



**NGAUS**  
The National Guard Association of the United States

# Legislative Report

## **National Defense Authorization Act Fiscal Year 2017 Conference Report (S. 2943)**

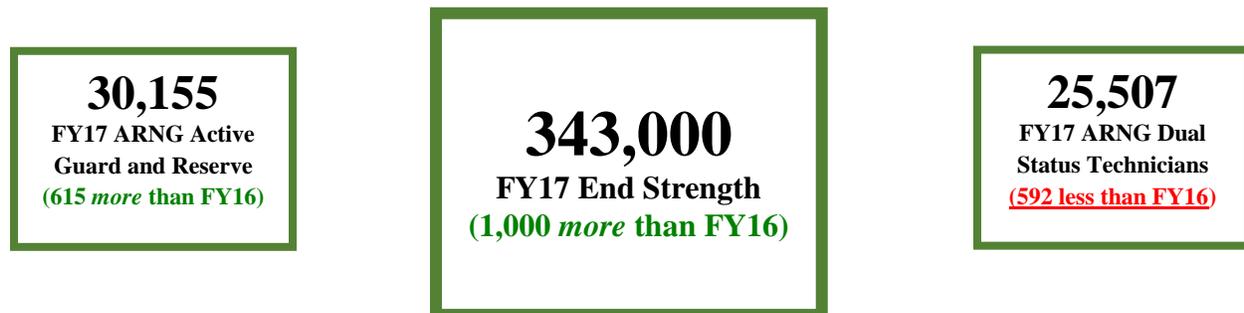
**As of December 8, 2016**

***OVERVIEW***

On November 30, 2016, the House and Senate Armed Services Conference Committee filed the Conference Report for S. 2943, the *National Defense Authorization Act* for Fiscal Year 2017 (FY17 NDAA). The bill passed the House on December 2<sup>nd</sup>.

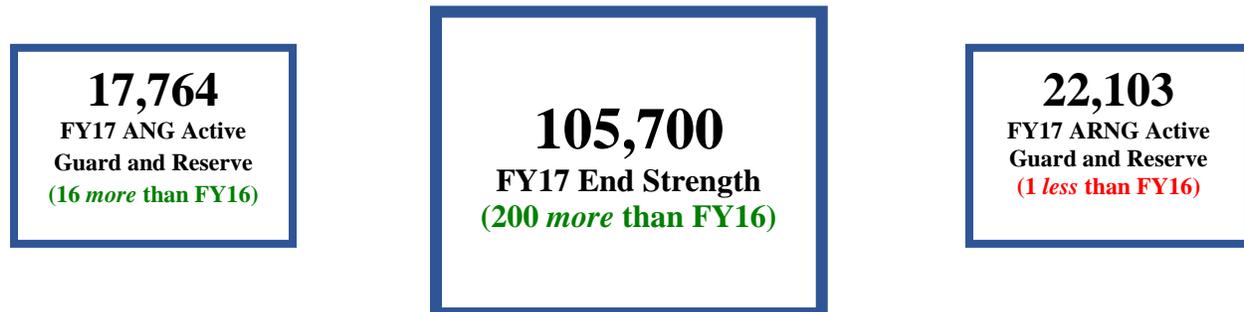
The FY17 NDAA authorizes **\$523.7 billion** for base Department of Defense (DoD) programs and **\$67.8 billion** for Overseas Contingency Operations (OCO), for a topline funding total of **\$618.7 billion**. To view the full text of the FY17 NDAA Conference Report, please see: <https://www.congress.gov/114/crpt/hrpt840/CRPT-114hrpt840.pdf>.

## **ARMY NATIONAL GUARD (ARNG) END STRENGTH**



ARNG Non-Dual Status Technicians: 1,600 (same as FY16)  
ARNG Active Duty Operational Support: 17,000 (same as FY16)

## **AIR NATIONAL GUARD (ANG) END STRENGTH**



ANG Non-Dual Status Technicians: 350 (same as FY16)  
ANG Active Duty Operational Support: 16,000 (same as FY16)

## **OPERATION AND MAINTENANCE (O&M)**

The base funding for Army National Guard Operation and Maintenance (ARNG O&M) is increased from the President's Budget Request for FY17. For Air National Guard Operation and Maintenance (ANG O&M), the base funding is decreased from the President's Budget Request for FY17.

For **ARNG O&M** base funding in FY17, the President requested **\$6.825 billion**. The FY17 NDAA authorizes **\$6.853 billion** in funding, which is an **INCREASE** of **\$27.6 million** above the President's request. The bill also authorizes **\$66.907 million** in Overseas Contingency Operation O&M funding, matching the President's request.

For **ANG O&M** base funding in FY17, the President requested **\$6.704 billion**. The FY17 NDAA authorizes **\$6.634 billion** in funding, which is a **DECREASE** of **\$69.4 million** below the President's request. The bill also authorizes **\$20 million** in Overseas Contingency Operation O&M funding, matching the President's request.

## **MILITARY CONSTRUCTION (MILCON)**

The FY17 NDAA funding for ARNG and ANG MILCON is increased from the President's Budget Request.

For **ARNG MILCON** funding in FY17, the President requested **\$232.93 million**. The FY17 NDAA authorizes **\$300.43 million**, which is an **INCREASE** of **\$67.5 million** above the President's request.

For **ANG MILCON** funding in FY17, the President requested **\$143.957 million**. The FY17 NDAA authorizes **\$154.957 million**, which is an **INCREASE** of **\$11 million** above the President's request.

## **NATIONAL GUARD STATE PARTNERSHIP PROGRAM (SPP)**

**Sec. 1246** of the FY17 NDAA would codify and make permanent the National Guard State Partnership Program. It also authorizes an additional **\$2.524 million** to fund the SPP program for FY17.

## ***OTHER PROVISIONS:***

### **ARMY NATIONAL GUARD PROCUREMENT AND MODERNIZATION**

- Funds AH-64 Block III Reman: **\$803 million**
  - Provides advance procurement funding: **\$185 million**
- Provides funding for multi-year procurement of UH-60M: **\$755 million**
  - Provides advance procurement funding: **\$174 million**
- Funds UH-60 A and L models: **\$46.2 million**
- Funds Javelin System: **\$73.913 million**
- Funds Stryker/Stryker (MOD) procurement: **\$146.02 million**
  - Provides additional funding for Stryker upgrades: **\$433.56 million**
- Funds M1 Abrams Tank (MOD): **\$480.17 million**
- Funds Paladin Integrated Management (PIM): **\$469.31 million**

- Provides additional PIM funding for OCO: **\$125.184 million**
- Funds procurement of Joint Light Tactical Vehicle: **\$587.514 million**
- Funds WIN-T: **\$427.6 million**
  - Provides additional WIN-T funding for OCO: **\$9.572 million**

### **AIR NATIONAL GUARD PROCUREMENT AND MODERNIZATION**

- Funds procurement of F-16 fighter: **\$181.286 million**
- Funds procurement of F-15 fighter: **\$108.665 million**
  - Provides funds for F-15 EPAWSS Upgrade research and development: **\$256.67 million**
- Funds Air Force procurement of F-35 fighter: **\$4.189 billion**
- Funds procurement of F-22A fighter: **\$163.008 million**
- Funds procurement of A-10 fighter: **\$1.289 million**
  - Provides additional A-10 funding for OCO: **\$23.85 million**
- Funds procurement of C-130 series aircraft: **\$59.788 million**
  - Provides additional funding for procurement of C-130J: **\$145.665 million**
    - Additional OCO funding for C-130J: **\$73 million**
  - Adds Eight-Bladed Propeller for C-130: **\$16 million**
  - Adds Electronic Propeller Control Systems: **\$13.5 million**
  - Adds In-flight Propeller Balancing System Certification: **\$1.5 million**
  - Adds T-56 3.5 Engine Upgrade Kits: **\$41.5 million**
- Funds procurement of C-130J MODS: **\$89.424 million**
- Funds procurement of KC-130J: **\$153.72 million**
- Funds procurement of E-8 (JSTARS): **\$6.244 million**
  - Provides additional E-8 funding for OCO: **\$17.5 million**
- Provides funding for UH-1N Replacement aircraft: **\$18.337 million**
- Funds procurement of MQ-9 aircraft: **\$133.120 million**
  - Provides additional MQ-9 MODS funding: **\$141.929 million**
  - Provides additional MQ-9 funding for OCO: **\$186.6 million**
  - Provides additional MQ-9 MODS funding for OCO: **\$112.068 million**
- Funds procurement of CV-22 MODS: **\$63.395 million**

### **COUNTERDRUG PROGRAMS**

- Increases Drug Interdiction and Counterdrug Activities (Defense-Wide): **\$935.133 million**, which is an **INCREASE** of **\$54.535 million** above FY16 levels.

### **MISCELLANEOUS**

- Provides procurement funding for NGREA: **\$250 million**
- Funds administration of National Guard State Partnership Program (SPP): **\$93.393 million**
  - Provides funding for SPP Training: **\$841,000**
- Provides O&M funding for STARBASE: **\$25 million**

- Provides O&M funding for the National Guard Youth Challenge Program: **\$10.339 million**
- Provides funding for the Rural Guard Act: **\$5 million**

## ***LEGISLATIVE PROVISIONS:***

The FY17 NDAA includes a number of provisions for the National Guard. Below is a summary primarily compiled from the text of the bill:

### **SEC. 111. Multiyear procurement authority for AH-64E Apache helicopters.**

Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of AH-64E Apache helicopters.

### **SEC. 112. Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters.**

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

### **SEC. 131. EC-130H Compass Call recapitalization program.**

Subject to subsection (b), the Secretary of the Air Force may carry out a program to transfer the primary mission equipment of the EC-130H Compass Call aircraft fleet to an aircraft platform that the Secretary determines.

### **SEC. 132. Repeal of requirement to preserve certain retired C-5 aircraft.**

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1659) is amended by striking subsection (d).

### **SEC. 134. Prohibition on the availability of funds for retirement of A-10 aircraft.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A-10 aircraft.

### **SEC. 135. Limitation on the availability of funds for destruction of A-10 aircraft in storage status.**

None of the funds authorized to be appropriated by this Act or otherwise made available for the Air Force for fiscal year 2017 or any fiscal year thereafter may be obligated or expended to scrap, destroy, or otherwise dispose of any potential donor A-10 aircraft until the date on which the Secretary of the Air Force submits to the congressional defense committees the report required under section 134(e)(2).

### **SEC. 136. Prohibition on the availability of funds for retirement of Joint Surveillance Target Attack Radar System Aircraft.**

Except as provided by subsection (b) and in addition to the prohibition under section 144 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 758),

none of the funds authorized to be appropriated or otherwise made available for fiscal year 2018 for the Air Force may be obligated or expended to retire, or prepare to retire, any Joint Surveillance Target Attack Radar System aircraft.

**SEC. 146. Report on alternative management structures for the F-35 joint strike fighter program.**

Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on potential alternative management structures for the F-35 joint strike fighter program.

**SEC. 149. Study and report on optimal mix of aircraft capabilities for the Armed Forces.**

The Secretary of Defense shall conduct a study to determine: (A) an optimal mix of short-range fighter-class strike aircraft and long-range strike aircraft for the use of the Armed Forces during the covered period; (B) an optimal mix of manned aerial platforms and unmanned aerial platforms for the use of the Armed Forces during such period; and (C) an optimal mix of other aircraft and capabilities for the use of the Armed Forces during such period.

**SEC. 223. Limitation on availability of funds for the JSTARS Recapitalization Program.**

Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Air Force may be made available for the Air Force's Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed-price contract structure.

**SEC. 224. Acquisition program baseline and annual reports on follow-on modernization program for F-35 Joint Strike Fighter.**

The Secretary of Defense may not award any follow-on modernization development contracts for the F-35 Joint Strike Fighter until the Secretary has submitted the report required by subsection (b)(1) in accordance with such subsection.

**SEC. 321. Revision of deployability rating system and planning reform.**

The Secretary of the Army shall maintain a system for identifying the priority of deployment for units of all components of the Army. The Secretary of the Army shall also maintain a readiness rating system for units of all components of the Army that provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources.

**SEC. 331. Modification to quarterly readiness report to Congress.**

Subsection (a) of section 482 of title 10, United States Code, is amended by striking "Not later than 45 days after the end of each calendar-year quarter" and inserting "Not later than 30 days after the end of each calendar-year quarter." Includes elimination of reporting requirements related to prepositioned stocks and National Guard Civil Support mission readiness.

**SEC. 332. Report on travel costs of members of the Reserve components.**

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the travel expenses

of members of reserve components associated with performing active duty service, active service, full-time National Guard duty, active Guard and Reserve duty, and inactive-duty training, as such terms are defined in section 101(d) of title 10, United States Code. Such report shall include the average annual cost for all travel expenses for a member of a reserve component.

**SEC. 333. Report on HH-60G sustainment and Combat Rescue Helicopter program.**

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth a plan to modernize, sustain training, and conduct depot-level maintenance and repair for all components of the HH-60 helicopter fleet until total force combat rescue units have been fully equipped with HH-60W Combat Rescue Helicopters.

**SEC. 350. Plan for improved dedicated advisory air training enterprise of the Air Force.**

The Chief of Staff of the Air Force shall develop a plan for an improved dedicated adversary air training enterprise for the Air Force.

**SEC. 351. Independent review and assessment of the Ready Aircrew Program of the Air Force.**

The Secretary of the Air Force shall enter into a contract with an independent entity with appropriate expertise (1) to conduct a review and assessment of (A) the assumptions underlying the annual continuation training requirements of the Air Force; and (B) the overall effectiveness of the Ready Aircrew Program of the Air Force in managing aircrew training requirements; and (2) to make recommendations for the improved management of such training requirements.

**SEC. 352. Study on space-available travel system of the Department of Defense.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct an independent study on the space-available travel system of the Department of Defense.

**SEC. 414. Fiscal Year 2017 limitation on number of non-dual status technicians.**

Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2017, may not exceed the following: (A) For the Army National Guard of the United States, 1,600. (B) For the Air National Guard of the United States, 350.

**SEC. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.**

During fiscal year 2017, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following: (1) The Army National Guard of the United States, 17,000. (5) The Air National Guard of the United States, 16,000.

**SEC. 501. Reduction in number of general and flag officers on active duty and authorized end strength after December 31, 2022, of such general and flag officers.**

Except as otherwise provided by an Act enacted after the date of the enactment of this Act that expressly modifies the requirements of this paragraph, by not later than December 31, 2022, the

Secretary of Defense shall reduce the number of general and flag officers on active duty by 110 from the aggregate authorized number of general and flag officers authorized by sections 525 and 526 of title 10, United States Code, as of December 31, 2015.

Effective as of December 31, 2022, authorized general and flag officer positions shall be distributed as follows: (A) The Army is authorized 220 positions in the general officer grades. (C) The Air Force is authorized 187 positions in the general officer grades.

**SEC. 502. Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces.**

Regarding Assistants to CJCS for NG Matters and Reserve Matters, Section 155a of title 10, United States Code, is repealed.

**SEC. 504. Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the senate of probative information under control of non-Department of Defense agencies.** Section 629(c) of title 10, United States Code, is amended (1) by re-designating paragraph (3) as paragraph (4); and (2) by inserting after paragraph (2) the following new paragraph (3): “(3) Paragraph (1) does not apply when the Senate is not able to obtain information necessary to give its advice and consent to the appointment concerned because that information is under the control of a department or agency of the Federal Government other than the Department of Defense.”

**SEC. 505. Continuation of certain officers on active duty without regard to requirement for retirement for years of service.**

The Secretary of the military department concerned may authorize an officer in a grade above grade O-4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

**SEC. 508. Extension of force management authorities allowing enhanced flexibility for officer personnel management.**

Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking “December 31, 2018” and inserting “December 31, 2025.” (b) CONTINUATION ON ACTIVE DUTY — Section 638a(a)(2) of title 10, United States Code, is amended by striking “December 31, 2018” and inserting “December 31, 2025.” (c) VOLUNTARY SEPARATION PAY — Section 1175a(k)(1) of such title is amended by striking “December 31, 2018” and inserting “December 31, 2025.” (d) SERVICE-IN-GRADE WAIVERS — Section 1370(a)(2)(F) of such title is amended by striking “2018” and inserting “2025.”

**SEC. 509. Pilot programs on direct commissions to cyber positions.**

Each Secretary of a military department may carry out a pilot program to improve the ability of an Armed Force under the jurisdiction of the Secretary to recruit cyber professionals.

**SEC. 510. Length of joint duty assignments.**

Subsection (a) of section 664 of title 10, United States Code, is amended by striking “assignment” and all that follows and inserting “assignment shall be not less than two years.”

**SEC. 510A. Revision of definitions used for joint officer management.**

The definition of “Joint Matters,” paragraph (1) of section 668(a) of title 10, United States Code, is amended.

**SEC. 511. Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau.**

Section 10505(a)(4) of title 10, United States Code, is amended by striking “paragraph (3)(B) for a limited period of time” and inserting “paragraph (3) for not more than 90 days.”

**SEC. 512. Rights and protections available to military technicians.**

Amending section 709 of title 32, United States Code, to clarify the employment rights and protections of military technicians.

**SEC. 513. Inapplicability of certain laws to National Guard technicians performing active Guard and Reserve duty.**

Amending section 709(g) of Title 32, United States Code, to clarify the provision that grants military leave to individuals appointed to the civil service.

**SEC. 514. Extension of removal of restrictions on the transfer of officers between the active and inactive National Guard.**

Amending section 512 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 752; 32 U.S.C. prec. 301 note) to extend this program through December 31, 2019.

**SEC. 515. Extension of temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training.**

Amending section 514(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 810) by inserting “and fiscal year 2017” after “During fiscal year 2016.”

**SEC. 516. Expansion of eligibility for deputy commander of combat command having United States among geographic area of responsibility to include officers of the Reserves.**

Amending section 164(e)(4) of title 10, United States Code (1) by striking “the National Guard” and inserting “a reserve component of the armed forces;” and (2) by striking “a National Guard officer” and inserting “a reserve component officer.”

**SEC. 527. Consolidation of Army marketing and pilot program on consolidated Army recruiting.**

Not later than October 1, 2017, the Secretary of the Army shall consolidate into a single organization within the Department of the Army all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

**SEC. 543. Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.**

Information on each claim of retaliation in connection with a report of sexual assault in the Armed Force made by or against a member of such Armed Force as follows: “(A) A narrative description of each complaint. (B) The nature of such complaint, including whether the complainant claims professional or social retaliation. (C) The gender of the complainant. (D) The gender of the individual claimed to have committed the retaliation. “(E) The nature of the relationship between the complainant and the individual claimed to have committed the retaliation. (F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation. (G) The official or office that received the complaint. H) The organization that investigated or is investigating the complaint. (I) The current status of the investigation. (J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant. (K) If the investigation determined that retaliation occurred, whether the retaliation was an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”

**SEC. 552. Preliminary report on purpose and utility of registration system under Military Selective Service Act.**

To assist the Commission in carrying out its duties under this subtitle, the Secretary of Defense shall submit, not later than July 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission a report on the current and future need for a centralized registration system under the Military Selective Service Act (50 U.S.C. 3801 et seq.).

**SEC. 562. Inclusion of alcohol, prescription drug, opioid, and other substance abuse counseling as part of required preparation counseling.**

Section 1142(b)(11) of title 10, United States Code, is amended by inserting before the period the following: “and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse.”

**SEC. 565. Extension of suicide prevention and resilience program.**

Section 10219(g) of title 10, United States Code, is amended by striking “October 1, 2017” and inserting “October 1, 2018.”

**SEC. 594. Report on feasibility of electronic tracking of operational active-duty service performed by members of the Ready Reserve of the Armed Forces.**

Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of establishing an electronic means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code.

**SEC. 597. Report on career progression tracks of the Armed Forces for women in combat arms units.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following: (1) The career progression track for entry level women as officers in combat arms units of such Armed Force. (2) The career progression track for laterally transferred women as officers in combat arms units of such Armed Force. (3) The career progression track for entry level women as enlisted members in combat arms units of such Armed Force. (4) The career progression track for laterally transferred women as enlisted members in combat arms units of such Armed Force.

**SEC. 601. Fiscal year 2017 increase in basic military pay.**

Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

**SEC. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2016” and inserting “December 31, 2017.”

**SEC. 611. One-year extension of certain bonus and special pay authorities for reserve forces.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017:”

- (1) Section 308b(g), relating to Selected Reserve reenlistment bonus.
- (2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.
- (3) Section 308d(c), relating to special pay for enlisted members assigned to certain high priority units.
- (4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.
- (5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.
- (6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.
- (7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.
- (8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

**SEC. 612. One-year extension of certain bonus and special pay authorities for health care professionals.**

(a) TITLE 10 AUTHORITIES — The following sections of title 10, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017:”

- (1) Section 2130a(a)(1), relating to nurse officer candidate accession program.
- (2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES — The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017:”

- (1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.
- (2) Section 302d(a)(1), relating to accession bonus for registered nurses.
- (3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.
- (4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.
- (5) Section 302h(a)(1), relating to accession bonus for dental officers.
- (6) Section 302j(a), relating to accession bonus for pharmacy officers.
- (7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.
- (8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

**SEC. 614. One-year extension of authorities relating to U.S.C. Title 37 consolidated special pay, incentive pay, and bonus authorities.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017:”

- (1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.
- (2) Section 312b(c), relating to nuclear career accession bonus.
- (3) Section 312c(d), relating to nuclear career annual incentive bonus.

**SEC. 615. One-year extension of authorities relating to payment of other U.S.C. Title 37 bonuses and special pays.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017:”

- (1) Section 301b(a), relating to aviation officer retention bonus.
- (2) Section 307a(g), relating to assignment incentive pay.
- (3) Section 308(g), relating to reenlistment bonus for active members.
- (4) Section 309(e), relating to enlistment bonus.
- (5) Section 316a(g), relating to incentive pay for members of pre-commissioning programs pursuing foreign language proficiency.
- (6) Section 324(g), relating to accession bonus for new officers in critical skills.
- (7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.
- (8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.
- (9) Section 330(f), relating to accession bonus for officer candidates.

**SEC. 616. Aviation incentive pay and bonus matters.**

Regarding annual business case for payment of aviation bonus amounts, the Secretary concerned shall determine the amount of the aviation bonus payable under paragraph (1)(B) under agreements entered into under subsection (d) during a fiscal year solely through a business case analysis of the amount required to be paid under such agreements in order to address anticipated manning shortfalls for such fiscal year by aircraft type category.

**SEC. 621. Maximum reimbursement amount for travel expenses of members of the Reserves attending inactive duty training outside of normal commuting distances.**

Amending section 478a(c) of title 37, United States Code, to allow for a higher reimbursement amount on a case-by-case basis for certain members of the Reserve component.

**SEC. 631. Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system.**

Amending paragraph (4)(C) of section 1409(b) of title 10, United States Code, to clarify the timing for cadets and midshipmen at the service academies to opt-in to the new military retirement system enacted in the FY16 NDAA.

**SEC. 642. Equal benefits under Survivor Benefit Plan for survivors of reserve component members who die in the line of duty during inactive duty training.**

Amending section 1451(c)(1)(A) of title 10, United States Code, to eliminate the different treatment under the Survivor Benefit Plan accorded to certain members of the Reserve component.

**SEC. 671. Recovery amounts owed to the United States by members of the uniformed services.**

Section 1007(c)(3) of title 37, United States Code, is amended by adding at the end new subparagraphs: “(C)(i) In accordance with clause (ii), if the indebtedness of a member of the uniformed services to the United States occurs, through no fault of the member, as a result of the overpayment of pay or allowances to the member or upon the settlement of the member’s accounts, the Secretary concerned may not recover the indebtedness from the member, including a retired or former member, using deductions from the pay of the member, deductions from retired or separation pay, or any other collection method unless recovery of the indebtedness commences before the end of the 10-year period beginning on the date on which the indebtedness was incurred. (ii) Clause (i) applies with respect to indebtedness incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.”

**SEC. 672. Modification of flat rate per diem requirement for personnel on long-term temporary duty assignments.**

The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

**SEC. 701. TRICARE Select and other TRICARE reform.**

Amending Chapter 55 of title 10, 6 United States Code to reform TRICARE and to establish, not later than January 1, 2018, a self-managed, preferred-provider network option under TRICARE known as “TRICARE Select.”

**SEC. 711. Extended TRICARE program coverage for certain members of the National Guard and dependents during certain disaster response duty.**

During a period in which a member of the National Guard is performing disaster response duty, the member may be treated as being on active duty for a period of more than 30 days for purposes of the eligibility of the member and dependents of the member for health care benefits under the TRICARE program if such period immediately follows a period in which the member served on full-time National Guard duty under section 502(f) of title 32, including pursuant to chapter 9 of such title, unless the Governor of the State (or, with respect to the District of Columbia, the mayor of the District of Columbia) determines that such extended eligibility is not in the best interest of the member or the State.

**SEC. 712. Continuity of health care coverage for Reserve Components.**

The Secretary of Defense shall conduct a study of options for providing health care coverage that improves the continuity of health care provided to current and former members of the Selected Reserve of the Ready Reserve.

**SEC. 748. Assessment of transition to TRICARE program by families of members of reserve components called to active duty and elimination of certain charges for such families.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on active duty pursuant to a call or order to active duty for a period of more than 30 days experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an active duty status to health care benefits under the TRICARE program.

**SEC. 911. Organizational Strategy for the Department of Defense.**

Not later than September 1, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department.

**SEC. 912. Policy, organization, and management goals and priorities of the Secretary of Defense for the Department of Defense.**

Secretary of Defense serving in that position pursuant to an appointment to that position after January 20, 2017, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than each of the deadlines specified in subsection (b), a report on the policy, organization, and management goals and priorities of the Secretary for the Department of Defense.

**SEC. 923. Establishment of unified combatant command for cyber operations.**

Amending chapter of title 10, United States Code to establish Cyber Command.

**SEC. 932. Enhanced personnel management authorities for the Chief of the National Guard Bureau.**

The Chief of the National Guard Bureau may program for, appoint, employ, administer, detail, and assign persons under sections 2103, 2105, and 3101 of title 5, or section 328 of title 32, within the National Guard Bureau and the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands to execute the functions of the National

Guard Bureau and the missions of the National Guard, and missions as assigned by the Chief of the National Guard Bureau.

**SEC. 942. Commission on the National Defense Strategy for the United States.**

There is hereby established a commission to be known as the “Commission on the National Defense Strategy for the United States” (in this section referred to as the “Commission”). The purpose of the Commission is to examine and make recommendations with respect to the national defense strategy for the United States.

**SEC. 1011. Codification and modification of authority to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies.**

The Secretary of Defense may provide support for the counterdrug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c).

**SEC. 1012. Secretary of Defense review of curricula and program structures of National Guard counterdrug schools.**

The Secretary of Defense shall review the curriculum and program structure of each school established under this section.

**SEC. 1013. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.**

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962), is further amended (1) in subsection (a)(1), by striking “2017” and inserting “2019;” and (2) in subsection (c), by striking “2017” and inserting “2019.”

**SEC. 1052. Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel.**

The Secretary of the Air Force shall transition the Air Force to an organizational model for all Air Force remotely piloted aircraft that uses a significant number of enlisted personnel as operators of such aircraft rather than officers only.

**SEC. 1075. Assessment of the joint ground forces of the Armed Forces.**

The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, and the Commandant of the Marine Corps, shall provide for and oversee an assessment of the joint ground forces of the Armed Forces.

**SEC. 1084. Modification of requirements relating to management of military technicians.**

By not later than October 24, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, and are not military technicians.

**SEC. 1094. Sense of Congress regarding the OCONUS basing of the KC-46A aircraft.**

It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for the KC-46A aircraft, should continue to place emphasis on and consider the benefits derived from outside the continental United States (OCONUS) locations.

**SEC. 1246. National Guard State Partnership Program.**

The sunset provision of the State Partnership Program has been repealed. The Program is now permanent.

**SEC. 1642. Limitation on termination of dual-hat arrangement for Commander of the United States Cyber Command.**

The Secretary of Defense may not terminate the dual-hat arrangement until the date on which the Secretary and the Chairman of the Joint Chiefs of Staff jointly submit certification to the appropriate committees of Congress.

**SEC. 1643. Cyber mission forces matters.**

The Secretary of Defense shall complete implementation of the authority in subsection (a) of section 1599f of title 10, United States Code, for United States Cyber Command workforce positions in accordance with the implementation plan required by subsection (d) of such section.

**SEC. 1651. Strategy to incorporate Army reserve component cyber protection teams into Department of Defense cyber mission force.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on a strategy for incorporating reserve component cyber protection teams into the cyber mission force of the Department of Defense.

**SEC. 1655. Sense of Congress on cyber resiliency of the networks and communications systems of the National Guard.**

It is the sense of Congress that, to the greatest extent practicable, the National Guard should continuously seek ways to improve, expand, and provide resources for its communications and networking systems to enhance the performance and resilience of such systems in the face of cyber-attacks, disruptions, and other threats.

**SEC. 2601. Authorized Army National Guard construction and land acquisition projects.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<b>Army National Guard</b>		
<b>State</b>	<b>Location</b>	<b>Amount</b>
Colorado	Fort Carson	\$16,500,000
Hawaii	Hilo	\$31,000,000
Iowa	Davenport	\$23,000,000
Kansas	Fort Leavenworth	\$29,000,000
New Hampshire	Hooksett	\$11,000,000
	Rochester	\$8,900,000
Oklahoma	Ardmore	\$22,000,000
Pennsylvania	Fort Indiantown Gap	\$20,000,000
	York	\$9,300,000
Rhode Island	East Greenwich	\$20,000,000
Utah	Camp Williams	\$37,000,000
Wyoming	Camp Guernsey	\$31,000,000
	Laramie	\$21,000,000

**SEC. 2604. Authorized Air National Guard construction and land acquisition projects.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

<b>Air National Guard</b>		
<b>State</b>	<b>Location</b>	<b>Amount</b>
Connecticut	Bradley IAP	\$6,300,000
Florida	Jacksonville IAP	\$9,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$11,000,000
Iowa	Sioux Gateway Airport	\$12,600,000
Maryland	Joint Base Andrews	\$5,000,000
New Hampshire	Pease International Trade Port	\$1,500,000
North Carolina	Charlotte/Douglas IAP	\$50,600,000
Ohio	Toledo Express Airport	\$6,000,000
South Carolina	McEntire ANG S	\$8,400,000
Texas	Ellington Field	\$4,500,000
Vermont	Burlington IAP	\$4,500,000

**SEC. 2606. Authorization of appropriations, National Guard and Reserve.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

**SEC. 2702. Prohibition on conducting additional Base Realignment and Closure (BRAC) round.**

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

**SEC. 5102. Clarification of persons subject to UCMJ while on inactive-duty training.**

Paragraph (3) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows: “(3)(A) While on inactive-duty training and during any of the periods specified in subparagraph (B): (i) members of a reserve component; and (ii) members of the Army National Guard of the United States or the Air National Guard of the United States, but only when in Federal service. (B) The periods referred to in subparagraph (A) are the following: (i) Travel to and from the inactive-duty training site of the member, pursuant to orders or regulations. (ii) Intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations. (iii) Intervals between inactive-duty training on consecutive days, pursuant to orders or regulations.”

***CONFERENCE REPORT LANGUAGE (114-840):***

**Multiyear procurement authority for AH–64E Apache helicopters (sec. 111)**

The Senate bill contained a provision (sec. 113) that would authorize the Secretary of the Army to enter into a multiyear contract for AH–64E Apache helicopters for fiscal years 2017 through 2021. The House amendment contained an identical provision (sec. 111). The conference agreement includes this provision.

**Multiyear procurement authority for UH–60M and HH–60M Black Hawk helicopters (sec. 112)**

The Senate bill contained a provision (sec. 112) that would authorize the Secretary of the Army to enter into a multiyear contract for UH–60M/HH–60M Black Hawk helicopters for fiscal years 2017 through 2021. The House amendment contained a similar provision (sec. 111) that 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.

The Senate recesses.

**EC–130H Compass Call recapitalization program (sec. 131)**

The Senate bill contained a provision (Sec. 145) that would prohibit the availability of funds for the Air Force EC–130H Compass Call recapitalization program unless the Air Force conducts a full and open competition to acquire the replacement aircraft platform.

The House amendment contained no similar provision.

The House recedes with an amendment that strikes the full and open competition requirement, and authorizes the Secretary of the Air Force to obligate and expend fiscal year 2017 funds for the purpose of re-hosting the primary mission equipment of the current EC-130H Compass Call aircraft fleet on to a more operationally effective and survivable airborne platform to meet combatant commander requirements. The amendment limits procurement to the first two aircraft of the planned ten aircraft fleet until the Secretary determines there is a high likelihood the program will meet the requirements of the combatant commands.

The conferees agree the restructured EC-130H Compass Call program shall be implemented consistent with existing authorities, including Federal Acquisition Regulation Part 6.3 and Department of Defense Instruction 5000.02, "Operation of the Defense Acquisition System."

The conferees note the fiscal year 2017 funding adjustments to allow the Secretary of the Air Force to proceed with the program are outlined in Division D.

#### **Prohibition on availability of funds for retirement of A-10 aircraft (sec. 134)**

The Senate bill contained a provision (Sec. 141) that would amend section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by extending the prohibition on obligation or expenditure of funds to retire or prepare to retire A-10 aircraft until the Secretary of the Air Force and Chief of Staff of the Air Force submit a report to the congressional defense committees describing their views on the results of an F-35A initial operational test and evaluation (IOT&E). The provision would also ensure the F-35A IOT&E includes comparison tests and evaluation of the F-35A and A-10C in conducting close air support, combat search and rescue, and airborne forward air controller missions. The provision would also require the Comptroller General of the United States to provide an independent assessment of the report from the Secretary and Chief of Staff.

The House amendment contained a similar provision (Sec. 134) that would prevent retirements of A-10 aircraft, but would allow the Secretary of the Air Force to transition the A-10 unit at Fort Wayne Air National Guard Base, Indiana, to an F-16 unit in fiscal year 2018, as the Secretary had proposed in the budget of the President for fiscal year 2017.

The Senate recedes.

The conferees agree that section (f)(2) of the House provision explicitly prevents the divestment of any A-10 aircraft if the special rule were to be invoked.

The conferees also agree the Comptroller General of the United States shall assess the conclusions and assertions contained in the Secretary's and Chief of Staff's report on the F-35A IOT&E, and submit a report to the congressional defense committees of such assessment not later than 90 days after the Secretary's and Chief of Staff's report is submitted.

The conferees also agree the Comptroller General's report shall include the following:

- (1) An assessment of whether the conclusions and assertions included in the report submitted by the Secretary and Chief of Staff are comprehensive, fully supported, and sufficiently detailed; and
- (2) An identification of any shortcomings, limitations, or other matters that affect the quality of the report's findings or conclusions.

#### **Limitation on availability of funds for destruction of A-10 aircraft in storage status (sec. 135)**

The Senate bill contained a provision (Sec. 142) that would prohibit the availability of funds authorized to be appropriated by this Act or otherwise made available for the Air Force to be obligated for the purpose of scrapping, destroying, or otherwise disposing of any A-10 aircraft in

any storage status in the Aerospace Maintenance and Regeneration Group (AMARG) that have serviceable wings or other components that could be used to prevent total active inventory A-10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components.

The House amendment contained no similar provision.

The House recedes with minor technical corrections.

The conferees agree the provision does not prevent the Air Force from reclaiming any usable parts or components on A-10 aircraft in any storage status for the purpose of keeping active inventory A-10 aircraft in flyable and mission capable condition.

#### **Prohibition on availability of funds for retirement of Joint Surveillance Target Attack Radar System aircraft (sec. 136)**

The House amendment contained a provision (Sec. 135) that would prohibit the availability of funds for retirement of Joint Surveillance Target Attack Radar System aircraft in fiscal year 2018.

The Senate bill contained no similar provision.

The Senate recedes.

#### **Report on alternative management structures for the F-35 joint strike fighter program (sec. 146)**

The Senate bill contained a provision that would disestablish the F-35 Joint Program Office (JPO) and devolve relevant responsibilities to the Air Force and the Navy.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement to disestablish the JPO and require the Secretary of Defense, no later than March 31, 2017, to submit to the congressional defense committees a report on potential options for the future management of the Joint Strike Fighter program.

#### **Study and report on optimal mix of aircraft capabilities for the Armed Forces (sec. 149)**

The Senate bill contained a provision (Sec. 151) that would direct the Secretary of Defense to obtain an independent study on the future mix of aircraft platforms for the Armed Forces.

The House amendment contained no similar provision.

The House recedes with an amendment changing the study to be conducted by the Secretary of Defense rather than by an independent entity, adds the congressional intelligence committees as recipients of the study report, and includes other minor technical corrections.

#### **Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program (sec. 223)**

The Senate bill contained a provision (Sec. 146) that would limit the availability of fiscal year 2017 and beyond funds for the Joint Surveillance Target Attack Radar System recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed price contract structure.

The House amendment contained no similar provision.

The House recedes with an amendment that provides the Secretary of Defense with authority to waive the limitation in the provision if the Secretary determines the waiver is in the national security interests of the United States, and includes other minor technical corrections.

The conferees note that to ensure the integrity of the full and open competition nature of this program, they caution the Air Force to guard against the potential prejudicing of this source selection by other Air Force recapitalization programs.

**Acquisition program baseline and annual reports on follow-on modernization program for F-35 Joint Strike Fighter (sec. 224)**

The Senate bill contained a provision (sec. 1087) that would require the Department of Defense to treat the F-35 Follow-on Modernization program as a separate Major Defense Acquisition Program (MDAP).

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement to treat the Follow-on Modernization program as a separate MDAP and require the Secretary of Defense, not later than March 31, 2017, to submit to the congressional defense committees a report that contains the basic elements of an acquisition program baseline for Block 4 modernization.

**Revision of deployability rating system and planning reform (sec. 321)**

The Senate bill contained a provision (sec. 311) that would amend Chapter 1003 of title 10, United States Code, requiring the Secretary of the Army to maintain a system for identifying the priority of deployment for units of all components of the Army.

The House amendment contained an identical provision (sec. 523).

The conference agreement includes this provision.

**Modifications to Quarterly Readiness Report to Congress (sec. 331)**

The Senate bill contained a provision (sec. 321) that would amend subsection (a) of section 482 of title 10, United States Code, modifying the Department of Defense's requirements for the Quarterly Readiness Report to Congress.

The House amendment contained no similar provision.

The House recedes.

**Report on average travel costs of members of the reserve components (sec. 332)**

The House amendment contained a provisions (sec. 333) that would require the Secretary of Defense to submit a report to the congressional defense committees on the travel expenses of members of the reserve components performing certain service, to include the average annual cost for all travel expenses for a member of a reserve component.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the report be executed by the Comptroller General of the United States.

**Report on HH-60G sustainment and Combat Rescue Helicopter program (sec. 333)**

The Senate bill contained a provision (sec. 322) that would require the Secretary of Defense to report to the congressional defense committees a plan to modernize, train, and maintain the HH-60 fleet.

The House amendment contained no similar provision.

The House recedes.

**Plan for improved dedicated adversary air training enterprise of the Air Force (sec. 350)**

The Senate bill contained a provision (Sec. 334) that would direct the Chief of Staff of the Air Force to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 3, 2017, a resource ready and executable plan and briefing for developing and emplacing a modernized dedicated adversary air training enterprise to support the full spectrum air combat readiness of the United States Air Force.

The House amendment contained no similar provision.

The House recedes with minor technical corrections.

**Independent review and assessment of the Ready Aircrew Program of the Air Force (sec. 351)**

The Senate bill contained a provision (Sec. 335) that would direct the Secretary of the Air Force to commission an independent review and assessment of the assumptions underlying the Air Force's annual continuation training requirements, and the efficacy of the overall Ready Aircrew Program in the management of the Air Force's aircrew training requirements.

The House amendment contained no similar provision.

The House recedes with minor technical corrections.

**Study on space-available travel system of the Department of Defense (sec. 352)**

The House amendment contained a provision (sec. 345) that would require the Secretary of Defense to conduct a study of the space-available travel system and to provide the result of the study to the congressional defense committees within 180 days after entering into a contract with a federally funded research and development center to conduct the study.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the study to consider the feasibility and the impact on the space-available system of extending eligibility for space-available travel to members or former members of the armed forces with a disability rated as total, on the same basis as such transportation is provided to members of the Armed Forces entitled to retired or retainer pay.

**End strengths for Selected Reserve (sec. 411)**

The Senate bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2017: the Army National Guard, 335,000; the Army Reserve, 195,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

The House amendment contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2017: the Army National Guard, 350,000; the Army Reserve, 205,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

The Senate recedes with an amendment that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2017: the Army National Guard, 343,000; the Army Reserve, 199,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

**End strengths for Reserves on active duty in support of the reserves (sec. 412)**

The Senate bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on Active Duty in support of the reserve components as of September 30, 2017: the Army National Guard of the United States, 30,155; the Army Reserve, 16,261; The Navy Reserve, 9,955; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,764; and the Air Force Reserve, 2,955.

The House amendment contained an identical provision (sec. 412).

The conference agreement includes this provision.

**End strengths for military technicians (dual status) (sec. 413)**

The House amendment contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2017: the Army National Guard of the United States, 25,507; the Army Reserve, 7,570; the Air National Guard of the United States, 22,103; and the Air Force Reserve, 10,061.

The Senate bill contained a similar provision (sec. 413) that would authorize variance from the end strengths described above in accordance with the variance authorities found in subsections (f)(1) and (g)(1)(B) of section 115 of title 10, United States Code.

The House recedes.

**Fiscal year 2017 limitation on number of non-dual status technicians (sec. 414)**

The Senate bill contained a provision (sec. 414) that would authorize the following personnel limits for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2017: the Army National Guard of the United States, 1,600; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The House amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

**Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)**

The Senate bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on Active Duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2017 to provide operational support.

The House amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

**Reduction in number of general and flag officers on active duty and authorized end strength after December 31, 2022, of such general and flag officers (sec. 501)**

The Senate bill contained a provision (sec. 501) that would add a new section 525a to title 10, United States Code, to establish the authorized distribution of general and flag officers for the Army, Navy, Marine Corps, and Air Force and to require a 25 percent reduction in the number of general and flag officers in the military departments. The provision would also sunset the authorized distribution of general and flag officers in section 525 of title 10, after December 31, 2017.

The amendment would add a new section 12004a to title 10 United States Code, to require a 25 percent reduction in the number of general and flag officers in active status in the reserve

component, including general officers of the National Guard of the States and territories and general officers serving in the National Guard Bureau, but excluding officers serving as adjutants general or assistant adjutants general of a state. The provision would also sunset the authorized distribution of general and flag officers in section 12004 of title 10, after December 31, 2017.

The House amendment included a provision (sec. 910) that would amend section 164(e) of title 10, United States Code, to specify that the grade of an officer serving as commander of a service or functional component command shall be no higher than lieutenant general or vice admiral. The provision would further require that the total number of officers in the grade of general or admiral on active duty be reduced by five positions, and to require a report to the congressional defense committees on the Department's plan to implement those reductions.

The House recedes with an amendment that would create a new section 526a of title 10, United States Code, to establish authorized end strength of general and flag officers, to reflect a reduction of 110 general and flag officers on active duty by not later than December 31, 2022, and to redistribute authorized general and flag officers across the military departments and the joint pool. The conferees note that despite two decades of Congressional concern the Department of Defense and the military departments have not demonstrated the willingness to implement even the reduction in the number of general and flag officer positions directed by the Secretary of Defense's Track Four Efficiencies Initiatives decision of March 14, 2011. In the context of the Department of Defense's continued requests to reduce military end strength, especially in the Army and the Marine Corps, reductions that Congress has cautiously considered and authorized, the time has come for the Department to rigorously evaluate and validate every general and flag officer position. The conferees believe that an additional 10% reduction in the number of general and flag officer positions may be appropriate by downgrading or eliminating positions in addition to the 110 positions required to be eliminated under this provision are achieved. The conferees expect that the Department of Defense and the military departments will improve efficiency by eliminating bloated headquarters and staffs while preserving the necessary number and grades of positions for general and flag officers who are responsible to train and lead our Nation's forces in battle and to bring them safely home again. The conferees expect that the leadership of the Department of Defense and the military departments will approach this effort with the seriousness of conviction that our men and women in uniform, and the American people deserve.

#### **Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces (sec. 502)**

The Senate bill contained a provision (sec. 502) that would amend or repeal various statutory specifications in title 10, United States Code, to remove the requirement that an officer serving must hold a specified general or flag officer grade for certain positions in the Armed Forces. The House amendment contained no similar provision.

The House recedes with an amendment.

The conferees note that the provision would not affect the grade of an officer currently serving in the positions and would not prohibit the positions from being filled by an officer with the same, or a higher, or lower grade than the law currently requires.

**Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the Senate of probative information under control of non-Department of Defense agencies (sec. 504)**

The Senate bill contained a provision (sec. 506) that would amend section 629(c) of title 10, United States Code, to provide that the period for promotion eligibility of an officer would not expire during the period when the Senate is unable to obtain information necessary to give its advice and consent to the appointment concerned because the information is under control of a department or agency of the Federal Government other than the Department of Defense.

The House amendment contained no similar provision.

The House recesses.

**Continuation of certain officers on active duty without regard to requirement for retirement for years of service (sec. 505)**

The Senate bill contained a provision (sec. 509) that would amend chapter 36 of title 10, United States Code, to authorize service secretaries to allow officers in a grade above O-4 who are serving in military occupational specialties designated by the secretary to remain on Active Duty for up to 40 years of active service.

The House amendment contained no similar provision.

The House recesses.

**Extension of force management authorities allowing enhanced flexibility for officer personnel management (sec. 508)**

The Senate bill contained a provision (sec. 510) that would:

(a) amend section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to extend Temporary Early Retirement Authority through December 31, 2025;

(b) amend section 638a(a)(2) of title 10, United States Code, to extend through December 31, 2025 authority for service secretaries to manage authorized officer personnel strength by shortening the period of continuation of service by officers on Active Duty, to authorize involuntary early retirement for certain officers on Active Duty, and to consider officers for involuntary discharge who are not eligible for retirement;

(c) amend section 1175a(k)(1) of title 10, United States Code to extend through December 31, 2025 authority to provide voluntary separation pay and benefits; and

(d) amend section 1370(a)(2)(F) of title 10, United States Code to extend through fiscal year 2025, authority for early retirement of up to 4 percent of the authorized Active-Duty strength of officers in the grades of O-5 and O-6 without reduction in grade in each fiscal year.

The House amendment contained no similar provision.

The House recesses.

**Pilot programs on direct commissions to cyber positions (sec. 509)**

The House amendment contained a provision (sec. 1635) that would require the Secretaries of the Army and the Air Force to carry out a pilot program to improve the ability of the Army and Air Force to recruit cyber professionals.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the secretaries of the military departments to conduct pilot programs to recruit and confer original appointments to qualified individuals as commissioned officers in a cyber-specialty. Pilot programs established under this provision may commence on or after January 1, 2017, and shall terminate no later than December 31, 2022. Each Secretary of a military department who conducts a pilot program under this provision shall provide a report to the Committees on Armed Services of the Senate and of the House of Representatives, not later than January 1, 2020, evaluating the success of the program in obtaining skilled cyber personnel for the Armed Forces.

**Length of joint duty assignments (sec. 510)**

The Senate bill contained a provision (sec. 507) that would amend section 664 of title 10, United States Code, to modify the qualifying period for joint duty assignments from 3 years to not less than 2 years. The proposal would repeal the average tour length requirement and repeal the authority for shorter tour lengths for officers initially assigned to critical occupational specialties. The House amendment contained a similar provision (sec. 912).

The House recedes.

**Revision of definitions used for joint officer management (sec. 510A)**

The Senate bill contained a provision (sec. 508) that would amend section 668 of title 10, United States Code, to update the definitions of joint matters and joint duty assignment for the purpose of joint officer management. The provision would also repeal the definition of critical occupational specialty.

The House amendment contained a similar provision (sec. 913).

The Senate recedes.

**Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau (sec. 511)**

The Senate bill contained a provision (sec. 521) that would amend section 10505(a)(4) of title 10, United States Code, to authorize the Secretary of Defense to extend the term of office of the Vice Chief of the National Guard Bureau for up to 90 days to provide for the orderly transition of officers appointed to the positions of the Chief and the Vice Chief of the National Guard Bureau.

The House amendment contained no similar provision.

The House recedes.

**Rights and protections available to military technicians (sec. 512)**

The Senate bill contained a provision (sec. 523) that would amend section 709 of title 32, United States Code, to clarify the employment rights and protections of military technicians.

The House amendment contained no such provision.

The House recedes with an amendment that would clarify that military technicians, under certain conditions, may appeal adverse employment actions to the Merit Systems Protection Board and Equal Employment Opportunity Commission.

**Inapplicability of certain laws to National Guard technicians performing Active Guard and Reserve duty (sec. 513)**

The Senate bill contained a provision (sec. 525) that would amend section 709 of title 32, United States Code, to clarify that the provision that grants military leave to individuals appointed to the civil service does not apply to members of the Active Guard and Reserve, just as it does not apply to members on Active Duty.

The House amendment contained no similar provision.

The House recesses.

**Extension of removal of restrictions on the transfer of officers between the active and inactive National Guard (sec. 514)**

The House amendment contained a provision (sec. 511) that would extend through December 31, 2019, the temporary authority for the Secretary of the Army and Secretary of the Air Force to transfer officers of the Army and Air National Guard from the Selected Reserve to the inactive National Guard and from the inactive National guard to the Selected reserve.

The Senate bill contained no similar provision.

The Senate recesses.

**Extension of temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training (sec. 515)**

The House amendment contained a provision (sec. 512) that would amend section 514(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) to extend for 1 year the current temporary authority for the Air Force to allow no more than 50 Active Guard and Reserve (AGR) personnel and dual status military technicians to instruct and train Active Duty and members of foreign military forces in the United States, the Commonwealth of Puerto Rico, or possessions of the United States as a primary duty.

The Senate bill contained no similar provision.

The Senate recesses.

The conferees expect the Air Force to devise a solution to this issue that does not include amending the underlying statutory authorities for AGRs and technicians. The conferees urge the Air Force to consider solutions as part of the ongoing duty status review.

**Expansion of eligibility for deputy commander of combatant command having United States among geographic area of responsibility to include officers of the Reserves (sec. 516)**

The Senate bill contained a provision (sec. 925) that would amend section 164 of title 10, United States Code, to require that at least one deputy commander of the combatant command of the geographic area of responsibility which includes the United States be a member of a reserve component of the Armed Forces, unless a reserve component officer is serving as commander of that combatant command.

The House amendment contained no similar provision.

The House recesses.

**Consolidation of Army marketing and pilot program on consolidated Army recruiting (sec. 527)**

The Senate bill contained a provision (sec. 1092) that would require the Secretary of the Army to consolidate within the Army Marketing Research Group all functions relating to the marketing of

the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

The House amendment contained a related provision (sec. 527) that would require the Secretary of the Army to establish a pilot program to consolidate the recruiting efforts of the Regular Army, Army Reserve, and Army National Guard under which a recruiter in one of the components participating in the pilot program may recruit individuals to enlist in any of the components regardless of the funding source of the recruiting activity.

The Senate recedes with a clarifying amendment that would combine both provisions.

**Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces (sec. 543)**

The Senate bill contained a provision (sec. 543) that would amend section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) to require the annual report on sexual assault and response efforts to include information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.

The House amendment contained no similar provision.

The House recedes.

**Preliminary report on purpose and utility of registration system under Military Selective Service Act (sec. 552)**

The House amendment contained a provision (sec. 528) that would require the Secretary of Defense to submit, not later than July 1, 2017, a report to the Committees on Armed Services of the Senate and the House of Representatives, on the current and future need for a centralized registration system under the Military Selective Service Act, chapter 49 of title 50, United States Code, and provide a briefing on the results of the report not later than July 1, 2017.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the report to also be provided to the National Commission on Military, National, and Public Service created under this Act.

**National Commission on Military, National, and Public Service (sec. 553)**

The Senate bill contained a provision (sec. 1067) that would establish the National Commission on Military, National, and Public Service as an independent commission. The provision would prescribe the manner and timing in which the Commission would be appointed, its composition, pay rates for members and staff, and would provide sundry other authorities attending to the operation of the Commission as an independent entity.

The Senate bill contained a provision (sec. 1073) that would require that of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2017, \$15.0 million be available to the National Commission on Military, National, and Public Service until expended to carry out its duties under this subtitle.

The House amendment contained no similar provisions.

The House recedes.

**Inclusion of alcohol, prescription drug, opioid, and other substance abuse counseling as part of required pre-separation counseling (sec. 562)**

The House amendment contained a provision (sec. 569) that would amend section 1142(b)(11) of title 10, United States Code, to include alcohol, prescription drug, opioid, and other substance abuse counseling as part of required pre-separation counseling.

The Senate bill contained no similar provision.

The Senate recesses.

**Extension of suicide prevention and resilience program (sec. 565)**

The Senate bill contained a provision (sec. 524) that would amend section 10219(g) of title 10, United States Code, to extend the authority for suicide prevention and resilience programs for the National Guard and Reserves until October 1, 2022.

The House amendment contained a provision (sec. 599G) that would amend section 10219(g) of title 10, United States Code, to extend the authority for suicide prevention and resilience programs for the National Guard and Reserves until October 1, 2018.

The Senate recesses.

**Report on feasibility of electronic tracking of operational active-duty service performed by members of the Ready Reserve of the Armed Forces (sec. 594)**

The House amendment contained a provision (sec. 515) that would require the Secretary of Defense to establish electronic means for reserve component members to track qualifying operational active-duty service that would enable early receipt of reserve retired pay under section 12731(f) of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the Secretary to assess the feasibility of such an electronic tracking system, and to provide a report to the Committees on Armed Services of the Senate and House of Representatives by no later than May 1, 2017.

**Report on career progression tracks of the Armed Forces for women in combat arms units (sec. 597)**

The Senate bill contained a provision (sec. 594) that would require the Secretary of Defense to submit a description of the career progression track for entry level and laterally moved female service members, both officer and enlisted, of each Armed Force for positions that have been opened as a result of the December 3, 2015, decision by the Secretary to open all previously closed military occupations to women. The House amendment contained no similar provision.

The House recesses.

**Fiscal year 2017 increase in military basic pay (sec. 601)**

The Senate bill contained a provision (sec. 601) that would authorize a pay raise of 1.6 percent for all members of the uniformed services effective January 1, 2017.

The House amendment contained a provision (sec. 601) that 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 such section 1009.

The Senate recesses.

**Publication by Department of Defense of actual rates of basic pay payable to members of the Armed Forces by pay grade for annual or other pay periods (sec. 602)**

The Senate bill contained a provision (sec. 602) that would direct the Department of Defense to ensure that pay tables of basic pay for members of the uniformed services published by the Department reflect the operation of the pay cap contained in section 203(a)(2) of title 37, United States Code, to more accurately reflect the rates of basic pay that may actually be received by service members whose basic pay is affected by that cap.

The House amendment contained no similar provision.

The House recesses.

**Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 603)**

The Senate bill contained a provision (sec. 603) that would extend for 1 year the authority of the Secretary of Defense to temporarily increase the rate of basic allowance for housing in areas impacted by natural disasters or experiencing a sudden influx of personnel.

The House amendment contained an identical provision (sec. 602).

The conference agreement includes this provision.

**Reports on a new single-salary pay system for members of the Armed Forces (sec. 604)**

The Senate bill contained a provision (sec. 604) that would reform the basic allowance for housing (BAH) benefit for members of the uniformed services, applicable January 1, 2018. The provision would require a system that utilizes actual costs up to a maximum allowable amount. No service member will see a change in their allowance until such time as they undergo a permanent change of duty station outside their military housing area after January 1, 2018.

The House amendment contained no similar provision.

The Senate recesses with an amendment that would require the Department of Defense to report back with revised pay tables and a plan to transition to a salary system by no later than January 1, 2018. An initial assessment and progress report will be due to the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2017, to contain the military pay tables as of January 1, 2017, that reflect the Regular Military Compensation of members of the Armed Forces as of that date in the range of grades, dependency statuses, and assignment locations.

The conferees note that the BAH, as an entitlement, and the perception of BAH among service members, has evolved over the past 20 years. BAH, and the iterations of the benefit that came before, was intended to provide a housing benefit for service members to offset the cost of housing in high cost housing areas where adequate government-provided quarters was not available and in recognition of the transient nature of military service and the impact it has on military members and their families. Indeed, that the housing allowance was and is intended as primarily a housing benefit is demonstrated by its tax-free nature, the differentiation based on dependency status, and the fact that junior enlisted personnel required to reside in barracks or on a ship are ineligible to receive BAH. Accordingly, the conferees direct the Secretary of Defense to begin planning for a transition to a salary system that better aligns the payment of the allowance with the Department's use of the housing allowance as compensation rather than its intended purpose as an allowance.

**One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)**

The Senate bill contained a provision (sec. 611) that would extend for 1 year the authority to pay 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, travel expenses for certain inactive-duty training, and income replacement for reserve component members experiencing extended and frequent mobilization for Active-Duty service.

The House amendment contained an identical provision (sec. 611).

The conference agreement includes this provision.

**One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)**

The Senate bill contained a provision (sec. 614) that would extend for 1 year the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, and special bonus and incentive pay authorities for officers in health professions, and contracting bonus for cadets and midshipmen enrolled in the Senior Officers' Training Corps. The provision would also extend for 1 year the authority to pay hazardous duty pay, assignment or special duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The House amendment contained an identical provision (sec. 614).

The conference agreement includes this provision.

**One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)**

The Senate bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, pre-commissioning incentive pay for 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.

The House amendment contained an identical provision (sec. 615).

The conference agreement includes this provision.

**Maximum reimbursement amount for travel expenses of members of the Reserves attending inactive duty training outside of normal commuting distances (sec. 621)**

The House amendment contained a provision (sec. 641) that would amend section 478a(c) of title 37, United States Code, to allow for a higher reimbursement amount on a case-by-case basis for certain members of the Reserve component traveling to attend inactive duty training outside of normal commuting distances.

The Senate bill contained a similar provision (sec. 621).

The Senate recesses.

**Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system (sec. 631)**

The Senate bill contained a provision (sec. 631) that would amend section 1409 of title 10, United States Code, to clarify the timing for cadets and midshipmen at the service academies to opt in to the new military retirement system enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92). The provision would also clarify the timing of such elections for reservists who are on Inactive Duty during the election period otherwise provided for under the new retirement system.

The House amendment contained no similar provision.

The House recesses.

**Effect of separation of members from the uniformed services on participation in the Thrift Savings Plan (sec. 632)**

The Senate bill contained a provision (sec. 632) that would repeal paragraph (2) of section 632(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92). This amendment makes a technical correction for the new military retirement plan enacted in that Act relative to defining separation from service under the Thrift Savings Plan.

The House amendment contained a similar provision (sec. 621).

The House recesses.

**Continuation pay for full Thrift Savings Plan members who have completed 8 to 12 years of service (sec. 633)**

The House amendment contained a provision (sec. 622) that would amend section 356 of title 37, United States Code, to modify the continuation pay for members under the new military retirement system enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) to provide the Secretary of Defense with the flexibility to offer continuation pay in the window between 8 and 12 years of service in exchange for a 3 years of service or greater commitment as the Secretary deems appropriate for retention.

The Senate bill contained a similar provision (sec. 633).

The Senate recesses with a technical amendment.

**Recovery of amounts owed to the United States by members of the uniformed services (sec. 671)**

The House amendment contained a provision (sec. 642) that would amend section 1007(c)(3) of title 37, United States Code, to establish a 10-year statute of limitations on the authority of the government to collect an indebtedness to the government owed by a service member if the indebtedness occurred through no fault of the member. The statute of limitations established under this provision would apply to indebtedness incurred on or after October 1, 2027. The provision would require the Director of the Defense Finance and Accounting Service to provide an annual report, commencing on January 1, 2017 and each year through 2027, on cases in which recovery of indebtedness commenced after the end of the 10-year period beginning on the date when the indebtedness was incurred, or in which the member was not notified of the indebtedness during such 10-year period.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would direct the Secretary of Defense to conduct a review of all bonus pays, special pays, student loan repayments, and similar special payments paid

to members of the California National Guard between January 1, 2004 and December 31, 2015. The review is required to be completed by July 30, 2017. The provision requires a board of review designated by the Secretary of Defense to determine whether the special pay to these members and former members was unwarranted and, if so, to recommend to the Secretary concerned whether to recoup the payment, waive the recoupment, or in the case of recoupments that were previously collected but were unwarranted by the evidence, to recommend whether the payments should be repaid to the member or former member. The provision would authorize the Secretary concerned to waive collection of overpayments or to repay previously recouped payments that were unwarranted. The provision would require the Secretary concerned to notify consumer credit reporting agencies if the review determines that an indebtedness previously reported to the credit reporting agency was invalid. The funding for activities associated with the review, including repayments to members and former members, shall be paid from amounts available for the National Guard of the United States for the State of California. The provision requires the Secretary of Defense to submit a report on the results of the review to the Committees on Armed Services of the Senate and of the House of Representatives not later than August 1, 2017. The provision also requires the Comptroller General of the United States to report, not later than one year after the date of enactment of this Act, on the actions of the National Guard of the State of California related to the bonus pays, special pays, student loan repayments, and other special pays from 2004 through 2015.

**Modification of flat rate per diem requirement for personnel on long-term temporary duty assignments (sec. 672)**

The Senate bill contained a provision (sec. 1151) that would require the Secretary of Defense to take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long term temporary duty (TDY) assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Service Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the TDY assignment.

The House amendment contained a provision (sec. 603) that would prohibit the Secretary concerned from altering the per diem allowance for the duration of a temporary duty assignment of a member of the Armed Forces or an employee of the Department of Defense.

The House recedes with a clarifying amendment.

**TRICARE Select and other TRICARE Reform (sec. 701)**

The Senate bill contained a provision (sec. 701) that would amend chapter 55 of title 10, United States Code, to reform health care plans available under the TRICARE program. The provision would establish three health plan choices for families of Active Duty service members, and retired military members and their families: 1) TRICARE Prime, a managed care option; 2) TRICARE Choice, a self-managed option; and 3) TRICARE Supplemental, an option for retired members and their families, other than TRICARE-For-Life beneficiaries, who have other health insurance. Beneficiaries would be required to enroll in one of the TRICARE options during an annual open enrollment period in order to obtain care through the TRICARE Program.

The House amendment contained a provision (sec. 701) that would amend chapter 55 of title 10, United States Code, to establish TRICARE Preferred as the self-managed, preferred provider option in the TRICARE program, replacing TRICARE Standard and Extra. The provision would establish annual enrollment fees and fixed dollar co-payments for Active-Duty family members and retirees who join the Armed Services on or after January 1, 2018, and enroll in TRICARE Preferred or TRICARE Prime, the managed care option. In addition, the provision would authorize an annual enrollment fee for TRICARE Preferred for beneficiaries who were in either the Active-Duty or retired beneficiary categories prior to January 1, 2018. However, the provision would prohibit the Secretary from establishing this annual enrollment fee until 90 days after the Comptroller General of the United States submits a report, not later than February 1, 2020, to the Committees on Armed Services of the Senate and the House of Representatives on access to care, network adequacy, and beneficiary satisfaction under TRICARE Preferred. The provision would also require the Comptroller General, not later than September 1, 2017, to submit to the committees a report on the assessment of network adequacy and beneficiaries' access to care under the TRICARE health care provider network. Finally, the provision would require the Secretary to submit an implementation plan, not later than June 1, 2017, to the committees to improve access for TRICARE beneficiaries. The Comptroller General would be required to submit to the committees, not later than December 1, 2017, a review of the implementation plan submitted by the Secretary.

The Senate recedes with an amendment that would: 1) rename the TRICARE Preferred health plan option to TRICARE Select; 2) modify the tables prescribing enrollment fees, deductibles, catastrophic caps, and co-payments for beneficiaries in the retired category who join the military on or after January 1, 2018, and to establish a calendar year enrollment period for those fees; 3) require the Secretary to establish an open enrollment period, with a grace period during the first year of open enrollment, and to allow enrollment for qualifying events for annual participation in either TRICARE Prime or TRICARE Select; 4) prescribe certain requirements for pre-authorization for referrals under TRICARE Prime; and 5) require a pilot program on incorporation of value-based health care methodology in the purchased care component of the TRICARE program.

**Extended TRICARE program coverage for certain members of the National Guard and dependents during certain disaster response duty (sec. 711)**

The House amendment contained a provision (sec. 722) that would amend chapter 55 of title 10, United States Code, to extend TRICARE program coverage for certain members of the National Guard and dependents performing certain disaster response duty if the period immediately follows a period of full-time National Guard duty. Under this provision, a member would not receive extended TRICARE program coverage if a governor of a state or the mayor of the District of Columbia (DC) determines that such coverage is not in the best interest of the member, state, or DC. This provision would authorize the Secretary of Defense to charge a state or DC for the costs of providing extended TRICARE program coverage to members of the National Guard and their dependents.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that provides discretionary authority to extend TRICARE program coverage for certain members of the National Guard and dependents performing certain disaster response duty if the period immediately follows a period of full-time National Guard duty. Additionally, the amendment would require the Secretary of Defense to charge a state or DC for

the costs of providing extended TRICARE program coverage to members of the National Guard and their dependents if such coverage is extended.

**Continuity of health care coverage for reserve components (sec. 712)**

The Senate bill contained a provision (sec. 707) that would authorize the Secretary of Defense to carry out a pilot program jointly with the Director of the Office of Personnel Management (Director), of at least 5 years duration, to provide commercial health insurance coverage to eligible reserve component members who enroll for either individual, self plus one, or self and family coverage. If the Secretary and the Director determine that a pilot program is feasible, the Director would contract with qualified health insurance carriers to provide eligible beneficiaries with a variety of high quality health benefits plans, which could vary by plan design, covered benefits, geography, and price. Reserve component members and their family members would not be eligible to enroll in a health plan in the pilot program if they are eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

The House amendment contained a provision (sec. 712) that would require the Secretary of Defense to study options for providing health care coverage to certain current and former members of the Selected Reserve and to submit a report of the findings and recommendations to the congressional defense committees within 180 days of the date of enactment of this Act.

The Senate recedes with an amendment that would combine these provisions. The resultant provision would require the Director to submit to the Secretary of Defense, on an annual basis during each year the pilot program may be conducted, information on the use of health care benefits under the pilot program. The provision would also require the Secretary to submit an initial and a final report on the pilot program to the Committees on Armed Services of the Senate and the House of Representatives. Finally, the provision would clarify the elements required in the study of options for providing health care coverage that improves the continuity of health care provided to certain current and former members of the Selected Reserve.

**Assessment of transition to TRICARE program by families of members of reserve components called to Active Duty and elimination of certain charges for such families (sec. 748)**

The Senate bill contained a provision (sec. 760) that would require the Secretary of Defense, within 180 days of enactment of this Act, to complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on Active Duty, pursuant to a call to or order to Active Duty for a period of more than 30 days, experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an Active-Duty status to health benefits under the TRICARE program. Within 180 days after completing the assessment, the Secretary shall submit a report detailing the results of the assessment to the Committees on Armed Services of the Senate and the House of Representatives. This provision would also amend section 1079(h)(4)(C)(ii) of title 10, United States Code, to expand the authority of the Secretary to eliminate balance billing for families of members of the reserve components of the Armed Forces serving on Active Duty.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

### **Organization of the Office of the Secretary of Defense (sec. 901)**

The Senate bill contained a provision (sec. 901) that would amend section 133 of title 10, United States Code, to establish the position of the Under Secretary of Defense for Research and Engineering, amend section 138 of title 10, United States Code, to establish and consolidate certain Assistant Secretary of Defense positions, and make other conforming changes. The provision would also amend section 132a of title 10, United States Code, to re-designate the Under Secretary of Defense for Business Management and Information as the Under Secretary of Defense for Management and Support.

The House amendment contained a provision (sec. 846) that would revise the effective date for amendments relating to the conversion of the position of the Deputy Chief Management Officer to the position of the Under Secretary of Defense for Business Management and Information.

The House recedes with an amendment that would amend chapter 4 of title 10, United States Code, to establish an Under Secretary of Defense for Research and Engineering, an Under Secretary of Defense for Acquisition and Sustainment, and a chief management officer within the Department of Defense, effective on February 1, 2018. The amendment would make other modifying and conforming changes, and require the Secretary of Defense to conduct a review and submit a report to the congressional defense committees on the organizational and management structure for the Department.

The conferees set a date of February 1, 2018, for the implementation of the three senior leadership positions, to provide the Department with time to conduct the required review, to engage the congressional defense committees, and to provide its recommendations on an organization and management structure for the Department. However, the conferees encourage the President to move out earlier on nominations for these senior leadership positions.

### **Organizational Strategy for the Department of Defense (sec. 911)**

The Senate bill contained a provision (sec. 941) that would require the Secretary of Defense to develop and implement an organizational strategy for the Department of Defense (DOD).

The House bill contained no similar provision. The House recedes with an amendment that would:

- (1) streamline and condense the organizational strategy required from the Secretary;
- (2) substantially enhance the requirement for an independent study of private sector and government experience with cross-functional teams (CFTs), and the use of cross-functional groups by the Department of Defense, to inform the Secretary's implementation of CFTs and the cultural changes needed for their success;
- (3) lengthen and rationalize the timelines for the next Secretary of Defense to accomplish the changes mandated by the Senate provision; and
- (4) provide additional discretion to the Secretary regarding the number, characteristics, and application of mandated CFTs.

The intention of the conferees in adopting this provision is to provide the Secretary of Defense with a valuable tool for improving the performance of even the most elite organizations. Recognizing that the civilian and military employees of the Department of Defense are committed to the mission of protecting and defending the United States, the conferees believe that CFTs will provide the Secretary, and therefore the DOD workforce, a tool to more-effectively achieve their shared mission. The conferees believe that CFTs will enable the Secretary to more rapidly and effectively develop solutions and strategies for complex critical objectives and other organizational outputs of the Department of Defense by harnessing and integrating the expertise and ingenuity resident in the Department's functional organizations.

The conferees hope and expect that the good-faith implementation of this provision will demonstrate the value of properly constructed CFTs, which will spur the use of such teams across the Department, supporting officials and decision-making at all levels of the enterprise.

**Policy, organization, and management goals and priorities of the Secretary of Defense for the Department of Defense (sec. 912)**

The Senate bill contained a provision (sec. 942) that would require a series of management directives for the next Secretary of Defense.

The House amendment contained no similar provision.

The House recedes with an amendment that would scope the management overview to focus on policy goals, organizational management, and layering of Department of Defense organizations and require updates in the form of a briefing on February 1 of each year through 2022 after the initial written report is submitted by April 1, 2017.

The Conferees note that the Secretary of Defense is expected to utilize the delivery unit authorized in this Act to assist with the execution and tracking of goals set under this provision.

**Joint Chiefs of Staff and related combatant command matters (sec. 921)**

The Senate bill contained a provision (sec. 921) that would amend sections 151 and 153 of title 10, United States Code, to clarify the role of the Chairman of the Joint Chiefs of Staff and the key duties that this officer must perform on behalf of the joint force, specifically: providing advice on the military elements of defense strategy and the global integration of military activities; advocating for the joint warfighter of today and tomorrow, especially with respect to developing joint capabilities; ensuring comprehensive joint readiness; and fostering joint force development. This provision seeks to clarify the role of the Chairman and thereby set an expectation that the preponderance of any Chairman's time should be devoted to the key strategic, global, and joint duties that are the Chairman's unique purview within the military.

The House amendment contained two similar provisions (sec. 907 and sec. 908). The first provision in the House amendment (sec. 907) 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 second provision (sec. 908) in the House amendment 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.

The House recedes with an amendment that would make certain changes to enhance the position of the other members of the Joint Chiefs as military advisors, extend the terms of the Chairman and the Vice Chairman to 4 years and ensure that such terms are staggered, outline the Chairman's role in planning, advice, global military integration, and ensure open communication between the combatant commands and the Chairman.

### **Establishment of Unified Combatant Command for Cyber Operations (sec. 923)**

The House amendment contained a provision (sec. 911) that would establish a unified combatant command for cyber operations with the primary function to prepare cyber operations forces to carry out assigned missions.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note transparency of U.S. Cyber Command operations, forces, and other activities is critical to oversight of the command by Congress. The conferees expect the quarterly cyber operations briefings, mandated by Title 10, United States Code, Section 484, to continue to serve as a forum for providing information to Congress on all offensive and significant defensive military operations in cyberspace carried out by the unified combatant command in the preceding quarter and serve as mechanism for informing Congress of other activities of the command.

In establishing the unified combatant command for cyber operations, the conferees also expect the Secretary of Defense, in conjunction with the relevant agencies and entities within the Department of Defense, to establish formal procedures for notification to Congress of significant operations in cyberspace on a timely basis. The conferees also expect the Secretary to establish formal procedures for notification to Congress of other significant command activities, such as delegation of new authorities to the United States Cyber Command Commander for cyberspace operations by the Secretary of Defense and relevant policy and internal oversight decisions affecting activities of the command.

### **Assigned forces of the combatant commands (sec. 924)**

The Senate bill contained a provision (sec. 1041) that would amend section 162 of title 10, United States Code, to require the secretaries of the military departments, at the direction of the Secretary of Defense, to assign forces under the jurisdiction of the secretaries concerned to the combatant commands to perform missions assigned to the combatant commands. Forces that are not so assigned shall remain under the direction and control of the respective military department secretaries for purposes of carrying out the secretaries' responsibilities under sections 3013, 5013, and 8013 including organizing, training, and mobilizing of all United States military forces.

The House amendment contained a similar provision (sec. 909).

The House recedes.

### **Modifications to the requirements process (sec. 925)**

The Senate bill contained a provision (sec. 943) that would amend Section 181 of title 10, United States Code, to clarify and modify the joint and service-specific requirements process. This provision would ensure that the service chief of the relevant military service is responsible for all service-specific requirements, and Joint Requirements Oversight Council (JROC) validation is not required before commencing a service-specific acquisition program, except for a major defense acquisition program or a service-specific program designated for JROC oversight by the Chairman of the Joint Chiefs of Staff. Additionally, this provision would require the Chairman to determine whether a major defense acquisition program meets joint requirements before the program or subprogram receives Milestone A approval or is otherwise initiated prior to Milestone B. The provision also would make the Vice Chairman of the Joint Chiefs of Staff the principal adviser to the Chairman on requirements.

The House amendment contained no similar provision.

The House recedes with an amendment that would modify the responsibilities of the JROC to focus on critical joint warfighting needs by: (1) determining gaps in joint military capabilities; (2) validating that proposed capabilities fulfill a gap; and (3) approving only joint performance requirements, such as interoperability or those involving more than one military service. The amendment would retain language from section 181 of title 10, United States Code, to clarify that the mission of the JROC shall include other matters assigned to it by the President or Secretary of Defense, and that the Chairman of the Joint Chiefs of Staff shall appoint members to the JROC who are recommended by the Secretaries of the military departments. The amendment would retain the Under Secretary of Defense (Comptroller) as an advisor to the JROC and broaden the base of analytic support that shall assist the JROC to include organizations within the Department that have operations research, systems analysis, and cost estimation expertise. The amendment also would modify definitions of joint military capabilities and performance requirements.

**Assessments of combatant command structure (sec. 926)**

The Senate bill contained a provision (sec. 924) that would direct the Secretary of Defense to initiate a pilot program on the organization of a unified combatant command by organizing the subordinate commands of such unified combatant command in the form of joint task forces.

The House amendment contained a similar provision (sec. 914) that would require the Secretary of Defense to enter into a contract with an independent entity to conduct an assessment on the combatant command structure and to provide recommendations for improving the overall effectiveness of combatant command structures.

The Senate recedes with an amendment clarifying that the Secretary of Defense shall conduct an assessment of the organization of the combatant commands and provide recommendations for changes to improve the effectiveness of such commands as well as enter into a contract for an independent assessment of the organization of the combatant commands.

The conferees expect the assessments to address any deficiencies in the current organization of the combatant commands; to review the growth in the size of staffs of the unified combatant commands and whether such growth inhibits an effective and efficient performance; to determine whether the combatant commands are best aligned to address persistent, trans-regional, cross-functional, and multi-domain threats; and to assess whether the current structure encourages the unified combatant commands to be overly focused on mission support activities and not sufficiently focused on operational missions of the combatant commands.

**Enhanced personnel management authorities for the Chief of the National Guard Bureau (sec. 932)**

The Senate bill contained a provision (sec. 944) that would amend section 1058 of title 10, United States Code, to enhance the personnel management authority of the Chief of the National Guard Bureau by authorizing the Chief to program for, appoint, employ, administer, detail, and assign federal civilian employees to provide full-time support to the non-federalized National Guard. This provision clarifies that state adjutants general will continue to exercise their authority to hire, employ, and supervise the federal civilian employees providing full-time support to their state.

The House amendment contained no similar provision.

The House recedes.

### **National Defense Strategy (sec. 941)**

The Senate bill contained a provision (sec. 1096) that would require the Secretary of Defense to provide the congressional defense committees a national defense strategy that addresses the highest priority missions for the Department of Defense, the most critical and enduring threats to the national security of the United States and its allies, and the strategies that the Department will use to counter those threats.

The House amendment contained a similar provision (sec. 904).

The House recedes with amendments clarifying the form and frequency of the national defense strategy and making other technical changes.

### **Commission on the National Defense Strategy for the United States (sec. 942)**

The House amendment contained a provision (sec. 903) that would establish a commission to be known as the “Commission on the National Defense Strategy for the United States” to examine and make recommendations with respect to national defense strategy for the United States.

The Senate bill contained a similar provision (sec. 1078).

The Senate recedes with amendments addressing threat assessments and force structure and making other technical changes.

The commission would replace the National Defense Panel and precede the development of the National Defense Strategy, required elsewhere in this Act. The conferees believe that such an independent effort to provide recommendations and identify key issues and areas of focus, would improve the Secretary’s development of strategy. Furthermore, the conferees believe that such a bipartisan effort could help build national consensus on how to address complex and challenging national security issues.

### **Modification of authority of the Secretary of Defense relating to protection of the Pentagon Reservation and other Department of Defense facilities in the National Capital Region (sec. 952)**

The Senate bill contained a provision (S. 972) that would amend section 2674 of title 10, United States Code, to update the authority of the Secretary of Defense to appoint law enforcement personnel to protect the Pentagon reservation and Department of Defense activities in the National Capital Region, and to set the rates of basic pay for law enforcement and security personnel whose permanent duty station is the Pentagon reservation.

The House amendment contained no similar provision.

The House recedes.

### **Codification and modification of authority to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies (sec. 1011)**

The Senate bill contained a provision (sec. 1006) that would establish a new section in title 10, United States Code, to codify section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), as most recently amended by section 1012 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291). The provision would also make modifications to the types of support that may be provided with respect to foreign law enforcement.

The House amendment contained no similar provision.

The House recedes with an amendment that would codify and make modifications to the authority of the Department of Defense to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies. The provision would also require coordination with the Secretary of State for support for foreign law enforcement agencies under the authority.

The conferees are concerned about the threat posed by the production and trafficking of heroin, fentanyl (and precursor chemicals), and other illicit drugs. Consistent with the Department's authorities and missions, the conferees direct the Department to ensure appropriate resources are allocated to efforts to combat this threat.

#### **Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia (sec. 1013)**

The Senate bill contained a provision (sec. 1007) that would extend by 4 years the authority to support the unified counterdrug and counterterrorism campaign in the Republic of Colombia originally authorized by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), and most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92). The House amendment contained a similar provision (sec. 1013) that would extend by 1 year the authority to support the unified counterdrug and counterterrorism campaign in the Republic of Colombia authorized by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), and most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92). The House recedes with an amendment that would extend the authority for 2 years.

The conferees strongly support the vital partnership between the United States and Colombia and note the remarkable security gains the Government of Colombia has achieved over the last 15 years. The conferees believe that an enduring security relationship between the U.S. and Colombia is essential to sustaining and building upon these gains and urge the Department of Defense, in coordination with the interagency, to ensure its security cooperation programs and authorities reflect the evolving security environment in Colombia and the region.

#### **Enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense (sec. 1014)**

The Senate bill contained a provision (sec. 1051) that would require the Secretary of Homeland Security to ensure that the information needs of the Department of Homeland Security (DHS) relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training. The provision would require the Secretary of Defense to ensure that such military training conducted in proximity to the borders of the U.S. is coordinated with DHS. Further, the provision would require the Secretary of Homeland Security and the Secretary of Defense to create joint guidance to ensure information relevant to drug interdiction or other civilian law enforcement matters that is collected by the U.S. military during the normal course of military training or operations is provided promptly to civilian law enforcement officials in accordance with section 371 of title 10, United States Code.

The House amendment contained a similar provision (sec. 1014) that would require the Secretary of Defense to coordinate unmanned aerial systems training missions along the southern border of

the United States in order to support the Department of Homeland Security's counter-narcotic trafficking efforts.

The House recedes with a technical amendment.

**Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel (sec. 1052)** The Senate bill contained a provision (Sec. 1046) that would require the Air Force, by September 30, 2019, to transition all remotely piloted aircraft (RPA) operations to an organizational model that uses enlisted personnel for the preponderance of RPA operators.

The House amendment contained no similar provision.

The House recedes with an amendment that changes "preponderance" to "a significant number of enlisted personnel," changes the required transition date to September 30, 2020, for the active duty component, and adds September 30, 2023, as the required date for transition by the Air Force Reserve and Air National Guard. The amendment also includes other minor technical corrections.

**Annual reports on unfunded priorities of the Armed Forces and the combatant commands and annual report on combatant command requirements (sec. 1064)**

The Senate bill contained a provision (sec. 1076) that would require the Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, and commanders of the combatant commands (COCOM) to submit to the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and congressional defense committees a report on the unfunded priorities no later than 25 days after the date on which the President submits the annual budget request.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would change the due date for the report from 25 days to 10 days after the budget request is submitted to Congress and amends section 153(c)(1) of title 10, United States Code to require the Chairman of the Joint Chiefs of Staff to submit an annual report on COCOM requirements no later than 25 days after the date on which the President submits the budget request to Congress.

The conferees note that the COCOM commanders can satisfy the requirement regarding unfunded priorities, as set forth by this provision through their submission of the integrated priority lists (IPL), provided that the IPLs contain sufficient detail on the commands' requirements shortfalls and any relevant or appropriate funding recommendations.

**Assessment of the joint ground forces of the Armed Forces (sec. 1075)**

The Senate bill contained a provision (Sec. 1077) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to oversee a comprehensive assessment of the joint ground forces and provide a report on the assessment's findings no later than one year after the enactment of this act.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, and the Commandant of the Marine Corps, to oversee an assessment of the joint ground forces of the Armed Forces, and provide a report on the assessment's findings to the Committees on Armed Services of the Senate and the House of Representatives not later than one year after the enactment of this Act. The report shall include an assessment by the Chief of Staff of the Army and the Commandant of the Marine

Corps of any specific gaps in the capability and capacity of the Army and Marine Corps, respectively, that threaten the successful execution of decisive operational maneuver.

**Modification of requirements relating to management of military technicians (sec. 1084)**

The House amendment contained a provision (sec. 1088) that would delay the implementation date of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) until October 1, 2017 and align the date of conversion for military technicians (non-dual status) with military technicians (dual status).

The Senate bill contained a similar provision (sec. 1048).

The Senate recedes with an amendment that would clarify that the Secretary of Defense will continue to play a role in the conversion of positions.

**Sense of Congress regarding the OCONUS basing of the KC–46A aircraft (sec. 1094)**

The Senate bill contained a provision (Sec. 1095) that would express the sense of the Congress regarding the basing of KC–46A tanker aircraft outside of the continental United States.

The House amendment contained no similar provision.

The House recedes.

**National Guard State Partnership Program (sec. 1246)**

The Senate bill contained a provision (sec. 1257) that would codify the National Guard State Partnership Program (section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66), as amended by section 1203 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92)).

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

**Limitation on termination of dual-hat arrangement for Command of the United States Cyber Command (sec. 1642)**

The Senate bill contained a provision (sec. 1633) that would express the sense of Congress that the arrangement (commonly referred to as a “dual-hat arrangement”) under which the Commander of the United States Cyber Command (CYBERCOM) also serves as the Director of the National Security Agency is in the national security interests of the United States. The provision would also prohibit the Secretary of Defense from taking action to end the “dual-hat arrangement” until the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that ending that arrangement will not pose unacceptable risks to the military effectiveness of CYBERCOM. The provision would also require the establishment of conditions-based criteria for assessing the need to sustain the “dual-hat arrangement.”

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

**Cyber mission forces matters (sec. 1643)**

The Senate bill contained a provision (sec. 1632) that would provide interim authorities to the Secretary of Defense to enhance the Department’s ability to hire and retain civilian personnel with the high-level of skill and aptitude necessary to provide critical technical support to the Cyber Mission Teams that are now nearing full operational capability. The provision also would direct the Principal Cyber Advisor to (1) supervise the development of training standards and capacity

to train civilian cyber personnel to develop tools and weapons for the Cyber Mission Forces and (2) ensure that sufficient priority exists for the timely completion of security clearance investigations and adjudications for such personnel.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

#### **Strategy to incorporate Army reserve component cyber protection teams into Department of Defense cyber mission force (sec. 1651)**

The House amendment contained a provision (sec. 1639) that would require the Secretary of the Army to provide a briefing on a strategy for incorporating Army National Guard protection teams into the cyber mission force of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would expand the scope of the strategy to include both the Army National Guard and the other reserve components of the Army.

#### **Sense of Congress on cyber resiliency of the networks and communications systems of the National Guard (sec. 1655)**

The House amendment contained a provision (sec. 1638) that would assert the sense of Congress concerning cyber resiliency of the networks and communications systems of the National Guard.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that encourages the National Guard to budget within National Guard resources.

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

The Senate bill contained a provision (sec. 2702) that would make clear that nothing in this Act shall be construed to authorize a future Base Realignment and Closure (BRAC) round. Elsewhere in the Act, the Senate recommended a reduction of \$4.0 million for BRAC planning activities.

The House amendment contained a similar provision (sec. 2701).

The House recesses.

The conferees remain concerned that the Secretary of Defense has yet to provide the force structure plan, the infrastructure inventory, and the assessment of infrastructure necessary to support the force structure that were required to be prepared under section 2815 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1175). The conferees believe this congressionally directed report is necessary in order to evaluate the Department’s need, and request for a new base realignment and closure round.

#### **Clarification of persons subject to UCMJ while on inactive-duty training (sec. 5102)**

The Senate bill contained a provision (sec. 5102) that would amend section 802 of title 10, United States Code, (Article 2, Uniform Code of Military Justice (UCMJ)) that would clarify jurisdiction for reserve component members during time periods incidental to Inactive-Duty Training (IDT).

The House amendment contained an identical provision (sec. 6002).

The conference agreement includes this provision.