?

By spending beyond our means, we make ourselves economically beholden to other nations like China and Saudi Arabia. That makes America less secure rather than more secure.

As structured, the NDAA is fiscally irresponsible. We have had a number of discussions about that, that outside of the context of a full budget discussion, it is hard to talk about exceeding the Budget Control Act by $72.5 billion, an additional $6.2 billion in spending. It is a broader discussion about the budget that needs to be had.

What my amendment would do, very simply, Mr. Chairman, is give authority to the President and the Secretary of Defense to reduce the overall amount of money authorized in this bill by 1 percent.

It excludes personnel and health accounts from being included in these reductions. A 1 percent reduction still leaves us with original Defense cap spending levels that I actually support.

If I had my way, I would keep those budget numbers for defense spending, but I think this 1 percent is a very reasonable compromise for those of us who believe that we need to at least show a symbolic gesture towards fiscal responsibility and we head into the budget negotiations.

In this bill, there are many unfunded accounts. Accounts are funded at levels above and beyond what our own military requested. A 1 percent reduction in that context is extremely reasonable. It is $6.2 billion out of this bill. I have no doubt that there are many ways to find the excess money in the bill that we would leave up to the military to reach that spending level.

We can consider numerous programs. This doesn’t have to be across the board. We can consider programs where the bill authorizes procurement levels that exceed the President’s request and the military’s request. My colleague from Massachusetts pointed this out during the bill’s markup when he introduced an amendment to reduce the number of littoral combat ships from three to the Navy’s own request of one. We are effectively blocking the Navy from making a fiscally reasonable decision.

There are dozens more—helicopters, aircraft, and missiles—the President even requested in his budget. So we are not going to cut every one of those items. Many of them have found their way onto the unfunded priority list which the Pentagon provides the Congress.

In a perfect world, if we had all the money in the world, we could be included all those items. But at some point, we have to make some decisions about the direction of our military budget, and we can’t allow ourselves to be convinced that somehow we can sustain this level of spending. We can’t.

Frankly, even with this 1 percent cut, the level of spending is unsustainable and plunges us further into debt; but I think, hopefully, that is the least that Democrats and Republicans in Congress can come together around as a simple first step.

My amendment is a very small first step. We don’t have to choose between protecting the homeland and fiscal restraint. When Congress is imposing spending that the military itself will not even want to hand the military the ability to rein in some of that unnecessary spending that reduces our national security rather than improves it.

I encourage my colleagues to vote ‘yes’ on my amendment and take this modest step towards fiscal responsibility.

Mr. Chair, I reserve the balance of my time.

Mr. THORNBERY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), chair of the Subcommittee on Tactical Air and Land Forces.

Mr. TURNER. Mr. Chairman, this amendment is not about fiscal security. It is arbitrary. It is arbitrary cuts without any reference whatsoever to our security risks, without any assessments to the needs of our military, and it is incorrectly stated that we are giving things to our military that they do not want. In fact, they needed more.

There is a whole category called unfunded requirements that they put before the House Armed Services Committee. And I want to say that again: unfunded requirements. It is not unfunded wishes, unfunded needs—unfunded requirements. And they are based on the mission that we have assigned the military and their inability to do so as a result of that gap, and many of which were unable to fund in this bill.

What would some of those relate to? We could take a tour around the world and we know the risks that we are facing: China, Russia, North Korea, Syria, Iraq, Afghanistan, Libya, ISIS, terrorism. These are not issues that you take up lightly and then say we can undo an arbitrary cut.

By the way, if this was really about fiscal security, it would be a 1 percent cut across all spending, but it is only...
going to apply to the military. This does not apply to the EPA. This is only saying that the military should be cut as a result of some concept of fiscal savings.

But the savings that we have taken have not been to the military already. The Air Force Vice Chief of Staff, General Stephen Wilson, at HASC, testified in February of this year, ‘‘ . . . we have become one of the smallest, oldest equipped, and least ready forces across the full spectrum of operations in our service history,’’ the entire history of the Air Force. In 1991, we went to Desert Storm. Our Air Force was 500,000 people and 134 fighter squadrons. Today we find ourselves at 317 in our active force, with 55 fighter squadrons.

The Navy is the same. It is the smallest since World War II. Deployments continue to increase, and training and maintenance periods have been shortened, eliminated, or deferred. The number of Marine Corps infantry battalions have been reduced by four since 2010, going from 28 to 24.

Admiral William Moran, the Vice Chief of Naval Operations, has also indicated that of the Navy aircraft, 60 percent are not able to operate. The CHAIR. The time of the gentleman has expired. Mr. THORNBERY. Mr. Chairman, I yield an additional 30 seconds to the gentleman.

Mr. TURNER. At the end of this amendment, it incorrectly states that there should be no cuts to military personnel, and it incorrectly states that because the rest of the cuts actually apply to our military personnel, it applies to what we ask them to do and what we give them to do the job.

Our military should be honored. It should not be faced with additional cuts. We should honor what is in this bill. We should satisfy their requirements so that they can support our men and women in uniform.

Mr. POLIS. Mr. Chair, the gentleman asked why aren’t there cuts for other agencies. That is not the bill we have before us. We have the National Defense Authorization bill before us. I have supported similar cuts in various agencies when we have had those appropriations bills on the floor.

This is the biggest bill on the authorization side, and then, of course, the companion appropriations bill. This is over 40 percent of our discretionary expenditures, and the authorization for 40 percent of our discretionary expenditures is in this bill. So a 1 percent cut is very meaningful in this bill.

That doesn’t mean that 1 percent cuts in other areas aren’t meaningful, too. They are.

There is no single other area that is as important, fiscally, as this area, and I think it would set a positive tone for reining in out-of-control spending.

There are many accounts that are funded at levels above President Trump’s request. So if the gentleman is saying somehow that this cut would leave anybody unprepared, he is basically saying that President Trump’s budget would leave the military unprepared or leave people poorly equipped. The truth is there are many of us who support vastly lower spending levels and believe that those are sufficient for national defense. That is not even what this amendment does. It simply reduces spending just over $6.2 billion. It still blasts through the budget cap.

Mr. Chair, the ranking member has indicated that he supports this bill, and I deeply respect his expertise in military preparedness. I encourage my colleagues to unanimously adopt my amendment.

I yield back the balance of my time. Mr. THORNBERY. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. JODY B. HICE).

Mr. JODY B. HICE of Georgia. Mr. Chairman, I rise in strong opposition to this amendment.

As we all know over the past 8 years, the world certainly has become a more dangerous place, and we face a variety of threats that, quite frankly, we are not keeping pace with, and we simply cannot continue a pattern of underfunding our military.

Yes, we must keep our financial house in order, but we absolutely cannot afford to allow the quality of our national defense to decline by further defense budget cuts.

Mr. Chair, I urge my colleagues to oppose this amendment.

Mr. THORNBERY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I oppose this amendment. I am concerned about a growing notion that we can thank servicemembers for their service but then somehow not provide them everything they need to do their job, that we can continue to allow them to have airplanes that don’t fly, ships that can’t sail, not having the readiness they need to prepare for the threats that send them on. As the gentleman from Ohio said, that hurts people, and, unfortunately, that is what has happened in recent years.

Mr. Chairman, defense spending this year is still 18 percent below what it was in 2010. So what has happened is we have cut the defense budget while the threats that we send our military out to keep us safe from have grown. And remember, 2010 was before Russia invaded Crimea, before China started building islands in the South China Sea, before ISIS even existed.

This budget that is before us does not fix all our problems. It is a start, and I think it is about as much as we can do in a single year. But even if this bill passes, we are not up to 2010 levels; we have not made up the ground that we have lost.

I believe that the men and women who serve deserve our best. This bill, I believe, comes close to providing our best to them this year. It should be supported, and this amendment should be rejected.

Mr. Chair, I yield back the balance of my time.

Mr. THORNBERY. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. POLIS. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JAYAPAL

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 115-212.

Ms. JAYAPAL. Mr. Chairman, I rise as the designee of the gentleman from Washington, and I have an amendment at the desk.

The question was taken; and the recorded vote.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 1073. SENSE OF CONGRESS REGARDING INVESTING IN THE HOMELAND TO ADVANCE NATIONAL SECURITY.

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

(1) A strong and safe homeland rests on the health and wellbeing of America’s communities.

(2) Federal non-defense discretionary spending provides health care for our veterans, research to tackle cancer, safe highways, airports and waterways, economic security for families in need, and robust law enforcement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any increase to the combined amount authorized to be appropriated for National Defense Budget (Function 50) and Overseas Contingency Operations should be matched—dollar for dollar—with increases in the annual amounts authorized to be appropriated for the Federal non-defense discretionary budget, which makes investments that are essential to the national security of the United States.

The CHAIR. Pursuant to House Resolution 431, the gentlewoman from Washington (Ms. JAYAPAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. JAYAPAL. Mr. Chairman, the reality is that our economic security is part and parcel of our national security, and so it is in line with these values today that we introduce Amendment 334 to the National Defense Authorization Act, which states a sense of Congress that any appropriated increase to the combined national defense budget and the overseas contingency operations budget are matched dollar for dollar by nondefense discretionary spending increases.

In 11 years now, spending increases have occurred concurrently and equally, keeping important parity between defense and nondefense discretionary spending. Because genuine national security depends on the health, vibrancy, and safety of our communities, the spending parity continues and that this Democratic Party principle carries on into fiscal year 2018.
Nondefense discretionary spending includes a host of funds that are crucial to the American people, from education to research, to veterans' healthcare, to transportation and even homeland security. NDD funding is absolutely essential to moving our country forward.

Mr. Chairman, as vice ranking member of the Budget Committee, I echo the comments made earlier by our ranking member, Mr. Smith, about the dysfunction we have, as we yet to consider a fiscal year 2018 budget resolution, and we have only 23 legislative days before the new fiscal year begins.

The effort to push through $586 billion in defense spending will trigger sequestration under the Budget Control Act, and our communities will pay the price in cuts to vital programs. This is senseless brinksmanship, and we must reject it.

Sequestration would, further, hinder job creation and stall economic growth by cutting $2 trillion in discretionary spending for infrastructure that makes our communities thrive: roads, bridges, transit, railroad systems, broadband, ports, airports, waterways, schools, and safe, clean water systems. It will erode our investments in education, worker training, public health, and community development that strengthen the middle class and working families; and these shortfalls, Mr. Chairman, will hurt the American people and our economy and make us less secure as a nation.

Budgetary gimmicks don't make our Nation safer either, and that is why in the People's Budget, which we introduced in the Progressive Caucus, the overseas contingency operations budget is actually zeroed out, as it is essentially a zero accountability slush fund used to avoid the restrictions imposed by the Budget Control Act.

Some have pointed out that $10 billion of the $651.5 billion for the military base budget needs is actually labeled as a technicality to evade the Budget Control Act caps. This is in addition to the clearly marked $65 billion of OCO funds.

By including OCO funding one-to-one with our amendment, we are sending a message that we will not accept these efforts to undermine the best interests of our country and its people.

Increasing opaque funding sources comes at the expense of our Nation's infrastructure programs, education, and all the other things that I mentioned earlier. So to the extent that Congress provides relief from the post-sequestration funding levels for our military, responsible Members of this body will all rally in insisting that the same relief would apply to domestic discretionary spending. This amendment underscores the reality that economic security is national security.

For these reasons, and to support the continuation of this important principle, we urge support of this amendment.

Mr. Chair, I reserve the balance of my time.

Mr. THORNBERY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERY. I yield myself 2 minutes.

Mr. Chairman, in some ways, I think this may be one of the most important debates we have in the next 3 days because the question is whether our support for the men and women who serve in the military is conditional or not. Will we only repair the planes they fly, will we only fix the ships they sail if, and only if, exactly an equal amount will be added to domestic spending programs.

Will we only provide for military spouses for their needs? Will we only take care of wounded warriors for their increased needs if, an exact amount, the exact dollar for dollar, is added to domestic programs?

That holds the military hostage to a domestic political agenda, and I think that is fundamentally wrong at every level. To take things out and risk their lives to keep us safe, yet they not only have to worry about North Korea up on the DMZ, they not only have to worry about ISIS in Syria, they have to worry about whether we will pass some domestic programs if we are going to adequately provide for them.

The Constitution says it is Congress' responsibility to provide for the military without condition. This sort of approach, saying, 'We will only do this for the military if, and only if, we get what we want on domestic programs' breaks faith with the men and women who serve. It is wrong at every level.

Mr. Chairman, I reserve the balance of my time.

Ms. JAYAPAL. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentlewoman from Washington has 1½ minutes remaining.

Ms. JAYAPAL. Mr. Chairman, I yield ½ minutes to the distinguished gentleman from Washington (Mr. Smith).

Mr. SMITH of Washington. Mr. Chairman, there is nothing political about a domestic agenda, and this isn't conditional on additional money being spent. In fact, the chairman has got it exactly right.

The money that we are providing for the armed services at this point, the extra money, is conditioned on cutting it from everything else. As we saw in President Trump's budget, $54 billion plus up for defense and $54 billion taken away from the domestic agenda.

And it is beyond insulting to say that if you support any sort of domestic spending, you don't care about the troops. That being concerned about transportation and infrastructure, which, by the way, bridges have collapsed and killed people in this country because of the problems with our transportation and infrastructure.

The Department of Homeland Security is part of nondefense discretionary spending. Does it not protect us? We have heard from the President it does. The State Department is also part of nondefense discretionary spending, when we have heard from the Secretary of Defense that it saves lives.

For our committee—the Armed Services Committee to say, 'We are all that matters, to hell with everything else; and if you care at all about transportation or domestic agenda, you don't care about the troops,' that is what is an incredibly disingenuous argument.

Mr. THORNBERY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think all of us care about domestic spending programs. I certainly do. And I am not for the cuts that were proposed by the administration. That is what we are here to do and decide.

Mr. Chairman, I am opposed to is the sense of Congress that every dollar we increase in defense has to be matched by an increased dollar on the domestic side. That makes it conditional. That makes it tied to a domestic political agenda on the EPA, the IRS, education, transportation, whatever it is.

My point is that all of those things need to stand on their own merits. Defense needs to stand on its own merits, support for our military needs to stand on its own merits, having planes that fly and ships that sail and adequate funding for our troops and their families stand on their own merits.

It cannot be conditional upon whether or not this Congress or this President agrees on other spending items. They need to stand on their own two feet, too. But it is absolutely wrong to say we will only support these military folks if we get what we want on the domestic side.

Mr. Chairman, I reserve the balance of my time.

Ms. JAYAPAL. Mr. Chairman, I have to say that this is conditional because we still don't have a budget resolution. So in the absence of a budget resolution, the reality is we are looking at a budget that could potentially raise $576 billion for defense, but at the expense of all of the other programs that we have mentioned.

And the reality is that families in the armed services also care about education, about roads, and about everything else that is funded in domestic spending. So we have to make sure that these two things are interconnected. And, yes, we have got to make sure that the State Department is funded and that we continue to push for a budget that keeps parity between defense and nondefense discretionary.

Mr. Chairman, I yield back the balance of my time.

Mr. THORNBERY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. Desjarlais), a valuable member of our committee.
Mr. DESJARLAIS. Mr. Chairman, no one can deny we have a readiness issue within our military due to funding shortfalls. This comes at a time when we are facing unprecedented threats all over the globe. Our Constitution makes it clear that our top priority and duty is to provide for the common defense.

In World War II, Americans willingly rationed whatever was necessary to support the war effort and our troops. It would have been unthinkable—unimaginable—for someone to suggest that our military could not have the resources necessary to defeat our enemies, unless we had equal spending for everything else. Simply put, we would have lost the war and our freedom.

We cannot lose sight or take for granted our Nation’s safety and security. Without it, the rest of the discretionary budget really doesn’t matter so much.

I fear America has lost its way if we live in a culture that would suggest we cannot support our most vital obligation without equal financial representation of our other government expenditures.

I urge my colleagues to give our full support to the men and women in uniform, support the underlying bill, but oppose this amendment that adds unnecessarily to our debt and further threatens our ability to keep our Nation safe for the remaining threats we face.

Ms. JAYAPAL. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. JAYAPAL).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JAYAPAL. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule VIII, the proceedings on the amendment offered by the gentlewoman from Washington will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In division A, strike section 1022 (relating to prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to the United States).

The CHAIR. Pursuant to House Resolution 431, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will strike section 1022 of the bill that prohibits the transfer or release of prisoners from Guantanamo Bay, Cuba, to the United States.

We are currently imprisoning 41 people at Guantanamo, 26 of whom are being detained indefinitely without charge or trial, with no hearings, no hearings, no opportunity to plea their case, essentially forever.

Beyond existing as an affront to fundamental American values, Guantanamo is a dangerous counterproductive relic of the past. National security experts and our own military commanders agree that Guantanamo harms our national security by serving as a recruiting tool for terrorists and damaging our relationships with allies.

Furthermore, it is increasingly difficult to justify the annual cost of holding each Guantanamo detainee, which is now climbing to an incredible $10 million a year per detainee. Guantanamo is now the most expensive prison on Earth, costing U.S. taxpayers approximately $6 billion per year.

This is especially disappointing when you consider that each prisoner in Federal maximum security penitentiaries costs only $78,000 a year. Not only does our refusal to close Guantanamo diminish our prestige and reputation throughout the world, it also costs American citizens astronomical sums of money for no purpose.

We have made excellent progress towards reducing the numbers of prisoners, and we continue to do so. About 35 percent of released prisoners were confirmed or suspected of returning to the battlefield during the Bush administration. But the Obama administration developed a robust framework to ensure released detainees were more closely supervised to reduce the likelihood of a return to the battlefield.

The Bush administration struck diplomatic bills to repatriate large batches of prisoners to countries like Saudi Arabia and Afghanistan in bulk, and many recidivists came from those batches.

By contrast, the Obama administration developed an individualized review process by six agencies to determine whether to recommend transferring a detainee. Over time, it also developed more careful diplomatic and monitoring plans with receiving countries to ease a prisoner’s reintegration into that country’s society.

When the first detainees arrived at Guantanamo in January 2002, America was still reeling from the 9/11 attacks, and the war in Afghanistan had only just begun. Yet, 15 years later, it is clear that the war on terror has dragged on for too long, as we have expanded our involvement in costly clashes in Yemen, Somalia, and Syria. In doing so, we have embroiled ourselves in needless, endless conflict, without an exit strategy or a clear strategy for success.

The recent vote for Congresswoman BARBARA LEE’s amendment to repeal the 2001 Authorization for Use of Military Force in the House Appropriations Committee demonstrated that Congress is finally realizing a blank check for perpetual war must be reevaluated and reconsidered.

Similarly, as we reconsider the 2001 AUMF, I look forward to working together in a bipartisan manner to close the Guantanamo prison, reevaluate our approach to these detainees, and close another dark and sad chapter that has damaged our national honor.

Guantanamo’s continued operation provides a momentous challenge to the founding principles of the United States, that no person may be deprived of liberty without due process of law, and certainly may not be deprived of liberty indefinitely without due process of law, and for each day that its doors remain open, it becomes increasingly difficult for our Nation to claim the moral and ethical high ground.

We must close the detention facility at Guantanamo now, and this amendment will help us achieve that goal.

Mr. Chairman, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. WENSTRUP. Mr. Chairman, I claim the time in opposition to the Nadler amendment.

The CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. WENSTRUP. Mr. Chairman, the Nadler amendment would allow detainees currently housed at GTMO to be transferred to the United States. As in previous conflicts, it is appropriate and lawful to hold detainees that we engage in armed conflict.

Guantanamo is the safest and most appropriate location to house these detainees. Members can visit there. It is secure and relatively distant from the United States.

Moving to the U.S. puts our homeland and citizens at risk. Our enemies have, when able, attacked and, on occasion, freed detainees, even committing suicide to do it. I have seen the attempts. I have served in Iraq at a detention facility.

And as far as Guantanamo being a recruitment tool, it might just be a recruitment tool, and here is why. Because if you are caught trying to kill Americans and committing acts of terrorism, you get to go to a Caribbean island that provides humane conditions for the detainees. Go visit there and you will see that. They have appropriate access to healthcare, the same healthcare that our troops get. They get recreational activities, and they have cultural and religious materials.

But, more important than anything else, our troops, and the detainees that they hold there, are all safer in Cuba. It is very difficult to sneak up and attack Guantanamo.

The recent terrorist attacks in Europe should remind us all that there is significant risk, and that we face significant risk in this world. Yes, we wish the war on terror was over. But guess what, it is not.

This would only increase the risk right here in our own backyards. Congress has passed, and the President has
signed into law, restrictions on Guan-
tanamo detainee transfers to the U.S.
every year since fiscal year 2010. To
house these terrorists, these enemies of
freedom on our own land is dangerous.
I ask for your support in defeating this
amendment.
Mr. Chairman, I reserve the balance
of my time.
Mr. NADLER. Mr. Chairman, how
much time do I have remaining?
They CHAIR. The gentleman from
New York (Mr. NADLER) has 15
seconds remaining.
Mr. NADLER. Mr. Chairman, I yield
myself 15 seconds.
I will simply observe that this
amendment prohibits the President
from transferring prisoners.
Do you really think that Donald
Trump, the current President, needs
the prohibition that he would transfer
prisoners to maximum security prisons
in the United States if it weren’t safe to
do?
Mr. Chairman, I reserve the balance
of my time.
Mr. WENSTRUP. Mr. Chairman, I
yield 1 minute to the gentleman from
Nebraska (Mr. BACON), my friend and
colleague.
Mr. BACON. Mr. Chairman, I rise
today in strong opposition to this
amendment.
I can attest unequivocally, based on
firsthand knowledge, that this latest
attempt to transfer detainees at Guan-
tanamo Bay is strategically unwise
and, I believe, morally wrong. None of
the arguments in favor of transferring
these prisoners are defensible mili-
tarily or economically.
We are in a war and these prisoners
were captured on the battlefield. There
is no hard evidence to support the
argument that Guantanamo is a decisive
recruiting tool, and is extremely naive
to believe that closing it would some-
how magically change the hearts and
minds of our enemies. We could disarm
and renounce every interest we have
and they would just invent another
reason to attack us.
The truth is that many of these pris-
oners are the worst of the worst, yet
they are treated better than many of
our own veterans. And here is the key
point: prisoners released from Guant-
анamo have killed Americans in the past
and, given the chance, will glad-
ly do so again, a fact openly conceded
by officials in the Obama administra-
tion itself.
We do not want the blood of Ameri-
cans killed by these terrorists in cus-
tody today on our hands.
Mr. NADLER. Mr. Chairman, it costs
the American taxpayer $10 million a
year per detainee to keep a detainee
in Guantanamo. To keep that same
detainee in a Federal maximum security
facility in the United States would cost
$78,000. That is a ridiculous waste of
our military budget. Nobody has
ever escaped from a Federal max-
imum security prison.
□ 215
Transferring these prisoners to Fed-
eral maximum security prisons in the
United States would pose no danger to
anybody.
And yes, some of these prisoners
may be the worst of the worst. Many are
not. They were not all caught on the
battlefield. Some of them were sold for
bounty money to people in different tribes
or groups in Afghanistan. Some of them
were not captured on battlefields at all.
Some of them are innocent; some are
not.
But to keep them in Guantanamo for
$10 million a year, while the prospect
of getting out is an affront to our
values. It is an affront to our lib-
erties. It is an affront to our military
budget and to our pocketbooks, and it
is, frankly, plain foolish.
I yield back the balance of my time.
Mr. WENSTRUP. Mr. Chairman, I
yield 1 minute to the gentlewoman
from New York (Ms. STEFANIK), my
friend and colleague.
Ms. STEFANIK. Mr. Chairman, I rise
in opposition to Mr. NADLER’s amend-
ment, which prohibits the use of funds to
build or modify facilities in the United
States to house detainees transferred from
Guantanamo Bay.
We are all aware here today, GTMO
holds some of the world’s most
dangerous and heinous terrorists, indi-
viduals who are responsible for and are
ideologically committed to killing
Americans at home and abroad. They
are responsible for killing our men and
women in uniform.
Transferring these terrorists to the
United States, where constitutional
protections and immigration law may
apply, puts our national security at
risk and hinders our intelligence-gath-
ering ability.
Today, we remain in a war against
al-Qaida and all associated forces. It is
the responsibility of Congress to do ev-
everything in our power to provide the
resources and authorities to win that
war, and transferring Guantanamo Bay
detainees to the United States under-
mines these efforts. Therefore, I
strongly urge my colleagues to oppose
this amendment.
Mr. WENSTRUP. Mr. Chairman, I
yield 1 minute to the gentleman from
Alabama (Mr. BYRNE), my friend and
colleague.
Mr. BYRNE. Mr. Chairman, I oppose
the gentleman’s amendment. We have
debated this issue for years now, and
every year we successfully maintain
the prohibition on transferring dan-
gerous detainees out of GTMO.
It is important to remember that
most of the 41 remaining prisoners are
very dangerous. The language in the
underlying bill is required to keep the
American people and our allies safe.
One of the main goals of Guantanamo
Bay is to keep these terrorists from re-
turning to the battlefield. Sadly, it has
become clear that some of the detain-
ees released have returned to the field
to fight the United States.
We ask our service members to put
their lives on the line each and every
day in order to keep the American peo-
ple safe. How can we ask them to do
that, while knowing that we are releas-
ing cruel, brutal terrorists back to the
battlefield? It would be reprehensible.
I urge my colleagues to oppose the
amendment and protect our service-
members and the American people.
Mr. WENSTRUP. Mr. Chairman, I
yield back the balance of my time.
The CHAIR. The question is on the
amendment offered by the gentleman
from New York (Mr. NADLER).
The question was taken; and the
Chair announced that the noes ap-
ppeared to have it.
Mr. NADLER. Mr. Chairman, I de-
mand a recorded vote.
The CHAIR. Pursuant to clause 6 of
rule XVIII, further proceedings on the
amendment offered by the gentleman
from New York will be postponed.
AMENDMENT NO. 7 OFFERED BY MR. NADLER
The CHAIR. It is now in order to con-
sider amendment No. 7 printed in part
Mr. NADLER. Mr. Chairman, I have
an amendment at the desk.
The CHAIR. The Clerk will designate
the amendment.
The text of the amendment is as fol-
lows:
In division A, strike section 1023 (prohi-
bits the use of funds to construct or modify
facilities in the United States to house
detainees transferred from United States Naval
Station, Guantanamo Bay, Cuba).

The CHAIR. Pursuant to House Reso-
lation 491, the gentleman from New York (Mr.
NADLER) and Member opposed each will control
5 minutes.
The Chair recognizes the gentleman
from New York.
Mr. NADLER. Mr. Chairman, I will
not take 5 minutes. This amendment
will strike section 1023 of the bill that
prohibits the use of funds to construct
or modify facilities in the United
States for Guantanamo detainees. The
provision is simply designed to further
delay the transferred detainees out of
Guantanamo and is unnecessary and
counterproductive.

The arguments for this amendment
and against it are essentially the argu-
ments for and against the previous
amendment that we just went through.
That amendment prohibited the use of
funds to transfer prisoners. This
amendment prohibits the use of funds—
this provision, rather, prohibits the use
of funds to construct facilities in the
United States to receive such trans-
ferees. It is essentially the same pros
and cons.
I just want to mention, though, that
yes, some of those detainees may be
the worst of the worst, but they will
still be detained. But some of them are
not. They are people who were caught
up in bounty situations where they
were sold for money because we were
giving a bounty if someone claimed
that so and so had been in combat
against us, but we didn’t really know.
We now know mistakes were made.
We may choose to say some of these
people can go home, and others can
stay in the United States. It is simply,
again, a question that we shouldn’t be
spending $10 million a person, instead of $78,000 a person, to hold them in secure facilities.

The other thing that Ms. STEFANIK of New York said I must comment on, she said we are holding people in Guantanamo, if we transfer them to the United States, we fail to obey the constitutional rights of prisoners in the United States, and that we don’t want to do, for whatever reason. She didn’t say.

But the fact of the matter is, Guantanamo was built for that purpose because it was thought by the Bush administration initially that people held outside of the Continental United States, in Guantanamo, which is in Cuba, not the United States, would not enjoy constitutional rights, could not use the writ of habeas corpus and other things.

However, a series of Supreme Court decisions said that was wrong. The prisoners held in Guantanamo Bay have enjoyed constitutional rights, prisoners held in prisons in the Continental United States, so there is no difference on that whatsoever. You can look up the Supreme Court decisions. They are not secret.

And what it comes down to is a prejudice against holding people here because of a ridiculous fear that people will escape from maximum security prisons, which no one has ever done in the United States, and we can’t hold dangerous people here, and we shouldn’t release terrorists.

But nobody is talking about releasing terrorists. And you can hold dangerous terrorists and dangerous mobsters, dangerous all kinds of people, in maximum security facilities in the United States.

There are really two things we should do: bring them to maximum security facilities in the United States because it saves a lot of money and because it is a major recruiting tool for our enemies abroad. And, within constitutional rights, people should have the opportunity to have a hearing.

What is most offensive is not that they are at Guantanamo, as opposed to some prison in the United States, what is most offensive is that we are holding some people without any hearing, without any due process, essentially forever.

And yes, we have held people as prisoners of war during the pendency of a war. But we don’t claim these people are prisoners of war. We don’t give them the rights of prisoners of war. We are just holding them. I am not sure how we are holding them, but we are holding them, making a claim of any kind of due process, with no finding that they have, in fact, been terrorists in an individual case; and that is just against all American values.

I reserve the balance of my time.

Mrs. HARTZLER. Mr. Chairman, I rise in strong opposition to this irresponsible amendment that allows the construction of facilities in the U.S. to house detainees, and I urge my colleagues to vote “no.” We are still at war with terrorism, and the law of war affirms that detainees may be held off the battlefield for the duration of the hostilities.

Both Republican and Democrats have repeatedly rejected bringing terrorists detained at Guantanamo Bay to the continental United States. It would be a negligent act to transfer highly dangerous terrorists, such as mastermind of 9/11, to U.S. soil to be housed near our neighborhoods and near our families.

The gentleman said that these, they are not the worst of the worst, that some people are just, you know, caught up perhaps, and they are there. That is not true. I have been there multiple times. At this point, we only have 41 left, and they are the worst of the worst. There is no one left who you might even claim was just caught up and accidentally arrested. That is false.

Like I said, I have visited multiple times to see firsthand the threats facing our country, and the detention procedures carried out at that facility.

It does not make sense to build a new facility to spend our precious defense dollars here to house terrorists when we already have adequate, very safe facilities. Guantanamo where they are being treated humanely. It is legal and transparent. It is a remote location. It is away from the battlefield and away from our loved ones.

So I urge my colleagues to vote “no,” and I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I reserve the balance of my time.

Mrs. HARTZLER. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. YOHO). Mr. YOHO. I thank the gentleman for this opportunity to speak on this misguided amendment.

I have visited Guantanamo Bay twice, and I know firsthand the detainees at Guantanamo Bay are the worst of the worst, terrorists who are conspirators of Osama bin Laden, trained mass murderers, and extremists who have a sole intention of killing Americans.

We have also seen that releasing terrorists from Guantanamo has never been more important. I urge all of my colleagues to reject this amendment.

I urge my colleagues to oppose this amendment.

Mr. NADLER. Mr. Chairman, I reserve the balance of my time.

Mrs. HARTZLER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I thank Congresswoman HARTZLER for her leadership, and I thank her for this opportunity to speak on this misguided amendment.

I have visited Guantanamo Bay twice, and I know firsthand the detainees at Guantanamo Bay are the worst of the worst, terrorists who are conspirators of Osama bin Laden, trained mass murderers, and extremists who have a sole intention of killing Americans.

We have also seen that releasing terrorists from Guantanamo has never been more important. I urge all of my colleagues to reject this amendment.
Mrs. HARTZLER. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from New York has 1 minute remaining.

Mr. NADLER. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from New York has 1 minute remaining.

Mr. NADLER. Speaker, first of all, no one is proposing to release these people, although some probably should be released, but no one is proposing that, so take that red herring off the table.

Second of all, I, too, have visited Guantanamo, and I don’t know how you tell by visiting Guantanamo that these prisoners are the worst of the worst, or not, just by looking at them.

Thirdly, again, they have the same constitutional rights there as here, so you are not changing anything. And bringing them to maximum security facilities in the United States, while it may cost some money if you had to increase the facilities first, instead of spending $445 million, or $10 million a detainee, you would be spending $78,000 a detainee, which would free up your military budget, part of it, for other things.

There is simply no rational reason for keeping these people in a military base in Guantanamo which simply serves as a recruiting tool and a measuring rod for our enemies abroad. So again, I urge the adoption of this amendment.

I yield back the balance of my time.

Mrs. HARTZLER. Mr. Chairman, how much time do I have?

The CHAIR. The gentlewoman has 1 minute remaining.

Mrs. HARTZLER. Mr. Chair, I urge my colleagues to vote “no” on this amendment. It is not a wise use of our tax dollars to provide new facilities here like the gentleman wants to do to detain terrorists when we already have adequate facilities that are doing a great job right now at Guantanamo Bay. We need to keep our terrorists there away from our families, away from our communities.

Mr. Chair, I urge my colleagues to reject this amendment and to vote “no,” and I yield back the balance of my time.

Mrs. HARTZLER. Pursuant to House Resolution 491, the gentleman from Oregon (Mr. Blumenauer) and a Member of the Committee on Foreign Affairs of the House of Representatives that—

(A) the program of record established in subsection (a), and the expenditure of funds to research or develop such a ground-launched intermediate-range missile, is necessary legal and constitutional requirements for an agreement to host a ground-launched intermediate-range missile on U.S. territory; and

(B) at least one NATO Member State government, within a range appropriate to provide counterforce capabilities to prevent intermediate-range missile attacks against any NATO Party or to provide countervailing strike capabilities to enhance the forces of the United States or allies of the United States, has completed the necessary legal and constitutional requirements for an agreement to host a ground-launched intermediate-range missile; and

(C) the North Atlantic Council has endorsed the deployment of a ground-launched intermediate-range missile.

Mr. BLUMENAUER. Mr. Chair, my amendment deletes language in this bill that would mandate a program of research, green lighting this proposal for road-mobile, ground-launched cruise missiles with ranges that, if tested or deployed, would violate the United States’ obligations under the Intermediate-Range Nuclear Forces Treaty.

For more than four decades, the United States and Russia have worked through bilateral agreements to reduce their nuclear weapons stockpiles, saving money, and making the world safer.

Presidents Ronald Reagan and George H. W. Bush were at the forefront of this effort with the START I and START II treaties. There is a longstanding precedent of carefully negotiating these treaties in a bipartisan fashion because these leaders knew that a world with less of these weapons meant a safer world for all of us.

Yet over the last several years, our nuclear weapons proliferation has continued on autopilot. Right now we are on track to spend $1.2 trillion on unneeded nuclear weapons. In fact, the Pentagon has concluded that already the United States’ security needs could be met with one-third fewer strategic warheads deployed than New START limits of 1,550.

We can and should safely right-size the arsenal as envisioned by Ronald Reagan and the first President Bush. That is why these treaties are so important. They hold us and our adversaries accountable.

We see some confusing signals from the administration, at times appearing to favor nuclear escalation, but at the same time being deeply concerned about managing costs.

President Trump has demonstrated a lack of clear understanding of these treaties, but even his administration is fearful that the language undermining the treaty in this bill “unhelpfully ties the hands of the administration.”

Congress should be playing a lead role in getting us back on track with smarter defense spending, not working to abandon this nuclear nonproliferation legacy that Ronald Reagan and Bush Sr., fought so hard for.

We can’t simply fund every weapons program on the list while fulfilling other critical obligations like providing for our military personnel, ensuring we have adequate cybersecurity programs, streamlining our command and control infrastructure, not to mention our non-Defense Department programs like foreign assistance and diplomacy.

We have a poor track record when it comes to carefully managing and budgeting implementation of our weapons programs.

The House continues this poor record now. Why would we establish a program of record for something that our non-Defense colleagues have not asked for?

Rather than rushing to adopt this program and abandoning a key international treaty in the process, let’s think this through. Let’s do our homework to make sure our allies, the Departments of Defense and State are all on the same page, and develop a coherent approach to bring Russia back into compliance, rather than throw money at yet another unnecessary weapons program and undercut that regime.

This takes our eye off the ball and could have unintended and, I think in some instances, devastating consequences.

Mr. Chair, I strongly urge my colleagues to vote in support of this amendment for smarter defense spending and the protection of a landmark treaty that is part of the legacy of Ronald Reagan and George H. W. Bush.

Mr. Chair, I reserve the balance of my time.

Mr. ROGERS of Alabama, Mr. Chair, I claim the time in opposition.
The CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Chair, I thank the gentleman, Mr. BLUMENTHAUS, for his amendment, although I urge its defeat.

I start by pointing out that both the Obama administration and the Trump administration have decided the fact that Russia is in violation of the INF Treaty, and neither of those administrations have indicated any way that Russia will come back into compliance.

But having said that, I want to say I am troubled that the gentleman would want to provide a veto on the development of a system that hasn’t been developed, much less deployed. The gentleman is worried about deployment of a system that we still don’t have developed yet. And hopefully it won’t be deployed when it is completed.

That is really the function of whether or not Russia comes back into compliance. General Selva, vice chairman of the Joint Chiefs of Staff, testified before the HASC in March: “They do not intend to return to compliance absent some pressure from the international community and the United States as a cosigner of that same agreement. There is no trajectory in what they are doing that would indicate otherwise.”

The development of this system that we are talking about here today is that very pressure that General Selva was referencing. This kind of development got the Russians to the table on the INF Treaty anyway, but they are violating the treaty. And that doesn’t just matter to Europe. It matters to Asia, which is completely ignored by the gentleman’s amendment. And Asia matters on INF. Why? Because 95 percent of China’s missiles are in INF range.

The commander of PACOM has testified that he has requirements for intermediate-range missile capability in Asia, “the aspects of the INF Treaty that limit our ability to counter Chinese and other countries’ land-based missiles, I think is problematic.”

We didn’t conjure the idea of a ground-launched cruise missile out of thin air. The U.S. Army reported that introducing intermediate-range ground-launched missiles into the land domain provides military value across the range of the joint military operations and provides a land-based counter to our adversaries’ anti-access area denial capabilities.

This report was required by the HASC last year as a part of our multiyear oversight on how to respond to Russia’s violations of the INF Treaty, which the prior administration did nothing to challenge.

I appreciate the gentleman’s interest. I will gladly work with him on ways to counter Russia’s violations of the treaty, but I must urge defeat of this well-intentioned but poorly conceived amendment.

Mr. Chair, I urge support of the bipartisan approach taken by the House Armed Services Committee in sections 1244 and 1245, and I urge a vote “no” on the Blumenauer amendment.

Mr. Chair, I reserve the balance of my time.

Mr. BLUMENTHAUS. Mr. Chair, may I inquire as to the amount of time I have remaining?

The CHAIR. The gentleman from Oregon has 1 minute remaining.

Mr. BLUMENTHAUS. Mr. Chair, the question is how to get Russia into compliance. Walking away from our obligations? I think not.

The amendment allows going ahead if the Department of Defense certifies to Congress that it has completed a new nuclear posture review to make sure this program fits in the overall strategy; that it certifies that it prefers this program to ensure that NATO’s overall deterrent and defense posture remains credible; that the Department of Defense certified it prefers this missile for maintaining strategic stability; that the Senate certifies the program of record is necessary to help verifiably return Russia to compliance; that at least one NATO member state has proven it is serious about hosting the missile; and State certifies that the full Atlantic Council has endorsed deployment of this missile.

Those are the conditions in the amendment, and I would think they are reasonable conditions that the gentleman should not object to. If he truly believes in the merit of his argument, there is no reason that that cannot be complied with. And if not, it should not proceed.

The CHAIR. The time of the gentleman has expired.

Mr. ROGERS of Alabama. Mr. Chair, again, I want to remind the gentleman that nobody has indicated that Russia has any intention—they see no signs that Russia has any intention of coming back into compliance.

I think this is poorly thought out. We need to go forward and not be giving vetoes to other people about what weapon systems we can start developing.

Mr. Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENTHAUS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BLUMENTHAUS. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 115-212.

Mr. WILSON of South Carolina. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 12. RESTRICTION ON FUNDING FOR THE PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION.

(a) STATEMENT OF POLICY.—Congress declares that United Nations Security Council Resolution 2210 (September 23, 2016) does not obligate the United States nor does it impose an obligation on the United States to refrain from actions that would affect the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty.

(b) RESTRICTION ON FUNDING.—(1) IN GENERAL.—No United States funds may be made available to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

(c) EXCEPTION.—The restriction under paragraph (1) shall not apply with respect to the availability of United States funds for the Comprehensive Nuclear-Test-Ban Treaty Organization’s International Monitoring System.

The CHAIR. Pursuant to House Resolution 431, the gentleman from South Carolina (Mr. WILSON) and a Member opposed each will control 5 minutes.

The CHAIR. The gentleman from South Carolina, Mr. WILSON, I yield myself such time as I may consume.

I thank the Chair for the opportunity to speak on the amendment to restrict the funding for the Comprehensive Nuclear-Test-Ban Treaty Organization while still providing funds for the international monitoring system.

The purpose is simple. Congress has never ratified the Comprehensive Nuclear-Test-Ban Treaty. It is irresponsible to the taxpayer and contradictory for the United States to financially support an organization that the United States has never officially joined or contributed funds for a treaty that was never enacted.

The amendment clearly continues to fund the international monitoring system to improve our global and nuclear detection capability, and returns us to the longstanding responsible policies from President George W. Bush’s administration.

This amendment makes it clear that protecting American families is the job of Congress, not an accountable international body. As we see a rise in threats around the world, our nuclear detection capability is crucial to promote our ability to preserve peace. It is also important that the United States does not require adherence to this treaty in order to continue our self-imposed moratorium on testing nuclear weapons of any size or of any kind.

However, as we live in a world of increasing threats, we should not bind the United States to an agreement that other nuclear powers like China and Russia do not adhere to.

The Comprehensive Nuclear-Test-Ban Treaty has never been enacted so there is no change in policy or outcome by supporting this amendment, just a saving of taxpayers’ dollars.
Mr. Chair, I urge passage of this amendment, and I reserve the balance of my time.

Mr. FOSTER. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman from Illinois has 5 minutes.

Mr. FOSTER. Mr. Chairman, I yield myself such time as I may consume.

As the only physicist in the U.S. Congress, I feel a special responsibility to speak out on the importance of sustaining the global nuclear security architecture. At a time when it is more important than ever for the security of the United States to reinforce international norms against nuclear testing, we are here debating an amendment that would restrict the ability of a key international institution to monitor nuclear weapons, and, in fact, is designed to undercut prospects for either eventual ratification or even continued adherence to the Comprehensive Nuclear-Test-Ban Treaty.

The Comprehensive Nuclear-Test-Ban Treaty Organization Preparatory Commission is tasked with establishing a verification regime to monitor compliance with the comprehensive ban on nuclear explosive testing. If enacted, this amendment would send the wrong signal to the world, deliberately risking an opening for the proliferation state, because the U.S. support for the CTBTO would not adversely affect the organization's ability to maintain and operate any nuclear monitoring system.

The proposed amendment also seeks to undermine the United States' obligation as a signatory not to conduct nuclear test explosions. If the United States unilaterally declares itself exempt from the ability to monitor nuclear weapons testing, other countries do not do it, and it is time to fund the International Monitoring System which provides us some benefits but prohibits the approximately $2 billion in payments to the CTBT organization itself that is included in the FY18 budget request for the State Department.

Let's set this small commonsense priority aside. If the United States unilaterally declares itself exempt, then other countries are very likely to do the same. In addition, contrary to what the amendment implies, U.N. Security Council Resolution 2310, does not impose any new obligations on the United States. Nothing is mandatory in the U.N. treaty. But repudiating support for the resolution could trigger bad faith in other nations around the world and reduce U.S. legitimacy and leverage that ensures other countries do not test nuclear weapons.

So we should not signal any intention that the United States encourage a return to a more hostile nuclear environment, an environment in which the United States does not condemn nuclear weapons testing but, rather, gives every opportunity to proliferation states that seek peace and prosperity for our future.

We have an opportunity to turn political rhetoric into concrete action to curb the global proliferation of nuclear weapons and secure the safety of future generations. From a national security perspective, we must acknowledge that the CTBT locks in an enormous competitive advantage for the United States, one that would be a national security disaster for the United States.

Although the CTBT failed to be ratified by a handful of votes the first time it came up in 1999, as George Shultz, the Secretary of State under President Reagan said: "You can say that a Senator might have been right to vote against the CTBT when it was first put forward"—in 1999—"and right to vote for it now. Why? Because things have changed."

And what he meant by that is that stockpiled stewardship works, and that the detection system, both that is maintained by the United States and by the world communities by the CTBTO works as well. Short of ratification, the U.S. support for the CTBT Preparatory Commission remains essential.

I urge my colleagues to vote "no" on this amendment, and I yield back the balance of my time.
The bottom line is that my colleagues are interested in a reasonable, commonsense way to try and seek a little more light on these very long-term plans and costs. I encourage them to vote for my amendment No. 88. My amendment allows the Secretary of Defense to provide for information beyond 10 years if he thinks it is accurate and would be useful in understanding the nuclear modernization programs.

I urge my colleagues to vote “no” on this current amendment and “yes” on my amendment No. 88, and I reserve the balance of my time.

Mr. AGUILAR. Mr. Chairman, if anything, my former chairman, when I was on Armed Services, is consistent. He is right. He has continued to oppose this amendment in the past.

But what I ask is: Why not have a 30-year estimate? We have one for the Navy. We have one for other programs. If these reports truly aren’t worth the paper that they are written on, then why commission this report? It is almost $400,000 in taxpayer costs.

The taxpayers deserve, and we deserve, to provide oversight over these costs. If Congress hopes to provide the oversight for modernizing these efforts, we need these up-to-date reports that accurately reflect these changes and costs. Congress made them, and the Navy

With a resurgent Russia, a rising China, and destabilized Middle East, there is little evidence that the demands of our conventional forces will decrease. That is why it is imperative that we have proper accounting for our modernization costs associated with the triad.

Mr. ROGERS of Alabama. Mr. Chair, I claim the time in opposition.

I urge my colleagues to vote “no” on this current amendment and “yes” on my amendment No. 88, and I reserve the balance of my time.

Mr. AGUILAR. Mr. Chair, I oppose this amendment, just as I opposed a similar amendment by my friend from California, number 12. I submitted amendment No. 88 that we will consider shortly. My amendment was a hopeful compromise with my colleagues from California who are offering amendments Nos. 10 and 12 on this same issue. Unfortunately, we have not been able to reach a compromise, so we will put them all before our colleagues here on the floor for consideration.

Mr. ROGERS of Alabama. Mr. Chair, my friend from California is correct about one thing: I will say a 30-year cost estimate is not worth the paper it is written on.

My amendment would modify section 1043 of the fiscal year 2015 NDAA, the CBO review of cost estimates of nuclear weapons and nuclear weapon delivery systems, to make the timeframe 30 years instead of 10 years, Mr. Chairman.

I brought this issue up last year when I served on the House Armed Services Committee, and earlier this year, a letter from the Assistant Secretary of Defense, Tom Hopkins, who was responsible for creating the DOD report, has called a 25-year report on this “burdensome.” He explained it to us this way during a hearing: “Right now we submit a 10-year report that does have programs and cost on it. . . . As you would expect, looking out that far in years, the credibility of the numbers would be very, very suspect.

“Forecasting DOD costs over a 25-year period with any useful accuracy is extremely difficult given the challenges of predicting developments in the international security environment and ongoing technological advancements.”

The Armed Services Committee and this House have considered these types of 30-year cost estimate amendments for DOD or CBO in the NDAs for the last 5 years.

Each time, for 5 years in a row, these amendments have been defeated. That is because these types of amendments would not result in good, effective oversight and transparency.

It would result in false and unreliable data entering the public debate. If any of my colleagues are interested in a reasonable, commonsense way to try and seek a little more light on these very long-term plans and costs, I encourage them to vote for my amendment No. 88. My amendment allows the Secretary of Defense to provide for information beyond 10 years if he thinks it is accurate and would be useful in understanding the nuclear modernization programs.

I urge my colleagues to vote “no” on this current amendment and “yes” on my amendment No. 88, and I reserve the balance of my time.

Mr. AGUILAR. Mr. Chairman, I oppose this amendment, just as I opposed a similar amendment by my friend from California, number 12. I submitted amendment No. 88 that we will consider shortly. My amendment was a hopeful compromise with my colleagues from California who are offering amendments Nos. 10 and 12 on this same issue. Unfortunately, we have not been able to reach a compromise, so we will put them all before our colleagues here on the floor for consideration.

Mr. ROGERS of Alabama. Mr. Chair, I yield back the balance of my time.

I urge my colleagues to vote “no” on this current amendment and “yes” on my amendment No. 88, and I reserve the balance of my time.

Mr. AGUILAR. Mr. Chair, I oppose this amendment, just as I opposed a similar amendment by my friend from California, number 12. I submitted amendment No. 88 that we will consider shortly. My amendment was a hopeful compromise with my colleagues from California who are offering amendments Nos. 10 and 12 on this same issue. Unfortunately, we have not been able to reach a compromise, so we will put them all before our colleagues here on the floor for consideration.

Mr. ROGERS of Alabama. Mr. Chair, I yield back the balance of my time.

I urge my colleagues to vote “no” on this current amendment and “yes” on my amendment No. 88, and I reserve the balance of my time.

Mr. AGUILAR. Mr. Chair, I oppose this amendment, just as I opposed a similar amendment by my friend from California, number 12. I submitted amendment No. 88 that we will consider shortly. My amendment was a hopeful compromise with my colleagues from California who are offering amendments Nos. 10 and 12 on this same issue. Unfortunately, we have not been able to reach a compromise, so we will put them all before our colleagues here on the floor for consideration.

Mr. ROGERS of Alabama. Mr. Chair, I yield back the balance of my time.
doesn't want to do it, and they don't think they are reliable. I urge a "no" vote on this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. AGUILAR). The amendment was taken, and the Chair announced that the noes appeared to have it.

Mr. AGUILAR. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The CHAIR. I now call to order to consider amendment No. 11 printed in part B of House Report 115–212.

AMENDMENT NO. 12 OFFERED BY MR. GARAMENDI

The CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 115–212.

Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 1673. IMPROVEMENT TO ANNUAL REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.


(A) by striking "military construction,"

(B) by striking "military construction,"

(C) by striking "military construction,"

(D) by striking "military construction,"

(E) and (F) as subparagraphs (G) and (H), respectively;

(f) A detailed description of the plan, as applicable, to sustain, life, extend, modernize, or replace the nuclear weapons and bombs in the nuclear weapons stockpile.;

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(f) A detailed description of the plan, as applicable, to sustain, life, extend, modernize, or replace the nuclear weapons and bombs in the nuclear weapons stockpile.;

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(f) A detailed description of the plan, as applicable, to sustain, life, extend, modernize, or replace the nuclear weapons and bombs in the nuclear weapons stockpile.;

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so that we actually have good information upon which to make some decisions today that will then be paid for in the next 15 to 25 years. That is what this amendment is.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR (Mr. LaMALFA). The gentleman is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly oppose this amendment from my friend and colleague from California. He is a very serious, thoughtful, and clearly articulate Member, but it is for the same reasons that I just outlined with Mr. AGUILAR's amendment.

I will keep this brief because we just talked about this. But going down this path for a 25- or 30-year cost estimate for nuclear weapons is a bad idea and would result in bad data. The Acting Assistant Secretary of Defense in the Obama administration which is still in the Trump administration doesn't think it is a good idea either.

The HASC and the House have considered this 30-year cost estimate for the last 5 years in a row, and each time it has been rejected. This amendment would not result in good, effective oversight and transparency.

Mr. Chairman, I urge my colleagues to consider voting for my reasonable, commonsense amendment when we get to it, amendment No. 88. I urge my colleagues to vote "no" on this amendment and "yes" on Rogers 88.

Mr. Chairman, I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. GARAMENDI. Mr. Chairman, this is a commonsense amendment. I have great esteem for the chairman, but I really don't think we ought to be mushrooms. I don't think we ought to be kept in the dark. We really are in the process here of making decisions today to spend a vast amount of money not just in the next 10 years—but in the out-years.

We need to know today that will bite into the money that we have available for all of the other things that we must do for our national defense.
Mr. ROGERS of Alabama. Mr. Chairman, I agree with the gentleman. We don’t want to be mushrooms, but we also don’t want bad data. So I would urge a “no” vote on this and urge people to support Rogers amendment No. 88, which the Secretary told the Committee to do beyond 10 years to 25 or 30 if the Secretary believes it would yield valuable data.

Mr. Chairman, I urge a “no” vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken, and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

(AMENDMENT NO. 13 OFFERED BY MR. BLUMENAUER)

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 115-212.

Mr. BLUMENAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 16. LIMITATION ON USE OF FUNDS FOR LONG-RANGE STANDOFF WEAPON.

(a) In general.—Notwithstanding any other provision of law, in any fiscal year, the Secretary of Defense may not obligate or expend more than $65,600,000 on development of the long-range standoff weapon or any other nuclear-capable air-launched cruise missile, and the Secretary of Energy may not obligate or expend more than $220,235,000 on the life cycle program for the W80-4 warhead, until the Secretary of Defense, in consultation with the heads of other relevant Federal agencies, submits to the appropriate congressional committees a Nuclear Posture Review to Congress that includes a detailed and specific assessment of the following:

(1) The anticipated capabilities of the long-range standoff weapon to hold targets at risk beyond other already existing and planned nuclear-capable delivery systems.

(2) The anticipated ability of the long-range standoff weapon to elude adversary integrated air and missile defenses compared to the B-21 bomber.

(3) The anticipated effect of the long-range standoff weapon on strategic stability relative to other nuclear-armed countries.

(4) The anticipated effect of the long-range standoff weapon on the offensive nuclear weapons capabilities and programs of other nuclear-armed countries.

(5) The anticipated effect of the long-range standoff weapon on the growth rate of their nuclear stockpiles.

(6) The anticipated effect of the long-range standoff weapon on the threshold for the use of nuclear weapons.

(b) FORM.—The Nuclear Posture Review required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

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

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is time to insert fiscal sanity into our nuclear weapons planning. We are set to spend $400 billion over the next decade and $1.2 trillion over the next 30 years to recapitalize our entire nuclear arsenal. This is a 10- to 11-fold increase in a nuclear arsenal that is a force far exceeding what the Pentagon and security experts have said is necessary to deter a nuclear threat.

A stronger nuclear program is not going to help us deal with the strategic challenges we face today, like the fight against Islamic State, but it will result in having to crowd out Army, Navy, and Air Force conventional priorities.

We need to revisit the strategy. We are here in Congress to make hard decisions about how to spend taxpayer dollars. The Pentagon should provide long-term cost reports and tell us what additional expenditures will actually add to our existing capacity.

My amendment deals with one particular outrageous piece of this unsustainable escalation: the long-range standoff weapon, or the LRSO. Now, this weapon is projected to cost $20 billion to $30 billion.

This amendment would lock the LRSO funding at fiscal year 2017 levels until the administration submits a Nuclear Posture Review to Congress that includes a detailed and specific assessment of why we need this weapon. It wouldn’t prevent it. It would just keep the funding at the current level until they can tell us why we need it.

Until the administration carefully examines the utility of the LRSO, why should we rush its development? After all, the father of this device, former Secretary of Defense Bill Perry, has argued there is scant justification for spending tens of billions of dollars on that weapon. General Mattis has stated numerous times that he is not sold on the LRSO.

We shouldn’t risk making tens of billions of dollars in commitments like this buying an uncertain failure to follow through all while forfeiting other critical priorities. Before we continue this nuclear escalation on autopilot, let’s make sure.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose this amendment, but it is not just me. The Armed Services Committees considered nearly the same amendment during markup, and it was soundly defeated. It is not just the committee that opposed this amendment. It is also our country’s senior-most military officers. They repeatedly described the urgent need for the LRSO and the declining reliability of the ALCMs.

They have testified before our committee in March on this exact issue. Here is the Nation’s second highest ranking military officer, the Vice Chairman of the Joint Chiefs of Staff, General Hyten:

ALCMs were designed and built in the 1970s with a 10-year lifespan. We know today they remain relevant, but we can’t continue to finance them. A description about how those weapons will not be able to penetrate Russian air defenses, and therefore there is an urgency for their replacement.

In the same year, Chairman AUCOM Commander General Hyten said:

The LRSO is the first missile system developed in unison with a nuclear warhead in mind for many decades. Limiting resources or funding of either component will disrupt the entire concept-to-capability timeline.

Here is President Obama’s Assistant Secretary of Defense, Bob Scher, testifying before my committee last year:

The Obama administration’s decision to finance an ALCM replacement is essential to maintain the ALCM’s unique contribution to stable and effective deterrence.

Finally, let me briefly address this nonsense argument that LRSO is destabilizing. Here is President Obama’s Under Secretary of State for Arms Control Rose Gottemoeller testifying before the Senate last year:

First, the LRSO is consistent with our arms control commitments and President Obama’s Prague agenda. Second, the LRSO is necessary against the strategic stalemate that un- dermine it. Third, it is important in the eyes of our allies. There is no evidence that the LRSO or our nuclear modernization program is prompting an action-reaction cycle or catalyzing these arms races. The LRSO is valuable in maintaining strategic stability.

Mr. Chairman, I urge a “no” vote on this amendment, and I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1½ minutes to the distinguished gentleman from Washington (Mr. Smith), who is the ranking member.

Mr. SMITH of Washington. Mr. Chairman, I just want to make two quick points, first to the point Mr. BLUMENAUER made about how we are planning on recapitalizing our entire nuclear arsenal.

Now, we have had a robust debate about how much that is going to cost over 10, 25, 30 years. I have some sympathy for the argument that Mr. Rogers made. It is going to be very difficult to estimate how much it is going to cost over 25 or 30 years.
But I do know that if we are talking about recapitalizing our entire nuclear arsenal, all of the submarines, all of the ICBMs, a new bomber, it is going to cost a lot. I don't know if it is $1.2 trillion or $2 trillion. Whatever it is, it is going to be enormously expensive.

At a time when we face a multiplicity of threats from Russia, North Korea, and where missile defense is critical, I do not believe this is the best investment of our money to get caught up in the Cold War, in the battle against Russia and their nuclear weapons, and making sure we can counter every possible scenario. It is not an efficient use of money.

This amendment is but one piece of it to say let's take a step back and see if this is the best place to spend the money. Maybe it would be better to spend it on cybersecurity. Maybe it would be better to spend it on missile defense.

There are a whole lot of other places I think that are better than trapping ourselves in these nuclear scenarios that require us to build an unbelievably expensive nuclear arsenal.

Secondly, I will disagree with Mr. ROGERS on one point: the more you build nuclear weapons, the more the other side tends to build nuclear weapons.

I cannot agree that this is not going to potentially lead to an escalation. In fact, the reason we are so hell-bent on building the LRSO and all of these others is because we are concerned about what Russia and China are doing.

That is how it works. It does have that destabilizing effect. I don't think this is the best place for us to spend our defense dollars.

Mr. ROGERS of Alabama. Mr. Chairman, I was quoting Rose Gottemoeller from the Obama administration, saying that it was not going to perpetuate this cycle.

Mr. Chair, I yield such time as she may consume to the gentlewoman from Wyoming (Ms. CHENEY), my friend and an outstanding member of the Armed Services Committee.

Ms. CHENEY. Mr. Chairman, it is surprising to sit here and hear arguments that we have been hearing really for the last almost 70 years now, the notion that the reason that our adversaries build nuclear weapons is because we are building nuclear weapons, or the notion that we all are building nuclear weapons for the same purposes.

The North Koreans are building nuclear weapons in order to threaten us. They are building nuclear weapons, potentially, in order to hold us hostage. They are building nuclear weapons against which we must deter.

The notion that if we advance our capabilities, the notion that if we produce the LRSO we are going to be in a position where our adversaries are confronted with a position where we are encouraging the other side is just simply a flawed understanding. We already have a situation where our adversaries are modernizing their dual capable cruise missiles. They don't think these things are destabilizing. We shouldn't argue that they are for us, as well.

In addition, the LRSO plays a hugely important deterrent role. It imposes important and real costs on any potential adversary. It forces, in addition to modernizing their nuclear arsenals, to modernize their air defense arsenals.

It is hugely important that we proceed. It is hugely important that we modernize. It is a very expensive undertaking, but I would urge my colleagues to defeat this amendment and remember that the single most expensive thing we can do would be to fail to defend ourselves. The single most expensive thing we can do would be to encourage an adversary to attack us because they think they can overtake us or overcome our capabilities.

I think it is important that we not go down the path of unilateral disarmament. It forces us to take the equivalent of unilateral disarmament.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I am stunned to think that this is somehow the equivalent of unilateral disarmament.

The amendment says that the funding level for this new program would remain at the current fiscal year level until the administration submits a nuclear posture review to Congress that indicates a detailed assessment of why we need the weapon.

If what the gentleman says is true—and I get mixed signals from the Secretary—then they can easily do that. They are not cut off. It has nothing to do with unilateral disarmament. We have more than enough nuclear weapons to destroy these countries many times over.

My friend, Mr. SMITH, talks about other priorities, from cybersecurity to what is happening with ISIS. Lavishing funds on programs that have not yet been justified and can't meet this test is not worthy. You have other things that you want to help the Department of Defense do, which I think we share.

Mr. Chairman, I strongly urge approval of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.
Mr. SMITH of Washington. Mr. Chairman, I support this amendment. I disagree very strongly with the remarks of the gentleman from South Carolina. First of all, the past BRACs have saved us a substantial amount of money. There have been five rounds. The first four saved us pretty much exactly as much money as they said they were going to. The fifth one was more expensive, but the fifth one was done in 2005, at a time when we were building bases. We didn’t have a surplus of bases, much as a closure as it was a realignment. But even then, it is now saving us money. So if you want to argue against BRAC, argue against BRAC; but please, let us not argue that it doesn’t save us money because that is just factually ridiculous. It absolutely saves us money.

Second, there have been a number of studies by the Air Force and others. The Air Force has estimated that they will face two billion dollars in capacity over their installations. It would be great if we could have a comprehensive study. I agree with that. What our bill has done every year for the last several years is prohibit them from even thinking about a BRAC. So it is a brilliant argument to say, well, you can’t do a BRAC because you haven’t done a comprehensive study, and then to put in the bill you are prohibited from doing a comprehensive study. It is a little tautology, but it isn’t helping our military.

As we have been discussing throughout the night, we have more needs than we have money for. We cannot afford for parochial interests to get in the way of what is in the best interest of our troops. We need a BRAC. By the way, it doesn’t even authorize a BRAC. It simply removes the prohibition of a BRAC. A BRAC cannot happen unless Congress authorizes it. So all this going to do if this amendment passes is allow the military to do precisely what the gentleman from South Carolina just said they ought to do.

There is no reason to oppose this amendment, and I urge support.

Mr. WILSON of South Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT), my friend and colleague.

As we have been discussing throughout the night, we have more needs than we have money for. We cannot afford for parochial interests to get in the way of what is in the best interest of our troops. We need a BRAC.

By the way, it doesn’t even authorize a BRAC. It simply removes the prohibition of a BRAC. A BRAC cannot happen unless Congress authorizes it. So all this going to do if this amendment passes is allow the military to do precisely what the gentleman from South Carolina just said they ought to do.

There is no reason to oppose this amendment, and I urge support.

Mr. WILSON of South Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT), my friend and colleague.

Mr. AUSTIN SCOTT of Georgia. Mr. Chairman, I rise today in opposition to this amendment to the fiscal year 2018 National Defense Authorization Act offered by my friend and colleague, Mr. MCCLINTOCK of California, that would strike a bipartisan provision that clarifies that the fiscal year 2018 National Defense Authorization Act does not authorize a round of Base Realignment and Closures, otherwise known as BRAC.

Mr. MCCLINTOCK, Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. SMITH), the ranking member.

Mr. McCLINTOCK. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. SMITH), the ranking member.
the Interior has got first crack at it. I have also always sarcastically said every time there is a BRAC base closure, I end up with a new national park and national monument. And even though we have never done a study to verify it, I can give you a half dozen off the top of my head where that happened.

So the question is: Does the taxpayer save money? And if you invent a BRAC process that will guarantee that the Federal estate will not be enlarged, that wouldn't simply transfer property from one Federal entity to another or from the Federal Government to State governments so the taxpayer saves money, then I will gladly support a BRAC process.

But until we can guarantee that, all we are doing is shifting the money around, shifting the entity around. We may help the Department of Defense change their budget, but the taxpayer is still on the hook for all the property and we won't go into it, and that is wrong, and that is the process. When we change the BRAC process to make it more public, to make it so the taxpayer saves, then I will support it, but that hasn't happened yet.

Therefore, I ask Members to vote "no" on the amendment.

Mr. WILSON of South Carolina. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McCloskey).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. McCLOSKEY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. The Acting Chair is recognized.

The Acting CHAIR. Pursuant to the order of the House of today, it is now in order to consider amendment No. 88 printed in part B of House Report 115-212.

Mr. ROGERS of Alabama. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After the period at the date the enactment of this Act, the Secretary of Defense shall direct the head of each military department—

(1) to prepare a comprehensive strategy for use of virtual training technology, and:

(a) STRATEGIC REQUIREMENTS.—The Secretary of Defense shall direct the head of each military department—

(1) to establish a comprehensive strategy to determine which capability gaps exist in the department that can be rectified with virtual training;

(2) to review the virtual training possibilities for this gap to determine what virtual training would rectify this gap most efficiently; and

(3) to determine what acquisitions would need to be made to acquire the correct amount of technology to achieve desired goals.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. ROGERS OF PENNSYLVANIA

At the end of subtitle B of title II, add the following new section:

SEC. 2. STRATEGY FOR USE OF VIRTUAL TRAINING TECHNOLOGY.

(a) STRATEGIC REQUIREMENTS.—The Secretary of Defense shall direct the head of each military department—

(1) to establish a comprehensive strategy to determine which capability gaps exist in the department that can be rectified with virtual training;

(2) to review the virtual training possibilities for this gap to determine what virtual training would rectify this gap most efficiently; and

(3) to determine what acquisitions would need to be made to acquire the correct amount of technology to achieve desired goals.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. FITZPATRICK OF PENNSYLVANIA

At the end of subtitle B of title II, add the following new section:

SEC. 2. STRATEGY FOR USE OF VIRTUAL TRAINING TECHNOLOGY.

(a) STRATEGIC REQUIREMENTS.—The Secretary of Defense shall direct the head of each military department—

(1) to establish a comprehensive strategy to determine which capability gaps exist in the department that can be rectified with virtual training;

(2) to review the virtual training possibilities for this gap to determine what virtual training would rectify this gap most efficiently; and

(3) to determine what acquisitions would need to be made to acquire the correct amount of technology to achieve desired goals.

SEC. 3. INCREASE IN AMOUNTS FOR ENHANCING INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITY.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for aircraft procure-

SEC. 4. STRATEGY FOR USE OF VIRTUAL TRAINING TECHNOLOGY.

(a) STRATEGIC REQUIREMENTS.—The Secretary of Defense shall direct the head of each military department—

(1) to establish a comprehensive strategy to determine which capability gaps exist in the department that can be rectified with virtual training;

(2) to review the virtual training possibilities for this gap to determine what virtual training would rectify this gap most efficiently; and

(3) to determine what acquisitions would need to be made to acquire the correct amount of technology to achieve desired goals.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. GRAVES OF LOUISIANA

Strike section 632 and insert the following:

SEC. 632. REPORT REGARDING MANAGEMENT OF MILITARY COMMISSARIES AND EXCHANGES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a re-

SEC. 633. STRATEGY FOR USE OF VIRTUAL TRAINING TECHNOLOGY.

(a) STRATEGIC REQUIREMENTS.—The Secretary of Defense shall direct the head of each military department—

(1) to establish a comprehensive strategy to determine which capability gaps exist in the department that can be rectified with virtual training;

(2) to review the virtual training possibilities for this gap to determine what virtual training would rectify this gap most efficiently; and

(3) to determine what acquisitions would need to be made to acquire the correct amount of technology to achieve desired goals.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. ROGERS OF PENNSYLVANIA

At the end of subtitle B of title II, add the following new section:

SEC. 2. STRATEGY FOR USE OF VIRTUAL TRAINING TECHNOLOGY.

(a) STRATEGIC REQUIREMENTS.—The Secretary of Defense shall direct the head of each military department—

(1) to establish a comprehensive strategy to determine which capability gaps exist in the department that can be rectified with virtual training;

(2) to review the virtual training possibilities for this gap to determine what virtual training would rectify this gap most efficiently; and

(3) to determine what acquisitions would need to be made to acquire the correct amount of technology to achieve desired goals.

AMENDMENTS EN BLOC NO. 5 OFFERED BY MR. FITZPATRICK OF PENNSYLVANIA

At the end of subtitle B of title II, add the following new section:

SEC. 2. STRATEGY FOR USE OF VIRTUAL TRAINING TECHNOLOGY.

(a) STRATEGIC REQUIREMENTS.—The Secretary of Defense shall direct the head of each military department—

(1) to establish a comprehensive strategy to determine which capability gaps exist in the department that can be rectified with virtual training;

(2) to review the virtual training possibilities for this gap to determine what virtual training would rectify this gap most efficiently; and

(3) to determine what acquisitions would need to be made to acquire the correct amount of technology to achieve desired goals.
(b) POST-FIELDING ANALYSIS.—The head of each military department concerned shall create a post-fielding training effectiveness analysis before commencing training using any virtual training technology acquired pursuant to subsection (a).

AMENDMENT NO. 1 OFFERED BY MR. BROWN OF MARYLAND

At the end of subtitle B of title II, add the following new section:

SEC. 2. INCREASE IN FUNDING FOR ELECTRONICS AND ELECTRONIC DEVICES OF THE ARMY.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in section 4201, for Applied Research, Electronics and Electronic Devices, Line 018, is hereby increased by $2,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in section 4201, for Advanced Component Development and Prototyping Technology Maturation Initiatives, Line 072, is hereby reduced by $2,000,000.

AMENDMENT NO. 1 OFFERED BY MR. BROWN OF MARYLAND

At the end of subtitle B of title II, add the following new section:

SEC. 2. INCREASE IN FUNDING FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4201 for research, development, test, and evaluation, Defense-wide, as specified in the corresponding funding table in section 4201, for Basic Research, Historically Black Colleges and Universities/Minority Institutions, Line 006, is hereby increased by $4,135,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4201 for research, development, test, and evaluation, Defense-wide, as specified in the corresponding funding table in section 4201, for Advanced Technology Development, Advanced Innovation, Analysis and Concepts, Line 038, is hereby reduced by $4,135,000.

AMENDMENT NO. 19 OFFERED BY MR. RATCLIFFE OF TEXAS

Page 86, after line 23, insert the following:

SEC. 232. PROHIBITION ON APPLICATION OF HIRING FREEZES AT DEPARTMENT OF DEFENSE INDUSTRIAL BASE FACILITIES.

Any memorandum, Executive order, or other action by the President to prevent a department or agency of the Federal Government from filling vacant Federal civilian employee positions or creating new such positions, shall have no force or effect with respect to any department of the Defense civilian position at, or in support of—

(1) any facility at which depot-level maintenance and repair (as that term is defined in section 2464 of title 10, United States Code) is carried out; or

(2) any facility designated under section 2474 of such title as a center for industrial and technical excellence.

AMENDMENT NO. 22 OFFERED BY MR. JOHNSON OF LOUISIANA

Page 104, after line 6, insert the following:

SEC. 337. REPORT ON CYBER CAPABILITY AND READINESS SHORTFALLS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the Army Combat Training Centers and the current resident training readiness at such centers to examine potential training readiness shortfalls and ensure that pre-rotational cyber training needs are prepared for fiscal year 2023 and that the Secretary shall take into account nearby cyber assets that could contribute to addressing potential cyber capability and readiness shortfalls.

AMENDMENT NO. 23 OFFERED BY MR. CICILLINE OF RHODE ISLAND

Page 104, after line 6, insert the following:

SEC. 337. REPORT ON EFFECTS OF INCREASED AUTOMATION OF DEFENSE INDUSTRIAL BASE ON MANUFACTURING WORKFORCE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the effects of the increased automation of the defense industrial base over the ten-year period beginning on the date that is 30 days after the date of the enactment of this Act. Such report shall include, for the period covered by the report—

(1) an estimate of the number of the United States manufacturing workforce expected to be eliminated due to automation in the defense sector;

(2) an analysis describing any new types of jobs that are expected to be established as a result of an increasingly automated process, including an estimate of the number of these types of jobs that are expected to be created;

(3) an analysis of the potential threats to the national security of the United States that are unique to the automation of the defense industry;

(4) a strategy to assist in providing workforce training and transition preparation for workers who may lose manufacturing jobs in the defense industry due to automation;

(5) a description of the additional training necessary for workers affected by automation to more easily transition to new types of jobs within the defense manufacturing industry; and

(6) recommendations for congressional action to address the needs of the Armed Forces, in consultation with the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, resulting from changes in the Arctic.

AMENDMENT NO. 24 OFFERED BY MR. FITZPATRICK OF PENNSYLVANIA

Page 104, after line 6, insert the following:

SEC. 337. UPDATED GUIDANCE REGARDING BIENENS TRIAL BASE ON MANUFACTURING WORKFORCE.

To ensure that the biennial core reporting procedures of the Department of Defense align with the requirements of section 2464 of title 10, United States Code, and that each reporting agency provides accurate and complete information, the Secretary of Defense should direct the Under Secretary of Defense for Acquisition, Technology and Logistics to update the Department of Defense Guidance, in particular Department of Defense Instruction 5413.20, to require future biennial core reports of instructions to the reporting agencies on how to—

(1) report additional depot workload performed that has not been identified as a core requirement;

(2) accurately capture inter-service workload; and

(3) calculate shortfalls; and

(4) estimate the cost of planned workload.

AMENDMENT NO. 21 OFFERED BY MR. CÁRDENAS OF CALIFORNIA

Page 104, after line 6, insert the following:

SEC. 337. REPORT ON ARCTIC READINESS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report on arctic readiness. Such report shall include—

(1) an analysis of the challenges posed by the rapidly changing arctic region, including the reasons why the arctic region is changing at such a rapid rate;

(2) an analysis of how the changes will affect other regions, particularly coastal communities;

(3) an analysis of how the changes will affect military infrastructure; and

(4) recommendations for congressional action to address the needs of the Armed Forces, in consultation with the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, resulting from changes in the arctic.

(b) FORM OF REPORT.—The report required under this section shall be unclassified, but may include a classified annex.

AMENDMENT NO. 22 OFFERED BY MR. JOHNSON OF LOUISIANA

Page 104, after line 6, insert the following:

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AMENDMENT NO. 22 OFFERED BY MR. JOHNSON OF LOUISIANA

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(4) recommendations for congressional action to address the needs of the Armed Forces, in consultation with the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, resulting from changes in the arctic.

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(2) an analysis of how the changes will affect other regions, particularly coastal communities;

(3) an analysis of how the changes will affect military infrastructure; and

(4) recommendations for congressional action to address the needs of the Armed Forces, in consultation with the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, resulting from changes in the arctic.

(b) FORM OF REPORT.—The report required under this section shall be unclassified, but may include a classified annex.
AMENDMENT NO. 31 OFFERED BY MR. KHANNA OF CALIFORNIA

Strike section 344 and insert the following:

SEC. 344. COST-BENEFIT ANALYSIS OF UNIFORM SPECIFICATIONS FOR AFGHAN MILITARY OR SECURITY FORCES.

Beginning on the date of the enactment of this Act, whenever the Secretary of Defense enters into a contract for the procurement of uniforms for Afghan military or security forces, the Secretary shall conduct a cost-benefit analysis of the uniform specifications for the Afghan military or security forces uniform. Such analysis shall determine—

(1) whether there is a more effective alternative uniform specification, considering both operational performance and cost, available to the Afghan military or security forces;

(2) the efficacy of the existing pattern compared to other alternatives (both proprietary and non-proprietary patterns); and

(3) the costs and feasibility of transitioning the uniforms of the Afghan military or security forces to a pattern owned by the United States, using existing excess inventory where available, and acquiring the rights to the Spence Forest pattern.

AMENDMENT NO. 25 OFFERED BY MS. HERRERA BRUTTLER OF WASHINGTON

Page 156, after line 12, insert the following:

SEC. 513. INCLUSION OF ADDITIONAL REQUIREMENTS.

(a) MEMBERS OF BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Section 534(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1552 note) is amended by adding at the end the following new sentence: ‘‘This curriculum shall also address the proper handling of claims in which a sex-related offense is alleged to have contributed to the original characterization of the discharge or release of the claimant, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of section 1554b(b)(3) of title 10, United States Code.’’.

(b) DEPARTMENT OF DEFENSE PERSONNEL WHO INVESTIGATE CLAIMS OF RETALIATION.—Section 546(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1552 note) is amended by striking ‘‘section’’ and inserting ‘‘section, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of section 1554b(b)(3) of title 10, United States Code.’’

AMENDMENT NO. 26 OFFERED BY MS. KUSTER OF NEW HAMPSHIRE

Page 146, after line 18, insert the following:

SEC. 531. INCLUSION OF ADDITIONAL INFORMATION IN ANNUAL SAPRO REPORTS.

Section 10219 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note) is amended by adding at the end the following new subsection:

‘‘(j) Definitions.—

‘‘(1) SEXUAL ASSAULT DEFINED.—In this section, 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 the Uniform Code of Military Justice.

‘‘(2) SEXUAL COERCION DEFINED.—In this section, the term ‘sexual coercion’ includes unwanted vaginal, oral, or anal sex after the perpetrator pressured the victim by means including—

‘‘(A) repeated requests to the victim for sex;

‘‘(B) expressions of unhappiness due to the victim refusing to have sex with the perpetrator;

‘‘(C) lies;

‘‘(D) threats; and

‘‘(E) sexual harassment as that term is defined in section 1561(e) of title 10, United States Code.’’

AMENDMENT NO. 27 OFFERED BY MR. GOTHINNER OF NEW JERSEY

At the end of subtitle D of title V, add the following new section:

SEC. 544. EXTENSION OF AUTHORITY TO PROVIDE RESOURCES FOR PREVENTION OF SELF-HARM AND PREVENTION OF VIOLENCE.

Section 10219(g) of title 10, United States Code, is amended by striking ‘‘October 1, 2019’’ and inserting ‘‘September 30, 2022’’.

AMENDMENT NO. 28 OFFERED BY MR. JONES OF NORTH CAROLINA

At the end of subtitle E of title V, add the following new section:

SEC. 55. DIRECTION TO EXTEND AUTHORITY OF AUTHORITY RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.

Mr. Chairman, my amendment would compel the Pentagon to report the extent of cooperation on nuclear programs, ballistic missile development, chemical and biological weapons development, and conventional weapons programs between Pyongyang and Tehran. Only when we understand the complex dealings between these enemies of peace can we outline a plan to combat them.

My amendment will provide better, more comprehensive tools for American defense, and I urge my friends on both sides of the aisle to support it for the sake of our Nation’s security.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from New York (Mr. Strozz).

Mr. SUOZZI. Mr. Chair, I rise in support of a bipartisan amendment I have offered along with my colleagues from Texas, Chairman THORNBERRY of the Armed Services Committee and Mr. CONAWAY, a fellow CPA.

It is essential the Democrats and Republicans work together to control government waste, fraud, and abuse, and that we specifically focus these efforts on the Department of Defense.

Chairman THORNBERRY has promoted a reform agenda of which I am very supportive. During the Armed Services Committee markup of the bill, I proposed changes to the chairman’s reorganization package. My amendment sought to make the use of private sector auditors more efficient and effective by eliminating bureaucratic mandates and an unnecessarily bureaucratic committee.

The chairman supported my goals, and I suggested that I work with my fellow CPA, Mr. CONAWAY. In a bipartisan spirit, we agreed to this amendment, which will, one, help eliminate the incurred cost audit backlog; two, help ensure private sector auditors are more efficient and effective by eliminating bureaucratic mandates and an unnecessarily bureaucratic committee.

The chairman supported my goals, and I suggested that I work with my fellow CPA, Mr. CONAWAY. In a bipartisan spirit, we agreed to this amendment, which will, one, help eliminate the incurred cost audit backlog; two, help ensure private sector auditors are more efficient and effective by eliminating bureaucratic mandates and an unnecessarily bureaucratic committee.

The chairman agreed to consider my amendment, which will, one, help eliminate the incurred cost audit backlog; two, help ensure private sector auditors are more efficient and effective by eliminating bureaucratic mandates and an unnecessarily bureaucratic committee.

I never thought I would come to Washington to work on Department of Defense audits, but Chairman THORNBERRY’s willingness to engage my expertise and the bipartisan manner of the amendment will hopefully result in significant reforms and aid in my ongoing efforts to help save taxpayers’ dollars by making government more effective and efficient.

Mr. THORNBERRY. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Louisiana (Mr. JOHNSON).

Mr. JOHNSON of Louisiana. Mr. Chairman, I rise to speak on the National Defense Authorization Act being considered this evening and on my amendment No. 22 to require an Army cyber training center.

It is vital that we adequately fund our military with the necessary training and tools they need to succeed. Our men and women in uniform deserve the greatest amount of resources we can possibly provide at all times.

If agreed to, my amendment requires the Army to review the combat training centers, or CTCs, and the resident cyber capabilities and training to make certain the needs of prerotational cyber training are fully met.

These CTCs’ rotations serve as the premier events to evaluate collective training, and the rotations provide feedback to commanders on how well they have trained their units and their leaders and what they need to do to improve performance.

Including cyber training is a commonsense step to meet the threats our Nation will face. The Army has testified before Congress that this area is falling short and additional resources are desperately needed for cyber training.

Our Armed Forces must be able to operate within highly defended environments, possibly at the leading edge for the air, sea, space, and cyberspace domain. My amendment will assist us in this endeavor, and I urge my colleagues to support it.

Mr. SMITH of Washington. Mr. Chair, I yield 3 minutes to the gentleman from California (Mr. CORREA).

Mr. CORREA. Mr. Chair, I rise in support of my amendment in en bloc package 3, amendment 83, that would require the Secretary of Defense, in coordination with the Director of National Intelligence, to provide Congress a report of any cyber attack attempts by the Russian Government and other Russian actors targeting the Department of Defense within the past 2 years.

These Defense Department systems are the foundation of our Nation’s defense and security, and it is crucial that they are protected. Despite this understanding, our Nation is still not fully aware of the magnitude of the problems, and Congress is not appropriately advised of these past breaches.

My amendment would require a report from the Secretary of the Defense to Congress so that we can begin to properly address the strength of our Nation’s security.

I thank Congresswoman R. O. Rosen for supporting my amendment, and I urge all my colleagues to do the same.

Mr. THORNBERRY. Mr. Chair, I rise in support of my amendment in en bloc package 3, amendment 83, that would require the Secretary of Defense, in coordination with the Director of National Intelligence, to provide Congress a report of any cyber attack attempts by the Russian Government and other Russian actors targeting the Department of Defense within the past 2 years.

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Mr. THORN BERRY. Mr. Chair, I rise in support of my amendment in en bloc package 3, amendment 83, that would require the Secretary of Defense, in coordination with the Director of National Intelligence, to provide Congress a report of any cyber attack attempts by the Russian Government and other Russian actors targeting the Department of Defense within the past 2 years.

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I thank Congresswoman R. O. Rosen for supporting my amendment, and I urge all my colleagues to do the same.

Mr. SMITH of Washington. Mr. Chair, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chair, I want to start off by thanking the chair and ranking member for supporting these two amendments, one in this bloc, one in the next bloc.

The first amendment will authorize the Hacking for Defense, or H4D, Program. This is an innovative program developed in Silicon Valley with the help of battlefield-experienced Iraq and Afghanistan veterans and that finds unique solutions to national security problems.

First taught at Stanford, H4D uses lean business startup methods to engage America’s best and brightest in solving national security challenges faced by the DOD. Rapid, low-cost technological innovation is what makes Silicon Valley revolutionary, but the DOD hasn’t historically had the mechanisms in place to harness this American advantage.

Hacking for Defense creates ways for talented scientists and engineers to work alongside with veterans, military leaders, and business mentors to innovate solutions that make America safer. For example, a July 7 New York Times article details how an H4D graduate, Capella Space, is helping track North Korean nuclear capabilities, helping to try to make our world safer.

Mr. Chairman, I include in the RECORD this article, along with these letters of support from universities and tech communities.

[From the New York Times, July 7, 2017]

Tiny Satellites Will Track North Korea Missiles

(By David E. Sanger and William J. Broad; Eric Schmitt contributed reporting)

For years before North Korea fired its first intercontinental ballistic missile this week,
the Pentagon and intelligence experts had sounded a warning: Not only was the North making progress quickly, spy satellite coverage was so spotty that the United States might not see a missile being prepared for launch.

That set off an urgent but quiet search for ways to improve America’s early warning capability—and the capability to strike missiles while they are on the launchpad. The most intriguing solutions have come from Silicon Valley, where the Obama administration began investing in tiny, inexpensive civilian satellites developed to count cars in Target parking lots and monitor the growth of crops.

Some in the Pentagon accustomed to relying on highly classified, multibillion-dollar satellites, which take years to develop, resisted the move. But as North Korea’s missile program progressed, American officials laid out an ambitious schedule for the first of the small satellites to go up at the end of this year, or the beginning of next.

Launched in clusters, some staying in orbit just a year or two, the satellites would provide a more comprehensive view of the North’s military contingency plan called “Kill Chain.” It is the first step in a new strategy to use satellite imagery to identify North Korea’s nuclear facilities, its manufacturing capability and destroy them pre-emptively if a conflict seems imminent.

Budgets of $5 billion or more might save the lives of tens of thousands of Americans—and millions of South Koreans and Japanese who already live within range of the North’s missiles.

“Kim Jong-un is racing—literally racing—to deploy a missile capability,” said Robert Cardillo, the director of the National Geospatial-Intelligence Agency, who coordinates satellite-based mapping for the government, in an interview days before North Korea’s latest launch. “His acceleration has to accelerate.”

The timeline for getting the satellites in orbit, which defense officials have never discussed publicly, reflects the urgency of the problem. The missile launch by North Korea on Tuesday was initiated from a new site, a mobile launcher at the Pang Hyon Aircraft Factory in Pyongann Valley, where the Obama administration was warning about potential tests, conducted hours after the ICBM test, that could have exposed satellite imagery to the world.

Kill Chain was also mentioned in a joint statement issued last week by the United States and South Korea, a notable shift for the South’s new president, Moon Jae-in. He has signaled a reorientation of pre-emptive military action, arguing it plays into the North Korean paranoia that the United States and its allies are plotting to end the Kim government.

Mr. Moon has spoken of reviving direct talks—a so-called sunshine policy, which he advocated as chief of staff to a earlier South Korean president.

But Mr. Trump has tried to build pressure, using warships, sanctions and missile defense systems, including new options, including military ones, for responding to a sixth nuclear detonation by the North or a test of a missile that could reach the United States. He has done so pre-emptively if a conflict seems imminent.

“The threat is much more immediate,” Mr. McMaster, Mr. Trump’s national security adviser, told a conference last week at the Center for a New American Security in Washington. “So it’s clear that we can’t repeat the same approach—failed approach—of the past.”

The new satellite initiative builds on technology created more for Wall Street than the United States. Mr. Cardillo, the director of the Defense Innovation Unit Experimental, or DIUX, is already investing in companies that use tiny radar satellites, able to pierce darkness or storms, in hopes that the Pentagon can use them by the end of this year.

“It’s a very challenging target,” said Mr. Shah, a former F-16 pilot in Iraq whose extensive experience in Silicon Valley appealed to Defense Secretary Ashton B. Carter, who set up the unit during Mr. Obama’s second term and recruited Mr. Shah.

“The key is using technologies that are already available and making the modifications we need for a specific military purpose,” Mr. Shah said.

His unit made an investment to jump-start the development efforts of Capella Space, a Silicon Valley start-up named after a bright star. It plans to loft its first radar satellite late this year. The company says its radar fleet, if successfully deployed, will be able to monitor important targets hourly.

“The entire spacecraft is the size of a backpack,” said Payam Banazadeh, a founder of the company. Born in Iran, he learned satellite design at the University of Texas and NASA’s Jet Propulsion Laboratory, specializing in small satellites. Once in orbit, the payload, he added, would unfurl its antenna and solar panels.

“Everybody’s getting smaller,” Mr. Banazadeh said of the craft’s parts. “Even the next version of the satellite is getting smaller.”

The National Geospatial-Intelligence Agency is opening its doors to companies that can supply it with satellite radar data in addition to traditional images its outpost, set up this year, is in San Jose, the heart of Silicon Valley.

Federal officials confidentially, if ever, acknowledge the poor reconnaissance coverage of the North from traditional military satellites. But William J. Perry, the former secretary of defense in the Obama administration, warned that if the North rolled out a missile to hit the United States or its allies, “there’s a good chance we’d never see it.”

The North’s last test as North Korea began using solid fuels after decades of relying on liquid propellants to power its big rockets and missiles. While liquid-fueled missiles can provide the biggest bang for a buck, solid-fueled missiles can be fired with little or no warning.

Mr. Kim has made the effort a personal project, posing next to a large solid-fueled motor after a successful ground test last year. The North followed that firing with four more test launches, twice last year and twice this year.

The advances, said Young-Keun Chang, director of the Global Survelliance Research Center at the Korea Aerospace University in Seoul, moved the North significantly closer to a mobile intercontinental missile that could potentially pose a serious threat to the United States.

The key to detecting launch preparations is the near-constant presence of satellites circling the North 24 hours a day, all year, and not just in the clear or on a clear day. The small satellites can track Korean missiles on the ground and on the move, using satellites that work at night and during storms, and sensors that work at night and during storms, and sensors that work at night and during storms.

IBM can’t be seen before.’’

Factory. Capt. Jeff Davis, a Pentagon spokesman, said the missile ‘‘is not one we have seen before.’’

That mobility is the problem that the new small satellites might help fill those gaps, he said, ‘‘then I’m interested.’’

Mr. Trump advocated as chief of staff to an earlier South Korean government in hopes that the Pentagon can use them by the end of this year.

“We’re getting smaller,” Mr. Banazadeh said of the craft’s parts. “Even the next version of the satellite is getting smaller.”

The new generation of tiny, cheap satellites has made it possible to outpace the United States. Mr. Cardillo said the new partnerships could help the United States close the gaps in tracking Mr. Kim’s rapidly expanding arsenal of threatening missiles.

“If any of these companies, new or old, can help fill those gaps,” he said, “then I’m interested.”

Leland Stanford, Jr. University, Washington, DC.


Hon. Daniel W. Lipinski, House of Representatives, Dear Representative Lipinski: I am writing to express my personal support for your proposed amendment 352 to H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. This amendment would provide statutory authority for the Hacking for Defense program, something developed here at Stanford University and changing the way students think about national security.
Hacking for Defense is a class first taught at Stanford and now at growing number of other universities around the country in which students learn to apply lean startup methodology to national security challenges. Instructors gather projects or problems from branches of the military and intelligence agencies for the students to address. A core component of the course is gaining an in-depth understanding of the problem the students are trying to solve, which the students do by conducting 100 interviews with potential "customers" or beneficiaries of a solution. By the end of the course, although students aren't required to come up with a new product, many of them do such as the "tiny satellites" project recently in the news regarding North Korea's missiles.

Hacking for Defense is valuable because it combines a student's knowledge and entrepreneurial energy with the experience of their business and military mentors to innovatively solve national security challenges. In addition, it exposes rising generation of veterans to leverage their expertise while military fighting vehicles and advanced prosthetics. Beginning during the interwar period, continuing through America's superpower status in the wake of our successful contributions to World War II, and enduring into the rapidly evolving and complex global security environment of the present day, Alion is an important part of the American fabric of innovation.

Today, Alion stands on this solid foundation, supporting customers in defense, civilian government, and commercial industries. Our 21 labs and 2,300-person staff provide Alion the physical and intellectual resources to tackle any problem. Our history as an academic research center informs our focus of bringing together the brightest minds and best technologies from wherever they reside: government labs, large industry, universities, or small businesses. For example, when in 2015 the Secretary of Defense established a new national security innovation workforce, we commend your effort to authorize funds to expand and strengthen existing programs designed to boost veterans' innovation education.

By leveraging programs like Hacking for Defense (H4D), MD5 is growing a cadre of entrepreneurs that are adept at creative problem solving, and the formation of successful ventures that deliver economic, national security, and social value.

By leveraging programs like Hacking for Defense (H4D), MD5 is growing a cadre of entrepreneurs that are adept at creative problem solving, and the formation of successful ventures that deliver economic, national security, and social value. In FY 2018, we continue to grow our national security innovation workforce. Additional funds will help MD5 build on its early success by expanding H4D training to universities nationwide, as well as government personnel and other organizations responsible for innovation efforts. Funds will be used to expand the development of resources, to include Veteran recruitment materials, model curriculum, training materials, and best practices for universities in technology innovation and entrepreneurship.

We support your amendment 352 to H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, to continue to grow the national security innovation workforce.

Sincerely,

THOMAS H. BYERS, PH.D.,
Founder and Faculty Director, Stanford University.

DEAR REPRESENTATIVE LIPINSKI: As strong supporters of establishing a national security innovation workforce, we commend your support for the Hacking for Defense Program, operated under MD5, the National Security Technology Accelerator within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. We support your effort to authorize the program and create the option for the Secretary of Defense to expend up to $15 million to expand and strengthen existing programs designed to build a National Security Innovation Corps.

By leveraging programs like Hacking for Defense (H4D), MD5 is growing a cadre of entrepreneurs that are adept at critical thinking, creative problem solving, and the formation of successful ventures that deliver economic, national security, and social value.

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Sincerely,

ALION SCIENCE AND TECHNOLOGY,
Executive Vice President.

DEAR REPRESENTATIVE LIPINSKI: For over 80 years, Alion has been called upon to solve the nation's most important and challenging problems. Our original charter in 1936, as Armament Research Foundation (later the Illinois Institute of Technology Research Institute, or "ITRI"), identified our purpose: "to expedite the progress of learning and research in the public, scientific, and commercial value of inventions, discoveries, and processes."

Our focus has remained constant, while we continue to evolve to apply the latest innovations in science, technology and engineering to address the needs of this great nation. One innovation still in use today is our development of the "Armour alloy," a titanium alloy that saved the Air Force's gas turbine engine program, and is still used in fighter jets, and is in over 80 million hip and knee replacement prosthetics.

We support your amendment 352 to H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, to continue to grow the national security innovation workforce.

Sincerely,

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Founder and Faculty Director, Stanford University.

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THOMAS H. BYERS, PH.D.,
Founder and Faculty Director, Stanford University.
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We support your amendment 352 to H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, to continue to grow the national security innovation workforce. We support your effort to authorize the program and create the option for the Secretary of Defense to expend up to $15 million to expand and strengthen existing programs designed to boost veteran innovation education.

Sincerely,

GERRY DECKER,
Chief Growth Officer.

UNIVERSITY OF COLORADO BOULDER,

HON. DANIEL W. LIPINSKI,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LIPINSKI: As strong supporters of establishing a national security innovation workforce, we commend your support for MD5, the National Security Technology Accelerator within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. We support your effort to authorize the program and create the option for the Secretary of Defense to expend up to $15 million to expand and strengthen existing programs designed to boost veteran innovation education.

We support amendment 352 to H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, to continue to grow the national security innovation workforce. We support your amendment 352 to H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, to continue to grow the national security innovation workforce. We support your effort to authorize the program and create the option for the Secretary of Defense to expend up to $15 million to expand and strengthen existing programs designed to boost veteran innovation education.

Sincerely,

ROBERT D. BRAUN,
Dean, College of Engineering and Applied Science.
OGSYSTEMS,
July 12, 2017.

HON. DANIEL W. LIPINSKI,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LIPINSKI: As strong supporters of establishing a national security innovation workforce, we commend your support for the Hacking for Defense Program, operated under MD5, the National Security Technology Accelerator within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. We support your effort to authorize the program and create the option for the Secretary of Defense to expend up to $15 million to expand and strengthen existing programs designed to boost veteran innovation education.

A public-private partnership between the National Defense and a network of national research universities, MD5 was recognized in the Fiscal Year 2017 National Defense Authorization Act as "an important pilot program making vital contributions in the field of technology innovation." The program emphasizes the incentives, outreach, professional military education, and skills-based training to build a National Security Innovation Corps.

By leveraging programs like Hacking for Defense (H4D) is a cadre of entrepreneurs that are adept at critical thinking, creative problem solving, and the formation of the workforce of innovative government and sources, to include veteran as a unique pathway for veterans to leverage their expertise while learning cutting-edge business innovation methodology, increasing post-military opportunities for their knowledge to national security problems.

I have personally seen the positive impact to the Government support in both the H4D definition of problems and in the engagement of innovative sources of ideas to solve them. An example of one of the teams I helped mentor was Capella Space at Stanford University, who is now VC funded and working on national defense problems in radar that even the Multi-Billion defense contractors weren't interested in investing IR&D funding. This is a win-win situation in the activation of non-traditional sources of innovation for DoD and the driving of solutions that impact national security.

Additional funds will help MD5 build on its early success by expanding H4D training to universities nationwide, as well as government personnel and other organizations responsible for innovation efforts. Funds will be used to expand the development of resources, to include veteran recruitment materials, model curriculum, training materials, and best practices to support university entrepreneurial education programs.

We support your amendment 352 to H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, to continue to grow the national security innovation workforce.

Sincerely,

GARRETT PAGON,
President.

Mr. LIPINSKI. Mr. Chair, the second amendment deals with cybersecurity standards.

At the end of 2016, the DOD issued important updated cybersecurity standards for defense contractors. Companies must implement these new standards by January 1, 2018. However, I have heard from a number of small manufacturers in my district that it is very difficult getting the information and expertise necessary to institute these standards. They fear this may mean the end of the companies.

America cannot afford to lose these small businesses, so my amendment encourages the Secretary of Defense to establish a cooperative program between the DOD and MD5 to educate and assist small and medium-sized manufacturing firms in achieving compliance with the updated cybersecurity standards.

This would help improve cybersecurity access across the defense supply chain while also preserving competition for DOD contracts. It has received broad support from the business and technology community.

Mr. Chair, I thank the chair and ranking member for supporting these two amendments in this bloc and the next. I ask my colleagues to support these amendments.

Mr. SMITH of Washington. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. GOTTHEIMER).

Mr. GOTTHEIMER. Mr. Chairman, I rise in support of this bipartisan amendment to reauthorize the Suicide Prevention and Resilience Program to 2019.

This is a critical program that provides members of the National Guard and Reserves, as well as their families, with training in suicide prevention, resilience, and community healing resources. I simply cannot allow this critical suicide prevention program to expire, not for the men and women who are or have been on the front lines. Our Nation’s veterans deserve the best care after putting their lives on the line to protect the freedoms we hold dear.

My bipartisan amendment reauthorizes and extends this program to improve safety and ensure continuity and peace of mind for the men and women who serve.

Just one soldier lost to suicide is too many. We should do everything in our power to help as many servicemembers as we can.

National Guardsmen and Reservists face unique challenges. They are citizen soldiers who do not live on a base. They often leave their jobs and families on a moment’s notice to suit up to protect us.

Even a great Guardman or Reservist may not know when and how to ask for help, yet these men and women still need access to support systems and community networks to help identify potential mental health issues. That is why it is critical that we extend this program to protect the well-being of all of our soldiers.

I am proud to offer this amendment in honor of those who serve in the New Jersey National Guard and Reserve across the Nation, as well as for their families.

I thank my colleague, Congresswoman MCSALLY, for her leadership on this issue and for her advocacy on behalf of all servicemembers.

I also thank Chairman THORNBERY and Ranking Member SMITH for their important work on this critical legislation. I look forward to coming together as Democrats and Republicans to defend our Nation and protect all of those who serve.

Mr. SMITH of Washington. Mr. Chair, I urge adoption of the amendment, and I yield back the balance of my time.
Mr. THORNBERRY. Mr. Chair, I yield back the balance of my time.

Mr. AUSTIN SCOTT of Georgia. Mr. Chair, I rise today in support of Mr. Rogers' amendment allocating additional base funding for one of our nation's most critical battle management command and control platforms: the E-8C Joint Surveillance Target Attack Radar System, or JSTARS fleet.

JSTARS' critical mission is enabled by leveraging its extremely capable active radar system and providing invaluable moving target indicator (MTI) intelligence, surveillance, and reconnaissance targeting information to multiple users both on the ground and in airborne attack platforms.

The demand for MTI capability within each geographic combatant commander's area of responsibility far exceeds what JSTARS can currently provide due to its limited legacy fleet size of 16 aircraft and strained crew resources.

Thankfully, FY18 NDAA includes JSTARS Recapitalization funds, but the legacy fleet of 16 aircraft still has issues and challenges that the Air Force must successfully navigate to maintain viability until the current fleet is replaced by the Recapitalization program beginning in the late 2020s.

Despite these issues and challenges, we are confident that the Secretary of the Air Force can develop a successful legacy JSTARS to JSTARS recapitalization transition plan that would not prematurely retire E-8C aircraft, reassign crews or maintenance personnel, or otherwise increase the MTI ISR capability gap from what existing levels of aircraft are currently experiencing.

To meet our need for strong support and necessary resources. That’s why I’m here tonight in supporting additional resources for the JSTARS legacy fleet to update and maintain their critical battle management capabilities.

As the premiere military in the world, we cannot afford to let this important military capability deteriorate before our eyes, putting our warfighters and strategic campaigns at risk around the world.

One of the greatest duties we have as Members of Congress is to provide for our nation’s defense, and I urge my colleagues to support this measure as well as other provisions supporting our warfighters and ensuring our men and women in uniform have the resources they need to meet the unique security needs of the 21st century.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Texas (Mr. THORNBERRY).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. THORNBERRY OF TEXAS

Mr. THORNBERRY. Mr. Chairman, pursuant to House Resolution 431, I offer a second package of amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49 printed in part B of House Report 115-212, offered by Mr. THORNBERRY of Texas:

AMENDMENT NO. 32 OFFERED BY MS. MENG OF NEW YORK

At the end of subtitle G of title V, add the following new section:

SEC. 5. ISSUANCE OF CONSOLIDATED PREGNANCY AND PARENTHOOD INSTRUCTION.

The Secretary of Defense shall ensure that each military department issue a single, consolidated instruction that addresses the decisions, actions, and requirements for members of the armed forces relating to pregnancy, the postpartum period, and parenthood.

AMENDMENT NO. 33 OFFERED BY MR. CARSON OF INDIANA

At the end of subtitle A of title VII, add the following new section:

SEC. 704. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

Section 107(f)(1)(B) of title 10, United States Code, is amended by striking "Until January 1, 2019, once" and inserting "Once".

AMENDMENT NO. 34 OFFERED BY MS. KUSTER OF NEW HAMPSHIRE

Page 204, after line 5, insert the following:

SEC. 704. COUNSELING AND TREATMENT FOR SUBSTANCE USE DISORDERS AND CHRONIC PAIN MANAGEMENT SERVICES FOR MEMBERS WHOSE DEPARTURE FROM THE ARMED FORCES IS EXPECTED TO BE PERMANENT.

Section 1145a(6)(B)(1) of title 10, United States Code, is amended—

(1) in subclause (I)—

(A) by inserting ", substance use disorder," after "post-traumatic stress disorder"; and

(B) by striking "and" at the end;

(2) by redesignating subclause (II) as subclause (III); and

(3) by inserting after subclause (I) the following:

"(II) chronic pain management services, including counseling and treatment of co-occurring mental health disorders and alternatives to opioid analgesics; and"

AMENDMENT NO. 35 OFFERED BY MR. LANCE OF NEW JERSEY

At the end of subtitle C of title VII, add the following new section:

SEC. 7. PROHIBITION ON PRODUCTION OF FUNDS FOR TERMINATION OF VETS4WARDOWS CRISIS HOTLINE PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to terminate the Department’s crisis hotline program unless the Secretary of Defense has submitted to the congressional defense committees a report describing a sufficient replacement to such program.

AMENDMENT NO. 36 OFFERED BY MR. PASCELL OF NEW JERSEY

In title VII, at the end of subtitle C add the following:

SEC. 8. REPORT ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees and the Senate and the House a report to the Committee on Appropriations and the Armed Services Committee a report describing a sufficient replacement to such program.

AMENDMENT NO. 37 OFFERED BY MR. MEEHAN OF MASSACHUSETTS

In title VII, at the end of subtitle C add the following:

SEC. 9. STUDY ON SAFE OPIOID PRESCRIBING PRACTICES.

(a) STUDY.—The Secretary of Defense shall conduct a study on the effectiveness of the training provided to military health care providers regarding opioid prescribing practices, initiatives in opioid safety, the use of the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, and other related training.

(b) ELEMENTS.—The study under subsection (a) shall address the effectiveness of training with respect to the following:

(1) Reducing the total number of prescription opioid dispensations by the Department of Defense to beneficiaries of health care furnished by the Department.

(2) Reducing the average dosage prescribed by a military health care provider to such beneficiaries.

(3) Reducing the average number of doses per prescription for treatment of acute pain.

(4) Reducing the average duration of opioid therapy for chronic pain.

(5) Reducing the number of overdoses due to prescription opioids for patients with acute pain and patients undergoing opioid therapy for chronic pain.

(6) Providing counseling and referrals to treatment alternatives to opioid analgesics.

(7) Providing education on the risks of opioid medications to individuals for whom such medications are prescribed, and to their families, with special consideration given to raising awareness among adolescents on such risks.

(8) Effectiveness in communicating to military health care providers changes in Department policies regarding opioid safety and prescribing practices.

(9) BRIEFING.—Not later than one year 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 a briefing on the results of the study under subsection (a).

AMENDMENT NO. 38 OFFERED BY MR. THORNBERRY OF TEXAS

Strike section 802 and insert the following:

SEC. 802. PERFORMANCE OF INCURRED COST AUDITS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2313b the following new section:

"2313b. Performance of incurred cost audits.

"(a) COMPLIANCE WITH STANDARDS OF RISK AND MATERIALITY.—Not later than October 1, 2020, the Secretary shall comply with commercially accepted standards of risk and materiality in the performance of each incurred cost audit of contracts associated with a contract of the Department of Defense.

"(b) CONDITIONS FOR THE USE OF QUALIFIED PRIVATE AUDITORS TO PERFORM INCURRED COST AUDITS.—(1) The Secretary shall use a qualified private auditor to perform a sufficient number of incurred cost audits of contracts of the Department of Defense in order to ensure that—

"(A) any backlog of incurred cost audits of the Defense Contract Audit Agency is eliminated by October 1, 2020; and

"(B) incurred cost audits are completed not later than one year after the date of receipt of a qualified incurred cost submission;"
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(C) sufficient private sector capacity exists to meet the current and future needs of the Department of Defense for the performance of incurred cost audits;

(D) the peer review (A) shall occur not less frequently than once every three years.

(C) Not later than October 1, 2019, the Secretary of Defense shall submit to the Congress a report, to be titled “Report on audit performance under paragraph (A),” that contains recommendations to modify the materiality standards under paragraph (1) to ensure that such incurred cost audit findings are consistent with commercially accepted standards of risk and materiality.

(D) Not later than October 1, 2019, and every three years thereafter, the Secretary of Defense shall submit to the Congress a report, to be titled “Review of audit performance under paragraph (A),” that contains recommendations to modify the materiality standards under paragraph (1) to ensure that such incurred cost audit findings are consistent with commercially accepted standards of risk and materiality.

(E) The Defense Contract Audit Agency is able to devote ample resources to high-priority audits; and

(F) Not incurring audit costs is conducted only to address outstanding incurred cost audits for which a qualified incurred cost submission was submitted to the Defense Contract Audit Agency more than 12 months before the date of the enactment of this section.

(A) Not later than October 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a copy of the acquisition plan required by the Federal Acquisition Regulation for the task order contract to be awarded under subparagraph (B).

(1) A description of the incurred cost audits that the Secretary determines are appropriate to be conducted by qualified private auditors, including the approximate number and dollar value of such incurred cost audits; and

(2) An outline of the number and dollar value of incurred cost audits to be conducted by qualified private auditors for each of the fiscal years 2019 through 2025 necessary to meet the requirements of the Defense Contract Audit Agency that results from incurred cost submissions.

(A) Not later than October 1, 2019, the Secretary of Defense or a Federal department or agency authorized by the Secretary shall award an indefinite delivery-indefinite quantity task order contract to one or more qualified private auditors to perform incurred cost audits associated with contracts of the Department of Defense.

(B) Not later than October 1, 2019, the Secretary of Defense shall notify any qualified private auditors that results from incurred cost submissions.

(C) The Defense Contract Management Agency, a contract administration office of a military department, or an authorized entity outside of the Department of Defense shall issue a task order to perform an incurred cost audit to a qualified private auditor under a task order contract awarded under subparagraph (B), if issuing such task order will assist the Secretary in meeting the requirements of paragraph (1). Such task order may contain a letter of support from the auditor that certifies that the qualified private auditor possesses the necessary independent audit experience necessary to perform such audit.

(A) A qualified private auditor performing an incurred cost audit of a contract of the Department of Defense shall develop and maintain and accurate and accurate auditing policies on each incurred cost audit. All working papers and reports on the incurred cost audit prepared by such qualified private auditor shall be considered to be the property of the Department of Defense, except that the qualified private auditor may retain a complete copy of all working papers to support such reports made to the Defense Contract Audit Agency.

(B) The Defense Contract Audit Agency may not conduct further audit or review of an incurred cost audit performed by a qualified private auditor pursuant to this section unless requested to do so as part of conducting contract quality assurance functions in accordance with the Federal Acquisition Regulation.

(A) Effective October 1, 2022, the Defense Contract Audit Agency may issue unqualified audit findings for an incurred cost audit performed by the Defense Contract Audit Agency in a case in which the Defense Contract Audit Agency is peer reviewed by a commercial auditor and passes such peer review. This peer review shall be conducted in accordance with generally accepted government auditing standards of the Comptroller General of the United States and shall be deemed to meet the requirements of the Defense Contract Audit Agency for a peer review under such standards.

(B) The peer review referred to in subparagraph (A) shall occur not less frequently than once every three years.

(C) Not later than October 1, 2019, the Secretary of Defense shall provide to the Committee on Armed Services of the House of Representatives an update on the process of securing a commercial auditor to perform the peer review referred to in subparagraph (A).

(D) The Secretary of Defense shall consider the results of an incurred cost audit performed under paragraph (A) in determining whether the Defense Contract Audit Agency or a qualified private auditor performed the audit.

(E) The contracting officer for a contract that is the subject of an incurred cost audit shall have the sole discretion to accept or reject an audit finding on direct costs of the contract.

(F) The Secretary of Defense shall notify a contractor within 60 days after receipt of an incurred cost submission from the contractor whether the submission is a qualified incurred cost submission.

(G) If audit findings are not issued within one year after the date of receipt of a qualified incurred cost submission, the qualified incurred cost submission shall be considered accepted in its entirety unless the Secretary of Defense can demonstrate that the contractor unreasonably withheld information necessary to perform the incurred cost audit.

(H) The review of audit performance, as required by paragraph (A), shall occur not later than April 1, 2025, the Comptroller General of the United States shall provide the report to the congressional defense committees that evaluates for the period beginning on October 1, 2019, and ending on August 31, 2023—

(I) the timeliness, individual cost, and quality of incurred cost audits, set forth separately by incurred cost audits performed by the Defense Contract Audit Agency and by qualified private auditors;

(J) the cost to contractors of the Department of Defense incurred cost audits, set forth separately by incurred cost audits performed by the Defense Contract Audit Agency and by qualified private auditors;

(K) the effect, if any, on other types of audits conducted by the Defense Contract Audit Agency that results from incurred cost audits conducted by qualified private auditors; and

(L) the capability and capacity of commercial auditors to conduct incurred cost audits for the Department of Defense.

(2) The term ‘commercial auditor’ means a private entity engaged in the business of performing commercial audits.

(3) The term ‘flexibly priced contract’ means—

(A) a cost-type contract, fixed-price incentive fee contract, or price-redeterminable contract, or a task order issued under an indefinite delivery-indefinite quantity task order contract, for which final payment is based on actual costs incurred; or

(B) the materials portion of a time-and-materials contract or labor-hour contract of the Department of Defense.

(4) The term ‘incurred cost audit’ means an audit of charges to the Government by a contractor under a flexibly priced contract.

(5) The term ‘materiality standard’ means a monetary threshold, expressed in dollars, including omissions, contained in an incurred cost audit that would be material if the
misstatements, individually or in the aggregate, could reasonably be expected to influence the economic decisions of the Government made on the basis of the incurred cost audit.

“(5) The term ‘qualified incurred cost submission’ means a submission by a contractor of costs incurred under a flexibly priced contract that has been qualified by the Department of Defense as sufficient to conduct an incurred cost audit.

“(6) The term ‘qualified private auditor’ means a commercial auditor—

“(A) that performs audits in accordance with generally accepted government auditing standards of the Comptroller General of the United States; and

“(B) that has received a passing peer review rating, as defined by generally accepted Government auditing standards.”

AMENDMENT NO. 40 OFFERED BY MS. FOXX OF NORTH CAROLINA

Page 247, strike lines 4 through 7 and insert the following:

“(5) The Director shall develop guidelines and resources on intellectual property matters available to the acquisition workforce. Such guidelines and resources shall include templates for the U.S. government use specifically negotiated licenses (as appropriate) and a collection of definitions, key terms, examples, and case studies that demonstrate and resolve ambiguities in the differences between—

“(A) detailed manufacturing and process data;

“(B) form, fit, and function data; and

“(C) data required for operations, maintenance, and training.”

Page 248, line 3, insert after the period the following: ‘‘As part of such communications, the Director shall regularly engage with appropriately representative entities, including large and small businesses, traditional and non-traditional Government contractors, prime contractors and subcontractors, and more broadly, industry.’’

AMENDMENT NO. 41 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of section D of title VIII, add the following new section:

SEC. 870A. SENSE OF CONGRESS REGARDING STEEL PRODUCED IN THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) Frequent surges in unfairly trade steel imports have materially injured the iron ore and steel industries in the United States, putting our national, economic, and energy security at risk.

(2) High-quality American steel products are vital to the success of the United States military and are used in a variety of applications from aircraft carriers to armor plate for tanks.

(3) Domestic producers of defense-related steel products are dependent on the overall financial health of the iron ore and steel industries in the United States.

(4) The loss of a strong domestic iron ore and steel industry is vital to the national security of the United States.

AMENDMENT NO. 42 OFFERED BY MR. NOLAN OF MINNESOTA

At the end of the section D of title VIII, add the following new section:

SEC. 871. AMENDMENTS RELATING TO INFORMATION TECHNOLOGY.

(a) ELIMINATION OF REFERENCES TO TRANSPARENCY AND RISK MANAGEMENT OF MAJOR INFORMATION TECHNOLOGY INVESTMENTS.—Subsection (c) of section 11302 of title 40, United States Code, is amended by striking the first paragraph (5).

(b) ELIMINATION OF SUNSET RELATING TO INFORMATION TECHNOLOGY PORTFOLIO, PROGRAM, AND RESOURCE REVIEWS.—Section 11319 of title 40, United States Code, is amended—

(1) by redesignating the second subsection (c) as subsection (d); and

(2) in subsection (d), as so redesignated, by striking paragraph (6).

(c) EXTENSION OF SUNSET RELATING TO FEDERAL DATA CENTER CONSOLIDATION INITIATIVE.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2222) note) is amended by striking ‘‘2018’’ and inserting ‘‘2020’’.

AMENDMENT NO. 43 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of the section D of title VIII, add the following new section:

SEC. 871A. AMENDMENTS TO DEFENSE FINANCIAL AUDIT PLAN.

(a) AMENDMENT TO NAME OF DEPARTMENT OF DEFENSE FINANCIAL AUDIT PLAN.—

(1) SEC. 1001 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2222 note) is amended by striking ‘‘Financial Improvement and Audit Readiness Plan’’ each place such term appears in heading and text and inserting ‘‘Financial Improvement and Audit Remediation Plan’’.

(b) REPORT AND BRIEFING REQUIREMENTS.—Section 1002 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2222 note) is amended to read as follows:

“(b) REPORT AND BRIEFING REQUIREMENTS.—

“(1) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than March 31, 2019, and annually thereafter, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the status of the implementation by the Department of Defense of the Financial Improvement and Audit Remediation Plan required by subsection (a).”

(2) ELEMENTS.—Each report under paragraph (A) shall include, at a minimum—
“(1) an analysis of the consolidated corrective action plan management summary prepared pursuant to section 1002 of this Act; and
“(2) current Department of Defense-wide information on the status of corrective actions plans related to critical capabilities and material weaknesses, including the standards recommended in the implementation guide for Office of Management and Budget Circular A-123, for the armed forces, military departments, and Defense Agencies.”

“(2) SEMIANNUAL BRIEFINGS.—Not later than March 31 and October 31 each year, the Under Secretary of Defense (Comptroller) and the Controllers of the military departments shall provide a briefing to the congressional defense committees on the status of the corrective action plan.

“(5) CRITICAL CAPABILITIES DEFINED.—In this subsection, the term ‘critical capabilities’ means the critical capabilities described in the Department of Defense report titled ‘Financial Improvement and Audit Readiness (FIAR) Plan Status Report’ and dated May 2016.”.

(2) CONFORMING AMENDMENTS.—
(B) The authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2222 note) is amended by striking section 881.

(c) Section 1056(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2222 note) is amended by striking paragraph (2).


(A) The geographic location of such element;
(B) A detailed intelligence assessment of such element;
(C) A description of the alignment of such element within the broader conflict in Syria; and
(D) A description and assessment of the assurance, if any, that the government of such element in connection with the provision of man-portable air defense systems.

(2) The number and type of man-portable air defense systems to be so provided.

(3) The logistics plan for providing and re-supplying each element to be so provided.

SEC. 1004. REPORT ON AUDITABLE FINANCIAL STATEMENTS.

Not later than 30 days after the date of 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 audit readiness as required by law. The report should not include information otherwise available in other reports to Congress.

AMENDMENT NO. 47 OFFERED BY MR. BURGESS OF TEXAS

At the end of subtitle A of title X, add the following new section:

SEC. 1004. REPORT ON AUDITABLE FINANCIAL STATEMENTS.

Not later than 30 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 audit readiness as required by law. The report should not include information otherwise available in other reports to Congress.

AMENDMENT NO. 47 OFFERED BY MR. BURGESS OF TEXAS

Page 359, after line 4, insert the following:

SEC. 1026. PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2018 may be used—
(1) to close or abandon United States Naval Station, Guantanamo Bay, Cuba;
(2) to relinquish control of Guantanamo Bay to the Republic of Cuba; or
(3) to implement a material modification to the Treaty Between the United States of America and Cuba signed at Washington, D.C. September 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

AMENDMENT NO. 49 OFFERED BY MR. YOHO OF FLORIDA

Page 375, after line 8, insert the following:

SEC. 1040. LIMITATION ON USE OF FUNDS FOR Portable, Man-Portable Air Defense Systems to the Vetted Syrian Opposition.

(a) LIMITATION.—If a determination is made by the Secretary of Defense that funds are available to the Department of Defense for that fiscal year to provide man-portable air defense systems (MANPADs) to the vetted Syrian opposition, the Secretary shall provide the appropriate congressional committees with information on the status of corrective action plan.

(b) REPORT REQUIREMENTS.—The report under subsection (a) shall set forth the following:

(1) A description of each element of the vetted Syrian opposition that will provided man-portable air defense systems as described in subsection (a), including—
(A) the geographic location of such element;
(B) a detailed intelligence assessment of such element;
(C) a description of the alignment of such element within the broader conflict in Syria; and
(D) a description and assessment of the assurance, if any, that the government of such element in connection with the provision of man-portable air defense systems.

(2) The number and type of man-portable air defense systems to be so provided.

(3) The logistics plan for providing and re-supplying each element to be so provided.

SEC. 1004. LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense for that fiscal year to provide man-portable air defense systems (MANPADs) to the vetted Syrian opposition shall be available to the Department of Defense for that fiscal year to provide man-portable air defense systems (MANPADs) to the vetted Syrian opposition.

(c) Implementation guide for Office of Management and Budget Circular A-123, for the armed forces, military departments, and Defense Agencies.

(d) Prohibition on Use of Certain Funds.—None of the funds authorized to be appropriated or otherwise made available by this Act for fiscal year 2018 for “Counter-ISIS Train and Equip Fund” may be used to procure or transfer man-portable air defense systems.

(e) Definitions.—In this section, the term “appropriated or otherwise made available” means funds appropriated or otherwise made available to the Department of Defense for the fiscal year for which the funds are available.


(g) Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2222 note) is amended by striking section 881.

(h) Authorization Act for Fiscal Year 2013 (Public Law 113–291; 128 Stat. 3541), such funds may not be used for that purpose until—

(1) the Secretary of Defense and the Secretary of State jointly submit to the appropriate congressional committees a report on the determination; and

(2) 30 days elapses after the date of the submittal of such report to the appropriate congressional committees.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I yield myself such time as I may consume just to clean up a couple of earlier debates we had on amendments. I just wanted to make a couple of arguments.

On the nuclear weapons issue, I just want to be clear, we support a strong and robust nuclear deterrence. We are not advocating unilateral disarmament by any stretch of the imagination.

We are simply asking: In the budget challenge environment that we have, is this the best use of our money to totally rebuild our entire nuclear weapons system?

And the amendments that were offered weren’t even necessarily saying no. They are just saying this is something we ought to study and ought to talk about.

And I will, however, disagree with one argument that was made about how somehow it is a myth that over the last 70 years, all of our adversaries are building nuclear weapons in response to the nuclear weapons that we have built. I think that is a big misreading of history.

We all recall that we were first to the table on this. And thank goodness we were. It enabled us to end World War II. But we are still the only nation on Earth that has actually used nuclear weapons. And when the Soviet Union developed theirs, we had them and they didn’t. And I think it is a little ridiculous to assume that no part of their thinking was that:

Well, if the United States of America, our prime adversary, has nuclear weapons, we better have them, too.

And then we saw the arms race accelerate, even to the point of the famous debate in 1960, how candidate JOHN KENNEDY talked about the missile gap that we had. That turned out to be a false argument.

And we developed nuclear weapons and did we then develop the arms race? We didn’t have that gap. It was unfair to what the Eisenhower administration was doing. But the argument from the other side that the notion of an arms race is ridiculous is something that I think is wrong.

Arms races do happen. And part of what we need to do in working with our adversaries is to try to contain them in a reasonable fashion. So I do believe that in many cases, it becomes a self-fulfilling prophecy that we build them, they build them, they build them. And I hope that part of our nuclear strategy isn’t just building as many nuclear weapons as is humanly possible, but is actually opening up lines of communication with potential adversaries like China, with adversaries like Russia.

Now, I will grant you that where North Korea is concerned, and as I have said repeatedly, we have to deter them, but we have to destroy North Korea. I think hundreds of times over. We have the capacity in terms of our weapons systems to deter them.
So I hope, as we look at modernizing our nuclear weapons systems, we will consider the cost and the effectiveness of doing that. And I know Mr. ROGERS has offered his thoughtful amendment to give the Department of Defense some opportunity to do that, that is all we were trying to say on that.

On BRAC, a couple of arguments were made at the end there that were somewhat misleading. One was that Secretary Mattis had said that he wanted to totally rethink at the situation, implying that Secretary Mattis did’t think that a BRAC was a good idea.

The Pentagon—President Donald Trump’s Pentagon and Secretary Mattis’ Pentagon—recommended a BRAC round that we rejected. So make no mistake about it, the Republican President and Secretary Mattis support a BRAC round.

And two more minor points. It was argued that, well, we voted for this bill 60 to 39, so we were all in favor of it. Yes, not all, but we were in favor of the bill. This was a small piece of that bill. So to argue in a bill— and forgive me, I don’t know how many pages this year’s bill is. I know last year’s was 1,600— that in a 1,600-page bill, if you vote for it, you have got to support absolutely everything in it is a notion that I don’t think any Member would support.

Again, I will emphasize an argument that I made at the beginning of the bill that we have included in the bill. Mr. WILSON on the notion that, well, gosh, they don’t have a study, they haven’t looked at it, they haven’t thought about what they are going to do, when, in fact, it is Congress that has prohibited them legislatively— and I don’t know how many of the last few years, but several of them—from doing that.

Let’s at least let them take a look at it to give us the numbers, because the same point as the nuclear weapons issue, as we have heard over and over today, we have crucial readiness shortfalls.

In many ways I will agree with the chairman: we are right now not doing right by the men and women who serve in the military by not providing them with the training and the equipment they need to do the missions that we are contemplating having them do. And if that is the case, if we can find savings by not building as many nuclear weapons as we need by closing infrastructure that we do not need, then I think that is something that we owe the men and women who serve in the military.

And let’s not kid ourselves. This is a very parochial issue. There are a whole bunch of bases in the State of Washington. I don’t want to see any of them closed, but if the military decides that that is the best thing to do, I am not going to stand in the way of it.

And I hope, given the dire situation that has been described by my Republican colleagues, that we would put parochial concerns to the side and do what is best for the military, to make sure that we are spending the money as wisely as we possibly can and to make absolutely certain that the men and women who serve are trained, equipped, and ready to fight whatever fight it is we ask them to go into.

Mr. Chairman, I urge adoption of the second en bloc amendment, and I yield back the balance of my time.

Mr. THORNBERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take a moment to address the topics that the gentleman from Washington has addressed.

First off, I completely agree with him. This bill that we are considering today, tomorrow, and the next day is about 1,000 pages. I don’t agree with it all. It has everything from missile defense to helping spouses pay licenses when they move from one State to another. And I suspect I will not agree with it all at the end of the day.

What is important, though, is the overriding obligation we have to support the men and women who risk their lives to protect us. I think the gentleman is exactly right. Just because you vote for the bill does not mean you endorse everything in it. And at the same time, even if you disagree with some of the things in it, it is important to support the men and women who serve by voting for the bill, even if you have disagreements. I completely concur with the gentleman on that.

When it comes to the nuclear issue, there are a few points I want to make that maybe were not made during the previous debates.

Number one is we have drastically fewer nuclear weapons now than we had during the Cold War. I think a lot of people do not realize how significant shapes and systems we have now than we had all during the fifties, sixties, seventies, and into the eighties.

But these are still machines. They do not live forever. Whether you are talking about the weapon itself or the delivery systems, they age; and, as they age, there are chemical reactions, parts wear out, and things change. So they have to be modernized if our deterrent is to remain credible.

Now, you can get into an argument about okay, how many weapons does it take to be credible and what delivery systems are required to penetrate defenses, to hold enough targets at risk, to have that credible defense, but what I think there can be little debate about is that the world is growing more dangerous in the nuclear field. We have seen what happened with North Korea. There is enormous concern about what happens in the Middle East and elsewhere.

I believe that our nuclear deterrent is the foundation upon which the rest of our defense efforts are built, and that foundation must remain credible. It has to be rebuilt. My understanding is the estimates are at no point will rebuilding that entire nuclear deterrent require more than 7 percent of any year’s defense budget, 7 percent for the foundation and 93 percent for the House that is built on it. And I think that we maintain that credible deterrent, and it has got to be big enough to be credible so that a country like China does not think they can build a few more weapons and get to parity with the United States.

On the subject of BRAC, I do disagree with the gentleman from Washington on this point. Two years ago, I specifically asked that we have included in the bill that was signed into law a requirement that the Pentagon provide us with an updated cost estimate on excess infrastructure.

What we have all been citing is a 2004 estimate that there is about 20 percent excess infrastructure. Twenty-two percent is the number that is often used. What we got back was seven pages of nothing. So we were all, so we were all in favor of it.

By the way, that was not prohibited by the bill. It was required by the bill.

What I am interested in is a real updated, data-driven study that shows whether we have excess infrastructure and of what sort. And I think that is exactly what Secretary Mattis said.

Let me quote his exact sentence:

I am not comfortable right now that we have a full 20–30 percent excess infrastructure. I need to go back through and look at this again because I don’t want to get rid of something that we can’t sustain and then say we have got to go buy some land here in 10 years.

I think that is what we need is an updated study. And if it shows that we have got excess infrastructure, I am not at all opposed to having another round of BRAC. I am very opposed to having another round like 2005, which, I believe, it is either CBO or GAO, I can’t remember which, says has not yet broken even 12 years later. It still costs more money than it has, and it has not started to save yet. So I don’t want a repeat of that.

I am interested if it shows that we do have excess infrastructure and a way to deal with that. Secretary Mattis, I believe, shares that view, but until we see the data, I am not supportive of another round.

Mr. SMITH of Washington. Will the gentleman yield?

Mr. SMITH of Washington. Mr. Chairman, it is not clear that it has got a prohibition on a study, nor does it call for one.

So as we get into conference, I think it might be a worthwhile thing to say that we authorize, ask—you know, and I am not sure if this is something the Defense Department can do without our authorization or not, but it is something that we should discuss as we get into conference, to have them do that study.

I think that would be an excellent first step, but I am not sure that we
cover it in this bill. Maybe we do, and we can figure that out over the course of the next 48 hours. But if it doesn’t, that is something that I think we ought to try to do.

Mr. THORNBERRY. Mr. Chairman, I appreciate that. I am not convinced that the gentleman and I really differ on this point.

What the bill says, now, is: “Nothing in this act shall be construed to authorize an additional base alignment and closure round.” That is what it says. It says we don’t authorize it, of course. It does not prohibit a study to say whether we ought to. Again, I would welcome a real data-driven study that will help us reach that conclusion.

Mr. Chairman, this is just further evidence that there is a wide range of issues and discussions to have on this bill, all for that purpose of supporting the men and women who serve our Nation.

I support the package No. 2. I urge my colleagues to, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Chair, I rise today in support of the bipartisan amendment I introduced—Mr. Thornberry from Texas.

The amendment would require the Secretary of Defense to report to Congress within 180 days on the implementation of recommendations from a recent Government Accountability Office (GAO) report entitled “Actions to Address Post-Traumatic Stress Disorder and Traumatic Brain Injury Are Considered in Misconduct Separations,” which was released in May 2017. GAO found that some of the service branch policies related to the consideration of traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in “other than honorable” discharges were inconsistent with Department of Defense policy. To remedy these inconsistencies, DOD issued five recommendations.

As the co-chair and co-founder of the Congressional Brain Injury Task Force, I have worked on the serious effects brain injuries have on both the military and civilian populations. TBI and PTSD have been recognized as the signature injuries of the Wars in Iraq and Afghanistan. Estimates from the RAND Corporation in 2008 estimated that nearly 20 percent—or 320,000—of the 1.6 million men and women deployed to Iraq and Afghanistan sustained a brain injury while in the line of duty. Additionally, between 11–20 percent of Operations Iraqi Freedom and Enduring Freedom have PTSD in a given year, according to the Department of Veteran Affairs (VA).

Given the impact that TBI and PTSD have on an individual’s behavior and decision-making skills, it is imperative that these conditions are accurately diagnosed in a timely manner. It is also important that these conditions receive appropriate consideration when a servicemember is discharged for misconduct. According to the GAO’s report, in the case of 16 percent of the separations for misconduct that the GAO examined, the servicemembers suffered from PTSD or TBI. Additionally, the GAO found that two of the four branches of the military have policies inconsistent with DOD’s policy on the impact of TBI and PTSD on separations for misconduct. It is troubling that the Army and Marine Corps may not have adhered to their own screening, training, and counseling policies related to PTSD and TBI. That is why it is imperative that DOD’s policies are implemented consistently across all of the military services and that there is adequate oversight of adherence.

When an individual receives an “other than honorable” discharge, he or she may not be eligible for health benefits through the VA. A lack of health coverage is problematic for anyone, but especially so for individuals suffering from TBI or PTSD. DOD policy requires that servicemembers requesting separation in lieu of trial be counseled on the negative consequences of this type of separation. However, of the 48 separation packets the GAO examined, 11 had unclear or undocumented evidence that counseling took place. If servicemembers are agreeing to less than honorable discharges, they need to understand the consequences of that decision.

After the release of this report, I sent a letter to DOD Secretary James Mattis urging him to give due consideration to the recommendations made by the GAO. We must ensure the department provides timely diagnosis of PTSD and TBI in determining separation for misconduct, consistent policies across all branches of the military with accountability, and adequate counseling for servicemembers about the consequences of separation for misconduct, including health benefits.

This amendment is supported by the Brain Injury Association of America, the National Association of State Head Injury Administrators, and the U.S. Brain Injury Alliance.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. Thornberry).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. THORNBERRY OF TEXAS

Mr. THORNBERRY. Mr. Chairman, pursuant to House Resolution 431, I offer a third package of amendments en bloc.

The Acting CHAIR (Mr. Yoho). The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, and 68 printed in part B of House Report 115-212, offered by Mr. THORNBERRY of Texas.

AMENDMENT NO. 50 OFFERED BY MRS. TORRES OF CALIFORNIA

Page 375, after line 8, insert the following:

SEC. 1040. DETERMINATION REGARDING TRANSFER OF DEFENSE ARTICLES BY UNITS COMMITTING GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) Determination Required.—In carrying out the Golden Sentry program to monitor end-use compliance of the government of a foreign state to which defense articles and services have been provided, the Director of the Defense Security Cooperation Agency, in consultation with the appropriate United States embassy personnel in the foreign state, shall determine whether the government of the foreign state has amended any defense article to a unit that is prohibited from receiving assistance from the United States by reason of a determination by the Secretary of State that there is credible evidence that such unit has committed a gross violation of human rights.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives the report on the implementation of subsection (a).

AMENDMENT NO. 51 OFFERED BY MR. YOUNG OF ALASKA

Page 396, strike line 17 through 24 and insert the following:

SEC. 1052. REPORT ON DEPARTMENT OF DEFENSE ARCTIC CAPABILITY AND REQUIREMENT FOR INFRASTRUCTURE.

(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 setting forth—

(1) necessary steps the Department of Defense is undertaking to resolve security capability and resource gaps; and

(2) the requirements and investment plans for military infrastructure required to protect United States national security interests in the arctic region.

Page 397, after line 21, insert the following:

(1) A review of United States national security interests in the arctic region, including strategic national assets, United States citizens, territory, freedom of navigation, and economic and trade interests in the region;

(2) A description of United States military capabilities needed for operations in arctic terrain, including types of forces, major weapon systems, and logistics required for operations in such terrain;

(3) A description of the installations, infrastructure, and deep water ports for deployment of assets required to support operations in the arctic region, including the stationing, deployment, and training of military forces for operations in the region.

(4) An investment plan to establish the installations and infrastructure required for operations in the arctic region.

AMENDMENT NO. 52 OFFERED BY MR. EVANS OF PENNSYLVANIA

Page 409, after line 2, insert the following:

SEC. 1058. REPORT ON POTENTIAL AGREEMENT WITH THE GOVERNMENT OF RUSSIA ON THE STATUS OF THE BALTICS.

Before entering into any agreement or understanding with the government of Russia regarding the status of Syria, the President shall submit to Congress a report that includes—

(1) a description of any understanding between the President and the government of Russia regarding a plan to divide territory among parties to the conflict; and

(2) a description of any such understanding that would provide the United States access to the border between Israel and Syria.

AMENDMENT NO. 53 OFFERED BY MR. CORREA OF TEXAS

Page 409, after line 2, insert the following:

SEC. 1059. REPORT ON RUSSIAN CYBER ATTACKS AGAINST DEFENSE SYSTEMS.

(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 Committee on Armed Services and the Committee on Intelligence, in coordination with the Director of National Intelligence, a written report on all attempts to breach, intrude, or otherwise hack into Department of Defense systems that—

(1) have occurred during the last 24-month period ending on the date of the enactment of this Act; and
were attributable either to the government of the Russian Federation or actors substantially supported by the government of the Russian Federation.

(b) Reporting Requirement.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 54 OFFERED BY MR. BRENDAN F. BOYLE OF PENNSYLVANIA

Page 409, after line 2, insert the following:

SEC. 1058. REPORT ON ALTERNATIVES TO AQUEOUS FILM FORMING FOAM.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations of the Senate and the House of Representatives a report on the Department’s status toward developing a new military specification for safe and effective alternatives to aqueous film forming foam (hereinafter referred to as “AFF”) that do not contain perfluorooctanoic acid (hereinafter referred to as “PFOA” or erfluorooctanesulfonic acid (hereinafter referred to as “PFOS”).

(b) ELEMENTS.—The report required by subparagraph (1) shall include the following:

(1) shall address, at a minimum, the following:

(A) Existing policy and guidance of the Department of Defense related to portfolio management, the management and alignment of portfolios of projects and programs to realize organization strategy and objectives.

(B) An assessment of how milestone decision authority and budget allocations in a portfolio management model at the enterprise, program executive officer, and service acquisition executive levels could be reenvisioned in a manner consistent with the existing Defense Acquisition Management System to streamline decisionmaking authority and enhance agility, including the appropriate roles for developing, managing, and overseeing portfolio strategies, portfolio roadmaps and portfolio documentation, portfolio decisionmaking, and portfolio budget decisions.

(C) An assessment of portfolio organizational structures within government and industry with the potential to improve integration of the Department’s status toward developing a new military specification for safe and effective alternatives to AFFF that do not contain PFOA or PFOS.

(2) An update on the Department’s plans for replacing AFFF containing PFOA or PFOS at military installations across the country and methods of disposal for AFFF containing PFOA or PFOS.

(3) An overview of current and planned research, and development for AFFF alternatives to PFOA or PFOS.

(4) An assessment of how the establishment of a maximum contaminant level for PFOA or PFOS under the Safe Drinking Water Act, 42 U.S.C. 300f et seq, rather than the current health advisory level, would impact the Department’s mitigation actions, prioritization of such actions, and research and development related to PFOA and PFOS.

AMENDMENT NO. 55 OFFERED BY MRS. WALORSKI OF INDIANA

At the end of subtitle E of title X, add the following new section:

SEC. 1059. ENSURE DAILY TECHNOLOGY SUPPORT AND BACKUP SERVICES.

(a) Report on Project, Program, and Portfolio Management Standards.—

(1) the Comptroller General of the United States shall deliver, not later than 90 days after enactment, a report to Congress on enhancing portfolio management, the management and alignment of portfolios of projects and programs to realize organization strategy and objectives.

(2) ELEMENTS.—The report under paragraph (1) shall address, at a minimum, the following:

(A) Existing policy and guidance of the Department of Defense related to portfolio management, the management and alignment of portfolios of projects and programs, and budget allocations in a portfolio management model at the enterprise, program executive officer, and service acquisition executive levels could be reenvisioned in a manner consistent with the existing Defense Acquisition Management System to streamline decisionmaking authority and enhance agility, including the appropriate roles for developing, managing, and overseeing portfolio strategies, portfolio roadmaps and portfolio documentation, portfolio decisionmaking, and portfolio budget decisions.

(B) An assessment of how milestone decision authority and budget allocations in a portfolio management model at the enterprise, program executive officer, and service acquisition executive levels could be reenvisioned in a manner consistent with the existing Defense Acquisition Management System to streamline decisionmaking authority and enhance agility, including the appropriate roles for developing, managing, and overseeing portfolio strategies, portfolio roadmaps and portfolio documentation, portfolio decisionmaking, and portfolio budget decisions.

(C) An assessment of portfolio organizational structures within government and industry with the potential to improve integration of the Department’s status toward developing a new military specification for safe and effective alternatives to AFFF that do not contain PFOA or PFOS.

(2) An update on the Department’s plans for replacing AFFF containing PFOA or PFOS at military installations across the country and methods of disposal for AFFF containing PFOA or PFOS.

(3) An overview of current and planned research, and development for AFFF alternatives to PFOA or PFOS.

(4) An assessment of how the establishment of a maximum contaminant level for PFOA or PFOS under the Safe Drinking Water Act, 42 U.S.C. 300f et seq, rather than the current health advisory level, would impact the Department’s mitigation actions, prioritization of such actions, and research and development related to PFOA and PFOS.

AMENDMENT NO. 56 OFFERED BY MR. HARPER OF MISSISSIPPI

Add at the end of subtitle F of title X the following:

SEC. 10. PROVIDING ASSISTANCE TO HOUSE OF REPRESENTATIVES IN RESPONSE TO CYBERSECURITY INCIDENTS.

(a) Provision of Assistance.—If the Speaker of the House of Representatives (or the Speaker’s designee), with the concurrence of the Minority Leader of the House of Representatives (or the Minority Leader’s designee), determines that a cybersecurity event has occurred and that it results in the compromise of the resources of the House of Representatives, then notwithstanding any other provision of law, regulation, orexecutive order, the Speaker may request assistance in responding to the event from the head of any Executive department, military department, or independent establishment.

(b) Scope of Assistance.—In providing assistance under this section, the head of the Executive department, military department, or independent establishment shall meet the requirements of section 113 of the Legislative Branch Appropriations Act, 2017 (Public Law 115–31).

(c) Definitions.—In this section, each of the terms “Executive department”, “military department”, and “independent establishment” has the meaning given such term in chapter 1 of title 5, United States Code.

AMENDMENT NO. 57 OFFERED BY MR. SEAN PATRICK MALONEY OF NEW YORK

In title X, at the end of subtitle F add the following:

SEC. 11. REVIEW AND UPDATE OF REGULATIONS GOVERNING DEBT COLLECTION INTERACTIONS WITH UNIT COMMANDERS OF MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review and update, and the Department of Defense Directive 1344.09 and any associated regulations to ensure that such regulations comply with Federal consumer protection laws with respect to the collection of debt.
SEC. 1073. SENSE OF CONGRESS REGARDING PACIFIC WAR MEMORIAL.

(a) FINDINGS.—Congress recognizes that there is currently memorial that specifically honors the members of the United States Armed Forces who served in the Pacific Theater of World War II, also known as the Pacific War.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Pacific War memorial should be established at a suitable location at or near the Pacific Theater of World War II Valor in the Pacific National Monument in Honolulu, Hawaii.

AMENDMENT NO. 59 OFFERED BY MR. KILMER OF WASHINGTON

At the end of the amendment, insert the following:

SEC. 1109. EXTENSION OF OVERTIME RATE AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PREFORMING 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, 2018” and inserting “September 30, 2019”.

AMENDMENT NO. 60 OFFERED BY MR. GALLIGAN OF ARIZONA

At the end of subsection (b) of section 1212, add the following new paragraph:

“(6) A description of—

“(A) support provided to the Taliban, al-Qaeda, the Haqqani network, the Islamic State of Iraq and the Levant, and terrorist organizations operating in Afghanistan by Russia, Iran, Pakistan, and other countries; and

“(B) United States military and diplomatic efforts to disrupt such support.”.

AMENDMENT NO. 61 OFFERED BY MR. ROHRABACHER OF CALIFORNIA

At the end of subtitle B of title XII, add the following:

SEC. 1212c. SENSE OF CONGRESS RELATING TO DR. SHAKIL AFRI迪

(a) FINDINGS.—Congress finds the following:

(1) The attacks of September 11, 2001, killed approximately 3,000 people, most of whom were Americans, but also included hundreds of Americans with foreign citizenships, nearly 350 New York Fire Department personnel, and about 50 law enforcement officers.

(2) Downed United Airlines flight 93 was reported to have crashed near the Pentagon, the White House or the Capitol in an attempt to kill the President of the United States or Members of the United States Congress.

(3) The September 11, 2001, attacks were strategically planned and carried out by the al-Qaeda terrorist network led by Osama bin Laden and his deputy Ayman al Zawahiri, after which Osama bin Laden enjoyed safe haven in Pakistan from where he continued to direct plots against the United States and the world.

(4) Since 2001, the United States has provided more than $30 billion in security and economic assistance to Pakistan.

(5) The United States has sent nearly 1,000 United States military personnel, including medical specialists, thousands of airlift missions, water, and other emergency equipment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Pakistan, a deplorable and dangerous partner in anti-American, anti-Pakistan, anti-Nato and anti-Christian campaigns, should release Dr. Shakil Afridi immediately.

AMENDMENT NO. 62 OFFERED BY MS. SINEMA OF ARIZONA

Page 475, after line 15, insert the following new paragraph:

“(A) a description of the requirements of the United States that will be necessary to support the United States military in the Afghan region.

(2) A description of any protocols that will be established to ensure the safety and security of United States service members and civilians, particularly to protect against any possible attacks on personnel or assets.

AMENDMENT NO. 63 OFFERED BY MR. CONVYERS OF MICHIGAN

At the end of subtitle C of title XII, add the following new section:

SEC. 12C. REPORT ON STEPS AND PROTOCOLS RELATED TO THE RESCUE, CARE, AND TREATMENT OF CAPTIVES OF THE ISLAMIC STATE.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report containing each of the following:

(1) A description of any steps the Department of Defense is taking to ensure coordination between the Armed Forces of the United States and local forces in conducting military operations in regions controlled by the Islamic State where religious or minority groups are known or thought to be held captive, in order to incorporate the rescue of such captives as a secondary objective.

(2) A description of any protocols that will be put in place by the Department of Defense, including protocols developed in coordination with the Government of Iraq, for the care and treatment of religious or minority groups rescued from captivity under the Islamic State, including for relocating such groups of captives to safe locations.

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

AMENDMENT NO. 64 OFFERED BY MR. WILSON OF SOUTH CAROLINA

At the end of subtitle G of title XII, add the following new section:

SEC. 12D. SENSE OF CONGRESS ON NORTH KOREA.

(a) FINDINGS.—Congress finds the following:

(1) The Democratic People's Republic of Korea, also known as North Korea, continues...
to develop a ballistic and nuclear weapons development program that poses a grave threat to the United States, United States allies the Republic of Korea, Japan, and Australia, and global security.

(2) North Korea continues to escalate the pace and number of its ballistic missile launches, and to date has conducted five nuclear tests.

(3) On July 4, 2017, North Korea conducted the first test of an intercontinental ballistic missile (ICBM) it claims is capable of reaching United States territory, which, if reliable and operable, constitutes a new threat to America’s security.

(4) On June 3, 2017, Secretary of Defense James Mattis stated, during remarks at the Shangri-La Dialogue, that “the current North Korea program signals a clear intent to acquire nuclear armed ballistic missiles, including those of intercontinental range that pose direct and immediate threats to our allies, our partners and all the world’.

(5) On April 27, 2017, Admiral Harry Harris, Jr., Commander of the United States Pacific Command, testified that “North Korea continues to disregard United Nations sanctions by developing, and threatening to use intercontinental ballistic missiles and nuclear weapons that will threaten the U.S. Homeland.”

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

(1) the United States should act to counter North Korea’s continued development and testing of nuclear weapons and intercontinental ballistic missiles;

(2) the development of a functional and operational North Korean nuclear and intercontinental ballistic missile program constitutes a threat to the security of the United States and to our allies and partners in the region;

(3) the defense of the United States and our allies against North Korean aggression remains a top priority, and the United States maintains an unwavering and steadfast commitment to the policy of extended deterrence, especially with respect to South Korea and Japan;

(4) the United States supports the deployment of the Terminal High Altitude Area Defense System in South Korea to counter North Korea’s missile threat and the deployment of ballistic missile defense systems to allies in the Indo-Asia-Pacific region to protect the growing threat of North Korea’s nuclear weapons and ballistic missile programs;

(5) the United States should encourage further multilateral security cooperation and dialogue among South Korea, Japan, and Australia to address the North Korea threat;

(6) the United States calls upon the People’s Republic of China to use its leverage to pressure North Korea to cease its provocative behavior and abandon and dismantle its nuclear and ballistic missile programs, and comply with all United Nations Security Council resolutions;

(7) the United States should fully enforce all existing sanctions on North Korea and undertake a comprehensive diplomatic effort to urge China, and other countries to fully enforce, and build upon, existing international sanctions; and

(8) the United States should retain diplomatic, economic, and military options to defend against and pressure North Korea to abandon its illicit weapons program.

AMENDMENT NO. 67 OFFERED BY MR. BERA OF CALIFORNIA

At the end of subtitle G of title XII, add the following new section:

SEC. 12. STRATEGY TO FURTHER UNITED STATES-INDIA DEFENSE COOPERATION.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall develop a strategy for enhancing defense cooperation between the United States and India.

(b) ELEMENTS.—The strategy shall address the following:

(1) Common security challenges.

(2) The role of United States partners and allies in the United States-India defense relations.

(3) The role of the Defense Technology and Trade Initiative.

(4) How to advance the Communications Interoperability�AsiaPacific Framework of Agreement and the Basic Exchange and Cooperation Agreement for Geospatial Cooperation.

(5) Any other matters the Secretary of Defense or the Secretary of State determines to be appropriate.

AMENDMENT NO. 68 OFFERED BY MR. WALK OF MINNESOTA

At the end of subtitle H of title XII, add the following new section:

SEC. 1282. REPORT BY DEFENSE INTELLIGENCE AGENCY ON CERTAIN MILITARY CAPABILITIES OF CHINA AND RUSSIA.

(a) REPORT.—The Director of the Defense Intelligence Agency shall submit to the Secretary of Defense for the Committees on Appropriations in Congress a report on the military capabilities of the People’s Republic of China and the Russian Federation.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include, with respect to the military of China and the military of Russia, the following:

(1) An update on the presence, status, and capability of the military with respect to any national training centers similar to the Combat Training Center Program of the United States.

(2) An analysis of a readiness deployment cycle of the military, including—

(A) as compared to such a cycle of the United States; and

(B) an identification of metrics used in the national training centers of that military.

(3) A comprehensive investigation into the capability, readiness of the mechanized logistics of the army of the military, including—

(A) an analysis of field maintenance, sustainment maintenance, movement control, intermodal operations, and supply; and

(B) how such functions under subparagraph (A) interact with specific echelons of that military;

(4) An assessment of the future of mechanized army logistics of that military,

(c) NONDUPLICATION OF EFFORTS.—The Defense Intelligence Agency may make use of or add to any existing reports completed by the Agency in order to respond to the reporting requirements under this section.

(d) FORM.—The report under subsection (a) may be submitted in classified form.

(e) BRIEFING.—The Director shall provide a briefing to the Secretary and the committee specified in subsection (a) on the report under such subsection.

(f) Term.—The term “appropriate congressional committees” means—

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

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

Mr. THORNBERRY. Mr. Chair, I urge Members to support the en bloc package, and I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chair, thank you for this opportunity to highlight my amendment, floor amendment Number 58 to H.R. 2810, the National Defense Authorization Act (NDAA).

Among the battles fought by the United States (U.S.) during World War II were many battles throughout the Pacific, sometimes referred to as the Asia-Pacific. From 1941 through 1945, U.S. service members fought on land, in the air, and at sea through numerous South Pacific islands to secure peace and defend our democracy and freedom. Our nation suffered over 150,000 casualties in the war.

My amendment recognizes that while Pearl Harbor memorializes the beginning of the Pacific War (the USS Arizona) and the end of the Pacific War (the USS Missouri), there is no memorial honoring our service members who defended our country and gave their lives during the Pacific War. As such, my amendment expresses the sense of Congress that there should be such a memorial located at or near the Pearl Harbor site of the World War II Valor in the Pacific National Monument in Honolulu, Hawaii.

The idea for a Pacific War Memorial originated with Admiral Lloyd “Joe” Vasey, who turned 100 years old earlier this year. Admiral Vasey served aboard the submarine USS Gunnel in the Pacific during World War II, under John S. McCain, Jr., father of U.S. Senator John Mccain. During a fierce battle aboard the Gunnel, Admiral Vasey thought to himself, “There has to be a better way to resolve international disputes.” Years later, Admiral Vasey put that thought into action and founded the Center for Strategic and International Studies (CSIS), also known as the Pacific Forum, to promote peace in the Asia-Pacific.

In the words of Admiral Vasey: “There is no recognition of the brave Americans who were lost in the Pacific War . . . . They are resting on the bottom of the Pacific Ocean somewhere, or their remains are scattered across the South Pacific Islands. We need to honor them, and their families need a place to mourn.”

I wholeheartedly agree with Admiral Vasey and feel strongly that the location of such a memorial should be in Hawai‘i, preferably at Pearl Harbor near the USS Arizona and USS Missouri. It would be fitting to share the stories of the brave service members who fought and gave their lives in the Pacific War alongside sites that commemorate events and other U.S. service members of the Pacific during World War II.

I thank my House colleagues for supporting Admiral Vasey’s idea and my amendment to H.R. 2810. I look forward to continuing my work with my colleagues to make Admiral
Vasey's desire for a Pacific War memorial a reality.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Texas (Mr. THORN-BERRY).

The en bloc amendments were agreed to.

**AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. THORN-BERRY OF TEXAS**

Mr. THORN-BERRY. Mr. Chairman, pursuant to House Resolution 431, I offer a fourth package of amendments en bloc.

The Acting CHAIR (Mr. McCLINTOCK). The Clerk will designate the amendments en bloc.

Amendments en bloc No. 4 consisting of amendment Nos. 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, and 87 printed in part B of House Report 115-212, offered by Mr. THORN-BERRY of Texas.

**AMENDMENT NO. 50 OFFERED BY MR. TURNER OF OHIO**

At the end of subtitle H of title XII, add the following:

**SEC. 12. SENATE OF CONGRESS ON THE NORTH ATLANTIC TREATY ORGANIZATION.**

(a) FINDINGS.—Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has been the cornerstone of transatlantic security cooperation and an enduring instrument for promoting stability in Europe and around the world for over 65 years;

(2) NATO currently faces a range of security challenges, including Russian aggression in Eastern Europe and instability and conflict in the Middle East and North Africa;

(3) In light of these and other threats, NATO must have a credible deterrent to defend NATO members, if necessary, against adversaries or threats.

(4) Since the 2014 NATO summit in Wales and the 2016 summit in Warsaw, NATO has made progress in implementing a Readiness Action Plan to enhance allied readiness and collective defense in response to Russian aggression. However, much work remains to be done.

(5) NATO's solidarity is strengthened by bolstering its conventional and nuclear deterrence, increasing defense spending by NATO members, and extending the enlargement of NATO.

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

(1) NATO members should—

(A) continue to advance the NATO Open-Door Policy and build on the successes of previous enlargement initiatives;

(B) continue to work with countries that are seeking to join NATO to prepare for entry;

(C) commend Montenegro's final accession to NATO;

(D) seek a Dayton II agreement to resolve the constitutional issues faced by Bosnia and Herzegovina;

(E) work with the Republic of Kosovo to prepare the country for entrance into the NATO Partnership for Peace program;

(F) continue support for the NATO Membership Action Plan for Georgia;

(G) implement specific plans to ensure that sufficient investments are made to meet NATO responsibilities, including by allocating at least 2 percent of each member’s gross domestic product to defense spending, 20 percent of which should be dedicated to major capability development, as agreed at the 2014 Wales Summit and reaffirmed at the 2016 Warsaw Summit;

(H) continue to build on efforts to identify and address, through consensus, the security threats facing the alliance, such as by enhancing counterterrorism activities;

(I) continue addressing efforts and promote the Enhanced Forward Presence in Eastern Europe;

(J) as decided at the 2016 Warsaw Summit, use the new naval deployments of four multinational combat battalions in Poland, Lithuania, Latvia, and Estonia to promote stability in that region as well as to deter Russian aggression; and

(K) invest in infrastructure projects necessary to guarantee free and efficient movement throughout the territories of NATO members; and

(2) the United States should commit to maintaining a robust military presence in Europe as a means of assuring an integrated allies interoperability, providing visible assurance to NATO allies, and deterring Russian aggression in the region.

**AMENDMENT NO. 70 OFFERED BY MR. TROT OF MICHIGAN**

At the end of subtitle H of title XII, add the following:

**SEC. 12. SENSE OF CONGRESS ON THE EXECUTIVE DEPARTMENT AND TURKEY.**

(a) FINDINGS.—Congress finds that—

(1) on June 13, 2016, the House of Representatives voted unanimously to pass H. Res. 334, condemning the violence that took place outside the Turkish Ambassador’s residence in the early morning of the previous day, and expressing the undersigned Representatives to be brought to justice under United States law; and

(2) the security force that participated in this violence may be the recipient of arms exported from the United States under a proposed deal.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the proposed sale of semiautomatic handguns for export to Turkey should remain under scrutiny until a satisfactory and appropriate resolution is reached to the violence described in subsection (a)(1).

**AMENDMENT NO. 71 OFFERED BY MR. ENGEL OF NEW YORK**

At the end of subtitle H of title XII, add the following new section:

**SEC. 12. STRATEGY TO IMPROVE DEFENSE INITIATIVES AND SECURITY SECTOR REFORM IN NIGERIA.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains a comprehensive strategy to support improvements in defense institutions and security sector forces in Nigeria.

(b) MATTERS TO Be INCLUDED.—The report required by subsection (a) shall include the following:

(1) An assessment of the threats posed by terrorist and other militant groups operating in Nigeria, including Boko Haram, ISIS-WA, and Niger Delta militants, as well as a description of the origins, strategic aims, tactical methods, funding sources, and leadership structures of each such organization.

(2) An assessment of efforts by the Government of Nigeria to improve civilian protection, accountability for human rights violations, and transparency in the defense institutions and security sector forces.

(3) A description of the key international and United States diplomatic, development, intelligence, military, and economic resources available to address instability across Nigeria, and a plan to maximize the coordination and effectiveness of these resources to counter the threats posed by Boko Haram and the Niger Delta militants.

(4) An assessment of efforts undertaken by the security forces of the Government of Nigeria to improve the protection of civilians in the context of—

(A) ongoing military operations against Boko Haram in the northeast region;

(B) deterring farmer-herder land disputes in the Middle Belt;

(C) renewed militant attacks on oil and gas infrastructure in the Delta; and

(D) addressing pro-Biafra protests in the southeast region.

(5) An assessment of the effectiveness of the Civilian Joint Task Force that has been deployed in parts of northeastern Nigeria in order to ensure that undercover youth are not participating in government-sponsored vigilante activity in violation of the Child Soldiers Prevention Act of 2008 (Public Law 110–393).

(6) An assessment of the options for the Government of Nigeria to eventually incorporate the Civilian Joint Task Force into Nigeria’s military or law enforcement agencies or reintegrate its members into civilian life.

(7) A plan for the United States to work with the Nigerian security forces and judiciary to transparently investigate allegations of human rights violations committed by the security forces of the Government of Nigeria that have involved civilians, including a plan to undertake tangible measures of accountability following such investigations in order to break the cycle of conflict.

(8) A plan for the United States to work with the Nigerian defense institutions and security sector forces to improve detaineeray conditions.

(9) A plan to work with the Nigerian military, international organizations, and non-governmental organizations to demilitarize the humanitarian response to the food insecurity and population displacement in northeastern Nigeria.

(10) Any other matters the President considers appropriate.

(c) UPDATES.—Not later than 1 year after the date on which the report required under subsection (a) is submitted to the appropriate congressional committees, and annually thereafter for 5 years, the President shall submit to the appropriate congressional committees an update of the report containing updated assessments and evaluations on progress made on the plans described in the report, including—

(1) updated assessments on the information described in paragraphs (2), (4), (6) of subsection (a); and

(2) descriptions of the steps taken and outcomes achieved under plans described in paragraphs (7), (8), (9), and (10) of subsection (a), as well as assessments of the effectiveness and descriptions of the metrics used to evaluate effectiveness for each such plan.

(d) FORM.—The report required under subsection (a) and the updates required under clause (c) shall be submitted in an unclassified form, but may include a classified annex.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

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

**AMENDMENT NO. 72 OFFERED BY MS. WILSON OF FLORIDA**

At the end of title XII, add the following:
the Islamic State in Iraq and ash Sham - West Africa (ISIS-WA), and any potential splinter or successor groups;

(2) affirms United States support for the International Committee of the Boko Haram/Galadima and ISIS-WA and to assist the Multinational Joint Task Force to address the underlying drivers of violent extremism; and

(3) supports the efforts of the Department of Defense to implement a United States strategy for countering Boko Haram and ISIS-WA.

AMENDMENT NO. 75 OFFERED BY MR. FITZPATRICK OF PENNSYLVANIA

At the end of subtitle H of title XII, add the following:

SEC. 12. MODIFICATION OF ANNUAL UPDATE ON IRAN AND NORTH KOREA NUCLEAR AND BALLISTIC MISSILE COOPERATION.

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

(1) ballistic missile programs of Iran and North Korea represent a serious threat to allies of the United States in the Middle East, Europe, and Asia, members of the Armed Forces deployed in those regions, and ultimately the United States; and

(2) further cooperation between Iran and North Korea on nuclear weapons or ballistic missile technology is not in the security interests of the United States or our allies.

(b) REPORT.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the President, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other relevant agencies, shall submit to the appropriate committees of Congress a report that includes—

(A) an assessment of the extent of cooperation on nuclear programs, ballistic missile development, biological weapons development, or conventional weapons programs between the Government of Iran and the Government of the Democratic People's Republic of Korea, including the identity of Iranian and North Korean persons that have knowingly engaged in or directed the provision of material support or the exchange of information, including through the transfer of goods, services, technology, or intellectual property) between the Government of Iran and the Government of the Democratic Republic of Korea, and


(2) Form.—The report required under paragraph (1) shall be in unclassified form, but may contain a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 75 OFFERED BY MR. YOHO OF FLORIDA

At the end of subtitle H of title XII, add the following:

SEC. 12. MODIFICATION OF ANNUAL UPDATE ON DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION OPERATIONS REPORT.

(a) IN GENERAL.—Subsection (b) of section 1275 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2540) is amended by adding at the end the following:

‘(4) For each country identified under paragraph (1) as making an excessive maritime claim challenged by the United States under the program referred to in subsection (a), the types and locations of excessive maritime claims by such country that have not been challenged by the United States, if any, under the program referred to in subsection (a).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.’.

AMENDMENT NO. 76 OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of subtitle H of title XII, add the following:

SEC. 12. CONTINGENCY PLANS RELATING TO SOUTH SUDAN.

The Secretary of Defense shall prepare contingency plans—

(1) to assist relief organizations in delivery of humanitarian assistance in South Sudan; and

(2) to engage Sudan’s military to promote efforts to reduce conflicts.

AMENDMENT NO. 76 OFFERED BY MR. NORMAN OF SOUTH CAROLINA

Page 579, after line 13, insert the following:

SEC. 1523. SEPARATE ACCOUNT LINES FOR OVERSEAS CONTINGENCY OPERATIONS FUNDS.

For accountability and transparency purposes, the Director of the Office of Management and Budget and the Secretary of Defense shall establish separate accounts to ensure that amounts authorized to be appropriated pursuant to this title shall be administered separately from amounts otherwise authorized to be appropriated or made available for the Department of Defense.

AMENDMENT NO. 78 OFFERED BY MR. CICILLINE OF RHODE ISLAND

Page 579, after line 13, insert the following:

SEC. 1523. GUIDELINES FOR BUDGET ITEMS TO BE COVERED BY OVERSEAS CONTINGENCY OPERATIONS ACCOUNTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of Management and Budget, shall update the guidelines regarding the budget items that may be covered by overseas contingency operation accounts. Such guidelines shall be consistent with the recommendations included in Government Accountability Report GAO-17-88 entitled ‘‘Overseas Contingency Operations: DOD Should Reconsider the Criteria for Determining Eligible Costs and the Costs Likely to Endure Long Term’’ published January 18, 2017.

AMENDMENT NO. 79 OFFERED BY MR. SOTO OF FLORIDA

Insert after section 1622 the following:
At the end of subsection D of title XVI, add the following new section:

**SEC. 1565. STRATEGY FOR THE OFFENSIVE USE OF CYBER CAPABILITIES.**

(a) FINDINGS.—

(1) The North Atlantic Treaty Organization (commonly known as ‘‘NATO’’) remains a critical alliance for the United States and a cost-effective, flexible means of providing security to the most important allies of the United States.

(2) The regime of Russian President Vladimir Putin is actively working to erode democratic systems of NATO member states, including the United States.

(3) According to the report of the Office of the Director of National Intelligence dated January 6, 2017, on the Russian Federation’s lack of the United States presidential election: ‘‘Russian efforts to influence the 2016 presidential election represent the most recent expression of Moscow’s longstanding desire to undermine the US-led liberal democratic order.’’

(b) Most recently as May 4, 2017, the press reported a massive cyber hack of French President Emmanuel Macron’s campaign, likely attributable to Russian intelligence agencies.

(c) It is in the core interests of the United States to enhance the offensive and defensive cyber capabilities of NATO member states to deter and defend against Russian cyber and influence operations.

(d) Enhanced offensive cyber capabilities would enable the United States to demonstrate strength and deter the Russian Federation from threatening NATO, while reassuring allies, without a provocative buildup of conventional military forces.

(e) Section 1250 of title XII, United States Code.

(f) The Secretary of Defense may carry out a pilot program to be known as the ‘‘Cyber Workforce Development Pilot Program’’ (in this section referred to as the ‘‘Pilot Program’’). Such guidelines shall include provisions for the administration of the Pilot Program. The Program shall be to assess the effectiveness of carrying out a full-scale talent management program to ensure that the cyber workforce of the Department of Defense has the capacity, skills, and incentives needed to effectively perform its cyber missions and the kinetic missions impacted by cyber activities.

(g) The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense.

(h) Guidance.—The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense.

(i) At the end of subtitle D of title XVI, add the following new section:

**SEC. 1601. CYBER WORKFORCE DEVELOPMENT PILOT PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Defense may carry out a pilot program to be known as the ‘‘Cyber Workforce Development Pilot Program’’ (in this section referred to as the ‘‘Pilot Program’’). Such guidelines shall include provisions for the administration of the Pilot Program. The Program shall be to assess the effectiveness of carrying out a full-scale talent management program to ensure that the cyber workforce of the Department of Defense has the capacity, skills, and incentives needed to effectively perform its cyber missions and the kinetic missions impacted by cyber activities.

(b) PURPOSE.—The purpose of the Pilot Program shall be to assess the effectiveness of carrying out a full-scale talent management program to ensure that the cyber workforce of the Department of Defense has the capacity, skills, and incentives needed to effectively perform its cyber missions and the kinetic missions impacted by cyber activities.

(c) MANAGEMENT.—The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense.

(d) GUIDANCE.—The Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense, shall issue guidance for the administration of the Pilot Program. Such guidance shall include provisions that—

(1) Identify areas of need in the cyber workforce that funds under the Pilot Program may be used to address, including—

(A) changes to the types of skills needed in the cyber workforce; and

(B) capabilities to develop the cyber workforce and assist members of the cyber workforce in achieving qualifications and professionalization through activities such as training, education, and exchange programs; and

(C) incentives to retain qualified, experienced cyber workforce personnel; and

(D) incentives for attracting new, high-quality personnel to the cyber workforce;

(2) Describe the process by which funds under the Pilot Program may be used to address the identified needs.

(e) AMENDMENT NO. 8 OFFERED BY MR. CORREA OF CALIFORNIA

At the end of subsection D of title XVI, add the following new section:

**AMENDMENT NO. 8 OFFERED BY MR. CORREA OF CALIFORNIA**
AMENDMENT NO. 83 OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of subtitle F of title XVI, add the following new section:

SEC. 1254. NATIONAL NUCLEAR INTERCONTINENTAL BALLISTIC MISSILES.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees (1) a briefing on the hazards or risks posed directly or indirectly by the nuclear ambitions of North Korea, focusing upon—

(1) the development and deployment of intercontinental ballistic missiles or nuclear weapons;
(2) the consequences to the United States, the interests of the United States, and allies of the United States of North Korea’s nuclear and missile programs;
(3) a plan to deter and defend against such threats from North Korea;
(4) protecting vital interest and capabilities of the United States in space from such threats from North Korea;
(5) the potential damage or destruction caused by such missiles to satellites and space stations, including magnetic fields such as the Van Allen belts.

AMENDMENT NO. 81 OFFERED BY MR. CULBERSON OF TEXAS

Add at the end of subtitle E of title XXVIII the following:

SEC. 2844. BATTLESHIP PRESERVATION GRANT.

(a) ESTABLISHMENT.—There is hereby established within the Department of the Interior a grant program for the preservation of our nation’s most historic battleships.

(b) USE OF GRANTS.—Amounts received through grants under this section shall be used for the preservation of our nation’s most historic battleships in a manner that is self-sustaining and has an educational component.

(c) CRITERIA FOR ELIGIBILITY.—To be eligible for a grant under this section, an entity shall—

(1) submit an application under procedures established by the Secretary;
(2) match the amount of the grant, on a 1-to-1 basis, with non-Federal assets from non-Federal sources, which may include cash or durable goods and materials fairly valued as determined by the Secretary;
(3) maintain records as may be reasonably necessary to fully disclose—
   (A) the amount and the disposition of the proceeds of the grant;
   (B) the total cost of the project for which the grant is made; and
   (C) other records as may be required by the Secretary, including such records as will facilitate an effective accounting for project funds; and
(4) provide access to the Secretary for the purposes of any required audit and examination of any books, documents, papers, and records of the entity.

(d) MOST HISTORIC BATTLESHIP DEFINED.—In this section, the term “most historic battleship” means a battleship that is—

(1) between 75 and 115 years old;
(2) listed on the National Register of Historic Places; and
(3) located within the State for which it was named.

(e) SAVINGS PROVISION.—The authorities contained in this section shall be in addition to, and shall not be construed to supersede or modify those contained in the National Historic Preservation Act (16 U.S.C. 470-470k).

(f) PRIVATE PROPERTY PROTECTION.—

(1) IN GENERAL.—No Federal funds made available to carry out this section may be used to acquire any real property, or any interest in any real property, without the written consent of the owner (or owners) of that property or interest in property.

(2) NO DESIGNATION.—The authority granted by this section shall not constitute Federal designation or have any effect on private property ownership.

(g) SUNSET.—The authority to make grants under this section expires on September 30, 2024.

AMENDMENT NO. 85 OFFERED BY MR. LAMAFA OF CALIFORNIA

Add at the end of subtitle G of title XXVII the following new section:

SEC. 2863. RESTRICTIONS ON REHABILITATION OF OVER-THE-HORIZON BACKSCATTER RADAR STATION.

(a) RESTRICTIONS.—Except as provided in subsection (b), the Secretary of the Air Force may not use any funds or resources to carry out the rehabilitation of the Over-the-Horizon Backscatter Radar Station on Modoc National Forest land in Modoc County, California.

(b) EXCEPTION FOR MAINTENANCE OF PERIMETER FENCE.—Notwithstanding subsection (a), the Secretary may use funds and resources to maintain the perimeter fence surrounding the Over-the-Horizon Backscatter Radar Station.

AMENDMENT NO. 86 OFFERED BY MR. NORMAN OF SOUTH CAROLINA

Add at the end of title XXVII the following new section:

SEC. 2703. UPDATE TO REPORT ON INFRASTRUCTURE CAPACITY.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prepare and release to the public an updated version of the March 2016 report on “Department of Defense Infrastructure Capacity”. The Acting Chair of the Committee of jurisdiction on the date of the enactment of this Act, having had under consideration the bill (H.R. 2310) to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o’clock and 13 minutes p.m.), the House stood in recess.

□ 0036

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Collin of Georgia) at 12 o’clock and 36 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2019, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

Mr. BYRNE, from the Committee on Rules, submitted a privileged report (Rept. No. 115-217) on the resolution (H.
By unanimous consent, leave of absence was granted to:

Mr. GUTHRIE (at the request of Mr. MCCARTHY) for today on account of his participation in a healthcare listening session in Lexington, Kentucky, with Vice President PENCE.

Mr. KHANNA (at the request of Ms. PELOSI) for today on account of birth of his child.

ADJOURNMENT

Mr. BYRNE, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 37 minutes a.m.), under its previous order, the House adjourned until Thursday, July 13, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

1928. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Nora W. Tyson, United States Navy, and her advancement to the grade of rear admiral or rear admiral (lower half), pursuant to 10 U.S.C. 1930; (110 Stat. 293); to the Committee on Armed Services.


1931. A letter from the Director, Regulation Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Air Plan Approval; Ohio; Control of Emissions of Organic Materials That Are Not Regulated by VOC RACT Rules [EPA-R05-OAR-2016-0672; FRL-9964-46-Region 5] received July 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

1932. A letter from the Director, Regulation Management Division, Environmental Protection Agency, transmitting the Agency’s withdrawal of direct final rule — Air Plan Approval; Indiana; Resignation of the Muncie Area to Attainment of the 2008 Lead National Ambient Air Quality Standard [EPA-R05-OAR-2016-0137; FRL-9964-63-Region 5] received July 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.


1934. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 17-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1935. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 17-34, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1936. A letter from the Acting Director of Governmental Relations, Corporation For National and Community Service, transmitting the Corporation’s 2017 Semiannual Service Report (SAR) to Congress due to an error by the Office of Inspector General (OIG) in its original report submission; to the Committee on Oversight and Government Reform.

1937. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting two notifications of a discontinuation of service in acting role, and designation of acting officer, for the term of 30 days from April 1, 2017 to June 30, 2017, pursuant to 2 U.S.C. 104a (H. Doc. No. 115–52); to the Committee on Oversight and Government Reform.

1938. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board’s 2016 Annual Report to Congress, pursuant to 49 U.S.C. 117; to the Committee on Transportation and Infrastructure.

1939. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of Defense, transmitting additional legislative proposals related to acquisition matters that the Department of Defense requests be enacted during the first session of the 115th Congress; jointly to the Committees on Armed Services, Oversight and Government Reform, and Energy and Commerce.

Mr. WALDEN: Committee on Energy and Commerce. H. 2786. A bill to amend the Federal Power Act with respect to the credit process to qualify as a qualified hydropower facility; with an amendment (Rept. 115-213). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHABOT: Committee on Small Business, H. R. 2383. A bill to amend the Small Business Investment Act of 1958 to increase the amount of leveraged capital available to small business investment companies; with an amendment (Rept. 115-215). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHABOT: Committee on Small Business, H. R. 2364. A bill to amend the Small Business Investment Act of 1958 to increase the amount that certain banks and savings associations may invest in small business investment companies, subject to the approval of the appropriate Federal banking agency, and for other purposes; (Rept. 115-216). Referred to the Committee of the Whole House on the state of the Union.

[July 13 (legislation day, July 12, 2017)]

Mr. BYRNE: Committee on Rules, House Resolution 440. Resolution providing for further consideration of the bill (H.R. 2810) to provide for an extension of the interim health benefits for certain formercoal miners, pursuant to the Energy and Commerce Committee's report.
In this document, public bills and resolutions are listed, along with the sections of the Federal Register where they can be found. The text is formatted in a natural way, with titles and references to other documents clearly indicated.

For example, the text mentions public laws and House bills, such as H.R. 3191, which amends the Higher Education Act of 1965 to improve accessibility to and completion of postsecondary education for students, including students with disabilities. The text also references the Committee on Oversight and Government Reform.

The document includes references to other bills, such as H.R. 3192, which amends the Social Security Act to ensure access to mental health services for children under the Children's Health Insurance Program, and for other purposes, and the Committee on Energy and Commerce.

The text also contains references to the judiciary, such as H.R. 3193, which amends the Federal Management and Administration Act of 1949 to improve accessibility of court proceedings for individuals with disabilities, and for other purposes, and the Committee on the Judiciary.

The document concludes with references to other bills, such as H.R. 3194, which amends the Veterans Affairs and Independent Reimbursement Act of 1970 to improve the conduct of medical disability examinations by contract physicians, and the Committee on Veterans' Affairs.

Overall, the text provides a comprehensive overview of the legislative activities of the 115th Congress, including references to the House of Representatives, the Committee on Energy and Commerce, the Committee on Veterans' Affairs, and other relevant committees.

The text also includes references to the Federal Register, where full text of the bills and resolutions can be found, and to other government publications and resources.

In summary, the document provides a detailed and comprehensive overview of the legislative activities of the 115th Congress, including references to the House of Representatives, the Committee on Energy and Commerce, the Committee on Veterans' Affairs, and other relevant committees.

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In summary, the document provides a detailed and comprehensive overview of the legislative activities of the 115th Congress, including references to the House of Representatives, the Committee on Energy and Commerce, the Committee on Veterans' Affairs, and other relevant committees.

The text is formatted in a natural way, with titles and references to other documents clearly indicated.
H.R. 3215. A bill to authorize appropriations for the public housing Capital Fund for addressing urgent capital needs, and for other purposes; to the Committee on Financial Services.

By Mr. GALLEGO:

H. Res. 106. A joint resolution making continuing appropriations for fiscal year 2018 during any period between October 1, 2017, and December 14, 2017, for which discretionary appropriations have lapsed, and for other purposes; to the Committee on Appropriations.

By Mr. DEFAZIO (for himself and Mr. JOHNSON of Georgia):

H. Res. 437. A resolution of inquiry requesting the President to provide certain documents in the President’s possession; to the Committee on Transportation and Infrastructure.

By Mr. SHERMAN (for himself and Mr. AL. GREEN of Texas):

H. Res. 438. A resolution impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. CROWLEY:

H. Res. 439. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to, considered and agreed to.

By Mr. HIGGINS of New York (for himself and Ms. JAYAPAL):

H. Res. 440. A resolution amending the Rules of the House of Representatives to prohibit the consideration of any bill or joint resolution until a cost estimate prepared by the Congressional Budget Office has been available to the public, and for other purposes; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-
tives, the following statements are sub-
mitted regarding the specific powers granted Congress in the Constitu-
tion to enact the accompanying bill or joint resolution.

By Mr. BRENDAN F. BOYLE of Penn-
sylvania:

H.R. 3191. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof.

By Mr. KNIGHT:

H.R. 3196. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof.

By Mr. DeSAULIER:

H.R. 3199. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. DeSANTIS:

H.R. 3199. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. Congress shall have the Power to tax and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.

And Article I, Section 8, Clause 18: Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof.

By Mr. HIGGINS of New York (for himself and Ms. JAYAPAL):

H. Res. 440. A resolution amending the Rules of the House of Representatives to prohibit the consideration of any bill or joint resolution until a cost estimate prepared by the Congressional Budget Office has been available to the public, and for other purposes; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-
tives, the following statements are sub-
mitted regarding the specific powers granted Congress in the Constitu-
tion to enact the accompanying bill or joint resolution.

By Mr. BRENDAN F. BOYLE of Penn-
sylvania:

H.R. 3191. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution under the General Welfare Clause.

By Mr. KENNEDY:

H.R. 3192. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8—to provide for the general welfare and to regulate commerce among the states.

By Mr. SERRANO (for himself, Mr. ENGEL, Ms. DELVIAZQUEZ, Mrs. CAROLYN B. MALONEY of New York, Mr. GONZALEZ of Texas, Mr. NADLER, Mr. ESPAULLAY, Mr. CROW- LLEY, Mr. AL. GREEN of Texas, Ms. NORTON, Mr. EVANS, Mr. GRIJALVA, Ms. CLARKE of New York, Mr. COHEN, Mr. CARSON of Indiana, Ms. JACKSON LEE, and Ms. MENO):

H.R. 3195. Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8.

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 3195. Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8.

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 3195. Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8.

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 3195. Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8.

By Mr. AGUILAR:

H.R. 3204. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution.

By Mr. DELANEY:

H.R. 3205. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mrs. DINGELL:

H.R. 3206. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mrs. DINGELL:

H.R. 3207. Congress has the power to enact this legislation pursuant to the following:

Article I Section VIII.

By Mr. DUFFY:

H.R. 3208. Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Ms. HERRERA BEUTLER:

H.R. 3209. Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support the Army; to provide and maintain a Navy; to make rules for the regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. KNIGHT:

H.R. 3210. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 3211. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Ms. MCSALLY:

H.R. 3212. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4: To establish an uniform Rule of Naturalization.

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof.

By Ms. NORTON:

H.R. 3213. Congress has the power to enact this legislation pursuant to the following:

Clause 2 of section 3 of Article IV of the Constitution.

By Mr. RICHMOND:

H.R. 3214. Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and
shall have no bearing on judicial review of the accompanying bill. 

By. Mr. SERRANO:
H.R. 3215.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18
Congress has the power to enact this legislation pursuant to the following:

By Mr. MURPHY of Pennsylvania:
H.R. 1456: Mr. KING of New York and Ms. FLORES, Ms. TORRES, Mr. MARSHALL, Mr. CHURCH. 

By Mr. MILLER of California:
H.R. 2819: Mr. Circuit of Florida and Ms. HUNTER.
H. Con. Res. 13: Mr. Reed, Mr. Kelly of Pennsylvania, and Mr. Dunn.
H. Con. Res. 59: Mr. Takano, Mr. Denham, and Mr. Panetta.
H. Con. Res. 63: Mr. Jeffries and Mr. Suozzi.
H. Res. 15: Mr. Frelinghuysen.
H. Res. 28: Mr. Rothfus.
H. Res. 30: Ms. Rosen.
H. Res. 31: Mr. Gottheimer.
H. Res. 128: Ms. DeLauro, Mr. Sensenbrenner, Mr. Pallone, Mr. Buck, Ms. Bonamici, and Mr. Lewis of Minnesota.
H. Res. 129: Mr. Johnson of Georgia and Mr. Conyers.
H. Res. 161: Mr. Westerman.
H. Res. 188: Mr. Ted Lieu of California.
H. Res. 195: Mrs. Brooks of Indiana.
H. Res. 200: Mrs. Dingell.
H. Res. 342: Mr. Smith of Washington, Ms. McCollum, Mr. Sean Patrick Maloney of New York, and Mr. DesJarlais.
H. Res. 401: Ms. Lofgren and Mr. Cohen.
H. Res. 407: Mr. Evans.
H. Res. 421: Ms. Norton and Mr. Evans.
H. Res. 433: Mr. Weber of Texas.
The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You alone reign supreme in our Nation and world. May our lawmakers permit You to direct their steps. Give our Senators a renewed sense of Your sacred presence, filling them with reverence for You. May this reverence engender in them a spirit of profound gratitude for Your goodness and grace.

Lord, inspire them to live such exemplary lives that Your Name will be glorified in the Earth. Help them to relinquish all anxieties to You, as they remember Your promise to supply all their needs. May they dedicate themselves to providing opportunities and justice for all Americans.

And, Lord, bring comfort to the families of our military personnel killed in the C-130 crash in Mississippi.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE
The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER
The PRESIDING OFFICER (Mrs. Ernst). The majority leader is recognized.

HEALTHCARE LEGISLATION
Mr. MCCONNELL. Madam President, I have often come to the floor to relay the stories of Kentuckians who have suffered under ObamaCare.

Under ObamaCare, Kentuckians have seen their premiums skyrocket—by an average of 35 percent since 2013. Under ObamaCare, Kentuckians have seen their options for health insurance plummet. This year, families living in 90 percent of the counties in Kentucky will have little or no options of insurers to pick from; that is, two options or less.

We all know the statistics in our own States. We also know the pain of ObamaCare is about far more than just numbers on a page. Behind each of ObamaCare’s unaffordable premium increases, there is a family struggling to make ends meet. Behind all the cancelled plans and restricted choices, there are countless individuals who have been left behind by this failing law.

Today Vice President PENCE is traveling to Lexington in my State to hear directly from my constituents, including small business owners who have struggled under ObamaCare. As the Vice President knows, ObamaCare’s pain is about more than just skyrocketing costs and plummeting choices; its taxes, mandates, and heavy-handed regulations hurt too.

They have subjected small businesses across the country to serious challenges.

ObamaCare has been hurting the men and women we represent for many years in many different ways. I am thankful we finally have an administration that seems to care, an administration that has made a real effort to actually listen to those who have been forced to endure the negative consequences of this failing law.

ObamaCare has been spiraling toward collapse for years. Today it teeters on the brink of total meltdown, threatening to hurt even more of our friends and loved ones. We really can’t allow that to happen.

Doing nothing about ObamaCare is simply not an option. That is why we have been working hard to move beyond the failures of ObamaCare with Better Care legislation. We want to stabilize and reform the collapsing insurance markets, we want to put downward pressure on premiums, and we want to put upward lift on choice. We want to give States dramatic new tools that can drive a new era of improved health outcomes, especially for those most in need, and we want to put more affordable insurance in reach for Americans ObamaCare continues to leave behind.

If we sit on our hands, families will continue to suffer. If we let this opportunity to move beyond ObamaCare pass us by, what other options will there be? One idea from the Democratic leader is simply to throw money at insurance companies—no reforms, no changes, just a multibillion-dollar bandaid.

Another idea from many other Democrats is to quadruple down on ObamaCare with a government-run single-payer system. It is called single payer because there is just one payer—one payer: the government. Nearly every healthcare decision would be decided by a Federal bureaucrat. Taxes could go up astronomically. The total cost could add up to $32 trillion, according to an estimate of a leading proposal.

Now, Americans deserve better than a massive expansion of a failed idea. Americans deserve better than a band-aid. Americans deserve better than ObamaCare. What they really deserve is better care, and we continue to work together to provide it. We are having productive discussions about the future of healthcare, just like we should be doing, and soon it will be time to move those discussions right out here to the Senate floor.

Once we proceed to the bill, Members—Republicans and Democrats alike—will have the opportunity to engage in robust debate and a robust amendment process right here on the Senate floor. I am sure Members will...
have other good ideas then, and I hope they will offer them. They will certainly have the opportunity to offer them, but if the Senate is prevented from even proceeding to the bill, none of us will have an opportunity—not Republicans, not Democrats, not any of us.

I do not believe that our Democratic colleagues made clear from the outset that they were not interested in working seriously with us to pursue the kind of comprehensive reforms needed to truly move beyond the pain of ObamaCare, but they will have a new opportunity soon. Once we get on the bill, they will have another chance to offer their solutions. I hope they will offer more than just a bandaid. I hope they will offer more than just a $32 trillion reup of a failed idea.

Whatever they would like to propose, I hope they will take the chance to open debate and advance the legislative process—for every Senator, for every American.

Let me say about American people to suffer under the ObamaCare status quo, I think, is unacceptable. We have seen the pain in our home States. We have seen the heartbreak all across our country. The American people are relying on us to bring them real relief. So we will keep working hard to deliver just that.

NOMINATIONS
Mr. MCCONNELL. Madam President, on another matter, yesterday I shared some data reflecting the historic level of obstruction Senate Democrats have displayed when it comes to confirming our President’s nominees. I noted that the opposition they have shown to these nominees most of the time seems to have little to do with the nominees themselves, nor whether or not Democrats even support them. In many cases, our Democratic colleagues actually support the nominees.

Take the nominee before us today for a U.S. district court judge in Idaho. He was reported out of committee on a voice vote. Every single Democrat then voted for cloture on his nomination. Yet Democrats still chose to throw up procedural hurdles to a nominee for whom they have no objection.

In fact, Senate Democrats have continuously forced procedural hurdles more than 30 times, compared to only 8 cloture petitions required on nominees at this point in President Obama’s administration.

They are obviously bound and determined to impede the President from making appointments, and they are willing to go to increasingly absurd lengths to further that goal—like requiring 30 hours of debate time on a noncontroversial nominee after having just voted unanimously that debate on the nomination was unnecessary.

If our Democratic colleagues keep up this current rate of obstruction, only allowing about one confirmation every 3½ days, it will take the Senate almost 11½ years to confirm the remaining Presidential appointments that must come before us.

I will say that again. At this rate, it would take us nearly 11½ years to confirm the remaining Presidential appointments. That is why I say to my friends and to the American people, this near total obstruction simply cannot continue.

As the Democratic leader once said himself, “Who in America doesn’t think a president, Democrat or Republican, deserves his or her picks for who he or she deems ‘the people want’? Nobody.” That is a direct quote from the Democratic leader.

He went on. He said: “The American people deserve a functioning government, not gridlock.”

So I would again ask my friend the Democratic leader and his party to consider the consequences of their actions and chart a different path. That is the best outcome for the country and for the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER
The PRESIDING OFFICER. The Democratic leader is recognized.

HEALTHCARE LEGISLATION
Mr. SCHUMER. Madam President, yesterday my friend the majority leader announced he would be extending this work period by 2 weeks so the Republicans can have more time to finish their healthcare bill. With all due respect, time is not the issue. Two more weeks will not help Republicans fix this bill. Remember, the Republican leadership told everyone they would vote on the bill before July 4. Two weeks have gone by, and they don’t seem any closer to having a bill that would actually improve healthcare in America. They seem even further away.

When you have a rotten product, time is not on your side. The longer you wait, the more people know about it, the fewer people like it, the less popular it becomes, and the harder it is to pass it. I don’t even have to tell my good friend the leader that. He knows it.

I know why our colleagues are not so unhappy about what the leader said. We know our Republican colleagues don’t want to go home. They don’t want to face the wrath of their constituents. If I were a Republican, I wouldn’t want to go home either. I wouldn’t want to face my constituents and try to defend this deeply unpopular and damaging bill.

Now, the most significant change proposed to their legislation over the course of 2 weeks is an amendment by the junior Senator from Texas that would actually make the bill worse. By allowing insurers to sell cutrate plans that cover very few services, the Cruz amendment creates a very dangerous bait and switch. The bait is that the premiums would come down for a bit for some because insurance will not have to cover very much, and the switch is that deductibles and copays go way up to make up even more than the difference. Under the Cruz amendment, you could be paying a monthly premium for a healthcare insurance plan so threadbare, with a deductible so high that you will not get any benefit. For many, a Cruz policy could be worse than none at all. The Cruz policy leads to junk insurance, something nobody really wants, except maybe a few insurance companies.

Ironically, the Cruz amendment would cause exactly the kind of death spiral my Republican friends keep talking about. A group of advocates, including the AARP, the Cancer Action Network, and the American Heart Association—these are hardly political groups; these are patient advocates—said that if the Cruz amendment passed, “younger, healthier individuals would be allowed to purchase non-ACA compliant plans that have lower premiums but fewer benefits.”

Without the younger, healthier people in the risk pool, the premium- or cost-based rate for ACA-compliant plans would rise quickly and significantly. This same kind of risk pool segmentation occurred prior to the enactment of the ACA when 35 states operated high-risk pools . . . . In that experience, most of those states . . . were forced to limit enrollment, reduce benefits, create waiting lists, and raise premiums and out-of-pocket costs to the point of unaffordability. Millions of patients lacked access to care and treatment.

That is not CHUCK SCHUMER, the minority leader, talking. That is the conservative American Action Forum said the Cruz plan that it would “limit enrollment, reduce benefits, create waiting lists, and raise premiums and out-of-pocket costs to the point of unaffordability.”

Because the Cruz plan is very similar to what we had before the ACA. Even the conservative American Action Forum said the Cruz amendment is “the definition of a death spiral.” Higher costs, less care, waiting lists, death spirals, and above all, the Cruz plan in a nutshell. How many are going to vote for that?

That is the most significant change Republicans came up with after an extra 2 weeks on the bill. Imagine, if they have another 2 weeks, what they will come up with.

My friends on the other side of the aisle should have no illusions. They can’t distract our attention from this bill by phony complaints over nominations, or any other time. It is not going to solve their problem on healthcare. It is much deeper than that. The problem is the substance of
servive high-speed internet for a favored few corporations, either, and that was the basis of the FCC’s decision to preserve net neutrality back in 2015.

Now, of course, conservative and industry interests see an opportunity to roll back what they favor the big and free access to a fair and open internet in order to favor powerful corporations. That seems to be what they want.

President Trump’s appointee to the FCC, Chairman Ajit Pai, has already taken several actions to undercut fair internet access. In his first 2 weeks on the job, Chairman Pai stopped nine companies from providing discounted high-speed internet to low-income individuals, and he jammed through nearly a dozen industry-backed actions, including some to begin curtailing net neutrality.

Once again, this administration favors the big, wealthy, special corporate interests of the American people instead of the small businesses—exactly the opposite of what President Trump promised in his campaign.

The Open Internet Order is working well, and it should remain undisturbed. If President Trump and Chairman Pai proceed down the path of dismantling net neutrality, they can expect a wall of resistance from senators, Democrats, and Americans. The American people should realize that is what the Trump administration is doing and again. They talk like they are for working people, but when it comes to actions like this one on net neutrality, they favor the big special interests that, Mr. and Mrs. American Consumer, are going to make sure that in many instances you pay more. It is another example of the Trump administration sticking up for big corporations and special interests to the detriment of the people and small businesses—exactly the opposite of what President Trump promised in his campaign.

When my Republican colleagues start listening to the American people? Start over. Abandon Medicaid, abandon tax breaks for the wealthy, and abandon this one-party approach.

Democrats want to work with our Republican colleagues to actually improve our healthcare system, and it turns out, that is what the American people want as well.

The Kaiser Family Foundation found that 71 percent of Americans favor a bipartisan effort to improve our healthcare system, as opposed to the Republican’s partisan effort. That is, again, that 71 percent favor a bipartisan effort—72 percent of Independents and even 46 percent of Trump supporters.

When will my Republican colleagues start listening to the American people? Start over, drop this partisan process and this devastating bill, and work with us. We are willing to stay 2 weeks, 2 months, or 2 years to get a good healthcare bill for the American people, but we should be included in the process.

NET NEUTRALITY

Mr. SCHUMER. Madam President, today is the net neutrality day of action. So I wanted to add a few words to this issue.

We depend on a free and open internet to spur innovation and job creation, and our economy works best when innovators, entrepreneurs, and businesses of all sizes can compete on an equal playing field. Net neutrality, very simply, says that everyone—consumers, small businesses, startups—deserve access to and quality of internet as big corporations.

When I was growing up in Brooklyn, my father owned a small exterminating business. If his competitor down the street had received preferred electricity service, he would have been rightly outraged, and the law would have protected him from that unfair treatment. We don’t reserve certain highways for a single trucking company, and we don’t limit phone service to hand-picked stores. We shouldn’t reserve high-speed internet for a favored few corporations, either, and that was the basis of the FCC’s decision to preserve net neutrality back in 2015.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. The Senate will proceed to executive session to resume consideration of the Nye nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of David C. Nye, of Idaho, to be United States District Judge for the District of Idaho.

The PRESIDING OFFICER. All postcloture time is expired.

The question is, Will the Senate advise and consent to the Nye nomination?

Mr. SCHUMER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—100

Alexander
Belziger
Barrasso
Bennet
Binns
Booher
Boman
Brown
Burr
Capito
Cardin
Carroll
Casey
Cassidy
Caucasian
Collins
Coomes
Corcoran
Corzine
Cortez Masto
Cox
Crano
Crandle
Donnelly
Duckworth
Durbin
Enzi
Enzi
Feinstein
Feinstein
Feinstein
Fischer
Flake
Franken
Gardner
Gillibrand
Graham
Grassley
Harris
Hassan
Hatch
Heinrich
Hettinger
Heitkamp
Heller
Hirono
Hoeven
Inhofe
Isakson
Johnson
Kain
Kennedy
King
Klobuchar
Lankford
Leahy
Lee
Manchin
McCain
McConnell
McCaskill
McConnell
Menendez
Merkel
Merkel
Murray
Murray
Nelson
Paul
Perdue
Peters
Portman
Reed
Risch
Roberts
Rounde
Rubio
Sanders
Sasse
Schacht
Schumer
Scot
Shabbe
Shelby
Stabenow
Strange
Sullivan
Tester
Thune
Tillis
Toomey
Udall
Van Hollen
Warner
Warner
Whitehouse
Wicker
Wyden
Young

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent that with respect to the Nye nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

The undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby
move to bring to a close debate on the nomination of William Francis Hagerty IV, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.


The PRESIDING OFFICER (Mr. Tillis). By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of William Francis Hagerty IV, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

The yeas and nays resulted—yeas 89, nays 11, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—89

Alexander, Pleimagen ... Young

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 11.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of William Francis Hagerty IV, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

The PRESIDING OFFICER. The Senator from Wyoming.

HEALTHCARE LEGISLATION

Mr. BARRASSO. Mr. President, I come to the floor today to talk about what I saw happen over the Fourth of July in Wyoming while visiting with people, visiting with patients, doctors, and nurses. What I am seeing is that the pain of ObamaCare continues to worsen. The healthcare crisis we are seeing across this country continues to worsen. The choices are disappearing and the American people are desperate for Congress to step in and do something to help rescue them from the rising costs and collapsing choices of the Obama healthcare system.

It is interesting when the Democrats passed ObamaCare, the Democratic leader at the time, Harry Reid, said that we would all get an “earful of wonderment and happiness.” Those were his words about how great the law was. Well, every weekend at home in Wyoming and I am sure in the Presiding Officer’s State of North Carolina, we get an earful, too, and it is not about wonderment and happiness over ObamaCare. What we are hearing is that one choice in Wyoming. We used to have two. Both lost money in spite of very high premiums. What we saw is that one ended up going out of business, and the one we have in business—the only one we have—is still losing money.

We are fortunate because we have at least one provider providing coverage. There are now 40 counties across America where no one will be selling ObamaCare insurance next year—no one, not a single company will be selling ObamaCare insurance.

In Nevada, where prior Senator Harry Reid is from, only three counties are going to have anyone selling on the ObamaCare exchanges. Only three of the counties in the entire State, the State that Harry Reid represented in the Senate for many years. People living everywhere else in his home State will have to pick one choice, maybe more, but in terms of these counties, no one is selling ObamaCare insurance at all. The State health insurance exchange put out a statement in his home State that said that the people living in the rest of the State face what they described as a healthcare crisis.

Democrats predicted wonderment and happiness about ObamaCare, but there is a healthcare crisis all across the country. People in that State are going to have no access to the insurance plans the Democrats promised them under ObamaCare. A lot of Americans are not much better off or in better shape right now.

There was a headline in the Independence Day edition of USA TODAY that said “1,370-plus counties have only one ACA insurer.” That article was about a study that was done by the Robert Wood Johnson Foundation. They found that people living in 1,300 counties have no choice when it comes to the ObamaCare plan; there is just one company offering the mandated coverage. Washington says you have to buy it; not many people want to sell it. Washington doesn’t seem to care.

Democrats don’t seem to care about the fact that what they promised was a marketplace and what we have ended up with is a monopoly. Remember when Democrats promised there would be more competition? Essentially there is none. When there is none, we end up with less competition generally with higher prices, which is what people across the country are seeing. Prices have essentially doubled in ObamaCare marketplaces over the last 4 years. That is why a lot of people are finding out that while they may still have access to coverage, it is so expensive, they can’t afford to buy it because they are down to one choice.

Health insurance companies keep releasing information about how much they expect rates to go next year, which continues to be a problem. I have seen the headlines. “Another ObamaCare Rate Shock.”

Look at what is happening in Tennessee. Earlier this year, Aetna and Humana both said they were dropping out of ObamaCare exchanges completely. Cigna is one of the last big companies that are still willing to sell these plans. Well, they say they are going to have to raise premiums by 42 percent next year.

Look at what is happening in Georgia, just across the border from Tennessee. Blue Cross Blue Shield is asking for an average rate hike of 41 percent in Georgia. The Atlanta Journal-Constitution had an article about it just last week. They said Blue Cross might charge as much as 75 percent more for one plan next year. That is ObamaCare.

Remember President Obama saying that if you like your plan, you can keep your plan? Those plans are gone.

Remember President Obama saying that rates would drop by $2,500 a year for people? That is not what we saw. What we are seeing is what is continuing today.

The Atlanta Journal-Constitution is saying that Blue Cross Blue Shield may charge as much as 75 percent more next year. They quoted one man as saying: “That’s a breath taker.” Another woman quoted in the article responded to these price increases by saying simply “Yikes!” That is what people are facing all across the country.

I remember President Obama, leaving office, forcefully defending it and being proud. There is very little to be proud of here.

People all across America are having the exact same reaction as they see how much their own insurance companies and brokers are raising their rates all across the country. That is not the wonderment and happiness the Democrats said we would be hearing about when this was passed. The high prices are a big
reason so many people are dropping their insurance coverage. They can't afford it. The people most likely to drop out, we find out, are, of course, the young people.

Gallup came out with the results of a recent survey on Monday, just 2 days ago, with big headlines all across the country. What they found is that 2 million fewer Americans, under ObamaCare, have insurance today than they did last year, just 6 months ago. There have been 2 million fewer over the last 6 months.

So, in just 6 months, 2 million people have gone off insurance. Most of them are young, and according to the survey by Gallup, they basically say they dropped it because it was just too expensive. They do not feel that they are getting value for their money. These 2 million people are not talking about the wondrous and happiness of ObamaCare. They are just leaving it behind.

Democrats said people would love ObamaCare. They said ObamaCare would bring down prices. It has not. They have increased insurance rates— and they did not get that one right either. None of this is happening. Now the Democrats are starting to say that having Washington-mandated health insurance is not enough. They say we need health insurance to run entirely by Washington. Apparently, they did not learn the lesson that said that the Washington-mandated insurance—having to buy a Washington product—would be good enough. Now they say that it is not good enough. They are saying that we need Washington in charge of all of it.

They call it single-payer healthcare, but let's talk about what it is. It is government-controlled healthcare—government-mandated, government-controlled, government-run, one-size-fits-all healthcare. It is a single payer, with the American taxpayers paying the bill.

We see what happened in California when its legislature passed a similar thing in the State senate. They asked: What is the cost? $400 billion. What is the budget of the entire State of California? $260 billion. So what they proposed in the State senate has passed in the State of California and costs twice what the entire budget is in the State of California. To give what the people of California have been promised by the State senate, they are going to have to get rid of people, and then you will get the rationing of care and the lines and the waiting time. It is what happens around the world with government-mandated, government-run insurance. We see that in Canada, and we see it in England.

I was practicing medicine prior to coming here to the Senate. I was an orthopedic surgeon in Wyoming. I knew we needed to do healthcare reform, but ObamaCare was the very wrong reform. Democrats were wrong then, and all of the talk about government-run healthcare is wrong today—wrong today for the people of this country.

Look, we understand that we need a better solution than ObamaCare. That is what I hear about every weekend in Wyoming. We need to put patients in charge, not the government. With the Democrats and the speeches they are giving and the bills that have been co-sponsored by a majority of the Democrats, they want to put the government solely in charge of healthcare in this country.

We need to have people at home making their own decisions, and not have Washington, DC, imposing its one-size-fits-all approach. We need to give people options, not mandates. People deserve choices. That is what the American people want. That is what Democrats promised years ago, but they never delivered. That is what Republicans are committed to giving the American people today—doing it now so that patients can get the healthcare they need from doctors whom they choose and at lower costs. It is our job to make those decisions, not Washington. That is where we are today as we continue to debate and discuss healthcare in this country at this time.

Just coming back from Wyoming, I visited with many doctors—many former patients, a number of doctors whom I had worked with over the years, and nurses. I was at several hospitals. I just heard, unilaterally, across the State of Wyoming that ObamaCare continues to be a burden. ObamaCare does not make decisions, not Washington. That is where we are today as we continue to debate and discuss healthcare in this country at this time.

President Trump wrote in his statement Thursday, unilaterally, across the State of Wyoming that ObamaCare continues to be a burden. ObamaCare does not make decisions, not Washington. That is where we are today as we continue to debate and discuss healthcare in this country at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I have had the good fortune of being in both the House and the Senate during the period of passage and implementation of the Affordable Care Act and now the debate over repeal, and I have heard consistently from my Republican colleagues two things. One is that they did not think the Affordable Care Act was the right approach to fixing the problems of America’s healthcare system. There were 60-some odd times that the House or the Senate voted to repeal all or parts of the Affordable Care Act. That I heard consistently over that period of time, dating from 2009, is that the Republicans were prepared to offer a replacement to the Affordable Care Act that would be better, that would be an improvement over the Affordable Care Act. Indeed, over the status of the American healthcare system when the Affordable Care Act was passed. The ground has shifted mightily since then.

The Congressional Budget Office tells us that, under the Republican plan either in the House or in the Senate, a humanitarian catastrophe will result in this country. Tens of millions of people would lose their healthcare. That is not what Republicans said their replacement would do. They said their replacement would be better than the Affordable Care Act.

The CBO says that rates will go up immediately by 20 percent on almost everybody. Then, after that, if you are young and healthy, rates will probably go down, but for everybody else, the amount of money you have to pay in premiums, copays, and deductibles will go up. There is nothing in the Republicans’ bill about cost—nothing that addresses the underlying issue, with an American healthcare system that, procedure by procedure, costs twice as much as in most other countries—and nothing about quality. There is not a single provision in the bill that encourages higher quality.

As we get ready for Republican repeal bill 3.0 or 4.0—whatever this next version will be that will be released secretly to Republicans tomorrow—I think it is just worth reminding everybody what Republicans said would happen. I will just use our President’s words. I understand that many of my Republican colleagues here do not ascribe to all of the beliefs and statements of our President, but he is the leader of the Republican Party. All of my colleagues did support him, and they stood with him in the House of Representatives, arm in arm, when they passed the Republican House’s repeal and replacement bill.

President Trump wrote this: I was the first and only potential GOP candidate to state there will be no cuts to Social Security, Medicare, and Medicaid. Huckabee copied me.

So no cuts to Medicaid was the promise. Yet the bill that the President has endorsed is trying to help Leader McCONNELL push through the Senate involves debilitating cuts to Medicaid—$700 billion to $800 billion worth of cuts to Medicaid—resulting in millions of people being taken off of that benefit. The cut to the State of Connecticut would be $3 billion. We are a tiny State. Our Medicaid Program is somewhere in the neighborhood of $3 billion. We would lose $3 billion of that. The promise was that we would not cut Medicaid. This bill cuts Medicaid.

President Trump wrote: If our healthcare plan is approved, you will see real healthcare, and premiums will start tumbling down. ObamaCare is in a death spiral.

There is always one long sentence and then one very short sentence. Here are the two claims: “Premiums will start tumbling down.” That has been the promise, and that has been a consistent promise—that costs will go down if the Affordable Care Act is repealed and replaced with a Republican plan. The CBO debunks this from beginning to end. It says that premiums will go up. They will start tumbling upwards immediately at rates of 20 percent. Then, after that, if you have any history of preexisting conditions, your premiums will continue to go up. The danger, of course, is in thinking

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that the only thing that you pay in the healthcare system is premiums. I could pretty easily construct a healthcare reform proposal in which your premium would go dramatically down. How would I do that? I would just shift all of the payments onto deductibles, onto copays, and give you the freedom with regard to the actuarial benefit of the plan. It is easy to get premiums to go down if you do not care about what you are actually covering and the size of your deductibles and the size of your copays.

Then, “ObamaCare is in a death spiral!” The CBO debunks that as well. The CBO says that, if you leave the Affordable Care Act in place over the course of the next 10 years, 2 or 3 million people will lose healthcare insurance. If you pass the Republicans’ healthcare bill, that is where the death spiral occurs. There are 23 million people who will lose insurance if you pass the Republicans’ bill, but 2 to 3 million people will lose insurance if you do not pass it.

Again, President Trump writes:

Healthcare plan is on its way. Will have much lower premiums and deductibles—

Here, he is making a commitment on deductibles. Once again, the Congressional Budget Office says that premiums will go up and deductibles will go up, especially for individuals who are older or individuals with preexisting conditions—

while at the same time taking care of preexisting conditions.

This bill does not take care of people with preexisting conditions. Why? Because it allows for any State to allow insurance companies to get out from the minimum benefits requirement. If you have cancer, technically, the Senate Republicans’ bill says that you cannot be charged more, but you may not be able to find a plan that covers cancer treatments. So that is not protecting people with preexisting conditions.

The CBO says this specifically. It says that, especially for people with preexisting mental illness and preexisting addiction, they will be priced out of the marketplace because they will not find plans that cover their illnesses. You cannot just protect people with preexisting conditions by saying that insurance plans have to cover them. You actually have to require insurance plans to offer the medical benefits they need.

Once again:

Our healthcare plan will lower premiums and deductibles—and be great healthcare!

Insurance companies are fleeing ObamaCare—it is dead!

I have already covered the part about premiums and deductibles, but let’s remember that insurance companies were not fleeing ObamaCare until President Trump was sworn into office. The period of open enrollment covered a period prior to his inauguration and a period after. During President Trump’s inauguration, open enrollment was on pace to enroll a record number of Americans in exchange plans and Medicaid plans—record enrollment. Enrollment fell off a cliff after President Trump was sworn into office and signed an Executive order that told all of his agencies to unwind the Affordable Care Act.

People listening to President Trump, who thought that he was going to kill the Affordable Care Act, and they stopped signing up for those plans.

It got worse when he refused to pay insurance companies. Right now, the President will not commit to paying insurance companies more than 30 days ahead of time. He stopped enforcing the individual mandate, and it is no surprise that insurance companies are saying they do not want to participate in these exchanges because the President is trying to kill them. He has made it very clear from day one.

I have had the benefit of being on the floor a number of times with Senator Barrasso, who often came down to the floor floor to make remarks, during the period of the implementation of the Affordable Care Act. I heard him talk about the fact that there will be freedom for Americans to have or not to have insurance if this piece of legislation passes. It is a wonderful idea that people will be free to not be able to afford insurance. The reality is that, yes, some individuals buy insurance today because they are compelled to by the individual mandate, but there is a reason for that. If you do not compel people to be healthy, then you cannot protect people who are sick.

I sat where the Presiding Officer is during Senator Cruz’s 24-hour filibuster. In the middle of that filibuster, he said exactly that. Senator Cruz, in the middle of the his filibuster, said that we all understand that you have to have the individual mandate in order to prohibit companies from charging higher premiums for people who do not recognize that their colleagues know that because they kept the individual mandate in their bill.

So this nonsense about no one’s being required to buy insurance is belied by the text of the legislation we are considering. There is a mandate in this bill. There is a penalty in this bill. It is just a far meaner and crueler penalty than was included in the Affordable Care Act.

What do I mean by that?

So the Affordable Care Act doesn’t mandate that you buy insurance in the sense that if you don’t buy it, you will be locked up in jail; it says that if you don’t buy insurance, you will pay a penalty on your income tax. If you don’t buy insurance, there will be a penalty.

That is exactly what the Republican Senate bill says. It says that if you don’t buy insurance, you will incur a penalty. In their bill, the penalty is exactly what it used to be buying insurance for 6 months. If you are sick, or even, frankly, if you are healthy and you need to go see a doctor for some thing, you will have to pay for that out of your pocket for those 6 months. If you are sick, and you have a serious condition and you are legally refused healthcare because of this legislation, the consequences could be dire, but whatever the scope of the consequence, it is absurd to say there was a penalty in the bill that the Democrats supported and passed in 2009 and 2010.

So it is just not true to say that now Americans have the freedom not to have the healthcare. You don’t because you are going to be penalized if you let your health insurance lapse. If you don’t make payments for a couple months, you are locked out of the insurance market. That is just a different kind of penalty than the one that is in our bill.

The truth is that while I admit there are some people who buy insurance today because they fear that penalty, it is necessary, as Republicans realize, to order to make the markets don’t spiral out of control, because if you say that you can’t charge people with preexisting conditions more and you don’t require healthy people to buy insurance, then why would any healthy people buy insurance, just so you don’t wait until they are sick because they know that once they are sick and need very expensive care, they can’t be charged any more for it.

The nature of insurance is that people who have the fortune to be healthy or to be free of an accident or natural disaster subsidize individuals who are not so fortunate—who are sick, who do have an accident occur to their home or who are subject to a natural disaster. That is how insurance works.

Republicans realize that because they put a penalty in their bill, but for as many people who buy insurance because they are forced to, most people buy insurance because they want it because they recognize that they have to have insurance in the case that they or a loved one gets sick, and that is whom we are talking about here. Of the 23 million who lose insurance, according to CBO, under the Republican bill, millions and millions of those are those people who want insurance but will not be able to get it because they are priced out by the Republican bill. I can see there will be some people who will make that choice, but there will be millions more who had insurance today who will not be able to get it moving forward.

As Republicans finish up this latest round of secret negotiations, I just want to make sure we are on the same page about what this bill does. It mandates that you buy insurance, just in a different way. It has a penalty just like the Affordable Care Act has a penalty.

I want to make sure we remember what Republicans stated as their goals for this replacement. The goals were that the system would be better, but by every single metric, this proposal will result in worse healthcare for people. Less people will have insurance. Rates
will go up for everyone except for young, healthy people. Costs will con-continue to spiral out of control, and no additional measures will be taken to make quality better. Every single prob-lem that Republicans address in the ex-isting healthcare system, they promise new ways to de-crease the cost of healthcare, and additional measures will be taken to deal with the actual cost of the ser-vice, of the procedure, of the visit, of the surgery. I am deeply worried that this next version of the Republican replace bill will result in premiums going up by 15 percent and only 17 mil-lion Americans losing healthcare and it will be declared a victory, but that is not what Republicans promised. They promised members of Congress to replace the Affordable Care Act and replace it with something that is better, not something that is less bad than the original version of the re-placemat plan they introduced.

I think the reason that to many peo-ple it appears this bill is failing apart is because when my colleagues went home this weekend, they heard an ear-nful from their constituents—from real folks who will be affected by this piece of legislation.

Alison is 28 years old. She is from Milford, CT. She was in my office this week. She came to DC this week, she and her boyfriend, I think—I don’t want to ascribe an engagement to them that is not true; I think her boyfriend. They were here this week. They were supposed to be on vacation this week, and they decided to spend some of their vacation coming to Wash-ington so Alison could tell her story to Members of Congress.

When she was 9 years old, she was diag-nosed with a rare liver disease. At the time, she and her family were told that they would need to find a liver transplant in roughly 10 years or she wouldn’t survive. At the end of her sophomore year at Sacred Heart University in Con-necticut, she was starting to have symp-toms of a condition that results from a build up of ammonia in her brain. She was having a hard time con-centrating, abdominal pain, nose bleed, vomiting, and joint pain. Her doctor said it was time for her to get that transplant, that she was at that critical moment when she need-ed it.

Unfortunately, none of her family or 8 other candidates—friends, I think, of the family—were a match. So in des-peration, her parents wrote an email and just sent it out to people who lived in Trumbull and in the Sacred Heart University community. From that email, an anonymous young man stepped forward. He was tested and de-termined to be a match. The surgery was a success. When she walked on stage to receive her diploma from Sa-cred Heart University, she was joined by that anonymous donor, and her fel-low graduates gave her a standing ova-tion.

Now, her family was lucky because she had insurance through her father. She is, because of the Affordable Care Act, allowed to do that, at the time being under 26 years old. Her insurance paid for virtually everything that was necessary, but, she says, had my dad not had the healthcare benefits he did, I know my family would not be in the place we are today because my parents would have lost everything they worked so hard for. There was no way we could have afforded to pay for all of those burdens.

Today she worries that if this bill is passed, she, as a young woman with a preexisting condition, will be destined to a life of discrimination because she may not be able to find a plan that cov-ers her condition because of the with-drawal of protection with respect to the minimum benefits requirements. Even in Connecticut, she is vulnerable to that withdrawal of protection, not because Connecticut is likely to allow insurance plans to offer coverage that doesn’t include the minimum benefits but because if you work for a big com-pany, and even if you are housed in Connecticut, if that company anchors their plan in a State that does strip away the insurance protections, then you lose the protections even as a resi-dent of Connecticut.

Alison is now a nurse in the neonatal intensive care unit at Yale University Children’s Hospital. She is contrib-uting in a big way to our State and to the country. Her work is liv-ing in fear of this legislation being passed. So she took some of her vaca-tion to come to Washington to share her story with us.

I am with Senator COLLINS. I think the Republicans should scrap this gar-bage piece of legislation. I hope they understand our offer is sincere—it is not political—that Democrats do want to sit down with Republicans and try to provide some reasonable fix to what still needs to be fixed. I will end with this thought: It doesn’t have to be like this. Healthcare does not have to be a political football that is just tossed from one side to the other every 10 years. That is what has happened here for my entire po-itical lifetime. I was elected to Con-gress in 2006, in part because of the tempest of popular frustration with the way in which Republicans passed the 2003 Medicare Modernization Act, which included the new prescription drug benefit that Democrats saw—and sold—as a giveaway to the drug and in-urance industries. Democrats used healthcare as a political cudgel to bludgeon Republicans after the 2003 Medicare Modernization Act. Its imple-mentation was very rocky, just as the implementation of the Affordable Care Act was. The Democrats used it against Republicans.

It was the Republicans’ turn to bludgeon Democrats. Democrats lost a lot of seats in 2010, in part because Republicans used the passage of the Af-fordable Care Act to politically harm Democrats. Now, once again, it is the Democrats’ turn to politically bludgeon Republicans.

Whether this bill passes or not, the fact that Republicans have walked out on a plank with a partisan piece of leg-islation that takes insurance from 23 million people across the country and, as every poll shows, is widely unpopu-lar will be a political liability for Re-publicans.

What if we decided to stop tossing healthcare back and forth? What if we decided to jointly own our health-care system? What if we sat down and gave a little bit, from our side to yours, from your side to ours? What if I said that I understood you cared about flexibility in these mar-ketplaces, that I understood your de-sire for more flexibility for Members and State legislatures under Medicaid? What if you said you understood our interest in providing long-term sta-bility in these marketplaces, that you understood our desire to try to get at the actual cost of care and the cost of devices and prescription drugs that are sold? What if we sat down and fixed the things that aren’t working, kept the things that are working, and held hands together and said that we are going to jointly own the American healthcare system?

It would leave plenty of things to fight over. There would still be no shortage of disagreements that we could run elections on. Whether it be immigration or taxes or minimum wage, there will still be lots of things we could disagree on, but for as long as I have been in politics, this issue has just been thrown back and forth, to hurt Democrats, to hurt Republicans. In the process, we have injected so much uncertainty into the healthcare system and into the economy at large, that we make it impossible for private sector reform to take hold.

Hospitals and healthcare providers have been doing innovative things since the Affordable Care Act went into effect because they got a sig-nal from the Federal Government that we wanted them to start building big coordinated systems of care, that we were going to reward outcomes rather than volume. So they started making all of these big changes, and then, about a year ago, they stopped because Republicans said they were going to blow up that model and pass something new. We frustrated innovation because a government that legislated that policy is just going to ping-pong back and forth between left and right. We hurt ourselves politically, we frustrate the
private sector innovation, and get no benefit to us on the economy.

My offer, and I think the offer from most of my colleagues, is sincere. If my Republican friends do choose to throw away this piece of legislation because it doesn’t comport with the goals that Republicans said they had in the heart of their effort to repeal this bill, there is an important bipartisan conversation about keeping what is working in our healthcare system and admitting together that there are big things aren’t working and fixing them together.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COR-TENER). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, the most important three words in our Constitution are the first three words: “We the People.”

Our Founders chose to write those words in supersized font so that we could, from some distance away, know exactly what the mission statement was. Their goal wasn’t to write a structure of government that would repeat in the governments of, by, and for the powerful in Europe but to pursue differently a vision in which the will of the people would be enacted; that government would work not just for the benefit of the citizens at large but also empowered by the citizens at large. This is a vision we have been very concerned about as we see the influence of the concentration of money in American politics.

Indeed, we have five members of the Supreme Court who don’t understand the basic, fundamental nature of the first three words of our Constitution. They adopted a court case, Citizens United, which was the opposite of the vision of our Constitution. That vision was articulated by Thomas Jefferson, who said that the will of the people will be enacted only if each and every citizen has an equal voice. But Citizens United gives a dramatic, stadium-sized megaphone to the individuals who are the most powerful in the country, at odds with that fundamental vision that Lincoln so well summarized as government of, by, and for the people.

We have certainly seen the case of government by and for the powerful in the context of the recent TrumpCare bill—the Senate version thereof—crafted in secret by 13 of my colleagues from across the aisle, hiding from the press, hiding from the healthcare stakeholders and experts, hiding from their constituents. In fact, during this last break, of the 52 Members of the Republican caucus, apparently—reportedly—only a couple had townhalls because they were terrified of what their citizens would say about the bill they have been crafting in secret—the secret 13.

This bill is also known as the zero, zero, zero bill—zero committee meetings, zero amendments considered—a committee of zero months of opportunity for Senators to go back and consult with their citizens back in their home States.

Then what do we find as a result of this secret sauce of government by and for the powerful? A bill to rip healthcare from 22 million Americans in order to deliver hundreds of billions of dollars to the richest Americans. In fact, if you want to summarize it, you can say that this bill gives $35 billion—not $33 billion, not $23 billion but $35 billion—to the richest 400 Americans while ripping healthcare away from 700,000. That is the number who could be funded by that same $33 billion. That would cover all of the Medicaid recipients in Oklahoma and Arkansas and West Virginia and Nevada. This has incredibly grave consequences for the peace of mind and the quality of life for these millions of Americans. It rips $772 billion out of Medicaid.

We know the Medicaid expansion in Oregon has enabled 400,000 people to acquire healthcare in my home State—400,000. If they were holding hands, they would stretch from the Pacific Ocean to the State of Idaho, across the entire east-west breadth of my State.

Think about how much of an impact this has on rural Americans. One out of three Oregonians in rural Oregon are on the Oregon Health Plan, Oregon’s Medicaid Program. It has a big impact on our seniors—our seniors in long-term care.

Oregon is a leader in helping families, helping individuals stay in their homes as their healthcare deteriorates. But when they can no longer stay in their homes because of the extensive nature of their care, many then are, through Medicaid, able to go and get care—long-term care—in a nursing home. That long-term care, paid for by Medicaid, able to go and get care for the price of their nursing home. That would cover all of the Medicaid recipients in Oklahoma and Arkansas and West Virginia and Nevada. This has incredibly grave consequences for the peace of mind and the quality of life for these millions of Americans. It rips $772 billion out of Medicaid.

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I was in Klamath Falls at a nursing home. I was citing the national statistic, 60 percent, and the head of the nursing home said: Senator, here, it is virtually 100 percent.

I looked at those residents down that hallway who needed intensive nursing care, and one woman asked why I was there. Her name was Deborah. When I explained it, she said: I am paid for by Medicaid. If Medicaid goes away, I am out on the street. That is a problem because I can’t walk.

It is not just a problem for Deborah. It is a problem for all of our residents in long-term care who need extensive care and is a real challenge. It is a real challenge. It is a real problem for our mothers. One out of three women in maternity care are paid for by Medicaid. Don’t we want our children to get a good, strong start in life? Don’t we want maternity care from the moment a woman knows she is expecting a child? Don’t we want that? Then why do so many of my colleagues support a bill to tear that care away from our expectant mothers?

It is a problem for our older Americans, our older Americans whose rates would go way up. For example, a man who is 60 years old, earning $20,000 a year, who currently pays about $80 a month for healthcare, any affordable policy. Under the Republican TrumpCare bill, that would go to $570 a month.

I challenge my colleagues, find me someone earning $20,000 a year who can pay $570 a month for healthcare. Find that individual and defend your plan on the floor of the Senate as to why that isn’t equivalent to just taking healthcare away from that individual.

Then, of course, we have the issue of preexisting conditions. People sometimes have an injury in high school football or maybe it is in softball or gymnastics or in wrestling that they can carry with them their entire lives. Maybe it is something that develops further on in life. Maybe it is asthma, diabetes, or an episode of cancer. Now they have a preexisting condition. Under our old healthcare system, prior to 2009, 2010, they couldn’t acquire insurance unless they were fortunate enough to get it through that job, which millions of Americans do not get it through their workplace. They were out in the cold, out on the ice.

Now we have this Republican TrumpCare bill. They want to throw those citizens back on the ice who have preexisting conditions, not their friends who are wealthy enough to buy healthcare on the stock of corporations who get big benefit packages—not them, no, just the struggling working Americans.

Don’t we care about struggling working Americans? Aren’t we a “we the people” nation, not a “we the privileged” nation? I encourage my colleagues to read up on the first three words of our Constitution and what it means.

Then we have the plan my colleague from Texas has presented. It is referred to as the Cruz amendment. The Cruz amendment—the Cruz amendment for fake insurance. It works like this. It says, if an insurance company provides one policy with extensive benefits—that is, benefits essential to ordinary healthcare like maternity care and the ability to go to a hospital, the ability to get a broken bone repaired, the ability to get affordable drugs, just the basics of healthcare—they have one policy with these essential benefits. They can offer policies that cover virtually nothing. These are known as fake insurance.

We have a President who likes to talk about fake news virtually every day. Why do we have a President who
hates fake news but loves fake insurance? Why do I have 52 colleagues here who apparently love fake insurance?

Here is what it does. It means the young and the healthy get those policies because they cost very little, and they don't get hurt and they are not going to get sick. That means that those who are older and those who have pre-existing conditions have to go for the policy that has those essential benefits, but now because only the older individuals are getting that policy, it is way beyond reach.

Earlier I described how a 60-year-old at $20,000 has a policy that increases seven times, from $80 a month to $570 a month. The Cruz amendment would make that much worse. It makes fake insurance for the young or the wealthy and unaffordable policies for those who are older and have preexisting conditions.

Our President said the House bill is mean, but the Senate bill is meaner. The House bill would knock 14 million people out of healthcare within a single year. The Senate bill, that is 15 million people.

The American Medical Association has long operated under the precept of, first, do no harm. Wouldn't that be a good principle for legislation on healthcare? Is it any wonder that the USA TODAY poll says only one out of eight Americans likes this Republican TrumpCare bill. We can turn to the PBS NewsHour poll, 17 percent. That is quite a small number of Americans who understand that ripping healthcare from 22 million people in order to give hundreds of billions of dollars to the richest Americans is one of the largest takings this country has ever seen proposed and one that so deeply and profoundly damages the quality of life for these Americans.

Our colleagues—Republican and Democratic—over time have understood this. President Eisenhower said:

"Because the strength of our nation is in its people, their good health is a proper national concern; healthy Americans live more rewarding, more productive and happier lives."

He continued:

"Fortunately, the nation continues its advance in bettering the health of all its people."

Today, on the floor of the Senate, we have a different philosophy, not the Eisenhower strategy of advancing the bettering of the health of all of our people but in fact the Trump policy echoed by so many of my colleagues that is about destroying the healthcare for millions of people, taking us back in time to a place where people of mind was missing for millions of Americans because they couldn't either afford healthcare or because their policies didn't cover anything. Other Presidents over time have weighed in with very similar sentiments to that which President Eisenhower put forward.

Let's hear it from the citizens back home. Kathryn, from Springfield, has battled cancer three times over the last 12 years. Kathryn says that during her last two bouts with cancer, in 2010 and 2011, she was “blessed enough to have qualified for the Oregon Health Plan” and that without it she would not be here today.

Indeed, healthcare coverage has been a blessing to so many. Let's not rip those blessings away.

Let's go to Beth in Bend and her 34-year-old son who is living with a rare genetical disorder made worse because of the Oregon Health Plan to survive. In 2012, doctors found tumors along his spine and areas of concern in his brain and his lungs. They are benign now but could turn into cancer at any time. Beth's son's life depends on regular, expensive MRIs to monitor him. He is only able to afford those MRIs because of the Oregon health plan.

As Beth says, "If the ACA is repealed and replaced with TrumpCare, my son will most likely lose his current health insurance. His success at affordable insurance is a potential death sentence for my son."

Medical professionals like Caitlin, a nurse in Portland, tell us how significant this is, and why it matters.

"With the passage of ObamaCare, I saw people were finally able to come and be seen by our medical teams. Often their disease processes were so advanced that we would have to take very extreme measures to try to halt or reverse these disease processes. But as time has passed, we're able to catch things sooner and people can actually go to primary care settings until it's a matter of life or death and having to be seen in the Emergency Department."

I am struck by Liz from Enterprise, who works at a clinic and told me that the clinic has expanded in this very small, remote town in Northeast Oregon from 20-something employees to 50-something employees. It has doubled in size, which means an incredible improvement in healthcare. She went on to say that she had been able to take on mental health as well, which they never were able to do before. Why could they afford to do this? Because the uncompensated care dropped so dramatically that their finances improved, and they were able to hire more staff.

Let's ask about John in Sherwood. John wrote about his grandmother. He lost his grandmother to Alzheimer's a few months ago, but thanks to the Oregon Health Plan, his grandmother was able to live in a nursing home and get the care she needed 24 hours a day right up until the end.

As John says, "I'm forever thankful for the work of President Obama and Congress for passing the ACA. If they wouldn't have passed this bill, my grandmother wouldn't have gotten the care she needed from those great men and women at the nursing home."

These stories go on forever. Over this last weekend, I did a series of townhalls in rural Oregon, parts of Oregon where medical professionals like Beth and John went to a series of other Main Street halls in rural Oregon, parts of Oregon areas of concern in his brain and his lungs. They are benign now but could turn into cancer at any time. Beth's son's life depends on regular, expensive MRIs to monitor him. He is only able to afford those MRIs because of the Oregon health plan.

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These stories go on forever. Over this last weekend, I did a series of townhalls in rural Oregon, parts of Oregon that would be painted red on a political map. I held those townhalls and then went to a series of other Main Street walks with mayors and small incorporated cities. What I heard everywhere I went—inviting the entire community to come to the townhall and talk—was enormous anxiety, enormous anxiety and disappointment that the leaders they are counting on here to make our healthcare system better by giving more America dollars away to the richest Americans than they do about fundamental healthcare for struggling working families across our Nation. Let's listen to those individuals. I know most of my colleagues didn't go home and listen to their constituents. As I mentioned, it has been reported that only one of my Republican colleagues held a townhall. Even though this bill would affect them so profoundly. Still, their voices are echoing through this building, through the emails, through the phone calls, through the individuals who are coming to see this Nation after care more about giving more American tax dollars away to the richest Americans than they do about fundamental healthcare for struggling working families across our Nation. Let's listen to those voices. Let's be a "we the people" nation that works in partnership with the American people to make this world, this Nation, provide a foundation for every family to thrive and back home. Let's listen to those voices. Let's be a "we the people" nation that works in partnership with the American people to make this world, this Nation, provide a foundation for every family to thrive.

That means we have to take an oak stick and pound it through a world of TrumpCare and bury it 6 feet under and then work together in a bipartisan fashion. Think of all we could do. We know that when you strip away insurance, you destroy the market for insurance companies to go into new areas and compete. Let's restore that insurance.

We know that when the President holds on to the cost-share payments and will not say whether he's releasing them, our companies don't know how to price their policies, and they are dropping out of the exchanges across this Nation. Our county health insurance companies are fleeing because the President will not tell them whether he is releasing these cost-share payments. We can fix that.

The country would love to see Democrats and Republicans working together to make our healthcare system work better. That is exactly what we should be doing in representing the citizens of the United States of America in a "we the people" democratic republic.

TAX REFORM

Mr. HATCH. Mr. President, I rise to once again discuss the ongoing effort to reform our Nation's Tax Code. Over the past several years, I have come to the floor often to make the case for tax reform by highlighting the many shortcomings of our current tax system and
discussing the benefits we could reap by making the necessary changes.

Over the last years while I have been serving as chairman or the lead Republican on the Senate tax-writing committee—both as ranking member and as chairman—I have made tax reform my top priority, and right now. I believe there is more momentum in favor of tax reform than we have seen in decades.

To capitalize on that momentum, reform advocates like myself need to continue to make the case for updating and fixing our broken tax system. Toward that end, I intend to come to the floor often in the coming weeks and months to discuss various aspects of our tax system and make the case for reform. In my view, we need to get back to the drawing board and fundamentally rethink our entire tax system. This includes both the individual, as well as the business side of the tax ledger.

Today, I want to talk specifically about our Nation’s business tax system, with a particular focus on the corporate tax.

Let’s get the obvious out of the way first: The United States has the highest statutory corporate tax rate in the industrialized world. Looking at the effective corporate tax rates tells an equally gloomy story of the lack of American competitiveness. I will have more to say on that in a minute.

I know some talk about Corporate America and claim they aren’t paying their fair share, but the facts tell a different story. Companies doing business in the United States are saddled with statutory tax rates that are higher than any other industrialized country. This isn’t just a Republican talking point; Members and commentators from both parties and across the ideological spectrum have acknowledged that this is the problem.

For example, just last year, former President Bill Clinton argued for a reduction in corporate tax rates, noting that he had urged for the corporate tax to be raised to 35 percent when he was President because “it was precisely in the middle of OECD countries. It isn’t anymore.”

Early in his Presidency, President Obama said: “Our current corporate tax system is outdated, unfair, and inefficient.” He also said that our corporate tax “hits companies that choose to stay in America with one of the highest tax rates in the world.” I might add, he did nothing about it, though.

In addition, my counterpart on the Senate Finance Committee, Senator Wyden, and his colleagues, Senators PORTMAN and SCHUMER, it was clearly stated that “no matter what jurisdiction a U.S. multinational company is competing in, it is at a competitive disadvantage.”

There are plenty of other examples of prominent Democrats who recognized the impact of our obnoxiously high corporate tax rate.

I want to go back to Bill Clinton’s point, though, because it is an important one. We must always remember that businesses are, by and large, rational actors, making decisions based on what will help grow their business and what will cause their business to stagnate or move backward. Such decisions inevitably include where a company will do business and where it will be incorporated.

According to the Organization for Economic Cooperation and Development, or OECD, businesses contemplating investment and other similar matters—especially incorporation in the United States—must first come to terms with the largest combined corporate tax rate among OECD member countries, which is currently at 30.1 percent.

Some of my friends on the other side of the aisle like to counter these inconvenient facts by acknowledging the difference between effective tax rates, which are rates after accounting for deductions, credits, and statutory tax rates. Of course, even when taking those differences into account and focusing solely on effective rates, the United States only falls from the highest effective tax rate among countries in the G20—and that is according to 2012 data that doesn’t yet capture recent tax reforms in the UK and elsewhere.

In other words, whether we are talking about effective rates or statutory rates in the United States, we are talking about some of the highest corporate tax rates in the world, and, as the working group cochaired by Senators PORTMAN and SCHUMER made clear, companies operating in America are constantly being put at a competitive disadvantage. It doesn’t take a Ph.D. in economics to recognize that this has had a major, negative impact on our economy and the ability of the American job creators to compete on the world stage.

As a result of the astronomically high corporate tax rates in our country, we have seen companies—that keep in mind, have duties to their shareholders in inversions, earnings stripping, and profit shifting, all of which erode our tax base and drive away American ingenuity and innovation. These types of activities ship jobs, economic activity, intellectual property, and capital offshore, rather than keeping them right here in America.

The primary driver behind most of these practices—practices that have been decried in the harshest rhetoric by some of our friends here in the Senate—is the desire to avoid or at the very least mitigate the impact of the U.S. corporate tax.

While I am no fan of inversions or foreign takeovers or aggressive tax-planning techniques that shift profits around the globe in search of low taxes, and I don’t want to see any unnecessary erosion of the U.S. tax base, I can hardly fault any company for simply responding to the incentives created by tax systems that compete with the tax systems of other countries that have been lowering their corporate tax rates.

Unfortunately, instead of recognizing the perverse incentives of our current tax system, coupled with companies’ duties to their shareholders, many of my Democratic friends—notably, prominent officials in the previous administration—have derided the executives and board members making these decisions, claiming that they lack, in the words of our previous U.S. Treasury Secretary, “economic patriotism.”

The truth is that when it comes to our business tax system, some of our friends have buried their heads in the sand.

Let’s take a quick stroll through recent history. In the 20 years between 1983 and 2003, there were just 29 corporate inversions in the United States. In the 11 years between 2004 and 2014—a period spanning both Democratic and Republican Presidencies—there were 47 tax inversions—nearly double the number in half the amount of time. A quick review of changes in other industrialized countries’ tax schemes will show that while the United States has stubbornly maintained the same corporate tax rate for more than three decades, other countries have nimbly adapted to the growing competition in the global marketplace.

I have spoken at length about inversions before, so I will not belabor the issue now. What I do want to say is that when I talk to board members and CEOs of some of the largest companies in the country, they are unequivocal when asked why they feel pressure to invert. Almost uniformly, their answer is our outrageously high corporate tax rate.

Personally, I think this is one of the reasons why my friends and colleagues who sit on committees that regularly engage in these topics have come to recognize the level of our corporate tax rate as the major problem that it is.

When I talk to constituents in Utah and Americans across the country, I hear of stagnant growth in wages and income, concerns over lack of opportunities and jobs, and worries about whether their employers will continue to operate here in the United States of America.

Of course, the problem with our corporate tax system isn’t just that it incentivizes companies to move offshore or discourages businesses from moving here in the United States and the former Shell refinery in Salt Lake City. The problems actually run much deeper.

Since 1947, the average growth of inflation-adjusted GDP in the United States has been 3.2 percent. Unfortunately, in the 8 years of the Obama administration, the growth rate was an anemic 1.8 percent.
I know that several of my colleagues would, in response to those data points, argue that much of that is due to the great recession that took place at the initial stages of President Obama’s time in office; however, a quick review of the quarterly growth rates since 1947 will still show many periods of growth following recessions as the economy rebounds and the values of assets normalize again. In the case of the great recession of 2008 to 2009, that normal rebound did not occur, and a high bankruptcy rate is the downward pressure imposed by our outdated tax scheme. Let’s remember that the recession ended in June 2009—more than 8 years ago.

Others still might argue that this is all academic. They might even be brazen enough to claim that when we talk about the corporate tax rate, we are talking about the problems of the rich and not the middle class. Again, anyone making such an argument would simply be ignoring the facts and could be considered an idiot. Make no mistake—the crippling corporate tax rate in our country has stifled growth and investment in American businesses. This doesn’t just impact Wall Street investors or rich CEOs. It has a negative effect on the middle class and on lower income workers. That effect comes in the form of fewer jobs, less investment in America, and sluggish growth and productivity that fuels wage and income growth.

Since 1955, the median family income in the United States—meaning that half of the country earned more and half of the country earned less—has grown at an average rate of 1.3 percent. Under the Obama administration, that same indicator—one of the best indicators of the true status of the middle class—grew at approximately half that rate, or 0.7 percent. The growth of the average hourly earnings of production and nonsupervisory workers was 0.7 percent. That Obama administration was half of the historic long-run average. What is more, labor force participation was set firmly on a downward trajectory throughout the Obama administration and has yet to recover.

As you can see, there is clear evidence that the economy is not working well for many American workers and middle-class families. Anyone arguing that our current tax system is a benefit to the middle class is, in my view, sadly misinformed or being deliberately misleading.

Over the years, I have seen many of my friends on the other side come to the Senate floor demanding new standards, higher wages, and increased protections for middle-class workers. Yet many of the tax policies they tend to support would have the opposite effect.

There is almost universal agreement among economists that the corporate tax is the most inefficient tax in existence. In addition, a large percentage—some economists say as much as 75 percent—of the burden imposed by the corporate tax is borne by a corpora-

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Terrry). Without objection, it is so ordered.

NET NEUTRALITY

Ms. CANTWELL. Mr. President, I come to the floor this afternoon with my colleague, the Senator from Hawaii, who has been leading our efforts to coordinate a loud and resounding voice on trying to stop the FCC from running over an open internet, and I thank him for his organization for today. I know we will be joined by our colleague, Senator Wyden from Oregon—and perhaps the other Senator from Oregon and several others—to talk about this important issue.

We are here today to try to draw attention to one of those important economic issues before us: the need to preserve an open internet with strong net neutrality laws.

We are facing a pivotal moment in the fight to preserve an open and fair internet. A strong and open internet is, without question, one of the great inventions of our time and one of the great job creators of our time. Yet the Trump administration stands poised to undo the bedrock principle of net neutrality in the face of evidence it would undermine our economy and undermine future job growth.

The FCC has announced its intention to go against the demands of 5 million American consumers and reverse what is an existing rule so that big cable companies and telecom providers can erect toll lanes; that is, if you want fast internet speed, you have to pay more. This would threaten the fundamental nature of our internet and the innovation economy.

Last week, FCC Commissioner Clyburn and I held a town hall on net neutrality in Seattle. More than 300 people attended, and not one was in favor of paying higher prices to their cable company for worse or inhibited internet services.

Many people shared their personal stories about how an internet with toll lanes would affect them negatively. We heard from many small businesses and startups that they were afraid of losing business because they might have to charge higher prices to their customers if these important protections were reversed.

I heard from people with health problems and their concerns about health emergencies while away from home. The absence of net neutrality rules would mean that a doctor in their small hometown could not get critical information to the medical practitioners who are dealing with a patient in an emergency so that they could get important lifesaving treatments.

When you are a doctor examining a patient via telemedicine or in an emergency room in Seattle or a student in a rural community trying to access the
internet to get information, take a test or do research, a fast connection is necessary. Your ability to have a fast connection is something you are more than just a little concerned about. Being artificially slowed down in favor of big companies that buy faster lanes would drive our economy in the wrong direction.

Our economy is in the midst of a massive technological transformation. As technology advances, incredible opportunities and new jobs are created. Every inch of our lives relies on the ability to get content to consumers.

Largely as a result of innovation and the proliferation of hundreds of startups in the United States, the internet economy today is now worth $966 billion and accounts for almost 6 percent of our U.S. GDP. This is a higher percentage of the U.S. economy than many other industry sectors, including construction, mining, utilities, agriculture, and transportation.

Net neutrality—meaning you have an open internet that is not artificially slowed down unless you pay a ransom—is important for small businesses and startups and entrepreneurs who rely so much on the internet to innovate. A simple example of a technology company model where internet access, marketing, and advertising their products and services to reach customers is critical. We need an open internet. We need it to foster job creation, competition, and entrepreneurship. But our internet protections are threatened.

When net neutrality was implemented a year-plus ago, we were protecting and making sure there was no uneven playing field. Basically, because of the regulations, we were able to help small businesses and entrepreneurs thrive. But our internet providers are internet gatekeepers, and without net neutrality, they would seize upon the opportunity to charge that.

One slice of the internet economy—the app economy, which is growing every single day—consists of everyone who makes money and has a job, thanks to mobile apps powered by an open internet. Today, 1.7 million Americans have jobs because of this economy. Nearly 92,000 of those jobs are in my State of Washington. Over the past 5 years, the app economy has grown at an annual rate of 30 percent. I don’t know of another sector that is growing that fast. The average growth rate for all other jobs is about 1.6 percent. By 2020, the app economy could grow to over $100 billion. Why is this so important? Because the internet operates on the proliferation of hundreds of startups and the innovations and apps make our lives better.

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The internet economy is dynamic and supercharged in creating job growth. This phenomenon of economic growth trajectory would not be possible without the internet as a platform for economic activity. This is why it is so important that the FCC not, in the dark of night, put down a rule without public comment to try to stop and change this direction that has already been protected by past FCC Commissioners and the courts.

I am here today on a date when everybody is trying to raise awareness—because the FCC could act as early as August 18 to try to change these rules. It is important that we oppose any new actions trying to dismantle an open internet. We need to make sure we are talking about the harm to consumers, the harm to innovation, and the fact that internet speeds for American consumers are important and consumers shouldn’t be burdened by a cable company holding you at ransom to pay more just to get faster speeds.

Consumers are already struggling with high prices. Cable bills rose 39 percent from 2011 to 2015, eight times the average inflation. The average consumer cable TV bill was $99 a month; just a year later, the average consumer cable bill had risen by 4 percent to over $103. My guess is a lot of people listening to this now are probably thinking, boy, where are we today?

One of the most popular arguments by the enemies of an open internet is that it suppresses investment and leaves consumers with poor broadband internet. Data shows that investment by publicly traded cable companies and big telephone companies was 5 percent higher during the 2-year period following our protection of an open internet. Clearly, people are continuing to make investment.

I want to make sure people understand that we do not want to see a change in this policy. We do not want to see American consumers run over by a giant car and entertainers and entrepreneurs trying to use the internet, which makes it hard for us to continue to innovate.

I encourage the American consumer to go out and contact the FCC. Yes, your voice can be heard. The FCC has already received 5 million comments, and they have until August 17 to hear more. Today, we are asking everybody in America to say: Please don’t slow down my internet connection. Don’t hurt our economy; don’t hurt American business. Invest in innovation, and keep an open internet for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I thank the Senator from Washington for her leadership on tech and technology issues and, in particular, on net neutrality.

I would like to amend one thing she said. She said that we got about 5 million comments in favor of net neutrality on this question. It is true. Yesterday we had 5 million and change, but I just checked, and we are at 6.728 million, and more and more people are writing in on this issue.

As of today, it is important to point out that net neutrality is the law of the land. We are not asking for a change in the way that the internet operates. We are asking for the internet, as we know it, to be preserved.

What does that really mean? It means you have an arrangement with your ISP. You pay your internet service provider for access to the internet, and you get the whole internet. Your provider does not get to decide what you access. You do. Whether it is NBC or ABC, Hulu or Netflix or Breitbart or Google or Yahoo or Facebook or the New York Times or RedState or HotAir or whatever you want, you get to go to that website, and everything comes down from the internet at whatever speed it comes down. But without net neutrality, that arrangement could change.

The free and open internet, as we understand it, is a premise of the way we use the internet. It is a premise of the internet economy. It is a premise of Silicon Valley. It has now become a premise of car companies and real estate companies and anybody who does business online. That is, of course, you wouldn’t have to pay money to an ISP to make sure your website loads fast enough so that consumers can see it. But that freedom, that free and open internet, really is in danger.

Here is what is happening: The FCC, the Federal Communications Commission, is trying to change the internet by ending the net neutrality rules that were put in place. If they succeed, your ISP will have the power to stop you from accessing certain websites. They will be the ones that get to make decisions about what you can access and how fast—not you. It is a foundational change in the way the internet operates.

Now, some people—including the internet company lobbyists and their CEOs—will say: Look, the companies aren’t going to change the internet even if the law goes away. In fact, we are committing to voluntary net neutrality. That is what they say. But what you have to think about is how likely it is that a publicly traded company will not at least explore the possibility of different business models, and here is the problem: There may be opportunities without net neutrality for them to make more money.

Right now I have basic cable in my apartment. I don’t have HBO. Back in Hawaii I have HBO and the whole deal, but in my apartment here I have more basic cable. I pay for a certain number of channels. I don’t get access to the entire TV universe. I pay for packages. There is no reason under the law, should they repeal net neutrality, that
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Today, July 12, is the day of action. Mr. MARKEY. Mr. President, I join with the Senator from Hawaii, the Senator from Washington State, and I know the Senator from Oregon is going to be joining us very soon and taking this long, hot summer day in Washington and turning up the heat on the Trump administration and the big broadband companies.

Today, internet is having a protest. More than 80,000 websites are participating in today’s national day of action on net neutrality to stand up for the fundamental right for a free and open internet.

Today’s action involves some of the internet’s biggest names: Netflix, Twitter, Amazon, Snapchat, Mozilla, Yelp, Airbnb. It also includes many others. My own website and other Democratic Senators and House Members have joined in today’s protests.

Earlier today, right outside on the Capitol lawn, I gathered with many of my Senate and House colleagues, along with businesses and advocacy, consumer protection, nonprofit, and political organizations to send a singular message: We will defend net neutrality.

Net neutrality is the basic principle that says that all internet traffic is treated equally. It applies the principles of nondiscrimination to the online world, ensuring that internet service providers—AT&T, Charter, Verizon, Comcast, among others—do not block, do not slow down, do not censor or prioritize internet traffic.

Yet today, the internet—this monumental, diverse, dynamic, democratic platform—is under attack. President Trump and his FCC Chairman, Ajit Pai, are threatening to disrupt this hallmark of American innovation and democracy by gutting net neutrality rules. They have put internet freedom on the chopping block. We are facing a historic fight.

Trump’s FCC gets its way, a handful of big broadband companies will serve as gatekeepers to the internet. We cannot let this happen. That is why millions of Americans are standing up and making sure their voices are heard at the Federal Communications Commission.

They know the internet—the world’s greatest platform for commerce and communications—is at stake. It is net neutrality that ensures that everyone with the best ideas, not merely the best access, can thrive in the 21st century economy; that a garage-based startup in Malden, MA, can have the same online reach and scope as a major tech firm in Silicon Valley.

It is net neutrality that has made the Internet an innovation incubator and job generator for the entire Nation. It is net neutrality that has been the internet’s chief governing principle since its inception.

Consider that today essentially every company is an internet company. In 2016, almost half of the venture capital funds invested in the United States were toward internet-specific and software companies. That is $25 billion worth of venture capital funding in our country. Half of all venture capital went into that sector, this innovation sector that continues to transform not only our own economy but the whole world’s economy. At the same time, to meet America’s insatiable demand for broadband internet, U.S. broadband and telecommunications industry companies invested more than $87 billion in capital expenditures in 2015. That is the highest rate of annual investment in the last 10 years by the broadband companies.

We have hit a sweet spot. Investment in broadband and wireless technologies is robust. Job creation is high. Venture capital investment in online startups is high. That is what we want. We want both the broadband companies and all of these smaller companies—whose names escape me—because there are tens of thousands of them—to have a chance to coexist and have the innovation continue, even as the large companies continue to invest in broadband expansion.

...
It is the free and open internet that has allowed us to enter a new phase of the digital revolution—the internet of things era—where our devices, our appliances, and everyday machines now connect with one another.

The digital revolution is a global economic game changer and net neutrality is its best fuel. Taking these rules off the books makes no sense. With these net neutrality protections in place, there is no problem that needs fixing. It is working right now perfectly.

In February 2015, Chairman Pai and the Republican FCC voted to begin a proceeding that will effectively eliminate net neutrality protections, allowing a handful of broadband providers to control the internet. Chairman Pai’s proposal would decimate the open internet order and the net neutrality rules that are protecting the free flow of ideas, commerce, and communications in our country.

Now the big broadband barons and their Republican allies say we need a light-touch regulatory framework. Let’s be honest. When the broadband behemoths say “light touch,” what they really mean is “hands off”—hands off their ability to choose online winners and losers.

We are not fooled when AT&T engages in alternative facts and says they support net neutrality and today’s day of action. They don’t support title II, and they don’t support net neutrality. We must shine light on this kind of corporate deception.

What the broadband providers really want is an unregulated online ecosystem where they can stifle the development of competing services that cannot afford an internet easy pass.

Chairman Pai says he likes net neutrality but simply wants to eliminate the very order that established today’s net neutrality rules. That is like saying you want to have your cake and eat it too. We see through these rules.

President Trump and his Republican allies are waging an all-out assault on every front that they can on our core democratic values. Whether it is healthcare, immigration, climate change, or net neutrality, they want to fix a problem that does not exist.

We need to give the next generation of entrepreneurs the same opportunity to innovate that the last generation had—not to get permission, not to ask: Pretty please, may I reach all 320 million Americans? No, ladies and gentlemen, that is not what this revolution is about. That is not what young people all across this country—with brilliant new ideas to further transform our American economy online—want to have as an opportunity.

What will happen now is you will have an idea, but if you can’t raise the money to pay for this fast-lane broadband access, that is going to throttle back your ability to be able to move in this agile way that the internet provides. Instead of agility, it will be hostility that you will be feeling as an entrepreneur, feeling you can’t take the risk—you are not sure you can reach your consumer. And without that, you can pay the broadband company—rather than ensuring that you can reach all these consumers for your revolutionary idea.

This internet day of action we are having across the country is going to raise from 5 million, to 6 million, to 7 million, to 10 million, to 15 million, to 20 million, the number of Americans who are going to be saying to the Federal Communications Commission and to the U.S. House and Senate that something is fundamentally wrong with this FCC and its potential change of the internet—Open Internet Order. If they do move, we are going to court. If they do move, we are going to be taking this all the way to the Supreme Court of the United States of America because that is how important this issue is. It goes right to the fundamental nature of what has happened to our democracy in the last year. And that is all it took. We moved from the black rotary dial phone to a world where everyone is carrying a computer in their pockets. It happened just like that. It could have happened before we had broadband because the broadband companies didn’t even exist. There were just telephone companies and cable companies that did not have a vision of the future. Their vision of the future is a lot like their vision of the past before that law passed, which is, let’s go back to total control by a small handful of companies in our communications cocktail, rather than thinking of the future, of tens of thousands, hundreds of thousands of smaller companies can be started up in dorm rooms and garages across our nation.

This is a dangerous and harmful plan the FCC has on the books today. Today’s day of internet action will be increasing as each moment goes by between now and today they make that decision at the FCC.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

MR. BLUMENTHAL. Mr. President, I want to build on the last point my colleague—a great advocate and champion of net neutrality—made about the rule of law and about the need to go to court when there is utter disrespect and contempt for the rule of law, which is reflected in the prospective plan of the Chairman of the FCC to undo that agency’s net neutrality rules. It reflects an astonishing lack of respect and care for that agency’s rules—in fact, rules that apply to agen-

cies under the Administrative Procedure Act.

Chairman Pai wants to overturn a rule that was established after a fact-finding—an elaborate process of comment and response—without going through that same process that is required under the Administrative Procedure Act, a fact-based docket that requires him to show that something has changed—not a little bit; something significant has changed—in the market since the Open Internet Order was established in February 2015. The burden is on the FCC to make that finding. That finding is impossible, which is why they are avoiding the attempt to do it.

The fact is, the Open Internet Order was established based on 10 years of evidence about how internet access service provides people with broadband. It has been upheld by the DC Circuit Court of Appeals twice over the last year. The thickest of all the laws that the Chairman wants to simply leap over—it is not within his discretion to do.
The most recent evidence shows that net neutrality has not inhibited net-work investment at all, in contrast to Chairman Pai’s claims. According to statements this year by the internet service providers—AT&T, in fact, is expanding fiber deployment and calling fiber availability, Comcast is saying that it doubles its network capa-city every 18 to 24 months. Verizon is announcing a new $1 billion investment in cable. That is why we are here say-ing we will not and we cannot allow Chairman Pai to succeed in this plan to gut neutrality at the behest of big cable companies.

I am proud to speak today in support of the Day of Action to Save Net Neutrality and against the FCC proposal to undo the Open Internet Order because it is really a consummate pro-consumer measure. The Open Internet Order serves the best interests of con-sumers directly but also the best inter-ests of competition in promoting innova-tion and new ideas, and insights from an open platform that is necessary for in-novation and insights that benefit con-sumers, as well as the products and services that companies generally pro-vide.

The Open Internet Order created three bright-line rules: No blocking, no throttling, and no pay prioritization. These rules apply to both fixed and mo-bile broadband service, which protects consumers no matter how they access the internet, whether on a desktop or a mobile service. Consumers deserve equal access, an open platform—no walls benefitting the companies that may want their gardens walled in. The walls are against consumer interest, and breaking down those walls is what the open internet rule sought to do.

It also has real First Amendment sig-nificance. In one of the most recently proposed megamergers—AT&T and Time Warner—clearly content, access, and net neutrality stake. The merger gives the combined company, if the merger is approved, both the incentive and the means to throttle First Amendment expression. There have been reports that the White House will use this merger, in fact, to throttle the First Amendment rights of CNN, which is owned by Time Warner. This would be a direct threat to all First Amend-ment liberties.

Using antitrust policy and power to diminish the rights of the millions of entrepreneurs who use the internet to influence or impede any media outlet.

But access and an open internet are principles that go beyond the enforce-ment of antitrust law; they are principles enforced by the FCC for the pub-lic good. That is why this Day of Ac-tion to Save Net Neutrality is so criti-cally important, because the grassroots movement here is what will save the day. The grassroots and consumer-driv-en in this fight is that the internet remains a free and open platform for consumers and innovators, not a walled garden for wealthy companies, is what we seek today.

That is why I am proud to stand with other members who have spoken and to continue this battle and to say to all of our colleagues that we will go to court, because the rule of law and the Administrative Procedure Act are not technical, abstruse, arcane, unimpor-tant rules; they are at the core of fair-ness and administrative regularity, not just regulation, the rule of law.

Thank you, Mr. President.

I yield the floor to my colleague from Oregon.

THE PRESIDING OFFICER. The Sen-aor from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, let me just commend my friend from Connecticut on a very thoughtful statement. He has worked for many years since his days as attorney general in Con-necticut. He is, in my view, the Sen-ate’s best lawyer. So it is great to have a chance to team up with him and our colleagues.

I think this issue can really be summed up in a sentence, and that is this: Without net neutrality, you do not have a free and open internet be-cause of the essence of the internet— and I will explain what we have today—would simply not be the same.

Today—and this is what net neu-trality is all about, in a sentence— after you pay your internet access fee, you get to go where you want, when you want, and how you want, and ev-erybody else can go to the same place. From the most affluent person in America to those who are walking on an economic tightrope every single day, they all can use the internet to get access to those fundamental opportunities that are so essential to increasing the quality of life for our people. This, for example, is how a young person will have a chance to learn. If they are in a small, rural community in Colorado, Oregon, or elsewhere, this is how they get access to the information that affluent kids get, who might live in Beverly Hills or Palm Beach or in any one of a number of communities where there are affluent people. This is what puts that youngster on the same plane as the affluent person. This is how, for ex-ample, those who are searching for jobs, need information about healthcare and jobs and the like—are not treated the same way as the people with the deep pockets. All of a sudden their access to data and information is going to be dif-ferent. It might be slower. Maybe they will not get it at all.

The big powerful interests aren’t going to tell everybody in America that they are against net neutrality. They will not be holding rallies saying: We have gotten together to oppose net neutrality. They will not be showing up in Denver, Minneapolis, Portland, or anywhere else and saying: We are against net neutrality. The reason they can’t is because the public overwhelmingly supports net neutrality, as I have described it.

They are going to say things like this: They are for net neutrality, but they just don’t want all this government associated with what they have. They will be for voluntary net neu-trality.

I know the Presiding Officer of the Senate has young children as well. I can tell you that we are about as likely to make voluntary net neutrality work as we are to get William Peter Wyden, my 9-year-old son, to voluntarily agree to limit himself to one dessert with his deciding whether he has met his limit. It is not going to happen.

Voluntary net neutrality isn’t that different than what we have had in a lot of instances before we had real net neutrality. The big cable companies and others were always looking for de-uctions and loopholes and they found ways to tack on fees and the like be-cause that has always been their end game. Boy, it is a lawyer’s full employ-ment program because they have the capacity to litigate this.

Our people are going to hear a lot about in the next few weeks—that they are really for net neutrality, but we will just make it voluntary—I want people to under-stand that the history of these kinds of approaches is not exactly sterling. I think it is about as likely to be suc-cessful as limiting my kid to voluntarially holding back on dessert.
I also want to make clear what our challenge is going to be about because the Federal Communications Commission—Senator BLUMENTHAL talked about it and others—is going to be making decisions on this before too long. We know where the votes are. This is going to be a long battle, but one of the reasons I wanted to come to the floor today is to say that this is another one of these issues that is going to show that political change doesn’t start in Washington, DC, and then trickle down to people. It will be bottom-up, as more and more Americans find out what is at stake here.

A few years back, I would say the Presiding Officer of the Senate—and I see my colleague from the Finance Committee here, as well—and my colleagues will remember the PIPA and SOPA bills. These were the bills, PIPA and SOPA, that were anti-internet bills. As with so much, people can have a difference of opinion, and the sponsors want to fight piracy. We have to fight piracy, people ripping everybody offline. To fight piracy, we will use these two bills to kind of change the architecture of the internet, particularly the domain name system, which is basically the phone book of the internet. I looked at it, and I said: We are all against piracy. We are against people selling fake Viagra, or whatever it is online, but why would we want to wreck the architecture of the internet in order to do it? There are other kinds of remedies.

So I put in a bill with a conservative Republican in the other body to come up with an alternative approach, and I put a hold on PIPA and SOPA. Here in the Senate, at that time, 44 Senators were cosponsors of that bill. That is an army—out of the 100, 44 Senators.

Everybody smiled, and I said: OK, I understand that you think this is going to be a slam dunk, but I think I will tell you that you should know that there are more Americans who spend more time online in a week than they do thinking about their U.S. Senator in 2 years, and they aren’t going to be happy with a whole bunch of powerful interests messing with the internet, just as we are doing with this situation where people want to unravel real net neutrality.

So a vote was scheduled on whether to oppose my hold—in effect, lift my hold—on this flawed bill, and 4 days before the vote, more than 10 million Americans called, texted, tweeted, and logged in to say to their Senator: Do not vote to lift RON WYDEN’s hold. About 36 hours after Americans had weighed in, the Senate leadership called me, not very happy, and said: You are going to have to have a vote. Your hold has prevailed.

I bring this up only by way of saying that it is going to take that same kind of grassroots uprising for Americans who want to keep real net neutrality, which is what you have after you pay your internet access fee, and you get to go where you want, when you want, and how you want, and everybody is treated equally in those efforts. For all that we are going to do is to sort the first time that we understand that we are in for a long battle. We know where the votes are at the Federal Communications Commission, but that is just the beginning. That is just the beginning. So now is the time to make your voice heard. Go to battleforthenet.com so your voices can be heard. Make sure that Donald Trump’s FCC Commissioner knows your view that the internet is better and stronger with real net neutrality protections. Americans have only until July 17 to do this.

I have already been speaking out in other kinds of sessions. So I think I will leave it at that.

I wish to say again, again that without real strong net neutrality, which is what we have today, we will not have a free and open internet for all Americans to enjoy. So I come to the floor to say this is going to be a long battle. Nobody thought we had a prayer to win this fight. The internet that was PIPA and SOPA, and I am sure a lot of people are saying that this is another one where the powerful interests are going to win.

I say to the Senate again: Not so fast. You are going to see the power of Americans speaking out. I urge all the people of this country who are following what goes on in the Senate today and in the days ahead to be part of this effort, because I think if they do, if we show that political change isn’t top-down but bottom-up, it is going to be a long battle, but we will win, and our country will keep a bedrock principle of the free and open internet, which is real net neutrality.

I yield the floor.

Mr. CORNYN. Mr. President, as we continue to discuss the Better Care Act, which is an alternative bill that we will propose next week and vote on, which takes the disaster known as ObamaCare which for millions of Americans has led to skyrocketing premiums, and unaffordable deductibles, if they can afford insurance, a company that will sell them an insurance product—what we will propose a better care act, as we call it, not a perfect care act but a better care act.

It would be even better if our Democratic colleagues would join us and work with us in this effort, but as we have come to find out, they are unwilling to acknowledge the failures of ObamaCare. So we are forced to do this without their assistance. It would be better if it were bipartisan, if they would have made it very clear that they are not interested in changing the broken structure of ObamaCare. What I predict is that what they would offer is an insurance company bailout, throwing perhaps hundreds of billions of dollars at insurance companies in order to sustain a broken ObamaCare that will never work—no matter how much money you throw at it. So people will continue to suffer from the failures of ObamaCare unless we will have the courage to step forward and say we are going to do the very best we can with the tough hand we have been dealt to help save the American people who are being hurt by ObamaCare.

Basically, there are four principles involved. One is we want to stabilize the individual insurance market, which is the one that insurance companies are fleeing now because they are bleeding red ink. They can’t make any money, and they are tired of losing money so they basically pull their roots up and leave town, leaving customers in the lurch.

Secondly, we want to make sure we actually lower insurance premiums. Under the original discussion draft bill that was introduced a year or so ago, the Congressional Budget Office said we will see premiums go down as much as 30 percent over time. Now, I wish I could say we were going to be able to have an immediate effect on those premiums, but the truth is this is much better than our friends across the aisle have offered us with the offer to basically sustain a broken ObamaCare system.

The third thing we want to do is protect people who might have their health insurance hurt or impeded by preexisting conditions. We want to maintain the current law so people are protected when they leave their work or when they change jobs. The fourth is, we want to put Medicaid on a sustainable path. Medicaid is one of the three major programs, and now we spend roughly $400 billion on Medicaid in this country. Our friends across the aisle don’t want to do anything that would keep that from growing higher and higher and higher, to the point where basically the system collapses. We believe that is not the responsible choice. What we propose is to spend $71 billion more on Medicaid over the budget window and to work to transition those States that have expanded Medicaid and offer their people a better option in the private insurance area, but I just want to mention that I have shared a number of stories about, for example, a small business owner in Donna, TX, who was forced to fire their employees so they could afford to keep the doors open and provide health insurance for the remaining people. You have to ask: What in the world could lead us to a system which would discourage people from hiring more folks and basically put them in a position where they had to choose between the two. But that is what the employer mandate did under ObamaCare. If you have more than 50 employees, you are subject to...
the employer mandate. You get punished unless you make sure your employees are covered with insurance, and many times it is unaffordable so it had the perverse impact of small businesses saying: We can’t afford to grow the number of people who are working in our businesses—we are going to need to shrink it in order to avoid that penalty. Stories like this remind me of just how important our efforts are to repeal and replace ObamaCare.

The status quo is not working. In fact, every year ObamaCare gets worse for the millions of people in the individual market in particular. It is important that ObamaCare is not just about insurance. ObamaCare is about penalties that are being imposed on businesses that hurt their ability to grow and create jobs. That is one reason I believe that since the great recession of 2008, where ordinarily you would see a sharp bounce up in the economy, that the economy has been largely flat and has not been growing, in part, because of the penalties, mandates, and regulations associated with ObamaCare.

Not only has ObamaCare made health insurance more expensive while taking away choices, it also has compounded fundamental problems with important safety net programs like Medicaid. I wish to share a story from an emergency room employee in Lake Granbury, TX, who wrote to me about the alarming trend she has noticed in the hospital where she works. She says, because fewer and fewer physicians will see a Medicaid patient, she has seen an influx of these Medicaid patients who ostensibly have coverage coming to the emergency room for their primary care. As she points out, this is not a good situation for patients and hospitals. In my State, according to the latest survey of the Texas Medical Association, only 91 of the 97 percent of doctors in Texas will see a new Medicaid patient. That may sound crazy, but let me explain why. Because Medicaid basically pays a physician about half of what private insurance pays when it comes to see a patient, many of them simply say: Well, I can’t afford to see a lot of Medicaid patients. I need to balance that or at least make sure I see enough private insurance patients to make sure I can keep the doors open and meet my obligations. What many fewer and fewer doctors actually see Medicaid patients is, people end up showing up in the emergency room for their primary care because they can’t find a doctor to see them. The truth is, medical outcomes based on many studies that have been done in recent years are that Medicaid coverage in those instances can be no worse and no better than not having insurance at all. ObamaCare was put in place ostensibly to avoid reliance on emergency rooms for access to care, but as you can see, ObamaCare has lived up to many of its promises and unfortunately making stories like this one commonplace.

I mentioned this earlier, but just to see the trend line, in 2000, 60 percent of Texas physicians accepted new Medicaid patients; today that number is 34 percent. I think I may have earlier said 31 percent. It is actually 34 percent, due to lower rates of provider reimbursement. The doctors in Lake Granbury in the lurch and causing them to have to turn to the emergency room for their primary care as a last resort.

Every 2 years, Texas doctors fight with the Texas legislature to raise payments for the Medicaid system, but the reality is, there is not enough money to go around, even though it is the No. 1 or No. 2 budget item in the Texas legislature’s budget every year, and it is growing so fast. It is crowding out everything from higher education to law enforcement and other priorities.

Across the country, Medicaid spending has ballooned out of control. In Texas, 25 percent of the State’s budget, or Medicaid, is 1 of the 11 items in the State’s budget, 25 percent of its overall budget—usually No. 1 or No. 2.

So we have to be honest with ourselves and the people we represent that this situation is not sustainable. We owe it to the millions of people to make sure the people who really need it—the fragile, elderly, disabled adults and children—that it is there for them, not only now but in the future. That is why we have been discussing ways we might strengthen the sustainability of Medicaid to ensure that families who actually need it can rely on it, and they don’t have the rug pulled out from under them. This requires doing some hard work of reforming the way States handle Medicaid funding.

For example, Medicaid, as is currently applied, States are only allowed to review their list of Medicaid recipients once a year, but a lot can happen in a period of a year. Somebody can get a job, and they may be no longer eligible based on the income qualifications for Medicaid. If they can only check once a year, then people remain on the rolls, even though they may no longer qualify. Regardless of whether somebody gets a job or moves or passes away or no longer needs Medicaid, they are still in the system, and there is nothing the States can do about it. We would like to change that. While it looks like a simple matter, when the average Medicaid recipient in the State earns more than $9,000 each and as high as almost $12,000 per elderly individual, it adds up.

One of the things we saw that ObamaCare did in the States that expanded Medicaid coverage is that those States decided to cover single adults who are capable of working. This bill would also allow States to experiment with a work requirement as part of the eligibility for Medicaid. We are not mandating it, saying they have to do it, but if they don’t want to do it, then they can do so. We need to give the States the flexibility they need so they can use the Medicaid funding they have more efficiently so more people can get access to quality care.

I want to be clear: 4.7 million Texans rely on Medicaid. Of course, those rolls tend to churn based on people’s employment and their family circumstances. They live anywhere. We want to make sure we preserve Medicaid for the people who actually need it the most. We are working to make it stronger, more efficient, and, yes, more sustainable. I guess ObamaCare or do we want to do our best to provide better choices and better options?

Do we want to continue to allow the status quo, which is hurting families,
putting a strain on doctors and our emergency rooms and hospitals like I mentioned in Lake Granbury or do we actually want to address the fundamental flaws of our healthcare system? I wish we could do something perfect, but certainly with the constraints imposed by the fact that our Democratic friends are not willing to lift a finger to help, and given the fact that we have to do this using the budget process—that is pretty serious constraints. We basically have to do this with one arm tied behind our back, but we are going to do the best we can because we owe it to the people we represent. I encourage our colleagues on both sides of the aisle to try to take a fresh look at this and figure out how we can be part of the solution, not just to compound the problem.

There is one thing I haven’t mentioned that I am particularly excited about in the Better Care Act; that is, for States like Texas that did not expand Medicaid to cover able-bodied adults in the 100 to 138 percent of Federal poverty level, in the Better Care Act, those states would be able to access to private health insurance coverage and access for the first time. About 600,000 Texans—low-income Texans—who, for the first time under the provisions of this bill, will have access to a tax credit, and the Innovation and Stability Fund and something called the section 1332 waivers, will be able to design programs which will make healthcare more affordable in the private insurance market.

One reason people prefer the private insurance market to Medicaid is for the reason I mentioned earlier, that Medicaid reimburses healthcare providers about 50 cents on the dollar compared to private health insurance. This actually will provide them more access to more choices than they have now, certainly. Certainly, for that cohort of people between 100 percent of Federal poverty and 138 percent of Federal poverty in those States that didn’t expand.

I am excited about what we are trying to do here and its potential. Again, to stabilize the markets, which are in meltdown mode right now and we all know are unsustainable, our friends across the aisle will say: We will talk to you if you take all the reforms off the table, which translates to me: We will talk to you about bailing out a bunch of insurance companies but doing nothing to solve the basic underlying pathology in the system. So we are going to do that in our bill, the Better Care Act.

Secondly, we want to make sure that we do everything in our power to bring down costs. The President cares passionately about this. This may well be the litmus test for our success. Under the discussion draft we released earlier, the CBO said that in the third year, you could see premiums 20 percent lower, but we would like to see even more choices and premiums lower than that and more affordable.

The third thing our Better Care Act will do is to protect people against pre-existing conditions. Right now, people sometimes refuse to or are afraid to leave their jobs in search of other jobs because, if they have preexisting conditions, then they cannot get coverage at the same premiums for a period of time. That is called the pre-existing condition exclusion. We would like to protect people against that eventuality so that people do not have to be worried about changing jobs or losing their jobs and losing their coverage.

Fourth, as I have taken a few minutes to talk about here today, we want to put Medicaid—one of the most important safety net programs in the Federal Government—on a sustainable path, one that is fair to the States that expanded Medicaid under the Affordable Care Act and to those that did not. I think any fair-minded person who is looking at what we have proposed here would agree with me that it is not perfect but that it, certainly, fits the name that we have ascribed to it. It is a better alternative than people have under the status quo.

I urge all of our colleagues to work with us in good faith to try to improve it. Here is the best news of all, perhaps, to those who would have other ideas. We do have an opportunity to have an open amendment process, and sometimes that does not happen around here. People have debate it or offer amendments, they can get votes on those amendments. I cannot think of a better way to reflect the will of the Senate and to come out with the very best product that we can under the circumstances.

We are on a trajectory next week to begin this process and will have, probably, some very late nights and early mornings come Thursday and Friday. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER: The clerk will call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I would like to take a moment to talk about the ongoing efforts by the Senate Republicans to take away health insurance from millions of Americans by repealing the Affordable Care Act.

I was here on the floor just a couple of weeks ago reading letters from my constituents who have benefitted from the ACA and what TrumpCare would mean for them based on what we had seen of their bill so far. Since then, my colleagues on the other side of the aisle have continued forging ahead in their effort to repeal the ACA, in spite of overwhelming opposition. Indeed, nearly every major healthcare organization representing patients, doctors, nurses, and hospitals, among others, oppose our current effort, and that is on top of the millions of Americans who know firsthand how devastating TrumpCare would be for them and their families.

Senate Republicans are working on two-track to convince their colleagues to vote for this disastrous bill. Unfortunately, their so-called “fixes” are not improvements. That is because, in my view, TrumpCare is fatally flawed and cannot be fixed. My constituents know better and have continued to write and call—even stopping me in stores and on the streets—to express their opposition and fear, quite frankly, of all versions of the Senate TrumpCare bill.

For example, my Republican colleagues are looking to add a provision that would bring us back to the days when insurance companies could deny coverage or charge exorbitant amounts for those with preexisting conditions. The Affordable Care Act ended this practice once and for all, we hope, and I can’t imagine why my colleagues want to bring back those discriminatory policies. However, the amendments that several Senators have proposed would do just that. They would allow insurance companies to sell plans on the marketplace that have no protections for those with preexisting conditions, which would create a death spiral in the marketplace, so that the very people who need health insurance the most would be priced out entirely.

Just last week, I heard from Anne in North Smithfield, RI, about this very issue. Anne said:

I am the parent of a childhood cancer survivor. The last 11 months of my life have been fighting alongside my warrior, my hero, my 3-year-old osteosarcoma survivor, Julia. She loves unicorns, horses, the beach, and going for walks. Due to no fault of her own, she hasn’t been able to walk for the past 11 months.

I am writing to ask for your support to ensure that all children fighting cancer have access to affordable, quality healthcare. If enacted into law, the current proposal for the healthcare bill will have devastating impacts on the hundreds of thousands affected by childhood cancer. Without quality health insurance and access to treatment, my child would not have survived.

Anne went on to explain that the Republican efforts to undermine preexisting conditions protections would be devastating for childhood cancer survivors. Even patients who get their insurance through their employer would be at risk. Anne pointed out that nearly half of families of children with cancer will experience gaps in coverage because one or both parents often need to stop working or reduce their hours to take care of their child.

Further, TrumpCare erodes other critical consumer protections by allowing annual and lifetime limits on care.

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One reason people prefer the private insurance market to Medicaid is for the reason I mentioned earlier, that Medicaid reimburses healthcare providers about 50 cents on the dollar compared to private health insurance. This actually will provide them more access to more choices than they have now, certainly. Certainly, for that cohort of people between 100 percent of Federal poverty and 138 percent of Federal poverty in those States that didn’t expand.

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The PRESIDING OFFICER: The clerk will call the roll.

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The PRESIDING OFFICER. Without objection, it is so ordered.

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Further, TrumpCare erodes other critical consumer protections by allowing annual and lifetime limits on care.
Anne continues her message:

Additionally, childhood cancer patients must be assured of access to essential health benefits without the threat of lifetime or annual caps that would effectively price patients out of treatments. Two-thirds of childhood cancer survivors will develop serious health conditions from the toxicity of the therapy they received or the side effects of their treatment. In fact, one-third of childhood cancer survivors will die of causes related to their cancer or its treatment. We need to assure our children of the care they need. We need to assure their families that their children will have the best care possible.

The Senate TrumpCare bill fundamentally changes the structure of the Medicaid Program, making massive cuts, representing a 35-percent cut over the next two decades. Simply put, this will end the Medicaid Program as we know it, which will hurt not only those suffering from the opioid crisis but also seniors, children, and people with disabilities. We may see Republicans try to spread out this harm over more years to hide the damage, but do not be fooled. Whether they make massive cuts to Medicaid for 2022 or even for 2026, for that matter, the cuts will be devastating.

In short, no fix can undo the damage this bill will cause. This bill is a massive tax break for the wealthiest Americans at the expense of everyone else. No amendment or tweak to the bill will change that.

Sharon from Wakefield, RI, wrote to me just a couple of days ago and summed this up very well. She said, 'I do not think the American Health Care Act because it is not a health care plan, it is a tax cut for the rich. I am 67 years old, and I have a mild version of muscular dystrophy, and I have Medicaid. I believe the GOP wants to end Medicaid. I am asking you to vote NO on the bill.'

Republicans must abandon this effort and come to the table to work with Democrats on a new path forward. Let's have productive conversations about how we can improve access to care and bring down costs. Let's harness this interest in improving access to drug treatment and work together on those efforts. But, coupled with the TrumpCare bill, those efforts will not mitigate the damage this bill will inflict on my constituents and those across the country.

I hope those on the other side of the aisle who have expressed misgivings about the TrumpCare bill in all its forms so that we can work together on a bipartisan solution and attempt to do something positive for our constituents.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, there was an interesting press conference earlier today in which I joined with Senator HEITKAMP, Senator CAPITO, and Senator BARRASSO on a common piece of legislation that will help address climate change. That does not happen often, so it was a good sign.

This is not a comprehensive solution. It may not even make much of a measurable difference, but it will make some difference. It will help drive America's technological edge, and it will help, as it gets implemented, reduce our carbon emissions. It was very good to be working with those Senators.

The fundamental problem we face with carbon capture and utilization and the reason so little of it now happens is economics. There is a flaw in the market economics related to carbon capture utilization and sequestration. The fundamental problem is that there is no business proposition for stripping out the carbon dioxide, and in a market economy, if no one will pay for something, you don't get very much of it.

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your mess and you are being really rude—a bad neighbor.

In essence, that is what the fossil fuel industry has been doing with their carbon dioxide emissions for years—not paying to clean them up, dumping them all in the common atmosphere and the common ocean, making their neighbors pay because they don’t want to pay for their own waste.

Like that bad neighbor, they have come up with various excuses: Oh, it would be too expensive for us to pay for our trash collection. Or, our trash is actually good for your yard; it kind of composts a bit. You will love it. It is better for you to clean it up.

Then there is my personal favorite: If you make us take care of our own waste, we will beat you up—politically, at least, which is why the fossil fuel industry spends so much money on politics, just to be able to make that threat credible. And around here, boy, is it credible. It explains virtually fully our failure to act to address this patently obvious problem that our own home State universities are telling us is real. From Utah to Rhode Island, the universities we support and root for know and teach climate science.

Anyway, I have a carbon price bill that would cause a technological boom in carbon capture and carbon utilization because, at last, there would be a reason to pay for it, and the free market could get to work. American ingenuity and good work added to that market signal and with funding from revenues that the fee would generate, we could actually extend the life of existing coal plants being shuttered by competition from natural gas, by stripping their carbon dioxide emissions so that they actually didn’t do the damage that they are doing now, they stopped throwing their trash into their neighbors’ yard, and they paid for trash collection. The technology needs to be there, but the economics needed to be there, and then it can be done.

We really ought to pass the carbon fee bill. I would add that the carbon fee bill also creates a lot of revenue. We, I think, have agreed that revenue ought not go to fund the government—not to make Big Government—but there are other things we can do with it that would be very helpful. One would be to make coal country whole for the economic losses coal country has sustained.

Remember Huey Long’s old slogan: “Every man a king.” We could make every miner a king—with a solid pension, retirement at any time, full health benefits for life for the family, a voucher for a new vehicle, a college plan for their kids. It all becomes doable if we pass a carbon fee and use the revenues to help coal country. Otherwise, nothing will change.

Coal country will just keep suffering as natural gas keeps driving coal out of the energy market. There is no mechanism now to remediate that inevitability. People will suffer. There is a remedy right there—a carbon fee—that can help fund and encourage the development of the technologies so that we can strip the carbon dioxide out of the emitting powerplants and so that we can go into these coal countries where pensions and benefits have been stripped from them by the collapse of this industry, and make those folks whole again.

Give them their dignity. Let them retire now. It is not their fault that the coal industry has collapsed. They have worked hard their whole lives. They went down in the mines. They worked big equipment. It is a dangerous occupation to be a coal miner, and it is entitled to respect. Retire any time, full health benefits for you and the family, a cash account to help, a new vehicle voucher, a college plan for the kids, to make sure they are well-educated—you could do a lot of those things. You could help those people pass a carbon fee and make every coal miner a king.

In the meantime, I am willing to find a way to pay for our nuclear fleet for the carbon-free nature of its nuclear power.

It is crazy to be closing safely operating nuclear power facilities just because they get zero economic value for the carbon-free nature of their power. The carbon-free nature of their power has value. The carbon-free nature of power has significant value. That is why we are offering in our legislation a tax credit of $30 to $50 per avoided ton of carbon dioxide emissions. That implies that an avoided ton of carbon dioxide emissions is worth $30 to $50.

If nuclear power avoids that, I am willing to work with Republican colleagues to find a way to pay our nuclear fleet for the carbon-free nature of its nuclear power.

We close a nuclear plant so we can open a natural gas plant which pollutes more than the nuclear plant because the economics are so fouled up that the nuclear plant gets no value for carbon-free power and the natural gas plant pays no costs for the harm of its carbon emissions. It is economic madness.

In 2008, Liu Xiaobo coauthored “Charter 08,” a manifesto that shined a light on the Communist Party of China and its totalitarian abuse of power. Though many brave souls signed their names and their lives to that document, Dr. Liu’s name was at the very top. For this reason, he received the Nobel Peace Prize. He also received charges of “inciting subversion of state power” and an 11-year prison sentence. It is impossible to neglect the stark irony: a man dedicated to nonviolence, imprisoned for promoting peace.

Motivating Dr. Liu’s tremendous courage and self-sacrifice was a determination to make the People’s Republic of China desperately wants the world to forget: Tiananmen Square. A poet, author, and political scientist, Dr. Liu was, in 1989, a visiting scholar at Columbia University, but when the protests broke out in Beijing in June of that year, he raced back to China to support them. He staged a hunger strike in Tiananmen Square in the midst of the historic student protests and insisted that they would remain nonviolent in the faces of the tanks, which the Chinese military deployed to smash them.

In 1996, the party subjected him to 3 years of “reeducation through labor” for continuing to question China’s one-party system. In 2008, on the eve of the 100-year anniversary of China’s first Constitution and the 30-year anniversary of Beijing’s Democracy Wall movement, Dr. Liu dedicated his work on “Charter 08” to the martyrs at Tiananmen Square.

Today, 8 years into his unjust imprisonment, Dr. Liu needs our help more than ever. Last month, it was revealed that Dr. Liu has contracted an aggressive, late stage form of liver cancer. Although PRC media has incorrectly referred to him "on medical parole," both Liu Xiaobo and Liu Xia linger without freedom.

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His condition is critical, and we are running out of time to act on his behalf. Although Chinese authorities compelled the Liu to sign an affidavit allegedly attesting to their satisfaction with care they have received in China and their wish to remain there, Liu Xia has communicated to their attorney their desire to spend Liu Xiaobo's final days in America. PRC doctors insisted that Dr. Liu was too ill to undergo medical evacuation to the United States and Germany—one of them being Dr. Joseph Herman of the MD Anderson Cancer Center of the University of Texas—visited Dr. Liu and attested to the contrary. Issuing a joint statement, they agreed that Dr. Liu "can be safely transported with appropriate medical evacuation care and support." They then issued this stark warning: "However, the medical evacuation would have to take place as quickly as possible."

While this situation goes beyond Liu Xiaobo, Liu Xia's livelihood is inextricably linked to the ability of the two of them to leave China. Due to his imprisonment, Liu Xiaobo has been unable to receive his $1.5 million prize money from the Norwegian Nobel Committee. The holdup of transferring the funds is merely routine: a signed form from Dr. Liu and an open bank account with his name on it. But China has prevented these technical issues from progressing. If Liu Xiaobo dies without receiving this account, Liu Xia will be left destitute with no money. I shudder to think what a life would hold for the wife of China's boldest political prisoner.

Only one man stands between a dying man's wish and his wife's livelihood and freedom: Xi Jinping. Although no one action can undo the turmoil that the Liu have suffered over the past 28 years, it is not too late to do the right thing. I spent considerable time urging and encouraging to spend their last days together according to their wishes. It wouldn't be the first time that Xi has made a similar decision. Earlier this year, he agreed, after consultations with the Trump administration, to release an imprisoned Houstonian, Sandy Phan-Gillis, who was incarcerated on false charges. Although nothing could bring back the 2 years of separation from her family, she and her family are now reunited—something I spent considerable time urging and encouraging and was grateful to see come to pass.

Lest Xi forget, even Kim Jong Un, the dictator in North Korea, allowed Otto Warmbier, a young American college student from Ohio, in the prime of his life before torture and abuse left him in a coma—to return home for his final hours. Surely, Xi can show the same degree of humanity shown by Kim Jong Un.

Indeed, toward that end, the bill that I have introduced numerous times to rename the street in front of the Chinese Embassy in honor of Liu Xiaobo is an instrument of leverage that can help produce his freedom. In 2015, I came to this floor and asked on three separate occasions for unanimous consent to pass my bill to rename the street in front of the Chinese Embassy to honor Dr. Liu. But each time, sadly, Democratic Senators stood up and objected, stymieing the effort. Each time I advocated on behalf of Liu Xiaobo and Liu Xia, my colleagues expressed procedural concerns: This is counterproductive. Doing so will only antagonize China.

Well, some of us are less concerned about antagonizing Chinese Communist dictators. My fellow Senators assured me that they have negotiated the release of many political prisoners behind the scenes. Well, that is wonderful, and I encourage them to do so now in the few days and weeks Liu Xiaobo has ahead. But the very act of making a simple, straightforward objection—repeated Democratic obstructionism—ultimately, the U.S. Senate was able to pass my bill by voice vote in the 114th Congress, and the reason at the time was evident: China's stubbornly imprisoning a Nobel Peace laureate—required public action to force the issue. The end goal should be clear. It is not merely to rename a street, but rather to use the action to shine light on the Liu and to pressure the PRC to do the right thing.

No Member can explain the success of this tactic better than my good friend Senator GRASSLEY, the senior Senator from Iowa, who led a very similar effort in 1984 to rename the street in front of the Soviet Embassy after Andrei Sakharov, the famed Soviet dissident. Senator GRASSLEY led that effort under Ronald Reagan, and when the street was renamed, it meant anytime you had to pick up the phone and call the Embassy, they had to write Sakharov's name. It meant anytime you had to address the Embassy and say 'Where exactly do I find this Embass--' to address and highlight the dissident.

For the PRC, they do not want to highlight Liu Xiaobo because he is a powerful voice for freedom and against tyranny. Just as it worked against the Soviet Union, as Reagan demonstrated, public shaming, shining light, telling the truth can bring down the machinery of oppression. So, too, can public shaming—shining light—secure Dr. Liu's freedom.

As we stand here today, we don't know if Xi is going to allow Dr. Liu to come to freedom, to live out his last days in peace, and to receive the Nobel Peace Prize that he was so justly awarded. But if we do this right thing, we can all command the action. But if not, I am announcing my intention to continue to press this bill, to seek its passage again in this Congress, just as the Senate passed it in the prior Congress. I intend to press forward and seek passage of this bill.

If Dr. Liu is not released—if he dies in China, still under their oppression—

I intend to continue to fight until the day when the street is named in front of the Embassy and the Chinese Communists can bow their heads in shame at their injustice. If they don't want to be publicly shamed, there is an easy way they don't commit shameful acts. Truth has power. Sunshine and light have power.

I urge my colleagues on both sides of the aisle—Republicans and Democrats: If there is an issue that should unite us all, it is that a Nobel Peace laureate struggling out for peace and democracy should not be wrongfully imprisoned in Communist China. That should bring us together—and the full force of the United States.

I commend President Trump for leading on this issue, and I am hopeful that China will see its way to doing the right thing.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDENT. Mr. President, I ask unanimous consent that the order for cloture be dispensed with, if necessary.

The PRESIDENT. Mr. President, I ask unanimous consent that the order for cloture be dispensed with, if necessary.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President. I ask unanimous consent that the order for cloture be dispensed with, if necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL RECORD—SENATE

S3953

July 12, 2017

GETTING OUR WORK DONE

Mr. MCCAIN. Mr. President, as we know, yesterday the majority leader announced that he plans to delay the August recess for 2 weeks. He stated that this delay is necessary in order to "complete action on important legislative items and process nominees that have been stalled by a lack of cooperation from our friends on the other side of the aisle." Those are the majority leader's words.

I have no problem with the leader's decision. I will happily stay here an additional 2 weeks. I will stay 3, 4, or even 5 weeks as long as we have a plan to address the serious issues that face this Nation.

My friends, when the Senate completes its work this week, we will have considered a whopping total this entire week of three nominations, one of them being a noncontroversial district judge nominee on which the majority leader was forced to file cloture. That cloture vote was unanimous, 97 to 0. Yet we were still forced to burn postcloture time—30 hours—before being allowed to vote today on his confirmation—a vote that was again unanimous at 100 to 0. What? That is the way we are doing business in the Senate? I will repeat. The vote to stop debate was 97 to 0 after 30 hours. After we burned 30 hours, then we were allowed to vote earlier today—a vote that was again unanimous at 100 to 0. Why?

We have a war on. We have men and women in harm's way. We have nominees stacked up, and so we are spending an entire week with three nominees. So with an incredible act of another chapter in "Profiles in Courage," rather than say, OK, we will stay here
Friday, we will stay here Saturday, we will stay here Sunday, but by God we are going to do the people’s business—we are not doing the people’s business.

I can’t go through all the machinations between the Democratic leader and our majority leader, and I can’t go through all of this, but I am supposed to go back and speak to a high school civics class and say: I am happy to be here. I have had a very tough week this week in the Senate, my young friends who may want to be engaged in public service someday, and we voted on a district judge 97 to 0. Thirty hours later, we were allowed to vote on his nomination, and the vote was 100 to 0.

That is what the Senate is supposed to do? There was no reason why we needed to take 3 days on this nominee. I say to my friend the Democratic leader and I say to the Republican leader: This type of obstruction has gone on long enough, and it has to stop.

As I said, I am happy to stay here for the entire August recess to do the work the American people sent us here to do, but we must first have a plan of what we are going to do and how. What are we to do to help American people if we stay here for several weeks, have no legislative plan, and accomplish nothing? We have been in for 6 months now. What have we done? We have done Gorsuch, and we have done Gorsuch, and we have repealed some regulations—all of it with my party in control of all three branches of government. I am not proud to go back to Arizona and talk about that record of nonaccomplishment.

Right now, we have no consensus on how to repeal and replace the failed policies of ObamaCare. I can’t tell you the number of hours I have heard the same arguments go around and around and around and around. As far as I know, there is no consensus on how to best fund the government, no plan to do a bipartisan budget deal, and no path forward on appropriations bills. This is disgraceful.

What I am asking for is simple. If we are going to stay here to work, then let’s get some work done. Why aren’t we working now? Why aren’t we working tonight? There are nominees in the Department of Defense who are before this body, and we must get to the bottom of what we are doing. We are doing a vote on a district judge that we took 30 hours—30 hours—to discuss.

If we are going to stay here, let’s get the work done. Let’s come in early, stay late, negotiate a healthcare bill, and process nominations to make sure the administration is adequately staffed so the executive branch can function. Let’s renew FDA user fees to streamline the regulatory process for lifesaving prescription drugs. Let’s fund the Preventive Health and Safety Office so we can ensure our veterans are able to access care in their communities. Let’s address the debt limit before we default on our payments. Let’s debate, amend, and pass the fiscal year 2018 National Defense Authorization Act. Perhaps, most importantly, let’s get to work on the budget so we can begin moving individual appropriations bills to fund the government and not have to resort to a continuing resolution or omnibus.

To those who may be watching, the fact is that a continuing resolution and an omnibus means that we have two choices—yes or no. We don’t have an amendment. We don’t have a way to cut spending, or to reduce the trillions of dollars, but we are going to wait until we are right at the edge of the cliff, and then my distinguished friends and leaders on both sides will say: You have to vote aye: you have to vote aye because the government is going to be shut down. I am tired of that choice. We know it is coming. We know the cliff is here. So what did we do this week? We spent 30 hours discussing a district judge—30 hours debating a district judge. Is that the right use of American taxpayers’ dollars?

Have we no shame?

The Senate Armed Services Committee successfully reported out the 2018 National Defense Authorization Act 27 to 0, supporting $650 billion for the base budget for national defense and an additional $60 billion for Overseas Contingency Operations. At these levels, the national defense budget is where a continental United States, and the Budget Control Act spending cap. To put it another way, there was unanimous, bipartisan support for an increase in defense spending of the Budget Control Act, capped by more than a quarter of this body—more than a quarter of this body, on both sides of the aisle. In one sense this consensus isn’t surprising because after years of budget cuts under the BCA sequestration, our military faces a serious crisis. As we ask them to do more and more in an increasingly dangerous world, Congress has failed to provide our men and women in uniform with the training, resources, and capabilities they need.

I will repeat that. Congress has failed to provide our men and women in uniform with the training, resources, and capabilities they need.

However, simply passing an authorization bill at higher defense spending levels will not solve the funding problems for our military. The only way we can go—a bipartisan budget deal to undo the Budget Control Act caps and set an agreed upon budget top line to allow the appropriations bills to move forward. Absent a bipartisan budget deal, we will be stuck with another continuing resolution. I might add, will be below the BCA budget caps for defense, or, worse, we will be facing—guess what—a shutdown of the government.

Has it been that long since we had the last shutdown?

I have come to this floor several times already this year demanding that we start negotiating a budget deal. We are 2 months away from the start of the fiscal year. We know that a budget deal must be done. The failure to begin negotiations means we are knowingly driving toward an outcome that will fund our military at levels below the Budget Control Act caps. As leader, Senator McConnell has publicly stated that we will need to adjust the caps. This leads me to believe that there is only one reason why we are stalling negotiations on a budget deal and forcing the government and our military to start the year on a continuing resolution and that is one word, and that word is “politics.”

The same tactic that the Democratic leader is employing on nomination stalling is being applied to a budget deal. We find that to be disgraceful.

There is plenty of blame to go around. The White House has also been surprisingly absent. Their own budget submission asked for defense spending above the budget control caps and recommended none of that—one of that—is possible without negotiating a bipartisan budget deal. Yet we have heard nothing from the White House—nothing. Any budget deal that would pass both the House and Senate and be signed by the President will be extremely difficult to negotiate. That is why we should have started long ago, and we must start now.

I have been ready and willing all year to begin working. My door and, I know, the majority of my colleagues’ doors are open to any Senator, Republican or Democrat, but what we really need is for a select group of key Members to come together with leadership’s blessing and begin negotiating.

Unless and until this body gets to work on a bipartisan budget deal, we will continue down the path we have been on for years, lurching from crisis to crisis, with no strategy for how to meet our budget responsibilities or fund our national security needs.

My friends, colleagues, and fellow Americans, we must summon the political courage to do the hard work the American people expect of us to do a policy of consensus and be signed by the President and Senate and be signed by the President and Senate.

Finally, every year for many years now, I have taken my time on the Fourth of July to have the honor of spending that national holiday in Afghanistan with the men and women who are serving in the military with courage, sacrifice, and skill. As part of those activities there, I have a townhall meeting with several hundred of the men and women in uniform who are serving. My friend LINDSEY GRAHAM,
who occasionally has a good idea—once every decade—asked the group: How many of you are here not for the first time? Almost everybody in that room raised their hand.

He said: How many of you have been more than two times homes, away from the men in that room raised their hand.

He said: How many of you have been here multiple times? A good number of them raised their hand.

The point is that they are out there serving time after time after time, away from their homes, away from their families, working more than maybe 2 weeks in August. And what are we doing? What are we doing for them?

There are a lot of things they need, and there are a lot of things we need to give them. Yet, somehow, we can’t see our way clear—Republicans and Democrats—to sit down and do the right thing for these men and women—to do the right thing so they can win.

We now have a new President, a new National Security Advisor, and a new Secretary of Defense. I don’t agree with this President very often, but I do know that this President is committed to rebuilding the military and a winning strategy. The strategy for the last 8 years has been “don’t lose.” I know that General Mattis and General McMaster are people who want to win, and they have a strategy to win, and we have to be of assistance to them to provide the men and women with what they need to win.

So I ask my colleagues, with passion, that we sit down and figure out the budget deal, move forward with it, and not spend a week like we just spent this week with 30 hours in order to confirm one district judge.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PERDUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. PERDUE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for July 2017. The report compares current-law levels of spending and revenues with the amounts the Senate approved in the budget resolution for fiscal year 2017, S. Con. Res. 3. This information is necessary for the Senate Budget Committee to determine whether budget points of order lie against pending legislation. The Republican staff of the Senate Budget Committee and the Congressional Budget Office, CBO, prepared this report pursuant to section 308(b) of the Congressional Budget Act (CBA).

My last filing can be found in the Record on June 7, 2017. The information contained in this report captures legislative activity from that filing through July 10, 2017. Republican Budget Committee staff prepared tables 1 through 3 of this report. They remain unchanged since my last filing.

In addition to the tables provided by Budget Committee Republican staff, I am submitting CBO tables, which I will use to enforce budget totals approved by the Congress. CBO provided a spending and revenue report for fiscal year 2017, which helps enforce aggregate spending levels in budget resolutions under CBA section 311. CBO’s estimates show that current-law levels of spending fiscal year 2017 are below the amount assumed in the budget resolution by $303 million in budget authority and $6.4 billion in outlays. CBO also estimates that revenues are $1 million above assumed levels for fiscal year 2017, but $21 million below assumed levels over the fiscal year 2017–2026 period. Social Security levels are consistent with the budget resolution’s fiscal year 2017 figures.

CBO’s report also provides information needed to enforce the Senate pay-as-you-go, PAYGO, rule. The Senate’s PAYGO scorecard currently shows increased deficits of $226 million over the fiscal years 2016–2021 and $277 million over fiscal year 2016–2026 periods. For both of these periods, outlays have increased by $201 million, while revenues decreased by $25 million over the 6-year period and $26 million over the 11-year period. The Senate’s PAYGO rule is enforced by section 201 of S. Con. Res. 21, the fiscal year 2008 budget resolution.

Finally, included in this submission is a table tracking the Senate’s budget enforcement activity on the floor. No budget points of order have been raised since my last filing.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the tables be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (−) BUDGET RESOLUTIONS—Continued

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2017–2021</th>
<th>2017–2026</th>
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<td>Outlays</td>
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<td></td>
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<tr>
<td>Armed Services Budget Authority</td>
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<td>0</td>
<td>0</td>
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</tbody>
</table>
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<tr>
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<th>2017–2021</th>
<th>2017–2026</th>
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</thead>
<tbody>
<tr>
<td>Agriculture, Nutrition, and Forestry Budget Authority</td>
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</tr>
<tr>
<td>Outlays</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Armed Services Budget Authority</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

TABLE 2.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS 3 (BUDGET AUTHORITY, IN MILLIONS OF DOLLARS)

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security 2 Nonsecurity 2</td>
<td></td>
</tr>
<tr>
<td>Statutory Discretionary Limits</td>
<td>551,068</td>
</tr>
<tr>
<td>Amount Provided by Senate Appropriations Subcommittee</td>
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</tr>
<tr>
<td>Agriculture, Rural Development, and Related Agencies</td>
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</tr>
<tr>
<td>Commerce, Science, and Transportation Agencies</td>
<td>5,500</td>
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<tr>
<td>Energy and Natural Resources</td>
<td>515,977</td>
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<tr>
<td>Environment and Public Works</td>
<td>10,716</td>
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<tr>
<td>Financial Services and General Government</td>
<td>33</td>
</tr>
<tr>
<td>Homeland Security</td>
<td>1,876</td>
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<tr>
<td>Interior, Environment, and Related Agencies</td>
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</tr>
<tr>
<td>Labor, Health and Human Services, Education and Related Agencies</td>
<td>0</td>
</tr>
<tr>
<td>Legislative Branch</td>
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<tr>
<td>Military Construction and Veterans Affairs, and Related Agencies</td>
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<tr>
<td>State, Foreign Operations, and Related Programs</td>
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<tr>
<td>Transportation and Housing, and Urban Development, and Related Agencies</td>
<td>300</td>
</tr>
<tr>
<td>Total</td>
<td>551,068</td>
</tr>
</tbody>
</table>

1 This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 253(b) of BCA.

2 Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

3 Budget authority, millions of dollars.
TABLE 3.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)—Continued

<table>
<thead>
<tr>
<th>Program</th>
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</thead>
<tbody>
<tr>
<td>Commerce, Justice, Science, and Related Agencies</td>
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<td>Defense</td>
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</tr>
<tr>
<td>Energy and Water Development</td>
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<td>187</td>
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<tr>
<td>Financial Services and General Government</td>
<td>0</td>
<td>28</td>
</tr>
<tr>
<td>Homeland Security</td>
<td>0</td>
<td>28</td>
</tr>
<tr>
<td>Interior, Environment, and Related Agencies</td>
<td>0</td>
<td>28</td>
</tr>
<tr>
<td>Labor, Health and Human Services, Education and Related Agencies</td>
<td>8,009</td>
<td>0</td>
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<tr>
<td>Legislative Branch</td>
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<td>0</td>
</tr>
<tr>
<td>Military Construction and Veterans Affairs, and Related Agencies</td>
<td>0</td>
<td>857</td>
</tr>
<tr>
<td>State Operations, and Related Programs</td>
<td>0</td>
<td>857</td>
</tr>
<tr>
<td>Transportation and Urban Development, and Related Agencies</td>
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<td>0</td>
</tr>
<tr>
<td>Current Total Level</td>
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</tr>
<tr>
<td>Total CHIMPS Above (+) or Below (−) Budget Resolution</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

Sincerely,

Keith Hall,

Chairman, Committee on the Budget,

U.S. Congress, Washington, DC.

July 12, 2017.
TRIBUTE TO SUZY DEYOUNG

Mr. PORTMAN. Mr. President, today I wish to recognize Suzy DeYoung from Cincinnati, recipient of the Jacqueline Kennedy Onassis Award for Outstanding Public Service. The Jefferson Awards Foundation was founded in 1972 by Jacqueline Kennedy Onassis, Senator Robert Taft, Jr., and Sam Beard to power others to have maximum impact on the things they care about most.

Suzy cares about helping her community and has a passion for good food. She was born to be a chef. Her father, Pierre Adrian, was head chef at the five-star Maisonette restaurant in Cincinnati and her grandparents were chefs in New York. She and her sister co-ran La Petite Pierre restaurant until Suzy split off to focus on La Soupe.

Now, Suzy is more than a chef. She is a business owner, transportation manager, teacher, and a fundraiser.

In response to growing childhood poverty rates and the fact that one-third of all food produced worldwide is either lost or wasted each year, Suzy DeYoung started La Soupe to close the gap between food waste and hunger. La Soupe rescues otherwise wasted produce to create delicious and highly nutritious meals for customers, non-profits, and food-insecure families. In 2016 alone, La Soupe rescued 125,000 pounds of food from going to the landfill and donated over 95,000 servings to people living in food insecurity.

La Soupe partners with Kroger, Jungle Jims, Crosset Company, Sugar Creek, and various local organic farms who provide ingredients allowing La Soupe’s team of volunteer chefs to share their culinary magic turning rescued produce into soup or sometimes stew or gumbo or a casserole to feed to people who are hungry.

Suzy also spends time helping parents learn how to feed their kids and teaches weekly cooking classes at area schools, sending kids home with ingredients and recipes to cook for their families. In addition, she operates a retail “Soupe Shack,” where sales of the meals made from rich ingredients fuel donations to Cincinnati’s food-deprived individuals.

An energetic social entrepreneur, Suzy has inspired chefs to create and give. She has inspired parents to provide healthier options to their families, and she has also inspired kids to pursue culinary careers.

I would like to congratulate Suzy DeYoung and thank her and all of the volunteers at LaSoupe for their dedication to closing the hunger gap for so many in greater Cincinnati.

MESSAGE FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 597. An act to take lands in Sonoma County, California, into trust as part of the reservation of the Lytton Rancheria of California, and for other purposes.


H.R. 954. An act to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes.

H.R. 1036. An act to provide for the conveyance of certain Federal land in the State of Oregon, and for other purposes.

H.R. 1023. An act to authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land, and for other purposes; to the Committee on Indian Affairs.

H.R. 1404. An act to provide for the conveyance of certain land holdings owned by the United States to the Pascua Yaqui Tribe of Arizona, to the Committee on Energy and Natural Resources.

H.R. 1413. An act to establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, and for other purposes.
MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 954. An act to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes.

H.R. 1341. An act to authorize the Secretary of the Interior to acquire certain public land in the State of Montana, and to appropriate money for the purpose.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanyng papers, reports, and documents, and were referred as indicated:

EC–2097. A communication from the Assistant Secretary of Defense (Legislative Affairs, Department of Defense, transmitted, pursuant to law, the report of a rule entitled "Rights of Inmates of the Institutional Financial Aid Program; Inmates with a History of Recidivism; and Inmates with a History of Substance Abuse" ((RIN2040–AA15) (Docket No. OPM–2017–0022)) received in the Office of the President pro tempore of the Senate; to the Committee on Homeland Security and Governmental Affairs.

EC–2098. A communication from the Director, Office of Personnel Management, transmitted, pursuant to law, the report of a rule entitled "The Federal Employees Health Benefits Program; Final Rule" (29 CFR Part 2504) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2099. A communication from the White House Liaison, Department of Education, transmitted, pursuant to law, the report of a rule entitled "The Federal Employees Health Benefits Program; Final Rule" (29 CFR Part 2504) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–2100. A communication from the White House Liaison, Department of Education, transmitted, pursuant to law, the report of a rule entitled "The Federal Employees Health Benefits Program; Final Rule" (29 CFR Part 2504) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–2101. A communication from the General Counsel, Office of Special Counsel, transmitted, pursuant to law, a report relative to the vacancy in the position of Special Counsel, received in the Office of the President of the Senate on June 27, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2102. A communication from the Associate General Counsel for General Law, Department of Labor, transmitted, pursuant to law, a report relative to a vacancy in the position of Administrator, Federal Emergency Management Agency, received in the Office of the President of the Senate on June 28, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2103. A communication from the Executive Secretary, Office of Personnel Management, transmitted, pursuant to law, the report of a vacancy in the position of Director, Office of Personnel Management, received in the Office of the President of the Senate on June 27, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2104. A communication from the Acting Director, Employee Services, Office of Personnel Management, transmitted, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Definition of Certain Nonappropriated Fund Federal Wage Rate Systems; Redefinition of Certain Nonappropriated Fund Federal Wage Rate Systems; and Certain Nonappropriated Fund Federal Wage Rate Systems" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2105. A communication from the Acting Director, Office of Personnel Management, transmitted, pursuant to law, the Semiannual Report to Congress on Federal Personnel and Pay Systems (2017) received in the Office of the President of the Senate on June 27, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2106. A communication from the Chairman of the Council of the District of Columbia, transmitted, pursuant to law, a report on D.C. Act 22–91 ((Prison Alteration and Renovation Act of 2017)), received in the Office of the President of the Senate on June 27, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2107. A communication from the Chairman of the Council of the District of Columbia, transmitted, pursuant to law, a report on D.C. Act 22–92 ((Medical Marijuana Cultivation Center Relocation Temporary Amendment Act of 2017)), received in the Office of the President of the Senate on June 27, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2108. A communication from the Chairman of the Council of the District of Columbia, transmitted, pursuant to law, a report on D.C. Act 22–93 ((District General Fund Appropriation Act of 2017)), received in the Office of the President of the Senate on June 27, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–2109. A communication from the Senate Counsel for Regulatory and Legislative Affairs, Patent and Trademark Office, Department of Commerce, transmitted, pursuant to law, the report of a rule entitled "Autoimmune Disorders; Write-In Ballot Program; FLSA Exemptions; and Other Matters" ((RIN2040–AA47) (Docket No. PTO–2017–0001)) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2110. A communication from the Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitted, pursuant to law, the report of a rule entitled "Rules of Procedure Governing Cases Before the Office of Hearings and Appeals" ((RIN2325–AGG2) received in the Office of the President of the Senate on June 28, 2017; to the Committee on Small Business and Entrepreneurship.

EC–2111. A communication from the Acting Director, Employee Services, Office of Personnel Management, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2210–AA64) (Docket No. FAA–2016–0571)) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2112. A communication from the Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2210–AA64) (Docket No. FAA–2015–0573) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2113. A communication from the Management and Program Analyst, Federal Aviation Administration, Office of International Affairs, Department of Transportation, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2210– AA64) (Docket No. FAA–2016–0573)) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2114. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Jet Engines" ((RIN2210–AA64) (Docket No. FAA–2016–0573) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2115. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Engine Manufacturers; F-100 Advanced Turbofan Engines" ((RIN2210–AA64) (Docket No. FAA–2016–0573) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2116. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2210– AA64) (Docket No. FAA–2016–0573) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2117. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2210– AA64) (Docket No. FAA–2016–0573) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2118. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2210– AA64) (Docket No. FAA–2016–0573) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2119. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2210– AA64) (Docket No. FAA–2016–0573) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2120. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitted, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lycoming Engines Reciprocal Cutting Engines" ((RIN2210–AA64) (Docket No. FAA–2016–0573) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2121. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of
Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney Division Turbofan Engines” (Docket No. FAA–2016–9405) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2122. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company Turbofan Engines” (Docket No. FAA–2016–9400) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2120. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes” (Docket No. FAA–2016–9401) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2121. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” (Docket No. FAA–2016–9402) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2124. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment and Removal of VOR Federal Airways; Eastern United States” (Docket No. FAA–2016–9404) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2125. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” (Docket No. FAA–2016–9403) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2126. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” (Docket No. FAA–2016–9402) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2127. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” (Docket No. FAA–2016–9401) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2128. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company Turbofan Engines” (Docket No. FAA–2016–9400) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2129. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D and Class E Airspace for the following Idaho towns; Lewiston, ID; Pocatello, ID; and Twin Falls, ID” (Docket No. FAA–2016–9216) received in the Office of the President of the Senate on June 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2130. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, Selected Acquisition Reports (SARs) for the Chemical Demilitarization-Related Environmental Activity (Chem Demil-ACWA) and Ballistic Missile Defense System (BMDS) programs; to the Committee on Armed Services.

EC–2131. A communication from the Acting Assistant Secretary of Defense for Legislative Affairs, transmitting legislative proposals relative to the “National Defense Authorization Act for Fiscal Year 2018”; to the Committee on Armed Services.

EC–2132. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, transmitting, pursuant to law, a report entitled “2017 Report to Congress on Sustainable Ranges”; to the Committee on Armed Services.

EC–2141. A communication from the Executive Director, Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the Office of the Comptroller’s 2016 Annual Report on Preservation and Promotion of Minority-Owned National Banks and Federal Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–2142. A communication from the Chairman, Federal Financial Institutions Examination Council; to the Committee on Banking, Housing, and Urban Affairs.

EC–2143. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13461 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC–2144. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board’s semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–2145. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled “Report to Congress on the Profitability of Credit Card Operations of Depository Institutions”; to the Committee on Banking, Housing, and Urban Affairs.

EC–2146. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Availability of Funds and Collection of Checks” (RIN1700–AD96) received in the Office of the President of the Senate on July 10, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–2147. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board’s semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–2148. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the

**EC–2151.** A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Annual Report to Congress on the Medicare and Medicaid Integrity Programs Report for Fiscal Year 2015"; to the Committee on Finance.

**EC–2150.** A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Pre-Approved Plan Revenue Procedure" (Rev. Proc. 2017–41) received in the Office of the President of the Senate on July 10, 2017; to the Committee on Finance.

**EC–2151.** A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidelines for the Streamlining of Applying for Recognition of Section 501(c)(3) Status" ((RIN1545–BM06) (TD 9819)) received in the Office of the President of the Senate on July 10, 2017; to the Committee on Finance.

**EC–2153.** A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and defense services to a Middle East country (OSS–2017–0723); to the Committee on Foreign Relations.

**EC–2154.** A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and defense services to a Middle East country (OSS–2017–0722); to the Committee on Foreign Relations.

**EC–2155.** A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and defense services to a Middle East country (OSS–2017–0721); to the Committee on Foreign Relations.

**EC–2156.** A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and defense services to a Middle East country (OSS–2017–0720); to the Committee on Foreign Relations.

**EC–2157.** A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and defense services to a Middle East country (OSS–2017–0719); to the Committee on Foreign Relations.

**EC–2158.** A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of defense articles, including technical data, and defense services for the operational support, maintenance, and overhaul of F15–GE–100/100B (129E/129C/129D) or F16 engines used in F–15 and F–16 aircraft to the Republic of Turkey in the amount of $50,000,000 or more (Transmittal No. DDTC 16–091); to the Committee on Foreign Relations.

**EC–2159.** A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of defense articles, including technical data, and defense services to support the manufacture and maintenance of South Korea’s T–50 aircraft program for the ultimate end-use by the Kingdom of Thailand, Royal Air Force in the amount of $50,000,000 or more (Transmittal No. DDTC 17–002); to the Committee on Foreign Relations.

**EC–2160.** A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of defense articles, including technical data, and defense services for the export of 5.56mm carbines with extra magazine and part of $1,000,000 or more (Transmittal No. DDTC 17–027); to the Committee on Foreign Relations.

**EC–2161.** A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of defense articles, in the amount of $1,000,000 or more (Transmittal No. DDTC 16–123); to the Committee on Foreign Relations.

**EC–2162.** A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of defense articles, in the amount of $50,000,000 or more (Transmittal No. DDTC 17–129); to the Committee on Foreign Relations.

**EC–2163.** A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of defense articles, in the amount of $1,000,000 or more (Transmittal No. DDTC 16–129); to the Committee on Foreign Relations.

**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

**By Mr. YOUNG (for himself and Mr. NAKASHIMA):**

*S. 1531.* A bill to require reporting by the Secretary of Education on the implementation of recent Government Accountability Office recommendations; to the Committee on Health, Education, Labor, and Pensions.

**By Mr. THUNE (for himself, Ms. KLOBUCHAR, and Mr. NELSON):**

*S. 1532.* A bill to direct the Secretary of Commerce to issue technical data, and defense services for the export of M16A4 rifles, spare parts, accessories, and training to the United Arab Emirates in the amount of $1,000,000 or more (Transmittal No. DDTC 11–129); to the Committee on Foreign Relations.

**EXECUTIVE REPORTS OF COMMITTEES**

The following executive reports of nominations were submitted:

By Mr. BARRASSO for the Committee on Environment and Public Works:

*Susan Parker Bodine, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

*Annie Caputo, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2021.

*Peter B. Winter, which nominations were received by the Senate and appeared in the Congressional Record on June 30, 2020.

By Mr. CORKER for the Committee on Foreign Relations:

*Mark Andrew Green, of Wisconsin, to be an Administrator of the United States Agency for International Development for a term of five years expiring June 30, 2025.

*Joseph S. Edlow, of Pennsylvania, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2025.

By Mr. WICKER (for himself and Mr. BLOOMBERG):

*S. 1534.* A bill to direct the Federal Communications Commission to amend its rules so as to prohibit the application to amateur stations of certain private land use restrictions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEITKAMP (for herself, Mrs. CAPITO, Mr. WHITEHOUSE, Mr. BARRASSO, Mr. KAINE, Mr. GRAHAM, Mr. SCHATZ, Mr. BLUNT, Mr. BOOHER, Mr. PORTMAN, Mr. SULLIVAN, Mr. CASEY, Ms. KLOBUCHAR, Mr. DURBIN, Mr. FRANKEN, Mr. BROWN, Mr.
By Mr. WARNER (for himself, Mr. DONNELLY, Mr. MANCHIN, Ms. DUCKWORTH, Mr. PETERS, Mr. COONS, Mr. BENNET, and Mr. KING):

S. 1253. A bill to amend the Internal Revenue Code of 1986 to improve, expand, and extend the credit for carbon dioxide sequestration; to the Committee on Finance.

By Ms. THUNE, and Mr. NELSON:

S. 1536. A bill to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration’s outreach and education program to include human trafficking prevention activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. COONS, Mr. VAN HOLLEN, Mr. FRANKEN, Mr. NELSON, Mr. UDALL, Mrs. FEINSTEIN, Mr. CARPER, Mr. LEAHY, and Mr. PORTMAN):

S. 1537. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

By Mr. PETERS (for himself and Mr. RUSCH):

S. 1538. A bill to amend the Small Business Act to include stock ownership plans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. KLOBUCAR (for herself, Ms. HIROKON, and Mrs. FEINSTEIN):

S. 1539. A bill to protect victims of stalking from gun violence; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. PETERS, and Mr. PATTIS):

S. 1540. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for investments in qualified production facilities; to the Committee on Finance.

By Mr. CASSIDY:

S. 1541. A bill to modify the definition of an antique firearm; to the Committee on Finance.

By Mr. HATCH:

S. 1542. A bill for the relief of James Doyle, doing business as Rocky Mountain Ventures and Environmental Land Technologies, Ltd.; to the Committee on the Judiciary.

By Mr. BLUMENTHAL:

S. 1543. A bill to amend title 10, United States Code, to improve protections for a member of the Armed Forces who is a survivor of a sexual assault during military service; to the Committee on Armed Services.

By Ms. KLOBUCAR (for herself, Mr. CARDIN, Mr. DURBIN, Mr. REED, Ms. WARNER, Mr. SANDERS, Mr. MARKET, Ms. DUCKWORTH, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mrs. MURRAY, Mrs. SHAHEEN, Ms. HARRIS, and Mr. MERKLEY):

S. 1544. A bill to prevent Federal funds from being used to establish a cybersecurity unit in cooperation with the Russian Federation; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. CARPER, Mr. COONS, Mr. NELSON, Ms. BALDWIN, Mr. KAINE, Mr. KING, Mr. PETERS, Mr. TSISTER, and Ms. STABENOW):

S. 1545. A bill to amend title XIX of the Social Security Act to provide the same level of Federal matching assistance for every State that chooses to expand Medicaid coverage to newly eligible individuals, regardless of when such expansion takes place; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. MANCHIN, Ms. HEITKAMP, and Mr. KING):

S. 1546. A bill to amend the Patient Protection and Affordable Care Act to provide greater flexibility in offering health insurance coverage across State lines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER (for himself, Mr. MENENDEZ, Ms. HARRIS, Ms. CORTEZ MASTO, Mr. REED, Mr. BLUMENTHAL, Mr. DOSS, Ms. GILLIBRAND, Mr. MARKET, Mr. REED, Mr. FRANKEN, Mr. DURBIN, Mr. COONS, Mr. BROWN, Mr. CARPER, Mrs. MURRAY, Mr. CASEY, Ms. HASKAN, Ms. SHAHEEN, Mr. WHITEHOUSE, Ms. KLOBUCAR, Mr. MURPHY, Mrs. FEINSTEIN, Mr. WIDEN, Mr. UDALL, Ms. WAXBERG, Mr. BLUMENTHAL, Mr. LEAHY, Mr. SCHUMER, Mr. HINNICH, Mr. MERKLEY, Mr. SCHATZ, and Ms. CANTWELL):

S. 1547. A bill to nullify the effect of the recent Executive order that establishes an ‘election integrity’ commission, which will be used and is designed to support policies that will suppress the vote in minority and poor communities across the United States; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 170. At the request of Mr. RUBIO, the name of the Senator from Kansas (Mr. ROGERS) was added as a cosponsor of S. 170, a bill to provide for nonpreemption of measures by State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctioning activities targeting Israel, and for other purposes.

S. 194. At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 194, a bill to amend the Export-Import Bank of the United States Act of 1945, a bill to amend the Public Health Service Act to increase the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

S. 198. At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 198, a bill to require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

S. 266. At the request of Mr. HATCH, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

At the request of Mr. LEE, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 261, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

S. 301. At the request of Mr. LANKFORD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 301, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

At the request of Mr. ISAACKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 397, a bill to amend title XVIII of the Social Security Act to ensure fairness in Medicare hospital payments by establishing a floor for the area wage index applied with respect to certain hospitals.

S. 690. At the request of Mr. CARDIN, the name of the Senator from Maine (Mr. KING) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 690, a bill to extend the eligibility of redesignated areas as HUBzones from 3 years to 7 years.

S. 720. At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 720, a bill to amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

At the request of Mr. PORTMAN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 720, supra.

S. 923. At the request of Mrs. ERNST, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 923, a bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

S. 945. At the request of Mr. CORNYN, the names of the Senator from Utah (Mr. LEE) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 945, a bill to amend the Carl D. Perkins Career and Technical Education Act of 2000 to authorize funds to identify and eliminate excessive occupational licensure.
At the request of Ms. STABENOW, the name of the Senator from Montana (Mr. Tester) and the Senator from New York (Mrs. Gillibrand) were added as cosponsors of S. 967, a bill to amend title XVIII of the Social Security Act to make access to ambulance services under the Medicare program and to reform payments for such services under such program, and for other purposes.

At the request of Mr. Wyden, the name of the Senator from Maryland (Mr. Van Hollen) was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

At the request of Mr. Cothren, the name of the Senator from Mississippi (Mr. Wicker) was added as a cosponsor of S. 1050, a bill to amend title XVIII of the Social Security Act to make access to ambulance services under the Medicare program and to reform payments for such services under such program, and for other purposes.

At the request of Mr. Wyden, the name of the Senator from Alaska (Mr. Sullivan) was added as a cosponsor of S. 1104, a bill to require the Federal Communications Commission to establish a methodology for the collection by the Commission of information about commercial mobile service and commercial mobile data service, and for other purposes.

At the request of Ms. Murkowski, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 1179, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era, and for other purposes.

At the request of Mr. Young, the names of the Senator from Virginia (Mr. Warner), the Senator from Mississippi (Mr. Cochran), the Senator from Mississippi (Mr. Wicker) and the Senator from Virginia (Mr. Kaine) were added as cosponsors of S. 1182, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of the American Legion.

At the request of Mr. Rubbio, the name of the Senator from South Dakota (Mr. Rounds) was added as a cosponsor of S. 1292, a bill to amend the State Department Basic Authorities Act of 1956 to monitor and combat anti-Semitism globally, and for other purposes.

At the request of Mr. Grassley, the name of the Senator from Nevada (Ms. Cortez Masto) was added as a cosponsor of S. 1312, a bill to prioritize the flight against human trafficking in the United States.

At the request of Mr. Casey, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 1343, a bill to amend the Internal Revenue Code of 1986 to modify certain charitable tax provisions.

At the request of Mr. Carper, the names of the Senator from Maine (Mr. King) and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of S. 1380, to establish an Individual Market Reinsurance fund to provide funding for State individual market stabilization reinsurance programs.

At the request of Mr. Wicker, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1361, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

At the request of Mrs. Shaheen, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 1462, a bill to amend the Patient Protection and Affordable Care Act to improve cost sharing subsidies.

At the request of Ms. Murray, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 362, a resolution affirming the importance of Title IX, applauding the increase in educational opportunities available to women and girls, and recognizing the tremendous amount of work left to be done to further increase those opportunities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 237. Mr. CRAPO (for himself and Mr. Risch) submitted an amendment intended to be proposed by him to the bill S. 1519, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 257. Mr. CRAPO (for himself and Mr. Risch) submitted an amendment intended to be proposed by him to the bill S. 1519, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table:

SEC. 2806. LAND CONVEYANCE, MOUNTAIN HOME AIR FORCE BASE, IDAHO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Mountain Home, Idaho (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4,25 miles of railroad spur located near Mountain Home Air Force Base, Idaho, as further described in subsection (b), for the purpose of economic development.

(b) MAP AND LEGAL DESCRIPTION.—The map and legal description shall be on file and available for public inspection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—The Secretary may require the City to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the City in advance of the conveyance under this section, including survey costs, environmental documentation, and any other administrative costs related to the conveyance, the Secretary shall refund the excess amount to the City.

(d) USE RESERVATION.—The Secretary may reserve a right to temporarily use, for urgent reasons of national defense and at no cost to the United States, all or a portion of the railroad spur conveyed under subsection (a).

(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.
AUTHORITY FOR COMMITTEES TO MEET

Mr. TILLIS. Mr. President, I have 11 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON ARMED SERVICES
The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, July 12, 2017, at 9:30 a.m., in open session to consider the nominations.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, July 12, 2017, at 10 a.m., in room 233 of the Russell Senate Office Building. The committee will hold a hearing on “Force Multipliers: How Transportation and Supply Chain Stakeholders are Combating Human Trafficking.”

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, July 12, 2017, at 9:45 a.m., in room 406 of the Dirksen Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES
The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, July 12, 2017, at 10 a.m., to hold a hearing entitled “Consideration of the Taylor Force Act.”

COMMITTEE ON THE JUDICIARY
The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, July 11, 2017, at 9:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

COMMITTEE ON INDIAN AFFAIRS
The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, July 12, 2017, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a legislative hearing.

COMMITTEE ON THE JUDICIARY
The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, July 12, 2017, to conduct a hearing entitled “Nourishing our Golden Years: How Proper and Adequate Nutrition Promote Healthy Aging and Positive Outcomes.”

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, INTERNATIONAL CYBERSECURITY POLICY
The Committee on Foreign Relations Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy is authorized to meet during the session of the Senate on Wednesday, July 12, 2017, at 2:15 p.m., to hold a Human Rights, and the Rule of Law.

COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON BORDER SECURITY AND IMMIGRATION
The Committee on the Judiciary, Subcommittee on Border Security and Immigration, is authorized to meet during the session of the Senate on Wednesday, July 12, 2017, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Examining the Problem of Visa Overstays: A Need for Better Tracking and Accountability.”

PRIVILEGES OF THE FLOOR
Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Thomas Adamson, be granted privileges of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHATZ. Mr. President, I ask unanimous consent that two fellows from my office, Micaela Klein and Sunmin Kim, be granted floor privileges for the remainder of the calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 13, 2017

Mr. PERDUE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:30 p.m., Thursday, July 13; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Hagerty nomination, with all postcloture time expiring at 1:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 12:30 P.M. TOMORROW

Mr. PERDUE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Thursday, July 13, 2017, at 12:30 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 12, 2017:

The JUDICIARY

DAVID C. NYE, OF IDAHO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF IDAHO.
EXTENSIONS OF REMARKS

ANTHONY CERVANTES
HON. ED PERLMUTTER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Anthony Cervantes for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Anthony Cervantes is a student at Arvada High School and received this award because of his determination and hard work have allowed him to overcome adversities. The dedication demonstrated by Anthony Cervantes is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Anthony Cervantes for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

HONORING COLONEL RALPH L. SCHWADER
HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Colonel Ralph L. Schwader, Commander of the Missouri Air National Guard’s 139th Airlift Wing. Colonel Schwader has dedicated years of service to not only the people of Missouri, but in defense of the United States of America. It is with great honor that I take a moment to recognize Colonel Schwader today.

On paper alone, Colonel Schwader is an incredibly impressive man. His list of various commands, deployments, decorations, and awards could fill volumes. However, what you will never see on paper are the people he has touched while on those deployments or commands. The lives he has touched while earning those decorations and awards. Colonel Schwader may never know the lives he has saved delivering supplies to soldiers in the field while deployed for Operations Desert Shield, Iraqi Freedom, and Enduring Freedom, among many other deployments and service stations. The lives other airmen he saved through training provided under his command by the Advanced Airlift Training Center. He may never fully know the gratitude for aid he helped provide to other Missourians during a flood or tornado or internationally to Haiti following the earthquake of 2010. It is on behalf of those people who haven’t been able to give their thanks, myself and everyone in the Sixth Congressional District that I give my deepest thanks to Colonel Schwader for his dedication and service.

Mr. Speaker, I proudly ask you to join me in recognizing Colonel Ralph L. Schwader for his decades of service to Missouri, the Sixth Congressional District and to the United States of America.

RECOGNIZING THE LIFE OF FALL-EN MISSISSIPPI ARMY STAFF SERGEANT (SSG) SCOTTIE LEE BRIGHT
HON. TRENT KELLY
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. KELLY of Mississippi. Mr. Speaker, I am humbled to rise today in memory of Army Staff Sergeant (SSG) Scottie Lee Bright who was killed on July 5, 2005, during Operation Iraqi Freedom. SSG Bright was killed when an improvised explosive device detonated near his military vehicle during patrol operations in Baghdad.

SSG Bright was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, Colorado.

SSG Bright, a Jackson, Mississippi native, was a 1986 graduate of Lanier High School. SSG Bright joined the Army in 1991. His brother Willie Bright said SSG Bright loved the Army and especially younger soldiers. Willie said his brother was his hero.

SSG Bright’s funeral was held on what would have been his 37th birthday. More than 200 people filled the New Ebenezer Baptist Church that day. Reverend Dan Day called the event a “homecoming celebration” because Heaven was SSG Bright’s new address. SSG Bright’s wife, Carolyn, told those in attendance that her husband was a wonderful husband and father and loved by his family very much.

At the funeral, Brigadier General (BG) Robert Crear presented SSG Bright’s family with military awards including the Bronze Star and Purple Heart.

During the graveside service at Autumn Woods Cemetery, a Mississippi Army National Guard honor guard played “Taps.” He was also given a 21-gun salute.

SSG Bright is survived by his wife, Carolyn and their children, Breshay Nicole and Scottie Lee Bright, Jr.

SSG Bright gave the ultimate sacrifice to protect the freedoms we all enjoy. His service to our nation will not be forgotten.

RECOGNIZING JULY AS DRY EYE AWARENESS MONTH DURING THE DECADE OF VISION 2010 THROUGH 2020
HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. SESSIONS. Mr. Speaker, in 2009, I was proud to co-sponsor with my then-House colleagues the Honorable Tammy Baldwin the successfully passed H. Res. 366, which designated 2010 through 2020 as “The Decade of Vision.” Accompanied by the Senate’s success, this legislation was signed into law as S. Res. 209, these resolutions recognized the challenges to the vision health of our nation’s citizens as the population ages and the incidence of chronic diseases—such as diabetes—grows, causing eye disease and visual impairment.

In the spirit of those resolutions, I am pleased to recognize July as Dry Eye Awareness Month. Dry eye, a growing global problem that affects more than 30 million people in the United States alone, occurs when the eye does not produce tears properly or they are not of the correct consistency and evaporate too quickly. It can range from discomfort to a painful chronic and progressive condition that leads to blurred vision or even vision loss. Dry eye impacts our nation’s healthcare policy, as it is one of the most frequent causes of patient visits to eye care providers.

Although past research supported by the National Institutes of Health (NIH) and its National Eye Institute (NEI) on the causes of and treatments for the condition has identified age, sex, and gender as factors, it has now discovered ethnic and racial differences, and that dry eye impacts younger patients. This “equal opportunity” disease can have many causes, including environmental exposure; side-effects from medications; eye surgery; eye lid disorders; immune system diseases such as Sjögren’s syndrome, lupus, or rheumatoid arthritis; contact lens wear; cosmetic use; aesthetic procedures; and an increasingly common cause—staring at computer or video screens for too long without blinking. Many are calling dry eye the “Disease of the Millennials” due to its increased incidence in that population.

Dry eye has also been a major issue for our brave soldiers who were engaged in Operations Enduring Freedom and Operation Iraqi Freedom. The Veterans Administration reports that upwards of 70 percent of Traumatic Brain Injury-exposed veterans have dry eye symptoms.

During the 2017 Dry Eye Awareness Month, the Tear Film & Ocular Surface Society’s Dry Eye Workshop II (TFOS DEWS II) Report will be published in The Ocular Surface Journal, updating the definition of dry eye and addressing its greater impact on vision health—the first such re-examination since 2007. Report highlights will be presented at a July 12 Congressional Briefing, accompanied by a "Test
Your Tears” Screening and presentation of research posters.

The vision community and its coalition partners are uniting to recognize this growing threat to vision health, and I stand in support of these awareness and educational efforts.

IN APPRECIATION OF THE SERVICE OF EDWARD A. BURRIER

HON. EDWARD R. ROYCE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. ROYCE of California. Mr. Speaker, as Chairman of the Foreign Affairs Committee, I would like to take a moment to express my appreciation for an exceptional individual who has served this House with distinction for the last 18 years, Mr. Edward A. Burrier.

Edward first started in my office interning at the Africa Subcommittee, which I then chaired. At the time, he was still in college at the University of Mary Washington in Fredericksburg, Virginia. Each day he would make the long commute from Fredericksburg, just to volunteer.

He then took a job in my personal office in 1133 Longworth where he met his future wife, a fellow junior staffer, Gretchen. While I may have been unaware about their early dating, I was pleased to have the opportunity to attend their memorable wedding in Adare, Ireland in 2006. They now have a young son, William, and it has been a pleasure watching them grow personally and professionally.

Edward eventually rose to the position of Committee Deputy Staff Director of the House Foreign Affairs Committee. Over the years, Edward was essential in achieving so much, including efforts to prevent the proliferation of MANPADS to terrorists, and major legislation sanctioning the regimes of North Korea and Iran, which are dangerously pursuing nuclear weapons programs. He found a niche in tracking international rogues, some of who are now behind bars for gun-running and creating mayhem, in part because of Edward’s efforts. He also produced important reports, including the path-breaking Gangster Regime: How North Korea Counterfeits United States Currency, still relevant today. And he wrote for me hundreds of Foreign Intrigue blog entries, some of the most captivating foreign policy writing in Washington.

Everything he worked on became better. In the last Congress, the Committee succeeded in having 24 bills become public law. That’s a short, Edward has been involved in all the central to much of what I have been able to accomplish. Most recently, he helped manage what I believe to be the best committee staff in Congress.

Edward is cool, calm, and collected. He is a genuinely good person.

Edward was one of the most talented, competent, and dedicated staff members in the House. His skills and excellent judgment will serve him well as he transitions to a top position at the Overseas Private Investment Corporation. His many friends on the Hill, both Republicans and Democrats, wish Edward continued success.

IN APPRECIATION OF THE SERVICE OF EDWARD A. BURRIER

HON. ED PERLMUTTER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Wheat Ridge Police Commander Mark Cooney for his dedication in serving the people and the City Wheat Ridge, Colorado.

Mark’s dedication exemplifies his vision statement of “Exceptional People Providing Exceptional Service.” His hard work and dedication every day to making the community of Wheat Ridge a great place to live and work demonstrates his exemplary work as a police officer in Wheat Ridge.

I extend my deepest thanks to Commander Cooney for his service to the community. Thank you for your continuous dedication to serving the people and the City Wheat Ridge, Colorado.

IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. BLUM. Mr. Speaker, I rise today to honor two brothers from the First District of Iowa on their retirement after their 31 years of service in the Iowa National Guard.

Ryan and Todd Aarhus are a shining example of citizenship and servitude to our great nation. During their 31 years of service, both brothers were deployed. Todd served as part of Operation Enduring Freedom, and both brothers served in Operation Iraqi Freedom. Ryan and Todd have both had distinguished careers of service—not only have they served their country and state in the Iowa National Guard, but both also serve as Iowa State Patrol Officers, volunteer firefighters, and EMT’s. Additionally, Todd also served on Governors Culver and Branstad’s State Security details.

It is my pleasure to honor both Ryan and Todd Aarhus on their retirement and to thank them for their dedication and service to our community, the State of Iowa, and our nation.

IN APPRECIATION OF THE SERVICE OF RYAN AND TODD AARHUS

HON. ROD BLUM
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. BLUM. Mr. Speaker, I rise today to honor two brothers from the First District of Iowa on their retirement after their 31 years of service in the Iowa National Guard.

Ryan and Todd Aarhus are a shining example of citizenship and servitude to our great nation. During their 31 years of service, both brothers were deployed. Todd served as part of Operation Enduring Freedom, and both brothers served in Operation Iraqi Freedom. Ryan and Todd have both had distinguished careers of service—not only have they served their country and state in the Iowa National Guard, but both also serve as Iowa State Patrol Officers, volunteer firefighters, and EMT’s. Additionally, Todd also served on Governors Culver and Branstad’s State Security details.

It is my pleasure to honor both Ryan and Todd Aarhus on their retirement and to thank them for their dedication and service to our community, the State of Iowa, and our nation.

IN RECOGNITION OF THE 35TH ANNUAL METRO DETROIT YOUTH DAY

HON. DEBBIE DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mrs. DINGELL. Mr. Speaker, I rise today to recognize the organizers and participants of the 35th annual Metro Detroit Youth Day. This annual event provides southeast Michigan youth with a day of fun, games and opportunities to engage with local officials and role models. Originally started in 1981 to promote stronger relations between residents of Detroit and the business community, Metro Youth Day has expanded significantly and now provides approximately 35,000 Detroit-area children with a day of education and recreation on Belle Isle in the Detroit River. As the largest youth event in the State of Michigan, Metro Youth Day hosts over 360 organizations and 260 businesses from Metro Detroit to provide participants with opportunities to build connections with civic leaders and nonprofit groups. These include Grow Detroit Youth Talent, an organization that provides summer jobs for young people in Detroit, as well as educational events by local community groups. Youth Day also offers college scholarships to several dozen graduating high school students each year.

Metro Detroit Youth Day helps build a culture of civic engagement while also providing important resources and educational opportunities to area youth. The event has received widespread acclaim, including a Point of Light Award from President George H.W. Bush, as well as a Michigan Governor’s Award on Physical Fitness for its promotion of physical activity and health. These accolades underscore the positive impact that Metro Youth Day has on the Detroit community. Additionally, the event has provided more than 1,800 college scholarships to graduating seniors since 1991, making it an important engine of opportunity for area youth. These efforts have helped create a stronger and more cohesive Detroit, and it is my hope that Metro Youth Day continues to grow and serve the Detroit area youth while promoting improved community relations in the coming years.

Mr. Speaker, I ask my colleagues to join me in recognizing the organizers and participants of the 35th annual Metro Detroit Youth Day. The event provides important resources and opportunities for participants.

IN RECOGNITION OF THE 35TH ANNUAL METRO DETROIT YOUTH DAY
HON. KEN BUCK
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize Grant May for his hard work and dedication to the people of Colorado’s Fourth District as an intern in my Washington, D.C. office for the Summer of 2017.

The work of this young man has been exemplary, and he has a bright future. He served as a tour guide, interacted with constituents, and learned a great deal about our nation’s legislative process. I was glad to be able to offer this educational opportunity, and look forward to seeing him build his career in public service.

Grant plans to continue pursuing his degree at the end of this internship. I wish him the best as he pursues his career path. Mr. Speaker, it is an honor to recognize Grant May for his service the last several months to the people of Colorado’s 4th district.

HON. ED PERLMUTTER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Adalberto Garza for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Adalberto Garza is a student at Arvada K–8 School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Adalberto Garza is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Adalberto Garza for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

HON. MICHAEL K. SIMPSON
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. SIMPSON. Mr. Speaker, I would like to thank the following people who have worked with me to achieve the Morley Nelson Snake River Birds of Prey National Conservation Area Boundary Modification Act of 2017

Those who helped in many different ways to ensure this was the best possible deal saving Idaho ratepayers money.

Let me start by thanking Brian O’Donnell and Danielle Murray from the Conservation Lands Foundation. Their solution oriented attitude helped get this across the finish line. I would also like to thank Rick Johnson, Craig Gehlke, Will Whealan, Kai Anderson, and Amelia Jenkins from the conservation community.

I want to thank Jeff Malm and his terrific team at Idaho Power, including Mark Stokes and Mitol Colburn, who were there every step of the way to ensure the project recognizes conservation and saves Idaho ratepayers. Their friends at Rocky Mountain Power, including Pat Reiten, were also great partners.

I would also like to thank the hard working men and women at the Bureau of Land Management. Tim Murphy and his team in Idaho include Peter Ditton and Erin Curtis. Their work was instrumental throughout the entire Gateway West project and I thank them for their public service in Idaho.

Additionally, I need to thank Governor Otter and his team of John Chatburn and Scott Pugurd for their diligent work. I also want to thank Senator Risch and his staff members John Sandy, Darren Parker, and Melanie Steele.

Thanks to Chairman Bishop and the House Natural Resources Committee for their thoughtful consideration of the Gateway West legislation. Erica Rhoad and Aniela Butler were a huge help to guiding this legislation through Chairman McCulloch’s sub-committee.

I want to thank Gregory Kostka, Lisa Daly, and Hank Savage at Legislative Counsel. They drafted and redrafted countless versions of this bill under tight deadlines.

I would also like to thank the Senate and House Interior and Environment Appropriations Subcommittee Chairmen Lisa Murkowski and Ken Calvert along with their ranking members Tom Udall and Betty McCollum. Their staff were relentless in guiding this agreement to the finish line and a special thanks is owed to Dave LesString, Betsy Bina, and Mitch Colburn who were there every step of the way to ensure this was the best possible deal for my constituents in Idaho.

HON. DOROTHY A. BURLEY
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. Speaker, for that reason and so many others, I ask you to join me in wishing this devoted mother, grandmother, public servant, and mentor, Ms. Dorothy A. Burley, a very happy 75th birthday.

HON. LUIS V. GUTIERREZ
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. GUTIERREZ. Mr. Speaker, I rise today to recognize and applaud Ricardo Gomez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Ricardo Gomez is a student at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ricardo Gomez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Ricardo Gomez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.
INTRODUCTION OF A BILL TO DIRECT THE JOINT COMMITTEE ON THE LIBRARY TO ACCEPT A STATUE DEPICTING PIERRE L’ENFANT FROM THE DISTRICT OF COLUMBIA AND TO PROVIDE FOR THE PERMANENT DISPLAY OF THE STATUE IN THE UNITED STATES CAPITOL

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Ms. NORTON. Mr. Speaker, today I introduce a bill to direct the Joint Committee on the Library to accept a statue depicting Pierre L’Enfant from the District of Columbia and to provide for the permanent display of the statue in the United States Capitol.

Pierre L’Enfant was born in France in 1754. He was an engineer and an architect, and he traveled to the United States to serve with the United States in the Revolutionary War. In March 1791, L’Enfant was hired to develop the design for the District of Columbia. L’Enfant’s design envisioned a federal and residential city with diagonal streets propelling from Congress and the President’s home, beautiful boulevards on local streets and neighborhoods, and open spaces for monuments, memorials and historical structures, all of which largely remain intact, protected as a historical treasure.

In 2006, the residents of the District of Columbia chose L’Enfant as one of the top ten Americans that have given distinguished service to the District, and the selection committee created by the D.C. Commission on the Arts and Humanities chose L’Enfant as the second statue from the District of Columbia to be placed in the United States Capitol. The District’s first choice for a statue was Frederick Douglass, and I am pleased that the Douglass statue now sits in Emancipation Hall. Because the United States Capitol does not currently have a statue of Pierre L’Enfant, and because D.C. residents and stakeholders chose L’Enfant as a distinguished Washingtonian, this bill would require the Joint Committee on the Library to place the Pierre L’Enfant statue in the United States Capitol.

I urge my colleagues to support this bill.
degree from the University of Southern California in 1981 and was a Fellow of the Program for Senior Executives in State and Local Government at Harvard University’s Kennedy School of Government in 1988. In 2005, he completed a rigorous evaluation process and became a Credentialed Manager under the auspices of the National City/County Management Association.

Howard eventually served 34 years as Lakewood City Manager, retiring in 2011. However, within a year, the city council asked him to return to the role. He returned in 2012 and remained until his retirement this year. In total, his 41 years as city manager represent nearly two-thirds of the 63-year-old city’s entire existence. It is safe to say that the vast majority of the city’s 80,000 residents have known him no one but Howard as city manager.

During his tenure as Lakewood city manager, Howard managed the city’s largest public works project in its first 50 years: the $16 million improvement of the Lakewood Civic Center and construction of The Centre at Sycamore Plaza. He later oversaw the $21-million expansion and modernization of the Lakewood Sheriff’s Station, the largest single project in the city’s history. The sheriff’s station expansion project was completed without a new tax, tax increase, or special assessment.

None of this has gone unnoticed and on his watch, Lakewood has deservedly earned many awards for the quality of its services, its commitment to responsive government, and its innovations.

Over his record-setting 40 years behind the city manager’s desk, Howard has become a respected leader among area city managers, always willing to take the time to share his professional experience with his colleagues on issues affecting Southern California, its residents, and its infrastructure.

Howard has also worked tirelessly and effectively on ad hoc committees and coalitions to address federal, state, and local issues, and has never shied away from a principled battle. As a long-term member of the International City/County Management Association (ICMA), Chairman of the Southeast Los Angeles County Municipal Management Group, the California Contract Cities Association, and a member of the League of California Cities’ City Managers Division, Howard has worked with elected and appointed city officials, legislators, regulators, the business community, residents, and others to achieve solutions to the critical issues affecting local governments.

In addition to his public service, Howard has made community service a priority. His involvement includes the Lakewood Rotary Club, the Weingart-Lakewood Family YMCA, Lakewood Special Olympics, the American Heart Association, Su Casa Ending Domestic Violence, Lakewood Regional Hospital, Kris Kringle Charity Golf Tournament, and Project Shepherd.

For his sustained excellence, he has been recognized throughout his career by a variety of organizations including ICMA, Harvard University John F. Kennedy School of Government, California Jaycees, YMCA, Lakewood City Council, Lakewood City Employees Association, and Su Casa Ending Domestic Violence.

Howard is considered a legend in the city management profession and is known for his ability to build working relationships with city staffs, civic leaders, and state legislators. He also is a role model for his peers. Known for his “teachable moments,” he has become a mentor and teacher to an entire generation of new city managers. He has been and will continue to be passionate about local government, and his involvement in community activities and achievements in public service have resulted in recognition both to Lakewood and surrounding communities.

I have truly appreciated the time I have spent working with Howard. He has a great sense of humor and even when we have disagreed, he is respectful and thoughtful. I will miss Howard’s leadership and his guidance.

MARKUS HAMRE

HON. ED PERLMUTTER
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2017

Mr. PERLMUTTER, Mr. Speaker, I rise today to recognize and applaud Markus Hamre for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Markus Hamre is a student at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Markus Hamre is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Markus Hamre for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

IN RECOGNITION OF THE SACRAMENTO CENTER FOR THE PUBLIC POLICY INSTITUTE OF CALIFORNIA

HON. DORIS O. MATSUI
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2017

Ms. MATSUI, Mr. Speaker, I rise today in recognition of the Public Policy Institute of California’s (PPIC) Sacramento Center. As 2017 marks the 10th anniversary of this vital center for public political thought, I ask all my colleagues to join me in honoring PPIC for its leadership and commitment in the community to providing nonpartisan, well-formulated opinions and data for the benefit of California’s policymakers.

The Public Policy Institute of California was founded in San Francisco in 1994 by a trio of California visionaries seeking to provide our state with a world-class, nonpartisan think tank. Since then, PPIC has lived up to its mission of “informing and improving public policy through independent, objective, non-partisan research.” By 2007, PPIC had opened a second office in Sacramento, enabling its team of experts to operate in the heart of California’s state government.

PPIC boasts a staff of 75 people, including experts in economics, demography, political science, sociology, and environmental resources. It focuses on a wide range of concerns and opportunities facing our state, including higher education, water issues, and government investment strategies. Additionally, PPIC conducts surveys of voters and constituents to provide lawmakers with electoral, approval ratings, and public opinion. Utilizing its unparalleled access to survey data and predictive analytics, PPIC seeks to understand the forces that drive societal change in the long term, which helps inform the political short term.

Mr. Speaker, I am honored to pay tribute to the Public Policy Institute of California’s Sacramento Center as it celebrates the 10th anniversary of its founding. I ask all my colleagues to join me in honoring PPIC’s dedication to providing California’s government with information and illumination.

COMMEMORATING THE BEGINNING OF THE DIAMOND JUBILEE FOR THE ISMAIILI MUSLIM COMMUNITY

HON. EDDIE BERNICE JOHNSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2017

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. Speaker, I rise today to commemorate the beginning of the Diamond Jubilee for the North Texas Ismaili Muslim community, and the broader Ismaili Muslim community across the world.

On July 11, 1957, The Aga Khan became the 49th hereditary Imam of the Shia Imami Nizari Ismaili Muslims. In these past six decades, the Aga Khan has guided the world’s 15 million Ismaili Muslims in both their spiritual and material lives, providing religious interpretation, ensuring their safety, and improving the quality of life for the community.

While serving as the leader of the Ismaili Muslims, the Aga Khan has also played a major role in the philanthropic arena. The Aga Khan Foundation, established by the Aga Khan in 1967, works on projects such as disaster relief and historical restoration of cities and artifacts through the various programs in the Aga Khan Development Network. The AKDN along with its partners across the globe provides quality education and healthcare, along with promoting social and economic development to some of the world’s most impoverished and isolated communities.

The Ismaili Muslim community has contributed greatly to the cultural diversification and economic development in North Texas. Their volunteers have served the North Texas community by participating in local cleanups efforts after severe weather. The volunteers have also worked alongside other faith based groups and local nonprofits to provide meals to those who are less fortunate.

Mr. Speaker, the Diamond Jubilee presents an opportunity to the Ismaili Muslim community to reaffirm their faith and serve the community in which they operate from the various programs established by the Aga Khan. I congratulate the Aga Khan and the Ismaili Muslim community on this momentous milestone.
HONORING THE CENTRAL HEIGHTS BLUE DEVILS, 2017 CLASS 3–A TEXAS STATE BASEBALL CHAMPIONS

HON. LOUIE GOMHERT OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. GOMHERT. Mr. Speaker, it is truly a great honor to recognize the Central Heights Blue Devils baseball team, which completed a stellar season culminating with the capture of the 2017 Class 3–A State Baseball Championship title. This exceptionally talented team from just north of Nacogdoches rolled to victory with a 10–0 shutout against an aggressive challenge from the Wall High School Hawks of San Angelo, Texas.

With the support of coaches, teachers, administrators and their entire community, these young men bear witness that anything is achievable through hard work and determination. These are guiding principles that lead to success not only on the field, but will undoubtedly resonate through every endeavor these valiant championship players undertake in their lifetimes.

Among the individual team members to be congratulated are: Matthew Taylor, Cade McCarty, Clayton Ray, Sam North, Wyatt Allen, Ryan McClellan, Cade Watson, Will Haley, Braden Thomas, Dillon Burris, Cole Reneau, Tyler Burris, Michael Badders, Devin Yates, Grayson Rodriguez, J’Kolvin Wallace, Rowan Arrant, and Jacob Miller.

Their sportsmanship, humility, determination, hard work, and skill are to be commended, admired, and emulated.

The talented Blue Devils team was led to victory by an outstanding coaching and administrative staff, including: Travis Jackson, Head Coach; Brett Thornell, Collin Wallace, & Nathan Williams, Assistant Coaches; Temple Rodriguez, Statistician; Kevin Herron, Athletic Director; David Russell, Principal; and Bryan Lee, Superintendent.

Accolades must also be given to the players’ families and the entire community of supporters who reside in Nacogdoches County, who embraced the fighting spirit which was evident in every team member throughout the season. Without these devoted fans’ support and encouragement, the Blue Devils’ road to the championship would have undoubtedly been much more arduous.

It is with great pride that I join the constituents of the First District of Texas in congratulating the players and athletic staff of the 2017 Class 3–A Champion Central Heights Baseball Team.

Their legacy will endure as long as there is a United States of America.

LUKAS KNIGHT

HON. ED PERLMUTTER OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lukas Knight for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Lukas Knight is a student at Warren Tech North and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lukas Knight is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lukas Knight for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

CELEBRATING THE FIRST ATHLETIC STATE CHAMPIONSHIP FOR MEYERSDALE AREA HIGH SCHOOL—A HISTORIC WIN FOR THE RED RAIDER BASEBALL TEAM

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. SHUSTER. Mr. Speaker, I rise today to celebrate the achievements of the Meyersdale Area High School Varsity Baseball team of Meyersdale, Pennsylvania. The Red Raiders baseball team brought home the long awaited PIAA Class A State Championship on Thursday, June 15. This is a monumental moment for the school; it is the first state championship the school has won in any sport since its opening in the late 1940’s. In fact, this was the first PIAA crown earned by any team in the Somerset County school district.

The Red Raiders defeated the Clarion Bobcats 2–0, finishing their season with a record of 21–6. Baseball is a team sport, Mr. Speaker, and this championship is a team championship. The Red Raiders were led to victory against the Bobcats by their five seniors and captains, Riley Christner, Zach Holchkiss, Max Caton, Cody Welker, and David Swank, and head coach Wayne Miller. This headlining win gave Wayne Miller an overall record of 183–44 during his ten years of coaching the Red Raiders.

Mr. Speaker, I am honored to congratulate the players, coaches, and families of the Meyersdale Area High School Varsity Baseball team on their state championship. The passion, commitment, and teamwork shown by these young men will surely follow them in their future endeavors as well as inspire the Meyersdale community for years to come.

PERSONAL EXPLANATION

HON. BILLY LONG
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. LONG. Mr. Speaker, on Monday, June 26, 2017, Tuesday, June 27, 2017, Wednesday, June 28, 2017, Thursday, June 29, 2017, and Friday, June 30, 2017, I was unable to vote on any legislative measures due to having surgery on my foot. Had I been present, I would have voted the following:

Roll No. 323, On passage of H.R. 2547—Veterans Expanded Trucking Opportunities Act; I would have voted no;

Roll No. 324, On passage of H.R. 2258—ADVANCE Act; I would have voted yes;

Roll No. 325, On ordering the previous question providing for consideration of H.R. 1215—the Protecting Access to Care Act of 2017; I would have voted yes;

Roll No. 326, On adoption of the rule providing for consideration of H.R. 1215—the Protecting Access to Care Act of 2017; I would have voted yes;

Roll No. 327, On approval of the journal; I would have voted yes;

Roll No. 328, On passage of H. Res. 397—Solemnly reaffirming the commitment of the United States to the North Atlantic Treaty Organization’s principle of collective defense as enumerated in Article 5 of the North Atlantic Treaty; I would have voted yes;

Roll No. 329, On passage of H.R. 497—Santa Ana River Wash Plan Land Exchange Act; I would have voted yes;

Roll No. 330, On passage of H.R. 220—To authorize the expansion of an existing hydroelectric project; I would have voted yes;

Roll No. 331, On ordering the previous question providing for consideration of H.R. 3003—the No Sanctuary for Criminals Act; I would have voted yes;

Roll No. 332, On adoption of the rule providing for consideration of H.R. 3003—the No Sanctuary for Criminals Act; I would have voted yes;

Roll No. 333, On approval of the journal; I would have voted yes;

Roll No. 334, On agreeing to the amendment of Mr. Hudson of North Carolina No. 4 to H.R. 1215—the Protecting Access to Care Act of 2017; I would have voted yes;

Roll No. 335, On agreeing to the amendment of Mr. Barr of Kentucky No. 5 to H.R. 1215—the Protecting Access to Care Act of 2017; I would have voted no;

Roll No. 336, On motion to recommit with instructions to H.R. 1215—the Protecting Access to Care Act of 2017; I would have voted no;

Roll No. 337, On motion to recommit with instructions to H.R. 1215—the Protecting Access to Care Act of 2017; I would have voted yes;

Roll No. 338, On passage of H.R. 1500—the Robert Emmet Park Act; I would have voted yes;

Roll No. 339, On ordering the previous question providing for consideration of H.R. 3004—Kate’s Law; I would have voted yes;

Roll No. 340, On adoption of the rule providing for consideration of H.R. 3004—Kate’s Law; I would have voted yes;

Roll No. 341, On motion to recommit with instructions to H.R. 3003—the No Sanctuary for Criminals Act; I would have voted yes;

Roll No. 342, On passage of H.R. 3003—the No Sanctuary for Criminals Act; I would have voted yes;

Roll No. 343, On motion to recommit with instructions to H.R. 3004—Kate’s Law; I would have voted no; and

Roll No. 344, On passage of H.R. 3004—Kate’s Law; I would have voted yes.
Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kellan Langfield for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kellan Langfield is a student at Standley Lake High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Kellan Langfield is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kellan Langfield for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

CELEBRATING THE 100TH ANNIVERSARY OF YOUNG, OAKES, BROWN, & COMPANY, P.C.

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. SHUSTER. Mr. Speaker, I rise today to celebrate the 100th Anniversary of Young, Oakes, Brown, & Company, P.C. Young, Oakes, Brown, & Company, P.C. is the oldest professional firm in Blair County and one of the largest independently owned accounting and consulting firms based in Central Pennsylvania. Founded in Altoona, Pennsylvania in 1917, the firm has grown to employ 30 individuals that maintain the company’s reputation of Excellency in the accounting, tax preparation, and auditing profession. Throughout their 100 years, Young, Oakes, Brown, & Company, P.C. has continuously been an active community partner supporting charities, service and fraternal clubs and contributing to the 9th District of Pennsylvania.

Young, Oakes, Brown, & Company, P.C.’s current stakeholders are an outstanding example of integrity and professionalism in the workforce, and I know their founder, Robert E. Lawson is exemplary of the type of achievement and character in all of his future accomplishments.

Recognizing the Life of Fallen Mississippi Marine Corporal (Cpl.) Clifton Blake Mounce

HON. TREN'T KELLY
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Marine Corporal (Cpl.) Clifton Blake Mounce, who paid the ultimate sacrifice while defending our nation on July 14, 2005, during Operation Iraqi Freedom. Cpl. Mounce was killed when his vehicle was struck by an improvised explosive device while he was conducting combat operations near Trebil, Iraq. Cpl. Christopher D. Winchester was also killed.

Cpl. Mounce was assigned to the 3rd Battalion, 10th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force (Forward). Cpl. Mounce, a Pontotoc native, graduated from North Pontotoc High School in 2000. His mother, Pat Mounce, says Blake loved playing football and baseball. In 2001 Blake enlisted in the United States Marine Corps following the terror attacks on 9/11. Pat says he joined because he wanted to protect his three younger brothers; Shea, Winston, and Nate.

“I’m real proud,” Pat said. “He said he had to go over there and fight or the enemy will be on our soil. I supported him 100 percent.”

Additionally, Pat says her son was close to the end of his four years in the Marine Corps when he was deployed.

An estimated 300 people came to the funeral which was held at West Heights Baptist Church in Pontotoc. Cpl. Mounce’s father, Johnny Mounce, read letters to the crowd that he received from his son shortly before his death. In the second letter read, Cpl. Mounce addressed each family member with a special message.

Following the service, hundreds of cars were in the funeral procession. Residents lined the streets of Ecru waving American flags as some 200 cars drove by.

The American flag was presented to Cpl. Mounce’s wife, Tiffany, during the graveside service at Ecru Cemetery. Cpl. Mounce’s family was given the Purple Heart medal.

Cpl. Mounce is survived by his parents Johnny and Pat Mounce; wife Tiffany; brothers Shea, Winston, and Nate; and grandparents Flake and Dorothy Mounce.

In 2013, the Blake Mounce Memorial Run for the Park 5K was started in Ecru in memory of this brave soldier who gave all to protect the freedoms we all enjoy. We will always remember Cpl. Mounce’s sacrifice to protect our nation.

Recognizing Trinidad Benham Corporation on Their 100th Anniversary

HON. KEN BUCK
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize Trinidad Benham Corporation on their 100th Anniversary. This is truly a remarkable milestone which has been reached through
COMMEMORATING THE 60TH ANNIVERSARY OF THE NEW MEADOW RUN COMMUNITY IN FARMINGTON, PENNSYLVANIA

HON. BILL SHUSTER
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2017

Mr. SHUSTER. Mr. Speaker, I rise today to commemorate and applaud the contributions of Ron Marquez during his tenure with Developmental Disabilities Resource Center (DDRC).

Ron started his career as an Assistant Principal and then as Principal of Margaret Walters School. When the school closed, Ron took on the role of Director of Community Relations at DDRC.

Ron became a key public presence for DDRC, creating dynamic connections throughout the community, including the people served by DDRC. The work Ron has accomplished during his 36 year tenure helped to provide an enhanced quality of life for so many, and it is one of the reasons DDRC enjoys an outstanding reputation and ongoing success today.

I extend my deepest appreciation to Ron Marquez for his service and commitment to Developmental Disabilities Resource Center and the people they serve. I wish him all the best in retirement.

CONGRATULATING AGA KHAN ON HIS 60TH YEAR AS IMAM OF THE ISMAMI MUSLIMS

HON. PETE OLSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2017

Mr. OLSON. Mr. Speaker, I’m proud to represent one of the most diverse districts in America. Our diversity is an important part of what makes the greater Houston area such a unique example of the fabric of the American experience.

The Ismaili Muslim community is a great contributor to Texas’ cultural richness and economic growth. I appreciate the Ismaili Muslim community’s engagement with the community as a whole, from public affairs to business to education.

Sixty years ago today, the Aga Khan became the 49th hereditary Imam of the Shia Ismaili Muslims. The role of the Imam is to interpret the faith to the community, as well as improve the quality and security of their daily lives. Aga Khan has accomplished this role with success and pride for many years.

The Aga Khan emphasizes the view of the religion of Islam as a thinking, spiritual faith: one that teaches compassion and tolerance, promotes the role of intellect and upholds the dignity of man.

I congratulate the Aga Khan on his Diamond Jubilee as Imam and wish both he and the U.S. Ismaili Muslim community continued success in their efforts to improve the lives of people around the world.
TRIBUTE TO CHANCELLOR PAUL HARDIN

HON. DAVID E. PRICE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 12, 2017

Mr. PRICE of North Carolina. Mr. Speaker, I rise to honor the life and legacy of Paul Hardin III, former Chancellor of the University of North Carolina-Chapel Hill, who died on July 1 after a courageous battle with ALS.

My wife Lisa and I treasure the friendship of Paul and his wife Barbara and were privileged to join their family in their retirement community, Carolina Meadows, along with Barbara, brought his trademark for Mayor of Durham, and throughout his life where he served until his retirement in 1995.

He was appointed to his first college presidency in higher education. He was a brilliant student who finished his undergraduate and law degrees and edited the Duke Law Journal.

Paul then served in the Army's Counter Intelligence Corps and practiced law in Birmingham before returning to Durham to spend ten years on the faculty of Duke Law School. He was appointed to his first college presidency, at Wofford College, at age 37, and went on to serve as president of Southern Methodist and Drew Universities. In 1988 he became the seventh chancellor of UNC-CH, where he served until his retirement in 1995.

As a young man, Paul made a credible run for Mayor of Durham, and throughout his life he was attentive and involved in national, state, and local politics. In recent years, Paul, along with Barbara, brought his trademark high energy to the leadership of Democrats in their retirement community, Carolina Meadows.

They also shared, as children of ministers, deep roots in the Methodist Church. Paul, his son Russell reported at the memorial service, seriously considered entering the ministry as a weekly pulpit, was a Methodist bishop. Bill, a Methodist bishop, assured him that he could render faithful service and powerful witness in his chosen fields of education and the law.

Paul's father was right, as the thousands whose lives Paul Hardin can attest. I am honored to join this chorus of tribute, and include in the RECORD a piece by Paul's friend and mine, Village Communications President Jim Heavner, from the Raleigh News and Observer of July 5.

PAUL HARDIN—A GOOD MAN WHO MADE UNC BETTER

When Paul Hardin slipped away last week, North Carolina lost a brilliant and fine man, a UNC chancellor whose leadership was endearing, its lessons enduring.

“This man was a politician,” the governor said. “Here’s an idea.” I heard him say so often as a way to prepare us to hear how he might see the future differently. For years of my work and home town gave me much time with Paul and a friendship that grew. He and I were pulled together in work when my companion was the school's sports network.

It was the good fortune of us all to learn from him. Among the leaders I have known, none was more dogged in defense of the values he sought to protect. He was clear-eyed and courageous in facing down those who threatened those values.

It was likely the example of his Methodist minister father (also a bishop) that incubated his habit to find noble qualities among many where the rest of us could not. An extroverted and joyful soul, he loved much about politics and once ran for the town council in Durham.

It is little-known that he served in the CIA, or that his excellent golf game honed on the Duke team (his alma mater) qualified him for the British Open at a time when he was in Scotland. A great storyteller, Paul loved to recall those days and so many more. He was a lawyer who finished first in his class at Duke, where he also obtained his law degree. He would have to call on all of that as a university leader. It’s a world where daily is buffeted by high winds of disparate owners and bosses and the thunder of their loudest voices. Paul would frequently recall the story attributed to Lincoln about the politician who was tarred and feathered and run out of town on a rail: “Except for the honor of the public experience, I would have preferred to walk.”

Most every university is beset with the challenge of balancing the conflicting goals of big-time sports and the university’s academic mission. As president of Southern Methodist University, Paul Hardin heard of a minor malfeasance by the football coach that led him to learn of cash payments to players.

Paul was not a Poliyanova. He had a good political radar but never let it overpower his gyroscope. Knowing that he was in Dallas, where many see football as the reason to have a university, he nonetheless reported it to the NCAA and told his trustees that he was going to clean it up, knowing that he would face criticism.

His board members fired him. The school ultimately was given the NCAA’s only four-year “death penalty.”

Paul later said that it “perked up” his career. It was that experience, his exhibition of putting his values first, he said, that got him the job heading UNC in Chapel Hill 13 years later.

Unflinching in his support of the Knight Commission on College Athletics’ position that a school was more important than any coach, he never swerved in his commitment to administrative control of athletics and transparency in its dealings. He was a great friend of basketball and UNC’s iconic Dean Smith. Yet, when the head coach's Nike contract came up for renewal on Paul’s watch, the chancellor insisted that it be made public.

(Interestingly, while he was demanding the coach’s contractual transparency, he also was being criticized in the News & Observer for allowing Dean to make so much money while he was away playing golf.

In some things, you just can’t win.)

He also faced issues of protest and social unrest. He was caught in the jaws of irreconcilably-conflicting forces when supporters of the Black Cultural Center wanted that world view, that life, the closer we get to it, the clearer we see that life is good. We all benefit from his commitment to helping others, and we thank her for her hard work to keep Houstonians healthy.
School, United States. Merchant Marine Academy; Jack Daniel Dunworth, Westlake High School, United States Naval Academy; JC Matthew Engel, Westlake High School, Greystone Preparatory School at Schreiner University, United States Merchant Marine Academy; Matthew Joseph Friedel, Central Catholic High School, United States Naval Academy; Alexander Russell Helstab, Katherine Anne Porter School, Greystone Preparatory School at Schreiner University, United States Military Academy; James Bailey Marshall, Saint Mary’s Hall, United States Military Academy; Julie Ann Padilla, Cole High School, United States Air Force Academy; Benjamin Lewis Parrish, Saint Mary’s Hall, United States Military Academy; Shamus Kennedy Phelan, SHAPE American High School (Belgium), United States Air Force Academy; Jazmin Alexis Robinson, Claudia Taylor Johnson High School, United States Air Force Academy; and Jesse Alan Zimmel, Bandera High School, United States Merchant Marine Academy.

These outstanding students have much to give to their Academy and to our country. We appreciate their talents and their patriotism.

SUGAR LAND BAKERY NAMED BEST IN TEXAS

HON. PETE OLSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2017

Mr. OLSON. Mr. Speaker, I rise today to congratulate Anonymous Café for being named the best bakery in Texas by Buzzfeed. Anonymous, named after its owners Patricia and Tasos Pantazopoulos couldn’t agree on a name, is a farmhouse-chic style cafe that sells desserts, Italian coffee drinks, olive oil and oregano, on top of a full dining menu. The Greek natives opened the cafe after moving to Sugar Land to be closer to Patricia’s family. The cafe was named the best bakery in Texas earlier this year by the website Buzzfeed and has customers travelling from all over the country to try their made from scratch Greek desserts.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Anonymous Café for being named the best bakery in Texas. We’re honored to have Texas’ best bakery right in the heart of TX-22. Great job.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 13, 2017 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JULY 17

5 p.m.
Committee on Foreign Relations
To hold hearings to examine the President’s proposed budget request for fiscal year 2018 for the Department of State and Department reorganization plans.

SD-419

JULY 18

9 a.m.
Committee on Finance
To hold hearings to examine comprehensive tax reform, focusing on prospects and challenges.

9:30 a.m.
Committee on Armed Services
To hold hearings to examine the nominations of General Paul J. Selva, USAF, for reappointment to the grade of general and reappointment to be Vice Chairman of the Joint Chiefs of Staff.

SD-215

10 a.m.
Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of J. Paul Compton, Jr., of Alabama, to be General Counsel, and Anna Maria Farías, of Texas, and Neal J. Rackliff, of Texas, both to be an Assistant Secretary, all of the Department of Housing and Urban Development, Richard Ashooh, of New Hampshire, to be an Assistant Secretary, and Elizabeth Erin Walsh, of the District of Columbia, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, both of the Department of Commerce, and Christopher Campbell, of California, to be an Assistant Secretary of the Treasury.

SD-538

Committee on Foreign Relations
To hold hearings to examine the nominations of Callista L. Gingrich, of Virginia, to be Ambassador to the Holy See, and Nathan Alexander Sales, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, both of the Department of State.

SD-419

10:30 a.m.
Committee on Energy and Natural Resources
To hold hearings to examine the status and outlook for United States and North American energy and resource security.

SD-366

11 a.m.
Committee on Finance
To hold hearings to examine the nomination of David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury.

SD-215

2:30 p.m.
Committee on Armed Services
Subcommittee on SeaPower
To hold hearings to receive testimony on options and considerations for achieving a 355-ship Navy from former Reagan administration officials.

SR-222

Committee on Foreign Relations
Subcommittee on Multilateral International Development, Multilateral Institutions, and International Economic, Energy, and Environmental Policy
To hold hearings to examine “The Four Famines”, focusing on root causes and a multilateral action plan.

SD-419

JULY 19

9:30 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine illicit cigarette smuggling in the Organization for Security and Co-operation in Europe region.

SD-562

10 a.m.
Committee on Commerce, Science, and Transportation
To hold hearings to examine the nominations of Alit Varadaraj Pai, of Kansas, Jessica Rosenworcel, of Connecticut, and Brendan Carr, of Virginia, each to be a Member of the Federal Communications Commission.

SD-450

Committee on Energy and Natural Resources
Subcommittee on National Parks
To hold hearings to examine S. 257, to clarify the boundary of Acadia National Park, S. 312, to redesignate the Saint-Gaudens National Historic Site as the “Saint-Gaudens National Historical Park”, S. 355, to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability, S. 391, to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, S. 841, to designate the Veterans Memorial and Museum in Columbus, Ohio, as the National Veterans Memorial and Museum, S. 926, to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, S. 1073, to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and occupancy, S. 1202, to modify the boundary of the Little Rock Central High School National Historic Site, S. 1403, to amend the Public Lands Corps Act of 1965 to establish the 21st Century Conservation Service Corps to place youth and veterans in national service positions to conserve, restore, and enhance the great outdoors of the United States, S. 1438, to redesignate the Jefferson National Expansion Memorial in the State of Missouri as the “Gateway Arch National Park”, S. 1459, to establish Fort Sumter and Fort Moultrie National Park in the State of South Carolina, and S. 1522, to establish an Every Kid Outdoors program.

SD-366
Committee on Environment and Public Works
To hold hearings to examine S. 1514, to amend certain Acts to reauthorize those Acts and to increase protections for wildlife.
SD–406

Committee on Health, Education, Labor, and Pensions
Business meeting to consider the nominations of Marvin Kaplan, of Kansas, and William J. Emanuel, of California, both to be a Member of the National Labor Relations Board.
SD–430

Committee on Homeland Security and Governmental Affairs
Business meeting to consider the nomination of David P. Pekoske, of Maryland, to be an Assistant Secretary of Homeland Security; to be immediately followed by a hearing to examine the Postal Service's actions during the 2016 campaign season, focusing on implications for the Hatch Act.
SD–342

Committee on the Judiciary
To hold an oversight hearing to examine the Department of Justice's enforcement of the Foreign Agents Registration Act.
SD–226

1:30 p.m.
Committee on Veterans' Affairs
To hold hearings to examine pending calendar business.
SR–418

JULY 25
2:30 p.m.
Committee on Armed Services
Subcommittee on SeaPower
To hold hearings to receive testimony on options and considerations for achieving a 355-ship Navy from naval analysts.
SR–222
**Daily Digest**

**Senate**

**Chamber Action**

*Routine Proceedings, pages S3933–S3963*

**MeasuresIntroduced:** Seventeen bills were introduced, as follows: S. 1531–1547.  
**Pages S3960–61**

**HagertyNomination—Agreement:** Senate resumed consideration of the nomination of William Francis Hagerty IV, of Tennessee, to be Ambassador to Japan.  
**Pages S3936–55**

During consideration of this nomination today, Senate also took the following action:

By 89 yeas to 11 nays (Vote No. 159), Senate agreed to the motion to close further debate on the nomination.  
**Page S3936**

A unanimous-consent agreement was reached providing for further consideration of the nomination, post-cloture, at approximately 12:30 p.m., on Thursday, July 13, 2017, with all post-cloture time expiring at 1:45 p.m.  
**Page S3963**

**NominationConfirmed:** Senate confirmed the following nomination:

By a unanimous vote of 100 yeas (Vote No. EX. 158), David C. Nye, of Idaho, to be United States District Judge for the District of Idaho.  
**Page S3935**

**MessagefromtheHouse:**  
**Pages S3957**

**MeasuresReferred:**  
**Pages S3957–58**

**MeasuresPlacedontheCalendar:**  
**Page S3958**

**ExecutiveCommunications:**  
**Pages S3958–60**

**ExecutiveReportsofCommittees:**  
**Page S3960**

**AdditionalCospersons:**  
**Pages S3961–62**

**StatementsonIntroducedBills/Resolutions:**

**AdditionalStatements:**  
**Page S3957**

**AmendmentsSubmitted:**  
**Page S3962**

**AuthoritiesforCommitteesToRemove:**  
**Page S3963**

**PrivilegesoftheFloor:**  
**Page S3963**

**RecordVotes:** Two record votes were taken today. (Total—159)  
**Pages S3935–36**

**Adjournment:** Senate convened at 12 noon and adjourned at 6:57 p.m., until 12:30 p.m. on Thursday, July 13, 2017. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S3963.)

**CommitteeMeetings**

(Committees not listed did not meet)

**APPROPRIATIONS: INDIAN HEALTH SERVICE**

*Committee on Appropriations:* Subcommittee on Department of the Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates and justification for fiscal year 2018 for the Indian Health Service, Department of Health and Human Services, after receiving testimony from Rear Admiral Michael Weahkee, Acting Director, Indian Health Service, Department of Health and Human Services.

**BUSINESS MEETING**

*Committee on Appropriations:* Subcommittee on Military Construction and Veterans Affairs, and Related Agencies approved for full committee consideration an original bill entitled, “Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018”.

**NOMINATIONS**

*Committee on Armed Services:* Committee concluded a hearing to examine the nominations of David Joel Trachtenberg, of Virginia, to be a Principal Deputy Under Secretary, Owen West, of Connecticut, to be an Assistant Secretary, who was introduced by Senator Blumenthal, Ryan McCarthy, of Illinois, to be Under Secretary of the Army, and Charles Douglas Stimson, of Virginia, to be General Counsel of the Department of the Navy, who was introduced by former Representative Zinke, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

**COMBATING HUMAN TRAFFICKING**

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine force
multipliers, focusing on how transportation and supply chain stakeholders are combating human trafficking, after receiving testimony from Esther Goetsch, Truckers Against Trafficking, Englewood, Colorado; Keeli Sorensen, Polaris, and Samir Goswami, Issara Institute, both of Washington, D.C.; and Tomas J. Lares, Florida Abolitionist, Orlando.

BUSINESS MEETING
Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

- S. 822, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, with an amendment in the nature of a substitute;
- S. 1447, to reauthorize the diesel emissions reduction program;
- S. 1359, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts;
- S. 810, to facilitate construction of a bridge on certain property in Christian County, Missouri, with an amendment in the nature of a substitute;
- S. 1395, to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware;
- 5 General Services Administration resolutions; and
- The nominations of Annie Caputo, of Virginia, and David Wright, of South Carolina, each to be a Member of the Nuclear Regulatory Commission, and Susan Parker Bodine, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT
Committee on Environment and Public Works: Committee concluded a hearing to examine the use of the Transportation Infrastructure Finance and Innovation Act and innovative financing in improving infrastructure to enhance safety, mobility, and economic opportunity, after receiving testimony from Anne Mayer, Riverside County Transportation Commission, Riverside, California; Jennifer Aument, Transurban, Tysons, Virginia; and Christopher Coes, Smart Growth America, Washington, D.C.

BUSINESS MEETING
Committee on Foreign Relations: Committee ordered favorably reported the nomination of Mark Andrew Green, of Wisconsin, to be Administrator of the United States Agency for International Development, and routine lists in the Foreign Service.

TAYLOR FORCE ACT
Committee on Foreign Relations: Committee concluded a hearing to examine the Taylor Force Act, after receiving testimony from Senator Graham; Elliott Abrams, Council on Foreign Relations, Washington, D.C.; and Daniel B. Shapiro, The Institute for National Security Studies, Tel Aviv, Israel.

AMERICAN LEADERSHIP IN THE ASIA PACIFIC
Committee on Foreign Relations: Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy concluded a hearing to examine American leadership in the Asia Pacific, focusing on promoting democracy, human rights, and the rule of law, after receiving testimony from Murray Hiebert, and Robert R. King, both of the Center for Strategic and International Studies, and Derek Mitchell, United States Institute of Peace, all of Washington, D.C.

INDIAN AFFAIRS LEGISLATION
Committee on Indian Affairs: Committee concluded a hearing to examine S. 943, to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O’Malley Act, S. 1223, to repeal the Klamath Tribe Judgment Fund Act, and S. 1285, to allow the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians of Oregon, the Confederated Tribes of Warm Springs, and the Cow Creek Band of Umpqua Tribe of Indians to lease or transfer certain lands, after receiving testimony from Tony Dearman, Director, Bureau of Indian Education, Department of the Interior; Warren Brainard, Confederated Tribes of Coos, Lower Umpqua and Suislaw Indians, Coos Bay, Oregon; Donald R. Wharton, Native American Rights Fund, Boulder, Colorado; and Carla Mann, National Johnson O’Malley Association, Tulsa, Oklahoma.

NOMINATION
Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Christopher A. Wray, of Georgia, to be Director of the Federal Bureau of Investigation, Department of Justice, after the nominee, who was introduced by former Senator Nunn, testified and answered questions in his own behalf.

VISA OVERSTAYS
Committee on the Judiciary: Subcommittee on Border Security and Immigration concluded a hearing to examine the problem of visa overstays, focusing on a

HEALTHY AGING AND POSITIVE OUTCOMES

Special Committee on Aging: Committee concluded a hearing to examine nourishing our golden years, focusing on how proper and adequate nutrition promote healthy aging and positive outcomes, after receiving testimony from Seth A. Berkowitz, Massachusetts General Hospital Division of General Internal Medicine and Diabetes Population Health Research Center, Boston; Connie W. Bales, Duke University School of Medicine, and Durham VA Medical Center Geriatrics Center, Durham, North Carolina; Elizabeth Pratt, Maine SNAP Education Program, Portland; and Pat Taylor, Penn Hills, Pennsylvania.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 25 public bills, H.R. 3191–3215; and 5 resolutions, H.J. Res. 108; and H. Res. 437–439, and 441 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

- H.R. 2786, to amend the Federal Power Act with respect to the criteria and process to qualify as a qualifying conduit hydropower facility, with an amendment (H. Rept. 115–213);
- H.R. 2056, to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes, with an amendment (H. Rept. 115–214);
- H.R. 2333, to amend the Small Business Investment Act of 1958 to increase the amount of leverage made available to small business investment companies, with an amendment (H. Rept. 115–215);
- H.R. 2364, to amend the Small Business Investment Act of 1958 to increase the amount that certain banks and savings associations may invest in small business investment companies, subject to the approval of the appropriate Federal banking agency, and for other purposes (H. Rept. 115–216); and
- H. Res. 440, providing for further consideration of the bill (H.R. 2810) to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (H. Rept. 115–217).

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures:

- Medical Controlled Substances Transportation Act of 2017: H.R. 1492, to amend the Controlled Substances Act to direct the Attorney General to register practitioners to transport controlled substances to States in which the practitioner is not registered under the Act for the purpose of administering the substances (under applicable State law) at locations other than principal places of business or professional practice, by a 2⁄3 yea-and-nay vote of 416 yeas to 2 nays, Roll No. 349.
- FDA Reauthorization Act of 2017: H.R. 2430, amended, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products;
- Enhancing Detection of Human Trafficking Act: H.R. 2664, to direct the Secretary of Labor to
train certain Department of Labor personnel how to effectively detect and assist law enforcement in preventing human trafficking during the course of their primary roles and responsibilities;  

Empowering Law Enforcement to Fight Sex Trafficking Demand Act: H.R. 2480, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include an additional permissible use of amounts provided as grants under the Byrne JAG program; and  


Rejected the Carabajal motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 189 ayes to 230 noes, Roll No. 351.  

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–24 shall be considered as an original bill for the purpose of amendment under the five-minute rule.  

Agreed to:  

LaMalfa amendment (No. 1 printed in part C of H. Rept. 115–212) that ensures water supply re-scheduling provisions apply to equitably to all water districts in region;  

Costa amendment (No. 2 printed in part C of H. Rept. 115–212) that authorizes the U.S. Bureau of Reclamation to conduct geophysical characterization activities of groundwater aquifers and groundwater vulnerability in California, including identifying areas of greatest recharge potential;  

Costa amendment (No. 3 printed in part C of H. Rept. 115–212) that authorizes the U.S. Bureau of Reclamation to develop a study to enhance mountain runoff to Central Valley Project reservoirs from headwaters restoration activities;  

Denham amendment (No. 4 printed in part C of H. Rept. 115–212) that sets a timeline for completion of the New Melones Reservoir study, prevents exploitation of water rights, extends the program to protect Anadromous Fish in Stanislaus River for 2 years; and  

Pearce amendment (No. 6 printed in part C of H. Rept. 115–212) that ensures that the water rights of federally recognized Indian tribes are not affected by this bill.  

Rejected:  

DeSaulnier amendment (No. 5 printed in part C of H. Rept. 115–212) that requires a review of available and new, innovative technologies for capturing municipal wastewater and recycling it for providing drinking water and energy, and a report on the feasibility of expanding the implementation of these technologies and programs among Central Valley Project contractors (by a recorded vote of 201 ayes to 221 noes, Roll No. 350).  

H. Res. 431, the rule providing for consideration of the bills (H.R. 2810) and (H.R. 23) was agreed to by a recorded vote of 232 ayes to 187 noes, Roll No. 348, after the previous question was ordered by a yea-and-nay vote of 234 yeas to 183 nays, Roll No. 347.  

Clerk to Correct Engrossment: Agreed by unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1719, to include addition of an enacting clause.  

Committee Resignation: Read a letter from Representative Panetta wherein he resigned from the Committee on Natural Resources.  

Committee Resignation: Read a letter from Representative Walz wherein he resigned from the Committee on Armed Services.  

Committee Election: The House agreed to H. Res. 439, electing a Member to a certain standing committee of the House of Representatives.  

Unanimous Consent Agreement: Agreed by unanimous consent that during the consideration of H.R. 2810, pursuant to House Resolution 431, amendment numbered 88 printed in part B of House Report 115–212 may be considered out of sequence.  

National Defense Authorization Act for Fiscal Year 2018: The House began consideration of H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, and to prescribe military personnel strengths for such fiscal year. Consideration is expected to resume tomorrow, July 13th.  

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–23, modified by the amendment printed in part A of H. Rept. 115–212, shall be considered as adopted in the House and in the Committee of the Whole, in lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The bill, as amended, shall be considered as the
Agreed to:

Thornberry amendment (No. 1 printed in part B of H. Rept. 115–212) that makes several technical and conforming changes to the bill; Page H5721

Wilson (SC) amendment (No. 9 printed in part B of H. Rept. 115–212) that prohibits funding for the preparatory commission for the Comprehensive Nuclear-Test-Ban Treaty Organization except funds used for the international monitoring system;

Pages H5730–31

Thornberry en bloc amendment No. 1 consisting of the following amendments printed in part B of H. Rept. 115–212: Graves (LA) (No. 3) that requires the Secretary of Defense to conduct a cost-benefit analysis on commissaries and exchanges; Rogers (AL) (No. 11) that increase funding for Ukraine Security Assistance Initiative for “enhancing ISR capability of Ukrainian defense forces”; Fitzpatrick (No. 15) that states that the Secretary of Defense shall direct all branches to establish a comprehensive strategy to determine capability gaps in training that can be rectified by virtual training, acquire the needed technology, and analyze effectiveness from using virtual training technology; Brown (MD) (No. 16) that increases funding by $2 million for the Army Electronics and Electronic Devices account within RDT&E with a corresponding decrease of $2 million to the Army Technology Maturation Initiatives account, also within RDT&E; Brown (MD) (No. 17) that increases funding by $4.135 million for the Defense-wide Historically Black Colleges and Universities/Minority Institutions account within RDT&E, with a corresponding decrease of $4.135 million to the Defense-wide Advanced Innovative Analysis and Concepts account, also within RDT&E; Lipinski (No. 18) that authorizes the establishment of a Hacking for Defense program by the Secretary of Defense, under which the Secretary may obligate $15 million for the development of curriculum, recruitment materials, and best practices; expresses the sense of Congress that the program exposes young scientists and engineers to careers in public service and provides a unique pathway for veterans to leverage their military experience to solve national security challenges; Ratcliffe (No. 19) that exempts anyone employed in a defense industrial base facility or a center for industrial and technical excellence from a presidential hiring freeze; Fitzpatrick (No. 20) that ensures that DOD’s biennial core reporting procedures align with the reporting requirements in Section 2464 and each reporting agency provides accurate and complete information by having the Secretary of Defense direct the Under Secretary of Defense for Acquisition, Technology and Logistics to update DOD’s guidance regarding future biennial core reports; Cardenas (No. 21) that requires the Secretary of Defense to submit a report to Congress on arctic readiness, including an analysis of challenges posed by rapid changes in the arctic region, how the changes will affect other regions, including coastal communities, how the changes will affect military infrastructure, and recommendation for congressional action to address the needs of the Armed Forces to respond to changes in the Arctic; Johnson (LA) (No. 22) that requires the Army to conduct a report on the Army Combat Training Centers and the current resident cyber capabilities and training at such bases to examine potential training readiness shortfalls and pre-rotational cyber training needs are met; Cicilline (No. 23) that requires the Secretary of Defense to produce a report analyzing the effects of automation within the Defense Industrial Base over the next ten years; Khanna (No. 24) that requires the Secretary of Defense to require a cost-benefit analysis of uniform specifications for Afghan Military or Security Forces for future contracts; Herrera-Beutler (No. 25) that enhances the training requirements for members of boards for the correction of military records and department of defense personnel who investigate claims of retaliation enacted in the NDAA for FY 2017; Kuster (No. 26) that expands DoD definition of sexual assault to include sexual coercion for the purpose of this report; Gottheimer (No. 27) that extends the Suicide Prevention and Resilience Program to October 2019; Jones (No. 28) that provides a 5 year authorization for the DoDEA to fund their grants; Jones (No. 29) that allows United States Coast Guard retirees who live on a base with school age dependents the opportunity to attend DOD-based schools; Watson Coleman (No. 30) that expresses a sense of Congress affirming the nondiscrimination policy of the United States Military Academy in West Point, New York, including as applied to female cadets, staff, and faculty; and Sean Patrick Maloney (NY) (No. 31) that extends through 2018 Department of Veterans Affairs authority for the performance of medical disability evaluations by contract physicians;

Pages H5737–44

Thornberry en bloc amendment No. 2 consisting of the following amendments printed in part B of H. Rept. 115–212: Meng (No. 32) that requires the Secretary of Defense to ensure that each military department issues a single, consolidated instruction that addresses the decisions, actions, and requirements for members of the Armed Forces relating to pregnancy, the postpartum period, and parenthood, as recommended by last year’s Defense Advisory Committee on Women in the Services report; Carson (IN) (No. 33) that makes permanent the Department of Defense’s existing requirement to provide mental
health assessments to service members during deployment; Kuster (No. 34) that requires health care providers to provide transitioning service members information and referrals for counseling and treatment of substance use disorders and chronic pain management services, when appropriate; Lance (No. 35) that prohibits the Department of Defense (DoD) or the DSPO (Department of Suicide Prevention Office) from terminating the Vets4Warriors crisis hotline program unless a report to Congress demonstrates a sufficient programming replacement; Pascrell (No. 36) that directs the Secretary of the Department of Defense to report to Congress on the DoD’s implementation of recommendations from the Government Accountability Office to ensure that post-traumatic stress disorder and traumatic brain injury are considered in misconduct separations; Meehan (No. 37) that authorizes the Secretary of Defense to enter into intergovernmental agreements to provide for health screenings in communities near formerly used defense sites that have been identified by the Secretary as sources of perfluorooctanesulfonic acid and perfluorooctanoic acid; Kuster (No. 38) that requires the Secretary of Defense to conduct a study on the effectiveness of the training provided to military health care providers regarding opioid prescribing practices; the study would exam DoD’s success in reducing opioid prescriptions, dosages, duration of treatment, and overdoses; Thornberry (No. 39) that establishes conditions for the use of qualified private auditors to conduct incurred cost audits for Department of Defense contracts; requires the Secretary of Defense to develop a plan to acquire contract audit services; ensures the Department has access to documents necessary to oversee contracts for contract audit services; Foxx (No. 40) that requires the Director of Intellectual Property to develop resources and guidelines on intellectual property matters and to resolve ambiguities in various types of technical data; also requires the Director of Intellectual Property to engage with appropriately representative entities on intellectual property matters, including large and small businesses, traditional and non-traditional Government contractors, prime contractors and subcontractors, and maintenance repair organizations; Connolly (No. 41) that Directs the Secretary of Defense to develop a definition and way to measure Procurement Administration Lead Time (PALT); Nolan (No. 42) that expresses the sense of Congress that a strong domestic iron ore and steel industry is vital to the national security of the United States; Connolly (No. 43) that extends sunsets for the Federal Information Technology Acquisition Reform Act (FITARA) provisions on federal data center consolidation, transparency and risk management of major IT systems, and IT portfolio, program, and resource reviews; Lipinski (No. 44) that expresses the sense of Congress that the Secretary of Defense should establish a cooperative program between the Office of the Chief Information Officer of the Department of Defense, the Defense Procurement Acquisition Policy, and the National Institute of Standards and Technology-Manufacturing Extension Partnership; the cooperative program established shall educate and assist small- and medium-sized manufacturing firms in the Department of Defense supply chain in achieving compliance with NIST Special Publication 800–171 titled “Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations” as such publication is incorporated into the Defense Federal Acquisition Regulation Supplement; Conaway (No. 45) that conforms with the September 30, 2017, audit readiness deadline, this makes changes to the current reporting requirements to reflect the DoD moving into the statutory audit phase; this requires the DoD and armed services to report on audit progress and remediation efforts necessary to reach complete auditability; Burgess (No. 46) that requires 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; Yoho (No. 47) that prohibits the use of funds to close or relinquish control of United States naval station at Guantanamo Bay, Cuba; Sanford (No. 48) that requires the Secretary of Defense to account for the total cost of National Guard flyovers at public events and publish them in a public report; and Yoho (No. 49) that limitation on use of funds for provision of man-portable air defense systems to the vetted Syrian opposition; Thornberry en bloc amendment No. 3 consisting of the following amendments printed in part B of H. Rept. 115–212: Torres (No. 50) that requires the Director of the Defense Security Cooperation Agency to determine whether any defense article sold to a foreign government has been transferred to any unit that has committed any gross violation of human rights; it also requires the Secretary of Defense to report to Congress regarding such determinations; Young (AK) (No. 51) that requires the Secretary of Defense to submit a report with the necessary steps the Department is undertaking to resolve arctic security capability and resource gaps, and the requirements and investment plans for military infrastructure required to protect United States national security interests in the arctic region; Evans (No. 52) that requires a report on potential agreement with the government of Russia on the status of Syria; it requires the President submit a report that includes a description of any understanding between the President and government of Russia regarding a plan
to divide territories and a description of any understanding that would provide Iran access to the border between Israel and Syria; Correa (No. 53) that requires the Secretary of Defense, in coordination with the Director of National Intelligence, to provide Congress a report on any attempts to attack Department of Defense systems within the past 24 months by the Russian Federation or actors supported by the Russian Federation; Boyle (No. 54) that requires a report on the Department’s progress developing and implementing alternatives to AFFF firefighting foam that do not contain perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), as the Department has already begun; Walorski (No. 55) that directs the Comptroller General to report to Congress on adopting and enhancing nationally-accredited project, program, and portfolio management standards within the Department of Defense; Harper (No. 56) that authorizes the Speaker of the House with the concurrence of the Minority Leader to call upon the Executive Branch for additional resources in the event the House is the victim of a cyber-attack; Sean Patrick Maloney (NY) (No. 57) that updates Department of Defense regulations to ensure service members receive adequate consumer protections with respect to collection of debt; Hanabusa (No. 58) that expresses the sense of Congress that a Pacific War Memorial should be established to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, also known as the Pacific War; Kilmer (No. 59) that extends the authorization for Navy civilian employees who perform nuclear maintenance for the forward deployed aircraft carrier in Japan to earn overtime pay; Gallego (No. 60) that amends the requirements for the Afghanistan strategy mandated in the bill to include a description of military and diplomatic efforts to disrupt foreign support for the Taliban and other extremist groups; Rohrabacher (No. 61) that expresses a sense of Congress that Dr. Shakil Afridi is an international hero and that the Government of Pakistan should release him immediately from prison; Sinema (No. 62) that requires the Report on United States Strategy in Syria to include a description of amounts and sources of ISIL financing in Syria and efforts to disrupt this financing as part of the broader strategy of the United States in Syria; Conyers (No. 63) that requires a report assessing the relative merits of a multilateral or bilateral Incidents at Sea military-to-military agreement between the United States, the Government of Iran, and other countries operating in the Persian Gulf aimed at preventing accidental naval conflict in the Persian Gulf and the Strait of Hormuz; Kihuen (No. 64) that extends the existing presidential reporting requirement for three more years—until December 31, 2022—to ensure we have an integrated strategy between the Administration and Congress in deterring Iran’s nuclear weapons program; Hastings (No. 65) that requires the President to report to Congress on protocols related to the rescue, care, and treatment of religious minorities held captive by the Islamic State; Wilson (SC) (No. 66) that expresses a sense of Congress that North Korea’s nuclear and ballistic missile program are a threat to the United States and our allies in the region, and that the United States must retain all diplomatic, economic, and military options to defend against and pressure North Korea to abandon its illicit weapons program; Bera (No. 67) that requires the Secretary of Defense, in consultation with the Secretary of State, to develop a strategy for advancing defense cooperation between the United States and India; and Walz (No. 68) that directs the Director of the Defense Intelligence Agency to submit to the Secretary of Defense and the HASC, HPSCI, SASC, and SSCI a report on the military training center and logistical capabilities of the Chinese and Russian armies; and

Thornberry en bloc amendment No. 4, as modified, consisting of the following amendments printed in part B of H. Rept. 115–212: Turner (No. 69) that expresses a sense of Congress on the North Atlantic Treaty Organization; Trott (No. 70) that expresses the Sense of Congress that the proposed sale of semi-automatic handguns to the Turkish Government should remain under scrutiny until a satisfactory and appropriate resolution is reached in regards to the events that took place on May 16, 2017; Engel (No. 71) that requires a strategy to support improvements by the Nigerian Government in defense sector transparency and civilian protection during Nigeria’s military operations against Boko Haram, the Islamic State, and other militant groups; Wilson (FL) (No. 72) that expresses a sense of Congress supporting the kidnapped Chibok schoolgirls and the United States strategy for countering Boko Haram; Fitzpatrick (No. 73) that requires DOD to include a description of any Chinese laws, regulations, or policies that could jeopardize the economic security of the United States in their Congressionally-required annual report on Chinese military and security development; Fitzpatrick (No. 74) that requires report to Congress regarding the extent of cooperation on nuclear programs, ballistic missile development, chemical and biological weapons development, or conventional weapons programs between Iran and North Korea; Yoho (No. 75) that ensures
the full reporting of freedom of navigation operations, including maritime claims that go unchallenged; Jackson Lee (No. 76), as modified, that directs the Department of Defense to prepare contingency plans to assist relief organizations in delivery of humanitarian assistance efforts in South Sudan and to engage in consultation with South Sudan military counterparts to deescalate conflict; Norman (No. 77) that requires the Director of the Office of Management and Budget to keep separate the accounts of the Overseas Contingency Operations and the Department of Defense; Cicilline (No. 78) that provides that the Secretary of Defense shall consult with the Office of Management and Budget to update guidelines for the proper use of funds within the Overseas Contingency Operations account consistent with the recommendations of GAO Report GA0–17–68; Soto (No. 79) that directs the Secretary of Defense to monitor space weather and to provide alerts and warnings for space weather phenomena that may affect weapons systems, military operations, or the defense of the United States; Correa (No. 80) that requires the Department of Defense to update its cyber strategy; to require the President to develop a strategy for the offensive use of cyber capabilities; and to allow for technical assistance to North Atlantic Treaty Organization members; Aguilar (No. 81) that creates a talent management pilot program for the recruitment, training, professionalization, and retention of personnel in the cyber workforce of the Department of Defense; Cooper (No. 82) that clarifies that report on implementation of a plan to mitigate risks to strategic stability is required; Jackson Lee (No. 83) that directs the Secretary of Defense to develop measures to defend against deployment of nuclear ICBMs by North Korea to protect against damage or destruction of satellites critical to U.S. national defense and global communications, International Space Station, and other vital assets; Culberson (No. 84) that provides competitively awarded grant funding for the preservation of our nation’s historic battleships; requires grantees to provide a 1:1 matching of any federal funding received pursuant to this grant program; the grant program sunsets on September 30, 2024; LaMalfa (No. 85) that prohibits funds or resources from being used by the Secretary of the Air Force to continue an accelerated rehabilitation plan to return approximately 927 acres of Modoc National Forest land occupied by the Over-the-Horizon-Backscatter Radar (OTHB) station in Modoc County, CA, per an agreement with Modoc National Forest with the exception of the removal of the perimeter fence surrounding the radar site; Norman (No. 86) that requires the Department of Defense to update the March 2016 report on “Department of Defense Infrastructure Capacity”; and Lujan (No. 87) that expresses the sense of Congress that the United States should compensate and recognize all of the miners, workers, downwinders, and others suffering from the effects of uranium mining and nuclear testing carried out during the Cold War.

Repealed:

Nadler amendment (No. 7 printed in part B of H. Rept. 115–212) that sought to strike section 1023 of the bill prohibiting the use of funds to construct or modify facilities in the United States to house detainees transferred from Guantanamo Bay.

Pages H5753–56

Proceedings Postponed:

Conaway amendment (No. 2 printed in part B of H. Rept. 115–212) that seeks to prohibit the DoD from entering new biofuels contracts while sequestration remains law; once sequestration expires or is repealed, it seeks to amend current law to require the DoD to include calculations of any financial contributions made by other federal agencies for biofuels purchases;

Pages H5721–23

Polis amendment (No. 4 printed in part B of H. Rept. 115–212) that seeks to reduce the base Defense Department budget by 1 percent excluding military/reserve/National Guard personnel, as well as Defense Health Program account;

Pages H5723–24

Jayapal amendment (No. 5 printed in part B of H. Rept. 115–212) that seeks to express the sense of Congress that any authorization to appropriate increases to combined budgets of National Defense Budget (050) and Overseas Contingency Operations should be matched for non-defense discretionary budget;

Pages H5724–26

Nadler amendment (No. 6 printed in part B of H. Rept. 115–212) that seeks to strike section 1022 of the bill prohibiting the use of funds for transfer or release of individuals detained at Guantanamo Bay to the United States;

Pages H5726–27

Blumenauer amendment (No. 8 printed in part B of H. Rept. 115–212) that seeks to modify Sec. 1244 to include limitations on the development of an INF range groundlaunched missile system;

Pages H5729–30

Aguilar amendment (No. 10 printed in part B of H. Rept. 115–212) that seeks to extend a currently required CBO cost estimate review on the fielding, maintaining, modernization, replacement, and life extension of nuclear weapons and nuclear weapons delivery systems from covering a 10-year period to covering a 30-year period;

Pages H5731–33

Garamendi amendment (No. 12 printed in part B of H. Rept. 115–212) that seeks to modify and extend the scope of the report required by Section 1043 of the Fiscal Year 2012 National Defense Authorization Act;

Pages H5733–34
Blumenauer amendment (No. 13 printed in part B of H. Rept. 115–212) that seeks to limit spending on the Long Range Standoff weapon (LRSO) until the Administration submits a Nuclear Posture Review to Congress including a detailed assessment of the weapon;

McClintock amendment (No. 14 printed in part B of H. Rept. 115–212) that seeks to strike section 2702, the prohibition on conducting an additional round of Base Realignment and Closure; and

Rogers (AL) amendment (No. 88 printed in part B of H. Rept. 115–212) that seeks to amend section 1043 of the FY2012 National Defense Authorization Act to state that the Secretary may include information and data on the costs of nuclear weapons modernization beyond the currently required 10-year window if the Secretary determines such is accurate and useful.

H. Res. 431, the rule providing for consideration of the bills (H.R. 2810) and (H.R. 23) was agreed to by a recorded vote of 232 ayes to 187 noes, Roll No. 348, after the previous question was ordered by a yea-and-nay vote of 234 yeas to 183 nays, Roll No. 347.

Recess: The House recessed at 11:13 p.m. and reconvened at 12:36 a.m.

Quorum Calls—Votes: Two yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H5484–85, H5484–85, H5485, H5530–31, H5532, and H5532–33. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:37 a.m. on Thursday, July 13, 2017.

Committee Meetings

THE NEXT FARM BILL: TECHNOLOGY AND INNOVATION IN SPECIALTY CROPS

Committee on Agriculture: Full Committee held a hearing entitled “The Next Farm Bill: Technology and Innovation in Specialty Crops”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Appropriations: Full Committee held a markup on the Agriculture Appropriations Bill, FY 2018; and the Energy and Water Appropriations Bill, FY 2018. The Agriculture Appropriations Bill, FY 2018; and the Energy and Water Appropriations Bill, FY 2018 were ordered reported, as amended.

MISCELLANEOUS MEASURE

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a markup on the Interior, Environment, and Related Agencies Appropriations Bill, FY 2018. The Interior, Environment, and Related Agencies Appropriations Bill, FY 2018 was forwarded to the full committee, without amendment.

MISCELLANEOUS MEASURE


REDEFINING JOINT EMPLOYER STANDARDS: BARRIERS TO JOB CREATION AND ENTREPRENEURSHIP

Committee on Education and the Workforce: Full Committee held a hearing entitled “Redefining Joint Employer Standards: Barriers to Job Creation and Entrepreneurship”. Testimony was heard from public witnesses.

COMBATING THE OPIOID CRISIS: BATTLES IN THE STATES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Combating the Opioid Crisis: Battles in the States”. Testimony was heard from Rebecca Boss, Director, Department of Behavioral Healthcare, Developmental Disabilities and Hospitals, Rhode Island; Brian J. Moran, Secretary of Public Safety and Homeland Security, Virginia; Boyd K. Rutherford, Lieutenant Governor, Maryland; and John Tilley, Secretary, Justice and Public Safety Cabinet, Kentucky.

EXAMINING MEDICAL PRODUCT MANUFACTURER COMMUNICATIONS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Examining Medical Product Manufacturer Communications”. Testimony was heard from public witnesses.

MONETARY POLICY AND THE STATE OF THE ECONOMY

Committee on Financial Services: Full Committee held a hearing entitled “Monetary Policy and the State of the Economy”. Testimony was heard from Janet L. Yellen, Chair, Board of Governors, Federal Reserve System.

EXAMINING LEGISLATIVE PROPOSALS TO PROVIDE TARGETED REGULATORY RELIEF TO COMMUNITY FINANCIAL INSTITUTIONS

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “Examining Legislative Proposals to
Provide Targeted Regulatory Relief to Community Financial Institutions”. Testimony was heard from public witnesses.

BEYOND MICROFINANCE: EMPOWERING WOMEN IN THE DEVELOPING WORLD
Committee on Foreign Affairs: Full Committee held a hearing entitled “Beyond Microfinance: Empowering Women in the Developing World”. Testimony was heard from public witnesses.

ADVANCING U.S. INTERESTS IN THE WESTERN HEMISPHERE: THE FY 2018 BUDGET REQUEST
Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing entitled “Advancing U.S. Interests in the Western Hemisphere: The FY 2018 Budget Request”. Testimony was heard from Francisco Palmieri, Acting Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; and Sarah-Ann Lynch, Acting Assistant Administrator, Bureau for Latin America and the Caribbean, U.S. Agency for International Development.

BLACK FLAGS OVER MINDANAO: TERRORISM IN SOUTHEAST ASIA
Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a hearing entitled “Black Flags over Mindanao: Terrorism in Southeast Asia”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Full Committee held a markup on H.R. 469, the “Sunshine for Regulations and Regulatory Decrees and Settlements Act of 2017”; and H.R. 2851, the “Stop the Importation and Trafficking of Synthetic Analogues Act of 2017”. H.R. 469 was ordered reported, without amendment. H.R. 2851 was ordered reported, as amended.

EVALUATING FEDERAL OFFSHORE OIL AND GAS DEVELOPMENT ON THE OUTER CONTINENTAL SHELF
Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing entitled “Evaluating Federal Offshore Oil and Gas Development on the Outer Continental Shelf”. Testimony was heard from Katharine MacGregor, Acting Assistant Secretary, Land and Minerals Management, Department of the Interior; and public witnesses.

GENERAL SERVICES ADMINISTRATION—ACQUISITION OVERSIGHT AND REFORM
Committee on Oversight and Government Reform: Subcommittee on Government Operations; and Subcommittee on Information Technology held a joint hearing entitled “General Services Administration—Acquisition Oversight and Reform”. Testimony was heard from Alan Thomas, Commissioner, Federal Acquisition Service, General Services Administration; and Rob Cook, Deputy Commissioner of Technology Transformation Service, General Services Administration.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018
Committee on Rules: Full Committee held a hearing on H.R. 2810, the “National Defense Authorization Act for Fiscal Year 2018” {amendment consideration}. The Committee granted, by record vote of 8–2, a structured rule for further consideration of H.R. 2810. The rule provides for no further general debate. The rule makes in order only those further amendments printed in the Rules Committee report and amendments en bloc described in section 3 of the resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report or against amendments en bloc described in section 3 of the resolution. In section 3, the rule provides that the chair of the Committee on Armed Services or his designee may offer amendments en bloc at any time consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Cook, Franks of Arizona, Turner, Garamendi, Langevin, O’Rourke, Suozzi, Veasey, Hastings, McGovern, Polis, Comstock, Davidson, Donovan, Griffith, Hurd, Lewis of Minnesota, Mast, Pittenger, Rogers of Alabama, Thomas J. Rooney of Florida, Stewart, Tenney, Westerman, Young of Alaska, Cooper, Cuellar, Doggett, Jackson Lee, Pascrell, Plaskett, and Schiff.
U.S. Fire Administration and Fire Grant Programs Reauthorization: Examining Effectiveness and Priorities

Committee on Science, Space, and Technology: Subcommittee on Research and Technology held a hearing entitled “U.S. Fire Administration and Fire Grant Programs Reauthorization: Examining Effectiveness and Priorities”. Testimony was heard from Denis Onieal, Acting Administrator, United States Fire Administration; Gavin Horn, Research Program Director, Illinois Fire Service Institute; H. “Butch” Browning, Jr., State Fire Marshall, Louisiana; John Sinclair, Fire Chief, Kittitas Valley Fire and Rescue, Washington; and public witnesses.

Help or Hindrance? A Review of SBA’s Office of the Chief Information Officer

Committee on Small Business: Full Committee held a hearing entitled “Help or Hindrance? A Review of SBA’s Office of the Chief Information Officer”. Testimony was heard from Maria Roat, Chief Information Officer, Small Business Administration.

Implementing the Federal Assets Sale and Transfer Act (FASTA): Maximizing Taxpayer Returns and Reducing Waste in Real Estate

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled “Implementing the Federal Assets Sale and Transfer Act (FASTA): Maximizing Taxpayer Returns and Reducing Waste in Real Estate”. Testimony was heard from Tim Horne, Acting Administrator, General Services Administration; Brett Simms, Director, Capital Asset Management Service, Department of Veterans Affairs; Kevin B. Acklin, Chief of Staff, Office of Mayor William Peduto, Pittsburgh, Pennsylvania; and a public witness.

Care Where It Counts: Assessing VA’s Capital Asset Needs

Committee on Veterans’ Affairs: Full Committee held a hearing entitled “Care Where It Counts: Assessing VA’s Capital Asset Needs”. Testimony was heard from Debra Draper, Director, Health Care Team, Government Accountability Office; James M. Sullivan, Office of Asset Enterprise Management, Department of Veterans Affairs; and public witnesses.

Miscellaneous Measures

Committee on Veterans’ Affairs: Subcommittee on Oversight and Investigations held a markup on H.R. 2006, the “VA Procurement Efficiency and Transparency Act”; H.R. 2781, the “Ensuring Veteran Enterprise Participation in Strategic Sourcing Act”; and H.R. 3169, the “VA Acquisition Workforce Improvement and Streamlining Act”. H.R. 2006, H.R. 2749, H.R. 2781, and H.R. 3169 were forwarded to the full committee, without amendment.

Joint Meetings

U.S. Job Vacancies

Joint Economic Committee: Committee concluded a hearing to examine a record six million United States job vacancies, focusing on reasons and remedies, after receiving testimony from Diana Furchtgott-Roth, Manhattan Institute for Policy Research, Washington, D.C.; David T. Harrison, Columbus State Community College, Columbus, Ohio; Scot McLemore, Honda North America, Inc., Marysville, Ohio; and Betsey Stevenson, University of Michigan Gerald R. Ford School of Public Policy, Ann Arbor.

Committee Meetings for Thursday, July 13, 2017

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine opportunities in global and local markets, specialty crops, and organics, focusing on perspectives for the 2018 Farm Bill, 9:30 a.m., SR–328A.

Committee on Appropriations: business meeting to mark up an original bill entitled, “Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018”, 10:30 a.m., SD–106.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates and justification for fiscal year 2018 for the Department of Transportation, 2 p.m., SD–192.

Committee on Armed Services: to hold hearings to examine the attempted coup in Montenegro and malign Russian influence in Europe, 9:30 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the Semiannual Monetary Policy Report to the Congress, 9:30 a.m., SD–538.
Committee on Commerce, Science, and Transportation: Subcommittee on Space, Science, and Competitiveness, to hold hearings to examine reopening the American frontier, focusing on promoting partnerships between commercial space and the United States government to advance exploration and settlement, 10 a.m., SR–253.

Committee on Finance: to hold hearings to examine the nomination of Kevin K. McAleenan, of Hawaii, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security, 10:15 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the 2017 Trafficking in Persons Report, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the nominations of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor, and Marvin Kaplan, of Kansas, and William J. Emanuel, of California, both to be a Member of the National Labor Relations Board, 9:30 a.m., SD–430.

Committee on the Judiciary: business meeting to consider the nominations of John Kenneth Bush, of Kentucky, to be United States Circuit Judge for the Sixth Circuit, Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit, Damien Michael Schiff, of California, to be a Judge of the United States Court of Federal Claims, Timothy J. Kelly, and Trevor N. McFadden, of Virginia, both to be a United States District Judge for the District of Columbia, and John W. Huber, of Utah, to be United States Attorney for the District of Utah, and Jeffrey Bossert Clark, of Virginia, and Beth Ann Williams, of New Jersey, both to be an Assistant Attorney General, all of the Department of Justice, 9:30 a.m., SD–226.

Select Committee on Intelligence: to receive a closed briefing on certain intelligence matters, 2 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing entitled “The Future of Farming: Technological Innovations, Opportunities, and Challenges for Producers”, 10 a.m., 1500 Longworth.


Subcommittee on State, Foreign Operations, and Related Programs, markup on the State, Foreign Operations, and Related Programs Appropriations Bill, FY 2018, 3 p.m., 2362–A Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, markup on the Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, FY 2018, 4:30 p.m., 2358–C Rayburn.

Committee on Education and the Workforce, Subcommittee on Early Childhood, Elementary, and Secondary Education, hearing entitled “Opportunities for State Leadership of Early Childhood Programs”, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment, markup on legislation on the Drinking Water System Improvement Act, 10 a.m., 2123 Rayburn.


Committee on Foreign Affairs, Subcommittee on Middle East and North Africa, hearing entitled “America’s Interests in the Middle East and North Africa: The President’s FY 2018 Budget Request”, 1 p.m., 2167 Rayburn.


Committee on the Judiciary, Subcommittee on Courts, Intellectual Property, and the Internet, hearing entitled “The Impact of Bad Patents on American Businesses”, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Indian, Insular and Alaska Native Affairs, hearing entitled “Comparing 21st Century Trust Land Acquisition with the Intent of the 75th Congress in Section 5 of the Indian Reorganization Act”, 10 a.m., 1324 Longworth.


Committee on Veterans’ Affairs, Subcommittee on Oversight and Investigations; and Subcommittee on Disability Assistance and Memorial Affairs, joint hearing entitled “Examining VA’s Processing of Gulf War Illness Claims”, 9:30 a.m., 334 Cannon.

Subcommittee on Health, hearing entitled “Maximizing Access and Resources: An Examination of VA Productivity and Efficiency”, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Tax Policy, hearing on “How Tax Reform Will Help America’s Small Businesses Grow and Create New Jobs”, 10 a.m., 1100 Longworth.

Full Committee, markup on H.R. 3178, the “Medicare Part B Improvement Act of 2017”; H.R. 3168, to amend title XVIII of the Social Security Act to provide continued access to specialized Medicare Advantage plans for special needs individuals, and for other purposes; and H.R. 1843, the “Restraining Excessive Seizure of Property through the Exploitation of Civil Forfeiture Tools Act”, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Full Committee, markup on the Intelligence Authorization Act for Fiscal Year 2018, 9 a.m., HVC–304. This hearing will be closed.

Joint Meetings

Commission on Security and Cooperation in Europe: to receive a briefing on energy insecurity in Russia’s periphery, 3:30 p.m., SD–G11.
Next Meeting of the SENATE
12:30 p.m., Thursday, July 13

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of William Francis Hagerty IV, of Tennessee, to be Ambassador to Japan, post-cloture, and vote on confirmation of the nomination at 1:45 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, July 13

House Chamber


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