SEC. ___. CODIFICATION AND ENHANCEMENT OF AUTHORIZED USE OF FUNDS IN JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) REDESIGNATION OF FUND.—The fund of the Department of Defense known as the "Joint Improvised Explosive Device Defeat Fund" is redesignated as the "Joint Improvised-Threat Defeat Fund".

(b) CODIFICATION OF AUTHORITY AND EXPANSION OF AUTHORIZED USE OF FUNDS.—

(1) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

"§2283. Joint Improvised-Threat Defeat Fund: authorized uses

"(a) USE OF FUNDS.—Funds made available to the Secretary of Defense for the Joint Improvised-Threat Defeat Fund (in this section referred to as the 'Fund') for any fiscal year shall be available to investigate, develop, and provide equipment, supplies, services, training, facilities, personnel, and funds to assist armed forces in the defeat of improvised threats as specified by the Secretary of Defense.

"(b) TRANSFER AUTHORITY.—

"(1) TRANSFERS AUTHORIZED.— Amounts available in the Fund may be transferred from the Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (a):

"(A) Military personnel accounts.

"(B) Operation and maintenance accounts.

"(C) Procurement accounts.

"(D) Research, development, test, and evaluation accounts.

"(E) Defense working capital funds.

"(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

"(3) ADVANCE NOTICE TO CONGRESSIONAL COMMITTEES.—Funds may not be transferred from the Fund under paragraph (1) until five days after the date on which the Secretary of Defense submits to the congressional defense committees notice in writing of the details of the proposed transfer.

"(4) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Fund.

"(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

"(c) INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR MATERIALS.—

"(1) AVAILABILITY OF FUNDS.—Of the funds made available for the Fund for any fiscal year, up to $15,000,000 may be used by the Secretary of Defense to provide assistance in the form of training, equipment, supplies, and services to ministries and other governmental entities of any country that the Secretary of Defense, with the concurrence of the Secretary of State, has identified as critical for countering the movement of precursor materials for improvised explosive devices. Any such assistance shall be provided for the purpose of countering the movement of such precursor materials.

"(2) PROVISION THROUGH OTHER UNITED STATES AGENCIES.—If agreed upon by the Secretary of Defense and the head of another department or agency of the United States, the Secretary of Defense may transfer funds available under paragraph (1) to the head of such department or agency for the provision by such department or agency of assistance described in that paragraph to ministries and other government entities of a country identified under that paragraph.

"(3) ADVANCE NOTICE TO CONGRESSIONAL COMMITTEES.—Funds may not be used under the authority in paragraph (1) with respect to any country until 15 days after the date on which the Secretary of Defense submits to the congressional committees specified in subsection (e) a notice (prepared in coordination with the Secretary of State) of the following:

"(A) The country identified pursuant to paragraph (1).

"(B) The amount of funds to be used with respect to that country and the training, equipment, supplies, and services to be provided using such funds.

"(C) Evaluation of the effectiveness of efforts by that country to counter the movement of precursor materials for improvised explosive devices.

"(d) TRAINING OF FOREIGN SECURITY FORCES TO DEFEAT IMPROVISED THREATS. —

"(1) AVAILABILITY OF FUNDS.—Of the funds made available for the Fund for any fiscal year, up to $15,000,000 may be used by the Secretary of Defense to provide training, basic equipment, and services to foreign security forces to defeat improvised threats under authority provided the Secretary of Defense under any other provision of law.

"(2) CONSTRUCTION OF AVAILABILITY OF FUNDS.—Paragraph (1) is not authority itself for the provision of training, basic equipment, and services described in that paragraph.

"(e) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

"(1) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

"(2) The Committee on Armed Services, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2283. Joint Improvised-Threat Defeat Fund: authorized uses.".

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as most recently amended by section 1532(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 939).

(2) Section 1533 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1092).

Section-by-Section Analysis

This proposal would enhance and codify in title 10, United States Code, the authorities provided in section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364, 120 Stat. 2439), as amended, to make permanent the authorities associated with the existing Joint Improvised Explosive Device Defeat Fund (JIEDDF). This proposal would broaden that existing statutory authority, which focuses on improvised explosive devices (IEDs), to include any improvised threats as specified by the Secretary of Defense. This

proposal would redesignate the JIEDDF as the Joint Improvised-Threat Defeat Fund (JIDF) for consistency with that enhanced purpose (hereinafter referred to as the "Fund"). This proposal would permit broader protection for U.S. Armed Forces against known threats such as IEDs and provide the Secretary the speed and flexibility to respond to future emerging improvised threats. These enhancements are consistent with the requirement to respond to emerging, urgent requirements of the commanders of combatant commands (CCMDs). Codification of this authority allows for seamless transition of the legacy wartime requirement to counter-IEDs to an enduring function focused broadly on improvised threats to meet the requirements for all CCMDs.

This proposal would also codify and enhance the existing statutory "precursor material" interdiction authority which has authorized limited expenditure from the Fund for training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan to interdict the flow of precursor IED materials into Afghanistan. This proposal would apply that authority (along with the associated transfer authority to other United States agencies) to ministries and other governmental entities of any country that the Secretary of Defense, with the concurrence of the Secretary of State, identifies as critical for countering the movement of precursor materials for IEDs. This enhancement addresses the global, network-focused methodology of violent extremist organizations who use improvised weapons for strategic influence.

This proposal would also codify and enhance the existing statutory authority which makes the Fund available for building partner capacity under authority provided the Department under any other provision of law. The Fund will only be executed through other existing Department authorities. Execution will be done according to the processes and procedures established for those existing authorities. State Department oversight will be through the mechanisms currently in place for those authorities such as Secretary of State concurrence, or by other established means. The Fund would be made available to be used to provide assistance to foreign security forces in the form of training, basic equipment, and services in locations in which the Department is conducting overseas contingency operations or geographic areas in which the Secretary of Defense has determined that a foreign security force is facing a significant threat from improvised explosive devices. This enhancement permits the use of the Fund to counter improvised threats more rapidly in theaters where the presence of U.S. forces may be restricted or limited, but where the improvised threat still poses a strategic effect to U.S. interests and allies. Until enactment of the FY2016 NDAA authority did not exist to use the Fund for program elements that may involve economic, judicial, and other expenses that would be considered as foreign assistance. This enhancement would permit limited use of the Fund to provide training, basic equipment, and services to foreign security forces to defeat improvised explosive devices by leveraging existing Department authorities permitting the training and equipping of foreign security forces.

Budget Implications: The resources reflected in the table below are funded within the FY 2017 President's Budget.

RESOURCE REQUIREMENTS ($MILLIONS)								
FY	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
Amount		113.3	113.1	114.3	116.7	Joint Improvised-Threat Defeat Fund		
	408.3					Joint Improvised-Threat Defeat Fund, OCO		

Changes to Existing Law: This proposal would make the following changes to existing law:

1. The proposal would add a new section 2283 to title 10, United States Code, which is set out in full above.

2. The proposal would repeal section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as amended, as follows:

~~**SEC. 1514. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**~~

~~(a) AUTHORIZATION OF APPROPRIATION.—Funds are hereby authorized for fiscal year 2007 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,100,000,000.~~

~~(b) USE OF FUNDS.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop, and provide equipment, supplies, services, training, facilities, personnel, and funds to assist United States forces in the defeat of improvised explosive devices.~~

~~(c) TRANSFER AUTHORITY.—~~

~~(1) TRANSFERS AUTHORIZED.—Amounts authorized to be appropriated by subsection (a) may be transferred from the Joint Improvised Explosive Device Defeat Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):~~

~~(A) Operation and maintenance accounts.~~

~~(B) Procurement accounts.~~

~~(C) Research, development, test, and evaluation accounts.~~

~~(D) Defense working capital funds.~~

~~(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.~~

~~(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Joint Improvised Explosive Device Defeat Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Joint Improvised Explosive Device Defeat Fund.~~

~~(4) [Repealed]~~

~~(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.~~

~~(d) MANAGEMENT PLAN.—~~

~~(1) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan for the intended management and use of the Joint Improvised Explosive Device Defeat Fund.~~

~~(2) MATTER TO BE INCLUDED.—The plan required by paragraph e the paragraph under the heading ''Joint Improvised Explosive Device Defeat Fund'' in chapter 2 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 424), including identification of—~~

~~(A) year-to-date transfers and obligations; and~~

~~(B) projected transfers and obligations through September 30, 2007.~~

~~(e) QUARTERLY REPORTS.—Not later than 60 days after the end of each fiscal-year quarter, the Secretary shall submit to the congressional defense committees a report summarizing the detail of any obligation or transfer of funds from the Joint Improvised Explosive Device Defeat Fund plan required by subsection (d).~~

~~(f) DURATION OF AUTHORITY.—Amounts appropriated to the Fund are available for obligation or transfer from the Fund until September 30, 2009.~~

3. The proposal would also repeal section 1533 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat.1092) as follows:

~~SEC. 1533. AVAILABILITY OF JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND FOR TRAINING OF FOREIGN SECURITY FORCES TO DEFEAT IMPROVISED EXPLOSIVE DEVICES.~~

~~(a) AVAILABILITY OF FUNDS.—~~

~~(1) IN GENERAL.—Of the amounts authorized to be appropriated for fiscal year 2016 for the Joint Improvised Explosive Device Defeat Fund, or a successor fund, up to $30,000,000 may be available to the Secretary of Defense to provide training to foreign security forces to defeat improvised explosive devices under authority provided the Department of Defense under any other provision of law.~~

~~(2) APPLICABILITY OF CONTINGENT LIMITATION.—The availability of funds under this subsection is subject to the contingent limitation on the availability of amounts in the Joint Improvised Explosive Device Defeat Fund after September 30, 2016, in section 1532(g).~~

~~(b) CONSTRUCTION OF AVAILABILITY OF FUNDS.—The availability of funds under subsection (a) shall not be construed as authority in and of itself for the provision of training as described in that subsection.~~

~~(c) GEOGRAPHIC LIMITATION.—Training may be provided using funds available under subsection (a) only—~~

~~(1) in locations in which the Department is conducting a named operation; or~~

~~(2) in geographic areas in which the Secretary of Defense has determined that a foreign security force is facing a significant threat from improvised explosive devices.~~

~~(d) COORDINATION WITH GEOGRAPHIC COMBATANT COMMANDS.—The Secretary of Defense shall, to the extent practicable, coordinate the provision of training using funds available under subsection (a) with requests received from the commanders of the geographic combatant commands.~~

~~(e) EXPIRATION.—The authority to use funds described in subsection (a) in accordance with this section shall expire on September 30, 2018.~~