SEC. ___. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES OF AFRICA IN SUPPORT OF COVERED ACTIVITIES IN UNITED STATES AFRICA COMMAND AREA OF RESPONSIBILITY.

(a) AUTHORITY.—In the case of a product or service to be acquired in support of covered activities in a covered African country for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services from the host nation;

(2) a preference is provided for products or services from the host nation; or

(3) a preference is provided for products or services from a covered African country, other than the host nation.

(b) DETERMINATIONS.—

(1) A determination described in this subsection is a determination by the Secretary of any of the following:

(A) That the product or service concerned is to be used only in support of covered activities.

(B) That it is in the national security interests of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(i) to reduce overall United States transportation costs and risks in shipping products in support of operations, exercises, theater security cooperation activities, and other missions in the United States Africa Command area of responsibility;

(ii) to reduce delivery times in support of covered activities; or

(iii) to promote regional security, stability, and economic prosperity in Africa.

(C) That the product or service is of equivalent quality of a product or service that would have otherwise been acquired.

(2) A determination under paragraph (1) shall not be effective for purposes of a limitation or preference under subsection (a) unless the Secretary also determines that—

(A) the limitation or preference will not adversely affect—

(i) United States military operations or stability operations in the United States Africa Command area of responsibility; or

(ii) the United States industrial base; and

(B) in the case of air transportation, an air carrier holding a certificate under section 41102 of title 49, United State Code, is not reasonably available to provide the required air transportation.

(c) DEFINITIONS.—In this section:

(1) COVERED ACTIVITIES.—The term "covered activities" means Department of Defense activities in the United States Africa Command area of responsibility.

(2) COVERED AFRICAN COUNTRY.—The term "covered African country" means a country in Africa that has signed a long-term agreement with the United States related to the basing or operational needs of the United States Armed Forces.

(3) HOST NATION.—The term "host nation" means a nation which allows the armed forces and supplies of the United States to be located on, to operate in, or to be transported through its territory.

(4) PRODUCTS AND SERVICES OF A COVERED AFRICAN COUNTRY.—For purposes of this section:

(A) A product is from a covered African country if it is wholly grown, mined, manufactured or produced in the covered African country.

(B) A service is from a covered African country if it is performed by a person or entity that is properly licensed or registered by authorities of a covered African country and—

(i) is operating primarily in the covered African country; or

(ii) is making a significant contribution to the economy of the covered African country through payment of taxes or use of products, materials, or labor of the covered African country.

(d) CONFORMING AMENDMENT.—Section 1263 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3581) is repealed.

(e) SUNSET.—The authority under this section shall terminate after September 30, 2019.

Section-by-Section Analysis

This proposal would provide contracting officers who support the United States Africa Command (USAFRICOM) mission with an enhanced procurement authority to limit competition by giving preference to products and services produced in areas where the United States has long-term agreements with the host nation. Congress, in section 1263 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015 (P. L. 113-291), previously provided the Department with enhanced authority to acquire products and services produced in the Republic of Djibouti in support of Department of Defense (DoD) activities in the USAFRICOM area of responsibility. The Joint Explanatory Statement to accompany the NDAA for FY 2015 included the following statement for section 1263: "Should the Secretary secure additional long-term agreements that provide for basing arrangements to support U.S. military operations, particularly counterterrorism operations, support to U.S. Department of State evacuation requirements, or force protection operational requirement of AFRICOM, we will consider a comparable acquisition preference."

The 2015 National Military Strategy tasks the Joint Force to preserve alliances, expand partnerships, and maintain a global stabilizing presence in support of international security and stability, placing emphasis on the presence of U.S. military forces in key locations around the world. This authority is a critical contributor in capitalizing on opportunities for engagement and strategic positioning of forces for crisis response. The USAFRICOM 2016 Theater Posture Plan highlights the perpetual risk of instability and conflict due to economic challenges, further complicated by the threat of violent extremist organizations. It identifies location priorities by region, aligned to objectives in the Theater Campaign Plan. To protect and advance U.S. national security interests in Africa, USAFRICOM focuses on countries where the United States has long-term agreements, which serve as critical enduring hubs in support of U.S. operations. The proposal is limited to those countries that currently have long-term agreements, currently 11 countries in Africa. In order for this authority to be used beyond the countries with which we currently have long-term agreements, the State Department would lead the negotiations to secure the long-term agreement necessary for this authority's use.

USAFRICOM focuses its efforts to achieve both short- and long-term counter-terrorism objectives by strengthening an enduring strategic partnership with multiple African Partner nations. In recent years, al-Qa'ida activities in northern and western Africa, compounded by other extremist groups such as Boko Haram in Nigeria and al-Shabaab in Somalia, have gained traction and collaboration in these African regions. These activities make countering violent extremist groups a growing challenge for USAFRICOM on the continent.

This authority is crucial in supporting the USAFRICOM Theater Campaign Plan. The United States must maintain assured access and freedom of movement throughout the USAFRICOM area of responsibility. Purchasing products and services from nations where the United States has long-term agreements, furthers Theater Campaign Plan objectives by providing economic opportunities for the host nations and employment opportunities for its citizens.

The requested authority is in line with the strategic guidance provided in the National Security Strategy, the National Military Strategy, the Presidential Policy Directive for Political and Economic Reform in the Middle East and North Africa (PPD 13), and the USAFRICOM Theater Campaign Plan.

Budget Implications: This proposal would grant contracting officers the authority to limit competition by providing preferences to products and services from covered African countries in order to meet valid government requirements. It requires no additional appropriation of funds. It results in no savings. A budget table is not applicable and has not been provided.

Changes to Existing Law: This proposal would not change the text of any existing statute.