

H. R. 2810

One Hundred Fifteenth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and seventeen*

An Act

To authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2018”.

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

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

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Authority to expedite procurement of 7.62mm rifles.
- Sec. 112. Limitation on availability of funds for Increment 2 of the Warfighter Information Network-Tactical program.
- Sec. 113. Limitation on availability of funds for upgrade of M113 vehicles.

Subtitle C—Navy Programs

- Sec. 121. Aircraft carriers.
- Sec. 122. Icebreaker vessel.
- Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers.
- Sec. 124. Multiyear procurement authority for Virginia class submarine program.
- Sec. 125. Design and construction of the lead ship of the amphibious ship replacement designated LX(R) or amphibious transport dock designated LPD-30.
- Sec. 126. Multiyear procurement authority for V-22 Osprey aircraft.
- Sec. 127. Extension of limitation on use of sole-source shipbuilding contracts for certain vessels.

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- Sec. 2802. Modification of thresholds applicable to unspecified minor construction projects.
- Sec. 2803. Annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2805. Use of operation and maintenance funds for military construction projects to replace facilities damaged or destroyed by natural disasters or terrorism incidents.
- Sec. 2806. Annual report on unfunded requirements for laboratory military construction projects.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Elimination of written notice requirement for military real property transactions and reliance on electronic submission of notifications and reports.
- Sec. 2812. Certification related to certain acquisitions or leases of real property.
- Sec. 2813. Increased term limit for intergovernmental support agreements to provide installation support services.
- Sec. 2814. Authorizing reimbursement of States for costs of suppressing wildfires caused by Department of Defense activities on State lands; restoration of lands of other Federal agencies for damage caused by Department of Defense vehicle mishaps.
- Sec. 2815. Criteria for exchanges of property at military installations.
- Sec. 2816. Land exchange valuation of property with reduced development that limits encroachment on military installations.
- Sec. 2817. Requirements for window fall prevention devices in military family housing.
- Sec. 2818. Prohibiting use of updated assessment of public schools on Department of Defense installations to supersede funding of certain projects.
- Sec. 2819. Access to military installations by transportation network companies.

Subtitle C—Project Management and Oversight Reforms

- Sec. 2821. Notification requirement for certain cost increases.
- Sec. 2822. Annual report on schedule delays.
- Sec. 2823. Report on design errors and omissions related to Fort Bliss hospital replacement project.
- Sec. 2824. Report on cost increase and delay related to USSTRATCOM command and control facility project at Offutt Air Force Base.

Subtitle D—Energy Resilience

- Sec. 2831. Energy resilience.
- Sec. 2832. Authority to use energy cost savings for energy resilience, mission assurance, and weather damage repair and prevention measures.
- Sec. 2833. Consideration of energy security and energy resilience in awarding energy and fuel contracts for military installations.
- Sec. 2834. Requirement to address energy resilience in exercising utility system conveyance authority.
- Sec. 2835. In-kind lease payments; prioritization of utility services that promote energy resilience.
- Sec. 2836. Annual Department of Defense energy management reports.
- Sec. 2837. Aggregation of energy efficiency and energy resilience projects in life cycle cost analyses.

Subtitle E—Land Conveyances

- Sec. 2841. Land exchange, Naval Industrial Reserve Ordnance Plant, Sunnyvale, California.
- Sec. 2842. Land conveyance, Mountain Home Air Force Base, Idaho.
- Sec. 2843. Lease of real property to the United States Naval Academy Alumni Association and Naval Academy Foundation at United States Naval Academy, Annapolis, Maryland.
- Sec. 2844. Land conveyance, Natick Soldier Systems Center, Massachusetts.
- Sec. 2845. Land exchange, Naval Air Station Corpus Christi, Texas.
- Sec. 2846. Imposition of additional conditions on future use of Castner Range, Fort Bliss, Texas.
- Sec. 2847. Land conveyance, former missile alert facility known as Quebec-01, Laramie County, Wyoming.

Subtitle F—Military Memorials, Monuments, and Museums

- Sec. 2861. Recognition of the National Museum of World War II Aviation.

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Sec. 2806. Annual report on unfunded requirements for laboratory military construction projects.

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Subtitle F—Military Memorials, Monuments, and Museums

- Sec. 2861. Recognition of the National Museum of World War II Aviation.
- Sec. 2862. Principal office of Aviation Hall of Fame.
- Sec. 2863. Establishment of a visitor services facility on the Arlington Ridge tract.
- Sec. 2864. Modification of prohibition on transfer of veterans memorial objects to foreign governments without specific authorization in law.

Subtitle G—Other Matters

- Sec. 2871. Authority of the Secretary of the Air Force to accept lessee improvements at Air Force Plant 42.
- Sec. 2872. Modification of Department of Defense guidance on use of airfield pavement markings.

property interests described in subsection (a), the Secretary shall not make a cash equalization payment to equalize the values.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to pay costs to be incurred by the Secretary to carry out the exchange of property interests under this section, including those costs related to land survey, environmental documentation, real estate due diligence such as appraisals, and any other administrative costs related to the exchange of property interests to include costs incurred preparing and executing the land exchange agreement authorized under subsection (c). If amounts are collected from the City in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange of property interests, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) above shall be used in accordance with section 2695(c) of title 10, United States Code.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property interests to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(h) CONVEYANCE AGREEMENT.—The exchange of real property interests under this section shall be accomplished using an appropriate legal instrument and upon terms and conditions mutually satisfactory to the Secretary and the City, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(i) EXEMPTION FROM SCREENING REQUIREMENTS FOR ADDITIONAL FEDERAL USE.—The authority under this section is exempt from the screening process required under section 2696(b) of title 10, United States Code.

(j) SUNSET PROVISION.—The authority under this section shall expire on October 1, 2019, unless the Secretary and the City have signed a land exchange agreement described in subsection (c).

SEC. 2846. IMPOSITION OF ADDITIONAL CONDITIONS ON FUTURE USE OF CASTNER RANGE, FORT BLISS, TEXAS.

Section 2844 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2157) is amended by adding at the end the following new subsection:

“(e) ADDITIONAL CONDITIONS ON FUTURE USE OF CASTNER RANGE.—

“(1) CONDITIONS.—To protect and conserve ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources within the real property described in subsection (a), subject to rights and improvements in existence as of December 31, 2017, there shall be no commercial enterprise, no permanent road, no temporary road, no use of motor vehicles or motorized equipment, no landing of aircraft, no other form of mechanical transport, and no structure, building or installation of any kind, except measures required to protect the health and safety of persons.

“(2) APPLICABILITY OF CONDITIONS.—

“(A) Paragraph (1) applies to use of the real property by the Secretary or any successor in interest including the head of another federal agency or a non-federal entity.

“(B) The Secretary, or head of any other federal agency, shall include the conditions set forth in paragraph (1) in the conveyance authorized by subsection (a), or any conveyance of the property described in subsection (a), or any portion thereof, to any other non-federal entity.

“(3) NONCOMPLIANCE.—Subsection (b) shall apply to a determination by the Secretary, or head of any other federal agency, that a non-federal entity to whom the property described in subsection (a) or any portion thereof has been conveyed, or any successor in interest, has not complied with paragraph (1).

“(4) MILITARY MUNITIONS.—The Secretary shall conduct military munitions response actions on the real property described in subsection (a) in accordance with the Comprehensive Environmental Response Compensation and Liability Act of 1980 and consistent with the limited recreational, non-residential, non-commercial conditions on future use set forth in paragraph (1). These munitions response actions shall also minimize disturbance of natural and cultural resources present on the real property described in subsection (a).”.

**SEC. 2847. LAND CONVEYANCE, FORMER MISSILE ALERT FACILITY
KNOWN AS QUEBEC-01, LARAMIE COUNTY, WYOMING.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of Wyoming (in this section referred to as the “State”), all right, title, and interest of the United States in and to the real property, including any improvements thereon, consisting of the former Missile Alert Facility (MAF) known as “Quebec-01,” located in Laramie County, Wyoming, for the purpose of operating a historical site, interpretive center, or museum.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance, or if such fund or account has expired at the time of credit, to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such appropriation, fund, or account, and shall be available for the same purpose, and subject to the same conditions and limitations, as amounts in such fund or account.