H.R. 2810—FY18 NATIONAL DEFENSE AUTHORIZATION BILL

SUBCOMMITTEE ON SEAPower AND PROJECTION FORCES

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This section would express the sense of Congress as to the necessity to obtain 12 aircraft carriers, the frequency of aircraft carrier construction, the requirement to provide shock trials on the USS John F. Kennedy (CVN 79), and the desire to continue the Ford-class carrier design for CVN 81. This section would also require the Secretary of the Navy to obtain 12 aircraft carriers by September 2023, which is expected to occur with the delivery of the USS John F. Kennedy. Finally, this section would provide economic order quantity authority for the construction of two Ford-class aircraft carriers and incremental funding authority for the nuclear refueling and complex overhaul of four Nimitz-class aircraft carriers.

Section 112—Procurement Authority for Icebreaker Vessels

This section would authorize the Secretary of the Navy to act as a general agent for the Secretary of the Department in which the Coast Guard is operating and to enter into a contract for not more than three heavy icebreakers and three medium icebreakers.

Section 114—Multiyear Procurement Authority for Virginia Class Submarine Program

This section would authorize the Secretary of the Navy to enter into one or more multiyear contracts for Virginia class submarines beginning in fiscal year 2018, in accordance with section 2306b of title 10, United States Code.

Section 115—Multiyear Procurement Authority for Arleigh Burke Class Destroyers and Associated Systems

This section would authorize the Secretary of the Navy to enter into one or more multiyear contracts for Arleigh Burke class destroyers and associated systems beginning in fiscal year 2018, in accordance with section 2306b of title 10, United States Code.
Section 116—Limitation on Availability of Funds for Arleigh Burke Class Destroyer

This section would limit the obligation of certain funds to procure new air and missile defense radars for Arleigh Burke class destroyers unless the radars are AN/SPY-6(V) radar modular assembly (RMA) based.

The committee recognizes that the Under Secretary of Defense for Acquisition, Technology, and Logistics, in his report to Congress required by the committee report (S. Rept. 114-49) accompanying the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), noted that the Navy’s current radar program of record, AN/SPY-6(V) Air and Missile Defense Radar, was “designed to be fully scalable and modular to support a variety of shipboard radar applications on a variety of platforms” and that the radar modular assembly conforms to the Department of Defense’s Better Buying Power initiative by leveraging open systems, common logistics, and software baselines, and by securing government data rights to both the hardware and software to “affect affordability.”

The committee applauds the Navy’s successful efforts to leverage RMA-based applications of AN/SPY-6(V) technologies as part of the Enterprise Air Surveillance Radar (EASR) program that provides critical capabilities for America-class amphibious assault ships, amphibious transport docks, and aircraft carrier-class combatants. The committee believes these efforts demonstrate the feasibility of integrating RMA-based solutions to existing ship designs.

The committee believes that all future DDG-51 radar new construction procurements should remain consistent with the Navy’s current destroyer modernization plan and leverage the AN/SPY-6(V) radar modular assembly architecture to minimize operation and sustainment costs, reduce training and logistical requirements, and maintain affordability through economies of scale with other programs like EASR.

SUBTITLE C—AIR FORCE PROGRAMS

Section 123—Limitation on Availability of Funds for EC–130H Compass Call Recapitalization Program

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

SUBTITLE D—DEFENSE-WIDE, JOINT, AND MULTISERVICE MATTERS
Section 133—Reinstatement of Requirement to Preserve Certain C-5 Aircraft

This section would amend section 132 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to reinstate 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.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

LEGISLATIVE PROVISIONS

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Section 214—Critical Technologies for Columbia Class Submarine

This section would deem certain Columbia-class ballistic missile submarine components as critical technologies.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS

SUBTITLE D—OTHER MATTERS

Section 862—Requirement That Certain Ship Components Be Manufactured in the National Technology and Industrial Base

This section would amend section 2534 of title 10, United States Code, and would require certain auxiliary ship components to be procured from a manufacturer in the national technology and industrial base. Finally, the term "auxiliary ship" would not include an icebreaker.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE B—NAVAL VESSELS AND SHIPYARDS
Section 1012—National Defense Sealift Fund: Construction of National Icebreaker Vessels

This section would amend section 2218 of title 10, United States Code, and would authorize the obligation and expenditure of funds associated with the National Defense Sealift Fund for the construction, alteration, and conversion of national icebreaker vessels.

Section 1013—Use of National Sea-Based Deterrence Fund for Multiyear Procurement of Certain Critical Components

This section would expand the authority of the Secretary of the Navy to enter into a multiyear contract for certain nuclear-powered vessel components to include missile tubes, torpedo tubes, and propulsors.

Section 1014—Restrictions on the Overhaul and Repair of Vessels in Foreign Shipyards

This section would amend section 7310(b)(1) of title 10, United States Code, to prohibit the Department of the Navy from performing any overhaul, repair, or maintenance work that takes longer than 6 months in foreign shipyards.

Section 1015—Availability of Funds for Retirement or Inactivation of Ticonderoga-Class Cruisers or Dock Landing Ships

This section would prohibit the Secretary of the Navy from using funds authorized to be appropriated by this Act to retire a cruiser or dock landing ship or to place in a modernization status more than six cruisers and one dock landing ship.

Section 1016—Policy of the United States on Minimum Number of Battle Force Ships

This section would establish the policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships.

Subtitle D—Miscellaneous Authorities and Limitations

Section 1033—Prohibition on Charge of Certain Tariffs on Aircraft Traveling through Channel Routes

This section would prohibit U.S. Transportation Command from charging a tariff when a military service uses their aircraft on a route that is designated by U.S. Transportation Command as a channel route.
Section 1035—Prohibition on Use of Funds for Retirement of Legacy Maritime Mine Countermeasures Platforms

This section would prohibit the Secretary of the Navy from obligating or expending funds to deactivate, decommission, or place in reduced operating status any mine countermeasures ships or Sea Dragon (MH-53) helicopters. The limitation in this section may be waived if the Secretary of the Navy certifies that the replacement mine countermeasures capabilities are available in sufficient quantity and capacity to meet the combatant commander requirements that are currently fulfilled by legacy mine countermeasures platforms.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXV—MARITIME ADMINISTRATION

LEGISLATIVE PROVISIONS

Section 3501—Authorization of the Maritime Administration

This section would authorize appropriations for the national security aspects of the merchant marine for fiscal year 2018.

Section 3502—Merchant Ship Sales Act of 1946

This section would repeal the first section and sections 2, 3, 5, 12, and 14 of the Merchant Ship Sales Act of 1946. Additionally, the section transfers section 8(d) of the Act to chapter 563, Emergency Acquisition of Vessels, of title 46, United States Code. Finally, the section transfers section 11 of the Act to chapter 571, General Authority, of title 46, United States Code.

Section 3503—Maritime Security Fleet Program; Restriction on Operation for New Entrants

This section would amend section 53105 of title 46, United States Code, and prohibit a maritime security program payment to a vessel operating in the transportation of cargo between points in the United States and its territories either directly or via a foreign port.

Section 3504—Codification of Sections Relating to Acquisition, Charter, and Requisition of Vessels
This section would move certain sections related to the acquisition, charter and requisition of vessels from title 50 to title 46 and make additional conforming changes.
BILL LANGUAGE
Subtitle B—Navy Programs

SEC. 111 [Log 65102]. AIRCRAFT CARRIERS.

(a) Sense of Congress on Increase in Number of Operational Aircraft Carriers.—

(1) Findings.—Congress finds the following:

(A) Aircraft carriers are an essential element of the Navy’s core missions of forward presence, sea control, ensuring safe sea lanes, and power projection, and provide the flexibility and versatility necessary for the execution of a wide range of additional missions.

(B) Forward airpower is integral to the security and joint forces operations of the United States. Carriers play a central role in delivering forward airpower from sovereign territory of the United States in both permissive and non-permissive environments.

(C) Aircraft carriers provide the Nation the ability to rapidly and decisively respond to national threats, to conduct worldwide, on-station diplomacy, and to deter threats to allies, partners, and friends of the United States.

(D) Since the end of the cold war, aircraft carrier deployments have increased while the aircraft carrier force structure has declined.
(E) Due to the increased array of complex threats across the globe, the Navy’s aircraft carriers are operating at maximum capacity, increasing deployment lengths and decreasing maintenance periods in order to meet operational requirements.

(F) To meet global peacetime and wartime requirements, the Navy has indicated a requirement to maintain two aircraft carriers deployed overseas and to have three additional aircraft carriers capable of deploying within 90 days. However, the Navy has indicated that the existing aircraft carrier force structure cannot support these military requirements.

(G) Despite the requirement to maintain an aircraft carrier strike group in both the United States Central Command and the United States Pacific Command, the Navy has been unable to generate sufficient capacity to support combatant commanders and has developed significant carrier gaps in these critical areas.

(H) The continued use of a diminished aircraft carrier force structure has resulted in extensive maintenance availabilities which typi-
cally exceed program costs and increase time in shipyards. These expansive maintenance avail-
abilities exacerbate existing carrier gaps.

(I) Because of maintenance overhaul ex-
tensions, the Navy is truncating basic aircraft carrier training to expedite the deployment of available aircraft carriers. Limiting aircraft car-
rier training decreases operational capabilities and increases risks to sailors.

(J) Despite the objections of the Navy, the Under Secretary of Defense for Acquisition, Technology, and Logistics directed the Navy on August 7, 2015, to perform shock trials on the U.S.S. Gerald R. Ford (CVN–78). The Assist-
ant Deputy Chief of Naval Operations for Oper-
ations, Plans and Strategy indicated that this action could delay the introduction of the U.S.S. Gerald R. Ford (CVN–78) to the fleet by up to two years, exacerbating existing car-
rier gaps.

(K) The Navy has adopted a two-phase ac-
quisition strategy for the U.S.S. John F. Ken-
nedy (CVN–79), an action that will delay the introduction of this aircraft carrier by up to two years, exacerbating existing carrier gaps.
(L) Developing an alternative design to the Ford class aircraft carrier is not cost beneficial. A smaller design is projected to incur significant design and engineering cost while significantly reducing magazine size, carrier air wing size, sortie rate, and on-station effectiveness among other vital factors as compared to the Ford class. Furthermore, a new design will delay the introduction of future aircraft carriers, exacerbating existing carrier gaps and threatening the national security of the United States.

(M) The 2016 Navy Force Structure Assessment states “A minimum of 12 aircraft carriers are required to meet the increased warfighting response requirements of the Defense Planning Guidance Defeat/Deny force sizing direction.” Furthermore, a new National Defense Strategy is being prepared that will assess the defeat/deny force sizing direction and may increase the force structure associated with aircraft carriers.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—
(A) the United States should expedite delivery of 12 aircraft carriers;

(B) an aircraft carrier should be authorized every three years;

(C) shock trials should be conducted on the U.S.S. John F. Kennedy (CVN–79), as initially proposed by the Navy;

(D) construction for the U.S.S. John F. Kennedy (CVN–79) should be accomplished in a single phase; and

(E) the United States should continue the Ford class design for the aircraft carrier designated CVN–81.

(b) Increase in Number of Operational Aircraft Carriers.—

(1) Increase.—Section 5062(b) of title 10, United States Code, is amended by striking “11 operational aircraft carriers” and inserting “12 operational aircraft carriers”.

(2) Effective date.—The amendment made by paragraph (1) shall take effect on September 30, 2023.

(e) Shock Trials for CVN–78.—Section 128 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 751) is amended—
(1) by striking subsections (a) and (b); and

(2) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(d) PROCUREMENT AUTHORITY FOR AIRCRAFT CARRIER PROGRAMS.—

(1) PROCUREMENT AUTHORITY IN SUPPORT OF CONSTRUCTION OF FORD CLASS AIRCRAFT CARRIERS.—

(A) AUTHORITY FOR ECONOMIC ORDER QUANTITY.—The Secretary of the Navy may procure materiel and equipment in support of the construction of the Ford class aircraft carriers designated CVN–81 and CVN–82 in economic order quantities when cost savings are achievable.

(B) LIABILITY.—Any contract entered into under subparagraph (A) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.
(2) Refueling and complex overhaul of Nimitz class aircraft carriers.—

(A) In general.—The Secretary of the Navy may carry out the nuclear refueling and complex overhaul of each of the following Nimitz class aircraft carriers:

(i) U.S.S. John C. Stennis (CVN–74).

(ii) U.S.S. Harry S. Truman (CVN–75).


(B) Use of incremental funding.—With respect to any contract entered into under subparagraph (A) for the nuclear refueling and complex overhaul of a Nimitz class aircraft carrier, the Secretary may use incremental funding for a period not to exceed six years after advance procurement funds for such nuclear refueling and complex overhaul effort are first obligated.

(C) Condition for out-year contract payments.—Any contract entered into under subparagraph (A) shall provide that any obliga-
tion of the United States to make a payment
under the contract for a fiscal year after fiscal
year 2018 is subject to the availability of appro-
priations for that purpose for that later fiscal
year.
SEC. 112 [Log 64862]. PROCUREMENT AUTHORITY FOR ICE-BREAKER VESSELS.

(a) Authority.—The Secretary of the Department in which the Coast Guard is operating may enter into a contract or other agreement with the Secretary of the Navy under which the Navy shall act as general agent for the Department in which the Coast Guard is operating for the purpose of entering into a contract on behalf of such Department, beginning with the fiscal year 2018 program year, for the procurement of the following:

   (1) Not more than three heavy icebreaker vessels.

   (2) Not more than three medium icebreaker vessels.

(b) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations for that purpose for such later fiscal year.

(c) Definitions.—In this section:

   (1) Heavy Icebreaker Vessel.—The term “heavy icebreaker vessel” means a vessel that is—
(A) to break through nonridged ice that is not less than six feet thick at a speed of three knots;

(B) to break through ridged ice that is not less than 21 feet thick; and

(C) to operate continuously for 80 days without replenishment.

(2) MEDIUM ICEBREAKER VESSEL.—The term “medium icebreaker vessel” means a vessel that is able—

(A) to break through nonridged ice that is not less than four and one-half feet thick at a speed of three knots; and

(B) to operate continuously for 80 days without replenishment.
SEC. 114 [Log 64892]. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) Authority for Multiyear Procurement.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of up to 13 Virginia class submarines at a rate of not more than 3 submarines per year during the covered period.

(b) Baseline Estimate.—Before entering into any contract for the procurement of a Virginia class submarine under subsection (a), the Secretary of Navy shall determine a baseline estimate for the submarine in accordance with section 2435 of title 10, United States Code.

(c) Limitation.—The Secretary of the Navy may not enter into a contract for the procurement of a Virginia class submarine under subsection (a) if the contract would increase the cost of the submarine by more than 10 percent above the baseline estimate for the submarine determined under subsection (b).

(d) Authority for Advance Procurement.—The Secretary may enter into one or more contracts, beginning in fiscal year 2018, for advance procurement—
(1) associated with the vessels for which authorization to enter into a multiyear procurement contract is provided under subsection (a); and

(2) for other equipment and subsystems associated with the Virginia class submarine program.

(e) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(f) DEFINITIONS.—In this section:

(1) COVERED PERIOD.—The term “covered period” means the 5-year period beginning with the fiscal year 2019 program year and ending with the fiscal year 2023 program year.

(2) VIRGINIA CLASS SUBMARINE.—The term “Virginia class submarine” means a block V configured Virginia class submarine.
SEC. 115 [Log 64893]. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2018 program year, for the procurement of—

(1) up to 15 Arleigh Burke class Flight III guided missile destroyers at a rate of not more than three such destroyers per year during the covered period; and

(2) the Aegis weapon systems, AN/SPY–6(v) air and missile defense radar systems, MK 41 vertical launching systems, and commercial broadband satellite systems associated with such vessels.

(b) BASELINE ESTIMATE.—Before entering into any contract for the procurement of an Arleigh Burke class destroyer under subsection (a), the Secretary of Navy shall determine a baseline estimate for the destroyer in accordance with section 2435 of title 10, United States Code

(c) LIMITATION.—The Secretary of the Navy may not enter into a contract for the procurement of a Arleigh Burke class destroyer or any major subprogram under
subsection (a) if the contract would increase the cost of
the destroyer by more than 10 percent above the baseline
estimate for the destroyer determined under subsection
(b).

(d) Authority for Advance Procurement.—The
Secretary may enter into one or more contracts, beginning
in fiscal year 2018, for advance procurement associated
with the vessels and systems for which authorization to
enter into a multiyear procurement contract is provided
under subsection (a).

(e) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a)
shall provide that any obligation of the United States to
make a payment under the contract for a fiscal year after
fiscal year 2018 is subject to the availability of appropria-
tions or funds for that purpose for such later fiscal year.

(f) Covered Period Defined.—The term “covered
period” means the 5-year period beginning with the fiscal
year 2018 program year and ending with the fiscal year
2022 program year.
SEC. 116 [Log 65101]. LIMITATION ON AVAILABILITY OF FUNDS FOR ARLEIGH BURKE CLASS DESTROYER.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for procurement, that are unobligated as of the date of the enactment of this Act, may be obligated or expended to procure an Arleigh Burke class destroyer (DDG–51) unless not fewer than two covered destroyers include an AN/SPY–6(V) air and missile defense radar system.

(b) COVERED DESTROYER DEFINED.—In this section, the term “covered destroyer” means an Arleigh Burke class destroyer (DDG–51) for which funds were authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) or the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).
SEC. 123. LIMITATION ON AVAILABILITY OF FUNDS FOR EC–130H COMPASS CALL RECAPITALIZATION PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for any fiscal year for the EC–130H Compass Call recapitalization program of the Air Force may be obligated or expended until a period of 30 days has elapsed following the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification described in this subsection is a written statement certifying that—

(1) an independent review of the acquisition process for the EC–130H Compass Call recapitalization program of the Air Force has been conducted; and

(2) as a result of such review, it has been determined that the acquisition process for such program complies with all applicable laws, guidelines, and best practices.
SEC. 133 [Log 64882]. REINSTatement of requireMent
To pReSeRVe cERTAIN c–5 AIRcraft.

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1659), as amended by section 132 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by inserting after subsection (c) the following:

“(d) Preservation of Certain Retired C–5 Aircraft.—The Secretary of the Air Force shall preserve each C–5 aircraft that is retired by the Secretary during a period in which the total inventory of strategic airlift aircraft of the Secretary is less than 301, such that the retired aircraft—

“(1) is stored in flyable condition;

“(2) can be returned to service; and

“(3) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.”.
SEC. 214 [Log 65044]. CRITICAL TECHNOLOGIES FOR CO-
LUMBIA CLASS SUBMARINE.

(a) IN GENERAL.—For purposes of sections 2366b and 2448b(a)(2) of title 10, United States Code, the com-
ponents identified in subsection (b) are deemed to be crit-
ical technologies for the Columbia class ballistic missile
submarine construction program.

(b) CRITICAL TECHNOLOGIES.—The components
identified in this subsection are—

(1) the coordinated stern for the Columbia class
ballistic missile submarine;

(2) the electric drive system for the submarine;

and

(3) the nuclear reactor for the submarine.
SEC. 862 [Log 64858]. REQUIREMENT THAT CERTAIN SHIP
COMPONENTS BE MANUFACTURED IN THE
NATIONAL TECHNOLOGY AND INDUSTRIAL
BASE.

(a) ADDITIONAL PROCUREMENT LIMITATION.—Sec-
tion 2534(a) of title 10, United States Code, is amended
by adding at the end the following new paragraph:

“(6) COMPONENTS FOR AUXILIARY SHIPS.—
Subject to subsection (k), the following components:

“(A) Auxiliary equipment, including
pumps, for all shipboard services.

“(B) Propulsion system components, in-
cluding engines, reduction gears, and propellers.

“(C) Shipboard cranes.

“(D) Spreaders for shipboard cranes.”.

(b) IMPLEMENTATION.—Such section is further
amended by adding at the end the following new sub-
section:

“(k) IMPLEMENTATION OF AUXILIARY SHIP COMPO-
ONENT LIMITATION.—Subsection (a)(6) applies only with
respect to contracts awarded by the Secretary of a military
department for new construction of an auxiliary ship after
the date of the enactment of the National Defense Author-
ization Act for Fiscal Year 2018 using funds available for
National Defense Sealift Fund programs or Shipbuilding
and Conversion, Navy. For purposes of subsection (a)(6)
and this subsection, the term ‘auxiliary ship’ does not in-
clude an icebreaker.”.
SEC. 1012 [Log 65920]. NATIONAL DEFENSE SEALIFT FUND: CONSTRUCTION OF NATIONAL ICEBREAKER VESSELS.

Section 2218 of title 10, United States Code, as amended by section 2211, is further amended—

(1) in subsection (c)(1), by adding at the end the following new subparagraph:

“(E) Construction (including design of vessels), purchase, alteration, and conversion of national icebreaker vessels.”; and

(2) in subsection (d)(1),

(A) in subparagraph (B), by striking “and” and the end;

(B) in subparagraph (C), by striking the period and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) construction (including design of vessels), purchase, alteration, and conversion of national icebreaker vessels.”.
SEC. 1013 [Log 64860]. USE OF NATIONAL SEA-BASED DETERRENCE FUND FOR MULTIYEAR PROCUREMENT OF CERTAIN CRITICAL COMPONENTS.

(a) IN GENERAL.—Subsection (i) of section 2218a of title 10, United States Code, is amended—

(1) by striking “the common missile compartment” each place it appears and inserting “critical components”; and

(2) in paragraph (1), by striking “critical parts, components, systems, and subsystems” and inserting “critical components”.

(b) DEFINITION OF CRITICAL COMPONENT.—Subsection (k) of such section is amended by adding at the end the following new paragraph:

“(3) The term ‘critical component’ means any—

“(A) any item that is high volume or high value; or

“(B) any common missile compartment component, shipyard manufactured component, valve, torpedo tube, or Government furnished equipment, including propulsors and strategic weapons system launchers.”.

(e) CLERICAL AMENDMENT.—The subsection heading for subsection (i) of such section is amended by striking “OF THE COMMON MISSILE COMPARTMENT”. 
SEC. 1014 [Log 64853]. RESTRICTIONS ON THE OVERHAUL AND REPAIR OF VESSELS IN FOREIGN SHIP-YARDS.

(a) IN GENERAL.—Section 7310(b)(1) of title 10, United States Code, is amended—

(1) by striking “In the case” and inserting “(A) Except as provided in subparagraph (B), in the case”;

(2) by striking “during the 15-month” and all that follows through “United States)”;

(3) by inserting before the period at the end the following: “, other than in the case of voyage repairs”; and

(4) by adding at the end the following new subparagraph:

“(B) The Secretary of the Navy may waive the application of subparagraph (A) to a contract award if the Secretary determines that the waiver is essential to the national security interests of the United States.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of the following dates:


(2) October 1, 2018.
SEC. 1015 [Log 64851]. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA-CLASS CRUISERS OR DOCK LANDING SHIPS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 may be obligated or expended—

(1) to retire, prepare to retire, or inactivate a cruiser or dock landing ship; or

(2) to place more than six cruisers and one dock landing ship in the modernization program under section 1026(a)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3490).
SEC. 1016 [Log 65688]. POLICY OF THE UNITED STATES ON MINIMUM NUMBER OF BATTLE FORCE SHIPS.

It shall be the policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships, with funding subject to the annual authorization of appropriation and the annual appropriation of funds.
SEC. 1033 [Log 64866]. PROHIBITION ON CHARGE OF CERTAIN TARIFFS ON AIRCRAFT TRAVELING THROUGH CHANNEL ROUTES.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2652. Prohibition on charge of certain tariffs on aircraft traveling through channel routes

“The United States Transportation Command may not charge a tariff by reason of the use by a military service of an aircraft of that military service on a route designated by the United States Transportation Command as a channel route.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2652. Prohibition on charge of certain tariffs on aircraft traveling through channel routes”.
SEC. 1035 [Log 64850]. PROHIBITION ON USE OF FUNDS FOR

RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of the Navy may not obligate or expend funds to—

(1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH–53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON (MH–53) helicopter squadron or detachment.

(b) WAIVER.—The Secretary of the Navy may waive the prohibition under subsection (a) if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures operational requirements that are currently being met by
any AVENGER-class ship or SEA DRAGON helicopter to be retired, transferred, or placed in storage;

(2) achieved initial operational capability of all systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine countermeasures operational requirements currently being met by the AVENGER-class ships and SEA DRAGON helicopters to be retired, transferred, or placed in storage.
SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2018, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $84,400,000, of which—

(A) $66,400,000 shall be for Academy operations; and

(B) $18,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $27,400,000, of which—

(A) $2,400,000 shall remain available until September 30, 2019, for the Student Incentive Program;

(B) $3,000,000 shall remain available until expended for direct payments to such academies; and
(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $36,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $60,020,000.

(5) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $300,000,000.

(6) For expenses necessary to provide assistance for small shipyards and maritime communities under section 54101 of title 46, United States Code, $30,000,000, which shall remain available until expended for capital and related improvements.
SEC. 3502 [Log 64856]. MERCHANT SHIP SALES ACT OF 1946.

(a) AMENDMENTS.—The Merchant Ship Sales Act of 1946 (50 U.S.C. 4401 et seq.) is amended by—

(1) repealing the first section and sections 2, 3, 5, 12, and 14;

(2) in section 8, redesignating subsection (d) as section 56308 of title 46, United States Code, transferring it to appear after section 56307 of such title; and

(3) redesignating section 11 as section 57100 of title 46, United States Code, and transferring it to appear before section 57101 of such title.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 2218 of title 10, United States Code, is amended by striking “section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744)” each place it appears and inserting “section 57100 of title 46”.

(2) Section 3134 of title 40, United States Code, is amended—

(A) by striking “31,” and inserting “31 or”; and

(B) by striking “or the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1735 et seq.),”.

(3) Section 3703a(b)(6) of title 46, United States Code, is amended by striking “section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744)” and inserting “section 57100”.


(5) Section 56308 of title 46, United States Code, as redesignated and transferred by subsection (a)(2) of this section, is amended—

(A) by striking so much as precedes “vessel constructed” and inserting the following:

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§ 56308. Transfer of substitute vessels

“In the case of any”;

(B) by inserting “of Transportation” after “Secretary”; and

(C) by striking “adjustments with respect to the retained vessels as provided for in section 9, and”.

(6) Section 57100 of title 46, United States Code, as redesignated and transferred by subsection (a)(3) of this section, is amended—
(A) by striking so much as precedes the

text of subsection (a) and inserting the fol-

lowing:

§ 57100. National Defense Reserve Fleet

“(a) FLEET COMPONENTS.—”;

(B) in subsection (b), by inserting before

the first sentence the following: “PERMITTED

USES.—”;

and

(C) in subsection (e)—

(i) by inserting before the first sen-

tence the following: “EXEMPTION FROM

TANK VESSEL CONSTRUCTION STAND-

ARDS.—”; and

(ii) by striking “of title 46, United

States Code”.

(7) Section 57101 of title 46, United States

Code, is amended by striking “maintained under

section 11 of the Merchant Ship Sales Act of 1946

(50 App. 1744)”.

(8) The analysis for chapter 563 of title 46,

United States Code, is amended by inserting after

the item relating to section 56307 the following:

“56308. Transfer of substitute vessels.”.

(9) The analysis for chapter 571 of title 46,

United States Code, is amended by inserting before

the item relating to section 57101 the following:
SEC. 3503 [Log 65258]. MARITIME SECURITY FLEET PROGRAM; RESTRICTION ON OPERATION FOR NEW ENTRANTS.

(a) Restriction.—Section 53105(a) of title 46, United States Code, is amended—

(1) in paragraph (1)(A), by inserting “, except as provided in paragraph (2),” after “in the foreign commerce or”;

(2) in paragraph (1)(B), by striking “and” after the semicolon at the end;

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following:

“(2) in the case of a vessel first covered by an operating agreement after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the vessel shall not be operated in the transportation of cargo between points in the United States and its territories either directly or via a foreign port; and”.

(b) Conforming Amendments.—Section 53106 of title 46, United States Code, is amended—

(1) in subsection (b), by striking “section 53105(a)(1)” and inserting “paragraph (1) and (2)
of section 53105(a), as otherwise applicable with re-
spect to such vessel,”; and

(2) in subsection (d)(3), by striking “section
53105(a)(1)” and inserting “paragraph (1) and (2)
of section 53105(a), as otherwise applicable with re-
spect to such vessel”.

SEC. 3504 [Log 65921]. CODIFICATION OF SECTIONS RELAT-
ing to Acquisition, Charter, and Req-
uisition of Vessels.

(a) Emergency Foreign Vessel Acquisition;

purchase or requisition of vessels lying idle in
United States waters.—The first section of the Act
of August 9, 1954 (ch. 659; 50 U.S.C. 196)—

(1) is redesignated as section 56309 of title 46,
United States Code, and transferred to appear at
the end of chapter 563 of such title, as otherwise
amended by this title; and

(2) is amended—

(A) by striking “That during” and insert-
ing the following:

“§ 56309. Emergency foreign vessel acquisition; pur-
chase or requisition of vessels lying idle
in United States waters

“During”;
(B) by striking “section 902 of the Merchant Marine Act, 1936, as amended” each place it appears and inserting “this chapter”; and

(C) by striking “the second paragraph of subsection (d) of such section 902, as amended” and inserting “section 56305”.

(b) VOLUNTARY PURCHASE OR CHARTER AGREEMENTS.—Section 2 of such Act (50 U.S.C. 197)—

(1) is redesignated as section 56310 of title 46, United States Code, and transferred to appear after section 56309 of such title (as amended by subsection (a)); and

(2) is amended—

(A) by striking so much as proceeds “During” and inserting the following:

§ 56310. Voluntary purchase or charter agreements;

and

(B) by striking “section 902 of the Merchant Marine Act, 1936,” and inserting “this chapter”.

(c) REQUISITIONED VESSELS.—Section 3 of such Act (50 U.S.C. 198)—

(1) is redesignated as section 56311 of title 46, United States Code, and transferred to appear after
section 56310 of such title (as amended by subsections (a) and (b));

(2) is amended by striking so much as precedes subsection (a) and inserting the following:

“§ 56311. Requisitioned vessels”; and

(3) is amended—

(A) except as provided in subparagraphs (B) and (C), by striking “this Act” each place it appears and inserting “section 56309 or 56310, as applicable”;

(B) in subsection (e)—

(i) in the first sentence, by striking “this Act” and inserting “section 56309 or 56310, as applicable,”; and

(ii) by striking “The second paragraph of section 9 of the Shipping Act, 1916, as amended,” and inserting “Section 57109”; and

(C) in subsection (d)—

(i) in the first sentence by striking “provisions of section 3709 of the Revised Statutes” and inserting “section 6101 of title 41”; 

(ii) in the second sentence—
(I) by striking “this Act” and inserting “section 56309 or 56310, as applicable,”; and

(II) by striking “said section 3709” and inserting “section 6101 of title 41”;

(iii) by striking “title VII of the Merchant Marine Act, 1936” and inserting “chapter 575”; and

(iv) by striking subsection (f).

(d) DOCUMENTED DEFINED.—Chapter 563 of title 46, United States Code, as amended by this section, is further amended by adding at the end the following:

“§ 56312. Documented defined

“In sections 56309 through 56311, the term ‘documented’ means, with respect to a vessel, that a certificate of documentation has been issued for the vessel under chapter 121.”.

(e) CLERICAL AMENDMENT.—The analysis for chapter 563 of title 46, United States Code, as otherwise amended by this title, is further amended by adding at the end the following:

“56309. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters

“56310. Voluntary purchase or charter agreements

“56311. Requisitioned vessels

“56312. Documented defined”.

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(f) REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to a section that is redesignated and transferred by this section is deemed to refer to such section as so redesignated and transferred.
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AIRCRAFT PROCUREMENT, NAVY

Items of Special Interest

Implications of a 355-ship Navy on Naval and Marine Corps Aviation force structure requirements

The committee notes that the Navy's most recent Force Structure Assessment indicates a need to increase Navy force structure to 355 ships, which includes a 12th aircraft carrier. The committee also notes that this greater fleet size may in turn impact Navy and Marine Corps Aviation force structure requirements. Consequently, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services not later than September 30, 2018, or 12 months after the issuance of a new National Defense Strategy, whichever date is earlier. The briefing should provide estimates as to the number of Navy and Marine Corps aircraft by series and type needed to achieve the objectives of the National Defense Strategy and to complement the capability resident in a 355-ship Navy with 12 aircraft carriers. The briefing shall also include the following elements: (1) a detailed explanation of the strategy and associated force sizing and shaping constructs, associated scenarios and assumptions used to conduct the analysis; and (2) quantification of risk using Chairman of the Joint Chiefs of Staff risk management classifications.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

Items of Special Interest

Advanced Low Cost Munition Ordnance

The committee continues to support development of the Advanced Low Cost Munition Ordnance (ALaMO), a guided 57 mm projectile, with fire-and-forget capability that requires no Littoral Combat Ship fire control system changes, to counter the growing threats posed by small boat swarms, unmanned aerial systems, and other emerging threats. Therefore, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services by August 30, 2017, on achieving low rate of initial production in 2019. The briefing should also include, but not be limited to, an evaluation of the current funding profile of this program across the Future Years Defense Program, as well as potential courses of action to accelerate or streamline the current program strategy.
SHIPBUILDING AND CONVERSION, NAVY

Items of Special Interest

*America-class amphibious assault ships*

The committee is concerned that the Navy program of record for America-class amphibious assault ships (LHA-9) would result in a break in production of 7 years following delivery of LHA-8, thereby accruing significant additional costs at both the shipyard and the supply chain. The committee believes the optimal schedule would be to begin construction of LHA-9 in 2020. Therefore, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services by March 1, 2018, that provides an assessment of the cost savings and other benefits of accelerating LHA-9 to 2020 compared to 2024, assuming LHA-9 is identical to LHA-8.

*Columbia-class submarine program*

The committee continues to exercise specific oversight on the progress and challenges facing the Navy’s Columbia-class acquisition program and the replacement to the Ohio-class ballistic missile submarines, which are scheduled to begin retirement in 2027. The committee notes the Department of Defense and the Navy consider the Columbia-class acquisition among the highest priorities in order to meet sea-based strategic deterrence requirements in the future threat environment through the 2080s. The magnitude of the program’s estimated cost, expected to exceed $267.0 billion over its life cycle, as well as the aggressive schedule on which the Navy and its shipbuilders plan to complete the submarine’s technology development and design, and start constructing the new class, among other issues, will be subjects of continued interest and concern to the committee.

Therefore, the committee directs the Comptroller General of the United States to assess the Navy’s Columbia-class acquisition and submit a report to the congressional defense committees by March 1, 2018, that includes an analysis of the following:

1. technology development including activities in support of the submarine’s nuclear propulsion system;
2. progress of shipbuilder design products;
3. program cost estimates;
4. approved acquisition strategy and use of expanded authorities including cross-program material procurement, early structural fabrication, and advance construction;
5. industrial base capacity to meet the Navy’s plans and requirements; and
6. construction readiness and feasibility of achieving on-time submarine delivery to meet Navy operational requirements.

AIRCRAFT PROCUREMENT, AIR FORCE
Items of Special Interest

B-52 modernization

The committee notes that the nation’s ability to meet its long-range strike requirements may be placed at increased risk by the aging B-52 fleet, which averages more than 60 years old.

The committee also notes that the B-21 is not expected to achieve initial operational capability until the mid 2020s and that the Air Force is considering plans to retire certain bomber fleets over the next few decades while keeping the B-52 through 2040 and possibly longer. Consequently, there is a pressing need to upgrade the B-52 bomber fleet with new engines, ground mapping radar, and self-protection electronic warfare capabilities to meet future long-range strike requirements.

Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by February 6, 2018, on its modernization plan for the B-52 aircraft fleet. The briefing should include:

(1) re-engine options, including utilizing authorities pursuant to section 2371b of title 10, United States Code, third-party financing, and traditional procurement;
(2) plans to upgrade the ground mapping radar;
(3) electronic self-defense options; and
(4) an integration timeline that best takes advantage of scheduled depot throughput.

C-130H Aircraft Modernization Program Increments 1 and 2

The committee supports the C-130H Avionics Modernization Program (AMP) Increments 1 and 2 and encourages the Air Force to upgrade all 172 C-130H aircraft in the most expeditious and cost-effective way to meet military requirements. However, the committee is concerned that an over-reliance on military specification solutions could potentially delay completion of AMP Increments 1 and 2, despite the availability of commercial off-the-shelf (COTS) and non-developmental item (NDI) technologies, such as glass cockpit and autopilot systems available and in use on C-130 derivative aircraft today.

The committee encourages the Air Force to maximize efforts to procure COTS and NDI solutions to the maximum extent possible, while meeting the requirements for AMP Increments 1 and 2. The committee also encourages all efforts to meet the intent of section 2377 of title 10, United States Code, and the tenets of the Department of Defense Better Buying Power (BBP) 3.0 policy.

Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by January 15, 2018, that outlines Air Force efforts to leverage COTS and NDI solutions for the C-130H AMP Increment 1 and 2 programs. The briefing shall include the following elements:
(1) a detailed explanation of how the Air Force considered section 2377 of title 10, United States Code, and Department of Defense BBP 3.0 during the definition of the technical requirements and acquisition strategies for AMP Increments 1 and 2;
(2) examples of incentives made to offerors for accelerated and cost-capped implementation for C-130 AMP Increment 1 and 2;
(3) where military specification standards were selected for C-130 AMP Increment 1 and 2, a comparison of such standards and COTS standards; and
(4) where military specification standards were selected for C-130 AMP Increment 1 and 2, a comparison of operation and support costs for such standards and COTS standards.

**Implications of increased Army, Navy, and Marine Corps force structure on Air Force airlift, air refueling tanker, and Navy sealift force structure requirements**

The committee notes that the administration intends to increase Army, Navy, and Marine Corps force structure and that the last mobility capability and requirements study was completed in 2013. With this greater force structure, the committee is concerned about the anticipated impact on Air Force airlift and air refueling tanker and Navy sealift force structure. Therefore, the committee directs the Secretary of Defense to carry out a mobility capability and requirements study and provide a briefing to the House Committee on Armed Services not later than September 30, 2018, or 12 months after the issue of a new National Defense Strategy, whichever date is earlier. The study should estimate the number of airlift aircraft, tanker aircraft, and sealift ships needed to meet the combatant commander requirements. The briefing shall include the following elements:

- (1) a detailed explanation of the strategy and associated force sizing and shaping constructs, associated scenarios, and assumptions used to conduct the analysis;
- (2) estimate of risk based on Chairman of the Joint Chiefs of Staff risk management classifications; and
- (3) implications of operations in contested areas with regard to the Civil Reserve Air Fleet.

**Reporting on air traffic control avionics upgrades for Air Force aircraft**

The committee notes that the Air Force is upgrading the avionics of its entire fleet to make the tracking of military aircraft by air traffic control facilities more secure and to comply with Federal Aviation Administration Air Traffic Management Surveillance mandates which go into effect on January 1, 2020. The committee is aware that the Air Force is combining the acquisition of Identification, Friend or Foe Mode 5 and Automatic Dependent Surveillance Broadcast-Out capable avionics and the supporting software in an effort to reduce overall costs. The committee is concerned that the Air Force will not fully meet the
January 1, 2020, mandate, which could seriously impact operational capability of the force.

Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services not later than February 15, 2018, that addresses the following elements:

1. operational and training impacts of non-compliant aircraft;
2. mitigation efforts to minimize training and operational disruptions;
3. plans to bring aircraft into compliance by aircraft series and type;
4. challenges to bringing all aircraft into compliance; and
5. steps taken to ensure cost effectiveness of avionics upgrades.