

fense Authorization Act for Fiscal Year 2015 (Public Law 113–291). The provision would also make modifications to the types of support that may be provided with respect to foreign law enforcement.

The House amendment contained no similar provision.

The House recedes with an amendment that would codify and make modifications to the authority of the Department of Defense to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies. The provision would also require coordination with the Secretary of State for support for foreign law enforcement agencies under the authority.

The conferees are concerned about the threat posed by the production and trafficking of heroin, fentanyl (and precursor chemicals), and other illicit drugs. Consistent with the Department's authorities and missions, the conferees direct the Department to ensure appropriate resources are allocated to efforts to combat this threat.

Secretary of Defense review of curricula and program structures of National Guard counterdrug schools (sec. 1012)

The House amendment contained a provision (sec. 1012) that would amend section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469) to authorize the Secretary of Defense to review and approve the curriculum and program structure of each of the National Guard counterdrug schools.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note the importance of the National Guard counterdrug schools in the development, training, and maintenance of skills for Federal, State, local, and foreign government officials to combat illicit trafficking. The committee supports increased oversight of these schools by the Secretary to improve the alignment of curriculum to defense priorities and the allocation of limited resources.

Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia (sec. 1013)

The Senate bill contained a provision (sec. 1007) that would extend by 4 years the authority to support the unified counterdrug and counterterrorism campaign in the Republic of Colombia originally authorized by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), and most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

The House amendment contained a similar provision (sec. 1013) that would extend by 1 year the authority to support the unified counterdrug and counterterrorism campaign in the Republic of Colombia authorized by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), and most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

The House recedes with an amendment that would extend the authority for 2 years.

The conferees strongly support the vital partnership between the United States and Colombia and note the remarkable security gains the Government of Colombia has achieved over the last 15 years. The conferees believe that an enduring security relationship between the U.S. and Colombia is essential to sustaining and building upon these gains and urge the Department of Defense, in coordination with the interagency, to ensure its security cooperation programs and authorities reflect the evolving security environment in Colombia and the region.

Enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense (sec. 1014)

The Senate bill contained a provision (sec. 1051) that would require the Secretary of Homeland Security to ensure that the information needs of the Department of Homeland Security (DHS) relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training. The provision would require the Secretary of Defense to ensure that such military training conducted in proximity to the borders of the U.S. is coordinated with DHS. Further, the provision would require the Secretary of Homeland Security and the Secretary of Defense to create joint guidance to ensure information relevant to drug interdiction or other civilian law enforcement matters that is collected by the U.S. military during the normal course of military training or operations is provided promptly to civilian law enforcement officials in accordance with section 371 of title 10, United States Code.

The House amendment contained a similar provision (sec. 1014) that would require the Secretary of Defense to coordinate unmanned aerial systems training missions along the southern border of the United States in order to support the Department of Homeland Security's counter-narcotic trafficking efforts.

The House recedes with a technical amendment.

Subtitle C—Naval Vessels and Shipyards

Definition of short-term work with respect to overhaul, repair, or maintenance of naval vessels (sec. 1021)

The House amendment contained a provision (sec. 1021) that would amend section 7299a of title 10, United States Code, and expand the homeport limitation of an overhaul, repair, or maintenance ship availability from six months to ten months.

The Senate bill contained no similar provision.

The Senate recedes.

Warranty requirements for shipbuilding contracts (sec. 1022)

The House amendment contained a provision (sec. 1022) that would require shipbuilding contracts to include warranty of work for a period of at least 1 year. A contracting officer may waive this

requirement if a limited liability of warranted work is in the best interest of the government.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit this provision to new construction contracts in the Shipbuilding and Conversion, Navy account, as well as establish the effective date of this provision as the date of the enactment of the National Defense Authorization for Fiscal Year 2018 or September 30, 2017, whichever occurs later.

The conferees direct the Secretary of the Navy to submit two reports to the congressional defense committees:

(1) A report describing the status of the Department of the Navy policy being developed to implement this provision shall be submitted not later than March 30, 2017; and

(2) A report describing the final or draft Department of the Navy policy to implement this provision shall be submitted not later than June 30, 2017.

National Sea-Based Deterrence Fund (sec. 1023)

The House amendment contained a provision (sec. 1023) that would:

(1) Expand the Fund's transfer authority provided by section 1022(b)(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to include fiscal year 2018;

(2) Amend section 2218a of title 10, United States Code, relating to the National Sea-Based Deterrence Fund to include authority for multiyear procurement of critical components to support continuous production;

(3) Clarify the definition of a national sea-based deterrence vessel.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would delete the transfer authority expansion and limit the use of multiyear procurement authority to that needed to support continuous production of the common missile compartment.

The conferees expect the Navy to continue reviewing production approaches for the *Ohio* Replacement Program to achieve additional efficiencies. The conferees would be willing to consider expanding multiyear production authority if the Navy is able to demonstrate savings or greater efficiencies could be achievable through such use.

Availability of funds for retirement or inactivation of Ticonderoga-class cruisers or dock landing ships (sec. 1024)

The House amendment contained a provision (sec. 1024) that would prohibit the Secretary of the Navy from using funds authorized to be appropriated by this Act to retire a cruiser or dock landing ship or to place in a modernization status more than six cruisers and one dock landing ship. Furthermore, the Secretary of Defense would be prohibited from obligating more than 75 percent of the funds made available for the Office of the Secretary of Defense until the Secretary of the Navy enters into a contract for the modernization of four cruisers and one dock landing ship and enters

into a contract for the procurement of combat systems upgrades associated with six such cruisers.

The Senate bill contained a similar provision (sec. 1011).

The Senate recedes with an amendment that would prohibit the retirement, preparation for retirement, inactivation, or placement in storage of any *Ticonderoga*-class cruisers or *Whidbey Island*-class amphibious ships, except to allow the modernization and upgrades for those ships to continue in accordance with section 1026 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113—291).

The conferees continue to support a cruiser modernization plan consistent with the “2–4–6” plan that allows the Secretary of the Navy to induct two cruisers per year into a modernization period of up to four years with no more than six cruisers in this prolonged modernization status at any one time.

Subtitle D—Counterterrorism

Frequency of counterterrorism operations briefings (sec. 1031)

The House amendment contained a provision (sec. 1031) that would amend section 485 of title 10, United States Code, to require the Secretary of Defense to provide monthly counterterrorism operations briefings to the congressional defense committees.

The Senate bill contained no similar provision.

The Senate recedes.

Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to the United States (sec. 1032)

The Senate bill contained a provision (sec. 1021) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.

The House amendment contained a similar provision (sec. 1032).

The Senate recedes.

Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1033)

The Senate bill contained a provision (sec. 1022) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained a similar provision (sec. 1033).

The Senate recedes.

Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1034)

The Senate bill contained a provision (sec. 1026) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to Libya, Somalia, Syria, or Yemen.

The House amendment contained a similar provision (sec. 1034).

The Senate recedes.

Prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba. (sec. 1035)

The Senate bill contained a provision (sec. 1030) that would extend until December 31, 2017, the prohibition on the use of funds to close or abandon United States Naval Station, Guantanamo Bay, Cuba, to relinquish control of Guantanamo Bay to the Republic of Cuba, or to implement a material modification to the Treaty between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

The House amendment contained a similar provision (sec. 1035).

The Senate recedes.

Subtitle E—Miscellaneous Authorities and Limitations

Expanded authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo (sec. 1041)

The House amendment contained a provision (sec. 1041) that would amend section 2649 of title 10, United States Code, to expand the authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo as well as allowing the Secretary of Defense the ability to enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper's cargo.

The Senate bill contained no similar provision.

The Senate recedes.

Reduction in minimum number of Navy carrier air wings and carrier air wing headquarters required to be maintained (sec. 1042)

The Senate bill contained a provision (sec. 1088) that would amend section 5062 of title 10, United States Code, to reduce the number of air wings required to be maintained and fully staffed from 10 to 9.

The House amendment contained a similar provision (sec. 1072) that would require the Secretary of Defense to submit a report to Congress on the impact of changes to the existing carrier air wing force structure.

The House recedes with an amendment that would reduce the minimum number of carrier air wings to be maintained to nine until additional deployable aircraft carriers can fully support a tenth carrier air wing, or October 1, 2025, whichever comes first, at which time the Secretary of the Navy shall maintain a minimum of ten carrier air wings.

Modification to support for non-Federal development and testing of material for chemical agent defense (sec. 1043)

The House amendment contained a provision (sec. 1082) that would modify subsection (d) and subsection (e) of section 1034 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), to modify and extend, with a sunset date of January 31, 2021, the “Support for Non-Federal Development and Testing of Material for Chemical Agent Defense” report to include reporting on any instance where the Department provides biological select agents or toxins to a non-Federal entity for development of biological defenses. This amendment would supersede section 1080 of the Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

The Senate bill contained no similar provision.

The Senate recedes.

Protection of certain Federal spectrum operations (sec. 1044)

The House amendment contained a provision (sec. 1045) that would amend section 1004 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 47 U.S.C. 921 note) by adding protections of certain Federal spectrum operations.

The Senate bill contained no similar provision.

The Senate recedes.

Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms (sec. 1045)

The Senate bill contained a provision (sec. 1012) that would prohibit funds from being used to retire, prepare to retire, transfer, or place in storage any *Avenger*-class mine countermeasures ship, MH–53 *Sea Dragon* helicopter, or associated equipment, as well as make any reductions to the manning levels of any *Avenger*-class mine countermeasures ship or *Sea Dragon* squadron or detachment. The Secretary of the Navy may waive this prohibition by making the prescribed certification to the congressional defense committees.

The House amendment contained a similar provision (sec. 1042).

The House recedes.

Extension of authority of Secretary of Transportation to issue non-premium aviation insurance (sec. 1046)

The House amendment contained a provision (sec. 1043) that would amend Section 44310(b) of title 49, United States Code, to extend the authority of the Secretary of Transportation to provide aviation insurance and reinsurance upon the request of another U.S. Government agency.

The Senate bill contained no similar provision.

The Senate recedes.

Evaluation of Navy alternate combination cover and unisex combination cover (sec. 1047)

The House amendment contained a provision (sec. 1044) that would change the Department of the Navy's mandatory wear date of the alternate combination cover from October 31, 2016, to October 31, 2020, and prohibit the Secretary of the Navy from implementing any future changes or enforce any current changes to female service dress uniforms until the Secretary submits a report to the Committees on Armed Services of the Senate and House of Representatives on the evaluation of the Navy female service dress uniform.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would remove the prohibition on the Secretary of the Navy to make changes to uniforms, lower the delayed implementation of existing changes from five to three years, and add a requirement for the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and House of Representatives no later than February 1, 2017, on the survey results regarding the new covers or any other uniform changes.

Independent evaluation of Department of Defense excess property program (sec. 1048)

The Senate bill contained a provision (sec. 1053) that would amend section 2576a of title 10, United States Code to modify the availability of defense items eligible for transfer and notification requirements.

The House amendment contained a similar provision (sec. 1049) that would amend section 2576a of title 10, United States Code to modify the preference for certain purposes for the transfer of excess Department of Defense equipment to Federal and State agencies.

The House recedes with an amendment that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center, or another independent entity, with relevant expertise to conduct an evaluation of the Department of Defense excess property program under section 2576a of title 10, United States Code.

The conferees note that section 1051 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) required the Secretary of Defense to enter into an agreement with a federally funded research and development center for the conduct of an assessment of the excess property program, to include an evaluation of the policies and controls governing the determination of the suitability of recipients of controlled property transferred under the program and an analysis of reported statistics on controlled property transfers, and other related matters.

The conferees intend for the evaluation required in this Act to be part of an ongoing review of the Department of Defense excess property program.

Waiver of certain polygraph examination requirements (sec. 1049)

The House amendment contained a provision (sec. 1097) that would authorize the Commissioner of U.S. Customs and Border Protection to waive polygraph examination requirements for certain veterans.

The Senate bill contained no similar provision.

The Senate recedes.

Use of transportation worker identification credential to gain access at Department of Defense installations (sec. 1050)

The House amendment contained a provision (sec. 1098) that would require the Secretary of Defense, to the maximum extent practicable, to ensure that the Transportation Worker Identification Credential (TWIC) be accepted as a valid credential for unescorted access to Department of Defense installations by transportation workers. The provision would also exempt TWIC-carrying transportation workers with a current secret clearance issued by the Department of Defense from further vetting when seeking unescorted access to Department of Defense facilities provided that installation access personnel shall verify the person's security clearance in a timely manner. The provision would also require the Secretary of Defense to document and report each instance when a TWIC-carrying transportation worker is denied access to a military installation in designated locations, together with a reason for such denial, and the amount of time the TWIC-carrying person was required to wait for access. The report would be required not later than 90 days after enactment of this Act and annually until the Department completes fielding of Identity Management Enterprise Services Architecture and electronic access control systems are fielded.

The Senate bill included no similar provision.

The Senate recedes with an amendment that does not include the reporting requirement in the House amendment.

Limitation on availability of funds for destruction of certain landmines and briefing on development of replacement anti-personnel landmine munitions (sec. 1051)

The House amendment contained a provision that would limit the funds available for the destruction of anti-personnel landmine munitions until the Secretary of Defense submits to Congress a report on the assessment of the current state of research into operational alternatives to anti-personnel landmines.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the funds available for the destruction of anti-personnel landmines until the Secretary of Defense submits to Congress the report required by section 1058 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), instead of a new report. The amendment would also require a briefing on the current state of research and development into operational alternatives to anti-personnel landmines.

Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel (sec. 1052)

The Senate bill contained a provision (Sec. 1046) that would require the Air Force, by September 30, 2019, to transition all remotely piloted aircraft (RPA) operations to an organizational model that uses enlisted personnel for the preponderance of RPA operators.

The House amendment contained no similar provision.

The House recedes with an amendment that changes “preponderance” to “a significant number of enlisted personnel,” changes the required transition date to September 30, 2020, for the active duty component, and adds September 30, 2023, as the required date for transition by the Air Force Reserve and Air National Guard. The amendment also includes other minor technical corrections.

Prohibition on divestment of Marine Corps Search and Rescue Units (sec. 1053)

The Senate bill contained a provision (sec. 1047) that does not authorize appropriated amounts to retire, prepare to retire, transfer or place in storage any Marine Corps Search and Rescue Unit or to make any changes to manning levels to the same.

The House amendment contained no similar provision.

The House recedes.

Support for the Associate Director of Central Intelligence for Military Affairs (sec. 1054)

The Senate bill contained a provision (sec. 1049) that would direct the Secretary of Defense and the Under Secretary of Defense for Intelligence to ensure that the Associate Director for Military Affairs of the Central Intelligence Agency (ADMA) has access to, and support from, offices, agencies, and programs of the Department necessary for the ADMA to achieve its intended function.

The House amendment contained no similar provision.

The House recedes with amendments that clarify that the intent of the provision is to encourage effective use of the position, and to remove a requirement that any officer nominated to the position have significant interaction with the CIA within the five years prior to appointment. The conferees learned that such a requirement might impede—rather than encourage—nominees from outside of the special operations community. Therefore, the conferees believe that the relationship between the CIA and the Department’s conventional forces should be encouraged, especially given the evolving and complex global threats faced by the United States.

Notification on the provision of defense sensitive support (sec. 1055)

The Senate bill contained a provision (sec. 1052) that would require the Secretary of Defense, prior to the provision of defense sensitive support to non-Department of Defense departments and agencies, to determine and notify the congressional defense committees that the support does not interfere with the mission and functions of the Department, or if it does so interfere, that it is in the national security interest of the United States.

The House amendment contained no similar provision.
The House recedes with a clarifying amendment.

Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member sex (sec. 1056)

The Senate bill contained a provision (sec. 535) that would prohibit a military commission established under chapter 47A of title 10, United States Code, from acting by order, ruling, finding, or otherwise that a member of the Armed Forces may not perform duties otherwise lawfully assigned if the prohibition is based solely on the gender of the servicemember. The provision would also vacate any such order issued before the date of enactment of this Act.

The House amendment contained a similar provision (sec. 1039).

The House recedes with an amendment that would prohibit any order or other determination of a military commission that would restrict a member of the Armed Forces from carrying out otherwise lawfully assigned duties where the basis for such prohibition or restriction is the sex of the member. Upon enactment, the rule of prohibition established under this provision would apply to a military commission upon a motion to reconsider any such determination that was issued prior to enactment of this Act.

Congressional notification requirements for sensitive military operations (sec. 1057)

The Senate bill contained a provision (sec. 1044) that would amend section 130f in title 10, United States Code.

The House amendment contained a similar provision (sec. 1036).

The Senate recedes with clarifying amendment.

Subtitle F—Studies and Reports

Temporary continuation of certain Department of Defense reporting requirements (sec. 1061)

The Senate bill contained a provision (sec. 1082) that would repeal the requirements for several reports that are mandated by an annual National Defense Authorization Act and by other public laws.

The Senate bill also contained a provision (sec. 1083) that would repeal several requirements for the Department of Defense to provide reports that have been added by an annual National Defense Authorization Act.

The House amendment contained a similar provision (1061) that would repeal several reporting requirements as well.

The Senate recedes with an amendment that would provide for the repeal of those reporting requirements agreed to by both the House and Senate as listed in the final bill.

Reports on programs managed under alternative compensatory control measures in the Department of Defense (sec. 1062)

The Senate bill contained a provision (sec. 1080) that would require the Department of Defense (DOD) to provide certain reports

and notifications regarding programs that DOD manages under alternative compensatory control measures (ACCM).

The House amendment contained no similar provision.

The House recesses.

The Department of Defense typically uses the ACCM system to manage programs of lesser sensitivity or programs with a less enduring life than the programs that it manages under special access (SAP) program channels. The conferees believe that DOD needs to provide more rigorous oversight of and reporting on ACCM programs to the congressional defense committees. Despite several directions from Congress to the DOD to produce better information and inventories of these programs, DOD has failed to do so. Therefore, the conferees see no alternative but to include legislation on the matter, and note that failure to use and report ACCMs accordingly will jeopardize future reauthorizations.

Matters for inclusion in report on designation of countries for which rewards may be paid under Department of Defense rewards program (sec. 1063)

The House amendment contained a provision (sec. 1062) that would modify section 127b(h) of title 10, United States Code, relating to the Department of Defense rewards program.

The Senate bill contained no similar provision.

The Senate recesses.

Annual reports on unfunded priorities of the Armed Forces and the combatant commands and annual report on combatant command requirements (sec. 1064)

The Senate bill contained a provision (sec. 1076) that would require the Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, and commanders of the combatant commands (COCOM) to submit to the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and congressional defense committees a report on the unfunded priorities no later than 25 days after the date on which the President submits the annual budget request.

The House amendment contained no similar provision.

The House recesses with a technical amendment that would change the due date for the report from 25 days to 10 days after the budget request is submitted to Congress and amends section 153(c)(1) of title 10, United States Code to require the Chairman of the Joint Chiefs of Staff to submit an annual report on COCOM requirements no later than 25 days after the date on which the President submits the budget request to Congress.

The conferees note that the COCOM commanders can satisfy the requirement regarding unfunded priorities, as set forth by this provision through their submission of the integrated priority lists (IPL), provided that the IPLs contain sufficient detail on the commands' requirements shortfalls and any relevant or appropriate funding recommendations.

Management and reviews of electromagnetic spectrum (sec. 1065)

The House amendment contained a provision (sec. 1068) that would direct the Secretary of Defense and the Chairman of the

Joint Chiefs of Staff to conduct a comprehensive review of all uses by the Department of Defense of spectrum.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would amend 10 U.S.C. 488 by directing the Secretary of Defense to ensure the effective organization and management of electromagnetic spectrum used by the Department of Defense and establish an enduring review process that considers all requirements relating to such spectrum and ensures that all uses of such spectrum, regardless of the classification of such uses, are involved in the decision-making process of the Department concerning the potential sharing, reassigning, or relocating of such spectrum, of the relocation of the uses by the Department of such spectrum.

Requirement for notice and reporting to Committees on Armed Services of certain expenditures of funds by Defense Intelligence Agency (sec. 1066)

The Senate bill contained a provision (sec. 1081) that would add the Armed Services Committees of the Senate and the House of Representatives to a reporting requirement under 50 U.S.C. 3038(c) that allows the Defense Intelligence Agency to use a percentage of its funds without regard to the provisions of law or regulation relating to the expenditure of U.S. government funds.

The House amendment contained no similar provision.

The House recedes.

Congressional notification of biological select agent and toxin theft, loss, or release involving the Department of Defense (sec. 1067)

The House amendment contained a provision (sec. 1063) that would direct the Secretary of Defense to provide notification to the congressional defense committees within 15 days of notifying the Centers for Disease Control and Prevention and/or the Animal and Plant Health Inspection Service of any theft, loss, or release of biological select agents or toxins.

The Senate bill contained no similar provision.

The Senate recedes.

Report on service-provided support and enabling capabilities to United States special operations forces (sec. 1068)

The House amendment contained a provision (sec. 1064) that would require the Secretary of Defense to submit to the congressional defense committees not later than 180 days after enactment of this Act on support contributed from each of the military services towards special operations forces for each of the fiscal years 2018 through 2020.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on citizen security responsibilities in the Northern Triangle of Central America (sec. 1069)

The House amendment contained a provision (sec. 1065) that would require the Secretary of Defense and the Secretary of State to jointly submit a report to specified congressional committees not later than 180 days after enactment of this Act on the military

units that have been assigned to policing or citizen security responsibilities in the Republic of Guatemala, the Republic of Honduras, and the Republic of El Salvador.

The Senate bill contained no similar provision.

The Senate recesses.

Report on counterproliferation activities and programs (sec. 1070)

The House amendment contained a provision (sec. 1066) that would require the Secretary of Defense to submit to the congressional defense committees a report on the counterproliferation activities and programs of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require a single report no later than July 1, 2017.

Report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities (sec. 1071)

The House amendment contained a provision (sec. 1071) that would require a report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities.

The Senate bill contained no similar provision.

The Senate recesses.

Quarterly reports on parachute jumps conducted at Fort Bragg and Pope Army Airfield and Air Force support for such jumps (sec. 1072)

The House amendment contained a provision (Sec. 1073) that would direct the Secretary of the Air Force and the Secretary of the Army to submit to the Committees on Armed Services of the House of Representatives and the Senate quarterly reports that contain information regarding parachute drop requirements for the XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that adjusts the end date of the reporting period and clarifies the elements required in the reports.

Study on military helicopter noise (sec. 1073)

The House amendment contained a provision (Sec. 1098D) that would require the Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration to conduct a study on the effects of and provide recommendations for the reduction of military helicopter noise on the National Capital Region.

The Senate bill contained no similar provision.

The Senate recesses.

Independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility (sec. 1074)

The Senate bill contained a provision (sec. 1042) that would require an independent review of United States military strategy and

force posture in the United States Pacific Command area of responsibility be submit to Congress beginning in 2018 and recurring every four years thereafter.

The House amendment contained no similar provision.

The House recedes with an amendment that would require one independent review to be completed by September 1, 2018.

Assessment of the joint ground forces of the Armed Forces (sec. 1075)

The Senate bill contained a provision (Sec. 1077) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to oversee a comprehensive assessment of the joint ground forces and provide a report on the assessment's findings no later than one year after the enactment of this act.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, and the Commandant of the Marine Corps, to oversee an assessment of the joint ground forces of the Armed Forces, and provide a report on the assessment's findings to the Committees on Armed Services of the Senate and the House of Representatives not later than one year after the enactment of this Act. The report shall include an assessment by the Chief of Staff of the Army and the Commandant of the Marine Corps of any specific gaps in the capability and capacity of the Army and Marine Corps, respectively, that threaten the successful execution of decisive operational maneuver.

Subtitle G—Other Matters

Technical and clerical amendments (sec. 1081)

The Senate bill contained a provision (sec. 1058) that would make technical and clerical corrections to title 10, United States Code, and various National Defense Authorization Acts.

The House amendment contained a similar provision (sec. 1081).

The Senate recedes with an amendment making additional technical and clerical amendments.

Increase in maximum amount available for equipment, services, and supplies provided for humanitarian demining assistance (sec. 1082)

The House amendment contained a provision (sec. 1083) that would raise the monetary cap in section 407 of title 10, United States Code, for the cost of equipment, services, and supplies for humanitarian demining assistance and stockpiled conventional munitions assistance provided by the Department of Defense, from \$10.0 million to \$15.0 million in any fiscal year.

The Senate bill contained no similar provision.

The Senate recedes.

Liquidation of unpaid credits accrued as a result of transactions under a cross-servicing agreement (sec. 1083)

The House amendment contained a provision (sec. 1084) that would amend section 2345 of title 10, United States Code, to provide the Secretary of Defense with the discretionary authority to liquidate unpaid debts owed to the United States by a foreign government or international organization as a result of the Department of Defense providing logistic support, supplies, or services to that foreign government or international organization.

The Senate bill contained no similar provision.

The Senate recedes.

Modification of requirements relating to management of military technicians (sec. 1084)

The House amendment contained a provision (sec. 1088) that would delay the implementation date of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) until October 1, 2017 and align the date of conversion for military technicians (non-dual status) with military technicians (dual status).

The Senate bill contained a similar provision (sec. 1048).

The Senate recedes with an amendment that would clarify that the Secretary of Defense will continue to play a role in the conversion of positions.

Streamlining of the National Security Council (sec. 1085)

The Senate bill contained a provision (sec. 1089) that would streamline the statutory requirements for the National Security Council (NSC) and limit the size of the NSC's professional staff to 150, to include detailees and assignees from other agencies and Departments and contractors.

The House amendment contained a similar provision (sec. 926).

The House recedes with an amendment to increase the cap to 200 professional personnel, to include a transition period for the personnel cap of 18 months, and to make other technical changes.

National biodefense strategy (sec. 1086)

The House amendment contained a provision (sec. 1086) that would require the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture to jointly develop and submit to the appropriate congressional committees, within 275 days after the date of the enactment of this Act, a national bio defense strategy and implementation plan. This section would also require the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture to provide a joint briefing to the appropriate congressional committees annually, starting March 1, 2017, and ending March 1, 2019, on the strategy and status of its implementation. This section would also require the Comptroller General of the United States to submit a report to the appropriate congressional committees, within 180 days of submission of the national biodefense strategy, on a gap analysis of the national biodefense strategy and its implementation plan.

The Senate bill contained no similar provision.
The Senate recesses.

Global Cultural Knowledge Network (sec. 1087)

The House amendment contained a provision (Sec. 1087) that would require the Secretary of the Army to support the socio-cultural understanding needs of the Department of the Army, to be known as the Global Cultural Knowledge Network.

The Senate bill contained no similar provision.
The Senate recesses with amendment.

Sense of Congress regarding Connecticut's Submarine Century (sec. 1088)

The House amendment contained a provision (sec. 1089) that would express the sense of Congress commending the dedication and contributions of the people of Connecticut to the Navy and the submarine force.

The Senate bill contained no similar provision.
The Senate recesses with a clarifying amendment.

Sense of Congress regarding the reporting of the MV-22 mishap in Marana, Arizona, on April 8, 2000 (sec. 1089)

The House amendment contained a provision (Sec. 1091) that would state that the Deputy Secretary of Defense did an excellent job reviewing the investigation of this mishap.

The Senate bill contained no similar provision.
The Senate recesses.

Cost of wars (sec. 1090)

The House amendment contained a provision (sec. 1098G) that would require the Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, to post the costs, including legacy costs, to the American taxpayers of the wars in Afghanistan, Iraq, and Syria.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would remove the requirement to provide the legacy costs of the wars.

Reconnaissance Strike Group matters (sec. 1091)

The Senate bill contained a provision (sec. 1045) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to oversee the modeling of an alternative Army design and operational concept for the Reconnaissance Strike Group (RSG), and require a report no later than one year after the enactment of this Act that explicitly addresses the value of a follow-on pilot program to test further any promising alternative force designs and concept of operation. The provision would also require the Secretary of Defense to direct an appropriate combatant commander to establish an office for the testing, evaluation, development and validation of the RSG's joint warfighting concepts, required platforms and structure.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army, in consultation with the Commanding General, U.S. European Command, to each conduct a separate analysis of RSG organizational design and operational concepts and provide a report to the Committees on Armed Services of the Senate and House of Representatives on the results of these analysis. The amendment would also require a Federally Funded Research and Development Center or 501(c)(3) to review and evaluate the reports.

Border security metrics (sec. 1092)

The Senate bill contained a provision (sec. 1091) that would require the Secretary of Homeland Security to develop metrics to measure the effectiveness of security at ports of entry, between ports of entry, and in the maritime environment not later than 120 days after the enactment of this Act.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier (sec. 1093)

The Senate bill contained a provision (sec. 1094) that would require the Secretary of Defense to conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier.

The House amendment contained no similar provision.

The House recedes.

Sense of Congress regarding the OCONUS basing of the KC-46A aircraft (sec. 1094)

The Senate bill contained a provision (Sec. 1095) that would express the sense of the Congress regarding the basing of KC-46A tanker aircraft outside of the continental United States.

The House amendment contained no similar provision.

The House recedes.

Designation of a Department of Defense Strategic Arctic Port (sec. 1095)

The Senate bill contained a provision (sec. 1043) that would require not later than 180 days after enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, to submit a report to the congressional defense committees assessing the future security requirements for one or more strategic ports in the Arctic. The provision would further require the Secretary to establish designation criteria for a Department of Defense "Strategic Arctic Port" and submit recommendations for the designation of one or more such ports, including estimated costs for sufficient construction to initiate and sustain expected operations.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Recovery of Excess Rifles, Ammunition, and Parts Granted to Foreign Countries and Transfer to Certain Persons (sec. 1096)

The Senate bill contained a provision (sec. 1056) that would authorize the Secretary of the Army to acquire from any person any rifle, ammunition, repair parts, or other supplies provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 and have become excess to the needs of such country. The Secretary of the Army may not acquire items if the United States would incur any cost for such acquisition. Rifles, ammunition, repair parts, or supplies shall be available for transfer to persons who are licensed manufacturers, importers, or dealers pursuant to section 923(a) of title 18 or uses an Army ammunition depot.

The House amendment contained a similar provision (sec. 1098K).

The Senate recedes with an amendment that would allow the Secretary of the Army to recover items so long as the Army receives fair market value and the items are transferred in accordance with the Arms Export Control Act. The Secretary of the Army is directed to provide a report, not later than 180 days after the enactment of the Act, to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, on the acquisition and transfer of excess rifles, ammunition, repair parts, other supplies eligible for transfer.

LEGISLATIVE PROVISIONS NOT ADOPTED

Delegation to Chairman of Joint Chiefs of Staff of authority to direct transfer of forces

The Senate bill contained a provision (sec. 922) that would amend section 113 of title 10, United States Code, to allow the Secretary of Defense to delegate some authority to the Chairman of the Joint Chiefs of Staff for the worldwide reallocation of limited military assets on a short-term basis, consistent with the Secretary's policy guidance and the national defense strategy.

The House amendment contained no similar provision.

The Senate recedes.

Management of Defense clandestine human intelligence collection

The Senate bill contained a provision (sec. 945) that would require the Secretary of Defense, in coordination with the Director of National Intelligence, to carry out a pilot program to assess the feasibility and advisability of establishing a military division within the Directorate of Operations of the Central Intelligence Agency.

The House amendment contained no similar provision.

The Senate recedes.

Extension of authority to provide additional support for counter-drug activities of foreign governments

The House amendment contained a provision (sec. 1011) that would amend section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently

amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), by extending the authority to provide additional support for counter-drug activities of foreign governments to September 30, 2019.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that elsewhere in this Act is a provision that would consolidate multiple authorities to build the capacity of friendly foreign nations to conduct specified operations, to include counter-drug and counter-transnational organized crime operations. The conferees intend for activities conducted to date under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as most recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) to be conducted under the new building partnership capacity authority.

Funding for counter narcotics operations

The House amendment contained a provision (sec. 1015) that would increase the amount authorized to be appropriated for drug interdiction and counterdrug activities by \$3 million.

The Senate bill contained no similar provision.

The House recedes.

Report on efforts of United States Southern Command to detect and monitor drug trafficking

The House amendment contained a provision (sec. 1016) that would require the Secretary of Defense to submit to Congress a report on the effectiveness of efforts by United States Southern Command to limit threats to the national security of the United States by detecting and monitoring drug trafficking, specifically heroin and fentanyl.

The Senate bill contained no similar provision.

The House recedes.

The conferees remain concerned about the trafficking of illicit drugs into the United States, particularly heroin and fentanyl, and the devastating impact these substances are having on communities. The conferees urge the Department of Defense, in coordination with the interagency, to continue efforts to combat the flow of drugs into the United States.

Prohibition on reprogramming requests for funds for transfer or release, or construction for transfer or release, of individuals detained at United States Naval Station, Guantanamo Bay, Cuba

The Senate bill contained a provision (sec. 1022A) that would prohibit the Department of Defense from submitting reprogramming requests to Congress for funds for transfer or release, or construction for transfer or release, of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.

The Senate recedes.

Designing and planning related to construction of certain facilities in the United States

The Senate bill contained a provision (sec. 1023) that would authorize the Secretary of Defense to use amounts authorized to be appropriated for the Department of Defense for designing and planning related to the construction or modification of facilities in the United States to house individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.

The Senate recedes.

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

The Senate bill contained a provision (sec. 1024) that would authorize the temporary transfer of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to the United States for necessary medical treatment that is not available at Guantanamo.

The House amendment contained no similar provision.

The Senate recedes.

Authority for Article III judges to take certain actions relating to individuals detained at United States Naval Station, Guantanamo Bay, Cuba

The Senate bill contained a provision (sec. 1025) that would authorize a judge of the United States District Court to have jurisdiction to use video teleconferencing to arraign, accept a plea to a charge from, and enter a judgment of conviction and sentencing against individuals held at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.

The Senate recedes.

Requirement for Memorandum of Understanding Regarding Transfer of Detainees

The Senate bill contained a provision (sec. 1027) that would require any certification by the Secretary of Defense provided pursuant to Section 1034(b) of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 801 note) to include a requirement that the United States and the foreign government of transfer have entered into a written memorandum of understanding regarding the transfer of the individual and the memorandum of understanding has been provided to the appropriate congressional committees.

The House amendment contained a similar provision (sec. 1098B).

The conference agreement does not contain this provision.

Limitation on transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, pending a report on their terrorist actions and affiliations

The Senate bill contained a provision (sec. 1028) that would require, prior to transferring any individual detained at United

States Naval Station, Guantanamo Bay, Cuba to any foreign government or entity, that the Secretary of Defense submit to appropriate committees of Congress a report on the individuals' previous terrorist activities.

The House amendment contained no similar provision.

The Senate recesses.

Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to countries covered by Department of State travel warnings

The Senate bill contained a provision (sec. 1029) that would prohibit the use of funds to transfer any individual held at United States Naval Station, Guantanamo Bay, Cuba, to a foreign country that is the subject of a State Department travel warning with certain exceptions.

The House amendment contained no similar provision.

The Senate recesses.

Restrictions on the overhaul and repair of vessels in foreign shipyards

The House amendment contained a provision (sec. 1025) that would amend section 7310(b)(1) of title 10, United States Code, to prohibit the Department of the Navy from performing any overhaul, repair, or maintenance work that takes longer than six months in foreign shipyards.

The Senate bill contained no similar provision.

The House recesses.

Restrictions on use of rocket engines from the Russian Federation for space launch of national security satellites

The Senate bill contained a provision (sec. 1036) that would prohibit the Secretary of Defense from launching any national security satellite with a launch vehicle requiring a rocket engine designed or manufactured in the Russian Federation.

The House amendment contained no similar provision.

The Senate recesses.

Limitations on use of rocket engines from the Russian Federation to achieve assured access to space

The Senate bill contained a provision (sec. 1037) that would amend section 2273(b) of title 10, United States Code, to require that assured access to space be achieved without the use of rocket engines designed or manufactured in the Russian Federation.

The House amendment contained no similar provision.

The Senate recesses.

Transportation on military aircraft on a space-available basis for members and former members of the Armed Forces with disabilities rated as total

The House amendment contained a provision (sec. 1046) that would amend section 2641b of title 10, United States Code, to authorize space-available travel for disabled veterans with a service-

connected, permanent disability rated as total by the Department of Defense.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, by not later than March 1, 2017, a report clarifying the retirement and benefit eligibility status of certain disabled veterans. The report will identify with particularity any differences in the “retired” status, or benefit eligibility status, for servicemembers who otherwise meet the current statutory standards for disability retirement, but who may not be retired owing to the timing of the enactment of disability retirement changes, particularly the enactment of sections 534 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) and 513 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) which redefined disability and retirement eligibility under section 1204 of title 10, United States Code. The conferees are aware that at least in some cases, veterans may have been separated for disability who now meet disability retirement eligibility.

The report shall describe all available processes or procedures by which a veteran who believes they should be designated as “retired” may seek redesignation by appeal to the boards for correction of military or naval records or through some other process. Finally, the Secretary of Defense will identify the number of individuals who may be eligible for redesignation under the processes or procedures so identified.

The conferees are committed to ensuring every veteran is afforded all the rights and benefits to which they are entitled under the law, especially those who are disabled with a service-connected, permanent disability.

National Guard flyovers of public events

The House amendment contained a provision (sec. 1047) that would prohibit all National Guard flyovers of public events in support of community relations activities unless flown as part of an approved training mission.

The Senate bill contained no similar provision.

The House recedes.

Application of Freedom of Information Act to the National Security Council

The House amendment contained a provision (sec. 1048) that would apply the Freedom of Information Act (5 U.S.C. 552) to the National Security Council in certain circumstances.

The Senate bill contained no similar provision.

The House recedes.

Exemption of information on military tactics, techniques, and procedures from release under Freedom of Information Act

The Senate bill contained a provision (sec. 1054) that would amend section 130e of title 10, United States Code, to authorize the Secretary of Defense to exempt information related to military tac-

tics, techniques, and procedures from public disclosure if the information could reasonably be expected to risk impairment of the effective operation of the Department of Defense by providing an advantage to an adversary or potential adversary, and the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

The House amendment contained no similar provision.

The Senate recedes.

Annual report on personnel, training, and equipment requirements for the non-federalized National Guard to support civilian authorities in prevention and response to domestic disasters

The House amendment contained a provision (sec. 1069) that would modify the reporting requirement of section 10504 of title 10, United States Code, to include a report on non-federalized National Guard personnel, training, and equipment requirements.

The Senate bill contained no similar provision.

The House recedes.

Briefing on criteria for determining locations of Air Force Installation and Mission Support Center headquarters

The House amendment contained a provision (sec. 1070) that would require the Secretary of the Air Force to brief the congressional defense committees on the Air Force's process and reasoning for using proximity to primary medium commercial hub airports as part of the mission criteria for the Air Force Installation and Mission Support Center headquarters strategic basing process.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Air Force to provide the congressional defense committees with a briefing by March 1, 2017 on the criteria used for determining locations of Air Force Installation and Mission Support Center headquarters, specifically the reasoning for using proximity to primary medium commercial hub airports as part of the mission criteria.

Briefing on real property inventory

The House amendment contained a provision (sec. 1074) that would require the Secretary of Defense to brief the Committee on Armed Services of the House of Representatives on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing by March 1, 2017 on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department.

Report on adjustment and diversification assistance

The House amendment contained a provision (sec. 1075) that would require the Secretary of Defense to provide a briefing on the

adjustment and diversification assistance authorized by subsections (b) and (c) of section 2391 of title 10, United States Code.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide to the Committee on Armed Services of the House of Representatives a briefing on the adjustment and diversification assistance authorized by subsections (b) and (c) of section 2391 of title 10, United States Code. Such briefing shall be provided not later than 90 days after the date of the enactment of this Act and shall include each of the following:

(1) A description of the activities and programs currently being conducted under subsections (b)(1) and (c) of such section, including a list of the recipients of grants, and amount received by each recipient, of such activities and programs in each of the five most recent fiscal years.

(2) For each of the five fiscal years preceding the fiscal year during which the briefing is conducted, separate estimates of the funding the Department of Defense has directed to activities under each of clauses (A) through (E) of paragraph (1) of subsection (b) and under subsection (c) of such section and the recipients of such funding.

Briefing on the protection of personally identifying information of members of the Armed Forces

The House amendment contained a provision (sec. 1076) that would require the Secretary of Defense to provide the congressional defense committees a briefing on the efforts of the Department of Defense to protect the personally identifiable information of members of the Armed Forces and their families.

The Senate bill contained no similar provision.

The House recedes.

The conferees are concerned about the impact of recent, significant disclosures of personally identifiable information of service members, government civilians and their families as a result of lax information security practices at the Office of Personnel Management. Coupled with similar breaches occurring in the private sector that have resulted in sensitive personal information, including credit information and medical records, being released to unknown parties, the conferees recognize that such breaches have the potential to jeopardize both the financial security as well as the physical security of these individuals. The conferees urge the Department of Defense to continue to strengthen ongoing initiatives and to develop and implement new initiatives to protect the personally identifiable information of members of the Armed Forces, government civilians, and their families. Further, the conferees expect the Department to keep the Committees on Armed Services of the Senate and the House of Representatives informed of any challenges associated with these initiatives, as well as any trends related to fraudulent or suspicious activity that targets the personally identifiable information of members of the Armed Forces, government civilians, and their families.

Report on priorities for bed downs, basing criteria, and special mission units for C-130J aircraft of the Air Force

The Senate bill contained a provision (Sec. 1085) that would direct the Secretary of the Air Force to submit a report to the congressional defense committees on the overall prioritization, bed downs, basing criteria, and unit conversion priorities for C-130J aircraft and special mission units of the Air Force Reserve Command, Air National Guard, and the regular Air Force.

The House amendment contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Air Force, not later than February 1, 2017, to submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C-130J aircraft unit bed downs;

(2) The strategic basing criteria of the Air Force for C-130J aircraft unit conversions;

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities; and,

(4) Such other information relating to C-130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

Clarification of contracts covered by airlift service provision

The House amendment contained a provision (sec. 1085) that would amend section 9516 of title 10, United States Code, to define “contract for airlift service” to include any contract or subcontract that may be utilized in the performance of airlift service or transportation services.

The Senate bill contained no similar provision.

The House recedes.

LNG permitting certainty and transparency

The House amendment contained a provision (sec. 1090) that would require the Department of Energy to issue a final decision on any application for the authorization to export natural gas not later than 30 days after completing an environmental review or the date of enactment of this Act.

The Senate bill contained no similar provision.

The House recedes.

Transfer of surplus firearms to Corporation for the Promotion of Rifle Practice and Firearms Safety

The House amendment contained a provision (sec. 1092) that would amend section 40728(h) of title 26, United States Code, by changing the authority of the Secretary of the Army from permissive to directive and striking the limitation of 10,000 .45 caliber M1911/M1911A1 pistols.

The Senate bill contained no similar provision.

The House recedes.

Sense of Congress regarding the importance of Panama City, Florida, to the history and future of the Armed Forces

The House amendment contained a provision (sec. 1093) that would express the Sense of Congress on the role of Panama City, Florida to the Armed Forces of the United States.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that Panama City, Florida has long played an important role in the development and support of the United States armed forces.

Protection against misuse of Naval Special Warfare Command insignia

The Senate bill contained a provision (sec. 1093) that would add a new section 7882 to title 10, United States Code, to prohibit a person from using any covered Naval Special Warfare insignia in connection with any promotion, service or other commercial activity when a particular use would be likely to suggest a false affiliation, connection, or association with, endorsement by, or approval of, the United States, the Department of Defense, or the Department of the Navy, and to authorize the Attorney General to initiate civil proceedings to prevent unauthorized use of such insignia.

The House amendment contained no similar provision.

The Senate recedes.

Protections relating to civil rights and disabilities

The House amendment contained a provision (sec. 1094) that would require any branch or agency of the federal government to provide the protection and exemptions consistent with sections 702(a) and 703(e)(2) of the Civil Rights Act of 1964 (sections 2000e-1(a) and 2000e-2(e) of title 42, United States Code) and section 103(d) of the Americans with Disabilities Act of 1990 (section 12113(d) of title 42, United States Code) with respect to any religious corporation, religious association, religious educational institution, or religious society that is a recipient of or offeror for a federal government contract, grant or similar arrangement.

The Senate bill contained no similar provision.

The House recedes.

Determination and disclosure of transportation costs incurred by Secretary of Defense for congressional trips outside the United States

The House amendment contained a provision (sec. 1096) that would require the Secretary of Defense to determine and disclose the transportation costs incurred by the Department of Defense for certain congressional trips outside the United States.

The Senate bill contained no similar provision.

The House recedes.

The conferees continue to support public disclosure of official travel by Members, officers, and employees of the Senate and the House of Representatives. To this end, the conferees note that section 1754(b) of title 22, United States Code, contains reporting and disclosure requirements for congressional travel outside the United States, including a requirement for reports to be open to public in-

spection and published in the Congressional Record. The conferees recognize that there are circumstances under which transportation provided by the Department of Defense best meets the needs of congressional delegations, ranging from protecting the safety and security of the delegations, expediency, and accessing destinations that have little or no commercial air service. The conferees further note that the Committees on Armed Services of the Senate and the House of Representatives each maintain policies and processes to provide further oversight of travel requests by members and employees of the committees.

Sense of Congress regarding American veterans disabled for life

The House amendment contained a provision (sec. 1098C) that would express the sense of Congress regarding American veterans disabled for life.

The Senate bill contained no similar provision.

The House recedes.

Maritime Occupational Safety and Health Advisory Committee

The House amendment contained a provision (sec. 1098E) that would establish a Maritime Occupational Safety and Health Advisory Committee.

The Senate bill contained no similar provision.

The House recedes.

Sense of Congress regarding United States Northern Command Preparedness

The House amendment contained a provision (sec. 1098F) that would express the sense of the Congress related to the preparedness of United States Northern Command.

The Senate bill contained no similar provision.

The House recedes.

The conferees note the important role of United States Northern Command in domestic disaster relief and consequence management operations. The conferees encourage United States Northern Command to build on current efforts and leverage, where possible, existing training and management expertise within the Department and other available resources to support this important mission.

Workforce issues for relocation of marines to Guam

The House amendment contained a provision (sec. 1098H) that would grant the U.S. Citizenship Immigration Services flexibility to approve H-2B visa application renewals for contractors performing work on Guam for the duration of the construction plans supporting the realignment of U.S. Marines to Guam.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and the House of Representatives and the Committees on the Judiciary of the Senate and the House of Representatives no later than April 1, 2017, regarding the impacts the current H-2B visa program and renewal process have on the relocation of U.S. Marine forces to

Guam. At minimum, the report should include the following elements:

(1) A description of the impacts to the cost and schedule of the relocation of U.S. Marine forces to Guam;

(2) A description of the impacts to U.S. bilateral and multilateral relations and agreements in the Pacific;

(3) A description of the specific impacts for the military construction program required to support the relocation of U.S. Marine forces to Guam;

(4) A description of the specific impacts on the delivery of healthcare to support the relocation of U.S. Marine forces to Guam as well as challenges to providing health care on Guam as identified in the supplemental environmental impact statement;

(5) Any other such information as the Secretary believes is relevant to workforce issues for the relocation of U.S. Marines to Guam; and

(6) If the Secretary believes that changes to the statute governing the non-immigrant worker program described above are necessary in order to mitigate adverse impacts to the cost or schedule of the military construction program, or the delivery of healthcare, required to support the relocation of U.S. Marine forces to Guam, the Secretary, in coordination with the Director of U.S. Citizenship and Immigration Services, is encouraged to include a legislative proposal that would mitigate the impacts described in the report.

Review of Department of Defense debt collection regulations

The House amendment contained a provision (sec. 1098I) that would require the Secretary of Defense to review and update Department of Defense regulations to ensure such regulations comply with Federal consumer protection law with respect to the collection of debt.

The Senate bill contained no similar provision.

The House recedes.

Importance of role played by women in World War II

The House amendment contained a provision (sec. 1098J) that would express the sense of Congress in acknowledging the important role played by women in World War II.

The Senate bill contained no similar provision.

The House recedes.

The conferees note, with gratitude, the enduring legacy and example of patriotic service by those women who worked and volunteered on the home front in support of the military overseas.

Prohibition on modification, abrogation, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action

The House amendment contained provisions (secs. 1099, 1099A–C) that prohibit action to modify, abrogate, or replace the stipulations, agreements, and commitments in the Guantanamo Lease Agreements, or to impair or abandon the jurisdiction of the United States over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

The Senate bill contained no similar provision.
The House recedes.

Pilot's Bill of Rights 2

The Senate bill contained a series of provisions (sec. 3301, 3302, 3303, 3304, 3305, 3306, and 3307) that would establish Federal Aviation Administration third class medical reform and general aviation pilot protections, "The Pilots Bill of Rights 2".

The House amendment contained no similar provisions.
The Senate recedes on these provisions.

Comprehensive strategy for detention of certain individuals

The House amendment contained a provision that would require the Secretary of Defense, in consultation with the Attorney General and the Director of National Intelligence, to submit a report to the appropriate congressional committees by July 19, 2017, setting forth the details of a comprehensive strategy for the detention of individuals captured and held pursuant to the Authorization of the Use of Military Force (Public Law 107-40) pending the end of hostilities.

The Senate bill contained no similar provision.
The House recedes.

Declassification of information on past terrorist activities of detainees transferred from United States Naval Station, Guantanamo Bay, Cuba

The House amendment contained a provision that would require the Director of National Intelligence to complete a declassification review of intelligence reports prepared by the National Counterterrorism Center prior to Periodic Review Board sessions or detainee transfers on the past terrorist activities of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who were transferred or released from United States Naval Station, Guantanamo Bay, Cuba, and make any information declassified available to the public.

The Senate bill contained no similar provision.
The House recedes.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters Generally

Civilian personnel management (sec. 1101)

The Senate bill contained a provision (sec. 1101) that would modify Section 129 of title 10, United States Code to remove restrictions on managing civilian personnel within the Department of Defense on the basis of man years, end strength, full-time equivalent positions, or maximum number of employees. The provision would add a new section requiring a report no later than February 1 of each year from the Secretary of Defense to the congressional defense committees on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities. The provision would require the Secretary of each military department to submit a report on the management

of the civilian workforce under the jurisdiction of each Secretary which provides for the projected size of the civilian workforce in the current year and for each year in the future-years defense program to include a justification of any projected increases.

The House amendment contained no similar provision.

The House recedes.

Repeal of requirement for annual strategic workforce plan for the Department of Defense (sec. 1102)

The Senate bill contained a provision (sec. 1102) that would repeal the reporting requirement for the Department of Defense to submit a biennial strategic workforce plan, as contained in section 115b of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes.

Training for employment personnel of Department of Defense on matters relating to authorities for recruitment and retention at United States Cyber Command (sec. 1103)

The Senate bill contained a provision (sec. 1108) that would require training for employment and human resources personnel at the Department of Defense on special recruitment, hiring, special pays, and retention authorities for positions at United States Cyber Command. In addition to training, written guidance would also be required to inform such employees of the Department of Defense on which authorities are available and how to use those authorities.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Public-private talent exchange (sec. 1104)

The Senate bill contained a provision (sec. 1107) that would allow Department of Defense employees to work in the private sector and private industry employees to work within the Department of Defense. Exchanges would encourage Department of Defense employees to gain skills that align with functional communities or occupational specialties.

The House amendment contained a similar provision (sec. 1113).

The Senate recedes with an amendment that would clarify the conditions under which a temporary assignment of an employee of the Department of Defense may be made and the terms and conditions for private-sector employees assigned to a Department of Defense organization.

The conferees note that as this authority would build on programs like the Intergovernmental Personnel Act (IPA), the committee understands that the Department of Defense has established procedures for monitoring and controlling salaries and expenses for the IPA program, including a limitation on salaries that may be paid or reimbursed for IPAs, and expects that such constraints will be applied to the pilot authorized by this provision.

Temporary and term appointments in the competitive service in the Department of Defense (sec. 1105)

The Senate bill contained a provision (sec. 1103) that would allow non-competitive appointments to Department of Defense temporary and term positions for no more than 18 months without the possibility of extension.

The House amendment contained no similar provision.

The House recedes.

Direct-hire authority for the Department of Defense for post-secondary students and recent graduates (sec. 1106)

The Senate bill contained a provision (sec. 1106) that would establish a Department of Defense (DoD) civilian on-campus recruiting authority under title 10 as an alternative to the federal government-wide Pathways program (established by Executive Order 13562) and other Title 5 hiring authorities. This proposal would facilitate DoD recruiters' efforts to recruit students directly to civilian positions using a new hiring authority expressly designed for this purpose. Hiring managers and recruiters, who already travel to specific schools with programs they want to target, would be able to involve candidates in a rigorous interview process, and make conditional offers on the spot. This would allow DoD to compete for highly qualified students and recent graduates. This authority would be limited to no more than 15 percent of the total number of hires made into professional and administrative occupations of the Department at the GS-11 level and below annually and would sunset four years after the date on which the Secretary first appoints a recent graduate or current post-secondary student to a position under this section.

The House amendment contained no similar provision.

The House recedes with an amendment that would sunset the provision on September 30, 2021 and require the Secretary of Defense, to the extent practical, to provide public notice and advertising of positions offered under this authority.

Temporary increase in maximum amount of voluntary separation incentive pay authorized for civilian employees of the Department of Defense (sec. 1107)

The Senate bill contained a provision (sec. 1109) that would increase the maximum amount of separation pay authorized for Voluntary Separation Incentive Pay (VSIP) from the current ceiling of \$25,000 to \$40,000 for civilian employees of the Department of Defense. This increased maximum amount would adjust for inflation from when VSIP was first authorized for the Department of Defense in 1993. The Chief Human Capital Officers Act of 2002 (Public Law 107-296) provided government-wide authority to provide VSIP. The maximum payable amount has not been adjusted since VSIP was first authorized.

The House amendment contained no similar provision.

The House recedes with an amendment that would sunset the provision on September 30, 2018.

Extension of the rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan (sec. 1108)

The Senate bill contains a provision (sec. 1136) that would amend sections 5542 and 5544 of title 5, United States Code, to allow overtime pay equal to one and one-half times the hourly rate of basic pay for nonexempt Federal civilian employees assigned to temporary duty travel in exempt areas as defined by the Fair Labor Standards Act of 1938.

The House amendment contains no similar provision.

The House recedes with an amendment that would extend the authority to pay overtime to Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan through September 30, 2018.

Limitation on number of DOD SES positions (sec. 1109)

The Senate bill contained a provision (sec. 1112) that would limit the number of employees at the Department of Defense who are in the Senior Executive Service (SES). The limitation in this provision would reduce by 25 percent the number of covered SES employees of the Department, which were employed on December 31, 2015. The reduction required by this provision would be effective on January 1, 2019. Covered SES employees would not include “Highly Qualified Experts,” which the provision limits to 200. The limitation would not apply to those employees of the Department who are appointed by the President and confirmed by the Senate.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the number of senior executives authorized for the Department of Defense to 1,260, and Highly Qualified Experts to 200.

Direct hire authority for financial management experts into the Department of Defense workforce (sec. 1110)

The Senate bill contained a provision (sec. 1105) that would provide each secretary of a military department with the authority to appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree to financial management, accounting, auditing, and actuarial positions within the Department of Defense workforce. The authority would be limited to 10 percent of the total number of finance, accounting, management, actuarial science, or financial management positions within each military department that are filled as of the close of the fiscal year last ending before the start of such calendar year. The authority would expire on January 1, 2023.

The House amendment contained no similar provision.

The House recedes with an amendment that would include within this direct appointment authority those possessing a degree or related experience with business administration.

Repeal of certain basis for appointment of a retired member of the Armed Forces to Department of Defense position within 180 days of retirement (sec. 1111)

The Senate bill contained a provision (sec. 1110) that would amend section 3326 of title 5, United States Code, to repeal subsection (b)(3) which allows the Secretary concerned to waive the restriction on the appointment of retired members of the armed forces to positions in the civil service in the Department of Defense within 180 days of their retirement based on a state of national emergency.

The House amendment contained no similar provision.

The House recedes.

Subtitle B—Department of Defense Science and Technology
Laboratories and Related Matters

Permanent personnel management authority for the Department of Defense for experts in science and engineering (sec. 1121)

The Senate bill contained a provision (sec. 1121) that would support efforts by the Defense Advanced Research Projects Agency to attract, recruit, and employ world-class scientific, technical, and engineering talent to manage and oversee the innovative research and technology development programs of the agency. The provision would make permanent and codify the current experimental personnel authority that the agency has quite successfully employed, as well as preserve the agency's ability to compete with the private sector for technical talent through flexibility in setting compensation levels.

The House amendment contained a similar provision (sec. 1105) that would remove the sunset date and annual reporting requirement for these authorities and codify them in chapter 81 of title 10, United States Code.

The House recedes with a technical amendment.

Codification and modification of certain authorities for certain positions at Department of Defense research and engineering laboratories (sec. 1122)

The Senate bill contained a provision (sec. 1122) that would increase the limit from 3 percent to 10 percent on the total number of student employees eligible for direct hire by the directors of the Department of Defense science and technology reinvention laboratories. The provision would also make this authority permanent.

The House amendment contained no similar provision.

The House recedes with an amendment to codify this authority in chapter 139 of Title 10, United States Code.

Modification to information technology personnel exchange program (sec. 1123)

The Senate bill contained a provision (sec. 1124) that would make the Department of Defense's Information Technology Exchange Program permanent.

The House amendment contained a similar provision (sec. 1106) that would expand the scope of the program to include cyber

operations personnel, and increase the number of personnel that could be exchanged from 10 to 50.

The Senate recedes with an amendment to extend the sunset of the program from 2018 to 2022.

Pilot program on enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense (sec. 1124)

The Senate bill contained a provision (sec. 1125) that would give Department of Defense science and technology laboratories the authority to offer compensation for certain positions requiring extremely high levels of experience above the maximum amount normally allowed by the executive schedule.

The House amendment contained no similar provision.

The House recedes.

Temporary direct hire authority for domestic defense industrial base facilities, the Major Range and Test Facilities Base, and the Office of the Director of Operational Test and Evaluation (sec. 1125)

The Senate bill contained a provision (sec. 1123) that would give the directors of Department of Defense test and evaluations facilities the same direct hire authorities already provided to the directors of the Department's science and technology laboratories.

The House amendment contained a similar provision (sec. 1101) that would provide direct hire authority for Department of Defense industrial base facilities located in the United States, as well as the Major Range and Test Facilities Base.

The Senate recedes with an amendment to clarify and enhance several aspects of the authorities.

The conferees direct the Secretary of Defense to provide a briefing to the House and Senate Armed Services Committees as well as the House Committee on Oversight and Government Reform and the Senate Homeland Security and Governmental Affairs Committee, not later than 60 days after the end of fiscal year 2018 and again each year until the temporary authorities expire, on the effectiveness of all direct hire authorities granted in this Act in fulfilling the civilian manpower needs of the Department.

Subtitle C—Government-Wide Matters

Elimination of two-year eligibility limitation for noncompetitive appointment of spouses of members of the Armed Forces (sec. 1131)

The House amendment contained a provision (sec. 574) that would specify that there is no time limitation on a relocating spouse's eligibility for noncompetitive appointment from the date of the servicemember's permanent change of station orders to the spouse's permanent appointment per duty station.

The Senate bill contained a similar provision (sec. 1113).

The Senate recedes.

Temporary personnel flexibilities for domestic defense industrial base facilities and Major Range and Test Facilities Base civilian personnel (sec. 1132)

The House amendment contained a provision (sec. 1102) that would allow Department of Defense industrial base facilities located in the United States and Major Range and Test Facilities Base centers to hire temporary employees into permanent positions outside of the requirements of the competitive services.

The Senate bill contained no similar provision.

The Senate recedes with an amendment to clarify the benefits available to such personnel.

One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone (sec. 1133)

The House amendment contained a provision (sec. 1103) that would extend by 1 year the discretionary authority of the head of a federal agency to provide allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service to an agency's civilian employees on official duty in a combat zone.

The Senate bill contained a similar provision (sec. 1152).

The Senate recedes.

Advance payments for employees relocating within the United States and its territories (sec. 1134)

The Senate bill contained a provision (sec. 1135) that would authorize the use of advance payment of basic pay for current employees who relocate within the United States and its territories to a location outside the employee's current commuting area. Advance payment of basic pay under this provision would be limited in amount to not more than two pay periods.

The House amendment contained a similar provision (sec. 1104) that would limit the amount to not more than six pay periods.

The Senate recedes with an amendment that would limit the amount to not more than four pay periods.

Eligibility of employees in a time-limited appointment to compete for a permanent appointment at any Federal agency (sec. 1135)

The House amendment contained a provision (sec. 1108) that would modify section 9602 of title 5, United States Code, to clarify the eligibility of employees of a land management agency in a time-limited appointment to compete for a permanent appointment at any Federal agency.

The Senate bill contained a similar provision (sec. 1131).

The Senate recedes.

Review of official personnel file of former Federal employee before rehiring (sec. 1136)

The House amendment contained an amendment (sec. 1111) that would require an appointing authority to review and consider the information relating to a prospective employee's former government service in the candidate's official personnel record file prior

to making any determination with respect to the appointment or reinstatement of the employee to such a person.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify which types of information an appointing authority should review.

One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas (sec. 1137)

The Senate bill contained a provision (sec. 1137) that would amend section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), as most recently amended by section as amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), to extend through 2017 the authority of heads of executive agencies to waive limitation on the aggregate of basic and premium pay of employees who perform work in an overseas location that is in the area of responsibility of the commander, U.S. Central Command (CENTCOM), or a location that was formerly in CENTCOM but has been moved to an area of responsibility for the Commander, U.S. Africa Command, in support of a military operation or an operation in response to a declared emergency.

The House amendment contained no similar provision.

The House recedes.

Administrative leave (sec. 1138)

The House amendment contained a provision (sec. 1109) that would provide that a Federal employee may not be placed on administrative leave, or other paid non-duty status without charging leave, for more than 14 total days for reasons relating to misconduct or performance.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide that a Federal employee may not be placed on administrative leave for more than 10 work days in any calendar year, and authorize additional periods of administrative leave only for employees under investigation or in a notice period, subject to agency determination that the continued presence of the employee in the workplace poses a threat to other employees, evidence relevant to a pending investigation, Government property, or legitimate Government interests.

Direct hiring for Federal wage schedule employees (sec. 1139)

The Senate bill contained a provision (sec. 1132) that would direct the Director of the Office of Personnel Management to permit certain agencies to use the direct-hire authority of permanent and non-permanent positions in the competitive service for prevailing rate employees when there is a severe shortage of candidates or a critical hiring need for such positions.

The House amendment contained no similar provision.

The House recedes.

Record of investigation of personnel action in separated employee's official personnel file (sec. 1140)

The House amendment contained a provision (sec. 1110) that would require the head of an agency to make a permanent notation in an individual's personnel file if the individual resigns from government employment while the subject of a personnel investigation and an adverse finding against the individual is made as a result of the investigation.

The Senate bill contained no similar amendment.

The Senate recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Treatment of certain localities for calculation of per diem allowances

The House amendment contained a provision (sec. 1107) that would consolidate per diem localities in the Dayton, Ohio, area.

The Senate bill contained no similar provision.

The House recesses.

Pilot programs on career sabbaticals for Department of Defense civilian employees

The Senate bill contained a provision (sec. 1111) that would create a pilot program on career sabbaticals for Department of Defense civilian employees.

The House amendment contained no similar provision.

The Senate recesses.

Report on Department of Defense civilian workforce personnel and contractors

The House amendment contained a provision (sec. 1112) that would require the Secretary of Defense to submit a detailed report on the structure and number of the civilian workforce and contractors of the Department of Defense.

The Senate bill contained no similar amendment.

The House recesses.

Appointment authority for uniquely qualified prevailing rate employees

The Senate bill contained a provision (sec. 1133) that would allow the head of an agency to appoint an individual to a prevailing rate position at such a rate of basic pay above the minimum rate of the appropriate grade in cases where there is an unusually large shortage of qualified candidates for employment, unique qualifications of a candidate of employment, or a special need of the Government for the services of a candidate for employment.

The House amendment contained no similar provision.

The Senate recesses.

Limitation on preference eligible hiring preferences for permanent employees in the competitive service

The Senate bill contained a provision (sec. 1134) that would limit the application of points for preference eligible hiring to the

first appointment of a preference eligible candidate in a permanent position in the competitive service.

The House amendment contained no similar provision.

The Senate recedes.

The conferees remain concerned that the Department of Defense has difficulty accessing highly skilled non-veterans into its civilian labor force due to strict preference eligible hiring requirements, and believes that a detailed examination of Department of Defense preference eligible hiring practices is overdue. Therefore, the conferees direct the Secretary of Defense, in coordination with the Secretary of Labor, Secretary of Veterans Affairs, and the Director of the Office of Personnel Management to submit a report no later than May 1, 2017, to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives. Such report shall consist of a coordinated overview of the Veterans preference process in Federal hiring and shall contain the following elements: (1) an analysis of how the current process of applying preference eligible points works in practice, including initial hires and the process as employees move and advance into new positions; (2) a review of positive impacts realized in the past five years of preference eligible hiring; (3) an analysis of the impact of preference eligible hiring on agencies' ability to hire qualified non-veteran applicants; (4) an analysis of the impact of preference eligible hiring on agencies' ability to hire qualified non-veteran recent graduates and young talent needed to build the future workforce; (5) a review of challenges identified in the past five years of preference eligible hiring; (6) an analysis of the impact of preference eligible hiring on science, technology, engineering and math positions; and (7) proposals from the reviewing agencies to improve the current preference eligible hiring process.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

One-year extension of logistical support for coalition forces supporting certain United States military operations (sec. 1201)

The House amendment contained a provision (sec. 1201) that would amend section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as most recently amended by section 1201 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), by authorizing the Secretary of Defense to provide supplies, services, transportation, and other logistical support to coalition forces supporting U.S. operations in the Republic of Iraq and the Islamic Republic of Afghanistan during fiscal year 2017.

The Senate bill contained no similar provision.

The Senate recedes.

Special Defense Acquisition Fund matters (sec. 1202)

The Senate bill contained a provision (sec. 1202) that would increase the obligation authority for the Special Defense Acquisition Fund.

The House amendment contained no similar provision.

The House recedes with an amendment that would require quarterly spending plans and annual inventories to ensure more regular and routine oversight and alignment of the use of such funds with security assistance priorities and national security objectives.

The amendment also requires that \$500.0 million of the Special Defense Acquisition Fund may only be used to procure and stock precision guided munitions that may be required by partner and allied forces to enhance the effectiveness of their contribution to overseas contingency operations conducted or supported by the United States. If necessary, the conferees understand that nothing in this provision would preclude the Secretary of Defense from using precision guided munitions that have been procured and stocked using the Special Defense Acquisition Fund to meet immediate United States military requirements.

Codification of authority for support of special operations to combat terrorism (sec. 1203)

The Senate bill contained a provision (sec. 1203) that would establish a new section 127e in title 10, United States Code, to codify section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as most recently amended by section 1274 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). The provision would increase the annual cap on the authority from \$85.0 million to \$100.0 million and would limit the amount available to support any particular military operation under the authority to \$10.0 million in a fiscal year as well as modify notification requirements.

The House amendment contained a similar provision that would modify and extend section 1208 of Public Law 108-375, as amended, for 3 years.

The House recedes with an amendment that would eliminate the limitation of \$10.0 million on support to any particular military operation in a fiscal year and make other clarifying changes to the reporting requirements associated with this authority.

The conferees express strong support for “section 1208” authority and its importance in countering threats posed by violent extremist groups. The conferees believe that the maturity of the authority, the need for predictability when working with foreign partner forces, and the enduring nature of the threats facing our nation support the codification of this authority. The conferees believe that an increase of the annual cap to \$100.0 million will provide for stability and sufficient flexibility to address unforeseen contingencies in future years.

The conferees expect the Department to exercise judicious use of the authority and conduct appropriate planning to preserve the flexibility afforded by the codification and expansion of this authority.

Furthermore, the conferees expect the Department to appropriately scope support provided under this authority to address operational requirements in support of defined counterterrorism missions. This authority should not be used solely for the purpose of building the capacity of or engagement with foreign partner forces. When operational requirements no longer require the use of this tailored authority, support for foreign partner forces should be expeditiously terminated or transitioned to other authorities and funding sources that are more appropriately designed for longer-term, sustained capacity-building efforts.

Independent evaluation of Strategic Framework for Department of Defense security cooperation (sec. 1204)

The House amendment contained a provision (sec. 1206) that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with expertise in security cooperation to conduct an assessment of the Strategic Framework for Department of Defense Security Cooperation and submit a report to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives not later than November 1, 2017, containing the assessment.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress regarding an assessment, monitoring, and evaluation framework for security cooperation (sec. 1205)

The House amendment contained a provision (sec. 1207) that would express the sense of Congress that the Secretary of Defense should develop and maintain an assessment, monitoring, and evaluation framework for security cooperation with foreign countries to ensure accountability and foster implementation of best practices.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle B—Matters Relating to Afghanistan and Pakistan

Extension and modification of Commanders' Emergency Response Program (sec. 1211)

The Senate bill contained a provision (sec. 1201) that would extend through fiscal year 2019 the Commanders' Emergency Response Program (CERP) in Afghanistan under section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) as amended. The provision would also expand the authorization to make certain payments to redress injury and loss in Iraq in accordance with section 1211 of the National Defense Authorization Act for Fiscal Year 2016 to Afghanistan and Syria.

The House amendment contained a similar provision (sec. 1211).

The Senate recedes with a technical amendment.

Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan (sec. 1212)

The Senate bill contained a provision (sec. 883) that would amend section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) to extend by 2 years the authority to acquire products and services produced in countries along the major route of supply to Afghanistan.

The House amendment contained a similar provision (sec. 1213) that would extend the authority by 1 year.

The House recedes.

Extension and modification of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan (sec. 1213)

The Senate bill contained a provision (sec. 1211) that would extend through December 31, 2017, the authority under section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to transfer defense articles being drawn down in Afghanistan, and to provide defense services in connection with such transfers, to the military and security forces of Afghanistan. The provision would also extend through fiscal year 2017 the exemption for excess defense articles (EDA) transferred from Department of Defense stocks in Afghanistan from counting toward the annual limitation on the aggregate value of EDA transferred under section 516 of the Foreign Assistance Act of 1961 (Public Law 87–195). The provision would also convert certain quarterly reports into an annual report.

The House amendment contained a similar provision (sec. 1241).

The House recedes.

Special immigrant status for certain Afghans (sec. 1214)

The House amendment contained a provision (sec. 1216) that would extend the authorization for the Afghan Special Immigrant Visa (SIV) program for one year and narrow the eligibility requirements for Afghan SIV candidates.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would modify eligibility requirements for applicants to include those that perform sensitive and trusted activities for the United States Government in Afghanistan; extend the underlying SIV program for four additional years; and provide an additional 1,500 visas. The conferees believe that any Afghan performing sensitive and trusted activities for or on the behalf of the United States Government should be eligible for the Special Immigrant Visa program.

Modification to semiannual report on enhancing security and stability in Afghanistan (sec. 1215)

The House amendment contained a provision (sec. 1217) that would add the requirement for an assessment of the implementation of the Afghan Personnel and Pay System to the report on enhancing the strategic partnership between the United States and Afghanistan.

The Senate bill contained no similar provision.
The Senate recedes with a technical amendment.

Prohibition on use of funds for certain programs and projects of the Department of Defense in Afghanistan that cannot be safely accessed by United States Government personnel (sec. 1216)

The Senate bill contained a provision (sec. 1213) that would prohibit the obligation or expenditure of amounts available to the Department of Defense for a construction or other infrastructure program or project in Afghanistan unless certain conditions are met. The provision also provides for certain waivers.

The House amendment contained no similar provision.

The House recedes with an amendment that would provide for an additional waiver by the Commander of the Combined Security Transition Command—Afghanistan for projects greater than \$1.0 million, but less than \$20.0 million.

Improvement of oversight of United States Government efforts in Afghanistan (sec. 1217)

The Senate bill contained a provision (sec. 1215) that would require the Lead Inspector General for Operation Freedom's Sentinel, in coordination with certain other inspectors general, to submit a report on oversight activities in Afghanistan to optimize the utilization of oversight resources through planning, coordination, and reduction of redundancies in oversight activities.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the requirement to report on the professional standards used by inspectors general to ensure the accuracy, precision, and overall quality of the products they publish regarding Afghanistan.

The conferees note that inspectors general play a crucial role in helping to ensure appropriate oversight and efficient use of federal resources in challenging environments, including Afghanistan. The conferees believe the Inspectors General operating in Afghanistan should work together to ensure appropriate oversight occurs at all levels, with minimal burden to U.S. military operations, diplomatic efforts and developmental projects. The conferees urge additional efforts to optimize coordination and to maximize the use of professional standards among inspectors general in Afghanistan to ensure the most efficient and effective use of oversight resources.

Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1218)

The Senate bill contained a provision (sec. 1214) that would provide the Secretary of Defense the authority to reimburse Pakistan up to \$800.0 million in fiscal year 2017 for certain activities that enhance the security situation in the northwest regions of Pakistan and along the Afghanistan-Pakistan border. The provision would also make \$300.0 million of this amount contingent upon a certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistan. The Senate bill also contained a companion provision (sec. 1212) that would extend and modify the authority for reimbursement of coali-

tion nations in support of U.S. operations in Iraq and Afghanistan to include Syria.

The House amendment contained a similar provision (sec. 1212) that would extend the authority for reimbursement of coalition nations for support provided to the United States for military operations in Iraq and Afghanistan through December 31, 2017. The provision would make \$1.1 billion in funding available for the overall coalition support funds program, including up to \$900.0 million for reimbursement of Pakistan. The provision would also make \$450.0 million of this amount contingent upon a certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistan.

The Senate recedes with an amendment to merge the three provisions into one provision. The revised provision would extend the authorization of the coalition support funds program for reimbursement of nations in support of U.S. operations in Iraq and Afghanistan. The provision would expand the authorization to include support for operations in Syria and would retain the authority to provide such reimbursement to Pakistan. In addition, the provision would include a modified list of security enhancement activities for which Pakistan would be eligible for reimbursement.

The provision authorizes \$1.1 billion for the overall coalition support funds program, including up to \$900.0 million for Pakistan. Of this amount, the provision would make \$400.0 million contingent upon a certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistani territory.

The conferees remain concerned about the persecution of groups seeking political or religious freedom in Pakistan, including the Balochi, Sindhi, and Hazara ethnic groups, as well as religious groups, including Christian, Hindu, and Ahmadiyya Muslim. Consequently, the conferees believe that the Secretary of Defense should continue to closely monitor the provision of U.S. security assistance to Pakistan and ensure that Pakistan is not using its military or any assistance provided by the United States to persecute minority groups.

In addition, the conferees note that the renewed authority allows for reimbursement of Pakistan for security activities along the Afghanistan-Pakistan border, including providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa. However, the conferees are concerned that Pakistan continues to delay or deny visas for U.S. personnel that could assist with the provision of such training. Given this situation, the conferees recommend that the Department of Defense condition reimbursements for training and equipment with appropriate access by U.S. personnel.

The conferees note that while the pilot program for stability activities in the Federally Administered Tribal Areas that was authorized under Section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92) would not be specifically reauthorized by this provision, the activities covered by the pilot program would be eligible for reimbursement under the modifications made by this provision. The conferees also note that coalition support funds appropriated by the Consolidated Appropriations Act of

2016 (P.L.114–113) remain eligible for obligation for two fiscal years. As a result, the conferees expect that the Department of Defense will continue activities under the pilot program through the end of fiscal year 2017.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

Modification and extension of authority to provide assistance to the vetted Syrian opposition (sec. 1221)

The Senate bill contained a provision (sec. 1221) that would extend and modify the authority under section 1209 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) to assist the vetted elements of the Syrian opposition for certain purposes to December 31, 2019, as well as strike the prior approval reprogramming requirement and replace it with a notification requirement before carrying out new initiatives.

The House amendment contained a similar provision (sec. 1221) that would extend the authority for one year and add certain certification requirements.

The Senate recedes with an amendment that would extend the authority through December 31, 2018, maintain the reprogramming requirement, and strike the certification requirements.

Modification and extension of authority to provide assistance to counter the Islamic State of Iraq and the Levant (sec. 1222)

The Senate bill contained a provision (sec. 1222) that would extend the authority under section 1236 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559) to military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces, with a national mission, to counter the Islamic State in Iraq and the Levant (ISIL) to December 31, 2019.

The House amendment contained a similar provision (sec. 1222) that would extend the authority to December 31, 2017.

The House recedes with an amendment that would extend the authority through December 31, 2018.

The conferees direct the Secretary of Defense in coordination with the Secretary of State to brief the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, not later than 90 days after the enactment of this Act, on the campaign to liberate Mosul, Iraq from the control of ISIL. The briefing on the campaign to liberate Mosul shall also contain the plan to hold Mosul after liberation and include a detailed blueprint on how humanitarian, reconstruction, and stabilization assistance will be provided to support a follow on governance structure.

The conferees note the importance of the provision of up to \$480 million in stipends and sustainment through the Government of Iraq to the Iraqi Kurdish Peshmerga and urge the Secretary of Defense, in coordination with the Secretary of State, to provide such assistance through the Government of Iraq to Sunni tribal security forces and other local security forces with a national security

mission. The conferees remind the Secretaries that local security forces with a national security mission may include, in addition to Sunni tribal elements, local security forces that are committed to protecting highly vulnerable ethnic and religious communities, such as Yazidi, Christian, Assyrian, and Turkoman communities, against the ISIL threat.

Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1223)

The Senate bill contained a provision (sec. 1223) that would extend through fiscal year 2017 the authority under section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) as amended, for the Secretary of Defense to support the operations and activities of the Office of Security Cooperation in Iraq (OSC–I).

The House amendment contained a similar provision (sec. 1223) that would extend the authority for OSC–I for one year through fiscal year 2017 and authorize the Secretary of Defense to conduct training with the Iraqi Border Police.

The Senate recedes with an amendment that would extend the authority through fiscal year 2017.

The conferees direct the Secretary of Defense and the Secretary of State to submit to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, a plan to transition the activities conducted by OSC–I but funded by the Department of Defense to another entity or transition the funding of such activities to another source not later than the end of fiscal year 2018.

Limitation on provision of man-portable air defense systems to the vetted Syrian opposition during fiscal year 2017 (sec. 1224)

The House amendment contained a provision (sec. 1229) that would prohibit the funds authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2017 to be obligated or expended to transfer or facilitate the transfer of man-portable air defense systems (MANPADs) to any entity in Syria.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense and Secretary of State to notify the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee should a determination be made to provide MANPADs to elements of the appropriately vetted Syrian opposition. The conferees expect that should such a determination be made, the requirement for the provision of such a capability and the decision to provide it would be thoroughly vetted by and receive broad support from the interagency.

Modification of annual report on military power of Iran (sec. 1225)

The Senate bill contained a provision (sec. 1226) that would add additional elements concerning cyber capabilities to the annual report on the military power of Iran required under section 1245

of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

The House amendment contained a similar provision (sec. 1253).

The Senate recedes with a technical amendment.

Quarterly report on confirmed ballistic missile launches from Iran
(sec. 1226)

The House amendment contained a provision (sec. 1259S) that would require the President to notify Congress within 48 hours of a suspected ballistic missile launch, including a test, by Iran. The President shall further notify Congress of the entities involved in the launch and a description of the steps the President will take in response to the launch, including diplomatic efforts and the imposition of unilateral sanctions.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would replace the house provision with the requirement for a quarterly report to Congress by the Director of National Intelligence describing any confirmed ballistic missile launches by Iran. An additional quarterly report to Congress from the Secretary of State and the Secretary of Treasury is required setting forth a description of the efforts, if any, to impose unilateral sanctions against entities or individuals in connection with a confirmed ballistic missile launch from Iran and any diplomatic efforts to impose multilateral sanctions.

Subtitle D—Matters Relating to the Russian Federation

Military response options to Russian Federation violation of INF Treaty (sec. 1231)

The House amendment contained a provision (sec. 1232) that would withhold \$10.0 million of funding for the Department of Defense to provide support services to the Executive Office of the President until the Secretary of Defense submits to the appropriate congressional committees a plan for the development of military capabilities in response to the Russian Federation non-compliance with its obligations under the INF Treaty, as required by section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1062).

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would drop section (a)(1) from the House provision. The conferees note that the plan contained in the report previously submitted to Congress, pursuant to the above Public Law, was insufficient and failed to address adequately the military response options that were outlined in congressional testimony presented by Mr. Brian McKeon, Deputy Under Secretary of Defense for Policy. For example, in testimony to the House Armed Services Committee on December 10, 2014, Mr. McKeon stated: “The range of options we are looking at in the military sphere fall into three broad categories: Active defenses to counter intermediate-range ground-launched cruise missiles; counterforce capabilities to prevent intermediate-range ground-launched cruise missile attacks; and countervailing strike capabilities to enhance U.S. or allied forces.” The conferees note

that nothing in this provision is intended to direct testing or deployment of systems that would cause the United States to violate the INF Treaty.

Limitation on military cooperation between the United States and the Russian Federation (sec. 1232)

The House amendment contained a provision (sec. 1233) that would prohibit funds authorized to be appropriated or otherwise made available by this Act through fiscal year 2017 from being used for bilateral military-to-military contact between the United States and the Russian Federation without certain certifications by the Secretary of Defense, in consultation with the Secretary of State, or unless certain waiver conditions are met.

The Senate bill contained no similar provision.

The Senate recedes.

Extension and modification of authority on training for Eastern European national military forces in the course of multilateral exercises (sec. 1233)

The Senate bill contained a provision (sec. 1232) that would extend through fiscal year 2019 the authority under section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) for the Secretary of Defense to provide multilateral or regional training, and pay the incremental expenses of participating in such training, for countries in Eastern Europe that are a signatory to the Partnership for Peace Framework Documents but not a member of the North Atlantic Treaty Organization (NATO) or became a NATO member after January 1, 1999. The provision would also add the authority to utilize under this section amounts authorized to be appropriated for certain purposes under the European Deterrence Initiative.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the authority through fiscal year 2018 and pay the incremental expenses incurred by a country as a result of national security forces participation in certain types of training. The conferees note that the purpose of such training is to promote interoperability, improve the ability of participating countries to respond to external threats including from hybrid warfare, and increase the ability of NATO to take collective action when required.

The conferees note the importance of regular updates on the status and effectiveness of the implementation and planned use of the authority and direct the Secretary of Defense to brief, not later than 120 days after the enactment of this Act, the Committees on Armed Services of the Senate and the House of Representatives on the overall strategy to increase capabilities and develop key participants' skills under this authority, the expenditure of funds under this authority to date, and planned future activities, including the types of national security forces trained or planned to be trained under this authority.

Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea (sec. 1234)

The House amendment contained a provision (sec. 1236) that would prohibit funds authorized to be appropriated or made available by this Act through fiscal year 2017 for the Department of Defense to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea. The provision included a waiver if the Secretary of Defense, with the concurrence of the Secretary of State, determines that to do so would be in the national security interest of the United States and submits a notification of the waiver to certain Congressional committees.

The Senate bill contained no similar provision.

The Senate recedes.

Annual report on military and security developments involving the Russian Federation (sec. 1235)

The Senate bill contained a provision (sec. 1233) that would add additional elements to the annual report on Russian military and security developments required under section 1245 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) including an assessment of Russian operations in Ukraine and an analysis of the nuclear strategy and associated doctrine of Russia.

The House amendment contained a similar provision that would require reporting on the Russian Federation’s foreign military deployments.

The House recedes with an amendment that would add the Russian Federation’s foreign military deployments, including significant deployments of naval vessels to foreign countries, to the annual report.

Limitation on use of funds to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission and related requirements (sec. 1236)

The Senate bill contained a provision (sec. 1079) that would require the Secretary of Defense to submit to the appropriate committees of Congress, an annual report on observation flights over the United States under the Open Skies Treaty during the previous year.

The House amendment contained a similar provision (sec. 1231) that would limit funds that may be used to approve or permit approval of a request by the Russian Federation to carry out observation flights with an aircraft that has installed an upgraded sensor with infrared or synthetic aperture radar capability over the United States or the territory covered in the Open Skies Treaty, unless the administration can certify certain conditions.

The Senate recedes with an amendment that would limit funding that may be used to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission to authorize approval of requests by state parties to the Treaty of infrared or synthetic aperture radars, pursuant to the Open Skies Treaty, unless and until the Secretary of Defense, jointly with the relevant U.S. government officials, submits to the appropriate congressional committees a certification that such implementing deci-

sion would not be detrimental or otherwise harmful to the national security of the United States, and submits a report.

Further, not later than 90 days prior to when the U.S. votes to approve or otherwise adopt any implementing decision, the Secretary of State shall submit to Congress certain certifications. If the Secretary is unable to make these certifications, the Secretary must submit a report to Congress explaining why it is in the national interest of the U.S. to vote to approve or otherwise adopt such implementing decision.

The amendment also requires a quarterly report by certain government officials evaluating Open Skies Treaty overflights of the United States by the Russian Federation.

The amendment further states that not more than 65-percent of the funds authorized for fiscal year 2017 may be used to carry out any activities to implement the Open Skies Treaty until the Director of National Intelligence and the Director of the National Geospatial-Intelligence Agency submit an evaluation of whether it is possible, consistent with U.S. national security interests, to substitute commercial imagery or other phenomenologies for such data generated by Treaty overflights. The amendment further limits the funding until the Secretary of State submits a report on cost of implementing the Open Skies Treaty and on impact on participation and contributions by covered state parties and relationships among covered state parties.

Extension and enhancement of Ukraine Security Assistance Initiative (sec. 1237)

The Senate bill contained a provision (sec. 1231) that would extend through fiscal year 2019 the authority under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) for the Secretary of Defense, in coordination with the Secretary of State, to provide security assistance and intelligence support to military and other security forces of the government of Ukraine. The provision would authorize the use of up to \$500.0 million in fiscal year 2017 to provide security assistance to Ukraine. The provision would prohibit the obligation or expenditure of half of the funds authorized to be appropriated in fiscal year 2017 under this authority until the Secretary of Defense, in coordination with the Secretary of State, certifies that Ukraine has taken substantial action to make defense institutional reforms and outlines areas where further work may remain.

The House amendment contained a similar provision (sec. 1235) that would make conforming changes of a non-substantive nature to section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

The House recedes with an amendment that would extend the authority through December 31, 2018, and authorize the use of up to \$350 million in fiscal year 2017 to provide security assistance to Ukraine. The provision would limit the obligation or expenditure of funds to \$175 million of the funds authorized to be appropriated in fiscal year 2017 until a certification is made that Ukraine has taken substantial action on defense institutional reforms.

The conferees remain deeply concerned by the continuing aggression of Russia and Russian-backed separatists that violate

ceasefire agreements and as such, continue to emphasize the fundamental importance of providing security assistance and intelligence support, including lethal military assistance, to the Government of Ukraine to build its capacity to defend its territory and sovereignty.

The conferees are concerned that progress in the area of defense institutional reform has been slow and uneven and note that such reforms are critical to sustaining capabilities developed using security assistance. Such reforms are critical to the long-term stability and security of Ukraine. The conferees welcome the signing of the Partner Concept document between the United States and Ukraine as well as the appointment of a senior advisor to the Ukrainian government and encourage further progress on institutional reform efforts.

Subtitle E—Reform of Department of Defense Security Cooperation
Enactment of new chapter for defense security cooperation (sec. 1241)

The Senate bill contained a provision (sec. 1252) that would create a new chapter in title 10, United States Code, on security cooperation, and would transfer, modify, and codify security cooperation-related provisions from elsewhere in title 10 and public law to this new chapter.

The House amendment contained a similar provision (sec. 1261).

The House recedes with amendments that would make several modifications, including to: 1) narrow the scope of the authority for the Department to provide assistance to build the capacity of a friendly foreign nation to conduct specified military operations, modify the availability of funds for such purposes, and change notification requirements; 2) preserve the existing authority for the Department of Defense (DOD) to operate five Regional Centers for Security Studies; 3) require the Secretary of Defense to designate an individual and office at the Under Secretary of Defense-level or below with responsibility for oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department; and 4) authorize the Department to provide support to other departments and agencies of the United States Government for the purpose of implementing or supporting foreign assistance programs and activities that advance security cooperation objectives.

The conferees note that over the last 15 years, the Department of Defense's engagement with national security forces of friendly foreign countries has expanded in response to changing strategic requirements. Correspondingly, the number and complexity of authorities and associated funding provided to the Department to conduct security cooperation programs has expanded, resulting in security cooperation authorities being dispersed throughout title 10 and public law. This architecture has led to a confusing and unwieldy security cooperation enterprise that undermines the ability of the Department—particularly its senior civilian and military leaders—to prioritize, plan, synchronize, execute, allocate resources, and oversee activities. The current situation has also re-

sulted in frequent changes for the security cooperation professionals attempting to implement security cooperation programs and activities. This has contributed to suboptimal outcomes and missed opportunities. Further, the conferees believe the complex patchwork of authorities and sources of funding hinders appropriate congressional and public transparency and complicates robust congressional oversight of a key mission for the Department.

As such, the conferees believe that consolidating the various security cooperation authorities under a single security cooperation chapter in title 10 will provide greater clarity and consistency about the nature and scope of DOD's security cooperation programs and activities to those who plan, manage, implement, and conduct oversight of these programs. The conferees note that the functional areas in which the Department is authorized to provide assistance under this provision are consistent with existing focus areas of the Department's 'train and equip' programs. The conferees also note that authority to provide assistance to build the capacity of friendly foreign countries to conduct military intelligence operations already exists, because the Department's existing authorities include support functions, and intelligence operations frequently act in that capacity. The inclusion of intelligence operations is intended solely to clarify that the Department may conduct such activities either as a supporting activity for other operations or as a stand-alone operation, and it is not meant to suggest that other activities that support or enable programs providing training and equipment to foreign forces (such as logistics or communications activities) are not permitted under existing authorities.

Additionally, for the purposes of executing programs and activities in the new security cooperation chapter in title 10, funds available to DOD for security cooperation may be used prior to the submission of a consolidated security cooperation budget as required by section 1249 of this subtitle.

Moreover, consolidation of a single 'train and equip' authority will ensure that the Department has flexibility to meet its evolving strategic objectives, without being forced to bend its strategy to meet the contours of available tailored authorities. The conferees do not intend for the consolidation to create a DOD mission that competes with security assistance overseen by the Department of State. Rather, a consolidated 'train and equip' authority should enable the Department to meet its own defense-specific objectives in support of broader defense strategy and plans, as well as to better integrate title 10 security cooperation activities into the broader United States Government approach to security sector assistance. To that end, the conferees note that the provision would increase coordination between the Department of Defense and the Department of State in the planning and implementation of security sector assistance programs by requiring the Secretary of Defense and the Secretary of State to jointly develop and plan 'train and equip' programs as well as to coordinate the implementation of such programs and ensure robust end-use monitoring of provided assistance. The conferees believe that the Department of Defense and the Department of State should have greater visibility into the planning, programming, and execution of each organization's security sector assistance programs and activities and urge both De-

partments to enhance visibility and collaboration on such programs early in the planning process and through execution so as to avoid unnecessary duplication and enhance overall unity of effort.

Additionally, the conferees are concerned that the existing process for coordination between the two Departments on security sector assistance programs is too ad-hoc in nature and often elevates responsibility for such coordination, particularly those activities requiring concurrence, to the senior-most echelons of the respective organizations—to include the Deputy Secretary or Secretary level—resulting in a cumbersome and time-intensive process. Therefore, the provision would require the Secretary of Defense and the Secretary of State to designate individuals at the lowest possible level in their respective organizations with responsibility for such coordination.

The conferees note that the Department's security cooperation activities over the last 15 years have emphasized building the capacity of partner forces at the tactical and operational level. However, the conferees are concerned that insufficient attention and resources have been provided for building institutional capacity at higher echelons, particularly the generating force (e.g. those with 'man, train, and equip' responsibilities) and at the strategic level (e.g. ministerial and general staff levels). The conferees expect the Department to increase its emphasis on strengthening the defense institutions of friendly foreign nations as it builds security cooperation programs and activities and expects proposals submitted to Congress to include a robust defense institution building component. Moreover, the conferees expect the Department to take advantage of the simplified framework of security cooperation authorities adopted in this section to develop security cooperation programs that integrate activities to simultaneously engage partners and build capacity at each of these levels—tactical, operational, and strategic.

Additionally, the conferees note the importance of sustaining capabilities provided to friendly foreign nations, particularly equipment, to the long-term success of DOD's security cooperation programs and activities. As such, the conferees expect that there is a plan to transition sustainment support from DOD to other sources of funding, such as foreign countries' national funds, will be part of each security cooperation program.

In addition to the cumbersome, confusing, and complex patchwork of authorities and funding sources, the Department's organizational structure for the security cooperation enterprise has undermined the ability of senior Department officials to adequately oversee, prioritize, and synchronize security cooperation programs and activities to support strategic priorities. Currently, there is no individual or office below the Deputy Secretary of Defense with responsibility to oversee strategic policy and resource allocation for the security cooperation enterprise. Instead, such responsibility spans multiple components and offices at the level of Under Secretary. Therefore, the provision would require the Secretary to assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense

at the level of Under Secretary or below. The conferees intend for this individual and office to better synchronize planning and programs across the regional and functional components of the Department and ensure that such activities and resources are appropriately aligned with strategic priorities. Further, the conferees expect that this arrangement will empower the Department to prioritize resources and consider trade-offs across the full range of security cooperation programs and funding sources. Additionally, the provision would assign responsibility for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease to the Director of the Defense Security Cooperation Agency. This assignment of responsibility is meant to help the Department overcome the distortions, lack of coordination, and duplication that occurs across the Department's security cooperation enterprise, arising from narrowly-focused program offices found throughout the Office of the Secretary of Defense, the Joint Staff, Military Departments, Combatant Commands, and the defense agencies.

The provision would preserve the five Department of Defense Regional Centers for Security Studies. The provision would also require the Secretary to review, on an annual basis, the program and structure of each Regional Center in order to ensure that they are appropriately aligned with the strategic priorities of the Department. The conferees intend for the Regional Centers to more closely align activities with the requirements of DOD, and to serve as an effective tool to advance clearly defined security cooperation objectives in direct support of defense strategy.

The conferees note that, despite the marked increase in DOD security cooperation programs and activities over the last 15 years, the Department has not applied sufficient emphasis and resources to develop a comprehensive framework to assess, monitor, and evaluate its security cooperation programs and activities from inception to completion. Instead, the conferees believe that the Department has focused on assessments of partner nation capability gaps at the beginning of assistance programs rather than over the life cycle of the program, which has undermined the Department's ability to measure outcomes against objectives. Sufficient attention must be given to the implementation of programs with continuous robust evaluation to gauge whether programs and activities are meeting or have met defined objectives. The conferees expect the Department to allocate sufficient resources to its assessment, monitoring, and evaluation program, and to apply lessons learned from the program to improve and reshape security cooperation programs and activities to maximize effectiveness and efficiency.

Further, in this context, the conferees believe the Department's security cooperation data systems should provide an enterprise-wide view of security cooperation activities to facilitate best practices and enable strategic decision-making. In addition to basic data about security cooperation programs, the system should support the distribution of lessons-learned, including the activities' goals and history of development, and inform future activities and resource allocation. The conferees note the current limitations of

the Global Theater Security Cooperation Management information Systems (G-TSCMIS) program and encourage the Department to review the use and functionality of G-TSCMIS at all user levels. The Department should further consider measures to promote more wide-spread and regular use of G-TSCMIS and ensure that processes and system functionality appropriately collects, stores, integrates, and distributes information Department-wide.

Military-to-military exchanges (sec. 1242)

The Senate bill contained a provision (sec. 1253) that would combine existing security cooperation authorities permitting the exchange of military and defense personnel with allies of the United States and other friendly foreign countries.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

The conferees encourage the Department to make more effective use of exchanges of military and defense personnel as important elements of broader security cooperation efforts, particularly with regard to building partner operational capacity or strengthening the management functions of partner defense institutions. Such exchanges offer opportunities for U.S. military and civilian personnel to mentor foreign counterparts, share relevant operational concepts, and assess how well previous assistance has been employed and sustained. Meanwhile, foreign exchange officers can obtain valuable on-the-job training working among their U.S. counterparts and improve their understanding of U.S. military organizations and operations, contributing to deeper interoperability. Such exchanges should be planned with these advantages in mind, in integration with other security cooperation activities and authorities.

Consolidation and revision of authorities for payment of personnel expenses necessary for theater security cooperation (sec. 1243)

The Senate bill contained a provision (sec. 1254) that would consolidate and modify similar authorities permitting the payment of personnel expenses of allied or partner countries during theater security cooperation activities.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Transfer and revision of certain authorities on payment of expenses of training and exercises with friendly foreign forces (sec. 1244)

The Senate bill contained a provision (sec. 1255) that would combine and modify similar authorities for paying for the expenses of partner nations when conducting training with U.S. Armed Forces and for the expenses of developing countries when participating in exercises.

The House amendment contained a similar provision (sec. 1202) that would extend the authority in section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) for training of general purpose forces of the United States Armed Forces with military and other security forces of friendly foreign countries to December 31, 2019.

The House recedes with an amendment that would combine and modify similar authorities for paying for the expenses of partner nations when conducting training with U.S. Armed Forces and for the expenses of developing countries when participating in exercises. The provision would also transfer section 2011 of title 10, United States Code to the new chapter 16 on security cooperation created elsewhere in this Act.

The conferees note that the transfer of section 2011 of title 10, United States Code to the new chapter 16 is part of a broader effort to consolidate and simplify authorities related to security cooperation. The conferees do not intend for this transfer to negatively impact administration of Special Operations Forces Joint Combined Exchange and Training Program by the Commander, United States Special Operations Command, which remains a standalone authority within the new chapter.

Transfer and revision of authority to provide operational support to forces of friendly foreign countries (sec. 1245)

The Senate bill contained a provision (sec. 1256) that would consolidate and modify section 127d of title 10, United States Code, section 1207 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), and section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended, relating to the provision of operational support to partners and allies in combined operations with U.S. Armed Forces, in military operations that support U.S. national security interests, or in support of U.S. operations in Iraq and Afghanistan.

The House amendment contained no similar provision.

The House recedes with technical amendment.

Department of Defense State Partnership Program (sec. 1246)

The Senate bill contained a provision (sec. 1257) that would codify the Department of Defense State Partnership Program (section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66), as amended by section 1203 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92)).

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Transfer of authority on regional defense combating terrorism fellowship program (sec. 1247)

The Senate bill contained a provision (sec. 1258) that would transfer to the new chapter 16 on security cooperation in title 10, United States Code, the regional combating terrorism fellowship program (section 2249c of title 10, United States Code) and modify the program to authorize the Secretary of Defense to carry out a program under which the Secretary may pay costs associated with the education and training of national-level security officials of friendly foreign nations.

The House amendment contained no similar provision.

The House recedes with an amendment that would transfer the underlying authority for the regional combating terrorism fel-

lowship program to the new chapter 16 on security cooperation and would make a technical modification to the reporting requirement.

Consolidation of authorities for service academy international engagement (sec. 1248)

The Senate bill contained a provision (sec. 1259) that would amend Chapter 16 of title 10, United States Code, to consolidate international engagement authorities for the service academies of the Army, Navy, and Air Force.

The House amendment contained no similar provision.

The House recedes.

The conferees note that under current law, there are nine separate authorities that determine the selection of, funding for, and conditions for international students attending the service academies of the Army, Navy, or Air Force. The conferees believe consolidating these authorities would provide consistency by creating a single, common authority for use by the service academies to select international students and conduct exchange programs with foreign military academies.

Consolidated annual budget for security cooperation programs and activities of the Department of Defense (sec. 1249)

The Senate bill contained a provision (sec. 1262) that would require the budget of the President for each fiscal year after fiscal year 2018, as submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, to include as a separate item the amounts requested for the Department of Defense (including those funds in the budgets of the military departments) for such fiscal year for all security cooperation programs and activities of the Department, including the specific amounts, if any, and the specific country or region, to the maximum extent practicable, for such programs and activities.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Consistent with the creation of the new chapter 16 on security cooperation and the consolidation of the Department of Defense's security cooperation funding and related authorities, this provision is intended to enhance the ability of the congressional defense committees to conduct oversight of the Department's security cooperation programs and activities, including those undertaken by the military services; to understand better how the Department plans, programs, and prioritizes its security cooperation programs and activities to fill gaps in its contingency plans; to enable foreign partners against a common threat or enemy; and to align resources with the Department's strategic objectives. This approach is also intended to better enable public transparency.

Department of Defense security cooperation workforce development (sec. 1250)

The Senate bill contained a provision (sec. 1263) that would direct the Secretary of Defense to create a Department of Defense security cooperation workforce development program to oversee the development and management of a professional workforce supporting security cooperation programs of the Department of De-

fense as well as the execution of security assistance programs and activities under the Foreign Assistance Act and the Arms Control Act by the Department of Defense.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Despite the increasing emphasis on security cooperation to further its strategic objectives, the conferees are concerned that the Department of Defense—whether in implementing State Department programs or its own programs—has not devoted sufficient attention and resources to the development, management, and sustainment of the Department's security cooperation workforce to ensure effective assessment, planning, monitoring, execution, evaluation, and administration of security cooperation programs and initiatives. As a result of this inattention, security cooperation initiatives are not always planned and implemented in such a way as to most effectively advance national security objectives, and the Military Departments are left to pursue their unique service objectives, which may not always align with broader foreign policy objectives or integrate with Department of Defense efforts. The conferees are also concerned about the lack of standardization in the organization of the security cooperation workforce within the Military Departments.

Finally, the conferees believe that security cooperation outcomes would improve if the security cooperation planning workforce, including within Embassy country teams and at Geographic Combatant Commands, was able to draw upon not just the foreign area officer specialty, but also upon other relevant specialties such as force planning, logistics, and acquisition.

The conferees believe that building security capabilities of a partner nation and deepening interoperability through security cooperation requires a specialized set of skills, and the current system neither develops those skills among its workforce nor rationally assigns its workforce to match appropriate skills with requirements. The conferees believe increased attention and resourcing must be focused on the recruitment, training, certification, assignment, and career development of the security cooperation workforce. The conferees expect the Department to implement this authority expansively in order to address shortfalls in the security cooperation workforce throughout the enterprise.

Specifically, implementation of this authority should (1) ensure the development and rational allocation of qualified and experienced personnel in order to support high-priority security cooperation initiatives and partners; (2) ensure the appropriate sizing, organization, and chain-of-command for the security cooperation workforce within the Military Departments; (3) ensure the appropriate skills and capabilities are developed within the workforce and that there are standard and viable career paths; and (4) ensure sufficient size of the Title 10 workforce to enhance program management and administration, as well as to strike a more appropriate balance with the Title 22 workforce. The conferees expect that the Department will allocate necessary resources, from available Title 10 security cooperation program resources and other appropriate sources, sufficient to achieve these objectives, and reflect these costs in its annual security cooperation budget submission.

The conferees note that effectiveness and efficiency of security cooperation implementation will depend on a workforce that is integrated across the enterprise and responsive to clear strategic direction in support of Department priorities.

Reporting requirements (sec. 1251)

The Senate bill contained a provision (sec. 1261) to consolidate and standardize the Department's reporting on security cooperation authorities and programs in an annual report.

The House amendment contained a similar provision (sec. 1205).

The Senate recedes with a technical amendment.

The conferees note that this Act retains nearly all of the notification requirements with respect to the Department's security cooperation activities. Coupled with the requirement for an annual budget submission that appears elsewhere in this Act, this approach relieves the Department of an overly burdensome reporting regime while maintaining the transparency and accountability required for appropriate oversight and real-time monitoring of the Department's new programs. The conferees expect that the level of detail contained in the annual report should be equal to or greater than the existing individual reports. Any degradation in the quality of the reporting on the Department's security cooperation program and activities would be inconsistent with the intent of the conferees in undertaking this broader reform initiative.

Quadrennial Review of Security Sector Assistance Program and Authorities of the United States Government (sec. 1252)

The conference agreement includes a provision that would require the President to conduct a quadrennial review of all U.S. Government security sector assistance programs, policies, authorities, and resources.

Other conforming amendments and authority for administration (sec. 1253)

The Senate bill contained a provision (sec. 1265) that would repeal superseded, obsolete, or duplicate statutes relating to security cooperation as part of its efforts to streamline and rationalize the authorities of the Department to conduct security cooperation.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Subtitle F—Human Rights Sanctions

Global Magnitsky Human Rights Accountability Act (secs. 1261–1265)

The Senate bill contained provisions (secs. 1281–1284) that would authorize the President to impose sanctions with respect to any foreign person that the President determines is responsible for gross human rights violations or acts of significant corruption.

The House amendment contained no similar provision.

The House recedes with amendments which would sunset the provision six years after enactment, modify the congressional refer-

ral mechanism, and revise the waiver threshold for the termination of sanctions, as well as several technical amendments.

Subtitle G—Miscellaneous Reports

Modification of annual report on military and security developments involving the People's Republic of China (sec. 1271)

The House amendment contained a provision (sec. 1242) that would require a summary of the order of battle of the People's Liberation Army, including anti-ship ballistic missiles, theater ballistic missiles, and land attack cruise missile inventory and a description of the People's Republic of China's military and nonmilitary activities in the South China Sea to be added to the Annual Report on Military and Security Developments Involving the People's Republic of China.

The Senate bill contained no similar provision.

The Senate recedes.

Monitoring and evaluation of overseas humanitarian, disaster, and civic aid programs of the Department of Defense (sec. 1272)

The House amendment contained a provision (sec. 1245) that would authorize the Secretary of Defense to use up to 5 percent of the amounts authorized to be appropriated by this Act for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) for fiscal year 2017, to conduct monitoring and evaluation of the OHDACA programs of the Department of Defense. This section would also require the Secretary of Defense to provide a briefing to the specified committees not later than 90 days after the date of the enactment of this Act on mechanisms to evaluate OHDACA programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would extend the authorization to fiscal year 2018.

Strategy for United States defense interests in Africa (sec. 1273)

The House amendment contained a provision (sec. 1249) that would require the Secretary of Defense to submit a report not later than 1 year after the date of the enactment of this Act to the congressional defense committees that contains a strategy for United States defense interests in Africa.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Report on the potential for cooperation between the United States and Israel on directed energy capabilities (sec. 1274)

The House amendment contained a provision (sec. 1250) that would allow the Secretary of Defense to carry out research, development, test and evaluation activities, on a joint basis with Israel to establish directed energy capabilities to detect and defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices that threaten the United States, deployed forces of the United States, or Israel.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would replace the House provision with the requirement for a report on the potential

for United States and Israeli directed energy cooperation to defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices. The report is due to the congressional defense and foreign relations committees not later than 180 days after enactment of this act.

Annual update of Department of Defense Freedom of Navigation Report (sec. 1275)

The Senate bill contained a provision (sec. 1241) that directs the Secretary of Defense to submit an annual report to the Committees on Armed Services of the Senate and the House of Representatives setting forth an update on the most current Freedom of Navigation Report under the Freedom of Navigation Operations (FONOPS) program.

The House amendment contained a similar provision (sec. 1255) that directs the Secretary of Defense to submit a quarterly report to the congressional defense committees on any excessive territorial claims of foreign countries that were challenged by freedom of navigation operations and flights carried out by the armed forces during such fiscal quarter.

The House recedes with an amendment that would terminate the report on September 30, 2021.

Reports on INF Treaty and Open Skies Treaty (sec. 1276)

The House amendment contained a provision (sec. 1259H) that would require the Chairman of the Joint Chiefs of Staff to submit to the appropriate congressional committees a report on the Open Skies Treaty that assesses possible non-compliance of the treaty by the Russian Federation, and whether the treaty remains in the national security interest of the United States. It would also require a report on the INF Treaty of whether and why the Treaty remains in the national security interests of the United States and a specific plan to remedy the Russian violation of the INF Treaty.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would add the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence to the list of congressional committees to receive the reports.

Assessment of proliferation of certain remotely piloted aircraft systems (sec. 1277)

The Senate bill contained a provision (sec. 1275) that would require an independent assessment directed by the Chairman of the Joint Chiefs of Staff to report on the impact to United States national security interests of the proliferation of certain remotely piloted aircraft. The assessment would include an analysis of the threat posed to the United States as a result of the proliferation of such aircraft to adversaries, the impact of such proliferation on the combat capabilities of and interoperability with partners and allies of the United States, and the potential benefits and risks of continuing to limit exports of such aircraft.

The House amendment contained no similar provision.

The House recedes.

The conferees note that the proliferation of remotely piloted aircraft has significantly altered the context of the international security environment since the origination of the Missile Technology Control Regime that proscribes a “strong presumption of denial” for the export of such aircraft.

Subtitle H—Other Matters

Enhancement of interagency support during contingency operations and transition periods (sec. 1281)

The Senate bill contained a provision (sec. 1050) that would authorize the Secretary of Defense and the Secretary of State to enter into an agreement allowing each Secretary to provide support, supplies, and services on a reimbursement basis, or by exchange of support, supplies, and services, to the other Secretary during a contingency operation and related transition period.

The House amendment contained a similar provision (sec. 1246).

The Senate recedes with a technical amendment.

Two-year extension and modification of authorization of non-conventional assisted recovery capabilities (sec. 1282)

The Senate bill contained a provision (sec. 1274) that would extend the authority of the Department of Defense to establish, develop, and maintain non-conventional assisted recovery (NAR) capabilities for three additional years and modify the eligibility of personnel for whom such support may be provided.

The House amendment contained a similar provision that would modify section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), to permit the recovery of individuals identified by the Secretary of Defense when a non-conventional assisted recovery capability is already in place and would extend the authority through 2020.

The Senate recedes with a technical amendment.

The conferees direct the Department to ensure that the planning, initiation, sustainment, and utilization of NAR capabilities are fully coordinated and de-conflicted with other U.S. departments and agencies who may also play a role in the recovery of designated individuals overseas. (The conferees also note that non-conventional assisted recovery is a traditional military activity and the authority modified and extended by this provision does not authorize the conduct of intelligence activities.)

Authority to destroy certain specified World War II-era United States-origin chemical munitions located on San Jose Island, Republic of Panama (sec. 1283)

The House amendment contained a provision (sec. 1248) that would authorize the Secretary of Defense to destroy eight chemical munitions on San Jose Island, Panama. The use of these funds shall not take effect until there is an agreement between the United States and Panama that such munitions are termed “old chemical weapons” and not “abandoned chemical weapons” and

that per the prior lease agreement, the United States is under no legal obligation to destroy any additional chemical munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947. This provision is not applicable to agreements with or obligations to countries other than Panama.

The Senate bill contained a similar provision (sec. 1421).

The Senate recesses.

Sense of Congress on military exchanges between the United States and Taiwan (sec. 1284)

The Senate bill contained a provision (sec. 1243) that directed the Secretary of Defense to carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan, both in the United States and Taiwan, designed to improve military to military relations between the United States and Taiwan.

The House amendment contained a similar provision (sec. 1254) that expressed a sense of the congress that that the Secretary of Defense should conduct a program of senior military exchanges between the United States and Taiwan, both in the United States and Taiwan, that have the objective of improving military-to-military relations and defense cooperation between the United States and Taiwan.

The House recesses with an amendment that the Secretary of Defense should carry out such a program of exchanges, both in the United States and Taiwan.

Limitation on availability of funds to implement the Arms Trade Treaty (sec. 1285)

The House amendment contained a provision (sec. 1259A) that would prohibit the use of funds to implement the Arms Trade Treaty unless the Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation. The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 801 note) contained a similar provision.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

Prohibition on use of funds to invite, assist, or otherwise assure the participation of Cuba in certain joint or multilateral exercises (sec. 1286)

The Senate bill contained a provision (sec. 1204) that would prohibit the Secretary of Defense from using any funds to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the United States and Cuba until the Secretary, in coordination with the Director of National Intelligence, submits to Congress certain assurances. The provision would provide an exception to the prohibition for any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

The House amendment contained a similar provision (sec. 1259B) that would prohibit the use of funds authorized to be appro-

priated or otherwise made available to the Department of Defense for any bilateral military-to-military contact or cooperation between the Governments of the United States and Cuba until the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, certify to the appropriate congressional committees that the Government of Cuba has taken specified actions.

The Senate recedes with an amendment that would prohibit the Secretary of Defense from using any funds authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense unless the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, certify to the appropriate congressional committees that the Government of Cuba has taken specified actions, with certain exceptions.

It is the intent of the conferees that the exception contained in subsection (b)(1) of this section includes periodic contact between appropriate officials of the Governments of the United States and Cuba concerning the security and management of personnel and facilities at Naval Station Guantanamo Bay, commonly referred to as “fence-line talks,” which have been a routine and ongoing activity for many years and have proven important to ensuring the safety of U.S. personnel serving at Naval Station Guantanamo Bay.

Global Engagement Center (sec. 1287)

The House amendment contained a provision (sec. 1259C) that would direct the Secretary of State in coordination with the Secretary of Defense (and relevant federal departments and agencies and partner nations) to establish a Global Engagement Center (GEC) within 6 months of enactment. The GEC’s general purpose would be to discover, expose and counter foreign government information warfare efforts (to include foreign propaganda and disinformation efforts) and proactively advance fact-based narratives that support US allies and interests. The GEC would terminate 5 years after enactment.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that included changes to the purpose and functions of the GEC, further specified the appointment, delegation and scope and responsibility and authority of the head of the GEC, modified the authority to transfer funds for the GEC, added a reporting requirement to the appropriate congressional committees, and extended the termination of the GEC to 8 years after enactment.

Modification of United States International Broadcasting Act of 1994 (sec. 1288)

The House amendment contained a provision (sec. 1259D) that would amend Section 304 of P.L. 103–236 (22 USC 6203) to permanently establish the Chief Executive Officer (CEO) position as head of the Broadcasting Board of Governors (BBG), the federal agency that oversees all U.S.-funded non-military international broadcasting, while removing the nine-member bipartisan Board that currently heads the agency. It would also provide certain new flexibilities in the BBG CEO’s authorities, including expanded author-

ity to allow the BBG CEO to direct appropriated funds and to hire certain personnel. The House amendment also contained a provision (sec. 1259E) that would authorize the BBG CEO to consolidate the current U.S. international broadcasters that receive federal grants as independent non-profit corporations (Radio Free Europe/Radio Liberty, Radio Free Asia, and the Middle East Broadcasting Networks) into one grantee broadcaster, with certain related expanded supervisory roles and authorities vested in the BBG CEO. This provision would also authorize the BBG CEO to establish a similar non-federal broadcasting corporation, receiving a federal operating grant, to assume the broadcasting responsibilities of the Voice of America (VOA, the federal government broadcaster operating within the BBG), and abolish VOA as a federal entity.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would eliminate the timing requirement for nomination of the BBG CEO, add a notification requirement for redirection of funds, establish the international broadcasting advisory board, add a mission definition for the consolidated broadcast entities, and deleted specific discussion of Voice of America.

Redesignation of South China Sea Initiative (sec. 1289)

The Senate bill contained a provision (sec. 1246) that would redesignate the South China Sea Initiative (Public Law 114–92; 129 Stat. 1073; U.S.C. 2282 note) as the Southeast Asia Maritime Security Initiative.

The House amendment contained a similar provision (sec. 1259F).

The Senate recedes.

The conferees believe that the United States should continue supporting the efforts of countries participating in the Southeast Asia Maritime Security Initiative to strengthen their maritime security capacity, domain awareness, and integration of their capabilities.

Measures against persons involved in activities that violate arms control treaties or agreements with the United States (sec. 1290)

The House amendment contained a provision (sec. 1259L) that would require the President to impose certain measures on a person the President determines has engaged in any activity that contributed to the President's or Secretary of State's determination that such a country is not in full compliance with its obligations undertaken in all arms control, on proliferation, and disarmament agreements to which the United States is participating state. Certain measures, exceptions, remedies, and waivers are included in the provision, including an exception for sanctions that would impact contracts related to major routes of supply; a waiver on a case-by-case if the person or entity engaging in, or supporting, an activity that contributed to a country not being in full compliance did not knowingly engage in such activity, and such waiver is in the interest of the national security of the United States; and termination of sanctions when the country concerned is no longer in violation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Treasury to produce a list of persons (including an entity or entities) involved in sanctionable activity under this section not later than 30 days after the annual report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments (required by 22 U.S.C. 2593a) has been submitted. Such person(s) would be subject to immediate sanction.

Additionally, the Senate amendment narrows the scope of the new sanction only to those countries who are not determined to be closely cooperating with the United States by the Director of National Intelligence.

The Senate amendment also required the waiver tied to a knowing violation include a requirement that such conduct has been terminated or that verifiable assurances that the person will terminate such activity have been provided.

The Senate amendment further provides waiver authority if the President determines on a case-by-case basis that the imposition of a sanction under this section would jeopardize an intelligence source or method. The conferees expect this waiver to be used only when there is a clear and specific risk that sources and methods would be compromised or exposed. Detailed information on such risk will be reported to the specified congressional committees.

The Senate amendment also provides measures to delay the immediate imposition of sanctions if the President determines the government of the country concerned has taken specific and effective actions, including penalties as appropriate, to terminate the involvement of a domiciled person in the activity that triggered sanctions. This delay includes up to 120 days if the President initiates consultations with the government of the country concerned and an additional 120 days if such government is in the process of taking specific and effective actions to terminate the involvement of a domiciled entity in the activity that triggered sanctions.

The Senate amendment contains additional measures for termination if the person has ceased the activity contributing to a country's violation.

Agreements with foreign governments to develop land-based water resources in support of and in preparation for contingency operations (sec. 1291)

The House amendment contained a provision (sec. 1259Q) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to enter into agreements with foreign nations to develop land-based water resources in support of contingency operations.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to notify the appropriate congressional committees 30 days after entering into an agreement.

Enhancing defense and security cooperation with India (sec. 1292)

The Senate bill contained a provision (sec. 1247) that would enhance military cooperation between the United States and India

by recommending the Secretary of Defense take certain steps regarding exchanges between senior military officers and senior civilian defense officials of the Government of India and the United States Government.

The House amendment contained a similar provision (sec. 1262) that would require certain actions by the Secretary of Defense and the Secretary of State to enhance defense and security cooperation between India and the United States.

The Senate recedes with an amendment.

Coordination of efforts to develop free trade agreements with sub-Saharan African countries (sec. 1293)

The Senate bill contained a provision (sec. 1271) that would amend section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723).

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Extension and expansion of authority to support border security operations of certain foreign countries (sec. 1294)

The Senate bill contained a provision (sec. 1272) that would expand the authority under section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C. 2551 note) to provide assistance to the Governments of Jordan and Lebanon to support efforts to enhance security along borders with Syria and/or Iraq to also provide assistance to the Governments of Tunisia and Egypt to support efforts to enhance security along borders with Libya.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Should funds from the Counter Islamic State of Iraq and the Levant Fund be utilized to conduct activities pursuant to this authority, the conferees direct the Secretary of Defense to submit to the congressional defense committees a notification not later than 15 days before providing such support.

Modification and clarification of United States-Israel anti-tunnel cooperation authority (sec. 1295)

The Senate bill contained a provision (sec. 1273) that would increase the annual limitation of the authority under section 1279 of the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114–92) for the Secretary of Defense, in consultation with the Secretary of State, to carry out research, development, test, and evaluation, on a joint basis with Israel to establish anti-tunnel defense capabilities to detect, map, and neutralize underground tunnels.

The House amendment contained no similar provision.

The House recedes.

Maintenance of prohibition on procurement by Department of Defense of People's Republic of China-origin items that meet the definition of goods and services controlled as munitions items when moved to the "600 series" of the Commerce Control List (sec. 1296)

The Senate bill contained a provision (sec. 886) that would amend section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to maintain the prohibition on procuring military items from China.

The House amendment contained no similar provision.

The House recedes.

International sales process improvements (sec. 1297)

The Senate bill contained a provision (sec. 881) that would require the Secretary of Defense to develop a plan to improve the management and use of fees collected on the transfer of defense articles and services under programs in which the Defense Security Cooperation Agency has administrative responsibilities.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify requirements to be addressed in the plan and require that the plan be submitted to the congressional defense committees no later than 180 days after the date of enactment of this Act.

Efforts to end modern slavery (sec. 1298)

The Senate bill contained a provision (sec. 1276) that would require the Secretary of Defense to implement policies and procedures to ensure Armed Forces personnel engaged in partnership activities with foreign nations receive education and training on human slavery, and to ensure the United States Armed Forces maximize efforts to appropriately assist in combatting trafficking in persons. The provision would authorize grants to support transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in target populations within partner countries.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification and extension of authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction

The House amendment contained a provision (sec. 1203) that would modify section 1204 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) to include a 48-hour congressional notification when assistance expected to exceed \$4.0 million is provided to certain foreign countries, to cap the funds available at \$20.0 million, and extend the authority 1 year, through September 30, 2020.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that elsewhere in this Act is a provision that would consolidate multiple authorities to build the capacity of

friendly foreign nations to conduct specified operations, to include counter-weapons of mass destruction operations. The conferees intend for activities conducted to date under section 1204 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) to be conducted under the new building partnership capacity in the new chapter 16 on security cooperation without disruption. Further, the conferees intend that such activities to build the capacity of friendly foreign nations to conduct counter-weapons of mass destruction operations will continue to be administered by the Director of the Defense Threat Reduction Agency.

Report on the prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights

The House amendment included a provision (sec. 1208) that would require the Secretary of Defense to submit to the congressional defense committees a report on the implementation of section 294 of title 10, United States Code (relating to prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights).

The Senate bill included no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, no later than 180 days after the enactment of this Act, to submit to the congressional defense committees a report on the implementation of section 294 of title 10, United States Code (relating to prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights). The report shall include (1) A detailed description of the policies and procedures governing the manner in which Department of Defense personnel identify and report information on gross violations of human rights and how such information is shared with personnel responsible for implementing the prohibition in subsection (a)(1) of section 294 of title 10, United States Code; (2) The funding expended in fiscal years 2015 and 2016 for purposes of implementing section 294 of title 10, United States Code, including any relevant training of personnel, and a description of the titles, roles, and responsibilities of the personnel responsible for reviewing credible information relating to human rights violations and the personnel responsible for making decisions regarding the implementation of the prohibition in subsection (a)(1) of such section 294; (3) An addendum that includes any findings or recommendations included in any report issued by a Federal Inspector General related to the implementation of section 294 of title 10, United States Code, and, as appropriate, the Department of Defense's response to such findings or recommendations; (4) implementation of section 1206 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015; and (5) Any other matters the Secretary determines is appropriate.

Sense of Congress on United States policy and strategy in Afghanistan

The House amendment contained a provision (sec. 1215) that would express the sense of Congress that the President should au-

thorize a certain number of United States troops for missions in Afghanistan and provide the appropriate authorities, capabilities, and resources to ensure both mission success and adequate force protection for United States forces.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the United States continues to have vital national security interests in ensuring that Afghanistan is a stable, sovereign country and that stability and security in Afghanistan reinforces stability and security in the region. The conferees urge the President to ensure that the commander in Afghanistan has the required resources, authorities, and capabilities to protect U.S. and Coalition troops and to enable their counterterrorism and train, advise and assist missions. Further, the conferees believe that the United States should continue to provide the required support to the Afghan National Defense and Security Forces to secure Afghanistan.

Sense of Congress relating to Dr. Shakil Afridi

The House amendment contained a provision (sec. 1218) that would establish findings and a sense of Congress regarding the continued detention of Dr. Shakil Afridi by the Pakistani government.

The Senate bill contained no similar provision.

The House recedes.

The conferees note the contributions of Dr. Afridi to efforts to locate Osama bin Laden, remain concerned about Dr. Afridi's continuing incarceration, and urge the Government of Pakistan to release him immediately.

Report on access to financial records of the Government of Afghanistan to audit the use of funds for assistance for Afghanistan

The House amendment contained a provision (sec. 1219) that would require the Secretary of Defense to submit a report to Congress on the extent to which the Combined Security Transition Command-Afghanistan has adequate access to financial records of the Government of Afghanistan to audit the use of funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for assistance for Afghanistan.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees not later than 90 days after the enactment of this Act on the extent to which the Department of Defense has adequate access, for accountability purposes, to financial records of the Government of Afghanistan associated with the use of funds authorized to be appropriated by this act or otherwise made available for fiscal year 2017 for security assistance for Afghanistan.

Report on prevention of future terrorist organizations in Iraq and Syria

The House amendment contained a provision (sec. 1224) that would require the Secretary of Defense to submit a report that de-

scribes the political, economic, and security conditions in Iraq and Syria that would be necessary and sufficient to prevent the formation of future terrorist organizations in Iraq and Syria that may present a danger to the United States, its allies, and the stability of Iraq, Syria, and the rest of the Middle East region.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense and Secretary of State to jointly provide a report to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee not later than one year after the date of the enactment of this Act on the political and military strategies to defeat the Islamic State in Iraq and the Levant (ISIL), and on the political, economic, and security conditions in Iraq and Syria that would be necessary and sufficient to prevent the formation of future terrorist organizations in Iraq and Syria. At a minimum, the briefing should include a description of: (1) the military conditions that must be met for ISIL to be considered defeated; (2) the plan for achieving a political transition in Syria; (3) a plan for Iraqi political reform and reconciliation among ethnic groups and political parties; (4) an assessment of the required future size and structure of the Iraqi Security Forces, including irregular forces; and (5) a description of the roles and responsibilities of U.S. allies and partners and other countries in the region in establishing regional stability.

The conferees also direct the Comptroller General of the United States to submit to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, not later than one year after the date of the enactment of this Act, a report on the United States' and the Government of Iraq's capacities to apply transparency and anti-fraud mechanisms, accounting and internal controls standards, and other financial management and accountability measures to transfers of cash and other forms of assistance provided to the Iraqi Security Forces, including irregular forces, and other recipients through the Iraq Train and Equip Fund.

Semiannual report on integration of political and military strategies against ISIL

The House amendment contained a provision (sec. 1225) that would require the Secretary of Defense and Secretary of State to jointly submit a semi-annual report on the political and military strategies to defeat the Islamic State in Iraq and the Levant. The provision would also require the Comptroller General of the United States to review certain financial management and accountability measures relating to assistance provided through the Iraq Train and Equip Fund.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that matters raised by the House provision are addressed elsewhere in this report.

Sense of Congress condemning continuing attacks on medical facilities in Syria

The House amendment contained a provision (sec. 1226) that would express the sense of Congress that the United States Government should condemn and call for an immediate end to attacks on medical facilities and medical providers in Syria and encourage the United States Government to support efforts to meet urgent humanitarian needs where appropriate.

The Senate bill contained no similar provision.

The House recesses.

The conferees note with deep concern continued attacks on civilians, medical personnel, and medical facilities in Syria. These attacks constitute violations of international humanitarian law. The conferees urge the Department of Defense to ensure these violations are documented and further encourage the Department of Defense to support, where appropriate, international efforts to meet humanitarian and medical needs in Syria.

Sense of Congress on business practices of the Islamic State of Iraq and Syria

The House amendment contained a provision (sec. 1228) that would express the sense of Congress that the United States should focus all necessary efforts in the Middle East to disrupt the financing of the Islamic State of Iraq and the Levant (ISIL) through oil production and sale.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain prepared to provide U.S. military forces engaged in Operation Inherent Resolve and other counterterrorism operations across the globe with the resources and authorities necessary to defeat the Islamic State in Iraq and the Levant, al Qaeda, and forces associated with these groups, including the resources and authorities necessary to disrupt the financing of those groups through oil production and sale.

Statement of policy on United States efforts in Europe to reassure United States partners and allies and deter aggression by the Government of the Russian Federation

The House amendment contained a provision (sec. 1234) that would express a statement that it is the policy of the United States to reassure U.S. partners and allies in Europe and to deter aggression by the Government of the Russian Federation in order to enhance regional and global security and stability.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain concerned about the evolving security situation throughout the European continent. A revanchist Russian Federation, rising incidents of terrorism, and unprecedented refugee and migrant flows are among the issues that continue to present significant security challenges to the region. The conferees recognize the North Atlantic Treaty Organization (NATO) as the cornerstone of transatlantic security cooperation and the guarantor of peace and stability in Europe. The conferees believe that NATO members must continue to review defense spending to ensure suffi-

cient funding is obligated to meet security needs, as well as providing adequate NATO contributions. The fulfillment of NATO members' commitments to allocate a minimum of two percent of Gross Domestic Product (GDP) for defense expenditures and 20 percent of defense expenditures on major equipment, is of vital importance to the health of the NATO alliance. The conferees remain committed to supporting and upholding the policies enumerated in the NATO 2012 Wales Summit and the NATO 2016 Warsaw Summit including full realization of the Readiness Action Plan, fulfillment of defense spending commitments, and timely implementation of an enhanced forward military presence.

The conferees support U.S. efforts to increase presence in the European theater and commend the work of the Department of Defense thus far to reassure U.S. allies and partners in the region, increase NATO interoperability, provide critical training and assistance to European allies and partners, and deter Russian aggression. The conferees view the fiscal year 2017 President's Budget Request of \$3.42 billion for the European Deterrence Initiative (EDI) as an important step to support the stability and security of the region and deter further Russian antagonism and aggression. EDI will continue to serve as an important tool to bolster U.S. force presence in the region, train and equip the security forces of European partners and allies, enhance indications and warning mechanisms, and improve U.S. agility and flexibility through strategic infrastructure investments. The conferees believe additional emphasis is necessary on developing capabilities for countering unconventional methods of warfare such as cyber warfare, economic coercion, information operations, and intelligence operations. The conferees encourage the Department of Defense to include EDI resources and programs in the base budget in order to ensure persistent funding support as well as the ability to plan for long-term investments towards the security and stability of the European continent.

European investment in security and stability

The Senate bill contained a provision (sec. 1234) that would express the sense of Congress that North Atlantic Treaty Organization (NATO) allies and European partners are indispensable to addressing global security challenges and that their investment in developing and employing robust security capabilities in Europe should meet or exceed U.S. efforts in this regard and would require an accounting by the Secretary of Defense of current and planned security investments by NATO allies and European partners.

The House amendment contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense, not later than 60 days after the date of the enactment of this Act, to present to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee an accounting of European investment in security capabilities including current and planned efforts to contribute to global security operations. The presentation should include a summary of major outcomes from recent NATO summits, as well as a detailed accounting of initiatives by other NATO members and European partners to: a.) deter security challenges posed by Russia, b.) increase capabilities

to respond to unconventional or hybrid warfare tactics, c.) enhance security in Europe in ways that match or compliment United States contributions to conventional deterrence in the region, d.) contribute to the campaign to counter the Islamic State of Iraq and the Levant and the NATO-led mission in Afghanistan, and e.) counter terrorism in Europe and Africa, as well as any other matters the Secretary of Defense considers appropriate.

Sense of Senate on European Deterrence Initiative

The Senate Bill contained a provision (sec. 1235) that would express the sense of the Senate that the European Deterrence Initiative will bolster efforts to deter further Russian aggression, enhance the capability to defend territorial integrity and preserve regional stability, and improve the agility and flexibility of military forces to address threats across the full spectrum of warfighting requirements and diverse geographic locations. The provision would also express the sense of the Senate that such efforts as the European Deterrence Initiative should be in the base budget of the Department of Defense to address long-term stability on the European continent.

The House amendment contained no similar provision.

The Senate recesses.

The conferees note that support for the European Deterrence Initiative and its importance to the stability and security of the region and deterring further Russian antagonism and aggression is addressed elsewhere in this report.

Modification and extension of report on military assistance to Ukraine

The House amendment contained a provision (sec. 1237) that would express the sense of Congress that the United States should continue to support the Government of Ukraine's efforts to provide and maintain security in Ukraine including support to the Ukrainian military, the Ukrainian National Guard, and the State Border Guard Service of Ukraine.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain deeply concerned about the ongoing threats to the sovereignty and territorial integrity of Ukraine, including the continued violations of ceasefire agreements by Russia and Russian-backed separatists. The conferees urge the Department of Defense to continue to provide robust support to the Government of Ukraine, including through lethal assistance, to help defend against such aggression. The conferees note that authorization to provide assistance to the State Border Guard Service of Ukraine is included in another provision of this Act.

Sense of Congress on malign activities of the Government of Iran

The House amendment contained a provision (sec. 1241) that would express the sense of Congress that the United States should increase efforts to counter the continued expansion of malign activities of the Government of Iran in the Middle East.

The Senate bill contained no similar provision.

The House recesses.

The conferees urge the Secretary of Defense to increase efforts to counter the Government of Iran's malign activities, including by maintaining a robust U.S. military presence forward deployed in the United States Central Command area of responsibility and by further enhancing regional ballistic missile defense capabilities and cooperation.

Inclusion of the Philippines among allied countries with whom United States may enter into cooperative military airlift agreements

The Senate bill contained a provision (sec. 1242) that would include the Philippines among allied countries that the United States can enter into a cooperative military airlift agreement with.

The House amendment contained no similar provision.

The Senate recesses.

Sense of Congress on trilateral cooperation between Japan, South Korea, and the United States

The House amendment contained a provision (sec. 1243) that expressed a sense of the Congress that Japan and the Republic of Korea (South Korea) are both treaty allies and critically important security partners of the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees recognize the continued importance of trilateral cooperation among the United States, Japan, and the Republic of Korea. More specifically, the conferees believe the United States should continue to support defense cooperation between Japan and the Republic of Korea on the full range of issues related to North Korea as well as other security challenges in the Asia-Pacific region.

Sense of Congress on cooperation between Singapore and the United States

The House amendment contained a provision (sec. 1244) that expressed a sense of the Congress regarding continued cooperation between the United States and the Republic of Singapore.

The Senate bill contained no similar provision.

The House recesses.

The conferees recognize the continued role Singapore has played as a security partner in Southeast Asia, including its recent decision to host rotational P-8 Poseidon deployments.

United States policy on Taiwan

The Senate bill contained a provision (sec. 1244) that expressed a sense of the Senate that the United States should strengthen and enhance its long-standing partnership and strategic cooperation with Taiwan, with the objective of reinforcing its commitment to the Taiwan Relations Act and the "Six Assurances."

The House amendment contained a similar provision (sec. 1259) that directs the Secretary of Defense and the Secretary of State to jointly submit to the appropriate committees of Congress a report that contains a description of the steps the United States has taken, plans to take, and will take to provide Taiwan with

arms of a defensive character in accordance with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) no later than February 15, 2017.

The legislative provisions were not adopted.

The conferees direct the Secretary of Defense and the Secretary of State to provide a briefing to the congressional defense committees on the steps the United States has taken, plans to take, and will take to provide Taiwan with arms of a defensive character in accordance with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) no later than September 1, 2017.

The conferees believe the United States should conduct regular transfers of defense articles and defense services with the government of Taiwan, support the efforts of Taiwan to integrate innovative and asymmetric capabilities, including undersea warfare capabilities optimized for the defense of the Taiwan Strait, assist Taiwan in building an effective air defense capability consisting of a balance of fighters and mobile air defense systems, and permit Taiwan to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan.

Sense of Congress on military relations between Vietnam and the United States

The Senate bill contained a provision (sec. 1245) that expressed a sense of the Senate that removing the prohibition on the sale of lethal military equipment to the Government of Vietnam would further United States national security interests, that any future arms sales by the United States to Vietnam should be monitored to ensure that Vietnam continues to make progress on human rights and that arms sold in the future are not being used by Vietnam in ways that violate the human rights and freedom of civilians in Vietnam.

The House amendment contained a similar provision (sec. 1259V) that expressed a sense of the Congress that the United States Government should review its policy on the transfer of lethal weapons to Vietnam and that it should evaluate certain human rights benchmarks when providing military assistance to Vietnam.

The legislative provisions were not adopted.

The conferees support the decision to fully lift the ban on the sale of lethal military equipment to Vietnam and believe that the United States Government must continue to monitor Vietnam's human rights record in the context of providing Vietnam with lethal military equipment in the future.

Annual report on foreign military sales to Taiwan

The House amendment contained a provision (sec. 1256) that directs the Secretary of Defense to submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report that lists each request received from Taiwan and each letter of offer to sell any defense articles or services under this Act to Taiwan during such fiscal year.

The Senate bill contained no similar provision.

The House recesses.

Elsewhere in this report, the conferees note that the United States should conduct regular transfers of defense articles and defense services with the government of Taiwan.

Sense of Congress in support of a denuclearized Korean peninsula

The House amendment contained a provision (sec. 1259K) that expressed a sense of the Congress that United States foreign policy should support a denuclearized Korean peninsula.

The Senate bill contained no similar provision.

The House recesses.

The conferees express their strong support for the decision to deploy the Terminal High Altitude Area Defense (THAAD) missile defense system to the Republic of Korea. The conferees regard this deployment as benefitting the United States and the Republic of Korea by further protecting the citizens of both countries against the threat of missile attack on the Korean Peninsula.

Authority to grant observer status to the military forces of Taiwan at RIMPAC exercises

The House amendment contained a provision (sec. 1259P) that authorized the Secretary of Defense to grant observer status to the military forces of Taiwan in the maritime exercise known as the Rim of the Pacific Exercise.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the Secretary of Defense has the authority to invite Taiwan to the Rim of the Pacific exercise.

Sense of Congress on commitment to the Republic of Palau

The Senate bill contained a provision (sec. 1277) that would express a sense of the Congress that Congress and the President should promptly enact the Compact Review Agreement signed by the United States and Palau in 2010.

The House amendment contained no similar provision.

The Senate recesses.

The conferees believe that enacting the Compact Review Agreement is important to United States' national security interests and, as such, believe that the President should include the Compact Review Agreement in the Fiscal Year 2018 budget request.

Sense of Congress on support for Estonia, Latvia, and Lithuania

The House amendment contained a provision (sec. 1251) that would express the sense of the Congress on support for the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania, including support for their sovereignty.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that support for allies and partners in Europe is addressed elsewhere in this report.

Sense of Congress on security sector assistance

The Senate bill contained a provision (sec. 1251) that would express the Sense of the Congress on the security cooperation programs and activities of the Department of Defense, as well as the broader security sector assistance activities of the U.S. government.

The House amendment contained no similar provision.

The Senate recesses.

Sense of Congress on support for Georgia

The House amendment contained a provision (sec. 1252) that would express the sense of the Congress on support for Georgia's sovereignty and territorial integrity as well as support for continued cooperation between the United States and Georgia.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that support for allies and partners in Europe is addressed elsewhere in this report.

Sense of Congress regarding on July 2016 NATO Summit in Warsaw, Poland

The House amendment contained a provision (sec. 1257) that would express the sense of the Congress on supporting certain outcomes of the July 2016 North Atlantic Treaty Organization (NATO) Summit in Warsaw, Poland.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that support for certain outcomes of the NATO Summit is addressed elsewhere in this report.

Report on violence and cartel activity in Mexico

The House amendment contained a provision (sec. 1258) that would require the Secretary of Defense to submit to the congressional defense committees a report on violence and cartel activity in Mexico and the impact on the national security of the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the ongoing violence associated with transnational organized crime poses a threat to the security interests of Mexico and the United States. The conferees recognize the shared commitment of the United States and Mexico to combat this threat and expect the Secretary of Defense to update periodically the Committees on Armed Services of the House of Representatives and the Senate on the Department's security cooperation activities with the Government of Mexico.

Opportunities to equip certain foreign military entities

The House amendment contained a provision (sec. 1259G) that would add the requirement for a report that describes efforts to make United States manufacturers aware of opportunities to equip foreign military forces approved to receive assistance from the United States and any new plans to raise awareness of such opportunities.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense and the Secretary of State to jointly provide a briefing to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, within 180 days of the enactment of this act, on efforts to make United States manufacturers aware of procurement opportunities related to equipping foreign security forces approved to purchase or receive equipment from United States manufacturers.

Sense of Congress regarding the role of the United States in the North Atlantic Treaty Organization

The House amendment contained a provision (sec. 1259I) that would express the sense of the Congress that continued United States leadership in the North Atlantic Treaty Organization is critical to the national security of the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the importance of continued United States leadership in the North Atlantic Treaty Organization is addressed elsewhere in this report.

Authorization of United States assistance to Israel

The House amendment contained a provision (sec. 1259J) that would authorize the President to provide assistance to Israel to improve maritime security and maritime domain awareness.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that maritime security and maritime domain awareness in the Eastern Mediterranean Sea are critical not only to the security of Israel but also to U.S. national security interests and encourage the Department of Defense to continue efforts to develop and improve capabilities in these areas.

Department of Defense report on cooperation between Iran and the Russian Federation

The House amendment contained a provision (sec. 1259M) that would require a report on cooperation between Iran and the Russian Federation.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense and Secretary of State to jointly provide a briefing to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee not later than 180 days after the date of the enactment of this Act, on cooperation between Iran and the Russian Federation. The briefing shall, at a minimum, include (1) how such cooperation affects the national security interests of the United States; (2) cooperation relating to the conflict in Syria; (3) weapons, if any, transferred from Russia to Iran; (4) cooperation, if any, in space and to what extent those capabilities can be applied to Iran's ballistic missile program; and (5) naval cooperation in the Eastern Mediterranean Sea and Arabian Gulf.

Report on maintenance by Israel of a robust independent capability to remove existential security threats

The House amendment contained a provision (sec. 1259N) that would express the sense of Congress that Israel should be able to defend its vital national interests and protect its territory and population against existential threats. The provision would also require a report to certain committees of Congress that would identify capabilities and platforms requested by the Government of Israel that would contribute to the maintenance of Israel's defensive capability, assess the availability for sale or transfer of such items, and describe what steps the President is taking to transfer those items.

The Senate bill contained no similar provision.
The House recedes.

Report on use by the Government of Iran of commercial aircraft and related services for illicit military or other activities

The House amendment contained a provision (sec. 1259O) that would require a report to certain committees of Congress on the use by the Government of Iran of commercial aircraft and related services for illicit military and other activities for the past five years.

The Senate bill contained no similar provision.
The House recedes.

The conferees direct that not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall provide a briefing to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the use of the commercial entities by the Government of Iran for illicit military or other activities during the 5-year period ending on the date of enactment of this Act. The briefing, at a minimum, should include a description of the extent to which: (1) the Government of Iran has used commercial entities to facilitate the shipment of illicit cargo; (2) the commercial sector of Iran has provided financial, material, and technological support to the Islamic Revolutionary Guard Corps (IRGC); and (3) foreign governments and persons have facilitated such activities, including allowing the use of airports, services, or other resources.

Extension of reporting requirements on the use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers

The House amendment contained a provision (sec. 1259R) that would amend section 1252(a) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 8808(a)).

The Senate bill contained no similar provision.
The House recedes.

Sense of Congress on integrated ballistic missile defense system for GCC partner countries, Jordan, Egypt and Israel

The House amendment contained a provision (sec. 1259T) that would express the sense of Congress that to assist in preventing an attack by Iran, the United States should encourage and enable as

appropriate an integrated ballistic missile defense system that links GCC partner countries, Jordan, Egypt, and Israel.

The Senate bill contained no similar provision.

The House recedes.

The conferees encourage the United States Government to continue to work towards a ballistic missile defense system that integrates the capabilities of Gulf Cooperation Council partner nations.

Authority to provide assistance and training to increase maritime security and domain awareness of foreign countries bordering the Persian Gulf, Arabian Sea, or Mediterranean Sea

The House amendment contained a provision (sec. 1259U) that would authorize assistance and training to increase maritime security and domain awareness of foreign countries bordering the Persian Gulf, the Arabian Sea, or the Mediterranean Sea in order to deter and counter illicit smuggling and related maritime activity by Iran, including illicit Iranian weapons shipments.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that this provision would be duplicative of provisions included elsewhere in this Act. The conferees further note that the stated purpose of this provision is indeed an important matter—maritime security in the Arabian Sea, Arabian Gulf, and Mediterranean Sea are critical to U.S. national security interests and the global marketplace.

Report on efforts to combat Boko Haram in Nigeria and the Lake Chad Basin

The House amendment contained a provision (sec. 1259W) that would express a sense of Congress and require the Secretary of Defense, the Secretary of State, and the Attorney General to jointly submit to Congress a report on efforts to combat Boko Haram against the people of Nigeria and the Lake Chad Basin.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the ongoing violence and abhorrent human rights violations perpetrated by the terrorist group Boko Haram against the people of the Lake Chad Basin region of Africa poses a threat to the regional stability and to the security interests of the United States associated with ongoing violence and the gross human rights violations against the people of the Lake Chad Basin carried out by Boko Haram and the need to investigate and prosecute such violations. The conferees also note the need to bring to justice those responsible for such atrocities should be brought to justice. The conferees recognize the shared commitment of the United States and countries of the Lake Chad Basin to combat Boko Haram and expect the Secretary of Defense to update the Committees on Armed Services of the House of Representatives and the Senate periodically on the Department's activities in this regard.

Security cooperation enhancement fund

The Senate bill contained a provision (sec. 1260) that would create a central fund for the security cooperation programs and activities of the Department of Defense.

The House amendment contained no similar provision.

The Senate recedes.

Coordination between Department of Defense and Department of State on certain security cooperation and security assistance programs and activities

The Senate bill contained a provision (sec. 1264) that would require the Secretary of Defense and the Secretary of State not later than 90 days after enactment of this Act to establish interim regulations and, not later than 270 days after enactment of this Act, final regulations, to establish a formal process for the two Departments on all matters relating to the policy, planning, and implementation of security cooperation programs and activities as specified in the Act.

The House amendment contained no similar provision.

The Senate recedes.

United Nations processing center in Erbil, Iraqi Kurdistan, to assist internationally-displaced communities

The House amendment contained a provision (sec. 1227) that would seek the establishment of a United Nations processing center in Erbil, Iraqi Kurdistan, to assist internationally-displaced communities through the voice and vote of the United States at the United Nations.

The Senate bill contained no similar provision.

The House recedes.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Specification of Cooperative Threat Reduction funds (sec. 1301)

The Senate bill contained a provision (sec. 1301) that would authorize funds to be appropriated by the Department of Defense for the Cooperative Threat Reduction Program.

The House amendment contained an identical provision (sec. 1301).

The conference agreement includes this provision.

Funding allocations (sec. 1302)

The Senate bill contained a provision (sec. 1302) that would allocate funding for the Cooperative Threat Reduction program from within the overall \$325.6 million that the committee would authorize for the CTR Program. The allocation under this section reflects the amount of the budget request for fiscal year 2017.

The House amendment contained a similar provision (sec. 1302) that would allocate funding for the Cooperative Threat Reduction program at \$325.6 million, including for certain specific purposes. In addition, the House amendment would also extend certain notification requirements, which would allow the committee to enhance its oversight of proposed CTR projects. Further, it would require a new determination as to whether other authorities

are also available to the Secretary of Defense, and other Secretaries as applicable, and if they exist, an explanation for why the Secretaries were not able to use them for a specific proposed project.

The Senate recedes.

Limitation on availability of funds for Cooperative Threat Reduction in People's Republic of China (sec. 1303)

The House amendment contained a provision (sec. 1303) that would ensure Cooperative Threat Reduction funds are obligated or expended in quarterly installments. The provision would further require that the Secretary of Defense not obligate or expend funds for CTR activities in China unless he has submitted to the specific congressional committees a certification regarding certain non-proliferation benchmarks (including the arrest of Li Fangwei, also known as "Karl Lee") with respect to China.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that requires obligation or expenditure of such funds in semiannual installments. The amendment further requires that 15 days before funds are obligated, the Secretary of Defense shall submit to the congressional defense committees, the House Foreign Affairs Committee and the Senate Committee on Foreign Affairs the report on such activities as required by section 50 United States Code 3711(g). In addition to the matters required by 50 United States Code 3711(g), each report shall include in coordination with the Secretary of State whether China has taken material steps to disrupt proliferation activities of Li Fangwei; and arrest Li Fangwei pursuant to an indictment charged in the United States District Court of New York on April 29, 2014; and whether China has proliferated to any non-nuclear weapons state or any nuclear weapons state in violation of the Treaty on Non-Proliferation of Nuclear Weapons including any item that contributes to a ballistic missile as well as the number and type of demarches with respect to the above matters.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Working Capital Funds (sec. 1401)

The Senate bill contained a provision (sec. 1401) that would authorize appropriations for Defense Working Capital Funds at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1401).

The conference agreement includes this provision.

Chemical Agents and Munitions Destruction, Defense (sec. 1402)

The Senate bill contained a provision (sec. 1402) that would authorize the appropriations for Chemical Agents and Munitions Destruction, Defense, at levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1403).

The conference agreement includes this provision.

Drug Interdiction and Counter-Drug Activities, Defense-Wide (sec. 1403)

The Senate bill contained a provision (sec. 1403) that would authorize appropriations for Drug Interdiction and Counter-Drug Activities, Defense-Wide at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1404).

The conference agreement includes this provision.

Defense Inspector General (sec. 1404)

The Senate bill contained a provision (sec. 1404) that would authorize appropriations for the Office of the Inspector General at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1405).

The conference agreement includes this provision.

Defense Health Program (sec. 1405)

The Senate bill contained a provision (sec. 1405) that would authorize appropriations for the Defense Health Program activities at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1406).

The conference agreement includes this provision.

Subtitle B—National Defense Stockpile

Authority to dispose of certain materials from and to acquire additional materials for the National Defense Stockpile (sec. 1411)

The Senate bill contained a provision (sec. 1412) that would require the National Defense Stockpile (NDS) Manager to dispose of specific rare earth elements (REE) while also allowing funds available in the National Defense Stockpile Transaction Fund to be used for the acquisition of other materials.

The House amendment contained a similar provision (sec. 1411) that would grant permissive authority to the NDS Manager to dispose of specific REE while also allowing funds available in the NDS Transaction Fund to be used for the acquisition of other materials.

The Senate recedes.

The conferees note that REE acquisitions would alleviate some defense supply chain vulnerability as well as mitigate some risk of foreign reliance for REE and critical materials.

National Defense Stockpile matters (sec. 1412)

The Senate bill contained a provision (sec. 1411) that would amend section 4 of the Strategic and Critical Materials Stock Piling Act, title 50 United States Code, to provide the authority to recover, acquire, recycle, and manage the disposal of excess and recyclable strategic and critical materials containing rare earth elements (REE) from other federal agencies, including the Depart-

ment of Defense. The provision would also enable the National Defense Stockpile (NDS) Manager to fund the qualification of domestically-produced strategic materials and REE, which could provide significant cost savings to DOD compared to foreign REE.

The House amendment contained a similar provision (sec. 1412).

The House recedes.

The conferees strongly believe that enabling the NDS to qualify domestic materials and create substitutions could provide a significant risk mitigation for DOD's supply chain and reduce the reliance upon foreign-sourced REE, along with cost-effective domestic and strategic alternatives.

Additionally, the conferees strongly encourage DOD to use its authority to recycle previously discarded items such as unclassified electronic waste, fluorescent lamps, batteries, magnets, and thermal barrier coatings in order to extract, reclaim, and reuse critical materials and REE to address DOD requirements.

Subtitle C—Chemical Demilitarization Matters

National Academies of Sciences study on conventional munitions demilitarization alternative technologies (sec. 1421)

The Senate bill contained a provision (sec. 1422) that would require the Secretary of the Army in concurrence with the Board on Army Science and Technology of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

Subtitle D—Other Matters

Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois (sec. 1431)

The Senate bill contained a provision (sec. 1431) that would authorize the Secretary of Defense to transfer \$122.4 million to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities.

The House amendment contained a similar provision (sec. 1421).

The Senate recedes.

Authorization of appropriations for Armed Forces Retirement Home (sec. 1432)

The Senate bill contained a provision (sec. 1432) that would authorize appropriations of \$64.3 million for the Armed Forces Retirement Home for fiscal year 2017.

The House amendment contained an identical provision (sec. 1422).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

National Defense Sealift Fund

The House amendment contained a provision (sec. 1402) that would authorize appropriations for the National Defense Sealift Fund at the levels identified in section 4501 of the House amendment.

The Senate bill contained no similar provision.

The House recedes.

National Sea-Based Deterrence Fund

The House amendment contained a provision (sec. 1407) that would authorize appropriations for the National Sea-Based Deterrence Fund at the levels identified in section 4501 of the House amendment.

The Senate bill contained no similar provision.

The House recedes.

Security Cooperation Enhancement Fund

The Senate bill contained a provision (sec. 1406) that authorized appropriations for the Security Cooperation Enhancement Fund activities at the levels identified in section 4501 of division D of this Act.

The House amendment contained no similar provision.

The Senate recedes.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

Purpose and treatment of certain authorizations of appropriations (sec. 1501)

The Senate bill contained a provision (sec. 1501) that would establish this title and make authorization of appropriations available upon enactment of this Act for the Department of Defense, in addition to amounts otherwise authorized in this Act.

The House amendment contained a similar provision (sec. 1501).

The Senate recedes.

Procurement (sec. 1502)

The Senate bill contained a provision (sec. 1503) that would authorize additional appropriations for Procurement at the levels identified in section 4102 of division D of this Act.

The House amendment contained a similar provision (sec. 1502).

The Senate recedes.

Research, development, test, and evaluation (sec. 1503)

The Senate bill contained a provision (sec. 1504) that would authorize additional appropriations for Research, Development, Test, and Evaluation at the levels identified in section 4202 of division D of this Act.

The House amendment contained a similar provision (sec. 1503).

The Senate recedes.

Operation and maintenance (sec. 1504)

The Senate bill contained a provision (sec. 1505) that would authorize the additional appropriations for operation and maintenance activities.

The House amendment contained a similar provision (sec. 1504) that would authorize additional appropriations for operation and maintenance programs at the levels identified in section 4302 and section 4303 of division D of the amendment. This section would limit the appropriations for operation and maintenance identified in section 4302 to only be available for obligation until April 30, 2017.

The Senate recedes with an amendment that would allow funds to be available through the entirety of the fiscal year.

Military personnel (sec. 1505)

The Senate bill contained a provision (sec. 1506) that would authorize the additional appropriations for military personnel activities.

The House amendment contained a similar provision (sec. 1505) would authorize additional appropriations for military personnel programs at the levels identified in section 4402 and section 4403 of division D of the amendment. This section would limit the appropriations for military personnel activities identified in section 4402 to only be available for obligation until April 30, 2017.

The Senate recedes with an amendment that would allow funds to be available through the entirety of the fiscal year.

Working capital funds (sec. 1506)

The Senate bill contained a provision (sec. 1507) that would authorize the additional appropriations for the Defense Working Capital Funds.

The House amendment contained a similar provision (sec. 1506) would authorize additional appropriations for Defense Working Capital Funds at the levels identified in section 4502 of division D of the amendment. This section would limit the appropriations for the Defense Working Capital Funds to only be available for obligation until April 30, 2017.

The House recedes.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1507)

The Senate bill contained a provision (sec. 1508) that would authorize additional appropriations for Drug Interdiction and Counterdrug Activities, Defense-Wide at the levels identified in section 4502 of division D of this Act.

The House amendment contained a similar provision (sec. 1507).

The Senate recedes.

Defense Inspector General (sec. 1508)

The Senate bill contained a provision (sec. 1509) that would authorize additional appropriations for the Office of the Inspector General at the levels identified in section 4502 of division D of this Act.

The House amendment contained an identical provision (sec. 1508).

The conference agreement includes this provision.

Defense Health program (sec. 1509)

The Senate bill contained a provision (sec. 1510) that would authorize additional appropriations for the Defense Health Program.

The House amendment contained a similar provision (sec. 1509) would authorize additional appropriations for the Defense Health Program at the levels identified in section 4502 of division D of the amendment. This section would limit the appropriations for the Defense Health Program to only be available for obligation until April 30, 2017.

The House recedes.

Subtitle B—Financial Matters

Treatment as additional authorizations (sec. 1511)

The Senate bill contained a provision (sec. 1521) that would state that amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The House amendment contained an identical provision (sec. 1521).

The conference agreement includes this provision.

Special transfer authority (sec. 1512)

The Senate bill contained a provision (sec. 1522) that would allow the Secretary of Defense to transfer up to \$3.5 billion of overseas contingency operation funding authorized for fiscal year 2017 in this title to unforeseen higher priority needs in accordance with normal reprogramming procedures.

The House amendment contained a similar provision (sec. 1522) that would authorize the transfer of up to \$4.5 billion of additional war-related funding authorizations in this title among the accounts in this title.

The Senate recedes with an amendment that would allow the Secretary of Defense to transfer up to \$3.5 billion of overseas contingency operation funding authorized for fiscal year 2017 in this title to unforeseen higher priority needs in accordance with normal reprogramming procedures.

Subtitle C—Limitations, Reports, and Other Matters

Afghanistan Security Forces Fund (sec. 1521)

The Senate bill contained a provision (sec. 1533) that would require that amounts authorized for the Afghanistan Security Forces Fund (ASFF) for fiscal year 2017 continue to be subject to the conditions specified in subsections (b) through (g) of section 1513 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended. The provision would extend the authority under subsection 1532(b) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) to accept certain equipment procured using ASFF funds and to treat such equipment as Department of Defense stocks as well as the goal of using \$25.0 million to support to the extent practicable the efforts of the Government of Afghanistan to promote the security of Afghan women and girls and report on a plan to promote the security of Afghan women as required by section 1531 of the National Defense Authorization Act of 2016.

The House amendment contained a similar provision (sec. 1531).

The House recedes with a technical amendment.

Joint Improvised Explosive Device Defeat Fund (sec. 1522)

The House amendment contained a provision (sec. 1532) that would modify subsection 1532(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) to extend the use and transfer authority for the Joint Improvised Explosive Device Defeat Fund (JIEDDF) through fiscal year 2017. It would also modify section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to expand the foreign governments to whom assistance may be provided in order to counter the flow of improvised explosive device (IED) precursor chemicals.

The Senate bill contained a similar provision (sec. 1531) that would extend the use and transfer authority for the JIEDDF for one year.

The Senate recedes with an amendment to modify and expand the reporting requirements under section 1532(c).

The conferees expect the expanded IED precursor chemical authority to be focused on efforts to counter the Islamic State of Iraq and the Levant. The conferees direct the Secretary of Defense to brief the congressional defense committees, not later than 90 days after enactment of this Act, regarding utilization of the IED precursor chemical authority to date, the plans for future employment of the authority, and a discussion of additional authorities that would be useful to the efforts to stem the flow of IED precursor chemicals and components.

Furthermore, the conferees note that Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), required a plan for transition of the Joint Improvised-Threat Defeat Agency (JIDA) activities, functions, and resources to an existing military department or Defense Agency. On January 29, 2016, the congressional defense committees were notified by the

Under Secretary of Defense for Acquisition, Technology and Logistics that the entirety of activities, functions, and resources of JIDA would transition under the authority, direction, and control of the Defense Threat Reduction Agency (DTRA) not later than September 30, 2016 as the Joint Improvised-Threat Defeat Organization (JIDO).

The conferees support the transition of JIDA as JIDO under the authority, direction, and control of DTRA. Integration of the roles, mission, and activities of JIDA under DTRA should result in reduced overhead management costs while maintaining core competencies of each entity in order to respond to warfighter needs. The conferees commend the identification of potential areas to reduce overhead costs and achieve efficiencies in the transition plan submitted on August 21, 2016. However, the conferees note the lack of detail regarding the processes used to integrate cost reduction efforts into the ongoing transition plan needed to realize savings and efficiencies.

The conferees recognize the transition will impact both DTRA's and JIDA's organizational construct. The conferees also recognize that the transition and associated efficiencies may warrant changes in JIDA's leadership construct and associated billets as JIDA becomes an organization under the authority, direction, and control of DTRA.

Therefore, the conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics to brief the congressional defense committees, not later than 60 days after enactment of this act, on the implementation of the transition of JIDA to DTRA as JIDO. The briefing shall include a progress report on the overhead cost reductions and efficiencies as well as cost reduction processes identified in the transition plan, an identification of efficiencies expected to be achieved in addition to those identified in the initial transition plan, the organizational and command and control constructs of DTRA and JIDO, an overview of the combined budget estimations across the Future Years Defense Program, and a description of how the core competencies of both DTRA and JIDO are being retained in order to fulfill designated missions and respond to warfighter needs.

Extension of authority to use Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices (sec. 1523)

The House amendment contained a provision (sec. 1533) that would modify section 1533(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by extending the Authority to use the Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices and precursor chemicals from September 30, 2018, to September 30, 2020.

The Senate bill contained no similar provision.

The Senate recedes.

Overseas contingency operations (sec. 1524)

The Senate bill contained a provision (sec. 1502) that would designate authorization of appropriations in this section as overseas contingency operations.

The House amendment contained no similar provision.

The House recedes.

Extension and modification of authorities on Counterterrorism Partnerships Fund (sec. 1525)

The Senate bill contained a provision (sec. 1532) that would modify and extend for 1 fiscal year section 1534 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291).

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Counterterrorism Partnerships Fund

The House amendment included a provision (sec. 1510) that would authorize additional appropriations for the Counterterrorism Partnerships Fund (CTPF).

The Senate bill included no similar provision.

The House recedes.

The conferees note that elsewhere in this Act, funding requested by the Department of Defense for the CTPF was transferred to Operations and Maintenance, Defense-Wide, Defense Security Cooperation Agency, consistent with the reform of the Department of Defense's security cooperation programs and associated funding. It is the intent of the conferees that the CTPF funding transferred to the Defense Security Cooperation Agency be available for the purposes authorized in chapter 16 of title 10, United States Code as added elsewhere in this Act.

Security Cooperation Enhancement Fund

The Senate bill contained a provision (sec. 1511) that authorized appropriations for the Security Cooperation Enhancement Fund activities at the levels identified in section 4502 of division D of this Act.

The House bill contained no similar provision.

The Senate recedes.

Codification of Office of Management and Budget criteria

The House amendment contained a provision (sec. 1523) that would delineate guidance for the Secretary of Defense when submitting requests for overseas contingency operations.

The Senate bill contained no similar provision.

The House recedes.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE
MATTERS

Subtitle A—Space Activities

Repeal of provision permitting the use of rocket engines from the Russian Federation for the evolved expendable launch vehicle program (sec. 1601)

The Senate bill contained a provision (sec. 1038) that would repeal section 8048 of the Department of Defense Appropriations Act, Fiscal Year 2016 (division C, Public Law 114–113; 129 Stat. 2363).

The House amendment contained no similar provision.

The House recedes.

Exception to the prohibition on contracting with Russian suppliers of rocket engines for the evolved expendable launch vehicle program (sec. 1602)

The House amendment contained a provision (sec. 1602) that would modify section 1608 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) by striking subsection (c) and inserting a new subsection. The new subsection would state that the prohibition would not apply to either the placement of orders or exercise of options under the contract numbered FA8811–13–C–0003 and awarded on December 18, 2013, or contracts that are awarded for the procurement of property or services for space launch activities that include the use of a total of 18 rocket engines designed or manufactured in the Russian Federation in addition to the Russian-designed or manufactured engines to which paragraph (1) applies.

The Senate bill contained a similar provision (sec. 829B) that would allow until December 31, 2022, the Secretary of Defense to award contracts to launch providers of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle. The provision would limit the total number of rocket engines designed or manufactured in the Russian Federation to not more than eighteen.

The Senate recedes with an amendment that would adopt the House language and prohibit the award of a contract requiring a rocket engine designed or manufactured in the Russian Federation after December 31, 2022.

Rocket propulsion system to replace RD–180 (sec. 1603)

The House amendment contained a provision (sec. 1601) that would modify section 1604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), as amended by section 1606 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Plan for use of allied launch vehicles (sec. 1604)

The Senate bill contained a provision (sec. 1602) that would require the Commander of the Air Force Space Command to develop a contingency plan for using allied space launch vehicles to meet assured access to space requirements should the Department of Defense not be able to meet those requirements, for a limited period of time, using only United States launch vehicles.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to coordinate the required plan with the Director of National Intelligence. The amendment would require the required plan assess the relevant laws, regulations, and policies governing the launch of national security satellites and whether any legislative, regulatory, or policy actions (including with respect to waivers) would be necessary to allow for the launch of a national security satellite on an allied launch vehicle. The amendment also requires an assessment of the certification requirements for using allied launch vehicles pursuant to the plan and the estimated cost, schedule, and actions that would be necessary to certify allied launch vehicles.

The conferees note that the term “allied launch vehicle” explicitly prohibits the consideration of space launch vehicles from Russia, China, Iran, and North Korea.

The conferees expect that the Secretary and Director take into consideration the findings of the related study of options for a backup plan for assured access to space as identified in the Fiscal Year 2016 National Defense Authorization Act Joint Explanatory Statement.

Analysis of alternatives for wide-band communications (sec. 1605)

The House amendment contained a provision (sec. 1603) that would amend section 1611 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) by striking subsection (b) and would insert a requirement for the Secretary of Defense to develop study guidance for the analysis of alternatives for wide-band communications to consider the full range of military and commercial satellite communications capabilities, acquisition processes, and service delivery models. The provision would also require the Secretary to ensure that any cost assessments of military or commercial satellite communications systems include detailed full life cycle costs, as applicable, including but not limited to military personnel, military construction, military infrastructure operation, maintenance costs, and ground and user terminal impacts; and to also identify any considerations relating to the use of military versus commercial systems for wide-band satellite communications. The provision would also direct the Comptroller General of the United States to assess the sufficiency of the study.

The Senate bill contained a similar provision (sec. 1608) that would require the Comptroller General to assess the types of analyses the Department of Defense has conducted to understand the costs and benefits of the use of KA-band commercial satellite communications by the department.

The Senate recedes with an amendment that would combine the Senate and House provisions.

Modification to pilot program for acquisition of commercial satellite communications services (sec. 1606)

The Senate bill contained a provision (sec. 1601) that would amend section 1605 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) to prohibit the obligation or expenditure of any funding made available until the Secretary of Defense submits to the congressional defense committees a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability.

The House amendment contained a similar provision (sec. 1604) that would also amend section 1605 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), as amended by section 1612 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), by adding a requirement that in developing and carrying out the pilot program, the Secretary shall take actions to begin the implementation of each specified goal by not later than September 30, 2017.

The House recedes with an amendment that would merge the two provisions and prohibit the obligation or expenditure of 5 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the headquarters of Air Force Space Command until the Secretary of Defense submits a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability.

The conferees agree that the pilot program and pathfinders are separate but complementary efforts. The conferees direct the Secretary of Defense to provide a briefing to the Congressional Defense committees by December 1, 2016 on the status of the pilot program and pathfinder activities, including an implementation timeline and an identification of any implementation challenges and options to address them.

Space-based environmental monitoring (sec. 1607)

The House amendment contained a provision (sec. 1605) that would direct the Secretary of Defense and the Director of the National Oceanic and Atmospheric Administration (NOAA) to establish mechanisms to collaborate and coordinate in defining the roles and responsibilities of the Department of Defense and NOAA with regards to carrying out space-based environmental monitoring and planning for future non-governmental space-based environmental monitoring capabilities.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

The conferees note that this is not an authorization for a joint satellite program of the Department of Defense and NOAA.

Prohibition on use of certain non-allied positioning, navigation, and timing systems (sec. 1608)

The House amendment contained a provision (sec. 1606) that would require that, not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that the Armed Forces and each element of the Department of Defense do

not use a non-allied positioning, navigation, and timing system or a service provided by such a system. This requirement would sunset on September 30, 2018.

The provision would also provide that the Secretary of Defense may waive the prohibition if the Secretary determines it is in the national security interest of the United States and is necessary to mitigate exigent operational concerns, and notifies the appropriate congressional committees in writing and a period of 30 days has elapsed from the date of such notification.

The provision would further require the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence to submit to the congressional defense committees and the congressional intelligence committees not later than 120 days after the date of the enactment of this Act an assessment of the risks to national security and to the operations and plans of the Department of Defense from using a non-allied positioning, navigation, and timing system or service provided by such a system.

The Senate bill contained no similar provision.

The Senate recedes.

Limitation of availability of funds for the Joint Space Operations Center Mission System (sec. 1609)

The House amendment contained a provision (sec. 1607) that would limit 75 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for increment 3 of the Joint Space Operations Center Mission System program, until the Secretary of the Air Force, in coordination with the Commander of the U.S. Strategic Command, submits to the congressional defense committees a report on such increment.

The Senate bill contained a similar provision (sec. 1609) that would limit the use of funds for increment 3 of the Joint Space Operations Center Mission System until the Secretary of the Air Force submits to the congressional defense committees a report setting forth a strategy for acquiring a common software and hardware framework for battle management, communication, and control.

The Senate recedes with an amendment that would combine the conditions of both provisions into one reporting requirement.

The conferees do not expect to restrict the study activities to develop the plan for the JMS increment 3 space battle management, communications, and control.

Limitation on availability of funds for the Global Positioning System Next Generation Operational Control System (sec. 1610)

The Senate bill contained a provision (sec. 1610) that would restrict the obligation or expenditure of amounts authorized to be appropriated for fiscal year 2017 and available for the current product development contract for the Global Positioning System Next Generation Operational Control System (GPS-OCX) until the Secretary of Defense submits to Congress the certification required under section 2433a(c)(2), title 10, United States Code, commonly referred to as a Nunn-McCurdy certification.

The House amendment contained no similar provision.

The House recedes with an amendment that would impose spending limitations subject to certain certifications and briefings to Congress.

Availability of funds for certain secure voice conferencing capabilities (sec. 1611)

The Senate bill contained a provision (sec. 1612) that would authorize up to \$10.2 million in Air Force research, development, test, and evaluation funds from fiscal year 2015 or 2016 for the Presidential and National Voice Conferencing Program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

The conferees direct the Co-Chairmen of the Council on Oversight of the National Leadership Command, Control, and Communications System to provide a report to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, on the requirements and gaps, if any, for manpower to operate and sustain and to modernize the national leadership communications system. Such report shall detail the requirements and gaps, if any, by each agency comprising the national leadership communications system; the plan to close those gaps including through the use of existing hiring and retention authorities; the related estimated costs of such plan; the requirements and gaps broken down by job activity and geographic region. The report required should explicitly detail any recommendations or requirements for new hiring and retention authorities that may be required to assist the Department in closing any gaps identified by the Council. The co-chairmen of the Council shall provide a briefing to the congressional defense committees on their preliminary findings and recommendations not later than 90 days after the date of the enactment of this Act.

Space-based infrared system and advanced extremely high frequency program (sec. 1612)

The House amendment contained a provision (sec. 1608) that would restrict the Secretary of Defense from developing or acquiring an alternative to the space-based infrared system program of record, as well as developing or acquiring an alternative to the advanced extremely high frequency program of record, until the Commander of U.S. Strategic Command and the Director of the Space Security and Defense Program, in coordination with the Defense Intelligence Officer for Science and Technology of the Defense Intelligence Agency, jointly submit an assessment to the appropriate congressional committees of the resilience and mission assurance of each alternative considered for the respective programs.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Pilot program on commercial weather data (sec. 1613)

The House amendment contained a provision (sec. 1610) that would direct the Secretary of Defense to establish a pilot program

to assess the viability of commercial satellite weather data to support requirements of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Plans on transfer of acquisition and funding authority of certain weather missions to National Reconnaissance Office (sec. 1614)

The House amendment contained a provision (sec. 1609) that would limit 50 percent of the funding for the weather satellite follow-on program until the Secretary of the Air Force submits to the appropriate committees a plan for the Air Force to transfer, beginning with fiscal year 2018, the acquisition authority and the funding authority for certain space-based environmental monitoring missions from the Air Force to the National Reconnaissance Office (NRO), including a description of the amount of funds that would be necessary to be transferred from the Air Force to the NRO during fiscal years 2018 through 2022 to carry out such plan.

The provision would direct the Director of the NRO to develop a plan to carry out certain space-based environmental monitoring missions. The provision would also require the Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of the Cost Assessment and Program Evaluation of the Office of the Secretary of Defense, to certify the funding identified by the Secretary of the Air Force and the Director of the NRO is sufficient.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of the Air Force and the Director of the NRO to waive the limitation and requirement for a plan if the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chairman of the Joint Chiefs of Staff jointly certify that the Secretary of the Air Force is carrying out a formal acquisition program that has received milestone A approval to address the cloud characterization and theater weather imagery requirements of the Department of Defense.

Five-year plan for Joint Interagency Combined Space Operations Center (sec. 1615)

The Senate bill contained a provision (sec. 1604) that would require the Secretary of Defense to submit a 5-year plan for the Joint Interagency Combined Space Operations Center.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to coordinate the required plan with the Director of National Intelligence. The amendment would also require that the plan be provided to the appropriate congressional committees within 90 days and that it include a description of the command and control of the related operations of the Joint Interagency Combined Space Operations Center.

Organization and management of national security space activities of the Department of Defense (sec. 1616)

The House amendment contained a provision (sec. 1611) that would state findings and the sense of Congress on the organization

and management of the national security space activities of the Department of Defense. The provision would also direct the Secretary of Defense and the Director of the Office of Management and Budget to each separately submit a report to the appropriate committees not later than 180 days after the date of the enactment of this Act on the recommendations to strengthen the leadership, management, and organization of the Department of Defense with respect to the national security space activities of the Department.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the reports required address the findings covered in the report of the Comptroller General of the United States numbered GAO-16-592R regarding space acquisition and oversight of the Department of Defense.

Review of charter of Operationally Responsive Space Program Office (sec. 1617)

The House amendment contained a provision (sec. 1612) that would direct the Secretary of Defense to conduct a review of the Operationally Responsive Space Program Office and submit a report to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

The Senate bill contained no similar provision.

The Senate recedes.

Backup and complementary positioning, navigation, and timing capabilities of Global Positioning System (sec. 1618)

The House amendment contained a provision (sec. 1613) that would direct the Secretary of Defense, Secretary of Transportation, and Secretary of Homeland Security to jointly conduct a study to assess and identify the technology-neutral requirements to backup and complement the positioning, navigation, and timing (PNT) capabilities of the Global Positioning System for national security and critical infrastructure. The provision would also direct the Secretary of Defense, Secretary of Transportation, and Secretary of Homeland Security to submit a report to the appropriate congressional committees not later than 1 year after the date of the enactment of this Act on the study.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand upon the analysis of alternative requirements.

The conferees assert that each Department should only fund activities which meet their own respective requirements.

Report on use of spacecraft assets of the space-based infrared system wide-field-of-view program (sec. 1619)

The House amendment contained a provision (sec. 1614) that would direct the Secretary of Defense, in coordination with the Director of National Intelligence, to submit a report on the feasibility of using available spacecraft assets of the space-based infrared system wide-field-of-view program to satisfy other mission requirements of the Department of Defense or the intelligence community.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Provision of certain information to Government Accountability Office by National Reconnaissance Office (sec. 1620)

The Senate bill contained a provision (sec. 1606) that would require the Comptroller General of the United States to conduct an assessment, for calendar year 2017 and each calendar year thereafter, of the cost, schedule, and performance of each program of the National Reconnaissance Office (NRO) for developing, acquiring, launching, and deploying satellites or overhead reconnaissance systems that receive funding from the Military Intelligence Program or is supported by personnel of the Department of Defense. The provision would also direct the director of the NRO to provide the Comptroller General access, in a timely manner, to the information the Comptroller General requires to conduct the assessment.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Director of the NRO provide access to the Comptroller General of the United States, in a timely manner, to the cost, schedule, and performance information the Comptroller General requires to conduct assessments, as required by any of the appropriate congressional committees, of programs of the NRO.

The conferees note that the committees of jurisdiction recognize the unique security requirements associated with classified and compartmented programs and activities. Access by the Comptroller General to such programs of the NRO will be carefully reviewed, similar to the manner of such access to such programs of the Department of Defense. Such access will be considered by the committees on a case-by-case basis.

Cost-benefit analysis of commercial use of excess ballistic missile solid rocket motors (sec. 1621)

The Senate bill contained a provision (sec. 1607) that would require the Comptroller General of the United States to conduct an analysis of the cost and benefits of allowing the use of excess ballistic missile solid rocket motors for commercial space launch purposes. The analysis would include an evaluation of the effect of allowing such use on national security, the Department of Defense, the solid rocket motor industrial base, the commercial space launch market, and any other areas the Comptroller General considers appropriate.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to provide an interim briefing on March 17, 2017 and a final briefing not later than 180 days after the date of enactment of this Act.

Independent assessment of Global Positioning System Next Generation Operational Control System (sec. 1622)

The Senate bill contained a provision (sec. 1605) that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center to review the acquisition strategy for the Next Generation Operational Control System for the Global Positioning System.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, not later than 60 days after the date of the enactment of this act, to enter into an arrangement with a federally funded research and development center, or other appropriate independent entity to review the acquisition strategy for the Next Generation Operational Control System for the Global Positioning System. The amendment would also add a requirement that the independent assessment evaluate the ability of alternative systems to satisfy the requirements of the Department of Defense.

Subtitle B—Defense Intelligence and Intelligence-Related Activities
Report on United States Central Command Intelligence Fusion Center (sec. 1631)

The House amendment contained a provision (sec. 1622) that would limit funding until the Commander of the United States Central Command submits to the appropriate committees reports on the steps taken by the Commander to formalize and disseminate procedures for the Intelligence Fusion Center of the United States Central Command and on the steps taken by the Commander to address the findings of the final report of the Inspector General of the Department of Defense (IG).

The Senate bill contained no similar provision.

The Senate recedes with an amendment to remove the funding limitations and the requirement to provide a report on the findings of the final report of the Inspector General of the Department of Defense.

The conferees urge the Inspector General of the Department of Defense to finalize its investigation into the Directorate for Intelligence at United States Central Command and, if related allegations are substantiated, provide recommendations on any corrective measures that should be undertaken. The conferees also direct the Secretary of Defense to provide the appropriate congressional committees a briefing on the Department's views of the final IG report within 60 days of the report's completion.

Prohibition on availability of funds for certain relocation activities for NATO Intelligence Fusion Cell (sec. 1632)

The House amendment contained a provision (sec. 1623) that would limit 15 percent of the increase in spending for manpower for the Joint Intelligence Analysis Complex until the Secretary of Defense provides a revised analysis of alternatives to the congressional defense committees and the Permanent Select Committee on Intelligence of the House of Representatives for the basing of a new complex. The new analysis should be based on operational requirements and costs and informed by the findings of the report of the Comptroller General of the United States on the Joint Intelligence Analysis Complex cost estimating and basing decision process.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance to be obligated or expended for the procurement of certain supplies and equipment for the relocation of the NATO Intelligence Fusion Cell

(NIFC) to Royal Air Force Base Croughton, United Kingdom, and would also require the Secretary of Defense in coordination with the Director of National Intelligence to submit a report on the requirements and costs associated with such a relocation.

Survey and review of Defense Intelligence Enterprise (sec. 1633)

The Senate bill contained a provision (sec. 1671) that would require the Chairman of the Joint Chiefs of Staff to conduct a review of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise to meet present and future defense intelligence requirements and to report to appropriate congressional committees.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle C—Cyberspace-Related Matters

Special emergency procurement authority to facilitate the defense against or recovery from a cyber attack (sec. 1641)

The House amendment contained a provision (sec. 1631) that would modify the current special procurement authority in section 1903(a)(2) of title 41, United States Code, to include use of such authority for recovery from or defense against cyber attacks.

The Senate bill contained a similar provision (sec. 829C) to provide special emergency procurement authority in title 10, United States Code.

The Senate recedes.

Limitation on termination of dual-hat arrangement for Command of the United States Cyber Command (sec. 1642)

The Senate bill contained a provision (sec. 1633) that would express the sense of Congress that the arrangement (commonly referred to as a “dual-hat arrangement”) under which the Commander of the United States Cyber Command (CYBERCOM) also serves as the Director of the National Security Agency is in the national security interests of the United States. The provision would also prohibit the Secretary of Defense from taking action to end the “dual-hat arrangement” until the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that ending that arrangement will not pose unacceptable risks to the military effectiveness of CYBERCOM. The provision would also require the establishment of conditions-based criteria for assessing the need to sustain the “dual-hat arrangement.”

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Cyber mission forces matters (sec. 1643)

The Senate bill contained a provision (sec. 1632) that would provide interim authorities to the Secretary of Defense to enhance the Department’s ability to hire and retain civilian personnel with the high-level of skill and aptitude necessary to provide critical

technical support to the Cyber Mission Teams that are now nearing full operational capability. The provision also would direct the Principal Cyber Advisor to (1) supervise the development of training standards and capacity to train civilian cyber personnel to develop tools and weapons for the Cyber Mission Forces and (2) ensure that sufficient priority exists for the timely completion of security clearance investigations and adjudications for such personnel.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Requirement to enter into agreements relating to use of cyber opposition forces (sec. 1644)

The House amendment contained a provision (sec. 1633) that would require the Secretary of Defense to enter into agreements with each combatant command relating to the use of cyber opposition forces by September 30, 2017. This section would also require the development of a joint certification and training standard for cyber opposition forces by March 31, 2017.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would include an additional requirement for the Secretary of Defense to issue a joint training and certification standard by June 30, 2017 for the protection of control systems for use by all cyber operations forces within the Department of Defense.

Cyber protection support for Department of Defense personnel in positions highly vulnerable to cyber attack (sec. 1645)

The Senate bill contained a provision (sec. 1631) that would authorize the Secretary of Defense to provide cyber protection support to personnel who are determined by the Secretary to be of highest risk of vulnerability to cyber attacks on their personal devices, networks, and persons.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that the providing of cyber protection support is at the discretion of the Secretary of Defense and that nothing in the provision should be construed to encourage personnel of the Department of Defense to use personal technology devices for official business or to authorize cyber protection team support for senior Department personnel using personal devices and networks in an official capacity.

Limitation on full deployment of joint regional security stacks (sec. 1646)

The House amendment contained a provision (sec. 1634) that would limit the amount of authorized funds available to be obligated or expended in fiscal year 2017 for cryptographic systems and key management infrastructure until the Secretary of Defense, in coordination with the Director of the National Security Agency, provides a report on the integration of the cryptographic modernization and key management infrastructure programs of the military departments, including a description of how the military departments have implemented stronger leadership, increased integration, and reduced redundancy with respect to such modernization and programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit any Department of Defense service or agency from declaring full operational capability for deployment of joint regional security stacks until such time as the service or agency has completed operational test and evaluation activities to determine the effectiveness, suitability, and survivability of the system. The provision would allow this requirement to be waived under certain circumstances.

The conferees direct the Department of Defense to provide a briefing to the Armed Services Committee of the Senate and House of Representatives, as well as the House Permanent Select Committee on Intelligence, no later than 60 days after the enactment of this Act, on the progress and activities of the Communications Security Review and Advisory Board. The conferees recognize the importance of cryptographic modernization and key management programs with the Department in providing critical encryption and communications security capabilities for the Department, and remain focused on ensuring such activities are coordinated and managed across the military services and Defense Agencies in a reasonable manner. The conferees encourage the Department to strengthen mechanisms like the Communications Security Review and Advisory Board in order to maintain oversight across the Department and deliver those capabilities in a timely and cost effective manner.

Advisory committee on industrial security and industrial base policy (sec. 1647)

The House amendment contained a provision (sec. 1637) that would require the Secretary of Defense to: (1) assess the sufficiency of the Department of Defense's regulatory mechanisms for secure defense information held by cleared defense contractors to determine whether there are any gaps that may undermine the protection of such information; and (2) prescribe regulations to improve security of such information.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would establish an advisory committee to review, assess, and make recommendations with respect to industrial security and industrial base policy. The committee should meet at least annually until its termination on September 30, 2022.

Change in name of National Defense University's Information Resources Management College to College of Information and Cyberspace (sec. 1648)

The House amendment contained a provision (sec. 1632) that would modify section 2165 of title 10, United States Code, to change the name of the Information Resources Management College to the College of Information and Cyberspace.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Evaluation of cyber vulnerabilities of F-35 aircraft and support systems (sec. 1649)

The Senate bill contained a provision (sec. 1635) that would modify a provision from the National Defense Authorization Act for

Fiscal Year 2016 (Public Law 114–92), requiring the Secretary of Defense to evaluate the cyber vulnerabilities of every major Department of Defense weapons system by not later than December 31, 2019. The provision would do so by requiring that a complete evaluation of the F–35 aircraft and its support systems, such as the Autonomic Logistics Information System, be completed before February 1, 2017. The provision would require the Secretary of Defense to submit a report on the F–35 cyber vulnerability evaluation to the congressional defense committees no later than February 28, 2017. The provision would also allow for funding to be used for the development of tools that improve cyber vulnerability assessments, non-recurring engineering for the design of mitigation solutions, and Department-wide information repositories to share assessment findings and mitigation solutions.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the evaluation of cyber vulnerabilities of the F–35 and support systems not later than 120 days after the date of enactment of this act. The amendment would also require the report on the evaluation completed to be submitted to the congressional defense committees not later than 180 days after the date of enactment.

Evaluation of cyber vulnerabilities of Department of Defense critical infrastructure (sec. 1650)

The Senate bill contained a provision (sec. 1637) that would require the Secretary of Defense to evaluate the cyber vulnerabilities of Department of Defense critical infrastructure by not later than December 31, 2020.

The Senate bill also contained a provision (sec. 1634) that would authorize the Secretary of Defense to carry out a Pilot program on application of consequence-driven, cyber-informed engineering to mitigate against cyber-security threats.

The House amendment contained no similar provision.

The House recedes with an amendment that would combine the two Senate provisions.

Strategy to incorporate Army reserve component cyber protection teams into Department of Defense cyber mission force (sec. 1651)

The House amendment contained a provision (sec. 1639) that would require the Secretary of the Army to provide a briefing on a strategy for incorporating Army National Guard protection teams into the cyber mission force of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand the scope of the strategy to include both the Army National Guard and the other reserve components of the Army.

Strategic plan for the Defense Information Systems Agency (sec. 1652)

The Senate bill contained a provision (sec. 1636) that would require the Director of the Defense Information Systems Agency (DISA) to develop a technology strategy.

The House amendment contained no similar provision.

The House recedes with an amendment that requires the Director of DISA to develop a strategic plan that reviews the requirements and missions of the agency, and assesses the adequacy of the technology strategy, workforce, and facilities to meet those requirements.

The conferees note that the Secretary of Defense is making efforts to increase the department's use of and exposure to innovative commercial information technologies and increase outreach to innovative small businesses in locations including Silicon Valley. Many of the technologies and systems of interest are within the mission area of DISA.

However, the conferees note with acute concern that at the same time this trend is occurring to seek out and exploit new commercial innovation, DISA appears to be reducing its support for research and technology innovation, and has limited connectivity and coordination with other science and technology activities of the Department of Defense. The conferees believe that for a technology organization to eliminate its funding for flexible exploration of new technology is short-sighted and detrimental to the long term health of the organization. The conferees are concerned that DISA has not adequately linked its research and technology needs in a way to support the overall missions of the Agency, which has repercussions on the workforce it is able to attract, and the quality of support it is able to provide the warfighter. To use one example, the conferees believe that such behavior has impacted the ability of the Agency to fully realize the benefits, as well as the operational challenges and potentialities of emerging technologies like cloud and mobile computing, cyber defense and big data analytics. That impacts interactions with industry, but the conferees also believe that DISA has not adequately leveraged potential relationships with DOD labs and other innovative research activities. The conferees believe that through the process of developing a regular strategic plan, the Director of DISA should be taking the opportunity to develop closer coordination with appropriate research and development organizations in the Office of the Secretary of Defense and the Military Services to improve DISA's innovative capacity, strengthen its R&D programs, and improve DOD's ability to adopt the best commercial and other information technologies to support defense missions.

Plan for information security continuous monitoring capability and comply-to-connect policy; limitation on software licensing (sec. 1653)

The Senate bill contained a provision (sec. 1638) that would require the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command, in coordination with the Principal Cyber Adviser, to jointly develop a plan for a modernized, enterprise-wide information security continuous monitoring capability and a comply-to-connect policy.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Reports on deterrence of adversaries in cyberspace (sec. 1654)

The Senate bill contained a provision (sec. 1639) that would require the Secretary of Defense to submit a report to the congressional defense committees specifying in detail the authorities that have been delegated by the President to the Secretary for conducting cyber operations. The report would require the Secretary to detail the standing authorities and limitations that authorize or limit the Secretary in conducting cyber operations and how those authorities compare to the authorities delegated to the Secretary for activities in non-cyber domains.

The Senate bill also contained a provision (sec. 1640) that would require the Chairman of the Joint Chiefs of Staff to submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States to deter Russia, China, Iran, North Korea, and terrorist organizations in cyberspace. The provision would require the report to include an assessment of the effectiveness of the deterrence options available. It also would require the Chairman provide an integrated priorities list of cyber deterrence capabilities of the Department of Defense that identify, at a minimum, high priority capability needs prioritized across armed forces and functional lines, risk areas, and long-term strategic planning issues. The provision would also require within 60 days of receiving the report from the Chairman of the Joint Chiefs of Staff, that the President submit to the congressional defense committees a separate report identifying when an action carried out in cyberspace constitutes an act of war against the United States. The report would include (1) identification of what actions carried out in cyberspace constitute an act of war against the United States; (2) identification of how the law of war applies to the cyber operations of the Department of Defense; (3) identification of the circumstances required for responding to a cyber attack against the United States; and (4) a declaratory policy on the use of cyber weapons by the United States.

The House amendment contained a related provision (sec. 1636) that would require the Secretary of Defense submit a report to the congressional defense committees on the policies, doctrine, procedures, and authorities governing Department of Defense activities in response to malicious cyber activities carried out against the United States or United States persons by foreign states or non-state actors.

The House recedes with an amendment that would combine the three related provisions.

The conferees note that in preparing the report required by the provision the President shall consider (1) what severity of cyber attack would elicit a military response; (2) The ways in which the effects of a cyber attack may be equivalent to effects of an attack using conventional kinetic weapons, including with respect to physical destruction or casualties; (3) intangible effects of significant scope, intensity, or duration; and (4) how the law of neutrality applies, how the utilization or exploitation of communications infrastructure in neutral States applies, and what limitations, if any, apply in exercising the right of the United States to act in self-defense through a cyber-operation.

Sense of Congress on cyber resiliency of the networks and communications systems of the National Guard (sec. 1655)

The House amendment contained a provision (sec. 1638) that would assert the sense of Congress concerning cyber resiliency of the networks and communications systems of the National Guard.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that encourages the National Guard to budget within National Guard resources.

Subtitle D—Nuclear Forces

Improvements to Council on Oversight of National Leadership Command, Control, and Communications System (sec. 1661)

The Senate bill contained a provision (sec. 1652) that would modify an existing report and add an assessment of the readiness of the command, control, and communications system for the national leadership of the United States.

The House amendment contained a similar provision (sec. 1641) that would require a report on space architecture development and limits funding to make changes to the command, control, and communications system in a manner that reduces warning time provided to the national leadership of the United States with respect to a warning of a strategic missile attack on the United States.

The conference agreement includes both the House and Senate provisions.

The General Accountability Office (GAO) in its report titled *Nuclear Command, Control, and Communications: DOD Has Taken Steps to Address Sustainment and Maintenance Challenges for Critical Satellite Systems but Could Better Identify Risks and Mitigation Actions*, GAO-16-370C (May 26, 2016). In that report the GAO highlighted a number of concerns regarding critical satellite systems used for nuclear command, control, and communications and recommended the Department of Defense take action to improve the identification of risks and mitigation actions. DOD, in its official response to GAO's report, disagreed with GAO's recommendation. The department stated that it understood the concerns that GAO raised in respect to risks to these systems, but stated that DOD has a strong governance and oversight structure. The department asserted that it believes the actions taken to date address risk at an acceptable level with the transition of these satellite systems to their replacement systems.

Given the concerns raised by the GAO in its report, the conferees direct the Council on Oversight of the National Leadership Command, Control, and Communications System to provide a written assessment to the congressional defense committees that details (1) the actions the department has taken to identify the risks associated with the transition of these critical satellite systems, (2) information about the department's evaluation of the acceptability of each of the identified risks, and (3) information regarding actions the department has identified to mitigate these risks. The committee directs the Council to provide its written assessment to the congressional defense committees no later than February 28, 2017.

Treatment of certain sensitive information by State and local governments (sec. 1662)

The Senate bill contained a provision (sec. 1055) that would authorize the Secretary of Defense to designate information as being Department of Defense critical infrastructure security information to ensure that such information is not disseminated without authorization.

The House amendment contained a similar provision (sec. 1642).

House recedes with technical and conforming amendments.

Procurement authority for certain parts of intercontinental ballistic missile fuzes (sec. 1663)

The Senate bill contained a provision (sec. 1651) that would give the Department of Defense the authority to buy intercontinental ballistic missile fuze parts.

The House amendment contained an identical provision (sec. 1643).

The conference agreement includes this provision.

Prohibition on availability of funds for mobile variant of ground-based strategic deterrent missile (sec. 1664)

The House amendment contained a provision (sec. 1644) that would prohibit funds authorized to be appropriated to retain the option for, or develop, a mobile variant of the ground-based strategic deterrent missile.

The Senate bill contained no similar provision.

The Senate recedes.

Limitation on availability of funds for extension of New START Treaty (sec. 1665)

The House amendment contained a provision (sec. 1645) that would limit authorized funds to be appropriated for the Department of Defense to extend the New Start Treaty under certain circumstances.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the reporting period from 180 days to 120 days following the submission of both the report required by the provision and the National Intelligence Estimate.

Certifications regarding integrated tactical warning and attack assessment mission of the Air Force (sec. 1666)

The House amendment contained a provision (sec. 1646) that would require the Secretary of the Air Force to consolidate under a major command, commanded by a single general officer, the responsibility, authority, accountability, and resources for carrying out the nuclear command, control, and communications functions of the Air Force by March 31, 2017. This consolidation would be required to include, at a minimum, all terrestrial and aerial components of the nuclear command and control system that are survivable and endurable, as well as all terrestrial and aerial components of the integrated tactical warning and attack assessment (ITW/AA) system that are survivable and endurable.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require that, not later than March 31, 2017 and each year through 2020, the Commander of the U.S. Strategic Command certify to the Secretary of Defense and the congressional defense committees that the Air Force is organized, staffed, trained and equipped to carry out the portions of the ITW/AA system assigned to the Air Force that are survivable and endurable. The Commander would further be required to certify that the programs and plans of the Air Force for sustaining, modernizing, training and exercising capabilities relating to such missions are sufficient for mission success. If the Commander of the U.S. Strategic Command does not make such a certification, the Secretary of the Air Force would be required to immediately consolidate the terrestrial and aerial components of the ITW/AA system that are survivable and enduring under the Air Force Global Strike Command. The amendment also contains a rule of construction that this section may not be construed to affect any responsibilities relating to the ITW/AA system in effect on the date of enactment of this Act pursuant to certain agreements between the United States and Canada.

Matters relating to intercontinental ballistic missiles (sec. 1667)

The House amendment contained a provision (sec. 1649A) that would state the policy of the United States to maintain and modernize a responsive and alert intercontinental ballistic missile force and prohibit (1) funding for reducing the responsiveness or alert level of the intercontinental ballistic missiles of the United States and (2) reducing the quantity of deployed intercontinental ballistic missiles of the United States to less than 400.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would drop the policy statement and add an element on cost to the reporting requirement.

Requests for forces to meet security requirements for land-based nuclear forces (sec. 1668)

The Senate bill contained a provision (sec. 1655) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to decide if the land-based missile fields using UH-1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements.

The House amendment contained a similar provision (sec. 1649) that would require the Chairman of the Joint Chiefs of Staff to certify to the congressional defense committees that the Chairman has approved any requests for forces of a commander of a combatant command to meet the security requirements of land-based nuclear forces.

The Senate recedes with an amendment that would combine the two provisions while eliminating the certification required under the House provision. The provision includes a restriction of 25 percent on travel and representational expenses of the Under Secretary of Defense for Acquisition, Technology, and Logistics until the Under Secretary certifies that there is an acquisition

process in place to ensure that a UH-IN replacement aircraft is under contract in fiscal year 2018.

Report on Russian and Chinese political and military leadership survivability, command and control, and continuity of government programs and activities (sec. 1669)

The House amendment contained a provision (sec. 1647) that would require the Director of National Intelligence to submit to the appropriate congressional committees, a report on the leadership survivability, command and control, and continuity of government programs and activities with respect to the People's Republic of China and the Russian Federation.

The Senate bill contained no similar provision.

The Senate recesses.

Review by the Comptroller General of the United States of recommendations relating to nuclear enterprise of Department of Defense (sec. 1670)

The Senate bill contained a provision (sec. 1653) that would require the Comptroller General to review the Department of Defense's nuclear enterprise review process to ascertain whether recommendations are adequately being implemented.

The House amendment contained no similar provision.

The House recesses.

Sense of Congress on nuclear deterrence (sec. 1671)

The Senate bill contained a provision (sec. 1654) that would state the sense of Congress that the nuclear forces of the United States continue to play a fundamental role in deterring aggression against the interests of the United States and its allies. It also states that the prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary.

The House amendment contained no similar provision.

The House recesses with an amendment that would update the provision to take into account the July 2016 NATO Warsaw Summit communique.

Sense of Congress on importance of independent nuclear deterrent of United Kingdom (sec. 1672)

The House amendment contained a provision (sec. 1648) that would express the sense of Congress that the United States believes that the independent nuclear deterrent and decision-making of the United Kingdom provides a crucial contribution to international stability, the North Atlantic Treaty Organization alliance, and the national security of the United States.

The Senate bill contained no similar provision.

The Senate recesses.

Subtitle E—Missile Defense Programs

National missile defense policy (sec. 1681)

The Senate bill contained a provision (sec. 1665) that would remove the word “limited” from Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note).

The House amendment contained a similar provision (sec. 1665) that would replace the National Missile Defense Act of 1999 with new policy language to the effect that the United States should maintain and improve a robust layered missile defense system capable of defending the territory of the United States and its allies against the developing and increasingly complex ballistic missile threat.

The Senate recedes with an amendment that would add to the House provision language making it clear that the United States should deploy effective missile defense systems.

The conferees note, nothing in this legislative provision requires or directs the development of missile defenses against any country or its strategic nuclear forces.

Extensions of prohibitions relating to missile defense information and systems (sec. 1682)

The Senate bill contained a provision (sec. 1666) that would extend prohibitions relating to missile defense information and systems as described in section 130h(d) of title 10, United States Code, to 2018.

The House amendment contained a provision (sec. 1651) that would prohibit funds to integrate a missile defense system of the Russian Federation or a missile defense system of the People’s Republic of China into any missile defense system of the United States, and which would extend this prohibition, and a prohibition on sharing certain missile defense information with Russia, to 2027.

The Senate recedes with an amendment that would extend the current prohibitions by two years to January 1, 2019.

Non-terrestrial missile defense intercept and defeat capability for the ballistic missile defense system (sec. 1683)

The Senate bill contained a provision (sec. 1663) that would amend section 1685 of the National Defense Authorization Act for Fiscal Year 2016 by adding at the end a new subsection stating that no later than 60 days after the submittal of the report required, the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described.

The House amendment contained a similar provision (sec. 1656) that would require the Director of the Missile Defense Agency to commence the planning for concept definition, design, research, development, engineering evaluation, and test of a space-based ballistic missile intercept and defeat layer to the ballistic missile defense system, including with respect to a space test bed for a missile interceptor capability, and submit a detailed budget and development plan for these activities with the budget of the president submitted for fiscal year 2018.

The House recedes.

The conferees note that while the United States enjoys a measure of protection against ballistic missiles of all ranges, the ballistic missile threat—including to the U.S. homeland—continues to grow. The 2010 Ballistic Missile Defense Review noted, “It is difficult to predict precisely how the threat to the U.S. homeland will evolve, but it is certain that it will do so.” The conferees agree and received testimony that the threat from ballistic missiles has continued to grow in numbers and in range and countermeasures, making missiles more complex, survivable, reliable, and accurate.

Likewise, the conferees observe that United States space assets are under increasing threat. Director of National Intelligence, James Clapper, testified before the Senate Armed Services Committee on February 9, 2016 that “Threats to our use of military, civil, and commercial space systems will increase in the next few years as Russia and China progress in developing counterspace weapon systems to deny, degrade, or disrupt U.S. space systems.” And that “Russia and China continue to pursue weapons systems capable of destroying satellites on orbit, placing U.S. satellites at greater risk in the next few years. China has probably made progress on the antisatellite missile system that it tested in July 2014.”

All of this is to suggest that the United States cannot stop exploring new and more effective means for protecting our homeland and forces against ballistic missile threats and for guarding our critical civilian and military space assets. This provision encourages the Department of Defense to examine the feasibility of defeating such threats with a new generation of missile defense capabilities based in space.

Review of the missile defeat policy and strategy of the United States (sec. 1684)

The Senate bill contained a provision (sec. 1664) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a review of the strategy, programs and capabilities to counter cruise and ballistic missiles prior to launch using the full range of active, passive, kinetic, and non-kinetic defense measures.

The House amendment contained a provision (sec. 1652) that required the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a new review of the missile defeat capability, policy, and strategy of the United States with respect to left and right of launch ballistic missile defense, for both regional and homeland missile defense, incorporating the full range of active, passive, kinetic and non-kinetic defense measures, and integrating offensive and defensive forces for the defeat of ballistic and cruise missiles.

The House amendment also contained a provision (sec. 1662) that required the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to submit to the congressional defense committees the classified and unclassified declaratory policy of the United States regarding the use of the left-of-launch capability of the United States and how the Secretary and Chairman intend to ensure such capability is a deterrent to attacks by adversaries.

The Senate recedes with an amendment that combines the three provisions into a single provision with technical changes to the former House provision (sec. 1652). The new provision reduces the prohibition on acquisition changes to the Missile Defense Agency to two years, rather than the indefinite period included in the original House provision.

Maximizing Aegis Ashore capability and developing medium range discrimination radar (sec. 1685)

The House amendment contained a provision (sec. 1654) that would require the Secretary of Defense to conduct a complete evaluation of the optimal anti-air warfare capability for each current Aegis Ashore site and as part of any future deployment by the United States of an Aegis Ashore site. The provision also required the Director of the Missile Defense Agency to notify Congress whether the preferred location for fielding a medium range ballistic missile defense radar for the defense of Hawaii would require an updated environmental impact statement. The Department would also be required to conduct an assessment of the ballistic and air threat against Hawaii and the efficacy of making the Aegis Ashore site at the Pacific Missile Range Facility operational and deploying the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to continue the development, procurement, and deployment of anti-air warfare capabilities at each Aegis Ashore site in Romania and Poland.

The provision also requires the Director of the Missile Defense Agency, if he determines that an updated environmental impact statement is required for fielding a medium range ballistic missile defense sensor for the defense of Hawaii, to commence such action not later than 60 days after the date of notification.

With respect to the requirement for an evaluation of the ballistic and air threat to Hawaii and the efficacy of various defensive measures, the conferees note that the Department has already submitted reports addressing the various alternatives and therefore expect the Department only to provide an update.

Technical authority for integrated air and missile defense activities and programs (sec. 1686)

The House amendment contained a provision (sec. 1655) that would allow the Director of the Missile Defense Agency to seek to have staff detailed to the Missile Defense Agency from the Joint Functional Component Command for Integrated Missile Defense and the Joint Integrated Air and Missile Defense Organization in a number the Director determines necessary.

The Senate bill contained no similar provision.

The Senate recedes.

Hypersonic defense capability development (sec. 1687)

The House amendment contained a provision (sec. 1657) that would require the Director of the Missile Defense Agency to establish a program of record in the ballistic missile defense system to

develop and field a defensive system to defeat hypersonic boost-glide and maneuvering ballistic missiles. A limitation was placed on funding for certain headquarters operations in the Office of the Secretary of Defense until such a program of record is created. A report to Congress on the Missile Technology Control Regime (MTCR) was also required.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct that the Director of the Missile Defense Agency serve as the executive agent for the Department of Defense for the development of a capability to counter hypersonic boost-glide vehicle capabilities and conventional prompt global strike capabilities that may be employed against the U.S., its allies, and U.S. deployed forces, and establish a program of record for such capability not later than September 30, 2017. Reports to Congress must be provided on the architecture and sensors needed to detect hypersonic threats and on the military capabilities and capability gaps related to the threat posed by hypersonic boost-glide vehicles and maneuvering ballistic missiles. The limitation on funds and the MTCR report were removed.

Conventional Prompt Global Strike weapons system (sec. 1688)

The Senate bill contained a provision (sec. 1672) that would require the Secretary of Defense to make a Milestone A decision for Conventional Prompt Global Strike no later than September 30, 2020, or 8 months after the successful completion of the Intermediate Range Flight 2 test.

The House amendment contained a similar provision (sec. 1659) that would make no more than 75 percent of funds be obligated or expended for research, development, test, and evaluation, for the conventional prompt global strike until the Chairman of the Joint Chiefs of Staff submits to the congressional defense committees a report on warfighter requirements and whether the program schedule supports such requirements.

The Senate recedes with an amendment that would combine the two provisions, merging the Senate provision into the House amendment.

Required testing by Missile Defense Agency of ground-based mid-course defense element of ballistic missile defense system (sec. 1689)

The Senate bill contained a provision (sec. 1661) that would require the Director of the Missile Defense Agency to administer a flight test of the ground-based mid-course defense element of the ballistic missile defense system not less frequently than once each fiscal year and allows certain exceptions.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Iron Dome short-range rocket defense system and Israeli cooperative missile defense program codevelopment and coproduction (sec. 1690)

The Senate bill contained a provision (sec. 1662) that would authorize not more than \$42.0 million for the Missile Defense Agency to provide to the Government of Israel to procure Tamir

interceptors for the Iron Dome short-range rocket defense system through co-production of such interceptors in the United States, including certain conditions.

The House amendment contained a similar provision (sec. 1653) that would authorize not more than \$62.0 million for the Missile Defense Agency to provide to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through coproduction of such interceptors in the United States by industry of the United States, including certain conditions. The House provision would also authorize not more than \$150.0 million to procure the David's Sling weapon system and not more than \$120.0 million for the Arrow 3 Upper Tier interceptor program, including for coproduction of parts and components in the United States, subject to certain certifications.

The House recedes with an amendment that would combine the two provisions with certain technical corrections and clarifications. The certification concerning the requirement for a bilateral international agreement required by the provision may be waived if the Under Secretary certifies that the funds specified for the David's Sling weapon system and for the Arrow 3 Upper Tier interceptor program are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan and funding profile detailing Israeli contributions and if the long-lead procurement will be conducted in a manner that does not incur nonrecurring engineering activity or additional cost to United States suppliers. The agreement authorizes \$62.0 million to procure Tamir interceptors, the amount prescribed in the House amendment.

Limitations on availability of funds for lower-tier air and missile defense capability of the Army (sec. 1691)

The House amendment contained a provision that would limit the obligation or expenditure of fifty percent of the amount authorized to be appropriated in fiscal year 2017 for the Patriot Lower Tier Air and Missile Defense (LTAMDS) capability of the Army until certain conditions are met.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would reduce the limitation to twenty-five percent of the funds authorized to be appropriated for LTAMDS Research, Development, Test and Evaluation (RDT&E). The amendment would also amend the conditions the Department of Defense would need to meet to lift the limitation on funds.

The conferees note that the amended provision would not require either a Capabilities Development Document in 2017 or Low Rate Initial Production earlier than 2021, nor is it the conferees intent to mandate such actions.

The conferees agree on the vital importance of the expeditious fielding of a lower tier air and missile defense capability that meets the needs of our warfighters and seamlessly integrates with the nation's other deployed, or planned to be deployed, air and missile defense capabilities.

The conferees also note the Government Accountability Office's (GAO) recent report on the Army's strategy for modernizing the Pa-

triot missile defense system found that throughput limitations under the Army's current maintenance schedule present an elevated risk of equipment failure. The conferees are concerned that potential delays in modernizing Patriot systems, components, and software will amplify these risks as units continue to train, deploy, and operate legacy Patriot equipment at a high tempo over an extended period.

Therefore, the conferees direct GAO to assess the Army's Patriot maintenance and recapitalization plans to ensure that operational needs are met. As part of its assessment, the conferees direct the GAO to review whether Patriot units are undergoing sufficient maintenance in between deployments, and the extent to which the Army has identified and assessed options for increasing its maintenance throughput, including associated costs and impacts on Patriot training and operations. The GAO also should assess whether and how the Army plans to mitigate the risk of equipment failure should Patriot modernization efforts be delayed. The GAO shall complete its review and report to congressional defense committees at an agreed upon date.

Pilot program on loss of unclassified, controlled technical information (sec. 1692)

The House amendment contained a provision (sec. 1660) that would require the Director of the Missile Defense Agency to carry out a pilot program to implement improvements to the data protection options in the programs of the Missile Defense Agency, particularly with respect to unclassified, controlled technical information and controlled unclassified information.

The Senate bill contained no similar provision.

The Senate recedes.

Plan for procurement of medium-range discrimination radar to improve homeland missile defense (sec. 1693)

The House amendment contained a provision (sec. 1663) that would require the Director of the Missile Defense Agency to plan to procure a medium range discrimination radar or equivalent sensor to improve homeland missile defense of Hawaii, and to issue a request for proposals for the medium-range discrimination radar no later than October 1, 2017.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify that the Missile Defense Agency shall develop a plan to procure a medium-range discrimination radar or equivalent sensor to improve homeland missile defense for Hawaii and to field such radar or equivalent sensor by not later than December 31, 2021, and that the Director shall submit the plan to the congressional defense committees not later than 60 days after enactment.

Review of Missile Defense Agency budget submissions for ground-based midcourse defense and evaluation of alternative ground-based interceptor deployments (sec. 1694)

The House amendment contained a provision (sec. 1661) that would require the Director of Cost Assessment and Program Evaluation to submit to the congressional defense committees a report

on the modernization requirements for the ground-based midcourse defense system. The provision would also require the Commander of United States Northern Command to certify the level of funding for the ground-based midcourse defense system, and an evaluation of transportable ground-based interceptors by the Director of the Missile Defense Agency.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would strike the certification required by the Commander of United States Northern Command, and make it clear that the industrial base requirements required by the report be those requirements generally understood by the Missile Defense Agency.

Semiannual notifications on missile defense tests and costs (sec. 1695)

The House amendment contained a provision (sec. 1664) that would require the Director of the Missile Defense Agency to submit to the congressional defense committees a notification on certain matters related to each planned flight test, including intercept tests.

The Senate bill contained no similar provision.

The Senate recedes.

Reports on unfunded priorities of the Missile Defense Agency (sec. 1696)

The House amendment contained a provision (sec. 1067) that would require the inclusion of ballistic missile defense information in the annual reports on requirements of the combatant commanders and the prioritized capabilities list for ballistic missile defense developed by the commander of the United States Strategic Command.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the House provision with a requirement that not later than 10 days after the budget of the President for fiscal years 2018 and 2019 are submitted to Congress, the Director of the Missile Defense Agency shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the Missile Defense Agency.

Subtitle F—Other Matters

Protection of certain facilities and assets from unmanned aircraft (sec. 1697)

The House amendment contained a provision (sec. 1671) that would authorize the Secretary of Defense, and allow the Secretary to authorize the armed forces, to take actions that are necessary to mitigate the threat of an unmanned aircraft system or unmanned aircraft that poses an imminent threat to the safety or security of a covered facility or asset that is: (1) identified by the Secretary; (2) located in the United States; and (3) related to the nuclear deterrence mission of the Department of Defense (including nuclear command and control, integrated tactical warning and attack assessment, and continuity of government), the missile de-

fense mission of the Department; or the national security space mission of the Department.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary, notwithstanding title 18 of the United States Code, to take actions that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset. The amendment would also clarify the actions that would be authorized.

Harmful interference to Department of Defense Global Positioning System (sec. 1698)

The House amendment contained a provision (sec. 1673) that would amend the Federal Communications Commission (FCC) conditions on commercial terrestrial operations (47 U.S.C. 301 et seq.) by adding that the FCC shall not permit commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band until 90 days after the FCC resolves concerns of widespread harmful interference by such operations in such band to Department of Defense Global Positioning System (GPS) devices. The provision would also require the Secretary of Defense to conduct a review of harmful interference of Department of Defense GPS devices and to notify congress if the Secretary determines the existence of widespread harmful interference.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Availability of certain amounts to meet requirements in connection with United States policy on assured access to space

The Senate bill contained a provision (sec. 1611) that would allow for up to half of the funds made available for a replacement space launch propulsion system or new launch vehicle in fiscal years 2016, 2017, or any future fiscal year, be made available for meeting the requirements in connection with United States policy on assured access to space (section 2273(b), title 10, United States Code).

The House amendment contained no similar provision.

The Senate recedes.

Department of Defense-wide requirements for security clearances for military intelligence officers

The Senate bill contained a provision (sec. 1621) that would require the Secretary of Defense to ensure that each military intelligence officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity, has an active security clearance.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note with displeasure the recent situation in which an officer serving as the Deputy Chief of Naval Operations

for Information Warfare, N2/N6, Office of the Chief of Naval Operations, and Director of Naval Intelligence, was unable to fully perform the duties of the office to which he was appointed, with the advice and consent of the Senate, because his access to classified information was suspended. The conferees expect that in the future every officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity will have an active security clearance.

Limitation on availability of funds for intelligence management

The House amendment contained a provision (sec. 1621) that would limit the amount of authorized funds available to be obligated or expended for intelligence management until the Under Secretary of Defense for Intelligence provides a report to the appropriate congressional committees on counterintelligence activities described in the classified annex accompanying this Act.

The Senate bill contained no similar provision.

The House recedes.

Sense of Congress on initial operating capability of phase 2 of European Phased Adaptive Approach to missile defense

The House amendment contained a provision (sec. 1666) that would express the Sense of Congress that the United States is committed to the defense of deployed members of the Armed Forces of the United States and to the defense of the European allies of the United States by increasing the ballistic missile defense capability of the North Atlantic Treaty Organization.

The Senate bill contained no similar provision.

The conferees note that on July 9, 2016, the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw, Poland, issued the "Warsaw Summit Communiqué." In that document, the Heads of State and Government stated that:

"At our Summit in Chicago in 2012, we declared the achievement of an Interim NATO BMD Capability as an operationally significant first step. At the Wales Summit, we welcomed the forward deployment of BMD-capable Aegis ships to Rota, Spain that could be made available to NATO. Today a new milestone in the development of NATO BMD has been reached and we are pleased to declare the achievement of the NATO BMD Initial Operational Capability. This is a significant step toward the aim of NATO BMD that offers a stronger capability to defend our populations, territory, and forces across southern NATO Europe against a potential ballistic missile attack. The Aegis Ashore site in Deveselu, Romania represents a significant portion of this increase in capability, and the command and control (C2) of the Aegis Ashore site is being transferred to NATO. We also welcome that Turkey hosts a forward-based early-warning BMD radar at Kürecik and that Poland will be hosting an Aegis Ashore site at the Redzikowo military base. We are also pleased that additional voluntary national contributions have been offered by Allies, and we encourage further voluntary contributions, all of which will add robustness to the capability."

The Communiqué further stated that, "NATO missile defence is not directed against Russia and will not undermine Russia's

strategic deterrence capabilities. NATO missile defence is intended to defend against potential threats emanating from outside the Euro-Atlantic area.”

The House recedes.

Pilot program on application of consequence-driven, cyber-informed engineering to mitigate against cyber-security threats

The Senate bill contained a provision (sec. 1634) that would authorize the Secretary of Defense, in coordination with the secretaries of the military departments, to carry out a pilot program to assess the feasibility and advisability of applying consequence-driven, cyber-informed engineering methodologies to military installation operating technologies, including industrial control systems, to increase resilience against cybersecurity threats.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that elsewhere in the conference agreement there is a requirement for the Secretary of Defense to conduct a pilot program to assess the feasibility and advisability of applying, innovative methodologies or engineering approaches to improve the defense of control systems against cyber attacks in order to increase the resilience of military installations against cybersecurity threats and prevent or mitigate the potential for high-consequence cyberattacks, and to inform future requirements development for such systems.

TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

Guam World War II Loyalty Recognition Act (secs. 1701–1707)

The House amendment contained a number of provisions (sec. 7301–7306) that would honor the suffering and loyalty of the residents of Guam during its occupation by Imperial Japanese forces during the Second World War and direct the federal government to adjudicate and facilitate the claims of compensable Guam victims and survivors of compensable Guam decedents.

Specifically, the House amendment contained a provision (sec. 7302) that would express the eternal gratitude of the United States to the residents of Guam for their loyalty and courage under threat of death and great bodily harm at the hands of occupying forces. It also contained a provision that would direct the Secretary of the Treasury to establish a special fund for the payment of claims to compensable Guam victims and their survivors (sec. 7303), a provision that would require the Secretary of the Treasury to compensate compensable victims and survivors of compensable Guam decedents following certification from the Foreign Claims Settlement Commission (sec. 7304), and a provision that would direct the Foreign Claims Settlement Commission to adjudicate claims and to determine eligibility for claims under the aforementioned section 7304 (sec. 7305). Finally, it contained a provision that would direct the Secretary of the Interior to establish a grant program designed to educate and to memorialize the occupation of Guam while honoring the loyalty of its inhabitants (sec. 7306) and a provision that would authorize appropriations for the aforementioned sections 7304 and 7305 for any fiscal year beginning after the date of the

enactment, with \$5,000,000 authorized per fiscal year for section 7306 (sec. 7307).

The Senate bill contained no similar provisions.

The Senate recedes.

TITLE XVIII—MATTERS RELATING TO SMALL BUSINESS PROCUREMENT

Subtitle A—Improving Transparency and Clarity for Small Businesses

Plain language rewrite of requirements for small business procurements (sec. 1801)

The House amendment contained a provision (sec. 1801) that would amend section 15(a) of the Small Business Act (15 U.S.C. 644(a)) to revise existing statute by better organizing the section and modernizing the terms consistent with those in titles 10 and 41, United States Code.

The Senate bill contained no similar provision.

The Senate recedes.

Transparency in small business goals (sec. 1802)

The House amendment contained a provision (sec. 1803) that would amend section 15(h) of the Small Business Act (15 U.S.C. 644(h)) to require the Administrator of the General Services Administration to issue an annual report on the share of total contract value awarded to small businesses.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle B—Clarifying the Roles of Small Business Advocates

Scope of review by procurement center representatives (sec. 1811)

The Senate bill contained a provision (sec. 884) that would codify for Department of Defense contracts the longstanding exemption contained in Federal Acquisition Regulation 19.000(b) that small business set-asides are not applied to overseas contracts.

The House amendment contained a similar provision (sec. 1811) that would amend section 15(l) of the Small Business Act (15 U.S.C. 644(l)) to reverse a regulatory change made by the Small Business Administration during enactment of the Small Business Jobs Act of 2010 (Public Law 111–240) and to ensure that procurement center representatives review consolidated contracts or task orders that are fully or partially set aside or reserved for small business.

The Senate recedes with an amendment that would clarify that procurement center representatives of the Small Business Administration shall not review contracts awarded pursuant to status of forces agreements or contracts of the Department of Defense awarded and performed overseas. The amendment also would stipulate that contracts excluded from procurement center representative review shall not be included in any calculation of the Department's attainment of the small business goals established in 15(g) of the Small Business Act (15 USC 644(g)).

Duties of the Office of Small and Disadvantaged Business Utilization (sec. 1812)

The House amendment contained a provision (sec. 1813) that would amend section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to revise the duties of the Offices of Small and Disadvantaged Business Utilization in Federal agencies. The offices would be authorized to provide assistance to service-disabled veteran-owned small businesses and participants in the Historically Underutilized Business Zone program which are not included in the current list of small business programs. The offices also would review annual summaries of Government credit card purchases to ensure compliance with the Small Business Act.

The Senate bill contained no similar provision.

The Senate recedes.

Improving contractor compliance (sec. 1813)

The House amendment contained a provision (sec. 1814) that would amend sections 15 and 45 of the Small Business Act (15 U.S.C. 644 and 15 U.S.C. 657r), and section 831(e)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), to promote the availability of existing programs that assist small contractors attempting to comply with Federal regulations. The Small Business Administration would develop a list of no-cost compliance assistance programs for small contractors which would be distributed through the Small Business Administration and Federal agency small-business offices to small contractors. This section would also require that any mentor-protégé agreement approved by the Small Business Administration or the Department of Defense address the provision of compliance assistance to the protégé firm.

The Senate bill contained no similar provision.

The Senate recedes.

Improving education on small business regulations (sec. 1814)

The House amendment contained a provision (sec. 1861) that would amend section 15 of the Small Business Act (15 U.S.C. 644) to require the Small Business Administration to annually share a list of regulatory changes affecting small-business contracting with entities responsible for training acquisition personnel, such as the Federal Acquisition Institute and the Defense Acquisition University, and to entities providing technical assistance to small contractors. This section would also require that the applicable entities periodically update training materials.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle C—Strengthening Opportunities for Competition in
Subcontracting

Good faith in subcontracting (sec. 1821)

The House amendment contained a provision (sec. 1821) that would amend section 8(d) of the Small Business Act (15 U.S.C. 637(d)) to improve compliance with subcontracting requirements.

The Senate bill contained no similar provision.

The Senate recedes.

Pilot program to provide opportunities for qualified subcontractors to obtain past performance ratings (sec. 1822)

The House amendment contained a provision (sec. 1822) that would establish a 3-year pilot program in which small, first-tier subcontractors could obtain past performance credit from the Small Business Administration.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would establish a deadline by which small business concerns must submit requests for a past performance rating.

The conferees direct the Secretary of Defense to ensure that the Department of Defense, its components, and the Services are providing timely evaluations of past performance and giving due credit to the evaluations previously conducted, even those conducted by a different component, Service, or agency, consistent with current law and regulation. No later than 60 days after enactment of the National Defense Authorization for Fiscal Year 2017, the conferees direct the Secretary to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the Department's progress meeting these objectives.

Amendments to the Mentor-Protege Program of the Department of Defense (sec. 1823)

The House amendment contained a provision (sec. 1831) that would amend section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), to require the Small Business Administration to determine whether a prospective protege firm is affiliated with its proposed mentor prior to approval of a mentor-protege agreement. The same requirement would be removed from the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would better organize the eligibility requirements. The conferees note that the changes in this provision will allow for determinations of small business status to be made in the same manner as such determinations are for purposes of federal contracting. The change does not alter the Department's control of its mentor-protege program, nor the statutory provision that prohibits the Small Business Administration from considering support provided by a mentor to a protege firm under this program as evidence of affiliation. However, the provision would prevent instances of confusion, and the potential for fraud, by preventing competing determinations of small business status.

Subtitle D—Miscellaneous Provisions

Improvements to size standards for small agricultural producers (sec. 1831)

The House amendment contained a provision (sec. 1863) that would amend section 18(b) of the Small Business Act (15 U.S.C. 647(b)) to revise the definition of an agricultural enterprise. This section would also amend section 3(a) of the Small Business Act (15

U.S.C. 632(a)) to authorize the Small Business Administration to establish different size standards for various types of agricultural enterprises. Size standards would be established according to the existing method and appeals process by which the Small Business Administration establishes other size standards.

The Senate bill contained no similar provision.

The Senate recedes.

Uniformity in service-disabled veteran definitions (sec. 1832)

The House amendment contained a provision (sec. 1864) that would amend section 3(q) of the Small Business Act (15 U.S.C. 632(q)) and section 8127 of title 38, United States Code, to standardize definitions for veteran-owned small businesses (VOSBs) and service-disabled veteran-owned small businesses (SDVOSBs). This section would also require the Secretary of Veterans Affairs to use the regulations established by the Small Business Administration for establishing ownership and control of VOSBs and SDVOSBs. The Secretary would continue to determine whether individuals are veterans or service-disabled veterans and would be responsible for verification of applicant firms. Challenges to the status of a VOSB or SDVOSB based upon issues of ownership or control would be decided by the administrative judges at the Office of Hearings and Appeals of the Small Business Administration. This section would not affect the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes.

Office of Hearings and Appeals (sec. 1833)

The House amendment contained a provision (sec. 1866) that would amend sections 3(a) and 5(i) of the Small Business Act (15 U.S.C. 632(a) and 15 U.S.C. 634(i)) to clarify that the Office of Hearings and Appeals will not hear appeals on programs not found in the Small Business Act. This section also would allow a grace period for appeals that occur before the Small Business Administration implements the requirements of this section.

The Senate bill contained no similar provision.

The Senate recedes.

Extension of SBIR and STTR programs (sec. 1834)

The Senate bill contained a provision (sec. 874) that would amend sections 9(m) and 9(n)(1) of the Small Business Act (15 U.S.C. 638(m)) in order to make the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program at the Department of Defense permanent.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the programs government-wide for an additional 5 years.

Issuance of guidance on small business matters (sec. 1835)

The House amendment contained a provision (sec. 1867) that would require the Administrator of the Small Business Administration to issue guidance with respect to the changes to the Small Business Act made in this title.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would provide a timeline for implementing guidance by the Department of Veterans Affairs.

Subtitle E—Improving Cyber Preparedness for Small Businesses

Small Business Development Center Cyber Strategy and outreach (sec. 1841)

The House amendment contained a provision (sec. 1869A) that would amend section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148) to grant the Secretary of Homeland Security authority to provide assistance to small business development centers in the form of training and dissemination of information on cybersecurity, as outlined elsewhere in this Act.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would maintain consistency in the use of terms such as cyber threat awareness.

Role of small business development centers in cybersecurity and preparedness (sec. 1842)

The House amendment contained a provision (sec. 1868) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to define the role of the Small Business Development Center Cyber Strategy, which was established elsewhere in this Act.

The Senate bill contained no similar provision.

The Senate recedes.

Additional cybersecurity assistance for small business development centers (sec. 1843)

The House amendment contained a provision (sec. 1869) that would amend section 21(a) of the Small Business Act (15 U.S.C. 648) to give the Department of Homeland Security the authority to provide cybersecurity assistance, in the form of trainings and other outreach, to small business development centers to enhance security and awareness.

The Senate bill contained no similar provision.

The Senate recedes.

Prohibition on additional funds (sec. 1844)

The House amendment contained a provision (sec. 1869C) that would prohibit the use of additional funds to be appropriated to carry out the previous sections, other than those already appropriated within these sections.

The Senate bill contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Improving reporting on small business goals

The House amendment contained a provision (sec. 1802) that would amend section 15(h) of the Small Business Act (15 U.S.C. 644(h)) to require the Small Business Administration, using data already required to be collected from contractors, to track compa-

nies that outgrow or no longer qualify for a small business program, as well as identify how prime contracting goals are met.

The Senate bill contained no similar provision.

The House recedes.

Uniformity in procurement terminology

The House amendment contained a provision (sec. 1804) that would amend section 3(m) of the Small Business Act (15 U.S.C. 632(m)) and section 15(j) of the Small Business Act (15 U.S.C. 644(j)) to update procurement terminology consistent with the Federal Acquisition Regulation and with terminology used in titles 10 and 41, United States Code.

The Senate bill contained no similar provision.

The House recedes.

Responsibilities of Commercial Market Representatives

The House amendment contained a provision (sec. 1812) that would amend section 4(h) of the Small Business Act (15 U.S.C. 633(h)), to provide a definition of the duties and responsibilities of the commercial market representatives employed by the Small Business Administration.

The Senate bill contained no similar provision.

The House recedes.

Responsibilities of Business Opportunity Specialists

The House amendment contained a provision (sec. 1815) that would amend section 4(g) of the Small Business Act (15 U.S.C. 633(g)) to add a job description and reporting hierarchy for business opportunity specialists of the Small Business Administration.

The Senate bill contained no similar provision.

The House recedes.

Improving cooperation between the mentor-protege programs of the Small Business Administration and the Department of Defense

The House amendment contained a provision (sec. 1832) that would amend section 45(b) of the Small Business Act (15 U.S.C. 657r(b)) to require the Department of Defense to obtain approval from the Administrator of the Small Business Administration prior to carrying out a mentor-protege program.

The Senate bill contained no similar provision.

The House recedes.

Office of Women's Business Ownership

The House amendment contained a provision (sec. 1841) that would amend section 29(g) of the Small Business Act (15 U.S.C. 656(g)) to clarify the duties of the Small Business Administration's Office of Women's Business Ownership, and to require that the office establish an accreditation program for its grant recipients.

The Senate bill contained no similar provision.

The House recedes.

Women's Business Center Program

The House amendment contained a provision (sec. 1842) that would amend section 29 of the Small Business Act (15 U.S.C. 656), relating to the Women's Business Center Program.

The Senate bill contained no similar provision.

The House recesses.

Matching requirements under Women's Business Center Program

The House amendment contained a provision (sec. 1843) that would amend section 29 of the Small Business Act (15 U.S.C. 656), relating to the Women's Business Center Program, to limit the ability of the Administrator to waive the requirement for matching funds by grant recipients, and to provide that excess non-Federal dollars obtained by a grant recipient will not be subject to part 200 of title 2, Code of Federal Regulations, or any successor regulations.

The Senate bill contained no similar provision.

The House recesses.

SCORE reauthorization

The House amendment contained a provision (sec. 1851) that would amend section 20 of the Small Business Act (15 U.S.C. 631 note) to authorize the SCORE program through fiscal year 2018, and to permit the current level of appropriations to extend through that period.

The Senate bill contained no similar provision.

The House recesses.

SCORE program

The House amendment contained a provision (sec. 1852) that would amend sections 8(b) and 8(c) of the Small Business Act (15 U.S.C. 637(b)–(c)) to rename the Service Corps of Retired Executives program, the "SCORE" program.

The Senate bill contained no similar provision.

The House recesses.

Online component

The House amendment contained a provision (sec. 1853) that would amend section 8(c) of the Small Business Act (15 U.S.C. 637(c)) to create an online component for the SCORE Association to utilize.

The Senate bill contained no similar provision.

The House recesses.

Study and report on the future role of the SCORE program

The House amendment contained a provision (sec. 1854) that would require the SCORE Association to conduct a study and develop a plan for how the SCORE program will evolve to meet the needs of small business concerns.

The Senate bill contained no similar provision.

The House recesses.

Technical and conforming amendments

The House amendment contained a provision (sec. 1855) that would make technical and conforming amendments to various places in law which reference the program that SCORE would replace.

The Senate bill contained no similar provision.

The House recedes.

Required reports pertaining to capital planning and investment control

The House amendment contained a provision (sec. 1865) that would require the Small Business Administration to provide information regarding certain Federal major information technology investments to the Small Business and Entrepreneurship Committee of the Senate and the Small Business Committee of the House of Representatives.

The Senate bill contained no similar provision.

The House recedes.

GAO study on small business cyber support services and small business development center cyber strategy

The House amendment contained a provision (sec. 1869B) that would require the Comptroller General of the United States to conduct a review of current cybersecurity resources at the Federal level aimed at assisting small business concerns with developing or enhancing cybersecurity infrastructure, cyber threat awareness, or cyber training programs for employees.

The Senate bill contained no similar provision.

The House recedes.

Short title

The House amendment contained a provision (sec. 1871) that would cite this subtitle as the "Small Business Development Centers Improvement Act of 2016".

The Senate bill contained no similar provision.

The House recedes.

Use of authorized entrepreneurial development programs

The House amendment contained a provision (sec. 1872) that would amend the Small Business Act (15 U.S.C. 631 et seq.) to add a new section that would expand the use of entrepreneurial development programs.

The Senate bill contained no similar provision.

The House recedes.

Marketing of services

The House amendment contained a provision (sec. 1873) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to ensure that the Administrator will not prohibit applicants who have received grants under the Small Business Development Center program from marketing and advertising their services to individuals and small business concerns.

The Senate bill contained no similar provision.

The House recedes.

Data collection

The House amendment contained a provision (sec. 1874) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to ensure that data collection regarding grant applicants is improved.

The Senate bill contained no similar provision.

The House recedes.

Fees from private partnerships and cosponsorships

The House amendment contained a provision (sec. 1875) that would amend section 21(a)(3) of the Small Business Act (15 U.S.C. 648(a)(3)(C)) that would ensure that small business development centers participating in private partnerships and cosponsorships with the Administration are not limited from collecting fees or other income related to the operation of such partnerships.

The Senate bill contained no similar provision.

The House recedes.

Equity for small business development centers

The House amendment contained a provision (sec. 1876) that would amend subclause (I) of section 21(a)(4)(C)(v) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(v)) to increase the threshold allowed to the Administrator to pay expenses related to the development program from \$500,000 to \$600,000.

The Senate bill contained no similar provision.

The House recedes.

Confidentiality requirements

The House amendment contained a provision (sec. 1877) that would amend Section 21(a)(7)(A) of the Small Business Act (15 U.S.C. 648(a)(7)(A)) to clarify that certain information regarding small business participation in this program would not be disclosed without the consent of the individual or small business concern to any State, local or Federal agency, or third party.

The Senate bill contained no similar provision.

The House recedes.

Limitation on award of grants to small business development centers

The House amendment contained a provision (sec. 1878) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to limit the award of grants.

The Senate bill contained no similar provision.

The House recedes.

TITLE XIX—DEPARTMENT OF HOMELAND SECURITY STRATEGY FOR
INTERNATIONAL PROGRAMS

Department of Homeland Security Strategy for International Programs (secs. 1901–1913)

The conference agreement includes a subtitle that would make various authorizations and modifications with respect to the Department of Homeland Security.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Summary and explanation of funding tables

Division B of this Act authorizes funding for military construction projects of the Department of Defense. It includes funding authorizations for the construction and operation of military family housing as well as military construction for the reserve components, the defense agencies, and the North Atlantic Treaty Organization Security Investment Program. It also provides authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds.

The tables contained in this Act provide the project-level authorizations for the military construction funding authorized in Division B of this Act and summarize that funding by account.

Short title (sec. 2001)

The Senate bill contained a provision (sec. 2001) that would designate division B of this Act as the “Military Construction Authorization Act for Fiscal Year 2017.”

The House amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

Expiration of authorizations and amounts required to be specified by law (sec. 2002)

The Senate bill contained a provision (sec. 2002) that would establish the expiration date for authorizations in this Act for military construction projects, land acquisition, family housing projects, and contributions to the North Atlantic Treaty Organization Security Investment Program as of October 1, 2019, or the date of enactment of an act authorizing funds for military construction for fiscal year 2020, whichever is later.

The House amendment contained a similar provision (sec. 2002).

The Senate recedes.

Effective date (sec. 2003)

The Senate bill contained a provision (sec. 2003) that would provide an effective date for titles XXI through XXVII of October 1, 2016 or the date of enactment of this Act.

The House amendment contained a similar provision (sec. 2003).

The Senate recedes.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Summary

The budget request included authorization of appropriations of \$503.5 million for military construction and \$526.7 million for family housing for the Army in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$553.9 million for military construction and \$483.2 million for family housing for the Army in fiscal year 2017.

The agreement includes authorization for three projects from the Army's unfunded requirements list: \$10.6 million for a Company Operations Facility at Fort Gordon, Georgia; \$6.9 million for a Fire Station at Fort Leonard Wood, Missouri; and \$23.0 million for a Vehicle Maintenance Shop at Fort Belvoir, Virginia.

The conferees note that the budget request included \$143.6 million for Family Housing New Construction at Camp Humphries, Republic of Korea. Furthermore, the conferees are aware that this is the first phase of proposed military family housing construction at Camp Humphries, with a \$153.0 million second phase planned for fiscal year 2019. Given the requirements that have been established by the Commander of U.S. Forces Korea to house command sponsored families on installation and the timelines for the relocation of U.S. Forces Korea and Eighth Army to Camp Humphries, the conferees believe that combining the two phases into a single project will result in efficiencies in terms of the financial cost of the project and the construction timeline. Therefore, the agreement recommends a total authorization of \$297.0 million for Family Housing New Construction at Camp Humphries, Republic of Korea. However, the conferees support the authorization of appropriations for fiscal year 2017 only in an amount equivalent to the ability of the military department to execute in the year of authorization of appropriations. Therefore, the agreement recommends \$100.0 million, a reduction of \$43.6 million, for this project in fiscal year 2017.

In addition, the conference agreement authorizes \$35.0 million for the Army's unspecified minor construction program, an increase of \$10.0 million above the budget request.

Authorized Army construction and land acquisition projects (sec. 2101)

The Senate bill contained a provision (sec. 2101) that would contain the list of authorized Army construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The House amendment contained a similar provision (sec. 2101).

The Senate recedes.

Family housing (sec. 2102)

The Senate bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2017.

The House amendment contained a similar provision (sec. 2102).

The Senate recedes.

Authorization of appropriations, Army (sec. 2103)

The Senate bill contained a provision (sec. 2103) that would authorize appropriations for the active component military construction and family housing projects of the Army authorized for construction for fiscal year 2017. This provision would also provide

an overall limit on the amount authorized for military construction and family housing projects for the active component of the Army.

The House amendment contained an identical provision (sec. 2103).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2014 project (sec. 2104)

The Senate bill contained a provision (sec. 2104) that would modify the authorization contained in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66) for construction of an aircraft maintenance hangar at Joint Base Lewis-McChord, Washington to include an aircraft washing apron.

The House amendment contained an identical provision (sec. 2104).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2013 projects (sec. 2105)

The Senate bill contained a provision (sec. 2105) that would extend the authorization contained in section 2101 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239) for two projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2105).

The Senate recesses.

Extension of authorizations of certain fiscal year 2014 projects (sec. 2106)

The Senate bill contained a provision (sec. 2106) that would extend the authorization contained in section 2101 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66) for three projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2106).

The House recesses.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Summary

The budget request included authorization of appropriations of \$1.03 billion for military construction and \$394.9 million for family housing for the Navy and Marine Corps in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$1.2 billion for military construction and \$394.9 million for family housing for the Navy and Marine Corps in fiscal year 2017.

The conference agreement includes authorization for two projects from the Navy's unfunded requirements list unfunded requirements list: \$27.0 million for Chambers Field Magazine Recap

Phase 1 at Norfolk, Virginia, and \$73.0 million for *SEAWOLF* Class Service Pier at Bangor, Washington.

The agreement includes authorization for three projects from the Marine Corp's unfunded requirements list: \$118.9 million for an Aircraft Maintenance Hangar Increment 1 at Miramar, California; \$34.7 million for a Communication Complex & Infrastructure Upgrade at Miramar, California; \$40.0 million for F-35 Parking Apron at Miramar, California. With respect to the Aircraft Maintenance Hangar, we support the authorization for appropriations in an amount equivalent to the ability of the military department to execute in the year of the authorization for appropriations. For this project, the conferees believe that the Department of the Navy has exceeded its ability to fully expend the funding requested for fiscal year 2017. As such, the agreement recommends incremental funding with an authorization of appropriations in the amount of \$79.4 million, a reduction of \$39.5 million, for this project. Furthermore, the conferees note that these three projects at Miramar were included in the Marine Corps' unfunded requirements list due to a late development and the need to align F-35C squadron operational dates with plans to stand up the first F-35C compatible aircraft carrier on the west coast of the United States.

Authorized Navy construction and land acquisition projects (sec. 2201)

The Senate bill contained a provision (sec. 2201) that would authorize Navy and Marine Corps military construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2201).

The Senate recedes with a technical amendment.

Family housing (sec. 2202)

The Senate bill contained a provision (sec. 2202) that would authorize new construction, planning, and design of family housing units for the Navy for fiscal year 2017. This provision would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

The House amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

Improvements to military family housing units (sec. 2203)

The Senate bill contained a provision (sec. 2203) that would authorize the Secretary of the Navy to improve existing family housing units of the Department of the Navy in an amount not to exceed \$11.1 million.

The House amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

Authorization of appropriations, Navy (sec. 2204)

The Senate bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Department of the Navy authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active components of the Navy and the Marine Corps. The state list contained in this report is the binding list of the specific projects authorized at each location.

The House amendment contained an identical provision (sec. 2204).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2014 project (sec. 2205)

The Senate bill contained a provision (sec. 2205) that would modify the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66) for construction of a water transmission line at Pearl City, Hawaii to include a 591-meter long, 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.

The House amendment contained an identical provision (sec. 2205).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2013 projects (sec. 2206)

The Senate bill contained a provision (sec. 2206) that would extend the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239), for various projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2206).

The Senate recedes.

Extension of authorizations of certain fiscal year 2014 projects (sec. 2207)

The Senate bill contained a provision (sec. 2207) that would modify the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66), for seven projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2207).

The conference agreements includes this provision.

*Status of “net negative” policy regarding Navy acreage on Guam
(sec. 2208)*

The House amendment included a provision (Sec. 2208) that would require the Secretary of the Navy to submit a report to the congressional defense committees not later than 6 months after the date of the enactment of this Act regarding the status of the implementation of the “Net Negative” policy regarding the total number of acres of real property controlled by the Department of the Navy on the Territory of Guam.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The conferees are concerned that the Department of the Navy has not adequately defined the scope of lands that will be returned to the Government of Guam pursuant to the Net Negative policy announced in 2011, or the process that will be used to identify and transfer such lands. Specifically, the conferees are concerned by the ambiguity regarding the status of lands identified for return prior to the announcement of the Net Negative policy, such as Guam Land Use Plan of 1977, which were not originally identified for inclusion in the calculation of lands under the Net Negative policy.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Summary

The budget request included authorization of appropriations of \$1.5 billion for military construction and \$335.7 million for family housing for the Air Force in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$1.7 billion for military construction and \$335.7 million for family housing for the Air Force in fiscal year 2017.

The conference agreement includes authorization for seven projects on the Air Force’s unfunded requirements list: \$15.5 million for a JAG School Expansion at Maxwell Air Force Base, Alabama; \$36.0 million for Dormitories (288 rooms) at Eglin Air Force Base, Florida; \$41.0 million for Consolidated Corrosion Facility Add/Alt at Scott Air Force Base, Illinois; \$50.0 million for Consolidated Communications Center at Joint Base Andrews, Maryland; \$10.9 million to Construction Vandenberg Gate Complex at Hanscom Air Force Base, Massachusetts; \$26.0 million for E-3G Mission and Flight Simulator Training Facility at Tinker Air Force Base, Oklahoma; and \$17.0 million for Fire & Rescue Station at Joint Base Charleston, South Carolina.

In addition, the conference agreement authorizes \$40.0 million for the Air Force’s unspecified minor construction program, an increase of \$10.0 million above the budget request.

*Authorized Air Force construction and land acquisition projects
(sec. 2301)*

The Senate bill contained a provision (sec. 2301) that would authorize Air Force military construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2301).