



National Guard Bureau  
Office of Legislative Liaison



# FY17 House Armed Services National Defense Authorization Act (NDAA)

*Summary of HASC Chairman's Mark –  
H.R. 4909, the National Defense Authorization Act for Fiscal Year 2017*

*As of April 25, 2016*

	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House					
Senate					

<http://www.nationalguard.mil/Leadership/JointStaff/PersonalStaff/LegislativeLiaison.aspx>

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## Executive Summary

This guide provides a short summary of the initial draft House Armed Services Fiscal Year 2017 National Defense Authorization Act (NDAA). To obtain a complete understanding of any particular provision, users are encouraged to review the actual legislative language. Beyond the legislative provision, there are a number of directive reports with specific relevance to the National Guard. Readers are encouraged to review this report language (starting on page 10) for their own situational awareness.

### Status:

On Tuesday, 19 April, the House Armed Services Committee released its subcommittee marks for the FY17 National Defense Authorization Act. The bill authorizes \$610 billion for defense spending in FY17 - \$551 billion for base requirements and \$59 billion for overseas contingency operations. Chairman Mac Thornberry (R-TX) released his Chairman's mark on 25 April, which includes authorization tables for procurement, operations and maintenance, personnel and MILCON accounts as well as a number of reforms to Goldwater-Nichols.

The full committee is scheduled to begin mark up the NDAA at 10:00am on April 27, 2016. The mark up is expected to go around 16 hours.

### Highlights:

- Delays Section 1053 technician conversion from 1 January 2017 to 1 October 2017.
- Authorized Army National Guard End Strength at 350,000 and Air National Guard End Strength at 105,700
- Provides a 2.1 percent pay raise for military personnel
- Authorizes multiyear procurement authorities for UH-60 Black Hawk helicopters and AH-64 Apache attack helicopters to generate better cost savings for the taxpayer and provide the most modernized helicopters for the Active and Reserve components.
- Supports the National Commission on the Future of the Army's (NCFA) recommendations in regards to the Army's Aviation Restructure Initiative (ARI).
- Requires an assessment of Army modernization and capacity shortfalls, including ways to eliminate those shortfalls, as recommended by the NCFA.
- Additional funding for UH-60M Blackhawks, LUH-72 Lakotas and AH-64E Apaches so that the National Guard can retain four Apache battalions.
- Authorizes \$250 million for the National Guard and Reserve Equipment Account in base procurement
- Authorizes \$16.5 million for the State Partnership Program, and increase of \$6.7 million over the President's budget request
- Requires the Secretary of Defense to review and approve the curriculum and program structure of each of the National Guard counterdrug schools

# National Guard Accounts Overview

**RECOMMENDED FUNDING AUTHORIZATIONS DO NOT EQUAL FINAL FUNDING. FINAL FUNDING LEVELS WILL BE DECIDED BY APPROPRIATIONS BILLS**



## Army National Guard - Authorization of Funding (All Dollars in Thousands)

Army National Guard	FY17 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY17 Delta from PB
O&M	\$6,825,370	\$6,799,094	-\$26,276				
OCO for Base O&M	\$60,128	\$382,828	+\$322,700				
OCO O&M	\$66,907	\$47,515	-\$19,392				
MILCON	\$232,930	\$300,430	+\$67,500				

### Army National Guard End Strength

Army National Guard	FY17 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY17 Delta from PB
End Strength	335,000	350,000	+15,000				
AGR	30,155	30,155	-				
Dual Status Technicians	25,507	25,507	-				
Non-Dual Status Technicians	1,600	1,600	-				
ADOS	17,000	17,000	-				



## Air National Guard - Authorization of Funding (All Dollars in Thousands)

Air National Guard	FY17 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY17 Delta from PB
O&M	\$6,703,578	\$6,588,402	-\$115,176				
OCO for Base O&M	-	\$348,900	+\$348,900				
OCO O&M	\$20,000	\$12,120	-\$7,880				
MILCON	\$143,957	\$166,957	+\$23,000				

### Air National Guard End Strength

Air National Guard	FY17 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY17 Delta from PB
End Strength	105,700	105,700	-				
AGR	14,764	14,764	-				
Dual Status Technicians	22,104	22,104	-				
Non-Dual Status Technicians	350	350	-				
ADOS	16,000	16,000	-				

## BILL TEXT:

### PROCUREMENT PROVISIONS

#### **Section 134-Prohibition on Availability of Funds for Retirement of A-10 Aircraft**

This section would prohibit funds authorized to be appropriated by this Act, or otherwise made available for fiscal year 2017, for the Department of the Air Force to retire, prepare to retire, or place in storage any A-10 aircraft. This section would also maintain a minimum of 171 A-10 aircraft designated as primary mission aircraft inventory, and prohibit the Secretary of the Air Force from making any significant reductions to manning levels with respect to any A-10 aircraft squadron or division until the Director of Operational Test and Evaluation, and the Secretary of the Air Force, submit reports to the congressional defense committees on the results and findings of the initial operational test and evaluation of the F-35 aircraft program, as well as the comparison test and evaluation that examines the capabilities of the F-35A and A-10C. The provision allows the Secretary of the Air Force to transition the A-10 unit at Ft Wayne ANG base to an F-16 unit.

#### **Section 218-Restructuring of the Distributed Common Ground System of the Army**

This section would require the Secretary of the Army to discontinue development efforts for any component of the Distributed Common Ground System of the Army after Increment 1 where commercial software exists that is capable of fulfilling at least 80 percent of the system requirements. This section would also require a review of the acquisition strategy to ensure commercial software procurement is the preferred method to meet program requirements.

#### **Section 1xx—Assessment of Certain Capabilities of the Department of the Army**

This section would require the Secretary of Defense, in consultation with the Secretary of the Army and the Chief of Staff of the Army, to provide an assessment to the congressional defense committees by April 1, 2017, of the ways, and associated costs, to reduce or eliminate shortfalls in responsiveness and capacity of the following capabilities:

- (1) AH-64-equipped Attack Reconnaissance Battalion capacity to meet future needs;
- (2) Air defense artillery (ADA) capacity, responsiveness, and the capability of short range ADA to meet existing and emerging threats (including unmanned aerial systems, cruise missiles, and manned aircraft), including an assessment of the potential for commercial-off-the-shelf solutions;
- (3) Chemical, biological, radiological, and nuclear capabilities and modernization;
- (4) Field artillery capabilities and the changes in doctrine and war plans resulting from the memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians, as well as required modernization or munition inventory shortfalls;
- (5) Fuel distribution and water purification capacity and responsiveness;
- (6) Army watercraft and port opening capabilities and responsiveness;
- (7) Transportation (fuel, water, and cargo) capacity and responsiveness;
- (8) Military police capacity; and
- (9) Tactical mobility and tactical wheeled vehicle capacity and capability, to include adequacy of heavy equipment prime movers.

#### **Section 1xx—Comptroller General Review of F-35 Lightning II Aircraft Sustainment Support**

This section would require the Comptroller General of the United States to conduct an analysis of status of and approaches considered in the sustainment support strategy for the F-35 Joint Strike Fighter program. This section would also require the Comptroller General to submit a report of the analysis to the congressional defense committees by April 1, 2017. The committee encourages the

Comptroller General to consider best practices for contractor logistic support during the conduct of this review.

**Section 1xx—Elimination of Annual Report on Aircraft Inventory**

This section would strike the requirement from section 231a of title 10, United States Code, for the Secretary of Defense to deliver an annual report on the military services' aircraft inventory to the congressional defense committees.

**Section 1xx—Repeal of the Requirement to Preserve Certain Retired C-5 Aircraft**

This section would amend section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to terminate the requirement for the Secretary of the Air Force to continue to preserve certain C-5 aircraft in a storage condition that would allow a recall of retired aircraft to future service in the Air Force Reserve, Air National Guard, or Active Force structure.

**Section 1xx—Multiyear Procurement Authority for AH-64E Apache Helicopters**

This section would authorize the Secretary of the Army to enter into one or more multiyear contracts for AH-64E Apache helicopters beginning in fiscal year 2017, in accordance with section 2306b of title 10, United States Code.

**Section 1xx—Multiyear Procurement Authority for UH-60M and HH-60M Black Hawk Helicopters**

This section would authorize the Secretary of the Army to enter into one or more multiyear contracts for UH-60M and HH-60M Black Hawk helicopters beginning in fiscal year 2017, in accordance with section 2306b of title 10, United States Code.

**MILITARY PERSONNEL AUTHORIZATIONS**

**Section 411—End Strengths for Selected Reserve**

This section would authorize end strengths for Selected Reserve personnel, including the end strength for Reserves on Active Duty in support of the Reserves, as of September 30, 2017

**Section 412—End Strengths for Reserves on Active Duty in Support of the Reserves**

This section would authorize end strengths for Reserves on Active Duty in support of the Reserves as of September 30, 2017

**Section 413—End Strengths for Military Technicians (Dual Status)**

This section would authorize end strengths for military technicians (dual status) as of September 30, 2017

**Section 414—Fiscal Year 2017 Limitation on Number of Non-Dual Status Technicians**

This section would establish the maximum end strengths for the Reserve Components of the Army and Air Force for non-dual status technicians as of September 30, 2017.

**Section 415—Maximum Number of Reserve Personnel Authorized To Be on Active Duty for Operational Support**

This section would authorize, as required by section 115(b) of title 10, United States Code, the maximum number of Reserve Component personnel who may be on Active Duty or full-time National Guard duty during fiscal year 2017 to provide operational support. The personnel authorized here do not count against the end strengths authorized by section 401 or section 412 of this Act unless the duration on Active Duty exceeds the limitations in section 115(b)(2) of title 10, United States Code.

**Section 5xx—Technical Correction to Annual Authorization for Personnel Strengths**

This section would amend section 115 of title 10, United States Code, to update the references to section 502(f) of title 32, United States Code, as amended by the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364). Section 502(f) provides for the conditions under which the Secretary of the Army or the Secretary of the Air Force may order a member of the National Guard to perform training or other duty in addition to required drills and field exercises.

**RESERVE MANAGEMENT PROVISIONS**

**Section 5xx—Extension of Removal of Restrictions on the Transfer of Officers Between the Active and Inactive National Guard**

This section would amend section 512 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) to extend the authorization to allow officers to participate in the Inactive National Guard for 3 years, from December 31, 2016 until December 31, 2019. The extension would give the National Guard more flexibility to access departing Active Component members during the drawdown and provide a 5-year period to evaluate the benefits of Inactive National Guard transferability.

**Section 5xx—Revision of Deployability Rating System and Planning Reform**

This section would amend chapter 1003 of title 10, United States Code, to revise the Department of the Army's deployability rating system and manner in which the Army is required to track prioritization of deployable units. To the extent it would apply across all Army components, this section would facilitate implementation of the Army "Total Force" Policy by requiring systems to identify the priority of deployment and track readiness for all Army units, not just for the Reserve Components. Currently, the Army is operating under the construct set forth in the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102-484; 10 U.S.C. 10105 note), which was enacted after the experience of Operation Desert Storm when several Army National Guard combat brigades were mobilized for, but not deployed to, combat.

**OTHER PROVISIONS**

**Section 5xx—Pilot Program on Consolidated Army Recruiting**

This section would direct the Secretary of the Army to establish a 3-year pilot program in which recruiters from all three components (Regular, Reserve, and National Guard) are authorized to recruit individuals into any of the components, and receive credit toward periodic enlistment goals for each enlistment regardless of component. Not later than 1 year after implementation of the pilot program, the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a detailed report on the design of the program. The Secretary would also be required to submit a final report at the conclusion of the pilot period.

**COMPENSATION, PERSONNEL BENEFITS AND RETIREMENT**

**Section 5xx—Technical Correction to Voluntary Separation Pay and Benefits**

This section would amend section 1175a of title 10, United States Code, by updating the references to section 502(f) of title 32, United States Code, and the list of involuntary mobilization authorities.

**Section 5xx—Extension of the Requirement for Annual Report Regarding Sexual Assaults and Coordination with Release of Family Advocacy Report**

This section would extend the requirement for the Sexual Assault Prevention and Response Office (SAPRO) report through January 31, 2021. In addition, it would require the release of the SAPRO

report to be timed to coincide with the release of the Family Advocacy Program Report, as required elsewhere in this Act. This amendment would supersede section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

**Section 6xx—Maximum Reimbursement Amount for Travel Expenses of Members of the Reserves Attending Inactive Duty Training Outside of Normal Commuting Distances**

This section would amend section 478a(c) of title 37, United States Code, to authorize the Secretary concerned, on a case-by-case basis, to reimburse travel expenses at a higher amount for Reserve Component members traveling to training from rural areas.

**Section 611—One-Year Extension of Certain Bonus and Special Pay Authorities for Reserve Forces**

This section would extend the authority, through December 31, 2017, for the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, the authority to reimburse travel expenses for inactive duty training outside of normal commuting distance, and income replacement payments for Reserve Component members experiencing extended and frequent mobilization for Active Duty service.

**Section 614—One-Year Extension of Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities**

This section would extend the general bonus authority for enlisted members, the general bonus authority for officers, the special bonus and incentive pay authority for nuclear officers, special aviation incentive pay and bonus authorities, the special health professions incentive pay and bonus authorities, contracting bonus for Senior Reserve Officers' Training Corps cadets and midshipmen, hazardous duty pay, assignment pay or special duty pay, skill incentive pay or proficiency bonus, and the retention bonus for members with critical military skills or assigned to high-priority units, until December 31, 2017.

**Section 6xx—Continuation Pay for Full Thrift Savings Plan Members Who Have Completed 8 to 12 Years of Service**

This section would amend section 356 of title 37, United States Code, to authorize the Department of Defense the flexibility to pay continuation pay at any point between the time the member completes 8 years of service and before the member reaches 12 years of service, in exchange for an agreement to continue serving for a period of not less than 3 additional years.

**Section 624—Equal Benefits Under Survivor Benefit Plan for Survivors of Reserve**

Component Members who Die in the Line of Duty during Inactive-Duty Training This section would amend section 1451(c)(l)(A) of title 10, United States Code, to eliminate the different treatment under the Survivor Benefit Plan accorded members of the Reserve Component who die from an injury or illness incurred or aggravated in the line of duty during Inactive-Duty training, as compared to the treatment of members of the Armed Forces who die in the line of duty while on Active Duty.

**Section 701—TRICARE Preferred and Other TRICARE Reform**

This section would establish TRICARE Preferred as the self-managed, preferred provider option that would replace TRICARE Standard and Extra. This section would also establish annual enrollment fees and fixed dollar copayments for Active Duty family members and retirees who join the Armed Services on or after January 1, 2018 and enroll in TRICARE Preferred or in TRICARE Prime, the managed-care option.

## **Section 712-Study on Improving Continuity of Health Care Coverage for Reserve**

### **Components**

This section would require the Secretary of Defense to study the options for providing health care coverage to certain current and former members of the Selected Reserve. The section would require the Secretary to submit a report of the findings and recommendations to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

## **GOLDWATER NICHOLS REFORMS**

### **Section 901-Sense of Congress on Goldwater-Nichols Reform**

This section would express the sense of Congress that certain principles should be adhered to in any reform of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433). These principles shape the legislative recommendations contained in this subtitle and will inform the committee's consideration of future reform proposals.

### **Section 902-Repeal of Defense Strategy Review**

This section would repeal section 118 of title 10, United States Code, which requires the Secretary of Defense to conduct a comprehensive examination of the national defense strategy. Elsewhere in this Act, the committee includes provisions that would recommend comprehensive reform of the defense and military Strategies of the Department of Defense.

### **Section 903-Commission on National Defense Strategy for the United States**

This section would establish a commission to be known as the "Commission on National Defense Strategy for the United States" to examine and make recommendations with respect to national defense strategy for the United States. This section would further set the composition and duties of the commission, and require the commission to submit a final report to the President, Secretary of Defense, and the specified congressional committees on its findings, conclusions, and recommendations, and to provide an interim briefing to the specified congressional committees.

### **Section 904--Reform of Defense Strategic and Policy Guidance**

This section would amend section 113(g) of title 10, United States Code, regarding Secretary of Defense Policy guidance. Specifically, this section would require the Secretary of Defense to provide:

- (1) Written strategic guidance every 4 years to components of the Department of Defense that expresses the national defense strategy of the United States;
- (2) Written policy guidance annually to components of the Department that provides program and budget guidance for the development of the force;
- (3) Written policy guidance every 2 years or more frequently, as needed, to the Chairman of the Joint Chiefs of Staff that provides contingency planning guidance; and
- (4) A copy of all written guidance described above to the congressional defense committees not later than February 15th in any calendar year in which any of the guidance is required.

### **Section 905-Reform of the National Military Strategy**

This section would strike Section 153(b)(1) of title 10, United States Code on the National Military Strategy (NMS) and replace it with a requirement for the Chairman of the Joint Chiefs of Staff to prepare a new National Military Strategy or to update a previous one in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. The section would also require that the NMS support the objectives of national security and defense strategic guidance issued by the President and the Secretary of Defense, and focus the NMS on, at a minimum:

- (1) Developing military ends, ways, and means to support national security objectives;
- (2) Assessing strategic and military risks, and developing risk mitigation options;
- (3) Establishing a strategic framework for the development of operational and contingency plans;

- (4) Prioritizing joint force capabilities, capacities, and resources; and
- (5) Establishing military guidance for the development of the joint force.

**Section 906-Modification to Independent Study of National Security Strategy Formulation Process**

This section would amend section 1064 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), which requires an independent study of the national security strategy formulation process, by adding a requirement for the study to address the workforce responsible for conducting strategic planning and to examine how Congress fits into the strategy formulation process.

**Section 907-Term of Office for the Chairman of the Joint Chiefs of Staff**

This section would amend section 152(a) of title 10, United States Code, to extend the term of office of the Chairman of the Joint Chiefs of Staff from 2 years to 4 years. This section would also limit the reappointment of the Chairman to additional terms only in a time of war, and limit the combined period of service of an officer serving as Chairman or Vice Chairman of the Joint Chiefs of Staff to 8 years. The committee believes that a longer term of office for the Chairman provides greater stability and continuity of military leadership at the Department of Defense. Furthermore, by staggering the Chairman's term of office such that it is not aligned with the 4 year presidential election cycle, the committee believes that the Chairman's role in providing independent military advice to the President and Secretary of Defense is reinforced.

**Section 908-Responsibilities of the Chairman of the Joint Chiefs of Staff relating to Strategic Integration and Operations**

This section would amend section 153(a) of title 10, United States Code, which sets forth the functions of the Chairman of the Joint Chiefs of Staff, by codifying the Chairman's responsibility to provide advice to the President and the Secretary of Defense on ongoing military operations and to provide advice to the Secretary on the allocation and transfer of forces among combatant commands. While the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) established the combatant commands to conduct operations at the direction of the President, through the Secretary of Defense, the committee recognizes that these commands individually develop and execute operational plans for specific regions and functional areas.

**Section 909-Assigned Forces within the Continental United States**

This section would amend section 162(a) of title 10, United States Code, to allow U.S. military forces within the continental United States to be assigned to a military department as directed by the Secretary of Defense.

**Section 910-Reduction in General Officer and Flag Officer Grades and Positions**

This section would amend section 164(e) of title 10, United States Code, on subordinate commanders of combatant commands to specify that the grade of an officer serving as the commander of a service or functional component command shall be no higher than lieutenant general or vice admiral. This section would further require that the total number of officers in the grade of general or admiral on active duty be reduced by five positions. Lastly, this section would require the Secretary of Defense to submit a report to the congressional defense committees on the Department's plan for implementing such reductions.

**Section 911-Establishment of Unified Combatant Command for Cyber Operations**

This section would establish a unified combatant command for cyber operations with the primary function to prepare cyber operations forces to carry out assigned missions.

**Section 912-Revision of Requirements Relating to Length of Joint Duty Assignments**

This section would amend section 664 of title 10, United States Code, to reduce the joint duty assignment tour length to a minimum of 2 years for officers of all ranks, and remove the statutory requirement for services to maintain a tour length average.

**Section 913-Revision of Definitions Used for Joint Officer Management**

This section would amend section 668 of title 10, United States Code, to revise the statutory definition of "joint matters" to more accurately reflect and properly clarify the types of joint duty positions for which an officer may receive joint duty credit to better capture the breadth of duties and positions that comprise joint matters experience.

**MISCELLANEOUS PROVISIONS**

**Section 10xx—Modification of Requirements Relating to Management of Military Technicians**

This section would delay the implementation date of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) from January 1, 2017, to October 1, 2017, and align the date of conversion for military technicians (non-dual status) with military technicians (dual status). This section would also clarify that the positions to be converted will be reviewed and determined by leadership from the Army Reserve, the Air Force Reserve, the National Guard Bureau, and the State Adjutants General for purposes of implementation. This section would also require the Secretary of Defense, in consultation with the Chief of the National Guard Bureau, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017, on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing Active Guard and Reserve Duty under section 328 of title 32, United States Code, or other applicable provisions of law.

**Section 1012-Secretary of Defense Review of Curricula and Program Structures of National Guard Counterdrug Schools**

This section 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 committee notes 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 by the Secretary of these schools to improve the alignment of curriculum to defense priorities and the allocation of limited resources.

**OTHER FUNDING AUTHORIZATION PROVISIONS**

**Section 2601—Authorized Army National Guard Construction and Land Acquisition Projects**

This section would contain the list of authorized Army National Guard 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.

**Section 2604—Authorized Air National Guard Construction and Land Acquisition Projects**

This section would contain the list of authorized Air National Guard 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.

**Section 2606—Authorization of Appropriations, National Guard and Reserve**

This section would authorize appropriations for the National Guard and Reserve military construction at the levels identified in section 4601 of division D of this Act.

**Section 2701—Authorization of Appropriations for Base Realignment and Closure**

This section would authorize appropriations for ongoing activities that are required to implement the Base Realignment and Closure activities authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510), at the levels identified in section 4601 of division D of this Act.

**Section 2702—Prohibition on Conducting Additional Base Realignment and Closure (BRAC) Round**

This section would state that nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round, affirming congressional intent to reject the budget request to authorize another BRAC round in 2019. This section also clarifies that this prohibition does not affect the authority of the Secretary of Defense to comply with any requirement under law, or with any request of a congressional defense committee, to conduct an analysis, study, or report of the infrastructure needs of the Department of Defense.

**Section 6002—Clarification of Persons Subject to UCMJ while on Inactive-Duty Training**

This section would amend section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice), to clarify jurisdiction over Reserve Component members performing periods of inactive-duty training. The amendment would provide commanders clearer authority to address misconduct that takes place during periods incident to inactive-duty training, and during intervals between inactive-duty training on consecutive days. This would only apply to guardsmen in federal service.

## **DIRECTIVE REPORT LANGUAGE**

**F-22 production restart assessment**

The committee notes that production of the F-22 fifth-generation tactical aircraft concluded in 2009, and notes 187 aircraft were produced, far short of the initial program objective of 749 aircraft, as well as the Air Combat Command's stated requirement of 381 aircraft. The committee also understands there has been interest within the Department of the Air Force, Department of Defense, and Congress in potentially restarting production of the F-22 aircraft. In light of growing threats to U.S. air superiority as a result of adversaries closing the technology gap and increasing demand from allies and partners for high performance, multi-role aircraft to meet evolving and worsening global security threats, the committee believes that such proposals are worthy of further exploration.

Therefore, the committee directs the Secretary of the Air Force to conduct a comprehensive assessment and study of the costs associated with resuming production of F-22 aircraft and provide a report to the congressional defense committees, not later than January 1, 2017, on the findings of this assessment. The committee expects the report to be unclassified, but may contain a classified annex. Further, the committee directs that the assessment and report consider and address the following:

(1) Anticipated future air superiority capacity and capability requirements, based on anticipated near-term and mid-term threat projections, both air and ground; evolving F-22 missions and roles in anti-access/area-denial environments; F-15C retirement plans and service-life extension programs;

estimated next generation aircraft initial operating capability dates; and estimated end-of-service timelines for existing F-22As;

(2) Estimated costs to restart F-22 production, including the estimated cost of reconstituting the F-22 production line, and the time required to achieve low-rate production; the estimated cost of procuring another 194 F-22 aircraft to meet the requirement for 381 aircraft; and the estimated cost of procuring sufficient F-22 aircraft to meet other requirements or inventory levels that the Secretary may deem necessary to support the National Security Strategy and address emerging threats;

(3) Factors impacting F-22 restart costs, including the availability and suitability of existing F-22A production tooling; the estimated impact on unit and total costs of altering the total buy size and procuring larger and smaller quantities of aircraft; and opportunities for foreign export and partner nation involvement if section 8118 of the Defense Appropriations Act, 1998 (Public Law 105-56) prohibiting export of the F-22 were repealed;

(4) Historical lessons from past aircraft production restarts; and

(5) Any others matters that the Secretary deems relevant.

### **High Mobility Multipurpose Wheeled Vehicle ambulance recapitalization**

The committee recognizes the tactical importance of the High Mobility Multipurpose Wheeled Vehicle (HMMWV) fleet and the enduring requirement to maintain a capable HMMWV fleet supporting multiple relevant mission roles for Active and Reserve Component units. The committee notes that Congress has provided an additional \$520.0 million over the past 3 years to address unfunded modernization requirements for the Army Reserve (USAR) and Army National Guard (ARNG) HMMWV fleets.

The committee also recognizes the critical medical ground evacuation mission role provided by the HMMWV ambulance variant. The committee is concerned that the Army's current fleet of Active Component HMMWV ambulances are now on average 27 years old, exceeding the expected useful life of the vehicle by 12 years. The committee also understands the Army does not have a fully funded reset, recapitalization, or replacement plan in place for the entire HMMWV ambulance fleet. The committee is aware of the successful effort already underway to modernize the HMMWV ambulance fleet for the ARNG and USAR through new production vehicles, the M997A3 variant. The committee believes the Army should consider a similar effort for the Active Component. The committee directs the Secretary of the Army to develop an acquisition strategy to modernize the current fleet of HMMWV ambulances for the Active Component and to provide a briefing to the Committee on Armed Services of the House of Representatives by March 1, 2017, on the details of this acquisition strategy.

### **U.S. Air Force combat search and rescue**

In the committee report (H. Rept. 113-102) accompanying the National Defense Authorization Act for Fiscal Year 2014, the committee encouraged the Department of Defense to adopt concurrent and balanced fielding of new equipment between the Active Component (AC) and Reserve Component (RC). The committee believes that in many cases, concurrent and balanced fielding can better integrate AC and RC units and help ensure the RC remains an operational reserve. Furthermore, the committee notes that many major defense acquisition programs have followed concurrent and balanced fielding, including the F-35 Joint Strike Fighter.

The committee understands that the Air Force intends to field refurbished and upgraded HH-60G operational loss replacement (OLR) aircraft to RC combat search and rescue units in fiscal year 2018, and that these same units will receive new HH-60W combat rescue helicopter aircraft in the fiscal year 2027 to 2029 timeframe. The committee supports the plan to provide these OLR aircraft to RC units as soon as possible. However, the committee is concerned that there does not appear to be a plan to concurrently field the HH-60W to both AC and RC units, and that there is a potential 10-year gap between RC units receiving HH-60G OLR aircraft and the new HH-60W aircraft.

Additionally, the committee understands that the Department of the Air Force is undertaking an ongoing review to determine whether primary responsibility for combat search and rescue (CSAR) will remain with Air Combat Command or be moved to Air Force Special Operations Command. The committee notes the importance of the CSAR mission as the primary personnel recovery method for service men and women in extremis, as well as the complex nature of these operations that often require multi-service, dedicated, and fully trained forces. As the Air Force reviews this mission, the committee encourages an analysis of current and anticipated geographic combatant commander requirements and whether current force structure is capable of meeting those requirements with existing HH-60 and V-22 platforms. To address committee concerns, the committee directs the Secretary of the Air Force and relevant subordinate commands to brief the Committee on Armed Services of the House of Representatives not later than September 1, 2016, on Department of the Air Force plans for fielding the HH-60W to the AC and RC, and the status of the ongoing review for responsibility for the CSAR mission.

### **Joint Surveillance Target Attack Radar System recapitalization**

The budget request contained \$128.1 million for the Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program. The committee notes that the fiscal year 2017 budget request projects a delay of at least 1 month in the engineering and manufacturing development (EMD) contract award, from the fourth quarter of fiscal year 2017 to the first quarter of fiscal year 2018, and a 1-year delay in Initial Operational Capability (IOC) from fiscal year 2023 to 2024 in the recapitalization of the JSTARS fleet. The committee believes JSTARS recapitalization offers significant advantages: it will decrease the logistics footprint, reduce sustainment costs, increase operational flexibility, and extend operations into anti-access/area denial environments. The committee recognizes that the overall delay is a consequence of: (1) a delay in the milestone A decision; and (2) analysis conducted by both the Department of the Air Force and the Office of the Secretary of Defense that indicates the EMD schedule will require 4 to 5.5 years. The committee supports and understands the need for a technology maturation and risk reduction (TMRR) phase as part of the JSTARS recapitalization program, as a means to decrease cost, schedule, and performance risk prior to entering the EMD phase. The committee understands that the Air Force's acquisition strategy includes considering two radar alternatives as part of the TMRR phase. The committee believes that the TMRR phase is the appropriate place to pursue such a strategy. However, the committee also believes that pursuing multiple radar technologies concurrently within the program of record into the follow-on development phase would be inconsistent with the committee's acquisition reform initiatives. The committee expects the Air Force to down select to one radar solution as part of the EMD phase in order to ensure the program does not continue to be delayed. If the Air Force believes that alternative radar capabilities should be pursued for risk mitigation or capability enhancements in the future, the Air Force should pursue such an approach outside of the program of record with the ability to incrementally integrate in the future if necessary.

The committee has continually expressed concern that a protracted acquisition program will result in a multiyear capabilities gap, which will leave combatant commanders without an acceptable level of ground moving target indicators and battle management command and control capability. The committee also believes that the use of existing technology combined with a commercially available jet aircraft can result in a significantly faster acquisition program. The committee notes this approach would be consistent with current acquisition reform policies that direct a more streamlined and incremental approach for major defense acquisition programs. While the committee understands that the Department of the Air Force is conducting a study to determine the E-8's widespread airframe fatigue risk, which will be complete in March 2017, the committee notes that under the most optimistic scenarios, the Department can expect a shortfall of 10 JSTARS aircraft in its fleet of 16 operational aircraft by late fiscal year 2025. Accordingly, the committee encourages the Secretary of the Air Force to develop a plan, including incentives in the JSTARS recapitalization EMD and procurement contracts, to accelerate the development, procurement, and

fielding of JSTARS recapitalization program. In addition, the committee believes the Air Force should program necessary funds in its future budget requests to accelerate the JSTARS recapitalization program in the Future Years Defense Program, and to eliminate the delay in delivering initial operational capability. The committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services, not later than December 1, 2016. The briefing should include one option that would accelerate the IOC to fiscal year 2022, and a second option that would accelerate the IOC to fiscal year 2023. The committee recommends \$128.1 million, the full amount requested, for the JSTARS recapitalization program.

#### **Air Force Combat Search and Rescue Associate Units**

The committee supports the National Commission on the Structure of the Air Force recommendation to expand the use of associate units, where appropriate. The committee notes, however, that none of the three Air National Guard combat search and rescue units in Alaska, California, and New York are associate units. Therefore, the committee encourages the Air Force to consider options for making these units active associate units under an appropriate organizational structure based on their local mission and operational demands. In addition, the committee directs the Secretary of the Air Force to provide a briefing to the Committee on Armed Services of the House of Representatives not later than March 1, 2017, on the potential options for transforming these units into associate units, including the potential cost, benefits, and challenges involved in each case.

#### **Chemical, Biological, Radiological, and Nuclear Response Enterprise Information Management System**

The committee is aware that the National Guard Bureau Weapons of Mass Destruction-Civil Support Teams (CST) currently field a system, the CST Information Management System (CIMS), to provide a common operating picture, promote information sharing and real-time collaboration in an emergency situation, and support the CST mission of assisting and advising first responders and facilitating communications with other Federal resources. The committee is also aware that the CIMS system is being modified to establish an enterprise-capable tool, referred to as the National Guard Chemical, Biological, Radiological, and Nuclear Response Enterprise Information Management System 2018+ (NG CIMS 2018+), that will expand the capabilities of the CIMS to support the other National Guard Bureau forces, such as the Chemical, Biological, Radiological, Nuclear, and High-Explosive Enhanced Response Force Package and Homeland Defense Response Force units.

The committee believes it is important that this enhanced CIMS capability be fielded quickly and efficiently by utilizing prior investments to expand and enhance communication capability. The committee is aware of the plan to develop and establish the NG CIMS 2018+ through a multi-phase approach, including establishing initial operational capability in fiscal year 2016 and proving full operational capability in fiscal year 2018. Therefore, the committee directs the Secretary of Defense to provide a briefing to the Committee on Armed Services of the House of Representatives by December 1, 2016, detailing the status of the development of the NG CIMS 2018+ tool to date, as well as a description of the progress on providing the initial operational capability and an update on the future plans and milestones to establishment of full operational capability.

#### **Cyber Training Equivalency**

The committee is aware that the Department of Defense is in the process of rapidly expanding the cyber workforce in order to man the 133 teams of the cyber mission force. As articulated by the Commander of U.S. Cyber Command, the committee recognizes that a significant bottleneck in that process is the training pipeline. The committee believes that the Department should be looking

for opportunities to help diversify the training pathways available to all members of the cyber mission team workforce, in order to more quickly and efficiently bring team members up to operational capacity. The committee believes that diversification can take many forms, such as utilization of Reserve Officer Training Corps courses, military academies, public-private partnerships with universities and other training providers, and senior leader military academies. The committee also believes that to make those other training pathways effective, the Department needs to have a robust process for determining equivalency, so that it is clear when those other avenues can be used to meet the currently defined joint training standard. The committee is concerned that the immaturity of that equivalency process may be further slowing up the training pipeline.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by January 30, 2017, on the training equivalency process for the Department. This briefing should address how the Department makes recommendations on equivalency for members of the active and reserve components, as well as for civilian team members. Specifically, this briefing should include:

- (1) What is the decision making chain for making equivalency decisions?
- (2) How does the Department communicate standardized courses that are eligible for equivalency?
- (3) When equivalency is denied, what is the feedback loop to communicate those decisions back to affected personnel?
- (4) What is the process for remediation for service members to determine what actions might be taken to gain equivalency certification?

### **C-130 Aircraft Maintenance and Modernization**

Given current and future depot-level C-130 maintenance requirements, the likelihood of additional unscheduled requirements, limited depot capacity, the shortfall in depot maintainers, and broader responsibility for other military service C-130 maintenance requirements, the committee is concerned that the Air Force will face significant depot throughput challenges. The committee notes that the Navy is addressing similar concerns in the F/A-18 service life extension program by leveraging the North American defense industrial base to ease the burden on its F/A-18 depots. The committee believes a similar approach could assist in easing current and future C-130 fleet requirements. Therefore, the committee directs the Secretary of the Air Force to provide an unclassified briefing to the House Committee on Armed Services, not later than September 30, 2016, on the service's approach to C-130 maintenance, service life extension, and modernization requirements over the next 5 years. This briefing shall include, at a minimum:

- (1) A list of all C-130 aircraft across the military services that rely on Air Force depots for maintenance;
- (2) An identification by service and component, of all C-130 aircraft that require maintenance, service life extension, or modernization work but are awaiting depot availability;
- (3) The anticipated timeframe for admittance and completion of all C-130 aircraft;
- (4) A description of the type of C-130-related work that may adversely impact depot schedule planning and on-time delivery rates; and
- (5) A plan to leverage the North American defense industrial base to balance the workload between government depots and industry facilities in order to meet C-130 requirement shortfalls in a timely and cost efficient manner.

### **Force of the Future**

The committee is aware of the Department of Defense's personnel reforms collectively known as "Force of the Future." These reforms are "designed to provide the military services a balanced set of force management tools that will allow them to improve their return on investment in human capital, improving military readiness in the long-run, while preserving military readiness and acknowledging operational demands in the near-term." The Department has to date issued two tranches of these reform proposals and plans to deliver more as they are ready for implementation. The committee supports the Department's efforts to address shortcomings in its military and civilian personnel systems and encourages its attempts to find innovative solutions to attract and maintain quality personnel. However, the committee is concerned that the readiness implications of many of these proposals have not been adequately addressed.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the Senate Committee on Armed Services and the House Committee on Armed Services by December 1, 2016, on the readiness impacts of each of the approved and pending Force of the Future proposals. At a minimum, the briefing shall include the estimated cost of each proposal across the Future Years Defense Program; the estimated loss of days, by service, of both military and civilian personnel; and details of how the Department plans to measure the performance and effectiveness of each proposal.

#### **Rotary-Wing Aviation Readiness and Safety**

The committee notes with concern the frequency of mishaps in rotary-wing aviation over the past 5 years. The committee further notes that the commander of the Army's Aviation Center of Excellence described home-station training as a significant concern due to the inability of the Army to provide sufficient flying hours for all pilots to meet established standards. Similarly, the committee notes that the Deputy Commandant of the Marine Corps for Aviation has described the reduction of funding for aviation training and maintenance as a critical concern. Further, the committee believes that the proficiency of rotary-wing pilots and the readiness of rotary-wing platforms provide crucial capabilities to the joint force. Therefore, the committee urges the Secretary of the Army and the Secretary of the Navy to prioritize rotary-wing aviation funding in order to ensure that the United States maintains this crucial capability into the future. The committee directs the Chief of Staff of the Army, the Chief of Naval Operations, and the Commandant of the Marine Corps each to provide a report to the Senate Committee on Armed Services and the House Committee on Armed Services, not later than January 2, 2017, on the impact of reduced funding on rotary-wing aviation readiness and safety from fiscal year 2012 to the present and an estimate of the impact to aviation readiness and safety if funding were maintained at levels consistent with the Budget Control Act of 2011 (Public Law 112-25) through fiscal year 2023.

#### **National Guard Unit for the Commonwealth of the Northern Mariana Islands**

In response to section 515 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), the National Guard Bureau (NGB) in August 2015 reported that establishing National Guard units in both the Territory of American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) is feasible, but "major steps are necessary to reach that end state." Among the issues raised were the territories' limited ability to recruit, maintain, and sustain units, and that the costing framework to transfer force structure from one State or territory to American Samoa or the CNMI would have an impact on the donor State's or territory's ability to accommodate the NGB's "Essential Ten" homeland capabilities.

With these issues in mind, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services, not later than February 1, 2017, on how the Department of Defense would establish, maintain, and sustain a National Guard unit in the Commonwealth of the Northern Mariana Islands. At a minimum, the briefing shall include details regarding force

structure allocation, recruiting, and funding requirements, including military construction, that would allow the committee to evaluate the cost and overall impact of locating a National Guard unit in CNMI.

**Reporting requirement for C-130H recapitalization and modernization**

The committee notes that the Air Force Reserve and Air National Guard, as well as the Special Operations Command, U.S. Marine Corps, and U.S. Coast Guard, are all well on their way to recapitalize their legacy C-130Hs with the newer, more cost effective, and more operationally capable, C-130Js. The Air Force has stated that some C-130H units within the Guard and Reserve will be modernized with upgraded avionics, while others will be recapitalized with C-130Js. What remains unclear at this point is which units will be modernized and which ones will be recapitalized.

Therefore, the committee directs the Secretary of the Air Force to submit a report to the congressional defense committees by February 28, 2017, on C-130H recapitalization and modernization that shall include the following elements:

- (1) C-130H to C-130J recapitalization timeline by unit for the Air National Guard and Air Force Reserve;
- (2) C-130H Avionics Modernization Program Increment 1 and Increment 2 fielding timeline by unit for the Air National Guard and Air Force Reserve; and
- (3) C-130H propulsion system upgrades: T56 3.5 engine modification, NP 2000 8-bladed propeller, and electronic propeller controller system, timeline by unit for the Air National Guard and Air Force Reserve.

**Report on the Purpose and Utility of a Registration System for Military Selective Service**

The committee directs the Secretary of Defense to submit to the Senate Committee on Armed Services and the House Committee on Armed Service by July 1, 2017 a report on the current and future need for a centralized registration system for military selective service. The report under subsection shall include the following:

- (1) A detailed analysis of the current benefits derived, both directly and indirectly, from the Military Selective Service System, including:
  - (A) The extent to which mandatory registration benefits military recruiting;
  - (B) The extent to which a national registration capability serves as a deterrent to other nations.
- (2) An analysis of the functions currently performed by the Selective Service System that would be assumed by the Department in the absence of a national registration capability;
- (3) An analysis of the systems, manpower, and facilities that would be needed by the Department to physically mobilize inductees in the absence of the Selective Service System;
- (4) A detailed analysis of the Department's manpower needs in the event of an emergency requiring mass mobilization, including:
  - (A) A detailed timeline, along with the factors considered in arriving at this timeline, of when the Department of Defense would require:
    - (i) The first inductees to report for service;
    - (ii) The first 100,000 inductees to report for service;
    - (iii) The first medical personnel to report for service.
  - (B) An analysis of any additional critical skills that would be needed in the event of a national emergency, and a timeline for when the Department would require the first inductees to report for service.
- (5) A list of the assumptions used by the Department when conducting their analysis.

**Review of Qualified Joint Tours**

The committee commends the Department of Defense for its ongoing commitment to ensuring the interoperability of the joint force. The committee notes that operations conducted by the Department and the uniformed services at all levels of command are increasingly characterized by their joint nature. Accordingly, in light of the review of the Goldwater-Nichols Department of

Defense Reorganization Act of 1986 (Public Law 99-433), the committee urges the Department to continue these efforts and directs the Secretary of Defense to provide a briefing to the Committee on Armed Services of the House of Representatives not later than December 1, 2016, on the composition of the Joint Duty Assignment List (JDAL) and recommendations for congressional action required to bring the current JDAL in line with the joint nature of the current force.

### **Oversight and Management of Defense-Wide Training**

The committee notes that Department of Defense Directive 1322.18 pertaining to military training was last updated in January 2009. Since then, significant organizational changes within the Department have occurred, including the disestablishment of U.S. Joint Forces Command and the establishment of an Assistant Secretary of Defense for Readiness, directly affecting the oversight and management of defense-wide training policies, programs, and resources.

The committee notes that section 4(d) of the Directive states that "The Department of Defense shall maintain a comprehensive and effective Service, Defense Agency, and joint training management capability to develop, execute, and assess military training throughout the Department." The committee is aware, however, that, since the disestablishment of U.S. Joint Forces Command, defense-wide training and training-related activities and programs have been dispersed throughout the Office of the Secretary of Defense, the Joint Staff, the military services, the combatant commands, and other defense organizations. The committee is concerned that such dispersal, combined with outdated policy guidance, has led to the ineffective oversight and management of defense-wide training and inefficient allocation of training-related resources. The committee believes that the Department should take a more holistic approach to managing the defense training enterprise to enhance the capability and readiness of the joint force, to include aligning the services' training investments to joint and common training needs, identifying opportunities for greater training integration and interoperability, and advancing innovative training methods and capabilities.

Therefore, the committee directs the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to update Department of Defense Directive 1322.18. The committee further directs the Secretary and the Chairman to provide a briefing to the House Committee on Armed Services not later than December 1, 2016, on the status of the Department's efforts to update such Directive. The briefing should also address the following elements:

- (1) The scope of training programs, facilities, activities, and resources covered by the updated Directive;
- (2) The delineation of training roles and responsibilities among the Office of the Secretary of Defense, the Joint Staff, the military services, the combatant commands, and other relevant defense organizations;
- (3) An assessment of joint and common training requirements and the adequacy of current, planned, and programmed training capabilities, resources, and personnel to meet those requirements;
- (4) Any recommendations for improving the oversight and management of military training and related resources, including any recommendations for changes in authorities, budgeting structures, or organizational structures, including any recommendations for de-layering and consolidating defense-wide training organizations; and
- (5) Any other matters the Secretary determines to be appropriate.

### **Recommendations of the National Commission on the Future of the Army**

The committee notes that Congress established the National Commission on the Future of the Army (NCFA) in the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). The primary purpose of the NCFA was to address two major concerns:

- (1) How the Army should best organize and employ the Total Force in time of declining resources; and
- (2) Whether the Army should proceed with the transfer of AH-64 Apache aircraft from the Reserve Components to the Regular Army as directed by the Army's aviation restructure initiative.

In its final report, the NCF A made 63 recommendations that were directed to the President, Congress, Department of Defense, Joint Staff, combatant commands, and the Army. In considering these recommendations, based on the underlying law that established the NCF A, the commission was instructed to take into account "anticipated mission requirements for the Army at acceptable levels of national risk and in a manner consistent with available resources and anticipated future resources." Consequently, the commission presumed a budget request level for fiscal year 2016, and its recommendations assumed that a total Army force of 450,000 in the Regular Army, 335,000 in the Army National Guard, and 195,000 in the Army Reserve could not be increased. Furthermore, all recommendations with funding implications assumed that the Army would have to take risk and make internal trades to resource the recommendations, as well as assumed that Congress would not provide additional resources across the Future Years Defense Program.

The committee commends the efforts of the commissioners and their staff for the on-time completion of the NCF A report and associated recommendations. In general, the committee is supportive of many of the commission's recommendations; however, the committee requires additional information from the Department of Defense and the Army, as well as more time for sufficient review in order to make informed decisions regarding most of the recommendations made by the NCF A. Of these recommendations, the committee supports the recommendation to retain 4 Apache attack helicopter battalions in the National Guard and an 11th combat aviation brigade in the Regular Army. The committee expects the Army to plan and program accordingly based on available resources across the Future Years Defense Program. The committee is also supportive of a permanent combat aviation brigade in the Republic of Korea, a permanent armored brigade combat team presence in Europe, and increasing armored brigade combat team capacity in the Army. The committee is also supportive of the recommendation to consolidate Army marketing functions under the authority of the Army Marketing Research Group to eliminate redundancy and gain unity of effort. The committee is not supportive, however, of any recommendation that would reduce the Army's current force structure or use reductions in combat force structure as offsets to resource any recommendation.

Elsewhere in this Act, the committee includes a provision that would address the commission's recommendations focusing on Army modernization capability and capacity shortfalls, as well as alternative Army force designs and modeling. Therefore, the committee directs the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Chief of Staff of the Army, to provide a written assessment of all of the NCF A recommendations that are within such official's respective jurisdiction to the congressional defense committees by December 1, 2016. The committee expects the Army's written assessment to be separate, and include comments from the Chief of the National Guard Bureau. The respective assessments should include, but not be limited to, the following:

- (1) Whether the recommendation is agreeable;
- (2) Potential implementation plans for those recommendations, to include resource options and timelines;
- (3) Costs anticipated in execution of those implementation plans; and
- (4) Any legislative assistance required.

#### **Review of Dual-Hatting Relationship**

The committee is aware that U.S. Cyber Command (CYBERCOM) was established with an intertwined relationship with the National Security Agency (NSA) to help improve resourcing and decision making in this domain by unifying those organizations. The committee believes that

making the Commander of U.S. Cyber Command and the Director of the National Security Agency a single individual made sense in 2010 in order to mature CYBERCOM quickly and prevent duplication of resources or lack of coordination.

Elsewhere in this Act, the committee includes a provision that would establish CYBERCOM as a combatant command under the Unified Command Plan. Therefore, the committee believes it is timely to reassess the dual-hat relationship. For example, the committee is concerned that with a dominant focus on cyber activities, other responsibilities of the NSA, such as signals intelligence and communications security, may not be gain adequate focus and attention. The committee is also aware that during the civilian workforce furloughs that took place in 2013 there were impacts on NSA employees supporting CYBERCOM that were not felt by NSA as a whole. The committee is also concerned that proper internal and external oversight of the two organizations' roles and responsibilities will become increasingly difficult to distinguish and manage the more cyber is operationalized, especially as it pertains to NSA's collection and other activities in support of national and Departmental priorities for foreign intelligence and counterintelligence, and CYBERCOM's intelligence activities to support cyber operations.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by November 1, 2016, on a review and assessment of the dual-hat relationship for CYBERCOM. This review should include the following:

- (1) Roles and responsibilities, including intelligence authorities, of each organization;
- (2) Assessment of the current impact of the dual-hat relationship, including both advantages and disadvantages;
- (3) Recommendations on courses of action for separating the dual-hat command relationship between the Commander of CYBERCOM and the Director of the NSA, if appropriate;
- (4) Suggested timelines for carrying out such courses of action; and
- (5) Recommendations for legislative actions as necessary.