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## Subtitle A—Assistance and Training

### SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as most recently amended by section 1201 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2473), is further amended—

- (1) in subsection (a), by striking “fiscal year 2017” and inserting “fiscal year 2018”;
- (2) in subsection (d), by striking “during the period beginning on October 1, 2016, and ending on December 31, 2017” and inserting “during the period beginning on October 1, 2017, and ending on December 31, 2018”; and
- (3) in subsection (e)(1), by striking “December 31, 2017” and inserting “December 31, 2018”.

### SEC. 1202. SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

(a) **AUTHORITY.**—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to \$10,000,000 during each of fiscal years 2018 through 2020 to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing and authorized irregular warfare operations by United States Special Operations Forces.

(b) **FUNDS.**—

(1) IN GENERAL.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

(2) LIMITATION.—Funds may not be made available under paragraph (1) until 15 days after the submittal of the strategy required by section 1097 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1020).

(c) PROCEDURES.—

(1) IN GENERAL.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section.

(2) ELEMENTS.—The procedures required under paragraph (1) shall establish, at a minimum, the following:

(A) Policy guidance for the execution of, and constraints within, activities under the authority in this section.

(B) The processes through which activities under the authority in this section are to be developed, validated, and coordinated, as appropriate, with relevant entities of the United States Government.

(C) The processes through which legal reviews and determinations are made to comply with the authority in this section and ensure that the exercise of such authority is consistent with the national security of the United States.

(3) NOTICE TO CONGRESS ON PROCEDURES AND MATERIAL MODIFICATIONS.—The Secretary shall notify the congressional defense committees of the procedures established pursuant to this section before any exercise of the authority in this section, and shall notify such committee of any material modification of the procedures.

(d) NOTIFICATION.—

(1) IN GENERAL.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an ongoing and authorized operation or changing the scope or funding level of any support under this section for such an operation by \$500,000 or an amount equal to 10 percent of such funding level (whichever is less), the Secretary shall notify the congressional defense committees of the use of such authority with respect to such operation. Any such notification shall be in writing.

(2) ELEMENTS.—A notification required by this subsection shall include the following:

(A) The type of support to be provided to United States Special Operations Forces, and a description of the ongoing and authorized operation to be supported.

(B) A description of the foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating the ongoing and authorized operation that is to be the recipient of funds.

(C) The type of support to be provided to the recipient of the funds, and a description of the end-use monitoring to be used in connection with the use of the funds.

(D) The amount obligated under the authority to provide support.

(E) The determination of the Secretary that the provision of support does not constitute any of the following:

(i) A specific authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) for the introduction of United States Armed Forces into hostilities or situations wherein hostilities are clearly indicated by circumstances.

(ii) A covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

(iii) An authorization for the provision of support to regular forces, irregular forces, groups or individuals for the conduct of operations that United States Special Operations Forces are not otherwise legally authorized to conduct themselves.

(iv) The conduct or support of activities, whether directly or indirectly, that are inconsistent with the laws of armed conflict.

(e) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section shall be construed to constitute a specific statutory authorization for any of the following:

(1) The conduct of a covert action, as such term is defined in section 503(e) of the National Security Act of 1947.

(2) The introduction of United States Armed Forces, within the meaning of section 5(b) of the War Powers Resolution, into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

(3) The provision of support to regular forces, irregular forces, groups, or individuals for the conduct of operations that United States Special Operations Forces are not otherwise legally authorized to conduct themselves.

(4) The conduct or support of activities, directly or indirectly, that are inconsistent with the laws of armed conflict.

(g) PROGRAMMATIC AND POLICY OVERSIGHT.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary programmatic and policy oversight within the Office of the Secretary of Defense of support to irregular warfare activities authorized by this section.

(h) BIENNIAL REPORTS.—

(1) REPORT ON PRECEDING FISCAL YEAR.—Not later than 120 days after the close of each fiscal year in which subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the preceding fiscal year.

(2) REPORT ON CURRENT CALENDAR YEAR.—Not later than 180 days after the submittal of each report required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the first half of the fiscal year in which the report under this paragraph is submitted.

(3) ELEMENTS.—Each report required by this subsection shall include the following:

(A) A summary of the ongoing irregular warfare operations, and associated authorized campaign plans, being conducted by United States Special Operations Forces that were supported or facilitated by foreign forces, irregular

forces, groups, or individuals for which support was provided under this section during the period covered by such report.

(B) A description of the support or facilitation provided by such foreign forces, irregular forces, groups, or individuals to United States Special Operations Forces during such period.

(C) The type of recipients that were provided support under this section during such period, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

(D) A detailed description of the support provided to the recipients under this section during such period.

(E) The total amount obligated for support under this section during such period, including budget details.

(F) The intended duration of support provided under this section during such period.

(G) An assessment of value of the support provided under this section during such period, including a summary of significant activities undertaken by foreign forces, irregular forces, groups, or individuals to support irregular warfare operations by United States Special Operations Forces.

(H) The total amount obligated for support under this section in prior fiscal years.

(i) **IRREGULAR WARFARE DEFINED.**—In this section, the term “irregular warfare” means activities in support of predetermined United States policy and military objectives conducted by, with, and through regular forces, irregular forces, groups, and individuals participating in competition between state and non-state actors short of traditional armed conflict.

**SEC. 1203. OBLIGATION OF FUNDS IN SPECIAL DEFENSE ACQUISITION FUND FOR PRECISION GUIDED MUNITIONS.**

(a) **IN GENERAL.**—Section 114(c)(3) of title 10, United States Code, is amended by striking “Of the amount” and all that follows through “only to procure” and inserting “Of the amount of annual obligations from the Special Defense Acquisition Fund in each of fiscal years 2018 through 2022, not less than 20 percent shall be for funds to procure”.

10 USC 114 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as of October 1, 2017.

**SEC. 1204. MODIFICATION OF DEFENSE INSTITUTION CAPACITY BUILDING AND AUTHORITY TO BUILD CAPACITY OF FOREIGN SECURITY FORCES.**

(a) **DEFENSE INSTITUTION CAPACITY BUILDING.**—Section 332 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “and members of the armed forces” after “civilian employees of the Department of Defense”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “to assign civilian employees of the Department of Defense and members of the armed forces as advisors or trainers” after “carry out a program”; and

(B) in paragraph (2)(B)—

(i) by striking “employees” in each place it appears and inserting “advisors or trainers”; and