



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

***The National Defense  
Authorization Act (NDAA) for  
Fiscal Year 2017, H.R.4909***

**Legislative Report on  
House Armed Services Committee Markup**

**As of April 28 2016**

**(Passed by the House Armed Services Committee, 60-2)**

## Overview

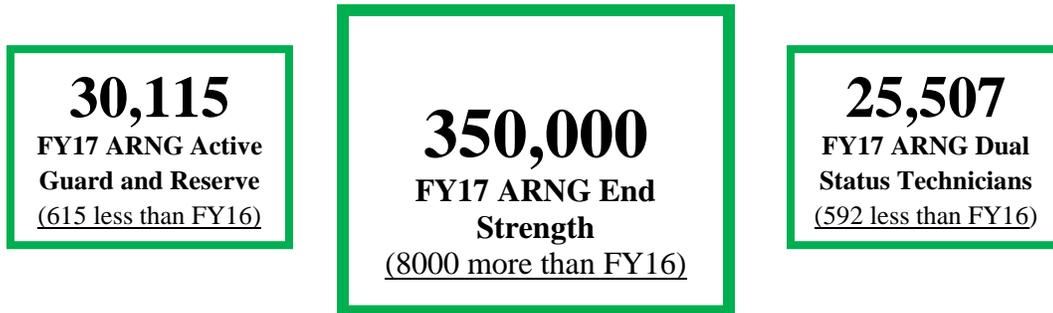
In the early morning of April 28, the House Armed Services Committee (HASC) passed H.R.4909, *The National Defense Authorization Act for Fiscal Year 2017* as amended, by a vote of 60-2. The FY17 NDAA authorizes **\$543.4 billion** for national defense and includes **\$58.8 billion** in Overseas Contingency Operations for a total of **\$602.2 billion**. With the inclusion of **\$8.1 billion** in mandatory defense spending, the FY17 NDAA has a total topline of **\$610.5 billion**. This is in line with the President's total Budget request for **\$610.5 billion**. As part of the Overseas Contingency Operations account, the bill funds **\$23.1 billion** in operations and maintenance activities in support of base budget requirements for national defense. The remaining OCO funds are expected to cover contingency operations through April 2017. According to HASC Chairman Mac Thornberry, the "expectation is that a new President will assess the national security landscape and submit a supplemental budget request." For full text of the Committee-passed bill, please see: <https://www.congress.gov/114/bills/hr4909/BILLS-114hr4909rh.pdf>

### Highlights include:

- 2.1 percent military pay raise, rather than the 1.6 percent increase proposed by the Pentagon
- Increases end strengths for the Army National Guard by 8,000 from this year, and 15,000 over the Pentagon's request (335,000 to 350,000)
- Would enact TRICARE reform, establishes TRICARE Preferred
- Annual report on personnel, training, equipment requirements of the non-federalized Guard
- Extends the deadline from Jan. 2017 to Oct. 2017 in select technician conversions to Title 5
- Increases funding for UH-60M Blackhawks, LUH-72 Lakotas and AH-64E Apaches, allowing the National Guard to retain four Apache battalions
- Reporting Requirement for C-130H recapitalization to C-130J timeline by unit, AMP Increment 1 and 2 fielding timeline by unit, propulsion system upgrades, timeline by unit
- Reporting requirement on AF CSAR HH-60W fielding and possible COCOM change
- 3-year pilot program on consolidated Army recruiting
- Rural Guard Travel Reimbursement
- Reporting requirement on Cyber Equivalency Process
- Study required on TRICARE Reform for the reserve components
- NG Counterdrug Schools closer ties to OSD CN strategies
- Cyber Command elevated to unified Combatant Command

## ***Army National Guard Strength***

The Army National Guard's (ARNG) increases overall end strength level by 8,000. The legislation also reduces the number of Active Guard and Reserve (AGR) and dual-status technicians by 1,207 from last year's levels.

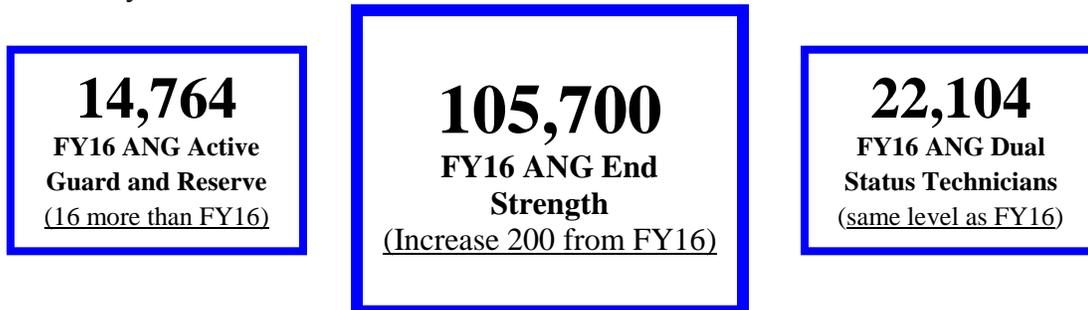


**ARNG Non-Dual Status Technicians:** 1,600 (same as FY16)

**ARNG ADOS:** 17,000 (same as FY16)

## ***Air National Guard Strength***

In the House Armed Services Committee approved version of H.R. 4909, the bill increased the end strength of the ANG by 200. The number of ANG dual status technicians holds steady compared to last year's levels.



**ANG Non-Dual Status Technicians:** 350 (same as FY16)

**ANG ADOS:** 16,000 (same as FY16)

## Operation and Maintenance Authorizations

(All Figures in Thousands)

| ARNG Account         | FY17 Request       | HASC Mark          | Delta             |
|----------------------|--------------------|--------------------|-------------------|
| ARNG O&M             | \$6,825,370        | \$6,799,094        | -\$26,276         |
| ARNG O&M OCO         | \$127,035          | \$433,743          | +\$306,708        |
| <b>O&amp;M Total</b> | <b>\$6,952,405</b> | <b>\$7,232,837</b> | <b>+\$280,432</b> |

(All Figures in Thousands)

| ANG Account          | FY17 Request       | HASC Mark          | Delta             |
|----------------------|--------------------|--------------------|-------------------|
| ANG O&M              | \$6,703,578        | \$6,588,402        | -\$115,176        |
| ANG O&M OCO          | \$20,000           | \$361,020          | +\$341,020        |
| <b>O&amp;M Total</b> | <b>\$6,723,578</b> | <b>\$6,949,422</b> | <b>+\$225,844</b> |

## Military Construction Authorizations

Over the past few years, NGAUS and others in the Guard community have placed an increased priority on modernizing National Guard facilities across the country. H.R. 4909 increases funding for Army and Air National Guard Military Construction from the President’s budget request.

For Army National Guard Military Construction, the President requested **\$232.930 million**. The HASC markup of H.R. 4909 authorizes **\$300.430 million**, which is an increase of **\$67.5 million** from the President’s request.

| State        | ARNG Military Construction Project Description | Town or Installation | FY17 Request     | HASC Mark        |
|--------------|--|----------------------|------------------|------------------|
| CO           | Readiness Center                               | Fort Carson          | \$0              | \$16,500         |
| HI           | Combined Support Maintenance Shop              | Hilo                 | \$31,000         | \$31,000         |
| IA           | Readiness Center                               | Davenport            | \$23,000         | \$23,000         |
| KS           | Readiness Center                               | Fort Leavenworth     | \$29,000         | \$29,000         |
| NH           | Vehicle Maintenance Shop                       | Hooksett             | \$11,000         | \$11,000         |
| NH           | Vehicle Maintenance Shop                       | Rochester            | \$8,900          | \$8,900          |
| OK           | Readiness Center                               | Ardmore              | \$22,000         | \$22,000         |
| PA           | Access Control Buildings                       | Fort Indiantown Gap  | \$0              | \$20,000         |
| PA           | Readiness Center                               | York                 | \$9,300          | \$9,300          |
| RI           | NG/Reserve Center Building                     | East Greenwich       | \$20,000         | \$20,000         |
| UT           | Readiness Center                               | Camp Williams        | \$37,000         | \$37,000         |
| WY           | General Instruction Building                   | Camp Guernsey        | \$0              | \$31,000         |
| WY           | Readiness Center                               | Laramie              | \$21,000         | \$21,000         |
| --           | Minor Unspecified Construction, etc            | Unspecified          | \$20,730         | \$20,730         |
| <b>TOTAL</b> |  |                      | <b>\$232,930</b> | <b>\$300,430</b> |

For Air National Guard Military Construction, the President requested **\$143.957 million**. The HASC markup of H.R. 4909 authorizes **\$166.957 million**, which is **\$23 million** above the President’s request.

| State        | ANG Military Construction Project Description | Installation               | FY17 Request     | HASC Mark        |
|--------------|---|----------------------------|------------------|------------------|
| CT           | Small Air Terminal                            | Bradley International      | \$6,300          | \$6,300          |
| FL           | Fire Crash/Rescue Station                     | Jacksonville International | \$9,000          | \$9,000          |
| HI           | F-22 Composite Repair Facility                | JB Pearl Harbor – Hickam   | \$11,000         | \$11,000         |
| IA           | Support Function Consolidation                | Sioux Gateway              | \$12,600         | \$12,600         |
| MD           | Munitions Load Crew/Corrosion Control         | Joint Base Andrews         | \$0              | \$5,000          |
| MN           | Load Crew Training/Weapon Shops               | Duluth International       | \$7,600          | \$7,600          |
| NH           | KC-46A Install Fuselage Trainer Bldg          | Pease International        | \$1,500          | \$1,500          |
| NC           | C-17 Corrosion Control/Fuel Cell Hangar       | Charlotte/Douglas Int’l    | \$29,600         | \$29,600         |
| NC           | C-17 Type III Hydrant Refueling System        | Charlotte/Douglas Int’l    | \$21,000         | \$21,000         |
| OH           | Indoor Small Arms Range                       | Toledo Express             | \$0              | \$6,000          |
| SC           | Operations and Training Facility              | McEntire Joint NG Base     | \$8,400          | \$8,400          |
| TX           | Crew Readiness Facility                       | Ellington Field            | \$4,500          | \$4,500          |
| VT           | F-35 Beddown 4-Bay Flight Simulator           | Burlington International   | \$4,500          | \$4,500          |
| --           | Minor Unspecified Construction, etc           | Unspecified                | \$27,957         | \$39,957         |
| <b>TOTAL</b> |   |                            | <b>\$143,957</b> | <b>\$166,957</b> |

### ***National Guard State Partnership Program (SPP)***

H.R. 4909 provides \$6.730 million above the President’s budget request.

### ***National Guard and Reserve Equipment Account (NGREA)***

H.R. 4909 authorizes \$250 million for NGREA.

### ***Other Key Provisions***

Funds base Drug Interdiction and Counterdrug Activities through OCO for base requirements: **\$23.8 million**

Funds Drug Interdiction and Counterdrug through OCO: **\$ \$191.5 million**

Funds STARBASE: **\$20 million**

Funds UH-60 M Model (MYP): Additional **\$440 million**

Funds AH-64 Apache Block III Remanufacturing: **\$803.1 million**

Funds M1 Abrams Tank Modifications: **\$480 million**

Bradley Modifications: **\$276.4 million**

## ***Legislative Provisions***

The HASC markup version of H.R. 4909 contains a number of provisions pertaining to the National Guard. Below you will find a summary, compiled from the actual bill text:

### **Procurement Provisions:**

#### **Section 111—Multiyear Procurement Authority for AH-64E Apache Helicopters**

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

#### **Section 112—Multiyear Procurement Authority for UH-60M and HH-60M Black Hawk Helicopters**

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

#### **Section 113—Assessment of Certain Capabilities of the Department of the Army**

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

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

#### **Section 132—Repeal of the Requirement to Preserve Certain Retired C-5 Aircraft**

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

retired aircraft to future service in the Air Force Reserve, Air National Guard, or Active Force structure.

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

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

**Section 135—Prohibition on Availability of Funds for Retirement of Joint Surveillance Target Attack Radar System Aircraft**

This section would prohibit retirement of Joint Surveillance Target Attack Radar System aircraft in fiscal year 2018.

**Section 219—Restructuring of the Distributed Common Ground System of the Army**

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

**Section 236—Study on Helicopter Crash Prevention and Mitigation Technology**

This section would require the Secretary of Defense to enter into a contract with a federally funded research and development center to conduct a study on technologies with the potential to prevent and mitigate helicopter crashes.

**Operation and Maintenance Provisions:**

**Section 345—Study on Space-Available Travel System of the Department of Defense**

This section would require the Secretary of Defense to conduct a study of the space-available travel system and to provide the results of such a study to the congressional defense committees within 180 days after entering into a contract with a federally funded research and development center for the purposes of conducting such a study.

**Section 347—Limitation on Use of Certain Funds Until Establishment and Implementation of Required Process by which Members of the Armed Forces May Carry Appropriate Firearms on Military Installations**

This section would limit the obligation and expenditure of 15 percent of the funds authorized to be appropriated for Operation and Maintenance, Defense-Wide, for the Office of the Under

Secretary of Defense for Policy for fiscal year 2017, until the Secretary of Defense establishes and implements a process by which members of the Armed Forces may carry an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

**Military Personnel Provisions:**

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

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

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

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

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

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

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

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

**Section 416—Sense of Congress on Full-Time Support for the Army National Guard**

This section would express a sense of Congress that an adequately supported, full-time support force consisting of active and reserve personnel and military technicians for the Army National Guard is essential to maintaining the readiness of the Army National Guard.

**Section 421—Military Personnel**

This section would authorize appropriations for military personnel at the levels identified in the funding table in section 4401 of division D of this Act.

**Section 511—Extension of Removal of Restrictions on the Transfer of Officers Between the Active and Inactive National Guard**

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

**Section 512—Extension of Temporary Authority to Use Air Force Reserve Component Personnel to Provide Training and Instruction Regarding Pilot Training**

This section 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 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.

**Section 513—Limitations on Ordering Selected Reserve to Active Duty for Preplanned Missions in Support of the Combatant Commands**

This section would amend section 12304(b) of title 10, United States Code, to authorize the Secretary of Defense to order forces to Active Duty during the year of execution if the Secretary identifies manpower and associated costs for the year of execution and provides a 30-day notice to the congressional defense committees.

**Section 514—Exemption of Military Technicians (Dual Status) from Civilian Employee Furloughs**

This section would amend section 10216(b)(3) of title 10, United States Code, to exempt military dual-status technicians from civilian employee furloughs.

**Section 523—Revision of Deployability Rating System and Planning Reform**

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

**Section 527—Pilot Program on Consolidated Army Recruiting**

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

**Section 528—Application of Military Selective Service Registration and Conscription Requirements to Female Citizens and Residents of the United States Between the Ages of 18 and 26**

This section would amend section 3802(a) of title 50, United States Code, to require both male and female United States citizens, and every other male or female citizen residing in the United States, between the ages of 18 and 26, to register with the Selective Service.

**Section 529—Parental Leave for Members of the Armed Forces**

This section would amend chapter 40 of title 10, United States Code, by adding a new section 701a which would authorize 14 days of leave to a member of the Armed Forces who becomes a parent when that member's spouse gives birth. This section would also amend section 701 of title 10, United States Code, to authorize 36 days of leave, to be shared between two members of the armed forces who are married to each other and adopt a child.

**Section 566—Direct Employment Pilot Program for Members of the National Guard and Reserve**

This section would authorize the Secretary of Defense to carry out a pilot program to enhance efforts of the Department of Defense to provide job placement assistance and related employment services directly to members of the National Guard and Reserves. This section would also require the Secretary to submit a report on the program to the Committees on Armed Services of the Senate and the House of Representatives by January 31, 2021.

**Compensation and Other Personnel Benefits Provisions:**

**Section 601—Annual Adjustment of Monthly Basic Pay**

This section 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.

**Section 603—Prohibition on Per Diem Allowance Reductions Based on the Duration of Temporary Duty Assignment or Civilian Travel**

This section would amend section 474(d)(3) of title 37, United States Code, and section 5702(a)(2) of title 5, United States Code, to 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.

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

This section would extend the authority, through December 31, 2017, for the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, the authority to reimburse travel expenses for inactive duty training outside of normal

commuting distance, and income replacement payments for Reserve Component members experiencing extended and frequent mobilization for Active Duty service.

**Section 612—One-Year Extension of Certain Bonus and Special Pay Authorities for Health Care Professionals**

This section would extend the authority for the nurse officer candidate accession program, repayment of educational loans for certain health professionals who serve in the Selected Reserve, the accession and retention bonuses for psychologists, the accession bonus for registered nurses, the incentive special pay for nurse anesthetists, the special pay for Selected Reserve health care professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties, until December 31, 2017.

**Section 621—Separation Determinations for Members Participating in Thrift Savings Plan**

This section would repeal section 632(c)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) that added an additional definition of separation from government service which addresses cases of separation and/or resumption of service but applies only to military members. The Federal Retirement Thrift Investment Board, which oversees and administers the Thrift Savings Plan, has identified conflicts between section 632(c)(2) and section 211(c) of title 37, United States Code, which applies to the entire Federal Government workforce.

**Section 622—Continuation Pay for Full Thrift Savings Plan Members Who Have Completed 8 to 12 Years of Service**

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

**Section 624—Equal Benefits Under Survivor Benefit Plan for Survivors of Reserve Component Members who Die in the Line of Duty during Inactive-Duty Training**

This section would amend section 1451(c)(1)(A) of title 10, United States Code, to eliminate the different treatment under the Survivor Benefit Plan accorded members of the Reserve Component who die from an injury or illness incurred or aggravated in the line of duty during Inactive-Duty training, as compared to the treatment of members of the Armed Forces who die in the line of duty while on Active Duty.

**Section 641—Maximum Reimbursement Amount for Travel Expenses of Members of the Reserves Attending Inactive Duty Training Outside of Normal Commuting Distances**

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

## **Health Care Provisions:**

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

This section would establish TRICARE Preferred as the self-managed, preferred provider option that would replace TRICARE Standard and Extra. This section would also establish annual enrollment fees and fixed dollar copayments for Active Duty family members and retirees who join the armed services on or after January 1, 2018, and enroll in TRICARE Preferred or in TRICARE Prime, the managed care option. In addition, this section would authorize the Secretary of Defense to establish an annual enrollment fee for TRICARE Preferred for beneficiaries who were in the Active Duty or retired categories prior to January 1, 2018. However, the Secretary may not establish 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 compared to the baseline review. This section would require the Comptroller General, not later than September 1, 2017, to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the baseline assessment of network adequacy and beneficiaries' access to care under the TRICARE health care provider network. Further, this section would require the Secretary of Defense to submit an implementation plan, not later than June 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives to improve access for TRICARE beneficiaries. The Comptroller General would be required to submit, not later than December 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives a review of the implementation plan submitted by the Secretary.

### **Section 704—Access to Urgent Care Under TRICARE Program**

This section would modify chapter 55 of title 10, United States Code, by inserting a new section 1077a to require the Secretary of Defense, not later than 1 year after enactment of this Act, to ensure urgent care is available through 11:00 p.m. at military treatment facilities the Secretary determines to be appropriate. Further, this section would require that if urgent care is unavailable at the military treatment facilities, access to urgent care through the TRICARE network providers would be available through 11:00 p.m. This section would also eliminate the preauthorization requirement for urgent care.

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

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

### **Section 722—Extended TRICARE Program Coverage for Certain Members of the National Guard and Dependents During Certain Disaster Response Duty**

This section would require that members of the National Guard be treated as if they were on Active Duty for purposes of coverage under TRICARE while performing disaster response duty,

if the period immediately follows a period of fulltime National Guard duty, unless a Governor determines that it is not in the best interest of the member or State.

**Section 741—Mental Health Resources for Members of the Military Services at High Risk of Suicide**

This section would require the Secretary of Defense to develop a methodology that identifies which members of the military services are at high risk of suicide based on association with units that have a high rate of suicide and provide additional mental health resources to members who have deployed with such units.

**Section 744—Long-Term Study on Health of Helicopter and Tiltrotor Pilots**

This section would require the Secretary of Defense to carry out a long-term study of helicopter and tiltrotor pilots to assess the acute and chronic medical conditions of such pilots. This section would also require the Secretary to brief the Committees on Armed Services of the Senate and the House of Representatives by June 6, 2017, on the results of such study.

**Section 745—Pilot Program for Prescription Drug Acquisition Cost Parity in the TRICARE Pharmacy Benefits Program**

This section would authorize the Secretary of Defense to conduct a pilot program to evaluate whether extending additional discounts for prescription drugs filled at retail pharmacies will maintain or reduce cost for the Department of Defense.

**Department of Defense Organization and Management Provisions:**

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

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

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

This section would establish a commission to be known as the "Commission on National Defense Strategy for the United States" to examine and make recommendations with respect to national defense strategy for the United States. This section would further set the composition and duties of the commission, and require the commission to submit a final report to the President, Secretary of Defense, and the specified congressional committees on its findings, conclusions, and recommendations, and to provide an interim briefing to the specified congressional committees. The committee notes that the strategic environment has evolved since the current defense strategy, as outlined in both the 2012 Defense Strategic Guidance and 2014 Quadrennial Defense Review, was formulated. For example, the strategy does not reflect a resurgent Russian Federation, the rise of the Islamic State of Iraq and the Levant, or the fragile security environment in the Islamic Republic of Afghanistan. The committee believes that the strategy and the assumptions underpinning it should be reviewed and revised, as appropriate. The committee further notes that the Congressional Commission on the Strategic Posture of the United States, in its 2009 final report, achieved a largely bipartisan consensus on its recommended strategic posture and nuclear weapons policy for the United States. The committee

encourages the Commission on National Defense Strategy for the United States to strive for a similar bipartisan consensus. The committee believes that the Nation will benefit from such a bipartisan consensus on national security and that a new administration can leverage the work of the commission in its own defense strategy and posture development.

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

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

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

This section would amend section 162(a) of title 10, United States Code, to allow U.S. military forces within the continental United States to be assigned to a military department as directed by the Secretary of Defense. Section 162(a) of title 10, United States Code, requires the Secretaries of the military departments to assign all forces under their jurisdiction to unified and specific commands, with certain exceptions. For example, military forces returning to the continental United States from deployments to the Islamic Republic of Afghanistan and the Republic of Iraq, and who are conducting reset and reconstitution activities, are required to be assigned to a unified or specified command to support the missions of that command. This legislative recommendation would allow those forces, at the direction of the Secretary of Defense, to be assigned to a military department during such reset and reconstitution period rather than a unified or specified command.

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

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

**Section 923—Guidelines for Conversion of Functions Performed by Civilian or Contractor Personnel to Performance by Military Personnel**

This section would amend section 129a of title 10, United States Code, to clarify when military personnel could be used for functions currently being performed by civilian personnel or contractors.

**General Provisions:**

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

This section would amend section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469) to authorize the Secretary of Defense to review and approve the curriculum and program structure of each of the National Guard counterdrug schools.

The committee notes the importance of the National Guard counterdrug schools in the development, training, and maintenance of skills for Federal, State, local, and foreign government officials to combat illicit trafficking. The committee supports increased oversight by the Secretary of these schools to improve the alignment of curriculum to defense priorities and the allocation of limited resources.

**Section 1046—Transportation on Military Aircraft on a Space-Available Basis for Members and Former Members of the Armed Forces with Disabilities Rated as Total**

This section would amend section 2641b of title 10, United States Code, to authorize space-available travel for disabled veterans with a service-connected, permanent disability rated as total by the Department of Defense. The committee notes that this section would clarify eligibility within an existing category of space available travel already afforded to disabled veterans.

**Section 1047—National Guard Flyovers of Public Events**

This section would provide a statement of policy for National Guard flyovers of public events.

**Section 1069—Annual Report on Personnel, Training, and Equipment Requirements for the Non-Federalized National Guard To Support Civilian Authorities in Prevention and Response to Domestic Disasters**

This section would modify the reporting requirement of section 10504 of title 10, United States Code, to include a report on non-federalized National Guard personnel, training, and equipment requirements.

**Section 1088—Modification of Requirements Relating to Management of Military Technicians**

This section would delay the implementation date of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) from January 1, 2017, to October 1, 2017, and align the date of conversion for military technicians (non-dual status) with military technicians (dual status). This section would also clarify that the positions to be converted will be reviewed and determined by leadership from the Army Reserve, the Air Force Reserve, the National Guard Bureau, and the State Adjutants General for purposes of implementation.

This section would also require the Secretary of Defense, in consultation with the Chief of the National Guard Bureau, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017, on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing Active Guard and Reserve Duty under section 328 of title 32, United States Code, or other applicable provisions of law.

**Authorization of Additional Appropriations for Overseas Contingency Operations Provisions:**

**Section 1507—Drug Interdiction and Counter-Drug Activities, Defense-Wide**

This section would authorize additional appropriations for Drug Interdiction and Counterdrug Activities, Defense-Wide at the levels identified in section 4502 and section 4503 of division D of this Act.

**Guard and Reserve Forces Facilities Provisions:**

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

This section would contain the list of authorized Army National Guard construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

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

This section would contain the list of authorized Air National Guard construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

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

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

**Base Realignment and Closure Activities Provisions:**

**Section 2701—Authorization of Appropriations for Base Realignment and Closure Activities Funded Through Department of Defense Base Closure Account**

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

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

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

**Military Construction General Provisions:**

**Section 2837—Land Conveyance, St. George National Guard Armory, St. George, Utah**

This section would authorize the Secretary of the Interior to convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to a parcel of public land in St. George, Utah, comprising approximately 70 acres, for the purpose of permitting the Utah National Guard to use the conveyed land for military purposes.

## **Section 2861—Designation of Portion of Moffett Federal Airfield, California, as Moffett Air National Guard Base**

This section would designate the 111-acre cantonment area at Moffett Federal Airfield, California, utilized by the California Air National Guard as "Moffett Air National Guard Base."

### ***Directive Report Language (Report 114-537)***

#### **Army National Guard M2 Bradley Infantry Fighting Vehicle upgrades**

The committee notes that the Army intends to maintain two versions of the M2 Bradley Infantry Fighting Vehicle (IFV) for the foreseeable future, with the M2A3 equipping Active Duty armored brigade combat teams (ABCT) and the M2A2 Operation Desert Storm Situational Awareness variant in the Army National Guard. While the committee understands the funding constraints that have led to this mixed fleet approach, the committee continues to be concerned about the potential divergence in capability between Active Duty ABCTs and Army National Guard ABCTs. Therefore, the committee encourages the Army to continue to work toward a pure fleet approach to M2 Bradley Infantry Fighting Vehicles in the Army. However, if funding is not available for that goal, the committee encourages the Army to continue to modernize M2 Bradley IFVs in the Army National Guard to the maximum extent possible.

#### **Accelerate fielding of personal dosimeters**

The committee remains concerned about the increasing chemical, biological, radiological and nuclear (CBRN) threats to our soldiers. Maintaining adequate modern protective equipment is of critical importance for the safety of U.S. forces in CBRN environments. Modern dosimeters also establish a legal dose of record for service members, which the services can track for safety and liability purposes. The committee remains concerned that shortfalls in fielding the most current radiation detection devices, specifically personal dosimeters, continue to exist, most notably within the Army National Guard force structure. To ensure our troops and domestic homeland first responders are provided with the best possible protection to monitor against nuclear exposure, the committee strongly encourages the Secretary of Defense to expedite and complete the fielding of modern radiation detection equipment across the force to meet existing, critical requirements for personal dosimeters.

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

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

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

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

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

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

### **A-10 aircraft**

The committee notes that the Department of the Air Force plans for the F-35A aircraft, a fifth-generation multi-role fighter, to replace A-10 and F-16 aircraft. The committee further notes that mission sets for F-35A include, but are not limited to, missions currently performed by the A-10, which are primarily close air support (CAS), combat search and rescue (CSAR), and forward air controller-airborne (FACA).

The Air Force has taken the equivalent of four A-10 squadrons out of service over the last 4 years, and only nine operational A-10 squadrons remain across the Active Duty and Air Reserve Components, while the A-10 is currently deployed to three overseas locations including the Republic of Korea, Europe, and for Operation Inherent Resolve against the Islamic State of Iraq and the Levant.

The committee also notes that the Department of Defense has made contradictory statements about the Future Years Defense Program for activation of F-35A units and divestiture of A-10 units. These contradictory statements, including the current plan to begin retiring more A-10s before there is a proven replacement for its capabilities, create uncertainty over the Department of the Air Force's ability to provide continuous CAS, CSAR, and FAC-A capabilities to the joint force.

The committee believes that the Department of the Air Force continues to suffer from capacity shortfalls in its fighter aircraft fleets, and that these shortfalls are being exacerbated by the near-term readiness challenges that are systemic across all the military services. As such, the committee believes that retiring any more A-10s without a proven replacement to its unique capabilities, or proof that the F-35A can replace the A-10's mission capabilities, is an unacceptable risk. The committee understands the F-35 is scheduled to complete an initial operational test and evaluation (IOT&E) in fiscal year 2018 or in early fiscal year 2019. Elsewhere in this Act, the committee includes a provision that would prohibit the retirement of A-10 aircraft until the Director of Operational Test and Evaluation (DOT&E) provides a report to the congressional defense committees on the results of the IOT&E. The IOT&E would include, but would not be limited to, a comparison test and evaluation that examines the capabilities of the F-35A and A-10C in conducting CAS, CSAR, and FAC-A missions. This provision would also require the Secretary of the Air Force to submit a report to the congressional defense committees on the Secretary's views of the results of this IOT&E, which should include any issues or concerns from the DOT&E report, a path forward for addressing any deficiencies or corrective actions identified by DOT&E, and the near- and long-term strategy for preserving the Air Force's capabilities in CAS, CSAR, and FAC-A.

The committee believes that to ensure combat realism, the comparative testing should include, but not be limited to, both pre-planned and emergency divert missions to address effectiveness in realistic, complex ground firefight scenarios. These scenarios should include those in which enemy forces are in close proximity to friendly forces where the pilot is required to visually identify the target and friendly forces in day and night conditions; armored targets; scenarios requiring continuous weapons delivery, command and control (C2), extended time over target, and simulated collateral damage restrictions; deception scenarios with degraded visual environments; low-altitude employment, including "shows of force" and strafe; survivability from simulated direct hits by small arms fire, light anti-aircraft artillery, and man-portable air defense systems; scenarios in which simulated aircraft systems are damaged; scenarios conducted without joint tactical air controller or higher headquarters control to test CAS aircraft suitability for forward air controller-airborne deconfliction of fires; and scenarios including joint fires coordination and timing, including Joint Air Attack Team attacks with Department of the Army aviation assets and artillery deconfliction. CSAR missions should compare effectiveness in the rescue mission commander role, coordinating all aspects of an extended CSAR mission, including but not limited to: locating and protecting the isolated personnel with continuous firepower; controlling other fighters as FAC-A; coordinating electronic attack; intelligence, surveillance and reconnaissance; aerial refueling; C2; and rescue vehicle escort. The committee notes that previous aircraft programs such as the F-22 also conducted comparison testing as part of IOT&E. The committee also notes that at a hearing held by the House Committee on Armed

Services' Subcommittee on Tactical Air and Land Forces on March 23, 2016, the Director of Operational Test and Evaluation testified that the cost of the F-35 and A-10 comparative testing would be between \$3.5 million and \$5.2 million, and that he was working to ensure that the F-35 and A-10 comparative testing is accomplished within the established budget for IOT&E.

Additionally, the committee expects that the Department of Defense will provide the report required by section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) on time, and based on that report, the committee may take further action on options for an A-10 replacement program.

### **Aerial refueling recapitalization**

The committee notes that the nation's ability to meet its air-refueling requirements must not be placed at increased risk while the Department of Defense executes its strategic aerial refueling recapitalization strategy. Specifically, the committee notes that the Department is currently executing its KC-46A Pegasus acquisition program to replace a number of aging KC-135 Stratotankers and that KC-46As will eventually replace the KC-10 Extender fleet.

The committee strongly reiterates the importance of ensuring that the Department's execution of the phase-out and replacement portion of its aerial refueling recapitalization strategy does not compromise its ability to meet stated short- or long-term air-refueling requirements.

### **Air Force Command, Control, Intelligence, Surveillance, and Reconnaissance (C2ISR) Fleet**

The committee is aware that the Department of the Air Force's critical manned C2ISR aircraft are high-demand assets facing low availability rates, end-of life issues, and growing sustainment costs. The committee is supportive of the Air Force's plan to replace the JSTARS fleet with an affordable commercially available platform under a full and open competition. When recapitalizing the rest of the manned C2ISR fleet, the committee believes the Department of the Air Force should use a similar acquisition strategy as the one used with JSTARS, and consider a full and open competition. The term "C2ISR fleet" is defined as predominantly 707/C-135 platforms which are approaching end of service life.

The committee directs the Secretary of the Air Force to provide a briefing not later than September 1, 2016, on the Air Force's current plans for recapitalization of these aircraft.

### **Air National Guard F-16 mission training centers**

The budget request contained \$15.2 million for F-16 aircraft support equipment and facilities, but contained no funding for the procurement of additional F-16 mission training centers (MTC) for the Air National Guard.

The committee notes that an F-16 MTC allows pilots to train in scenarios that are either impossible or too expensive to conduct in home-station flying training, and believes that the MTC environment significantly improves F-16 pilot skill and readiness to perform actual combat missions with increased effectiveness. Each MTC includes high-fidelity simulator cockpits, instructor operator stations, a threat server, and briefing and debriefing capabilities. The MTC is also capable of linking and integrating into geographically distributed high-fidelity combat and

combat support training devices that include command and control and intelligence, surveillance, and reconnaissance systems. This capability allows F-16 pilots at home stations to exercise and train at the operational and tactical levels of war, as well as conduct networked unit-level training, in large force employment scenarios with other Air Force aircraft integrated into the distributed mission operating architecture.

The committee understands that F-16 MTCs are currently planned for Hill Air Force Base (AFB), Utah; Shaw AFB, South Carolina; and Holloman AFB, New Mexico. The committee further understands that other F-16 pilots based in the United States would be required to travel to one of the three MTC locations to take advantage of its capabilities, and believes an additional MTC would avoid travel costs and make the F-16 block MTC more accessible to Total Force F-16 pilots, enabling the Air Force's current state of low readiness for full-spectrum combat capability to more quickly recover.

Therefore, the committee recommends \$40.0 million, an increase of \$24.8 million, in F-16 aircraft support equipment and facilities for the procurement and installation of an additional F-16 MTC for the Air National Guard and utilization by all Total Force F-16 pilots.

#### **Basing priorities for future Air National Guard Modular Airborne Firefighting Systems missions**

The committee is concerned about the current positions of Modular Airborne Firefighting Systems (MAFFS) that are operated by Air National Guard (ANG) C-130s. As shown in the National Guard Bureau's brief to the committee on MAFFS, there is a current gap in northwest States based on the current allocation of existing MAFFS unit locations. Additionally, the committee understands that the year 2015 was one of the most devastating fire seasons on record and, according to the National Interagency Fire Center, the most destructive forest fires occurred in the northwestern States of Montana, Oregon, Idaho, and Washington. One of the most important factors for fire suppression in high-density forested areas is the ability to contain forest fire immediately before the fire grows to catastrophic size. The committee believes that MAFFS units should be located in areas that have the ability to rapidly respond to areas with a high propensity for high-density forest fires.

The committee concurs with the U.S. Department of Agriculture (USDA) Forest Service recommendations that the location of MAFFS units should be in close proximity to fire-prone States, not located on the East Coast. The committee believes that these recommendations would be able to prevent a repeat of the 2015 fires season where over \$1.70 billion was spent by the USDA Forest Service alone for fire suppression.

The committee believes that when making future basing decisions with regard to MAFFS units, the Air Mobility Command should consider geographical gaps of MAFFS units, and give preference to areas that are prone to high-density catastrophic forest fires.

### **C-130H Modernization**

The budget request contained \$9.2 million for C-130 modernization for the Avionics Modernization Program (AMP) Increment 1 program. This program will provide the mandated radios, Automated Dependent Surveillance Broadcast (ADS-B) Out and enhanced Mode S capabilities necessary to operate in international airspace by the year 2020. The committee fully supports this request and is committed to ensuring the long-term viability of the C-130H aircraft in the Air Force's Regular, Guard, and Reserve Components until they reach their expected service life or are recapitalized. By most estimates, with proper avionics upgrades, the roughly 172-aircraft C-130H fleet is viable until at least 2040.

However, AMP Increment 1 only addresses 4 of the 12 Communication, Navigation, and Surveillance/Air Traffic Management compliance mandates and does not resolve the cockpit avionics obsolescence that limits the long-term viability of the aircraft. The planned follow-on AMP Increment 2 effort will replace the current cockpit with a modern digital "glass cockpit." This will allow the Air Force's fleet to be supported well into the future, resolve diminishing manufacturing sources, and increase mission availability. It will also provide upgraded Automatic Flight Control System capabilities to take advantage of more efficient airspace management capabilities, and eliminate some maintenance and readiness issues.

The committee is aware of commercially available, non-developmental Increment 1 and Increment 2 solutions for C-130-derivative aircraft. The committee encourages the Secretary of the Air Force to fully pursue full and open competitions for both the Increment 1 and Increment 2 programs. The committee is encouraged by the Air Force's renewed commitment to upgrading C-130H aircraft and expects both AMP Increments 1 and 2 to continue to be fully funded in future budget requests.

In addition to avionics upgrades, the committee continues its strong support for C-130H propulsion and propeller system upgrades. The committee believes that these upgrades will provide cost savings through increased fuel efficiency and reduced maintenance requirements.

The committee recommends \$81.7 million, an increase of \$72.5 million, for C-130H propulsion and propeller system upgrades.

### **C-130J Hercules aircraft**

The budget request contained \$146.0 million for the C-130J program. The committee is concerned by the Air Force plans to procure only two C-130Js in fiscal year 2017.

The committee is concerned that the Air Force reduced two C-130J aircraft from the President's budget request due to fiscal constraints. These reductions have also put the initiation of Air National Guard and Air Force Reserve C-130H-to-J fleet recapitalization at increased risk. The committee notes that the Active Duty combat delivery fleet has essentially completed its replacement of legacy C-130H aircraft with the C-130J. Likewise, it is noted that the Air Force Special Operations Command and U.S. Marine Corps, including the U.S. Marine Corps Reserves, are also well on their way to C-130J recapitalization completion.

The committee recommends \$417.5 million, an increase of \$271.5 million, for the procurement of three additional C-130J aircraft.

#### **E-8C prime mission equipment diminishing manufacturing sources kits**

The budget request contained \$6.2 million for E-8C modifications, but included no funds for prime mission equipment diminishing manufacturing sources (PME-DMS) kits.

The committee understands that PME-DMS kit procurement and installation is a top issue for E-8C fleet viability, and is required to maintain the E-8C's net-centric warfighter capabilities, including the ground moving target indicator and battle management command and control, as specified in the operational requirements document. Of the fleet of 16 operational E-8C aircraft, the committee notes that only 14 aircraft have been budgeted to receive PME-DMS kits, and the committee believes that all 16 aircraft should be configured with the PME-DMS kit so that all operational E-8C aircraft are maintained in the most up-to-date configuration.

Accordingly, the committee recommends \$23.7 million, an increase of \$17.5 million, for E-8C modifications, for procurement of two PME-DMS kits.

#### **MQ-9 production funding in Future Years Defense Program**

The budget request contained \$575.6 million in Aircraft Procurement, Air Force, for MQ-9 Reaper unmanned aerial systems (UAS).

The committee supports the President's budget request for fiscal year 2017. However, the committee is concerned that there is no additional funding for procurement of additional MQ-9 UAS in the Future Years Defense Program. The committee notes that the Air Force recently announced a plan to increase intelligence, surveillance, and reconnaissance (ISR) capacity through a \$3.0 billion plan that includes basing expansions, increased manning, and procurement of additional MQ-9s. The committee understands that this plan may include establishment of up to 9 additional squadrons and 3,500 more personnel. Given this expansive new plan to increase ISR capacity, the committee encourages the Air Force to reconsider its Future Years Defense Program projections for the MQ-9 to ensure it includes the appropriate amount of new systems to support planned growth in ISR capacity.

The committee recommends \$575.6 million, the full amount requested, in Aircraft Procurement, Air Force, for MQ-9 Reaper unmanned aerial systems.

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

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

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

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

### **UH-1N replacement program**

The budget request contained \$14.1 million in Research, Development, Test, and Evaluation, Air Force, and \$18.3 million in Aircraft Procurement, Air Force, for the UH-1N replacement program. The UH-1N replacement program would replace the Department of the Air Force UH-1N fleet by acquiring a nondevelopmental commercial or U.S. Government vertical lift aircraft.

In the committee report (H. Rept. 114-102) accompanying the National Defense Authorization Act for Fiscal Year 2016, the committee noted that the current UH-1N aircraft fleet fails to meet speed, range, payload, and defensive system requirements. The committee also noted that modifications to the existing fleet will not enable the UH-1N to meet mission requirements, and that the Department of the Air Force was assessing requirements for the UH-1N replacement, conducting market research, and developing UH-1N replacement acquisition alternatives. Since last year, the committee learned that nuclear weapons surety studies have highlighted a critical requirement for the replacement of the current fleet of UH-1N helicopters supporting the nuclear mission. However, while the committee notes that there is no validated Joint Urgent Operational Needs Statement (JUONS) associated with this requirement, the committee understands that a JUONS only applies to situations where U.S. military forces are actively engaged with enemy forces. Nevertheless, the committee believes that replacement of the helicopters performing the nuclear mission is now an urgent need based, in part, on the warning of the Commander of U.S. Strategic Command in an August 6, 2015, Memorandum to the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff.

In recent hearing testimony, Air Force officials stated that, in response to the concerns of operational commanders, the Air Force was considering a range of options to more quickly address the requirement for UH-1N replacement aircraft. The committee understands that these options include deployment of existing units to provide additional capability through a formal Request for Forces to the Chairman of the Joint Chiefs of Staff, and a possible use of an Economy Act (31 U.S.C. 1535) decision, based on an “urgent and compelling need,” to procure UH-60M Black Hawk helicopters through the Department of the Army. The committee notes that in this case, an Economy Act decision to opt out of a competition would potentially allow for a sole-source contract award exceeding \$1.5 billion in value. However, the committee recognizes that the Secretary of the Air Force may proceed with such a non-competitive award if the Secretary determines the statutory requirements for doing so are met. The committee assumes that, if an Economy Act decision is made, procurement of the UH-60M aircraft could begin in fiscal year 2017, which would require more funding than requested in the budget request.

Therefore, the committee recommends \$14.1 million, the full amount requested, in Research, Development, Test, and Evaluation, Air Force, and \$98.3 million, an increase of \$80.0 million, in Aircraft Procurement, Air Force, for the UH- 1N replacement program. The committee expects these additional funds to be used to accelerate the program's schedule if an Economy Act decision is made to procure UH-60M Black Hawk helicopters in lieu of conducting a competition.

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

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

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

Additionally, the committee understands that the Department of the Air Force is undertaking an ongoing review to determine whether primary responsibility for combat search and rescue (CSAR) will remain with Air Combat Command or be moved to Air Force Special Operations Command. The committee notes the importance of the CSAR mission as the primary personnel recovery method for service men and women in extremis, as well as the complex nature of these operations that often require multi-service, dedicated, and fully trained forces. As the Air Force reviews this mission, the committee encourages an analysis of current and anticipated geographic combatant commander requirements and whether current force structure is capable of meeting those requirements with existing HH-60 and V-22 platforms.

To address committee concerns, the committee directs the Secretary of the Air Force and relevant subordinate commands to brief the Committee on Armed Services of the House of Representatives not later than September 1, 2016, on Department of the Air Force plans for fielding the HH-60W to the AC and RC, and the status of the ongoing review for responsibility for the CSAR mission.

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

The budget request contained \$128.1 million for the Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program.

The committee notes that the fiscal year 2017 budget request projects a delay of at least 1 month in the engineering and manufacturing development (EMD) contract award, from the fourth quarter of fiscal year 2017 to the first quarter of fiscal year 2018, and a 1-year delay in Initial Operational Capability (IOC) from fiscal year 2023 to 2024 in the recapitalization of the JSTARS fleet. The committee believes JSTARS recapitalization offers significant advantages: it will decrease the logistics footprint, reduce sustainment costs, increase operational flexibility, and extend operations into anti-access/area denial environments. The committee recognizes that the overall delay is a consequence of: (1) a delay in the milestone A decision; and (2) analysis conducted by both the Department of the Air Force and the Office of the Secretary of Defense that indicates the EMD schedule will require 4 to 5.5 years.

The committee supports and understands the need for a technology maturation and risk reduction (TMRR) phase as part of the JSTARS recapitalization program, as a means to decrease cost, schedule, and performance risk prior to entering the EMD phase. The committee understands that the Air Force's acquisition strategy includes considering two radar alternatives as part of the TMRR phase. The committee believes that the TMRR phase is the appropriate place to pursue such a strategy. However, the committee also believes that pursuing multiple radar technologies concurrently within the program of record into the follow-on development phase would be inconsistent with the committee's acquisition reform initiatives. The committee expects the Air Force to down select to one radar solution as part of the EMD phase in order to ensure the program does not continue to be delayed. If the Air Force believes that alternative radar capabilities should be pursued for risk mitigation or capability enhancements in the future, the Air Force should pursue such an approach outside of the program of record with the ability to incrementally integrate in the future if necessary.

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

Accordingly, the committee encourages the Secretary of the Air Force to develop a plan, including incentives in the JSTARS recapitalization EMD and procurement contracts, to accelerate the development, procurement, and fielding of JSTARS recapitalization program. In addition, the committee believes the Air Force should program necessary funds in its future budget requests to accelerate the JSTARS recapitalization program in the Future Years Defense Program, and to eliminate the delay in delivering initial operational capability. The committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services, not later than December 1, 2016. The briefing should include one option that would

accelerate the IOC to fiscal year 2022, and a second option that would accelerate the IOC to fiscal year 2023.

The committee recommends \$128.1 million, the full amount requested, for the JSTARS recapitalization program.

#### **KC-46 aerial refueling tanker aircraft program**

The budget request contained \$261.7 million in PE 65221F for KC-46 tanker development.

The committee continues its long-standing support of the KC-46 tanker aircraft program. The committee notes that the program has had no engineering change proposals and program officials have stated that they do not expect any engineering change proposals for the remainder of the fiscal year. The committee also notes that the program has not incurred any additional or unexpected test support costs. Because the program continues to demonstrate stable requirements and has had no requested engineering change proposals or test support cost growth, the Government Accountability Office identified \$140.0 million of the remaining \$170.0 million set aside in fiscal year 2016 for unknown risks as excess funds that could be used to offset fiscal year 2017 risk mitigation.

Therefore, the committee recommends \$121.7 million, a decrease of \$140.0 million, in PE 65221F for KC-46 tanker development.

#### **MQ-9 automatic takeoff and landing capability**

The budget request contained \$151.4 million in PE 25219F for development of MQ-9 capabilities, but contained no funding for development of the MQ-9 automatic takeoff and landing capability (ATLC).

MQ-9 ATLC is a software-based autopilot system for takeoff and landing operations for MQ-9 aircraft. The committee understands that the system will allow takeoffs and landings at full operational limits, and provide auto-abort and divert capabilities not currently resident in the MQ-9.

The committee further understands that initial MQ-9 ATLC development efforts began in 2011 and ran through 2013 with a total of 146 test landings, but that due to higher priorities, no additional testing has occurred since then. The committee notes that the Department of the Air Force currently plans to restart development of the MQ-9 ATLC in fiscal year 2018, but understands that acceleration of this effort will facilitate the transition away from line-of-sight operations for takeoffs and landings, improve operational flexibility by providing ability to land at divert fields, prevent the loss of aircraft due to loss of the command and control link, and increase takeoff and landing operational capability in conditions of poor visibility.

Therefore, the committee recommends an increase of \$35.0 million in PE 25219F for development of the MQ-9 ATLC. Additionally, the committee notes some Department of Defense organizations use contractor support for unmanned aerial system (UAS) takeoff and landing operations when forward deployed, and believes that the Department of the Air Force

should consider contractor support for its MQ-9 takeoff and landing operations to mitigate the demand on Department of the Air Force personnel assigned to the UAS career field.

Consequently, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence, not later than November 1, 2016, on contractor support to UAS takeoff and landing operations.

#### **MQ-9 unmanned aircraft vehicle tactical datalink integration**

The budget request contained \$151.4 million in PE 25219F for the research and development of the MQ-9 unmanned aircraft vehicle, but contained no funding to develop and integrate a tactical datalink capability onto the platform.

The committee notes that the MQ-9 aircraft lacks the means to establish and maintain direct tactical datalink (TDL) communications with command and control, tactical agencies, and other TDL users. The committee understands that TDLs are critical capabilities used to share aircraft position, targeting data, sensor points of interest, cursor-on-target data, and target-track information derived from various intelligence sources via an airborne network of manned and unmanned aircraft. The lack of TDL single-point reception and transmission capability on board an aircraft can delay prosecution of the kill chain, impact supported commanders' time-sensitive decision-making processes, and pose an unnecessary safety issue with regard to aircraft position and airspace de-confliction. Current MQ-9 TDL communication and information transfers are not routed directly through the existing airborne TDL network, but instead are routed through multiple ground-based servers outside of the remotely piloted aircraft architecture. This method of TDL data routing causes significant delays of critical information, such as aircraft position and targeting data. An aircraft TDL radio is needed by MQ-9 operators that is compatible with all current datalink architectures in both domestic and combat areas of responsibility. The TDL radio and system should include provisions for consistent, reliable, timely, and unrestricted TDL communications, and have open architecture to allow for growth and advances in the TDL technology.

Therefore, the committee recommends an increase of \$14.0 million in PE 25219F for the development, non-recurring engineering, and integration of a tactical datalink capability onto the MQ-9 platform. This funding increase directly supports a capability requirement validated in the MQ-9 capability development document, and directly supports a "critical requirement" identified as an MQ-9 capability shortfall by the Air National Guard.

#### **Treatment of traumatic brain injury**

The committee is aware of the magnitude of traumatic brain injuries (TBI) sustained by service members, both in deployed and non-deployed environments. TBI accounts for approximately 20 to 25 percent of documented combat casualties in the wars in the Republic of Iraq and the Islamic Republic of Afghanistan. The committee continues to support the Department of Defense's many efforts to investigate the mechanisms of traumatic brain injuries and develop mitigation/prevention strategies.

The committee is aware that pre-clinical research has recently demonstrated that induced therapeutic hypothermia is a promising neuroprotective strategy for treating TBI by effectively reducing increases in intracranial pressure and cellular damage caused by injury/trauma. The committee encourages the Department to continue their diverse TBI research programs, and supports the development and deployment of technologies that can be used to provide additional TBI treatments, including induced therapeutic hypothermia, to our service members. Further, the committee remains concerned about the long-term effects of TBI, particularly multiple occurrences of TBI, on members of the Armed Forces. Peer-reviewed research has demonstrated a link between multiple traumatic brain injuries and the onset of dementia, and has suggested a link to Alzheimer's disease later in life. The committee understands that the Department of Defense has undertaken research to investigate the relationship between traumatic brain injury and Alzheimer's disease. The committee commends this effort and encourages the Department to continue funding such projects.

### **Air Refueling Requirements**

The committee notes that section 1054 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) required the Secretary of the Air Force to provide a business case analysis on converting the 168th Air Refueling Wing at Eielson Air Force Base, Alaska, to an Active Associate Wing. Congress has not received this report, which was to be delivered 60 days after the date of the enactment of Public Law 113-291. The committee remains concerned that air refueling requirements may exceed capacity at Eielson Air Force Base. Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than October 14, 2016, on the impact of air refueling operations at Eielson Air Force Base, an estimate of the ability to achieve air refueling requirements following the establishment of two F-35 squadrons in fiscal year 2020, and a business case analysis of the impact of these additional aircraft on refueling operations in the Alaska area-of-operations.

### **Armed Forces Sports Program and Service Academy Athletic Interns**

The committee notes the significant end strength reductions the military services will continue to implement through fiscal year 2017.

Although the committee provides the Department with a wide latitude of authority in order for the military services to execute their end strength reductions, the committee is concerned by the prioritization of some military sports programs. The committee believes these programs should be analyzed to determine the impact they may have on the readiness of units by allowing personnel to spend an extended period of time participating in sports programs instead of serving in their military occupational skill.

Therefore, the committee directs the Comptroller General of the United States to provide a briefing to the Senate Committee on Armed Services and the House Committee on Armed Services by February 1, 2017, on the impact that the Armed Forces Sports program has on the military services' readiness. The committee further directs the Secretary of Defense to provide a briefing to the Senate Committee on Armed Services and the House Committee on Armed Services by December 1, 2016, on the Armed Forces Sports program. At a minimum, the

briefing shall include: (1) The purpose of the program; (2) Its measures of performance and effectiveness; (3) The number of service members participating in the program; (4) The cost of the program; and (5) The number of days service members spend in the program.

Additionally, the committee directs the Secretary of Defense to provide a briefing to the Senate Committee on Armed Services and the House Committee on Armed Services by December 1, 2016, on service academy athletic interns. At a minimum, the briefing shall include: (1) The purpose of service academy graduate athletic interns; (2) The number of service academy graduates who remain at the service academies for a full or partial year as an athletic intern; (3) How the academies measure the performance and effectiveness of athletic interns; (4) The cost to the academies to maintain graduate athletic interns; and (5) The career impact to those who remain at the academies as athletic interns.

### **Army Aviation Multi-Component Pilot Program**

The National Commission on the Future of the Army (NCFA) recommended the Army develop “a substantial pilot program” to test multi-component approaches in the Army’s aviation units. The committee believes that multi-component aviation units can improve readiness and enhance force integration by exploiting the differing strengths of the Regular Army and Reserve Components. The Army has begun limited use of multi-component approaches in aviation units with fixed-wing C-12 aircraft. Other co-located units, such as Black Hawk and Chinook helicopters in some States, allow units from different components to train together. The committee understands the Army is already pursuing implementation of the NCFA recommendation and is in the design phase of the pilot program. The committee applauds the Army’s efforts to test the aviation multi-component approach and expects the Army to provide progress reports as requested by the committee on the initiative as it moves forward.

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

Given current and future depot-level C-130 maintenance requirements, the likelihood of additional unscheduled requirements, depot capacity, the shortfall in depot maintainers, and broader responsibility for other military service C-130 maintenance requirements, the committee directs the Secretary of the Air Force to provide an unclassified briefing to the House Committee on Armed Services, not later than September 30, 2016, on the service’s approach to C-130 maintenance, service life extension, and modernization requirements over the next 5 years.

### **Refinement of Joint Staff Input into the Quarterly Readiness Report to Congress**

The committee is aware that the Chairman of the Joint Chiefs of Staff, in complying with the Quarterly Readiness Report to Congress (QRRC) required by section 482 of title 10, United States Code, is seeking to refine the Joint Staff’s input into the QRRC required through section 117 of title 10, United States Code, in order to improve relevance and timeliness in reporting while minimizing redundancy and overlapping processes. The committee itself, in previous authorization acts, has sought to increase the QRRC’s value to the committee through the selective addition of information regarding preparation for, and support to, contingency operations and by eliminating portions of the QRRC which are available from other sources or no longer deemed important to congressional decision making. In light of current concerns about the readiness of U.S. military forces, the committee supports the Chairman’s efforts to refine readiness information and reporting requirements and to streamline processes to meet the 45- day

QRRC statutory deadlines, including consideration of separating and alternating semiannual assessments with semiannual reports.

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

The committee notes with concern the frequency of mishaps in rotary-wing aviation over the past 5 years. The committee further notes that the commander of the Army's Aviation Center of Excellence described home-station training as a significant concern due to the inability of the Army to provide sufficient flying hours for all pilots to meet established standards. Similarly, the committee notes that the Deputy Commandant of the Marine Corps for Aviation has described the reduction of funding for aviation training and maintenance as a critical concern.

Further, the committee believes that the proficiency of rotary-wing pilots and the readiness of rotary-wing platforms provide crucial capabilities to the joint force. Therefore, the committee urges the Secretary of the Army and the Secretary of the Navy to prioritize rotary-wing aviation funding in order to ensure that the United States maintains this crucial capability into the future.

The committee directs the Chief of Staff of the Army, the Chief of Naval Operations, and the Commandant of the Marine Corps each to provide a report to the Senate Committee on Armed Services and the House Committee on Armed Services, not later than January 2, 2017, on the impact of reduced funding on rotary-wing aviation readiness and safety from fiscal year 2012 to the present and an estimate of the impact to aviation readiness and safety if funding were maintained at levels consistent with the Budget Control Act of 2011 (Public Law 112-25) through fiscal year 2023.

### **Soldiers Medically Unavailable for Training**

The committee is concerned about the number of soldiers who, while assigned to deployable units, are medically unavailable for training or deployment. The committee shares the Army's desire to provide these soldiers the medical treatment they deserve, while at the same time moving them to Warrior Transition Units and/or discharging them as quickly as practicable. The committee recognizes the readiness strain that permanently non-deployable soldiers place on deployable units, and encourages the Army to make this process as streamlined as possible.

Therefore, the committee directs the Secretary of the Army to provide a briefing to the Senate Committee on Armed Services and the House Committee on Armed Services by November 1, 2016, regarding the effects on readiness of medically non-deployable soldiers. The briefing should include, at a minimum, the number of medically non-deployable soldiers currently in deployable units, the average time a medically non-deployable soldier waits to be reassigned out of a deployable unit, the process the Army uses to discharge medically non-deployable soldiers, what the Army is doing to speed up the discharge process, and any issues that slow down the discharge process.

### **Associated Unit Concept for Terminal High Altitude Area Defense Security Force Manning**

The committee recognizes the important mission of the Terminal High Altitude Area Defense (THAAD) deployment in Guam and supports permanent basing as a means of establishing persistent deter-and-defeat capabilities in defense of the homeland and reassuring allies and

partners. The committee appreciates the Army's commitment to total force integration and is encouraged by its support of opportunities to leverage cost savings and enable Active-Duty units to fill unique combatant command requirements by incorporating National Guard units into the THAAD security-force mission. Accordingly, the committee encourages the Department of the Army and the National Guard Bureau to continue to work cooperatively to ensure there are adequate resources programmed in fiscal year 2018 to support an Active-Guard associated unit for THAAD security force manning on Guam.

### **National Guard Cyber Protection Teams**

The committee is aware that the Army National Guard has developed a plan to establish 10 cyber protection teams (CPT) to complement the Army's build for its contribution to the cyber mission force. The committee also understands that decisions relating to the establishment of those teams, and where they would be based, were made late in the budget cycle, and thus were not properly synchronized in the fiscal year 2017 budget request. The committee is aware that the Army National Guard has established three CPTs, but because of the lack of funding in fiscal year 2017, it will not be on track with its schedule for establishing teams this year.

Further, the committee recognizes that these Army National Guard CPTs are not integrated into the Army Cyber Command structure for cyber mission teams. This is unlike the approach the Air Force has taken, which integrates some Air National Guard units as part of its cyber mission force structure. The committee notes that the National Guard brings important capabilities to the Army, including experience and skills from industry experts, and the ability to bring greater outreach and support to States. The committee believes that the Army needs to work more expeditiously to determine and codify the role National Guard forces should take in the cyber domain.

The committee supports the training of the National Guard CPTs planned for fiscal year 2017, and urges the Army, as well as the National Guard, to ensure that projected funding disconnects are resolved in the fiscal year 2018 budget request. The committee also urges Army Cyber Command to finalize and promulgate clear policy about the role of Reserve Component CPTs in the Army's cyber mission build.

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

In response to section 515 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), the National Guard Bureau (NGB) in August 2015 reported that establishing National Guard units in both the Territory of American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) is feasible, but "major steps are necessary to reach that end state."

Among the issues raised were the territories' limited ability to recruit, maintain, and sustain units, and that the costing framework to transfer force structure from one State or territory to American Samoa or the CNMI would have an impact on the donor State's or territory's ability to accommodate the NGB's "Essential Ten" homeland capabilities.

With these issues in mind, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services, not later than February 1, 2017, on how the

Department of Defense would establish, maintain, and sustain a National Guard unit in the Commonwealth of the Northern Mariana Islands. At a minimum, the briefing shall include details regarding force structure allocation, recruiting, and funding requirements, including military construction, that would allow the committee to evaluate the cost and overall impact of locating a National Guard unit in CNMI.

### **Public-Private Partnerships for Cyber Education and Training**

The committee is aware of the efforts of the Reserve Components of the military services, including the National Guard, to develop cyber protection teams that can leverage the best attributes, authorities, and capabilities of both civilian and military cyber practitioners. The committee recognizes that Reserve Component cyber personnel often bring a wealth of experience from their civilian life, coupled with the additional training and discipline instilled by military service. The committee is concerned, though, that the current training pipeline is a major bottleneck to fully manning and training cyber mission teams. This problem is exacerbated by the fact that current active units are prioritized in the current schoolhouses, which already have limited available training billets.

The committee believes that the Department of Defense should look at additional ways to diversify the training pipeline available to all cyber personnel to help relieve that bottleneck. Elsewhere in this report, the committee encourages the Department to use Reserve Officer Training Corps programs, as well as senior military academies, to develop and implement common curricula that can satisfy the joint training standard. Also elsewhere in this report, the committee directs the Department of Defense to review its cyber training equivalency process to help improve the ability to give cyber personnel credit for other experience, certifications, or commercial training they may have received that meets the joint training standard. The committee also encourages the Department to look at additional ways to build public-private partnerships with academia, industry, and non-profit institutions as a way to develop additional training curricula equivalent to the joint standard to diversify that pipeline.

### **Army National Guard Preventive Intervention for Suicide and Substance Abuse**

The committee commends the Army National Guard for implementing a new, proactive approach to assessing the at-risk behaviors of members of the National Guard and for making suicide and substance abuse prevention a priority. The committee recognizes the Army National Guard's focused efforts to combat behaviors that may lead to substance abuse and suicide among service members, through the implementation of the Prevention, Response and Outreach program (PRO). PRO, which is an evidenced-based model that proactively identifies at-risk behaviors before soldiers are at a point of crisis, employs data-driven decisions to initiate commander interventions, monitor completion of support programs, and track follow-up to ensure ongoing support is available. The committee encourages the Army National Guard to continue its efforts by leveraging expertise to accelerate implementation of preventive measures such as those in the PRO program.

### **Community and Military Education Partnerships**

The committee is aware that partnerships exist between the military and civilian communities to enhance education support of all children by understanding the needs and perspective of military children. Therefore, the committee directs Secretary of Defense to provide a briefing to the

House Committee on Armed Services not later than March 1, 2017, on the policies governing ongoing partnership efforts between the Department and communities with unusually high concentrations of military dependents enrolled in public schools. The briefing should address the following elements: an evaluation of partnership efforts in areas considered overseas assignments with unusually high concentrations of military dependents enrolled; organizations and resources currently dedicated to enhancement of these community partnerships; policies and guidelines governing the funding of community partnerships; and any other matters the Secretary deems relevant.

### **Cyber Science Education at the Service Academies**

The committee recognizes the growing threat to United States national, economic, and infrastructure security, among others, from destructive and disruptive cyberattacks by malicious government, criminal, and individual actors. The Department has formally recognized cyberspace as a domain of warfare that has become as critical to military operations as land, sea, air, and space, and as such, the military must be able to defend and operate within it. The committee believes that this practice should begin at the earliest levels of education within the U.S. military. The committee therefore encourages the Department to recognize the importance of cyber education within each of the U.S. military service academies and actively promote cyber sciences education and training within the service's respective curriculum.

### **National Guard Bureau Briefing Requirement**

The committee notes a perceived imbalance regarding manning and resource allocation on a State by State and territory by territory basis, therefore the National Guard Bureau is directed to provide a report to the Committee on Armed Services of the House of Representatives on the distribution of full-time manning and controlled grade positions as they relate to all 54 states and territories no later than February 1, 2017, that includes the following elements:

- (1) A description of the National Guard Bureau formula and allocation of full-time manning and how that number relates to resource end strength; why states are currently equally funded at the headquarters, staff and senior controlled grade level.
- (2) Analysis and recommendations of a manning and end strength formula based upon an equitable formula as opposed to equally divided among states and territories, to include why states are not resourced at the paid end strength levels with full-time manning when requested to increase end strength by National Guard Bureau.

### **Review of Qualified Joint Tours**

The committee commends the Department of Defense for its ongoing commitment to ensuring the interoperability of the joint force. The committee notes that operations conducted by the Department and the uniformed services at all levels of command are increasingly characterized by their joint nature. Accordingly, in light of the review of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433), the committee urges the Department to continue these efforts and directs the Secretary of Defense to provide a briefing to the Committee on Armed Services of the House of Representatives not later than December 1, 2016, on the composition of the Joint Duty Assignment List (JDAL) and recommendations for congressional action required to bring the current JDAL in line with the joint nature of the current force.

### **Suicide Prevention**

The committee notes that the Department of Defense Inspector General report entitled “Assessment of DOD Suicide Prevention Process,” dated September 30, 2015, made a series of recommendations to improve the Department’s efforts to reduce the incidence of suicide in the U.S. military. The committee applauds the efforts by the Department of Defense and the military services to reduce suicide and improve prevention programs, but the committee believes that the Department can and should improve its efforts, based on the Inspector General's recommendations. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services not later than September 1, 2016, on the implementation of the recommendations made in the Department of Defense Inspector General’s report.

### **Feasibility Study to Expanding Veterans Access to Commissary**

The committee seeks to better serve disabled veterans that live near military installations and would like to increase their access to commissary and exchange facilities. The committee directs the Secretary of Defense to report on the feasibility of allowing disabled veterans with a thirty percent disability rating or higher; or that have been awarded a Purple Heart the use of the commissary and exchange stores on the same basis as a member of the armed forces entitled to retired or retainer pay. The determination should include an evaluation of the potential costs to the Department and the impacts to the disabled veteran community. The committee further directs the Secretary to submit the results of the report to the House Committee on Armed Services by March 1, 2017.

### **Briefing on TRICARE Coverage for Emerging Health Care Services**

The committee directs the Secretary of Defense to brief the Committee on Armed Services of the House of Representatives, not later than June 30, 2017, on implementation of section 704 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). The briefing shall include: the activities that have been undertaken to implement provisional TRICARE coverage for emerging health care services and supplies; any activities to implement such authority that are planned but have not yet occurred and the rationale for the delay; the services and supplies that have been granted such provisional TRICARE coverage; the rationale, if any, for implementation of demonstration projects for TRICARE coverage of such services and supplies in lieu of implementation of the provisional TRICARE coverage; and the impact that implementation of the provisional TRICARE coverage has had on access to and provider reimbursement for such services and supplies as compared to non-coverage.

### **Designation of TRICARE Providers with Military Awareness and Cultural Training**

The committee is aware that military beneficiaries prefer to seek assistance from mental health providers who have some knowledge and experience serving military populations. Section 717 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), directed the Secretary of Defense to develop a system by which non-Department of Defense mental health care providers receive a readiness designation if they meet certain criteria relating to knowledge with respect to the culture of members of the Armed Forces and family members. The committee believes this paradigm is similar for beneficiaries seeking health care from

providers in the TRICARE network. The committee is aware that there are training programs available for businesses and organizations that employ or work with former military members. Therefore, the committee encourages the Department of Defense to include TRICARE providers in the same system developed for mental health care providers and to look for opportunities to use existing training programs.

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

The committee supports the National Commission on the Structure of the Air Force recommendation to expand the use of associate units, where appropriate. The committee notes, however, that none of the three Air National Guard combat search and rescue units in Alaska, California, and New York are associate units.

Therefore, the committee encourages the Air Force to consider options for making these units active associate units under an appropriate organizational structure based on their local mission and operational demands. In addition, the committee directs the Secretary of the Air Force to provide a briefing to the Committee on Armed Services of the House of Representatives not later than March 1, 2017, on the potential options for transforming these units into associate units, including the potential cost, benefits, and challenges involved in each case.

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

The committee notes that Congress established the National Commission of the Future of the Army (NCFA) in the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The primary purpose of the NCFA was to address two major concerns:

- (1) How the Army should best organize and employ the Total Force in time of declining resources; and
- (2) Whether the Army should proceed with the transfer of AH-64 Apache aircraft from the Reserve Components to the Regular Army as directed by the Army's aviation restructure initiative. In its final report, the NCFA made 63 recommendations that were directed to the President, Congress, Department of Defense, Joint Staff, combatant commands, and the Army.

In considering these recommendations, based on the underlying law that established the NCFA, the commission was instructed to take into account "anticipated mission requirements for the Army at acceptable levels of national risk and in a manner consistent with available resources and anticipated future resources."

Consequently, the commission presumed a budget request level for fiscal year 2016, and its recommendations assumed that a total Army force of 450,000 in the Regular Army, 335,000 in the Army National Guard, and 195,000 in the Army Reserve could not be increased. Furthermore, all recommendations with funding implications assumed that the Army would have to take risk and make internal trades to resource the recommendations, as well as assumed that Congress would not provide additional resources across the Future Years Defense Program.

The committee commends the efforts of the commissioners and their staff for the on-time completion of the NCFA report and associated recommendations. In general, the committee is supportive of many of the commission's recommendations; however, the committee requires additional information from the Department of Defense and the Army, as well as more time for sufficient review in order to make informed decisions regarding most of the recommendations made by the NCFA.

Of these recommendations, the committee supports the recommendation to retain 4 Apache attack helicopter battalions in the National Guard and an 11th combat aviation brigade in the Regular Army. The committee expects the Army to plan and program accordingly based on available resources across the Future Years Defense Program. The committee is also supportive of a permanent combat aviation brigade in the Republic of Korea, a permanent armored brigade combat team presence in Europe, and increasing armored brigade combat team capacity in the Army. The committee is also supportive of the recommendations for developing one Army under the total force policy.

The committee is also supportive of the recommendation to consolidate Army marketing functions under the authority of the Army Marketing Research Group to eliminate redundancy and gain unity of effort. The committee is not supportive, however, of any recommendation that would reduce the Army's current force structure or use reductions in combat force structure as offsets to resource any recommendation.

Elsewhere in this Act, the committee includes a provision that would address the commission's recommendations focusing on Army modernization capability and capacity shortfalls, as well as alternative Army force designs and modeling.

Therefore, the committee directs the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Chief of Staff of the Army, to provide a written assessment of all of the NCFA recommendations that are within such official's respective jurisdiction to the congressional defense committees by December 1, 2016. The committee expects the Army's written assessment to be separate, and include comments from the Chief of the National Guard Bureau. The respective assessments should include, but not be limited to, the following:

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

### **Repeal of Report on Unmanned Aircraft Systems**

In the committee report (H. Rept. 106-652) accompanying the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the committee directed the Secretary of Defense to submit an annual report on the Department's progress in addressing the challenges facing unmanned aircraft systems. The Department has provided the requested report for 7 years, including the most recent report on March 23, 2016. Based on the committee's ability to obtain the information in these reports through other means, the committee directs the Secretary of

Defense to no longer provide this report to the congressional defense committees, the Senate Select Committee on Intelligence, and House Permanent Select Committee on Intelligence.

### **State Partnership Program Activities in Ukraine**

The committee supports the role of the State Partnership Program (SPP) in Department of Defense security cooperation efforts, including in activities to assist Ukraine. The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) authorized the National Guard to conduct SPP activities with security forces and governmental organizations of a foreign country whose primary functions include disaster response or emergency response, if the Secretary of Defense, with the concurrence of the Secretary of State, determines and notifies Congress that the activity is in the national security interest of the United States. The committee is aware of delays in making determinations that would permit the National Guard to carry out SPP activities with Ukrainian security forces or with governmental organizations whose primary functions include disaster response or emergency response. The committee encourages the Secretary of Defense and Secretary of State to facilitate timely execution of such determinations, as appropriate.

### **National Guard and Reserve Component Equipment Account**

The budget request for Overseas Contingency Operations contained no funding for a National Guard and Reserve Component equipment account. Elsewhere in this Act, the committee notes that the base budget request contained \$3.0 billion for procurement of National Guard and Reserve Component equipment.

Given the uncertainty of the current and projected fiscal environment, the availability of equipment needed to sustain and modernize the National Guard and Reserve Components as an operational reserve and for their domestic support missions remains a concern. The committee recognizes the National Guard and Reserve Components continue to report significant equipment shortages in modernized equipment and challenges associated with efficiently fulfilling combat readiness training requirements. For example, the committee notes there are significant modernization, capability, and training challenges associated with the current Air National Guard aircraft assigned to the Aerospace Control Alert mission, and those aircraft crews maintaining proficiency and readiness in other mission areas critical to full-spectrum combat readiness. The committee also notes the Army National Guard continues to experience modernization shortfalls in utility rotorcraft and heavy lift rotorcraft.

The committee believes additional funds would help eliminate identified shortfalls in the areas of critical dual-use equipment. The committee expects these funds to be used for the purposes of, but not limited to, the procurement of rotorcraft, avionic and radar upgrades for legacy strike fighter aircraft, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, small arms, tactical radios to include single channel ground and airborne radio systems, non-system training devices, logistics automation systems, sense and avoid system upgrades for unmanned aerial systems, civil support communication systems, hail and warning escalation of force systems, out of band infrared pointer and illumination systems, near infrared aiming and illumination systems, crashworthy, ballistically tolerant auxiliary fuel systems, Engagement Skills Trainer II systems, F-16 distributed-operations mission training centers, mobile ad hoc

network emergency communications equipment, and other critical dual-use, unfunded procurement items for the National Guard and Reserve Components.

The committee recommends additional funding for a National Guard and Reserve Component equipment account within the Overseas Contingency Operations budget request. The committee also recommends \$3.0 billion, the full amount of the base budget request, for National Guard and Reserve equipment.

### **Biennial Cyber Exercises**

The committee notes that section 1648 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) requires the Secretary of Defense, in coordination with the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the heads of the critical infrastructure sector-specific agencies designated under Presidential Policy Directive-21 and in consultation with Governors of the States and the owners and operators of critical infrastructure, to conduct biennial exercises. These exercise are based on scenarios in which critical infrastructure of the United States is attacked in cyberspace and the President directs the Secretary of Defense to defend the United States and provide support in responding to and recovering from cyberattacks. The committee believes that these exercises are critical for developing and sustaining necessary skills, and to identify potential issues that could compromise the nation's ability to respond to and recover from such an attack.

The committee urges the Department of Defense to utilize these exercises to identify gaps and problems that require new or modified training, capabilities, procedures, or authorities; document key observations and lessons learned; understand local, State, and national strengths that should be leveraged; identify weaknesses that need to be mitigated; and use initial exercises to make recommendations for future exercises, to include scenarios and participants. The committee expects to be kept informed of such exercises and results of those exercises.

### **Cyber Training Equivalency**

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

The committee believes that the Department should be looking for opportunities to help diversify the training pathways available to all members of the cyber mission team workforce, in order to more quickly and efficiently bring team members up to operational capacity. The committee believes that diversification can take many forms, such as utilization of Reserve Officer Training Corps (ROTC) courses, military academies, public-private partnerships with universities and other training providers, and senior leader military academies.

The committee also recognizes that the National Security Agency and the Department of Homeland Security National Centers of Academic Excellence (CAE) for cyber defense and cyber operations could also be leveraged to promote higher education and research in cyber and the production of more cyber professionals. The committee also believes that to make those other training pathways effective, the Department needs to have a robust process for determining

equivalency, so that it is clear when those other avenues can be used to meet the currently defined joint training standard, such as CAEs, ROTC program or other certification programs. The committee is concerned that the immaturity of that equivalency process may be further slowing up the training pipeline.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by January 30, 2017, on the training equivalency process for the Department.

This briefing should address how the Department makes recommendations on equivalency for members of the active and reserve components, as well as for civilian team members.

Specifically, this briefing should include:

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

### **Combat Aviation Hangar Sustainment**

The committee is concerned that the Army's aging maintenance hangars that support its combat aviation units have not been sustained to the level necessary to meet minimal operational requirements at the Combat Aviation Brigades. The committee recognizes that there is a requirement for the Army to develop an integrated combat aviation maintenance infrastructure modernization plan to account for the operational needs informed by future basing and the Aviation Restructure Initiative. Therefore, the committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services not later than February 1, 2017, on the current condition of the Army's Combat Aviation hangar infrastructure. At a minimum, the briefing should provide a list of the locations and facilities where combat aviation hangars have a facility index rating below 80, the required cost and scope of work required to restore the facilities, and the extent to which the degraded facilities pose a risk to maintenance crews, a hazard to aircraft, and have an adverse impact on military readiness.

### **Guard and Reserve Forces – Explanation of Funding Adjustments**

The committee recommends the inclusion of funding for several projects requested by the Department of the Army for the Army Reserve that were not contained in the budget request for military construction and family housing. These increases include:

- (1) \$30.0 million for an Army Reserve Center in Phoenix, Arizona. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Army. Therefore, the committee recommends \$30.0 million, an increase of \$30.0 million, for this project.
- (2) \$29.0 million for an Equipment Concentration Site in Barstow, California. The committee notes that this project was included on a list of unfunded project requirements submitted by the

Department of the Army. Therefore, the committee recommends \$29.0 million, an increase of \$29.0 million, for this project.

(3) \$27.5 million for an Army Reserve Center at Joint Base Lewis-McChord, Washington. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Army. Therefore, the committee recommends \$27.5 million, an increase of \$27.5 million, for this project.

In addition, the committee recommends the inclusion of funding for several projects requested by the Department of the Army for the Army National Guard that were not contained in the budget request for military construction and family housing. These increases include:

(1) \$31.0 million for a General Instruction Building at Camp Guernsey, Wyoming. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Army. Therefore, the committee recommends \$31.0 million, an increase of \$31.0 million, for this project.

(2) \$20.0 million for an Access Control Point at Fort Indiantown Gap, Pennsylvania. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Army. Therefore, the committee recommends \$20.0 million, an increase of \$20.0 million, for this project.

(3) \$16.5 million for a National Guard Readiness Center at Fort Carson, Colorado. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Army.

Therefore, the committee recommends \$16.5 million, an increase of \$16.5 million, for this project. In addition, the committee recommends the inclusion of funding for several projects requested by the Department of the Air Force for the Air Force Reserves that were not contained in the budget request for military construction and family housing. These increases include:

(1) \$9.2 million for an Indoor Small Arms Range at Westover Air Force Reserve Base, Massachusetts. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Air Force. Therefore, the committee recommends \$9.2 million, an increase of \$9.2 million, for this project.

(2) \$5.2 million for a Reserve Medical Training Facility at Andersen Air Force Base, Guam. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Air Force. Therefore, the committee recommends \$5.2 million, an increase of \$5.2 million, for this project.

(3) \$3.1 million for ADAL Life Support Facility at Hill Air Force Base, Utah. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Air Force. Therefore, the committee recommends \$3.1 million, an increase of \$3.1 million, for this project.

Finally, the committee recommends the inclusion of funding for several projects requested by the Department of the Air Force for the Air National Guard 404 that were not contained in the budget request for military construction and family housing. These increases include:

(1) \$6.0 million for an Indoor Small Arms Range at Toledo Express Airport, Ohio. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Air Force. Therefore, the committee recommends \$6.0 million, an increase of \$6.0 million, for this project.

(2) \$5.0 million for a Control Facility at Joint Base Andrews, Maryland. The committee notes that this project was included on a list of unfunded project requirements submitted by the Department of the Air Force. Therefore, the committee recommends \$5.0 million, an increase of \$5.0 million, for this project.

(3) \$12.0 million for unspecified minor military construction at unspecified worldwide locations. The budget request included \$17.5 million for unspecified minor military construction at unspecified worldwide locations. The committee notes that additional funding for unspecified minor military construction was included on a list of unfunded project requirements submitted by the Department of the Air Force. Therefore, the committee recommends \$29.5 million, an increase of \$12.0 million, for this project.