



National Guard Bureau
Office of Legislative Liaison



FY18 House Armed Services National Defense Authorization Act (NDAA)

*Summary of H.R. 2810,
The National Defense Authorization Act for Fiscal Year 2018*

As of June 28th, 2017

	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House	June 28, 2017				
Senate					

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Executive Summary

This guide provides a short summary of the House Armed Services Fiscal Year 2018 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 12) for their own situational awareness.

Status:

On June 28th, 2017, the House Armed Services Committee (HASC) conducted its full-committee markup of the FY2018 National Defense Authorization Act. The committee authorized \$688.3 billion in defense spending, of which \$613.8 billion is for base defense activities, and \$74.5 for the war-related Overseas Contingency Operations account. The committee authorized \$28.5 billion more than the President's budget request.

Highlights:

- Provides a 2.4 percent pay raise for military personnel *[sec. 601]*
- Increases the Army National Guard end strength by 4,000 to 347,000, paid for out of OCO for base requirements *[sec. 4403]*, and maintains the Air National Guard end strength request of 106,600 *[sec. 411]*
- Provides \$500 million in the National Guard and Reserve Equipment Account (NGREA) *[sec. 4102]*
- Modifies the Mil Tech to title 5 conversions required from 20 percent to 10 percent and extends the date of completion of those conversions until October 1, 2018. *[sec. 501]*
- Prohibits C-130H AMP Increment 2 single-source until holding fair & open competition *[sec. 132]*
- Authorizes Reserve Component members activated under 12304a or 12304b to receive pre-mobilization and transitional TRICARE health care. *[sec. 503]*
- Increases the statutory limits for the aviation retention bonus to \$50,000 *[sec.617]*
- Authorizes a pilot program using retired Army National Guard senior enlisted members as Army National Guard recruiters *(sec. 502)*
- Authorizes up to \$5.0M in FY18 for the purposes of establishing the NATO Cooperative Cyber Center of Excellence *[sec. 1271]*
- Authorizes an additional \$8.0 million for the NSA CAE-CD Program Office to support cyber defense education of reservists across all military services and the National Guard.
- Requires an annual report on personnel, training, and equipment needs of the non-federalized National Guard *[Direct report language]*
- Directs the Secretary of the Air Force to provide a briefing to the HASC on an update of A-10 and F-16 basing decisions for the active component and Air National Guard *[Direct report language]*
- Authorizes \$1.5M in FY18 for National Guard Youth Challenge and \$20M for STARBASE
- Authorizes an addition \$4 million for State Partnership Program *(sections 4301 and 4401)*

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	FY18 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY18 Delta from PB
O&M	\$7,307,170	\$7,379,580	+\$72,410				
OCO for Base O&M	-	\$173,900	+\$173,900				
OCO O&M	\$108,111	\$108,111	-				
MILCON	\$210,652	\$266,652	+\$56,000				

Army National Guard End Strength

Army National Guard	FY18 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY18 Delta from PB
End Strength	343,000	347,000	+4,000				
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	FY18 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY18 Delta from PB
O&M	\$6,939,968	\$7,104,268	+164,300				
OCO for Base O&M	-	\$47,600	+\$47,600				
OCO O&M	\$15,400	\$15,400	-				
MILCON	\$161,491	\$203,391	+\$41,900				

Air National Guard End Strength

Air National Guard	FY18 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY18 Delta from PB
End Strength	106,600	106,600	-				
AGR	16,260	16,260	-				
Dual Status Technicians	21,893	21,893	-				
Non-Dual Status Technicians	350	350	-				
ADOS	16,000	16,000	-				

BILL TEXT

PROCUREMENT PROVISIONS

Limitation on Selection of Single Contractor for C-130H Avionics Modernization Program Increment 2 (sec. 132)

This provision would prohibit the Department of the Air Force from selecting a single contractor for the C-130H avionics modernization program increment 2 until the Secretary of the Air Force certifies to the congressional defense committees that every opportunity will be taken to make use of commercial-off-the-shelf technology solutions and non-developmental items and that excessively restrictive military specification standards were not used as criteria to restrict or eliminate fair and open competition.

Limitation on Availability of Funds for EC-130H Compass Call Recapitalization Program (sec. 133)

This section would restrict the Secretary of the Air Force from contracting with any entity for the purposes of the Compass Call re-host program until the Under Secretary of Defense for Acquisition, Technology, and Logistics submits a certification to the congressional defense committees that indicates the acquisition strategy has been reviewed and determined to meet applicable laws, guidelines, and best practices.

Cost-Benefit Analysis of Upgrades to MQ-9 Reaper Aircraft (sec. 134)

This section would require the Secretary of Defense, in coordination with the Secretary of the Air Force, to conduct a cost-benefit analysis that compares upgrading MQ-9 Reaper aircraft to a Block 5 configuration, or foregoing the Block 5 upgrade to MQ-9 aircraft and proceeding with procurement of MQ-9B aircraft instead. The provision also requires the Department of Defense to submit the analysis to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

Authority for Procurement of Economic Order Quantities for the F-35 Aircraft Program (sec. 141)

This section would authorize the Secretary of Defense to enter into one or more contracts, beginning with the fiscal year 2018 program year, for the procurement of economic order quantities for material and equipment that has completed formal hardware qualification testing for the F-35 program and is to be used in procurement contracts to be awarded under the F-35 program in fiscal years 2019 and 2020. This section would also limit the amount of such contracts for fiscal year 2018, or any year thereafter, to not more than \$661.0 million. Additionally, this section would limit the Secretary of Defense from entering into such contracts until a period of 15 days has elapsed following the date on which the Secretary submits to the congressional defense committees a written certification that the contract meets certain conditions.

OPERATION AND MAINTENANCE PROVISIONS

Quarterly Reports on Personnel and Unit Readiness (sec. 331)

This section would amend section 482 of title 10, United States Code, to change the matters reported in the Quarterly Readiness Reports to Congress (QRRC). Reports for the first and third quarters of a fiscal year would contain information on Department of Defense and military service readiness status while those for the second and fourth quarters of a fiscal year would contain Department of Defense mitigation plans for readiness deficiencies identified in the previous quarter's QRRC.

Annual Report on Personnel, Training, and Equipment Needs of Non-Federalized National Guard (sec. 333)

This provision would amend section 10504 of title 10, United States Code, to require an annual report on the personnel, training, and equipment needs of the non-federalized National Guard

MILITARY PERSONNEL AUTHORIZATIONS

End strengths for Selected Reserve (sec. 411)

This provision would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2018: 347,000 for the Army National Guard and 106,600 for the Air National Guard.

End Strengths for Reserves on Active Duty in Support of the Reserves (sec. 412)

This provision would authorize the following end strengths for Reserves on Active Duty in support of the Reserves as of September 30, 2018: 30,155 for the Army National Guard and 16,260 for the Air National Guard.

End Strengths for Military Technicians (Dual Status) (sec. 413)

This provision would authorize the following end strengths for military technicians (dual status) as of September 30, 2018: 25,507 for the Army National Guard and 21,893 for the Air National Guard

Fiscal Year 2018 Limitation on Number of Non-Dual Status Technicians (sec. 414)

This provision 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, 2018: 1,600 for the Army National Guard and 350 for the Air National Guard.

Maximum Number of Reserve Personnel Authorized To Be on Active Duty for Operational Support (sec. 415)

This provision 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 2018 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: 17,000 for the Army National Guard and 16,000 for the Air National Guard.

Reimbursement for State Licensure and Certification Costs of a Spouse of a Member of the Armed Forces Arising from Relocation to Another State (sec. 554)

Authorizes service secretary to reimburse members of Armed Forces up to \$500 for a spouses expenses related to licensing or certification in another state incident to a PCS.

RESERVE COMPONENT MANAGEMENT PROVISIONS

Modification of Requirements Relating to Conversion of Certain Military Technicians (Dual Status) Positions to Civilian Positions (sec. 501)

This provision would amend section 1053 of the National Defense Authorization Act for Fiscal Year 2016, as amended by section 1084 of the National Defense Authorization Act for Fiscal Year 2017, to reduce the clerical and administrative dual status technician conversions to title 5 civilians required by those sections from 20 percent to 10 percent and would extend the date of completion of those conversions for 1 year until October 1, 2018. Additionally, this section would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 2018, containing recommendations for revisions to section 709 of title 32, United States Code.

Pilot Program on Use of Retired Senior Enlisted Members of the Army National Guard as Army National Guard Recruiters (sec. 502)

This provision would authorize the Secretary of the Army to carry out a pilot program under which retired senior enlisted members of the Army National Guard would serve as contract recruiters for the Army National Guard.

Equal Treatment of Orders to Serve on Active Duty under Section 12304a and 12304b of Title 10, United States Code (sec. 503)

This provision would amend sections 1074(d)(2) and 1145(a) of title 10, United States Code, to authorize Reserve Component members activated under the authority provided by either section 12304a or 12304b of title 10, United States Code, to receive pre-mobilization and transitional TRICARE health care.

Direct employment pilot program for Members of the National Guard and reserve. (Sec. 504)

Directs the establishment of a pilot program that provides job placement Assistance and employment services to members of the National Guard and Reserves. (a) Program authority, the Secretary of Defense may carry out a pilot program to enhance the efforts of the department of defense to provide job placement assistance and related employment services directly to members in the National Guard and reserves.

COMPENSATION, PERSONNEL BENEFITS AND RETIREMENT

Annual Adjustment of Basic Monthly Pay (sec. 601)

This provision would direct that the rates of basic pay under section 203(a) of title 37, United States Code, be increased in accordance with section 1009 of title 37, United States Code, notwithstanding a determination made by the President under subsection (e) of section 1009.

Limitation on Basic Allowance for Housing Modification Authority for Members of the Uniformed Services Residing in Military Housing Privatization Initiative Housing (sec. 602)

This provision would amend section 403(b) of title 37, United States Code, to temporarily prohibit the Secretary of Defense from further reducing the basic allowance for housing (BAH) below the current level for service members residing in Military Housing Privatization Initiative (MHPI) housing until 2019. The committee remains concerned about the reduction in BAH and its effect on the recapitalization of these housing units. The committee believes that military families must be provided with on-base housing that is safe and periodically modernized. Therefore, this section would also require the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 2018, on the Department of Defense's management of MHPI, and plans and alternatives considered for ensuring the continued viability of MHPI projects for the life of the housing project.

Housing Treatment for Certain Members of the Armed Forces, and Their Spouses and Other Dependents, Undergoing a Permanent Change of Station within the United States (sec. 603)

This provision would stabilize military families in the event of a PCS that is not advantageous to work or school for the family members

One-Year Extension of Certain Bonus and Special Pay Authorities for Reserve Forces (sec. 611)

This provision would extend the authority, through December 31, 2018, 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.

One-Year Extension of Certain Bonus and Special Pay Authorities for Health Care Professionals (sec. 612)

This provision would extend the authority for the nurse officer candidate accession program, repayment of educational loans for certain health professionals who serve in the Selected Reserve, the accession and retention bonuses for psychologists, the accession bonus for registered nurses, the incentive special pay for nurse anesthetists, the special pay for Selected Reserve health care professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties, until December 31, 2018.

One-Year Extension of Special Pay and Bonus Authorities for Nuclear Officers (sec. 613)

This provision would extend the authority for the special pay for nuclear-qualified officers extending a period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus until December 31, 2018.

One-Year Extension of Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities (sec. 614)

This provision 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, 2018.

One-Year Extension of Authorities Relating to Payment of Other Title 37 Bonuses and Special Pays (sec. 615)

This provision would extend the authority for the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus for active members, the incentive pay for members of pre-commissioning programs pursuing foreign language proficiency, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between Armed Forces, and the accession bonus for officer candidates, until December 31, 2018.

Increase in Maximum Amount of Aviation Bonus for 12-Month Period of Obligated Service (sec. 617)

This provision would amend section 334(c)(1)(B) of title 37, United States Code, to increase the statutory limits for the aviation retention bonus to \$50,000 and allow the Secretary concerned the flexibility to increase the aviation incentive pay limit set forth in regulations issued by the Secretary of Defense under section 374 of title 37, United States Code. The Secretary of Defense should revise applicable regulations as required.

Findings and Sense of Congress regarding the Special Survivor Indemnity Allowance (sec. 621)

This provision would express the sense of Congress that the Special Survivor Indemnity Allowance was created as a stop gap measure to assist widowed spouses by reducing the Survivor Benefit Plan/Dependency Indemnity Compensation offset required by law. This section would also state that the dollar-for-dollar reduction in payment to surviving spouses should be fully repealed at the first opportunity.

Physical Examinations for Members of a Reserve Component Who Are Separating from the Armed Forces (sec. 701)

This provision would amend section 1145 of title 10, United States Code, to require the Secretary of Defense to provide a physical examination upon request to a member of a Reserve Component upon separation from service, provided that the member had deployed for more than 30 days within the last 2 years prior to the service member's separation date.

Mental health examinations before members separate from the armed forces. (sec. 702)

Requires a mental health examination for service members before they transition from military along with existing physical exam, thus bringing the transition exam into alignment with the standard periodic health assessment.

Clarification of Roles of Commanders of Military Medical Treatment Facilities and Surgeons General (sec. 711)

This provision would amend section 1073c of title 10, United States Code, to clarify that the commanders of military medical treatment facilities are responsible for the operation of the military medical treatment facility they supervise. This section would also amend sections 3036, 5137, and 8036 of title 10, United States Code, to clarify that the surgeons general are responsible for the medical readiness provided by the military medical treatment facilities and maintaining a ready medical force within their respective military departments.

Appointment of Retired Members of the Armed Forces to Positions In or Under the Department of Defense (sec. 1105)

This provision would amend section 3326 of title 5, United States Code, to allow the Secretary of Defense to appoint recently retired members of the Armed Forces to fill emergency needs.

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Transition of the Office of the Secretary of Defense to Reflect Establishment of Positions of Under Secretary of Defense for Research and Engineering, Under Secretary of Defense for Acquisition and Sustainment, and Chief Management Officer (sec. 921)

This section would allow the incumbent Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics to become the Under Secretary of Defense for Acquisition and Sustainment, and would allow the incumbent Deputy Chief Management Officer to continue to serve as the Chief Management Officer, once both positions come into effect on February 1, 2018, consistent with section 901 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328.) Additionally, this section would clarify that any statutory references to the positions established in the aforementioned section 901 also take effect

on February 1, 2018. In the conference report (H. Rept. 114-840) accompanying the National Defense Authorization Act for Fiscal Year 2017, the conferees encouraged the President to move expeditiously on nominations for the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, and the Chief Management Officer. However, the committee recognizes the difficulty of recruiting talented, experienced individuals to the incumbent leadership positions if the tenure of such positions is short and the individuals are not retained for the newly established positions. Therefore, the committee recommends that the individuals appointed by and with the advice and consent of the Senate to the relevant incumbent positions be allowed to transition to the newly established positions.

General Transfer Authority (sec. 1001)

This section would allow the Secretary of Defense, with certain limitations, to make transfers between amounts authorized for fiscal year 2018 in division A of this Act. This section would limit the total amount transferred under this authority to \$5.00 billion. This section would also require prompt notification to Congress of each transfer made.

MILITARY CONSTRUCTION PROVISIONS

Authorized Army National Guard Construction and Land Acquisition Projects (sec. 2601)

This section would contain the list of authorized Army National Guard construction projects for fiscal year 2018. 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.

Army National Guard

State	Location	Amount
Delaware	New Castle	\$36,000,000
Idaho	Orehard Training Area	\$22,000,000
	MTC Gowen	\$9,000,000
Illinois	Springfield	\$32,000,000
Maine	Presque Isle	\$17,500,000
Maryland	Sykesville	\$19,000,000
Minnesota	Arden Hills	\$39,000,000
New Mexico	Las Cruces	\$8,600,000
Virginia	Fort Pickett	\$4,550,000
	Fort Belvoir	\$15,000,000
Washington	Tumwater	\$31,000,000

Authorized Air National Guard Construction and Land Acquisition Projects (sec. 2604)

This section would contain the list of authorized Air National Guard construction projects for fiscal year 2018. 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.

Air National Guard

State	Location	Amount
California	March Air Force Base	\$15,000,000
Colorado	Peterson Air Force Base	\$8,000,000
Connecticut	Bradley IAP	\$7,000,000
Indiana	Fort Wayne International Airport	\$1,900,000
	Hulman Regional Airport	\$8,000,000
Kentucky	Louisville IAP	\$9,000,000
Mississippi	Jackson International Airport	\$8,000,000
Missouri	Rosecrans Memorial Airport	\$10,000,000
New York	Hancock Field	\$6,800,000
Ohio	Toledo Express Airport	\$15,000,000
	Rickenbacker International Airport	\$8,000,000
Oklahoma	Tulsa International Airport	\$8,000,000
Oregon	Klamath Falls IAP	\$18,500,000
South Dakota	Joe Foss Field	\$12,000,000
Tennessee	McGhee-Tyson Airport	\$25,000,000
Wisconsin	Dane County Regional/Airport Truax Field	\$8,000,000

Authorization of Appropriations, National Guard and Reserve (sec. 2606)

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.

Extension of Authorizations of Certain Fiscal Year 2014 Projects (sec. 2612)

This section would extend the authorization of certain projects originally authorized by sections 2602, 2604, and 2605 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66) until October 1, 2018, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2019, whichever is later.

Extension of Authorizations of Certain Fiscal Year 2015 Projects (sec. 2613)

This section would extend the authorization of certain projects originally authorized by sections 2602 and 2604 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291) until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

Modification of Thresholds Applicable to Unspecified Minor Construction Projects (sec. 2802)

This section would modify section 2805(a) of title 10, United States Code, to increase the unspecified minor military construction project threshold from \$3.0 million to \$6.0 million and to remove the differentiation between aforementioned unspecified minor military construction projects and "life-threatening, health-threatening, or safety-threatening" projects. This section would also modify section 2805(b) of title 10, United States Code, to decrease the unspecified minor military construction project advance approval threshold requirement for the service secretary concerned from \$1.0 million to \$0.75 million and would increase the threshold for use of operation and maintenance amounts to carry out an unspecified minor military construction project from \$1.0 million to \$2.0 million pursuant to section 2805(c) of title 10, United States Code.

Use of Operation and Maintenance Funds for Military Construction Projects to Replace Facilities Damaged or Destroyed by Natural Disasters or Terrorism Incidents (sec. 2804)

This section would amend section 2854 of title 10, United States Code, to enable use of operation and maintenance funds to replace a facility damaged or destroyed by a natural disaster or a terrorism incident.

BASE REALIGNMENT AND CLOSURE ACTIVITIES

Prohibition on conducting additional base realignment and closure (BRAC) round (sec. 2702)

This section would prohibit an additional round of base realignment and closure round.

OTHER PROVISIONS

Consideration of Additional Medical Evidence by Boards for the Correction of Military Records and Liberal Consideration of Evidence Relating to Post-Traumatic Stress Disorder or Traumatic Brain Injury (sec. 511)

This provision would amend section 1552 of title 10, United States Code, to require Boards for the Correction of Military Record to review medical evidence of the Secretary of Veterans Affairs and civilian healthcare providers in cases in which the application is based on matters relating to post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI). In addition, it would require the boards to review the case with liberal consideration to the former member that PTSD or TBI potentially contributed to the discharge or dismissal, or discharge characterization.

Pilot Program on Use of Video Teleconferencing Technology by Boards for the Correction of Military Records and Discharge Review Boards (sec. 513)

This provision would authorize the Secretary of Defense to conduct a pilot program on the use of video teleconferencing technology by boards for the correction of military records and discharge review boards so that, when authorized, applicants may appear before the board without being physically present.

Clarifying Amendments Related to the Uniform Code of Military Justice Reform by the Military Justice Act of 2016 (sec. 521)

This provision would make clarifying amendments to the Uniform Code of Military Justice, including clarifying that petitions for writs of mandamus by victims have priority in both the Court of Criminal Appeals and the Court of Appeals for the Armed Forces; expanding the pre-referral matters that a military judge may consider to include appointment of a certain individual to assume the rights of certain victims and pre-referral matters related to a petition for a writ of mandamus by a victim; clarifying that the President may establish the types of sentences that require automatic reduction in enlisted rank; and extending the due date of the Military Justice Review Panel's assessment on sentencing data from 2020 to 2021.

Prohibition on Wrongful Broadcast or Distribution of Intimate Visual Images (sec. 523)

This provision would amend the Uniform Code of Military Justice to insert a new section (article) prohibiting wrongful broadcast or distribution of intimate visual images.

Special Victims' Counsel Training Regarding the Unique Challenges Often Faced by Male Victims of Sexual Assault (sec. 525)

This provision would require that baseline Special Victims' Counsel training include training on how to recognize and deal with the unique challenges often faced by male victims of sexual assault.

Notification of Members of the Armed Forces Undergoing Certain Administrative Separations of Potential Eligibility for Veterans Benefits (sec. 529)

This provision would require that service members being separated from the military with an other than honorable discharge be informed, in writing, that they may petition the Veterans Benefits Administration of the Department of Veterans Affairs for certain benefits despite their characterization of service.

Replacement of Military Decorations at the Request of Relatives of Deceased Members of the Armed Forces (sec. 561)

This provision would amend section 1135 of title 10, United States Code, to require the Secretary of Defense to replace the military decorations of a deceased recipient to certain relatives at no cost to the Department of Defense.

National Guard flyovers of public events. (sec. 1037)

Requires that National Guard flyovers of public events may only be flown as part of an approved training mission and makes the state or territory adjutant general the approval authority for guard flyovers in that state or territory.

Findings and sense of Congress regarding the National Guard Youth ChalleNGe Program. (sec. 1071)

(a) Findings. Congress finds the following: (1) fewer than 30 percent of youth in the United States qualify for military service, either because of poor physical health, a criminal record, or lack of a high school degree. (2) The National Guard Youth ChalleNGe program provides the department of defense an opportunity to work with state and local governments to engage with the youth of the nation, providing military-based training, the opportunity to earn a high school degree, and high physical fitness standards. (b) Sense of Congress. It is the sense of congress that it is critical to allocate the necessary resources to the National Guard Youth ChalleNGe program of the department of defense as it plays a critical role in preparing the next generation of qualified youth for military service.

NATO Cooperative Cyber Defense Center of Excellence (sec. 1271)

This provision would authorize up to \$5.0 million for fiscal year 2018 for the purposes of establishing the NATO Cooperative Cyber Center of Excellence, and would direct the Secretary of Defense to assign executive agent responsibilities to an appropriate organization within the Department of Defense.

Establishment of Space Corps in the Department of the Air Force (sec. 1601)

This section would authorize the creation of a Space Corps within the Department of the Air Force and require the Secretary of the Air Force to certify its establishment by January 1, 2019. The Space Corps would be led by the Chief of Staff of the Space Corps and would be composed of such offices and officials determined appropriate by the Secretary of the Air Force, in consultation with the Chief of Staff of the Space Corps. This section would further provide that the Chief of Staff of the Space Corps would be appointed for a term of 6 years, be a member of the Joint Chiefs of Staff, and would report directly to the Secretary of the Air Force, as a co-equal of the Chief of Staff of the Air Force. The Secretary of the Air Force would be given Milestone Decision Authority for space acquisition programs, including with respect to research, development, test, and evaluation and procurement. This section would not affect the authority of the other Services to pursue Service-specific user terminals for space programs. This section would also not affect the authorities of the Director of the National Reconnaissance Office and the Director of the National Geospatial-intelligence Agency. This section would terminate the Principal Department of Defense Space Advisor and Defense Space Council. Nothing in this section would authorize or require the relocation of any facilities, infrastructure, or military installations of the Air Force. Lastly, this section would require the Secretary of Defense to provide to the congressional defense committees an interim report by March 1, 2018, and a final report by August 1, 2018, on the plan for the establishment of the Space Corps, recommendations by the Secretary of Defense, and other specified matters related to such.

Plan to Increase Cyber and Information Operations, Deterrence, and Defense (sec. 1654)

This provision would direct the Secretary of Defense to develop a plan to increase regional cyber planning and enhance information operations and strategic communication strategies to counter Chinese and North Korean information warfare, malign influence, and propaganda activities. It would further direct the Secretary to provide a briefing to the congressional defense committees on the plan not later than 180 days after the date of the enactment of this Act.

Establishment of Subordinate Unified Command of the United States Strategic Command (sec. 1602)

This section would direct the Secretary of Defense to establish United States Space Command as a subordinate unified command under United States Strategic Command not later than January 1, 2019. This section would also require the commander of such command to hold a four-star rank and be appointed by the President and confirmed by the Senate. The commander would exercise command of joint space activities or missions, and the United States Space Command would be jointly staffed.

OTHER FUNDING AUTHORIZATION PROVISIONS

National Guard Accessibility to Department of Defense Issued Unmanned Aircraft (sec. 1053)

This section would require the Secretary of Defense, in coordination with the Chief of the National Guard Bureau, the Commander, U.S. Northern Command, and the Commander, U.S. Pacific Command, to complete an efficiency and effectiveness review of the governance structure, coordination processes, documentation, and timing requirements stipulated in Department of Defense policy memorandum 15-002, titled "Guidance for the Domestic Use of Unmanned Aircraft Systems (UAS)." This section would require the review to be completed not later than 1 year after the date of the enactment of this Act and the Secretary of

Defense to submit the review to the Committees on Armed Services of the Senate and the House of Representatives not later than 30 days after its completion. This section also would require the aforementioned officials to consider information and data points from State governors and State adjutant generals related to their assessment of the efficiency and effectiveness of accessing Department of Defense UASes for State and National Guard operations.

DIRECTIVE REPORT LANGUAGE

Digital Transformation of the Recruiting Process

The committee understands that the Department of Defense and the military departments are working to improve and modernize the military recruiting process. However, the committee is aware that additional modernization is required to optimize recruiting and entrance processing. Therefore, the committee directs the Secretary of Defense, in consultation with the military services, to provide a briefing to the Committee on Armed Services of the House of Representatives no later than April 1, 2018, on the plan to modernize military recruiting and entrance processing. The briefing shall include:

- (1) how the enlistment and commissioning workflow process can be modernized to improve workflow by minimizing paperwork and maximizing paperless transactions;
- (2) how the military services measure effectiveness and return on investment for recruiting and advertising; and
- (3) how the military services are using data analytics to improve recruiting.

GI Bill Benefit Review

The committee recognizes the substantial benefit the Post 9-11 GI Bill provides service members to further their or their dependent's education. Due to the length of service requirements to earn the benefit or transfer the benefit to a dependent, many service members have experienced difficulty understanding how much of the benefit they have earned. The committee is aware that service members, both Active Duty and in the Reserve Components, have had to reimburse the government for unauthorized use of the benefit due to not meeting the length of service requirements. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by November 30, 2017, on whether providing service members information on their remaining entitlement upon discharge from service would be feasible and appropriate. The committee believes relevant information would include the amount of the Post 9-11 GI Bill benefit each service member has earned prior to separation, retirement or release from military service, including whether or not they have completed any additional service obligation for transferring the benefit to a dependent.

Military Child Custody Protections

The committee remains concerned that service members are not receiving necessary information related to State child custody laws governing their dependents. While the Secretaries of the military departments are currently required to provide notice of child custody protections under the Servicemembers Civil Relief Act, the military departments do not have uniform requirements to provide information on State child custody laws. Therefore, the committee directs the Secretary of Defense, in consultation with the Secretaries of the military departments, to provide a briefing to the Committee on Armed Services of the House of Representatives not later than March 1, 2018, on the information and resources currently provided to service members regarding State child custody laws. The briefing shall include an analysis of how best to standardize the dissemination of this information to all affected service members, as well as an analysis of when, and how often, the information should be provided to these service members.

Pilot Shortage Assessment

The committee recognizes that the services are having difficulty addressing shortfalls in critical career fields that are vital for the readiness of our Armed Forces, specifically in the pilot career field. The committee is concerned about the Air Force's retention and recruitment issues within the fighter pilot community. The committee notes that the Air Force provided written testimony to the committee on February 7, 2017, stating that the Air Force was short 723 fighter pilots below requirement and 1,555 pilots short across all mission areas. Therefore, the committee encourages the Secretary of the Air Force to evaluate all options for improving the recruitment and retention of Air Force pilots. As part of such an assessment, the committee directs the Secretary of the Air Force to provide a briefing to the Committee on Armed Services of the House of Representatives by December 1, 2017, on the extent to which moving pilot or other aviation billets to the Active Guard and Reserve Components would address these shortages.

Pre-Command Audit Training Course

The committee believes that good financial management and auditability are important responsibilities of military leaders at all levels and is concerned that responsible officers receive inadequate training on these matters in the course of their careers. Therefore, the committee directs the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2018, on the current programs of education used to train those officers assuming a command billet or a billet directly responsible for financial management on their responsibilities regarding financial management and auditability. Additionally, the committee directs the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by June 1, 2018, that provides an assessment of the programs identified in the Secretary's report. The report of the Comptroller General shall also include an overview of current law and the Department of Defense's financial management and audit efforts to be in compliance with statutory guidance, as well as general financial management training requirements for command billets or billets requiring management of Department of Defense funds.

Post-Traumatic Stress Disorder

The committee acknowledges the efforts of the Department of Defense and the military services to diagnose and treat military members suffering from posttraumatic stress disorder (PTSD). Despite the progress that has been made, the committee believes that more needs to be done to ensure service members seek and receive the treatment they deserve. The committee continues to believe PTSD is underreported and underdiagnosed, leading to unnecessary suffering and some service members receiving other than honorable discharges that are unwarranted. The committee wishes to stay informed of the Department's progress in addressing these concerns 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, 2017, on the extent to which service members are seeking PTSD treatment; steps the military services are taking to eliminate the stigma sometimes associated with seeking treatment; and efforts by the military services to ensure commanders carefully weigh a diagnosis of PTSD when adjudicating involuntary separations.

TRICARE Pharmacy Pilot Program

The committee notes that section 743 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) authorizes the Secretary of Defense to conduct a pilot program to evaluate whether extending additional discounts for prescription drugs filled at retail pharmacies will maintain or reduce cost for the Department of Defense. This pilot gives the Secretary of Defense the authority to implement a pilot program that would test prescription drug acquisition cost parity in the TRICARE pharmacy program. The committee believes there is merit in executing the pilot program in order to determine if TRICARE pharmacy costs to the Department can be reduced through decreased acquisition costs, lower administrative fees, and competition, while restoring beneficiary access to brand-name maintenance prescription drugs at all dispensing retail pharmacies. Therefore, the committee encourages the Secretary to promptly utilize the authority granted under section 743 and implement the pilot program. In the event the Secretary declines to conduct the pilot, the committee directs the Secretary to provide a briefing to the House Committee on Armed Services by September 15, 2017, on the analytical basis for that decision.

Armored brigade combat team modernization

The committee understands that Budget Control Act of 2011 (Public Law 112-25) funding levels have reduced buying power, disrupted modernization plans, and reduced the Army's capability advantage over near-peer, high-end competitors. The committee notes that Army modernization funding declined 74 percent from 2008-2015 as a result of the drawdown from two wars and the imposition of the budget caps by Public Law 112-25. Perhaps most significant is that research and development (R&D) funding has been reduced by 50 percent, and appears to be concentrated in the later stages of R&D at the prototyping and system design and development stages, which are the precursors to fielding new capabilities. The Vice Chief of Staff of the Army stated, in testimony before the House Committee on Armed Services, that today's Army is "out-ranged, outgunned, and outdated; and on our present course, the U.S. Army will not be sufficiently modern to deter and defeat potential enemies." The committee is concerned that the tactical overmatch that U.S. ground forces have enjoyed for decades is being diminished, or in some cases, no longer exists. The committee believes the consequences of reduced modernization funding are most dramatic with respect to ground combat vehicle modernization. While the Army has definitive plans in place for Army aviation modernization, and has worked to establish mature acquisition strategies using multiyear procurement contracts for aviation platforms, the same cannot be said for ground combat vehicle modernization. The committee believes there

is an immediate need for a more accelerated ground combat vehicle modernization strategy that should include the development of a next generation infantry fighting vehicle and main battle tank, while also looking for ways to accelerate needed upgrades for legacy combat vehicles in the near term to address immediate threats. The committee understands the armored brigade combat team (ABCT), which is comprised of Abrams tanks, Bradley fighting vehicles, M109A7 Paladin self-propelled artillery, M113 Armored Personnel Carriers, Armored Multipurpose Vehicles, M88 Improved Recovery Vehicles, Joint Light Tactical Vehicles, and other systems is the only full-spectrum force in the Army's force structure. Over the past several National Defense Authorization Acts, the committee has noted concerns regarding the reduction of active ABCTs and the Army's ability to have sufficient numbers of fully ready active ABCTs to meet combatant commander steady-state and contingency plan requirements. The committee has also taken action to prevent further reductions in ABCT force structure, and prevent any production breaks in the combat vehicle industrial base. Given the return of armored units to the European theater, as well as the Army's plans to increase ABCT capacity, the committee believes that these actions have been validated. However, the committee remains concerned about the stability of ABCT modernization funding in fiscal year 2018 and beyond, and encourages the Army to fully modernize at least one ABCT per year. The committee directs the Secretary of the Army, in consultation with the Chief of Staff of the Army, to provide a report to the House Committee on Armed Services and the Senate Committee on Armed Services by April 5, 2018, on the Army's plan for executing its ground combat vehicle modernization strategy. Elements of the report should include: the Army's combat vehicle modernization priorities over the next 5 and 10 years; the extent to which those priorities can be supported at current funding levels within a relevant time period; the extent to which additional funds are required to support such priorities; detail how the Army is balancing and resourcing these priorities with efforts to rebuild and sustain readiness and increase force structure capacity over this same time period; and explain how the Army is balancing its near-term modernization efforts with an accelerated long-term strategy for acquiring next generation combat vehicle capabilities. The committee also directs the Comptroller General of the United States to provide a briefing to the House Committee on Armed Services by May 1, 2018, on the Comptroller General's preliminary assessment of the Army's report on the ground combat vehicle modernization strategy. The committee further directs the Comptroller General to provide a report on the Comptroller General's final assessment to the House Committee on Armed Services at a date to be determined at the time of the briefing. The Comptroller General's review should focus in particular on how the Army has developed its modernization priorities for the next 5 years, and examine how the Army is balancing and resourcing these priorities with efforts to rebuild and sustain readiness and increase force structure capacity over this time period. Additionally, the review should evaluate the extent to which the Army has balanced its near-term modernization efforts with its long-term strategy for acquiring new capabilities.

Small unit support vehicle recapitalization strategy

The committee understands the Army's family of small unit support vehicle (SUSV) fleet is used by Army units that train and operate in extreme cold weather conditions, and that this vehicle provides those units with unique capabilities not found elsewhere in the Army. In addition, while the committee is aware of the Army's effort to refurbish some of the fleet, the committee notes that legacy SUSVs are beyond their economic useful life and have become increasingly difficult to maintain. In the committee report (H. Rept. 114-537) accompanying the National Defense Authorization Act for Fiscal Year 2017, the committee required a briefing on the potential requirement for a replacement to the SUSV fleet. The briefing indicated the Army National Guard has established an SUSV overhaul program; however, this overhaul does not provide any additional capability. The committee remains concerned regarding the capability and capacity of the Army's SUSV fleet, and therefore directs the Secretary of the Army to conduct a business case analysis (BCA) to determine whether the Army should develop or procure a replacement for the small unit support vehicle designated SUSV. The BCA should include the following elements:

- (1) an analysis of how the SUSV fleet will be affected if a replacement for the vehicle is not developed or procured;
- (2) an explanation of the costs associated with refurbishing the SUSV fleet;
- (3) a description of specific requirements for a new SUSV vehicle and whether there is a vehicle available that would meet such requirements; (4) an analysis that compares the costs and benefits of the procuring of a new SUSV to the costs and benefits of refurbishing the SUSV fleet; and (5) recommendations for the most cost-effective approach to addressing the needs of the SUSV fleet. The committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services by March 1, 2018, on the results of the BCA.

Tactical Network Review

The committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services by September 29, 2017, that details the network study results and the Army's recommended way ahead.

Heavy Equipment Transport System Modernization Strategy

The committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services by December 1, 2017, on the Army's strategy for upgrading current HETS and HET trailers.

A-10 to F-16 transition at Fort Wayne, Indiana

The committee notes that section 134 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) included a subsection that authorizes the Secretary of the Air Force to carry out the transition of the A-10 aircraft unit at Fort Wayne Air National Guard Base, Indiana, to an F-16 aircraft unit, as described by the Secretary in the Force Structure Actions map submitted in support of the budget request for fiscal year 2017. The committee understands that the Secretary of the Air Force has not yet planned for or announced this transfer, and encourages the Secretary to execute this transfer as soon as possible. The committee remains concerned about the status of other A-10 and F-16 basing decisions for the Active Duty Air Force, Air Force Reserve, and Air National Guard. Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by September 1, 2017, on an update of A-10 and F-16 basing decisions for the Active Duty Air Force, Air Force Reserve, and Air National Guard.

E-8C Joint Surveillance and Target Attack Radar System

The committee acknowledges that the E-8C Joint Surveillance Target Attack Radar System (JSTARS) is a proven Air Force Battle Management Command and Control platform enabled by leveraging its extremely capable active radar system that provides invaluable moving target indicator (MTI) intelligence, surveillance, and reconnaissance (ISR) targeting information to multiple users both on the ground and in airborne attack platforms. The demand for MTI capability within each geographic combatant commander's area of responsibility far exceeds what JSTARS can currently provide due to its limited fleet size and strained crew resources. The committee also notes that the current fleet of 16 E-8C aircraft has issues and challenges the Air Force must successfully navigate to maintain viability until the current fleet of E-8C aircraft is replaced by the JSTARS Recapitalization program beginning in the late 2020s. Despite these issues and challenges, the committee is confident that the Secretary of the Air Force can develop a successful legacy JSTARS to JSTARS Recapitalization transition plan that would not prematurely retire E-8C aircraft, reassign crews or maintenance personnel, or otherwise create an MTI ISR capability gap or capacity deficit greater than what existing levels of aircraft should be providing currently. Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services not later than November 1, 2017, that describes, in detail, a strategy to sufficiently address manning, sustainment, modernization, and viability deficiencies that would resolve capability gaps, shortfalls, and deficiencies of the E-8C fleet of aircraft. The briefing should include a strategy that addresses right-sizing and balancing unit manning among the Total Force; maintaining proficient and current aircrews to meet operational requirements; resolving obsolescence and diminishing manufacturing sources of parts and supply; necessary mission system upgrades and operational enhancements across the E-8C fleet to keep the aircraft viable and relevant until the JSTARS Recapitalization aircraft is fielded; standardizing existing aircraft capabilities in areas such as imagery servers and the Automated Information System; a basing construct that would allow E-8C aircraft to operate simultaneously, if needed, from three forward operating locations, similar to other Air Force aircraft like the RC-135 and E-3A; and the associated cost, budget, and timeline required to implement the strategy. Finally, the committee also directs the Secretary of the Air Force to provide a report to the congressional defense committees not later than March 1, 2019, that explains in detail all aspects of how and when the Air Force will transition from legacy JSTARS aircraft capability to JSTARS Recapitalization aircraft capability.

F-15C capability, capacity, and recapitalization

The committee notes that during the hearing on March 22, 2017, titled "The Current State of the U.S. Air Force," before the Subcommittee on Readiness of the House Committee on Armed Services, Air Force witnesses testified that the Department of the Air Force is likely to decide during fiscal year 2019 budget deliberations whether or not to proceed with an option of divesting F-15C aircraft from the Air Force inventory and replacing those aircraft with upgraded F-16 aircraft. The committee notes that the Air Force is executing a service life extension program to upgrade the F-15C with an improved radar and missile warning system, as well as airframe structural enhancements. The committee strongly supports the Eagle Passive Active

Warning and Survivability System (EPAWSS) modernization program for the F-15C fleet. The committee recalls that the Air Force has previously stated a requirement to extend the service life of the F-15C aircraft fleet to fill the air superiority mission capacity gap created by the truncation of the F-22 procurement program to only 187 aircraft. Similarly, the committee also recalls that the Air Force planned to keep the F-15C viable until the Air Force's next-generation air dominance aircraft is fielded to avoid a capacity gap in the air superiority mission area. Additionally, the committee is unaware of any warfighting analysis within the Department of Defense that would validate replacing F-15C capability and capacity with upgraded F-16 aircraft to fulfill requirements of the air superiority mission area. The committee does not understand how the Air Force would grow to its desired number of 60 fighter squadrons by retiring a significant number of F-15C aircraft and replacing those with aircraft already in the Air Force inventory. As well, the committee is concerned such a decision would exacerbate the substantial personnel shortage that currently exists within the F-16 maintenance enterprise by having to retrain and qualify F-15C personnel to maintain F-16 aircraft. Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services not later than February 28, 2018, that provides detailed information on the following: the Air Force's weapon system sustainment and service-life plan for the F-15C aircraft, to include EPAWSS integration; when and with which material option(s) the Air Force plans to recapitalize air superiority mission capability provided by modernized F-15C aircraft, without incurring a reduction in capacity, if the F-15C is retired; how and when the Air Force plans to grow, and with which aircraft, to 60 fighter squadrons; any analysis completed by the Department of Defense that validates that the air superiority mission capability and capacity provided by a modernized F-15C can be supplanted with an upgraded F-16; and forecasted mission transition plans for locations and units that currently possess or support F-15C aircraft, personnel, operations, or maintenance activities if F-15C aircraft are retired.

F-35 Lightning II aircraft program

The committee continues to support the F-35 Lightning II program. The F-35 Lightning II aircraft is the Department of Defense's largest acquisition program, which will eventually deliver 2,443 F-35 aircraft to the Departments of the Navy and Air Force. The committee notes the Department of Defense has taken delivery of over 285 F-35 aircraft. The committee believes that the F-35 will form the backbone of U.S. air combat superiority for decades to come, replacing or complementing the legacy tactical fighter fleets of the Air Force, Navy, and Marine Corps with a dominant, multirole, fifth-generation aircraft capable of projecting U.S. power and deterring potential adversaries. The committee notes that, for the F-35 program's international partners and foreign military sales customers, the F-35 will become a cornerstone for future coalition operations and will enhance the strength of our security alliances. The committee understands the F-35 Lightning II program is approximately 90 percent through its system development and demonstration (SDD) phase, which is planned to be completed not later than the second quarter of fiscal year 2018 and will provide capabilities required by the Departments of the Navy and Air Force in a final software block known as block 3F. At a hearing held by the House Committee on Armed Services' Subcommittee on Tactical Air and Land Forces on February 16, 2017, the F-35 program executive officer (PEO) testified that the F-35 program is making solid progress as it grows and accelerates. The committee notes that looking beyond completion of the SDD phase of the F-35 program, the follow-on effort, known as the follow-on modernization (FOM) or block 4 program, is moving forward and will be executed as a continuation of the F-35 program with full transparency and reporting on cost, schedule, and performance as if it were a new program. The committee fully supports development and delivery of a FOM software increment that will provide vitally important additional combat capabilities such as advanced electronic protection, nuclear weapon delivery, and additional air-to-ground precision munitions. The committee believes that the FOM is critical to improve the F-35's warfighting capabilities to keep pace with rapidly maturing adversary threat aircraft and integrated air defense systems, and expects that the FOM engineering, manufacturing, and development contract award will take place as scheduled in late 2018. The committee is aware the budget request for SDD is \$231.0 million over the previous year's projection for SDD in fiscal year 2018, and that this additional amount is necessary due to delays in software development, the need to address problems found during testing, and funding reductions in prior years...The committee understands that such a block buy contracting strategy would generate cost savings of approximately \$2.0 billion. Accordingly, elsewhere in this Act, the committee includes a provision that would authorize the Secretary of Defense to enter into one or more contracts, beginning with the fiscal year 2018 program year, for the procurement of economic order quantities for material and equipment for the F-35 program, to be used in F-35 procurement contracts in fiscal years 2019 and 2020.

Collaboration with Federal Aviation Administration on Unmanned Aerial Systems (Title XXVII)

The committee believes that the significant military training demand for Unmanned Aerial Systems suggests that Federal Aviation Administration (FAA) regulations regarding line-of-sight requirements be reevaluated. The committee encourages the Secretary of Defense and the Administrator of the Federal Aviation Administration to continue to collaborate on the development of plans and policies that would allow the Department's Unmanned Aerial Systems to operate within military operating area airspace contiguous to existing restricted airspace without line-of-sight requirements. Furthermore, the committee is interested in understanding in detail the Department's current engagement on this issue with the Federal Aviation Administration. Therefore, the committee directs the Chair of the Department of Defense's Policy Board on Federal Aviation to provide a briefing to the House Committee on Armed Services, not later than March 1, 2018, detailing the board's efforts to advocate for the elimination regulatory restrictions that prevent routine access to national airspace for the Department of Defense's Unmanned Aerial Systems.

High Mobility Multipurpose Wheeled Vehicle external fire suppression systems

The committee is aware that in 2008 the Army pursued Work Directive 379 in response to an operational needs statement, and that the purpose of the directive was to explore options for fluid-based fires in the fuel tank and engine compartment of Army High Mobility Multipurpose Wheeled Vehicles (HMMWV). The committee is also aware that one of the recommendations resulting from this effort was to continue testing of fuel tank, engine, and tire improvements that could potentially reduce the risk of fluid-based fires. However, despite this recommendation, the Army chose not to pursue such improvements or validate a requirement for an external fire suppression system (EFSS) for Army HMMWVs. Given the evolution of fire suppression technology since this evaluation was conducted, the committee believes that the Army should reconsider the potential requirement for an EFSS for Army and Army National Guard HMMWVs. Therefore, the committee directs the Secretary of the Army, in coordination with the Chief, National Guard Bureau, to provide a briefing to the House Committee on Armed Services by September 1, 2017, on the advisability and feasibility of such a system being installed on Army and Army National Guard HMMWVs as part of HMMWV modernization and recapitalization programs.

Polyfluoroalkyl Substances

The committee notes that perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are part of a class of man-made chemicals that are used in many industrial and consumer products to make the products resist heat, stains, water, and grease. In the 1970s, the Department of Defense and commercial airports began using aqueous film forming foam (AFFF), which contained these chemical compounds, to extinguish petroleum fires. The committee notes that on May 19, 2016, the U.S. Environmental Protection Agency (EPA) issued new Lifetime Health Advisories (LHAs) under the Safe Drinking Water Act for combined PFOS and PFOA concentrations at 70 parts per trillion. Since EPA issued these new LHAs, the Department of Defense has completed testing of the 480 drinking water systems at locations where the Department supplies drinking water. In addition, the Department is currently working through The Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) (CERCLA) process to conduct preliminary assessments and site inspections to identify sites where PFOS and PFOA may have been released by the Department of Defense. This activity includes performing tests of privately owned drinking water wells near military installations where warranted. These efforts will be used to inform future cleanup actions, and the Department incorporates LHA information when assessing risk to human health under CERCLA. The committee understands that the Department of Defense spent approximately \$200.0 million through December 31, 2016, in response to PFOS and PFOA. This funding has been used to conduct preliminary assessments and site inspections, test drinking water systems, and provide mitigations such as bottled water or drinking water filtration systems where water systems tests indicate PFOS/PFOA above the LHA levels. The committee notes that the Department was unable to program funds specifically for these actions in the fiscal year 2016 or fiscal year 2017 budget requests and have been funding their response to PFOS/PFOA using existing funds originally programmed for other response actions. The committee is supportive of the Department's near-term efforts to respond to PFOS and PFOA and believes it is critical for the Department to continue its outreach and engagement with local communities with drinking water systems that have PFOS/PFOA detected above the LHAs and may have been impacted by the Department's activities. Furthermore, the committee believes it is important for the Department to fully plan, program, and budget for actions related to PFOS and PFOA in order to meet its responsibilities under the CERCLA, the Safe Drinking Water Act (42 U.S.C. 300f), and other applicable Federal statutes, rules, and regulations. Finally, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services not later than September 30, 2017, on the Department's response to PFOS/PFOA. The briefing should provide the following:

- (1) the locations on or in proximity to current and former military installations where the Department has conducted testing of military, public, and private drinking water systems and a summary of the results of those tests where PFOS/PFOA levels were detected in excess of the LHA levels;
- (2) the locations on or in proximity to current and former military installations where the Department has conducted groundwater testing where PFOS/PFOA may have been released and a summary of the results of those tests where PFOS/PFOA levels were detected in excess of the LHA levels;
- (3) short-term mitigations that have been funded and provided by the Department, both on military installations and in the surrounding communities, where PFOS/PFOA levels were detected in excess of the LHA levels;
- (4) the process and timeline for identifying and resourcing long-term remediation on military installations or in the surrounding communities where PFOS/PFOA levels were detected in excess of the LHA levels; and
- (5) research conducted in pursuit of less environmentally harmful AFFF blends containing less or no PFOS/PFOA.

National Guard CBRN Enterprise Report

The committee is aware that since the 1998 report on National Guard and WMD response, there has not been an updated study on the readiness, roles and tasks of the National Guard in both Title 10 and Title 32 as it relates to the Chemical Biological and Radiological and Nuclear (CBRN) threats has not been conducted to mirror evolving threats and technology including increased asymmetric threats; new chemical and biological threats, UAV and drone technology, and cyber warfare or maturing federal and state homeland defense architecture and policies. This Committee believes it is appropriate to re-examine our National Guard CBRN enterprise and recommends that the Chief of the National Guard Bureau conduct a comprehensive study of its current federal, state and local Chemical, Biological, Radiological and Nuclear operations, equipment and training requirements in light of today's threats. The report should highlight strengths as well as gaps and seams in the interagency planning and execution process. The committee directs the Chief of the National Guard Bureau, working in close coordination with other state and federal agencies and stakeholders across multiple levels of government, to provide a report detailing the following, no later than September 30, 2019; (1) Define and clarify the roles and missions, structure, capabilities and training of the National Guard, as well as identifying emerging gaps and shortfalls in light of current CBRN threats to our country (2) By State and territory, comment on the resources each state has (Title 32 and Title 10) that are available to respond to a CBRN attack, proposing adaptations and updated response plans to combat current threats. (3) The readiness and resourcing status of forces listed in (2), (4) Current strengths and areas of improvement in working with State and Federal interagency partners, (5) Current assessments that are in place that address both readiness and resourcing of Title 32 and Title 10 forces postured to respond to CBRN incidents.

Modernization of UH-60 A/L aircraft bound for Afghanistan aviation forces

The committee encourages the office of the secretary of defense (OSD) to develop strategies to modernize analog flight and crew advisory instruments in the UH60 A/L aircraft bound for Afghanistan aviation forces. The committee understands the aging analog systems in the UH60 A/L are being phased out in favor of digital glass flight displays that provide increased situational awareness and avoid growing obsolescence and reduced readiness. The committee notes that the digital glass flight displays have the added benefit of more efficient delivery of information to the pilot and copilot, easier scan of flight parameters, and more intuitive use of this information in the control of safe flight operations. The committee directs the Secretary of Defense to provide a briefing to the House committee on Armed Services by December 1, 2017, on OSD's strategy to transition UH60 A/L aircraft bound for Afghanistan aviation forces.

Aircraft Stationing, Basing, and Laydown Process

The committee directs the Secretary of Defense to provide a report to the House Committee on Armed Services by January 31, 2018, on each military service's existing process for stationing, basing, and laydown decisions for the F-35 Joint Strike Fighter. Specifically, the report should detail how the current selection criteria take into consideration elements such as capacity, availability, and access to training areas and whether military requirements may drive changes to the criteria for future stationing, basing, or laydown decisions. The report shall address how each military service assesses the importance of having immediate access to training areas and how each service accounts for the impact of weather at the training areas. Finally, the report shall also address how current basing criteria consider the capacity, availability, and access to training areas in support of the other services or to host joint exercises to fully utilize the F-35 Joint Strike Fighter's capabilities when making their basing decision.

Army Aviation Restructure Initiative

The committee is concerned about the status of Army attack aviation following the decision to execute the Aviation Restructure Initiative in 2013. The committee is aware that the decision to reduce attack and reconnaissance aviation battalions by 37% and realign most attack helicopters from the Army National Guard to the active component was made to meet the demands of strategic planning at the time. However, the committee notes there is a shortfall of both warrant officer and commissioned officer pilots in the active component. Meanwhile, there is a cadre of experienced and qualified Guard pilots that can help bridge this gap. The committee is concerned that this cadre may not remain a viable option, as the nation is facing a pilot shortage crisis and commercial airlines are now specifically targeting helicopter pilots. This mismatch of resources has created a situation where aircraft are assigned to bases with no pilots to fly them. The committee believes this scenario could negatively affect the ability of the Army to support combatant commanders' future needs. Furthermore, the committee needs to gain a better understanding of the overall operational impacts for National Guard Apache battalions given the current plan to retain 18 aircraft per unit in the National Guard instead of the 24 that their active-duty counterparts will have.

Accordingly, the committee directs the Secretary of the Army, in coordination with the Director of the National Guard Bureau, to provide a briefing to the House Committee on Armed Services, not later than December 31, 2017, on the status of Army attack aviation readiness. The briefing should also provide updates on new factors that affect the Army's ability to maintain a robust attack aviation capability over the next 3 years, including a plan to recruit and retain the required number of qualified attack helicopter pilots.