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# **TITLE III—OPERATION AND**

23

# **MAINTENANCE**

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1           **Subtitle A—Authorization of**  
2                           **Appropriations**

3   **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4           Funds are hereby authorized to be appropriated for  
5   fiscal year 2018 for the use of the Armed Forces and other  
6   activities and agencies of the Department of Defense for  
7   expenses, not otherwise provided for, for operation and  
8   maintenance, as specified in the funding table in section  
9   4301.

10           **Subtitle B—Energy and**  
11                           **Environment**

12   **SEC. 311. MILITARY AVIATION AND INSTALLATION ASSUR-**  
13                           **ANCE SITING CLEARINGHOUSE.**

14           (a) CODIFICATION.—Chapter 7 of title 10, United  
15   States Code, is amended by inserting after section 183 the  
16   following new section:

17   **“§ 183a. Military Aviation and Installation Assurance**  
18                           **Clearinghouse for review of mission ob-**  
19                           **structions**

20           “(a) ESTABLISHMENT.—(1) The Secretary of De-  
21   fense shall establish a Military Aviation and Installation  
22   Assurance Siting Clearinghouse (in this section referred  
23   to as the ‘Clearinghouse’).

24           “(2) The Clearinghouse shall be—

1           “(A) organized under the authority, direction,  
2           and control of an Assistant Secretary of Defense  
3           designated by the Secretary; and

4           “(B) assigned such personnel and resources as  
5           the Secretary considers appropriate to carry out this  
6           section.

7           “(b) FUNCTIONS.—(1) The Clearinghouse shall co-  
8           ordinate Department of Defense review of applications for  
9           energy projects filed with the Secretary of Transportation  
10          pursuant to section 44718 of title 49 and received by the  
11          Department of Defense from the Secretary of Transpor-  
12          tation. In performing such coordination, the Clearinghouse  
13          shall provide procedures to ensure affected local military  
14          installations are consulted.

15          “(2) The Clearinghouse shall accelerate the develop-  
16          ment of planning tools necessary to determine the accept-  
17          ability to the Department of Defense of proposals included  
18          in an application for an energy project submitted pursuant  
19          to such section.

20          “(3) The Clearinghouse shall perform such other  
21          functions as the Secretary of Defense assigns.

22          “(c) REVIEW OF PROPOSED ACTIONS.—(1) Not later  
23          than 60 days after receiving from the Secretary of Trans-  
24          portation a proper application for an energy project under  
25          section 44718 of title 49 that may have an adverse impact

1 on military operations and readiness, the Clearinghouse  
2 shall conduct a preliminary review of such application. The  
3 review shall—

4           “(A) assess the likely scope, duration, and level  
5 of risk of any adverse impact of such energy project  
6 on military operations and readiness; and

7           “(B) identify any feasible and affordable ac-  
8 tions that could be taken by the Department, the de-  
9 veloper of such energy project, or others to mitigate  
10 the adverse impact and to minimize risks to national  
11 security while allowing the energy project to proceed  
12 with development.

13           “(2) If the Clearinghouse finds under paragraph (1)  
14 that an energy project will have an adverse impact on mili-  
15 tary operations and readiness, the Clearinghouse shall  
16 issue to the applicant a notice of presumed risk that de-  
17 scribes the concerns identified by the Department in the  
18 preliminary review and requests a discussion of possible  
19 mitigation actions.

20           “(3) At the same time that the Clearinghouse issues  
21 to the applicant a notice of presumed risk under para-  
22 graph (2), the Clearinghouse shall provide the same notice  
23 to the governor of the State in which the project is located  
24 and request that the governor provide the Clearinghouse  
25 any comments the governor believes of relevance to the

1 application. The Secretary of Defense shall consider the  
2 comments of the governor in the Secretary's evaluation of  
3 whether the project presents an unacceptable risk to the  
4 national security of the United States and shall include  
5 the comments with the finding provided to the Secretary  
6 of Transportation pursuant to section 44718(f) of title 49.

7       “(4) The Clearinghouse shall develop, in coordination  
8 with other departments and agencies of the Federal Gov-  
9 ernment, an integrated review process to ensure timely no-  
10 tification and consideration of energy projects filed with  
11 the Secretary of Transportation pursuant to section 44718  
12 of title 49 that may have an adverse impact on military  
13 operations and readiness.

14       “(5) The Clearinghouse shall establish procedures for  
15 the Department of Defense for the coordinated consider-  
16 ation of and response to a request for a review received  
17 from another Federal agency, a State government, an In-  
18 dian tribal government, a local government, a landowner,  
19 or the developer of an energy project, including guidance  
20 to personnel at each military installation in the United  
21 States on how to initiate such procedures and ensure a  
22 coordinated Department response.

23       “(6) The Clearinghouse shall develop procedures for  
24 conducting early outreach to parties carrying out energy  
25 projects that could have an adverse impact on military op-

1 erations and readiness and to clearly communicate to such  
2 parties actions being taken by the Department of Defense  
3 under this section. The procedures shall provide for filing  
4 by such parties of a project area and preliminary project  
5 layout at least one year before expected construction of  
6 any project proposed within a military training route or  
7 within line-of-sight of any air route surveillance radar or  
8 airport surveillance radar operated or used by the Depart-  
9 ment of Defense in order to provide adequate time for  
10 analysis and negotiation of mitigation options. Material  
11 marked as proprietary or competition sensitive by a party  
12 filing for this preliminary review shall be protected from  
13 public release by the Department of Defense.

14 “(d) COMPREHENSIVE REVIEW.—(1) The Secretary  
15 of Defense shall develop a comprehensive strategy for ad-  
16 dressing the impacts upon the military of projects filed  
17 with the Secretary of Transportation pursuant to section  
18 44718 of title 49.

19 “(2) In developing the strategy required by para-  
20 graph (1), the Secretary shall—

21 “(A) assess the magnitude of interference posed  
22 by projects filed with the Secretary of Transpor-  
23 tation pursuant to section 44718 of title 49;

24 “(B) solely for the purpose of informing pre-  
25 liminary reviews under subsection (c)(1) and early

1 outreach efforts under subsection (c)(5), identify dis-  
2 tinct geographic areas selected as proposed locations  
3 for projects filed, or for projects that are reasonably  
4 expected to be filed in the near future, with the Sec-  
5 retary of Transportation pursuant to section 44718  
6 of title 49 where the Secretary of Defense can dem-  
7 onstrate such projects could have an adverse impact  
8 on military operations and readiness, including mili-  
9 tary training routes, and categorize the risk of ad-  
10 verse impact in such areas;

11 “(C) develop procedures for the initial identi-  
12 fication of such geographic areas identified under  
13 subparagraph (B), to include a process to provide  
14 notice and seek public comment prior to making a  
15 final designation of the geographic areas, including  
16 maps of the area and the basis for identification;

17 “(D) develop procedures to periodically review  
18 and modify, consistent with the notice and public  
19 comment process under subparagraph (C), geo-  
20 graphic areas identified under subparagraph (B) and  
21 to solicit and identify additional geographic areas as  
22 appropriate;

23 “(E) at the conclusion of the notice and public  
24 comment period conducted under subparagraph (C),  
25 make a final finding on the designation of a geo-



1 graphic area of concern or delegate the authority to  
2 make such finding to a Deputy Secretary of De-  
3 fense, an Under Secretary of Defense, or a Principal  
4 Deputy Under Secretary of Defense; and

5 “(F) specifically identify feasible and affordable  
6 long-term actions that may be taken to mitigate ad-  
7 verse impacts of projects filed, or which may be filed  
8 in the future, with the Secretary of Transportation  
9 pursuant to section 44718 of title 49, on military  
10 operations and readiness, including—

11 “(i) investment priorities of the Depart-  
12 ment of Defense with respect to research and  
13 development;

14 “(ii) modifications to military operations to  
15 accommodate applications for such projects;

16 “(iii) recommended upgrades or modifica-  
17 tions to existing systems or procedures by the  
18 Department of Defense;

19 “(iv) acquisition of new systems by the De-  
20 partment and other departments and agencies  
21 of the Federal Government and timelines for  
22 fielding such new systems; and

23 “(v) modifications to the projects for which  
24 such applications are filed with the Secretary of  
25 Transportation pursuant to section 44718 of

1 title 49, including changes in size, location, or  
2 technology.

3 “(3) The Clearinghouse shall make access to data re-  
4 flecting geographic areas identified under subparagraph  
5 (B) of paragraph (2) and reviewed and modified under  
6 subparagraph (C) of such paragraph available online.

7 “(e) DEPARTMENT OF DEFENSE FINDING OF UNAC-  
8 CEPTABLE RISK.—(1) The Secretary of Defense may not  
9 object to an energy project filed with the Secretary of  
10 Transportation pursuant to section 44718 of title 49, ex-  
11 cept in a case in which the Secretary of Defense deter-  
12 mines, after giving full consideration to mitigation actions  
13 identified pursuant to this section, that such project, in  
14 isolation or cumulatively with other projects, would result  
15 in an unacceptable risk to the national security of the  
16 United States. The Secretary of Defense’s finding of unac-  
17 ceptable risk to national security shall be transmitted to  
18 the Secretary of Transportation for inclusion in the report  
19 required under section 44718(b)(2) of title 49.

20 “(2)(A) Not later than 30 days after making a find-  
21 ing of unacceptable risk under paragraph (1), the Sec-  
22 retary of Defense shall submit to the congressional defense  
23 committees, the Committee on Commerce, Science, and  
24 Transportation of the Senate, and the Committee on  
25 Transportation and Infrastructure of the House of Rep-

1 representatives a report on such finding and the basis for  
2 such finding. Such report shall include an explanation of  
3 the operational impact that led to the finding, a discussion  
4 of the mitigation options considered, and an explanation  
5 of why the mitigation options were not feasible or did not  
6 resolve the conflict. The report may include a classified  
7 annex. Unclassified reports shall also be provided to the  
8 project proponent. The Secretary of Defense may provide  
9 public notice through the Federal Register of the finding.

10       “(B) The Secretary of Defense shall notify the appro-  
11 priate State agency of a finding made under paragraph  
12 (1).

13       “(3) The Secretary of Defense may only delegate the  
14 responsibility for making a finding of unacceptable risk  
15 under paragraph (1) to the Deputy Secretary of Defense,  
16 an under secretary of defense, or a deputy under secretary  
17 of defense.

18       “(4) The Clearinghouse shall develop procedures for  
19 making a finding of unacceptable risk, including with re-  
20 spect to how to implement cumulative effects analysis.  
21 Such procedures shall be subject to public comment prior  
22 to finalization.

23       “(f) AUTHORITY TO ACCEPT CONTRIBUTIONS OF  
24 FUNDS.—The Secretary of Defense is authorized to re-  
25 quest and accept a voluntary contribution of funds from

1 an applicant for a project filed with the Secretary of  
2 Transportation pursuant to section 44718 of title 49.  
3 Amounts so accepted shall remain available until expended  
4 for the purpose of offsetting the cost of measures under-  
5 taken by the Secretary of Defense to mitigate adverse im-  
6 pacts of such a project on military operations and readi-  
7 ness or to conduct studies of potential measures to miti-  
8 gate such impacts.

9 “(g) EFFECT OF DEPARTMENT OF DEFENSE HAZ-  
10 ARD ASSESSMENT.—An action taken pursuant to this sec-  
11 tion shall not be considered to be a substitute for any as-  
12 sessment or determination required of the Secretary of  
13 Transportation under section 44718 of title 49.

14 “(h) DEFINITIONS.—In this section:

15 “(1) The term ‘adverse impact on military oper-  
16 ations and readiness’ means any adverse impact  
17 upon military operations and readiness, including  
18 flight operations, research, development, testing, and  
19 evaluation, and training, that is demonstrable and is  
20 likely to impair or degrade the ability of the armed  
21 forces to perform their warfighting missions.

22 “(2) The term ‘energy project’ means a project  
23 that provides for the generation or transmission of  
24 electrical energy.

1           “(3) The term ‘landowner’ means a person that  
2 owns a fee interest in real property on which a pro-  
3 posed energy project is planned to be located.

4           “(4) The term ‘military installation’ has the  
5 meaning given that term in section 2801(c)(4) of  
6 this title.

7           “(5) The term ‘military readiness’ includes any  
8 training or operation that could be related to combat  
9 readiness, including testing and evaluation activities.

10           “(6) The term ‘military training route’ means a  
11 training route developed as part of the Military  
12 Training Route Program, carried out jointly by the  
13 Federal Aviation Administration and the Secretary  
14 of Defense, for use by the armed forces for the pur-  
15 pose of conducting low-altitude, high-speed military  
16 training.

17           “(7) The term ‘unacceptable risk to the na-  
18 tional security of the United States’ means the con-  
19 struction, alteration, establishment, or expansion, or  
20 the proposed construction, alteration, establishment,  
21 or expansion, of a structure or sanitary landfill, that  
22 the Secretary of Defense can demonstrate would—

23           “(A) endanger safety in air commerce di-  
24 rectly related to the activities of the Depart-  
25 ment of Defense;

1           “(B) interfere with the efficient use of the  
2           navigable airspace directly related to the activi-  
3           ties of the Department of Defense; or

4           “(C) significantly impair or degrade the  
5           capability of the Department of Defense to con-  
6           duct training, research, development, testing,  
7           and evaluation, and operations or to maintain  
8           military readiness.”.

9           (b) CONFORMING AND CLERICAL AMENDMENTS.—

10           (1) REPEAL OF EXISTING PROVISION.—Section  
11           358 of the Ike Skelton National Defense Authoriza-  
12           tion Act for Fiscal Year 2011 (49 U.S.C. 44718  
13           note) is repealed.

14           (2) CROSS-REFERENCE IN TITLE 49, UNITED  
15           STATES CODE.—Section 44718(f) of title 49, United  
16           States Code, is amended by inserting “and in ac-  
17           cordance with section 183a(e) of title 10” after  
18           “conducted under subsection (b)”.

19           (3) REFERENCE TO DEFINITIONS.—Section  
20           44718(g) of title 49, United States Code, is amend-  
21           ed by striking “211.3 of title 32, Code of Federal  
22           Regulations, as in effect on January 6, 2014” both  
23           places it appears and inserting “183a(g) of title 10”.

24           (4) TABLE OF SECTIONS AMENDMENT.—The  
25           table of sections at the beginning of chapter 7 of

1 title 10 is amended by inserting after the item relat-  
2 ing to section 183 the following new item:

“183a. Military Aviation and Installation Assurance Siting Clearinghouse for re-  
view of mission obstructions.”.

3 (c) APPLICABILITY OF EXISTING RULES AND REGU-  
4 LATIONS.—Notwithstanding the amendments made by  
5 subsection (a), any rule or regulation promulgated to carry  
6 out section 358 of the Ike Skelton National Defense Au-  
7 thorization Act for Fiscal Year 2011 (49 U.S.C. 44718  
8 note), that is in effect on the day before the date of the  
9 enactment of this Act shall continue in effect and apply  
10 to the extent such rule or regulation is consistent with the  
11 authority under section 183a of title 10, United States  
12 Code, as added by subsection (a), until such rule or regu-  
13 lation is otherwise amended or repealed.

14 (d) DEADLINE FOR INITIAL IDENTIFICATION OF GEO-  
15 GRAPHIC AREAS.—The initial identification of geo-  
16 graphic areas under section 183a(d)(2)(B) of title 10,  
17 United States Code, as added by subsection (a), shall be  
18 completed not later than 180 days after the date of the  
19 enactment of this Act.

20 (e) CONFORMING AMENDMENT REGARDING CRIT-  
21 ICAL MILITARY-USE AIRSPACE AREAS.—Section 44718 of  
22 title 49, United States Code, as amended by subsection  
23 (b)(3), is further amended—

1 (1) by redesignating subsection (g) as sub-  
2 section (h); and

3 (2) by inserting after subsection (f) the fol-  
4 lowing new subsection:

5 “(g) SPECIAL RULE FOR IDENTIFIED GEOGRAPHIC  
6 AREAS.—In the case of a proposed structure to be located  
7 within a geographic area identified under section  
8 183a(d)(2)(B) of title 10, the Secretary of Transportation  
9 may not issue a determination pursuant to this section  
10 until the Secretary of Defense issues a finding under sec-  
11 tion 183a(e) of title 10, the Secretary of Defense advises  
12 the Secretary of Transportation that no finding under sec-  
13 tion 183a(e) of title 10 will be forthcoming, or 180 days  
14 have lapsed since the project was filed with the Secretary  
15 of Transportation pursuant to this section, whichever oc-  
16 curs first.”.

17 **SEC. 312. ENERGY PERFORMANCE GOALS AND MASTER**  
18 **PLAN.**

19 Section 2911(c) of title 10, United States Code, is  
20 amended—

21 (1) in paragraph (1), by inserting before the pe-  
22 riod at the end the following: “, the future demand  
23 for energy, and the requirements for the use of en-  
24 ergy”;



1           (2) in paragraph (2), by striking “reduce the  
2           future demand and the requirements for the use of  
3           energy” and inserting “enhance energy resilience to  
4           ensure the Department of Defense has the ability to  
5           prepare for and recover from energy disruptions that  
6           affect mission assurance on military installations”;  
7           and

8           (3) by adding at the end the following new  
9           paragraph:

10           “(13) Opportunities to leverage financing pro-  
11           vided by a non-Department entity to address instal-  
12           lation energy needs.”.

13 **SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION**  
14           **AGENCY OF STIPULATED PENALTY IN CON-**  
15           **NECTION WITH UMATILLA CHEMICAL DEPOT,**  
16           **OREGON.**

17           (a) **AUTHORITY TO TRANSFER FUNDS.—**

18           (1) **TRANSFER AMOUNT.—**The Secretary of the  
19           Army may transfer an amount of not more than  
20           \$125,000 to the Hazardous Substance Superfund  
21           established under subchapter A of chapter 98 of the  
22           Internal Revenue Code of 1986. Any such transfer  
23           shall be made without regard to section 2215 of title  
24           10, United States Code.

1           (2) SOURCE OF FUNDS.—Any transfer under  
2           subsection (a) shall be made using funds authorized  
3           to be appropriated by this Act or otherwise made  
4           available for fiscal year 2018 for Base Realignment  
5           and Closure, Army.

6           (b) PURPOSE OF TRANSFER.—A transfer under sub-  
7           section (a) shall be for the purpose of satisfying a stipu-  
8           lated penalty assessed by the Environmental Protection  
9           Agency in the settlement agreement approved by the Army  
10          on July 14, 2016, against the Umatilla Chemical Depot,  
11          Oregon under the Federal Facility Agreement between the  
12          Army and the Environmental Protection Agency dated  
13          September 19, 1989.

14          (c) ACCEPTANCE OF PAYMENT.—If the Secretary of  
15          the Army makes a transfer under subsection (a), the Ad-  
16          ministrators of the Environmental Protection Agency shall  
17          accept the amount transferred as payment in full of the  
18          penalty referred to in subsection (b).

19       **SEC. 314. PAYMENT TO ENVIRONMENTAL PROTECTION**  
20                               **AGENCY OF STIPULATED PENALTY IN CON-**  
21                               **NECTION WITH LONGHORN ARMY AMMUNI-**  
22                               **TION PLANT, TEXAS.**

23          (a) AUTHORITY TO TRANSFER FUNDS.—

24               (1) TRANSFER AMOUNT.—The Secretary of the  
25          Army may transfer an amount of not more than

1       \$1,185,000 to the Hazardous Substance Superfund  
2       established under subchapter A of chapter 98 of the  
3       Internal Revenue Code of 1986. Any such transfer  
4       shall be made without regard to section 2215 of title  
5       10, United States Code.

6           (2) SOURCE OF FUNDS.—Any transfer under  
7       subsection (a) shall be made using funds authorized  
8       to be appropriated by this Act or otherwise made  
9       available for fiscal year 2018 for Environmental  
10      Restoration, Army.

11          (b) PURPOSE OF TRANSFER.—A transfer under sub-  
12      section (a) shall be for the purpose of satisfying a stipu-  
13      lated penalty assessed by the Environmental Protection  
14      Agency on April 5, 2013, against Longhorn Army Ammu-  
15      nition Plant, Texas, under the Federal Facility Agreement  
16      for Longhorn Army Ammunition Plant, which was entered  
17      into between the Army and the Environmental Protection  
18      Agency in 1991.

19          (c) ACCEPTANCE OF PAYMENT.—If the Secretary of  
20      the Army makes a transfer under subsection (a), the Ad-  
21      ministrators of the Environmental Protection Agency shall  
22      accept the amount transferred as payment in full of the  
23      penalty referred to in subsection (b).

1 **SEC. 315. DEPARTMENT OF THE ARMY CLEANUP AND RE-**  
2 **MOVAL OF PETROLEUM, OIL, AND LUBRI-**  
3 **CANT ASSOCIATED WITH THE PRINZ EUGEN.**

4 (a) **AUTHORITY.**—Amounts authorized to be appro-  
5 priated for the Department of the Army may be used for  
6 all necessary expenses for the removal and cleanup of pe-  
7 troleum, oil, and lubricants associated with the heavy  
8 cruiser Prinz Eugen, which was transferred from the  
9 United States to the Republic of the Marshall Islands in  
10 1986.

11 (b) **CERTIFICATION.**—If the Secretary of the Army  
12 does not use the authority provided by subsection (a), the  
13 Secretary shall submit a certification to the congressional  
14 defense committees not later than September 30, 2018,  
15 that the petroleum, oil, and lubricants associated with the  
16 heavy cruiser Prinz Eugen do not adversely impact safety  
17 or military operations.

18 **SEC. 316. CENTERS FOR DISEASE CONTROL STUDY ON**  
19 **HEALTH IMPLICATIONS OF PER- AND**  
20 **POLYFLUOROALKYL SUBSTANCES CONTAMI-**  
21 **NATION IN DRINKING WATER.**

22 (a) **STUDY ON HUMAN HEALTH IMPLICATIONS.**—

23 (1) **IN GENERAL.**—The Secretary of Health and  
24 Human Services, acting through the Centers for  
25 Disease Control and Prevention and the Agency for  
26 Toxic Substances and Disease Registry, and, as ap-

1       appropriate, the National Institute of Environmental  
2       Health Sciences, and in consultation with the De-  
3       partment of Defense, shall—

4               (A) commence a study on the human  
5       health implications of per- and polyfluoroalkyl  
6       substances (PFAS) contamination in drinking  
7       water, ground water, and any other sources of  
8       water and relevant exposure pathways, includ-  
9       ing the cumulative human health implications  
10      of multiple types of PFAS contamination at lev-  
11      els above and below health advisory levels;

12              (B) not later than 5 years after the date  
13      of enactment of this Act (or 7 years after such  
14      date of enactment after providing notice to the  
15      appropriate congressional committees of the  
16      need for the delay)—

17                      (i) complete such study and make any  
18                      appropriate recommendations; and

19                      (ii) submit a report to the appropriate  
20                      congressional committees on the results of  
21                      such study; and

22              (C) not later than one year after the date  
23      of the enactment of this Act, and annually  
24      thereafter until submission of the report under  
25      subparagraph (B)(ii), submit to the appropriate

1 congressional committees a report on the  
2 progress of the study.

3 (2) FUNDING.—Of the amounts authorized to  
4 be appropriated by this Act for the Department of  
5 Defense, \$7,000,000 shall be available to carry out  
6 the study under this subsection.

7 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
8 TEES DEFINED.—In this subsection, the term “ap-  
9 propriate congressional committees” means—

10 (A) the congressional defense committees;

11 (B) the Committee on Health, Education,  
12 Labor, and Pensions, the Committee on Envi-  
13 ronment and Public Works, and the Committee  
14 on Veterans’ Affairs of the Senate; and

15 (C) the Committee on Energy and Com-  
16 merce and the Committee on Veterans’ Affairs  
17 of the House of Representatives.

18 (b) EXPOSURE ASSESSMENT.—

19 (1) IN GENERAL.—The Secretary of Health and  
20 Human Services, acting through the Centers for  
21 Disease Control and Prevention and the Agency for  
22 Toxic Substances and Disease Registry, and, as ap-  
23 propriate, the National Institute of Environmental  
24 Health Sciences, and in consultation with the De-  
25 partment of Defense, shall conduct an exposure as-

1        assessment of no less than 8 current or former domes-  
2        tic military installations known to have PFAS con-  
3        tamination in drinking water, ground water, and any  
4        other sources of water and relevant exposure path-  
5        ways.

6            (2) CONTENTS.—The exposure assessment re-  
7        quired under this subsection shall—

8            (A) include—

9            (i) for each military installation cov-  
10        ered under the exposure assessment, a sta-  
11        tistical sample to be determined by the  
12        Secretary of Health and Human Services  
13        in consultation with the relevant State  
14        health departments; and

15            (ii) bio-monitoring for assessing the  
16        contamination described in paragraph (1);  
17        and

18            (B) produce findings, which shall be—

19            (i) used to help design the study de-  
20        scribed in subsection (a)(1)(A); and

21            (ii) released to the appropriate con-  
22        gressional committees not later than 1 year  
23        after the conclusion of such exposure as-  
24        sessment.

1           (3) **TIMING.**—The exposure assessment re-  
2           quired under this subsection shall—

3                   (A) begin not later than 180 days after the  
4                   date of enactment of this Act; and

5                   (B) conclude not later than 2 years after  
6                   such date of enactment.

7           (c) **COORDINATION WITH OTHER AGENCIES.**—The  
8           Agency for Toxic Substance and Disease Registry may,  
9           as necessary, use staff and other resources from other  
10          Federal agencies in carrying out the study under sub-  
11          section (a) and the assessment under subsection (b).

12          (d) **NO EFFECT ON REGULATORY PROCESS.**—The  
13          study and assessment conducted under this section shall  
14          not interfere with any regulatory processes of the Environ-  
15          mental Protection Agency, including determinations of  
16          maximum contaminant levels.

17          **SEC. 317. SENTINEL LANDSCAPES PARTNERSHIP.**

18          (a) **ESTABLISHMENT.**—The Secretary of Defense, in  
19          coordination with the Secretary of Agriculture and the  
20          Secretary of the Interior, may establish and carry out a  
21          program to preserve sentinel landscapes. The program  
22          shall be known as the “Sentinel Landscapes Partnership”.

23          (b) **DESIGNATION OF SENTINEL LANDSCAPES.**—The  
24          Secretary of Defense, the Secretary of Agriculture, and  
25          the Secretary of the Interior, may, as the Secretaries de-



1 termine appropriate, collectively designate one or more  
2 sentinel landscapes.

3 (c) COORDINATION OF ACTIVITIES.—The Secretaries  
4 may coordinate actions between their departments and  
5 with other agencies and private organizations to more effi-  
6 ciently work together for the mutual benefit of conserva-  
7 tion, working lands, and national defense, and to encour-  
8 age private landowners to engage in voluntary land man-  
9 agement and conservation activities that contribute to the  
10 sustainment of military installations, ranges, and airspace.

11 (d) PRIORITY CONSIDERATION.—The Secretary of  
12 Agriculture and the Secretary of the Interior may give to  
13 any eligible landowner or agricultural producer within a  
14 designated sentinel landscape priority consideration for  
15 participation in any easement, grant, or assistance pro-  
16 grams administered by that Secretary’s department. Par-  
17 ticipation in any such program pursuant to this section  
18 shall be voluntary.

19 (e) DEFINITIONS.—In this section:

20 (1) MILITARY INSTALLATION.—The term “mili-  
21 tary installation” has the same meaning as provided  
22 in section 670(1) of title 16, United States Code.

23 (2) STATE-OWNED NATIONAL GUARD INSTALLA-  
24 TION.—The term “State-owned National Guard in-

1       stallation” has the same meaning as provided in sec-  
2       tion 670(3) of title 16, United States Code.

3               (3) SENTINEL LANDSCAPE.—The term “sen-  
4       tinel landscape” means a landscape-scale area en-  
5       compassing—

6                       (A) one or more military installations or  
7                       state-owned National Guard installations and  
8                       associated airspace; and

9                       (B) the working or natural lands that  
10                      serve to protect and support the rural economy,  
11                      the natural environment, outdoor recreation,  
12                      and the national defense test and training mis-  
13                      sions of the military- or State-owned National  
14                      Guard installation or installations.

15       (f) CONFORMING AMENDMENT.—Section 312(b) of  
16       the National Defense Authorization Act for Fiscal Year  
17       2014 (Public Law 113–66; 127 Stat. 729; 10 U.S.C.  
18       2684a note) is repealed.

19       **SEC. 318. REPORT ON RELEASE OF RADIUM OR RADIO-**  
20                      **ACTIVE MATERIAL INTO THE GROUNDWATER**  
21                      **NEAR THE INDUSTRIAL RESERVE PLANT IN**  
22                      **BETHPAGE, NEW YORK.**

23       Not later than 120 days after the date of the enact-  
24       ment of this Act, the Secretary of Defense shall submit  
25       to Congress an addendum to the report submitted to Con-

1 gress in June 2017 entitled “2017 Annual Report For  
2 Groundwater Impacts at Naval Weapons Industrial Re-  
3 serve Plant Bethpage, New York” that would detail any  
4 releases by the Department of Defense of radium or radio-  
5 active material into the groundwater within a 75-mile ra-  
6 dius of the industrial reserve plant in Bethpage, New  
7 York.

## 8 **Subtitle C—Logistics and** 9 **Sustainment**

### 10 **SEC. 321. REAUTHORIZATION OF MULTI-TRADES DEM-** 11 **ONSTRATION PROJECT.**

12 Section 338 of the National Defense Authorization  
13 Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.  
14 5013 note), as most recently amended by section 321 of  
15 the National Defense Authorization Act for Fiscal Year  
16 2013 (Public Law 112–239; 126 Stat. 1694) is amend-  
17 ed—

18 (1) in subsection (d), by striking “2018” and  
19 inserting “2023”; and

20 (2) in subsection (e), by striking “2019” and  
21 inserting “2024”.

1 **SEC. 322. INCREASED PERCENTAGE OF SUSTAINMENT**  
2 **FUNDS AUTHORIZED FOR REALIGNMENT TO**  
3 **RESTORATION AND MODERNIZATION AT**  
4 **EACH INSTALLATION.**

5 (a) IN GENERAL.—The Secretary of Defense may au-  
6 thorize an installation commander to realign up to 7.5 per-  
7 cent of an installation’s sustainment funds to restoration  
8 and modernization.

9 (b) SUNSET.—The authority under subsection (a)  
10 shall expire at the close of September 30, 2022.

11 (c) DEFINITIONS.—The terms “sustainment”, “res-  
12 toration”, and “modernization” have the meanings given  
13 the terms in the Department of Defense Financial Man-  
14 agement Regulation.

15 **SEC. 323. GUIDANCE REGARDING USE OF ORGANIC INDUS-**  
16 **TRIAL BASE.**

17 Not later than 90 days after the date of the enact-  
18 ment of this Act, the Secretary of the Army shall establish  
19 clear and prescriptive guidance on the process for con-  
20 ducting make-or-buy analyses for Army requirements, in-  
21 cluding the use of the organic industrial base.

## 22 **Subtitle D—Reports**

23 **SEC. 331. QUARTERLY REPORTS ON PERSONNEL AND UNIT**  
24 **READINESS.**

25 (a) MODIFICATION AND IMPROVEMENT.—Section  
26 482 of title 10, United States Code, is amended—

1 (1) in subsection (a)—

2 (A) by striking “Each report” and insert-  
3 ing “The reports for the first and third quar-  
4 ters of a calendar year”; and

5 (B) by adding at the end the following new  
6 sentence: “The reports for the second and  
7 fourth quarters of a calendar year shall contain  
8 the information required by subsection (j).”;

9 (2) in subsection (b)—

10 (A) in the subsection heading, by striking  
11 “AND REMEDIAL ACTIONS”;

12 (B) in the matter preceding paragraph (1),  
13 by striking “Each report” and inserting “A re-  
14 port for the second or fourth quarter of a cal-  
15 endar year”;

16 (C) in paragraph (1), by inserting “and”  
17 after the semicolon;

18 (D) by striking paragraph (2); and

19 (E) by redesignating paragraph (3) as  
20 paragraph (2);

21 (3) in subsection (d)(1), by striking “Each re-  
22 port” and inserting “A report for the second or  
23 fourth quarter of a calendar year”;

1 (4) in subsection (e), by striking “Each report”  
2 and inserting “A report for the second or fourth  
3 quarter of a calendar year”;

4 (5) in subsection (f)(1), by striking “Each re-  
5 port” and inserting “A report for the second or  
6 fourth quarter of a calendar year”;

7 (6) in subsection (g)(1), by striking “Each re-  
8 port” and inserting “A report for the second or  
9 fourth quarter of a calendar year”; and

10 (7) by adding at the end the following new sub-  
11 section:

12 “(j) REMEDIAL ACTIONS.—A report for the first or  
13 third quarter of a calendar year shall include—

14 “(1) a description of the mitigation plans of the  
15 Secretary to address readiness shortfalls and oper-  
16 ational deficiencies identified in the report submitted  
17 for the preceding calendar quarter; and

18 “(2) for each such shortfall or deficiency, a  
19 timeline for resolution, the cost necessary for such  
20 resolution, the mitigation strategy the Department  
21 will employ until the resolution is in place, and any  
22 legislative remedies required.”.

23 (b) CONFORMING AMENDMENTS.—Section 117 of  
24 title 10, United States Code, is amended—

25 (1) in subsection (d)—

1 (A) in the subsection heading, by striking  
2 “QUARTERLY” and inserting “SEMI-ANNUAL”;  
3 and

4 (B) in paragraph (1)(A), by striking  
5 “quarterly” and inserting “semi-annual”; and  
6 (2) in subsection (e), by striking “each quarter”  
7 and inserting “semi-annually”.

8 **SEC. 332. BIENNIAL REPORT ON CORE DEPOT-LEVEL MAIN-**  
9 **TENANCE AND REPAIR CAPABILITY.**

10 Section 2464(d) of title 10, United States Code, is  
11 amended by adding at the end the following new para-  
12 graphs:

13 “(4) Any workload shortfalls at any work  
14 breakdown structure category designated as a lower-  
15 level category pursuant to Department of Defense  
16 Instruction 4151.20, or any successor instruction.

17 “(5) A description of any workload executed at  
18 a category designated as a first-level category pursu-  
19 ant to such Instruction, or any successor instruction,  
20 that could be used to mitigate shortfalls in similar  
21 categories.

22 “(6) A description of any progress made on im-  
23 plementing mitigation plans developed pursuant to  
24 paragraph (3).

1           “(7) A description of core capability require-  
2           ments and corresponding workloads at the first level  
3           category.

4           “(8) In the case of any shortfall that is identi-  
5           fied, a description of the shortfall and an identifica-  
6           tion of the subcategory of the work breakdown struc-  
7           ture in which the shortfall occurred.

8           “(9) In the case of any work breakdown struc-  
9           ture category designated as a special interest item or  
10          other pursuant to such Instruction, or any successor  
11          instruction, an explanation for such designation.

12          “(10) Whether the core depot-level maintenance  
13          and repair capability requirements described in the  
14          report submitted under this subsection for the pre-  
15          ceding fiscal year have been executed.”.

16 **SEC. 333. ANNUAL REPORT ON PERSONNEL, TRAINING, AND**  
17 **EQUIPMENT NEEDS OF NON-FEDERALIZED**  
18 **NATIONAL GUARD.**

19          (a) ANNUAL REPORT REQUIRED.—Section 10504 of  
20          title 10, United States Code, as amended by section 1051,  
21          is further amended—

22                 (1) in subsection (a)—

23                         (A) in the subsection heading, by striking  
24                         “REPORT” and inserting “REPORT ON STATE  
25                         OF THE NATIONAL GUARD”; and



1 (B) by striking “The report” and inserting  
2 the following:

3 “(2) The annual report required by paragraph  
4 (1)”;

5 (2) by adding at the end the following new sub-  
6 section:

7 “(b) ANNUAL REPORT ON NON-FEDERALIZED SERV-  
8 ICE NATIONAL GUARD PERSONNEL, TRAINING, AND  
9 EQUIPMENT REQUIREMENTS.—(1) Not later than Janu-  
10 ary 31 of each of calendar years 2018 through 2020, the  
11 Chief of the National Guard Bureau, in coordination with  
12 the Secretary of Defense, shall submit to the recipients  
13 described in paragraph (3) a report that identifies the per-  
14 sonnel, training, and equipment required by the non-Fed-  
15 eralized National Guard—

16 “(A) to support civilian authorities in con-  
17 nection with natural and man-made disasters  
18 during the covered period; and

19 “(B) to carry out prevention, protection,  
20 mitigation, response, and recovery activities re-  
21 lating to such disasters during the covered pe-  
22 riod.

23 “(2) In preparing each report under paragraph (1),  
24 the Chief of the National Guard Bureau shall—

1           “(A) consult with the chief executive of each  
2 State, the Council of Governors, and other appro-  
3 priate civilian authorities;

4           “(B) collect and validate information from each  
5 State relating to the personnel, training, and equip-  
6 ment requirements described in paragraph (1);

7           “(C) set forth separately the personnel, train-  
8 ing, and equipment requirements for—

9                 “(i) each of the emergency support func-  
10 tions of the National Response Framework; and

11                 “(ii) each of the Federal Emergency Man-  
12 agement Agency regions;

13           “(D) assess core civilian capability gaps relating  
14 to natural and man-made disasters, as identified by  
15 States in submissions to the Department of Home-  
16 land Security;

17           “(E) take into account threat and hazard iden-  
18 tifications and risk assessments of the Department  
19 of Defense, the Department of Homeland Security,  
20 and the States; and

21           “(F) assess the budgets of each State to sup-  
22 port the personnel, training, and equipment require-  
23 ments of the non-Federalized National Guard.

24           “(3) The annual report required by paragraph (1)  
25 shall be submitted to the following officials:

1           “(A) The congressional defense committees, the  
2           Committee on Homeland Security of the House of  
3           Representatives, and the Committee on Homeland  
4           Security and Governmental Affairs of the Senate.

5           “(B) The Secretary of Defense.

6           “(C) The Secretary of Homeland Security.

7           “(D) The Council of Governors.

8           “(E) The Secretary of the Army.

9           “(F) The Secretary of the Air Force.

10          “(G) The Commander of the United States  
11          Northern Command.

12          “(H) The Commander of the United States Pa-  
13          cific Command.

14          “(I) The Commander of the United States  
15          Cyber Command.

16          “(4) In this subsection, the term ‘covered period’  
17          means the fiscal year beginning after the date on which  
18          a report is submitted under paragraph (1).”.

19          (b) CLERICAL AMENDMENTS.—

20                 (1) SECTION HEADING.—The heading of such  
21                 section is amended to read as follows:

22                 **“§ 10504. Chief of National Guard Bureau: annual re-**  
23                 **ports”.**

24                 (2) TABLE OF CONTENTS.—The table of sec-  
25                 tions at the beginning of chapter 1011 of title 10,

1 United States Code, is amended by striking the item  
2 relating to section 10504 and inserting the fol-  
3 lowing:

“10504. Chief of National Guard Bureau: annual reports.”.

4 **SEC. 334. ANNUAL REPORT ON MILITARY WORKING DOGS**  
5 **USED BY THE DEPARTMENT OF DEFENSE.**

6 (a) CAPACITY.—The Secretary of Defense, acting  
7 through the Executive Agent for Military Working Dogs  
8 (hereinafter in this section referred to as the “Executive  
9 Agent”), shall—

10 (1) identify the number of military working  
11 dogs required to fulfill the various missions of the  
12 Department of Defense for which such dogs are  
13 used, including force protection, facility and check  
14 point security, and explosives and drug detection;

15 (2) take such steps as are practicable to ensure  
16 an adequate number of military working dog teams  
17 are available to meet and sustain the mission re-  
18 quirements identified in paragraph (1);

19 (3) ensure that the Department’s needs and  
20 performance standards with respect to military  
21 working dogs are readily available to dog breeders  
22 and trainers; and

23 (4) coordinate with other Federal, State, and  
24 local agencies, nonprofit organizations, universities,  
25 and private sector entities, as appropriate, to in-

1           crease the training capacity for military working dog  
2           teams.

3           (b) **MILITARY WORKING DOG PROCUREMENT.**—The  
4 Secretary, acting through the Executive Agent, shall work  
5 to ensure that military working dogs are procured as effi-  
6 ciently as possible and at the best value to the Govern-  
7 ment, while maintaining the necessary level of quality and  
8 encouraging increased domestic breeding.

9           (c) **ANNUAL REPORT.**—Not later than 90 days after  
10 the date of the enactment of this Act, and annually there-  
11 after until September 30, 2021, the Secretary, acting  
12 through the Executive Agent, shall submit to the congres-  
13 sional defense committees a report on the procurement  
14 and retirement of military working dogs for the fiscal year  
15 preceding the fiscal year during which the report is sub-  
16 mitted. Each report under this subsection shall include the  
17 following for the fiscal year covered by the report:

18           (1) The number of military working dogs pro-  
19 cured, by source, by each military department or De-  
20 fense Agency.

21           (2) The cost of procuring military working dogs  
22 incurred by each military department or Defense  
23 Agency.

24           (3) The number of domestically-bred and  
25 sourced military working dogs procured by each mili-

1 tary department or Defense Agency, including a list  
2 of vendors, their location, cost, and the quantity of  
3 dogs procured from each vendor.

4 (4) The number of non-domestically-bred mili-  
5 tary working dogs procured from non-domestic  
6 sources by each military department or Defense  
7 Agency, including a list of vendors, their location,  
8 cost, and the quantity of dogs procured from each  
9 vendor.

10 (5) The cost of procuring pre-trained and green  
11 dogs for force protection, facility and checkpoint se-  
12 curity, and improvised explosive device, other explo-  
13 sives, and drug detection.

14 (6) An analysis of the procurement practices of  
15 each military department or Defense Agency that  
16 limit market access for domestic canine vendors and  
17 breeders.

18 (7) The total cost of procuring domestically-  
19 bred military working dogs versus the total cost of  
20 procuring dogs from non-domestic sources.

21 (8) The total number of domestically-bred dogs  
22 and the number of dogs from foreign sources pro-  
23 cured by each military department or Defense Agen-  
24 cy and the number and percentage of those dogs  
25 that are ultimately deployed for their intended use.



1 Arctic, rising sea levels, desertification, among oth-  
2 ers — impact our security situation.”.

3 (3) Chairman of the Joint Chiefs of Staff Jo-  
4 seph Dunford has stated: “It’s a question, once  
5 again, of being forward deployed, forward engaged,  
6 and be in a position to respond to the kinds of nat-  
7 ural disasters that I think we see as a second or  
8 third order effect of climate change.”.

9 (4) Former Secretary of Defense Robert Gates  
10 has stated: “Over the next 20 years and more, cer-  
11 tain pressures-population, energy, climate, economic,  
12 environmental-could combine with rapid cultural, so-  
13 cial, and technological change to produce new  
14 sources of deprivation, rage, and instability.”.

15 (5) Former Chief of Staff of the U.S. Army  
16 Gordon Sullivan has stated: “Climate change is a  
17 national security issue. We found that climate insta-  
18 bility will lead to instability in geopolitics and impact  
19 American military operations around the world.”.

20 (6) The Office of the Director of National Intel-  
21 ligence (ODNI) has stated: “Many countries will en-  
22 counter climate-induced disruptions—such as weath-  
23 er-related disasters, drought, famine, or damage to  
24 infrastructure—that stress their capacity to respond,  
25 cope with, or adapt. Climate-related impacts will also



1 contribute to increased migration, which can be par-  
2 ticularly disruptive if, for example, demand for food  
3 and shelter outstrips the resources available to assist  
4 those in need.”.

5 (7) The Government Accountability Office  
6 (GAO) has stated: “DOD links changes in precipita-  
7 tion patterns with potential climate change impacts  
8 such as changes in the number of consecutive days  
9 of high or low precipitation as well as increases in  
10 the extent and duration of droughts, with an associ-  
11 ated increase in the risk of wildfire. . . this may re-  
12 sult in mission vulnerabilities such as reduced live-  
13 fire training due to drought and increased wildfire  
14 risk.”.

15 (8) A three-foot rise in sea levels will threaten  
16 the operations of more than 128 United States mili-  
17 tary sites, and it is possible that many of these at-  
18 risk bases could be submerged in the coming years.

19 (9) As global temperatures rise, droughts and  
20 famines can lead to more failed states, which are  
21 breeding grounds of extremist and terrorist organi-  
22 zations.

23 (10) In the Marshall Islands, an Air Force  
24 radar installation built on an atoll at a cost of

1       \$1,000,000,000 is projected to be underwater within  
2       two decades.

3           (11) In the western United States, drought has  
4       amplified the threat of wildfires, and floods have  
5       damaged roads, runways, and buildings on military  
6       bases.

7           (12) In the Arctic, the combination of melting  
8       sea ice, thawing permafrost, and sea-level rise is  
9       eroding shorelines, which is damaging radar and  
10      communication installations, runways, seawalls, and  
11      training areas.

12          (13) In the Yukon Training Area, units con-  
13      ducting artillery training accidentally started a wild-  
14      fire despite observing the necessary practices during  
15      red flag warning conditions.

16      (b) SENSE OF CONGRESS.—It is the sense of Con-  
17      gress that—

18          (1) climate change is a direct threat to the na-  
19      tional security of the United States and is impacting  
20      stability in areas of the world both where the United  
21      States Armed Forces are operating today, and where  
22      strategic implications for future conflict exist;

23          (2) there are complexities in quantifying the  
24      cost of climate change on mission resiliency, but the  
25      Department of Defense must ensure that it is pre-

1       pared to conduct operations both today and in the  
2       future and that it is prepared to address the effects  
3       of a changing climate on threat assessments, re-  
4       sources, and readiness; and

5           (3) military installations must be able to effec-  
6       tively prepare to mitigate climate damage in their  
7       master planning and infrastructure planning and de-  
8       sign, so that they might best consider the weather  
9       and natural resources most pertinent to them.

10       (c) REPORT.—

11           (1) REPORT REQUIRED.—Not later than one  
12       year after the date of the enactment of this Act, the  
13       Secretary of Defense shall submit to the Committees  
14       on Armed Services of the Senate and the House of  
15       Representatives a report on vulnerabilities to mili-  
16       tary installations and combatant commander re-  
17       quirements resulting from climate change over the  
18       next 20 years.

19           (2) ELEMENTS.—The report on vulnerabilities  
20       to military installations and combatant commander  
21       requirements required by paragraph (1) shall include  
22       the following:

23           (A) A list of the ten most vulnerable mili-  
24       tary installations within each service based on  
25       the effects of rising sea tides, increased flood-

1 ing, drought, desertification, wildfires, thawing  
2 permafrost, and any other categories the Sec-  
3 retary determines necessary.

4 (B) An overview of mitigations that may  
5 be necessary to ensure the continued oper-  
6 ational viability and to increase the resiliency of  
7 the identified vulnerable military installations  
8 and the cost of such mitigations.

9 (C) A discussion of the climate-change re-  
10 lated effects on the Department, including the  
11 increase in the frequency of humanitarian as-  
12 sistance and disaster relief missions and the  
13 theater campaign plans, contingency plans, and  
14 global posture of the combatant commanders.

15 (D) An overview of mitigations that may  
16 be necessary to ensure mission resiliency and  
17 the cost of such mitigations.

18 (3) FORM.—The report required under para-  
19 graph (1) shall be submitted in unclassified form,  
20 but may contain a classified annex.

21 **SEC. 336. REPORT ON OPTIMIZATION OF TRAINING IN AND**  
22 **MANAGEMENT OF SPECIAL USE AIRSPACE.**

23 (a) IN GENERAL.—Not later than 120 days after the  
24 date of the enactment of this Act, the Director of the  
25 Bases, Ranges, and Airspace Directorate of the Air Force

1 and the Administrator of the Federal Aviation Adminis-  
2 tration shall submit to Congress a report on optimization  
3 of training in and management of special use airspace that  
4 includes the following:

5 (1) Best practices for the management of spe-  
6 cial use airspace, including practices that—

7 (A) result in cost savings relating to train-  
8 ing;

9 (B) increase training opportunities for air-  
10 men;

11 (C) increase joint use of such airspace;

12 (D) improve coordination with respect to  
13 such airspace with—

14 (i) the Federal Aviation Administra-  
15 tion;

16 (ii) Indian tribes;

17 (iii) airports, civilian aircraft opera-  
18 tors, and local communities; and

19 (iv) private landowners and other  
20 stakeholders; or

21 (E) improve the coordination of large force  
22 exercises, including the use of waivers or other  
23 exceptional measures.

1           (2) An assessment of whether the capacity of  
2 ranges, including limitations on flight operations, is  
3 adequate to meet current and future training needs.

4           (3) An assessment of whether the establishment  
5 of a dedicated squadron for the purpose of coordi-  
6 nating the use of a special use airspace at the instal-  
7 lation located in that airspace would improve the  
8 achievement of the objectives described in subpara-  
9 graphs (A) through (E) of paragraph (1).

10          (4) An assessment of the processes in place to  
11 consider, evaluate, and mitigate special use airspace  
12 impacts to the public right of transit through navi-  
13 gable airspace and the safe and efficient use of the  
14 National Airspace System by commercial and gen-  
15 eral aviation.

16          (5) Recommendations for improving the man-  
17 agement and utilization of special use airspace to  
18 meet the objectives described in subparagraphs (A)  
19 through (E) of paragraph (1) and to address any  
20 gaps in capacity identified under paragraph (2).

21          (b) SPECIAL USE AIRSPACE DEFINED.—In this sec-  
22 tion, the term “special use airspace” means special use  
23 airspace designated under part 73 of title 14, Code of Fed-  
24 eral Regulations.

1 **SEC. 337. PLAN FOR MODERNIZED, DEDICATED DEPART-**  
2 **MENT OF THE NAVY ADVERSARY AIR TRAIN-**  
3 **ING ENTERPRISE.**

4 (a) PLAN REQUIRED.—The Chief of Naval Oper-  
5 ations and the Commandant of the Marine Corps shall de-  
6 velop a plan—

7 (1) to establish a modernized, dedicated adver-  
8 sary air training enterprise for the Department of  
9 the Navy in order to—

10 (A) maximize warfighting effectiveness and  
11 synergies of the current and planned fourth and  
12 fifth generation combat air forces through opti-  
13 mized training and readiness; and

14 (B) harness intelligence analysis, emerging  
15 live-virtual-constructive training technologies,  
16 range infrastructure improvements, and results  
17 of experimentation and prototyping efforts in  
18 operational concept development;

19 (2) to explore all available opportunities to chal-  
20 lenge the combat air forces of the Department of the  
21 Navy with threat representative adversary-to-friendly  
22 aircraft ratios, known and emerging adversary tac-  
23 tics, and high-fidelity replication of threat airborne  
24 and ground capabilities; and

25 (3) to execute all means available to achieve  
26 training and readiness goals and objectives of the

1 Navy and Marine Corps with demonstrated institu-  
2 tional commitment to the adversary air training en-  
3 terprise through the application of Department of  
4 the Navy policy and resources, partnering with the  
5 other Armed Forces, allies, and friends, and employ-  
6 ing the use of industry contracted services.

7 (b) PLAN ELEMENTS.—The plan required under sub-  
8 section (a) shall include enterprise goals, objectives, con-  
9 cepts of operations, phased implementation timelines,  
10 analysis of expected readiness improvements, prioritized  
11 resource requirements, and such other matters as the  
12 Chief of Naval Operations and Commandant of the Marine  
13 Corps consider appropriate.

14 (c) SUBMITTAL OF PLAN AND BRIEFING.—Not later  
15 than March 1, 2018, the Chief of Naval Operations and  
16 Commandant of the Marine Corps shall provide to the  
17 Committees on Armed Services of the Senate and the  
18 House of Representatives a written plan and briefing on  
19 the plan required under subsection (a).

20 **SEC. 338. UPDATED GUIDANCE REGARDING BIENNIAL**  
21 **CORE REPORT.**

22 To ensure that the biennial core reporting procedures  
23 of the Department of Defense align with the requirements  
24 of section 2464 of title 10, United States Code, and that  
25 each reporting agency provides accurate and complete in-



1 formation, the Secretary of Defense shall direct the Under  
2 Secretary of Defense for Acquisition, Technology and Lo-  
3 gistics to update the Department of Defense Guidance, in  
4 particular Department of Defense Instruction 4151.20, to  
5 require future biennial core reports include instructions to  
6 the reporting agencies on how to—

- 7 (1) report additional depot workload performed
- 8 that has not been identified as a core requirement;
- 9 (2) accurately capture inter-service workload;
- 10 (3) calculate shortfalls; and
- 11 (4) estimate the cost of planned workload.

## 12 **Subtitle E—Other Matters**

### 13 **SEC. 341. EXPLOSIVE SAFETY BOARD.**

14 (a) MODIFICATION AND IMPROVEMENT OF AMMUNI-  
15 TION STORAGE BOARD.—Section 172 of title 10, United  
16 States Code, is amended—

17 (1) by striking “The Secretaries of the military  
18 departments” and inserting “(a) IN GENERAL.—The  
19 Secretary of Defense”;

20 (2) by inserting “that includes members” after  
21 “joint board”;

22 (3) by striking “selected by them” and insert-  
23 ing “selected by the Secretaries of the military de-  
24 partments,”;

25 (4) by inserting “military” before “officers”;

1 (5) by inserting “designated as the chair and  
2 voting members of the board for each military de-  
3 partment” after “officers”;

4 (6) by inserting “and other” before “civilian of-  
5 ficers”;

6 (7) by striking “or both” and inserting “as nec-  
7 essary”;

8 (8) by striking “keep informed on stored” and  
9 inserting “provide oversight on storage and trans-  
10 portation of”; and

11 (9) by adding at the end the following new sub-  
12 section:

13 “(b) OVERSIGHT BY SECRETARIES OF THE MILITARY  
14 DEPARTMENTS.—The Secretaries of the military depart-  
15 ments shall provide research, development, test, evalua-  
16 tion, and manufacturing oversight for energetic materials  
17 supporting military requirements.”.

18 (b) CLERICAL AMENDMENTS.—

19 (1) SECTION HEADING.—The heading of section  
20 172 of title 10, United States Code, is amended by  
21 striking “**Ammunition storage**” and inserting  
22 “**Explosive safety**”.

23 (2) TABLE OF SECTIONS.—The table of sections  
24 at the beginning of chapter 7 of such title is amend-

1 ed by striking the item relating to section 172 and  
2 inserting the following new item:

“172. Explosive safety board.”.

3 **SEC. 342. SERVICEWOMEN’S COMMEMORATIVE PARTNER-**  
4 **SHIPS.**

5 (a) IN GENERAL.—The Secretary of Defense may  
6 provide not more than \$5,000,000 in financial support for  
7 the acquisition, installation, and maintenance of exhibits,  
8 facilities, historical displays, and programs at military  
9 service memorials and museums that highlight the role of  
10 women in the military. The Secretary may enter into a  
11 contract, partnership, or grant with a non-profit organiza-  
12 tion for the purpose of performing such acquisition, instal-  
13 lation, and maintenance.

14 (b) PURPOSES.—The contracts, partnerships, or  
15 grants shall be limited to serving the purposes of—

16 (1) preserving the history of the 3,000,000  
17 women who have served in the United States Armed  
18 Forces;

19 (2) managing an archive of artifacts, historic  
20 memorabilia, and documents related to service-  
21 women;

22 (3) maintaining a women veterans’ oral history  
23 program; and

24 (4) conducting other educational programs re-  
25 lated to women in service.

1 **SEC. 343. LIMITATION ON AVAILABILITY OF FUNDS FOR AD-**  
2 **VANCED SKILLS MANAGEMENT SOFTWARE**  
3 **SYSTEM OF THE NAVY.**

4 (a) **LIMITATION.**—None of the funds authorized to  
5 be appropriated by this Act or otherwise made available  
6 for fiscal year 2018 for the Department of Defense may  
7 be obligated for the enhancement of the advanced skills  
8 management software system of the Navy until a period  
9 of 60 days has elapsed following the date on which Sec-  
10 retary of the Navy makes the submission required under  
11 subsection (b)(3).

12 (b) **BRIEFING AND CERTIFICATION.**—The Secretary  
13 of the Navy shall—

14 (1) provide to the Committees on Armed Serv-  
15 ices of the Senate and the House of Representatives  
16 a briefing on any enhancements that are needed for  
17 the advanced skills management software system of  
18 the Navy;

19 (2) after providing the briefing under para-  
20 graph (1), issue a request for information for such  
21 enhancements in accordance with part 15.2 of the  
22 Federal Acquisition Regulation; and

23 (3) submit to the Committees on Armed Serv-  
24 ices of the Senate and the House of Representa-  
25 tives—

1 (A) the results of the request for informa-  
2 tion issued under paragraph (2); and

3 (B) a written certification that—

4 (i) as part of the request for informa-  
5 tion, the Secretary solicited information on  
6 commercially available off-the-shelf soft-  
7 ware solutions that may be used to en-  
8 hance the advanced skills management  
9 software system of the Navy; and

10 (ii) the Secretary has considered using  
11 such solutions.

12 (c) ADVANCED SKILLS MANAGEMENT SOFTWARE  
13 SYSTEM DEFINED.—In this section, the term “advanced  
14 skills management software system” means a software ap-  
15 plication designed to—

16 (1) identify job task requirements for Navy per-  
17 sonnel;

18 (2) assist in determining the proficiencies of  
19 such personnel;

20 (3) document qualifications and certifications of  
21 such personnel; and

22 (4) track the technical training completed by  
23 Navy aviation maintenance personnel.

1 **SEC. 344. COST-BENEFIT ANALYSIS OF UNIFORM SPECI-**  
2 **FICATIONS FOR AFGHAN MILITARY OR SECU-**  
3 **RITY FORCES.**

4 Beginning on the date of the enactment of this Act,  
5 whenever the Secretary of Defense enters into a contract  
6 for the provision of uniforms for Afghan military or secu-  
7 rity forces, the Secretary shall conduct a cost-benefit anal-  
8 ysis of the uniform specification for the Afghan military  
9 or security forces uniform. Such analysis shall deter-  
10 mine—

11 (1) whether there is a more effective alternative  
12 uniform specification, considering both operational  
13 environment and cost, available to the Afghan mili-  
14 tary or security forces;

15 (2) the efficacy of the existing pattern com-  
16 pared to other alternatives (both proprietary and  
17 non-proprietary patterns); and

18 (3) the costs and feasibility of transitioning the  
19 uniforms of the Afghan military or security forces to  
20 a pattern owned by the United States, using existing  
21 excess inventory where available, and acquiring the  
22 rights to the Spec4ce Forest pattern.

1 **SEC. 345. TEMPORARY INSTALLATION REUTILIZATION AU-**  
2 **THORITY FOR ARSENALS, DEPOTS, AND**  
3 **PLANTS.**

4 (a) MODIFIED AUTHORITY.—In the case of a military  
5 manufacturing arsenal, depot, or plant, the Secretary of  
6 the Army may authorize up to 10 leases and contracts  
7 per fiscal year under section 2667 of title 10, United  
8 States Code, for a term of up to 25 years, notwithstanding  
9 subsection (b)(1) of such section, if the Secretary deter-  
10 mines that a lease or contract of that duration will pro-  
11 mote the national defense for the purpose of—

12 (1) helping to maintain the viability of the mili-  
13 tary manufacturing arsenal, depot, or plant and any  
14 military installations on which it is located;

15 (2) eliminating, or at least reducing, the cost of  
16 Government ownership of the military manufac-  
17 turing arsenal, depot, or plant, including the costs of  
18 operations and maintenance, the costs of environ-  
19 mental remediation, and other costs; and

20 (3) leveraging private investment at the military  
21 manufacturing arsenal, depot, or plant through long-  
22 term facility use contracts, property management  
23 contracts, leases, or other agreements that support  
24 and advance the preceding purposes.

25 (b) DELEGATION AND REVIEW PROCESS.—

1           (1) IN GENERAL.—The Secretary of the Army  
2           may delegate the authority provided by this section  
3           to the commander of the major subordinate com-  
4           mand of the Army that has responsibility for the  
5           military manufacturing arsenal, depot, or plant or, if  
6           part of a larger military installation, the installation  
7           as a whole. The commander may approve a lease or  
8           contract under such authority on a case-by-case  
9           basis or a class basis.

10           (2) NOTICE OF APPROVAL.—Upon any approval  
11           of a lease or contract by a commander pursuant to  
12           a delegation of authority under paragraph (1), the  
13           commander shall notify the Chief of the Army Corps  
14           of Engineers and Congress of the approval.

15           (3) REVIEW PERIOD.—Any lease or contract  
16           that is approved utilizing the delegation authority  
17           under paragraph (1) is subject to a 90-day hold pe-  
18           riod so that the Chief of the Army Corps of Engi-  
19           neers may review the lease or contract pursuant to  
20           paragraph (4).

21           (4) DISPOSITION OF REVIEW.—If the Chief of  
22           the Army Corps of Engineers disapproves of a con-  
23           tract or lease submitted for review under paragraph  
24           (3), the agreement shall be null and void upon trans-  
25           mittal by the Chief of the Army Corps of Engineers



1 to the delegating authority of a written disapproval,  
2 including a justification for such disapproval, within  
3 the 90-day hold period. If no such disapproval is  
4 transmitted within the 90-day hold period, the  
5 agreement shall be deemed approved.

6 (5) APPROVAL OF REVISED AGREEMENT.—If,  
7 not later than 60 days after receiving a disapproval  
8 under paragraph (4), the delegating authority sub-  
9 mits to the Chief of the Army Corps of Engineers  
10 a new contract or lease that addresses the concerns  
11 of the Chief of the Army Corps of Engineers out-  
12 lined in such disapproval, the new contract or lease  
13 shall be deemed approved unless the Chief of the  
14 Army Corps of Engineers transmits to the dele-  
15 gating authority a disapproval of the new contract or  
16 lease within 30 days of such submission.

17 (c) MILITARY MANUFACTURING ARSENAL, DEPOT,  
18 OR PLANT DEFINED.—In this section, the term “military  
19 manufacturing arsenal, depot, or plant” means a Govern-  
20 ment-owned, Government-operated defense plant of the  
21 Army that manufactures weapons, weapon components, or  
22 both.

23 (d) SUNSET.—The authority under this section shall  
24 terminate at the close of September 30, 2020. Any con-

1 tracts entered into on or before such date shall continue  
2 in effect according to their terms.

3 **SEC. 346. COMPREHENSIVE PLAN FOR SHARING DEPOT-**  
4 **LEVEL MAINTENANCE BEST PRACTICES.**

5 (a) IN GENERAL.—Not later than 90 days after the  
6 date of the enactment of this Act, the Secretary of Defense  
7 shall submit to the congressional defense committees a  
8 comprehensive plan for the sharing of best practices for  
9 depot-level maintenance among the military services.

10 (b) ELEMENTS.—The comprehensive plan required  
11 under subsection (a) shall cover the sharing of best prac-  
12 tices with regard to—

13 (1) programing and scheduling;

14 (2) core capability requirements;

15 (3) workload;

16 (4) personnel management, development, and  
17 sustainment;

18 (5) induction, duration, efficiency, and comple-  
19 tion metrics;

20 (6) parts, supply, tool, and equipment manage-  
21 ment;

22 (7) capital investment and manufacturing and  
23 production capability; and

24 (8) inspection and quality control.

1 **SEC. 347. PILOT PROGRAM FOR OPERATION AND MAINTENANCE BUDGET PRESENTATION.**  
2

3 (a) IN GENERAL.—Along with the budget for fiscal  
4 years 2019, 2020, and 2021 submitted by the President  
5 pursuant to section 1105(a) of title 31, United States  
6 Code, the Secretary of Defense and the Secretaries of the  
7 military departments shall submit to the Committees on  
8 Armed Services of the Senate and the House of Represent-  
9 atives an annex for the following Operation and Mainte-  
10 nance sub-activity groups (SAG):

11 (1) For the Army:

12 (A) SAG 111 – Maneuver Units.

13 (B) SAG 123 – Land Forces Depot Main-  
14 tenance.

15 (C) SAG 131 – Base Operations Support.

16 (D) SAG 322 – Flight Training.

17 (2) For the Navy:

18 (A) SAG 1A5A – Aircraft Depot Mainte-  
19 nance.

20 (B) SAG 1B1B – Mission and Other Ship  
21 Operations.

22 (C) SAG 1B4B – Ship Depot Mainte-  
23 nance.

24 (D) SAG BSS1 – Base Operating Support.

25 (3) For the Marine Corps:

26 (A) SAG 1A1A – Operational Forces.

1 (B) SAG 1A3A – Depot Maintenance.

2 (C) SAG 1B1B – Field Logistics.

3 (D) SAG BSS1 – Base Operating Support.

4 (4) For the Air Force:

5 (A) SAG 011A – Primary Combat Forces.

6 (B) SAG 011Y – Flying Hour Program.

7 (C) SAG 011Z – Base Support.

8 (D) SAG 021M – Depot Maintenance.

9 (b) ELEMENTS.—The annex required under sub-  
10 section (a) shall include the following elements:

11 (1) A summary by appropriation account with  
12 subtotals for Department of Defense components.

13 (2) A summary of each appropriation account  
14 by budget activity, activity group, and sub-activity  
15 group with budget activity and activity group sub-  
16 totals and an appropriation total.

17 (3) A detailed sub-activity group by program  
18 element and expense aggregate listing in budget ac-  
19 tivity and activity group sequence.

20 (4) A rollup document by sub-activity group  
21 with accompanying program element funding with  
22 the PB–61 program element tags included.

23 (5) A summary of each depot maintenance fa-  
24 cility with information on workload, work force,  
25 sources of funding, and expenses similar to the ex-

1       hibit on Mission Funded Naval Shipyards included  
2       with the 2012 Navy Budget Justification.

3           (6) A summary of contractor logistics support  
4       for each program element, including a measure of  
5       workload and unit cost.

6       (c) **FORMATTING.**—The annex required under sub-  
7       section (a) shall be formatted in accordance with relevant  
8       Department of Defense financial management regulations  
9       that provide guidance for budget submissions to Congress.

10   **SEC. 348. REPURPOSING AND REUSE OF SURPLUS ARMY**  
11                           **FIREARMS.**

12       (a) **REQUIRED TRANSFER.**—Not later than 90 days  
13       after the date of the enactment of this Act, and subject  
14       to subsection (c), the Secretary of the Army shall transfer  
15       to a suitable organic facility all excess firearms, related  
16       spare parts and components, small arms ammunition, and  
17       ammunition components currently stored at Defense Dis-  
18       tribution Depot, Anniston, Alabama, that are no longer  
19       actively issued for military service and that are otherwise  
20       prohibited from commercial sale, or distribution, under  
21       Federal law.

22       (b) **REPURPOSING AND REUSE.**—The items specified  
23       for transfer under subsection (a) shall be melted and  
24       repurposed for military use as determined by the Sec-  
25       retary of the Army, including—

1           (1) the reforging of new firearms or their com-  
2           ponents; and

3           (2) force protection barriers and security  
4           bollards.

5           (c) **ITEMS EXEMPT FROM TRANSFER.**—M–1 Garand,  
6 caliber .45 M1911/M1911A1 pistols, caliber .22 rimfire ri-  
7 fles, and such additional items as designated by the Sec-  
8 retary in the annual report required under subsection (d)  
9 are not subject to the transfer requirement under sub-  
10 section (a).

11          (d) **ANNUAL REPORT.**—Not later than 5 days after  
12 the budget of the President for a fiscal year is submitted  
13 to Congress under section 1105 of title 31, United States  
14 Code, the Secretary of the Army, in coordination with the  
15 Director of the Defense Logistics Agency, shall submit to  
16 the Committees on Armed Services of the Senate and the  
17 House of Representatives a report specifying additional  
18 excess firearms, related spare parts and components, small  
19 arms ammunition, and ammunition components des-  
20 ignated as no longer actively issued for military service  
21 and that are otherwise prohibited from commercial sale,  
22 or distribution, under Federal law. The Secretary of the  
23 Army shall designate these items to either be added to  
24 the transfer list for the purposes described under sub-  
25 section (b) or the list of items exempted under subsection

1 (c). The report may not include the redesignation or  
2 change in status of items previously designated for trans-  
3 fer or exemption pursuant to subsections (a) or (c).

4 (e) ACTIONS PURSUANT TO ANNUAL REPORT.—The  
5 Secretary of the Army may not take any action to transfer  
6 items designated in the report submitted under subsection  
7 (d) until the date of the enactment of the National De-  
8 fense Authorization Act for the fiscal year following the  
9 year such report is submitted. Upon enactment of such  
10 Act, the Secretary shall transfer or exempt the items so  
11 designated.

12 **SEC. 349. DEPARTMENT OF THE NAVY MARKSMANSHIP**  
13 **AWARDS.**

14 Section 40728 of title 36, United States Code, is  
15 amended by adding at the end the following new sub-  
16 section:

17 “(i) AUTHORIZED NAVY TRANSFERS.—(1) Notwith-  
18 standing subsections (a) and (b), the Secretary of the  
19 Navy may transfer to the corporation, in accordance with  
20 the procedures prescribed in this subchapter, M–1 Garand  
21 and caliber .22 rimfire rifles held within the inventories  
22 of the United States Navy and the United States Marine  
23 Corps and stored at Defense Distribution Depot, Annis-  
24 ton, Alabama, or Naval Surface Warfare Center, Crane,

1 Indiana, as of the date of the enactment of the National  
2 Defense Authorization Act for Fiscal Year 2018.

3 “(2) The items specified for transfer under para-  
4 graph (1)—

5 “(A) shall be used as awards for competitors in  
6 marksmanship competitions held by the United  
7 States Marine Corps or the United States Navy and  
8 may not be resold; and

9 “(B) shall be rendered inoperable prior to  
10 award and transfer to marksmanship competitors.”.

11 **SEC. 350. CIVILIAN TRAINING FOR NATIONAL GUARD PI-**  
12 **LOTS AND SENSOR OPERATOR AIRCREWS OF**  
13 **MQ-9 UNMANNED AERIAL VEHICLES.**

14 (a) **CONTRACTS FOR TRAINING.**—Subject to sub-  
15 section (c), the Secretary of the Air Force may enter into  
16 one or more contracts with appropriate civilian entities in  
17 order to provide flying or operating training for Air Na-  
18 tional Guard pilots and sensor operator aircrew members  
19 in the MQ-9 unmanned aerial vehicle if the Secretary of  
20 the Air Force determines that—

21 (1) Air Force training units lack sufficient ca-  
22 pacity to train such pilots or sensor operator aircrew  
23 members for initial qualification in the MQ-9 un-  
24 manned aerial vehicle;



1 (2) pilots or sensor operator aircrew members  
2 of Air National Guard units require continuation  
3 training in order to remain current and qualified in  
4 the MQ-9 unmanned aerial vehicle;

5 (3) non-combat continuation training in the  
6 MQ-9 unmanned aerial vehicle is necessary for such  
7 pilots or sensor operator aircrew members to achieve  
8 required levels of flying or operating proficiency; and

9 (4) such training for such pilots or sensor oper-  
10 ator aircrew members is necessary in order to meet  
11 requirements for the Air National Guard to provide  
12 pilots and sensor operator aircrew members qualified  
13 in the MQ-9 unmanned aerial vehicle for operations  
14 on active duty and in State status.

15 (b) NATURE OF TRAINING UNDER CONTRACTS.—  
16 Any training provided pursuant to a contract under sub-  
17 section (a) shall incorporate a level of instruction that is  
18 equivalent to the instruction in the MQ-9 unmanned aer-  
19 ial vehicle provided to pilots and sensor operator aircrew  
20 members at Air Force training units, as determined by  
21 the Secretary of the Air Force.

22 (c) AUTHORITY CONTINGENT ON CERTIFICATION  
23 AND NOTICE AND WAIT PERIOD.—The Secretary of the  
24 Air Force may not use the authority in subsection (a) un-  
25 less and until the Secretary of the Air Force certifies to

1 the congressional defense committees in writing, 90 days  
2 in advance of executing such authority provided in sub-  
3 section (a), that the use of the authority is necessary to  
4 provide required flying or operating training for Air Na-  
5 tional Guard pilots and sensor operator aircrew members  
6 in the MQ-9 unmanned aerial vehicle.

7 **SEC. 351. TRAINING FOR NATIONAL GUARD PERSONNEL ON**  
8 **WILDFIRE RESPONSE.**

9 The Secretary of the Army and the Secretary of the  
10 Air Force may, in consultation with the Chief of the Na-  
11 tional Guard Bureau, provide support for training of ap-  
12 propriate personnel of the National Guard on wildfire re-  
13 sponse and prevention, with preference given to military  
14 installations with the highest wildfire suppression need.

15 **SEC. 352. MODIFICATION OF THE SECOND DIVISION MEMO-**  
16 **RIAL.**

17 (a) **AUTHORIZATION.**—The Second Indianhead Divi-  
18 sion Association, Inc., Scholarship and Memorials Foun-  
19 dation, an organization described in section 501(c)(3) of  
20 the Internal Revenue Code of 1986 and exempt from tax-  
21 ation under section 501(a) of that Code, may place addi-  
22 tional commemorative elements or engravings on the  
23 raised platform or stone work of the existing Second Divi-  
24 sion Memorial located in President’s Park, between 17th  
25 Street Northwest and Constitution Avenue in the District

1 of Columbia, to further honor the members of the Second  
2 Infantry Division who have given their lives in service to  
3 the United States.

4 (b) APPLICATION OF COMMEMORATIVE WORKS  
5 ACT.—Chapter 89 of title 40, United States Code (com-  
6 monly known as the “Commemorative Works Act”), shall  
7 apply to the design and placement of the commemorative  
8 elements or engravings authorized under subsection (a).

9 (c) FUNDING.—Federal funds may not be used for  
10 modifications of the Second Division Memorial authorized  
11 under subsection (a).