been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF
DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 101. Authorization of appropriations.

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Subtitle A—Authorization Of Appropriations
SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 2018 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs
SEC. 111. AUTHORITY TO EXPEDITE PROCUREMENT OF 7.62MM RIFLES.
(a) 7.62MM RIFLES.—
(1) PROCUREMENT AUTHORITY.—The Secretary of the Army is authorized to expedite the procurement of a commercially available off-the-shelf item or nondevelopmental item for a 7.62mm rifle capability in accordance with this section.
(2) LIMITATION.—The Secretary of the Army may use the authority under paragraph (1) to procure only the following:
(A) Not more than 7,000 7.62mm rifles.

(B) Equipment and ammunition associated with such rifles.

(3) CONTRACTING PROCEDURES.—

(A) FULL AND OPEN COMPETITION.—In awarding contracts under paragraph (1), the Secretary of the Army shall use full and open competition to the extent practicable.

(B) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—The Secretary of the Army may not award a contract under paragraph (1) using procedures other than full and open competition until a period of 10 days has elapsed following the date on which the Secretary submits to the congressional committees the report described in subparagraph (C).

(C) REPORT.—The report described in this subparagraph is a report of the Secretary of the Army that includes—

(i) a detailed justification for limiting full and open competition for the procurement authorized under paragraph (1);

(ii) a description of the objectives, costs, and timelines associated with the procurement; and
(iii) an assessment of the projected impact of the procurement on any related programs in terms of cost, schedule, and the use of full and open competition in such programs.

(b) Related Programs.—

(1) In general.—The Secretary of the Army is authorized to use funds made available to carry out subsection (a)—

(A) to accelerate by two years the squad designated marksman rifle program of the Army;

(B) to accelerate by two years the advanced armor piercing ammunition program of the Army; and

(C) subject to paragraph (2), to accelerate the next generation squad weapon program of the Army.

(2) Full and open competition.—Any contract awarded under the next generation squad weapon program of the Army shall be awarded using full and open competition.

(e) Definitions.—In this section, the terms “commercially available off-the-shelf item”, “full and open competition”, and “nondevelopmental item” have the mean-
ings given the terms in chapter 1 of title 41, United States Code.

SEC. 112. LIMITATION ON AVAILABILITY OF FUNDS FOR INCREMENT 2 OF THE WARFIGHTER INFORMATION NETWORK-TACTICAL PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 for Increment 2 of the Warfighter Information Network-Tactical program of the Army (referred to in this section as “WIN-T Increment 2”) not more than 50 percent may be used to enter into, or to prepare to enter into, a contract for the procurement of equipment under the program until the date on which the Secretary of the Army submits the report under subsection (b).

(b) REPORT.—Not later than January 31, 2018, the Secretary of the Army, in consultation with the Chief of Staff of the Army, shall submit to the congressional defense committees a report on the strategy of the Army for modernizing air-land ad-hoc, mobile tactical communications and data networks.

(c) ELEMENTS.—The report under subsection (b) shall include the following:
(1) A description of the strategy of the Army for modernizing air-land ad-hoc, mobile tactical communications and data networks.

(2) The justification, rationale, and decision points for the strategy, including how network requirements are being redefined.

(3) How the Army intends to implement the recommendations accepted by the Secretary of the Army related to air-land ad-hoc, mobile tactical communications and data networks provided by the Director of Cost Assessment and Program Evaluation pursuant to section 237 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 781).

(4) How the Army will address the vulnerabilities identified by the report of the Director of Cost Assessment and Program Evaluation on the mobile, ad-hoc network against a modern peer adversary capable of cyber and electronic warfare detection and intrusion.

(5) A timeline and decision points for upgrading fielded WIN-T Increment 1B systems.

(6) A list of planned upgrades for components of WIN-T Increment 2 designed to improve program capabilities, including size, weight, and complexity,
including the impact of these improvements on the
cost of the program, as well as fielding schedules for
Army Brigade Combat Teams.

(7) How the strategy will reduce Army reliance
on satellite communications, including procurement
and test strategies for more resilient and secure
mid-tier line of sight capability.

(8) How the strategy will address identified
joint interoperability capability gaps, specifically for
units known as “fight tonight” units, including pro-
curement and test plans for identified solutions.

(9) Decision points associated with the near
term modernization strategy for mitigating oper-
ational capability gaps for such “fight tonight”
units.

(10) The decision points and timelines associ-
ated with the fielding of modernized mobile tactical
network communications to the reserve components
of the Army.

(11) The planned funding and program realign-
ments required for fiscal year 2018 and across the
future years defense program that will be required
to support the new strategy.

(12) Identification of the changes in acquisition
policy as well as operational requirements being im-
implemented to deliver an effective, suitable, and sur-
vivable network to the warfighter.

(13) Identification of the changes in leadership
and governance that will be associated with the new
strategy.

(d) FORM OF REPORT.—The report required by sec-
tion (b) shall be submitted in unclassified form, but may
include a classified annex.

SEC. 113. LIMITATION ON AVAILABILITY OF FUNDS FOR UP-
GRADE OF M113 VEHICLES.

(a) LIMITATION.—Of the funds authorized to be ap-
propriated by this Act or otherwise made available for fis-
cal year 2018 for the upgrade of M113 vehicles of the
Army, not more than 50 percent may be obligated or ex-
pended until the date on which Secretary of the Army sub-
mits to the congressional defense committees the report
described in subsection (b).

(b) REPORT.—The report described in this subsection
is a report setting forth the strategy of the Army for the
upgrade of M113 vehicles that includes the following:

(1) A detailed strategy for upgrading and field-
ing M113 vehicles.

(2) An analysis of the manner in which the
Army plans to address M113 vehicle survivability
and maneuverability concerns.
(3) An analysis of the historical costs associated with upgrading M113 vehicles, and a validation of current cost estimates for upgrading such vehicles.

(4) A comparison of—

(A) the total procurement and life cycle costs of adding an echelon above brigade requirement to the Army Multi-Purpose Vehicle; and

(B) the total procurement and life cycle costs of upgrading legacy M113 vehicles.

(5) An analysis of the possibility of further accelerating Army Multi-Purpose Vehicle production or modifying the fielding strategy for the Army Multi-Purpose Vehicle to meet near-term echelon above brigade requirements.

Subtitle C—Navy Programs

SEC. 121. AIRCRAFT CARRIERS.

(a) MODIFICATION OF COST LIMITATION BASELINE FOR CVN–78 CLASS AIRCRAFT CARRIER PROGRAM.—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

“(2) CARRIER DESIGNATED AS CVN–79.—The total amount obligated from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for the aircraft carrier designated as CVN–79 may not exceed $11,398,000,000 (as adjusted pursuant to subsection (b)).

“(3) FOLLOW-ON SHIPS.—The total amount obligated from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for any ship that is constructed in the CVN–78 class of aircraft carriers after the aircraft carrier designated as CVN–79 may not exceed $12,568,000,000 (as adjusted pursuant to subsection (b)).”;

(2) in subsection (b), by amending paragraph (1) to read as follows:

“(1) The amounts of increases or decreases in costs attributable to economic inflation—

“(A) after September 30, 2013, in the case of the aircraft carrier designated as CVN–79; and
“(B) after September 30, 2017, in the case of any ship that is constructed in the CVN–78 class of aircraft carriers after the aircraft carrier designated as CVN–79.”; and

(3) by adding at the end the following:

“(g) Exclusion of Battle and Interim Spares from Cost Limitation.—The Secretary of the Navy shall exclude from the determination of the amounts set forth in paragraphs (2) and (3) of subsection (a), the costs of the following items:

“(1) CVN–78 class battle spares.

“(2) Interim spares.”.

(b) Waiver on Limitation of Availability of Funds for CVN–79.—The Secretary of Defense may waive subsections (a) and (b) of section 128 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 751) after a period of 60 days has elapsed following the date on which the Secretary submits to the congressional defense committees a written notification of the intent of the Secretary to issue such a waiver. The Secretary shall include in any such notification the following:

(1) The rationale of the Secretary for issuing the waiver.
(2) The revised test and evaluation master plan that describes when full ship shock trials will be held on Ford-class aircraft carriers.

(3) A certification that the Secretary has analyzed and accepted the operational risk of the U.S.S. Gerald R. Ford deploying without having conducted full ship shock trials, and that the Secretary has not delegated the decision to issue such waiver.

SEC. 122. ICEBREAKER VESSEL.

(a) Authority to Procure One Polar-class Heavy Icebreaker.—

(1) In general.—There is authorized to be procured for the Coast Guard one polar-class heavy icebreaker vessel.

(2) Condition for out-year contract payments.—A contract entered into under paragraph (1) 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.

(b) Limitation on Availability of Funds for Procurement of Icebreaker Vessels.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for
any fiscal year that are unobligated as of the date of the enactment of this Act may be obligated or expended for the procurement of an icebreaker vessel other than the one polar-class heavy icebreaker vessel authorized to be procured under subsection (a)(1).

(c) Contracting Authority.—

(1) Coast Guard.—If funds are appropriated to the department in which the Coast Guard is operating to carry out subsection (a)(1), the head of contracting activity for the Coast Guard shall be responsible for contracting actions carried out using such funds.

(2) Navy.—If funds are appropriated to the Department of Defense to carry out subsection (a)(1), the head of contracting activity for the Navy, Naval Sea Systems Command shall be responsible for contracting actions carried out using such funds.

(3) Interagency Acquisition.—Notwithstanding paragraphs (1) and (2), the head of contracting activity for the Coast Guard or head of contracting activity for the Navy, Naval Sea Systems Command (as the case may be) may authorize interagency acquisitions that are within the authority of such head of contracting activity.

(d) Comptroller General Report.—
(1) IN GENERAL.—Not later than March 1, 2018, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report assessing the cost of, and schedule for, the procurement of new icebreaker vessels for the Federal Government.

(2) ELEMENTS.—The report under paragraph (1) shall include an analysis of the following:

(A) The status of the efforts of the Coast Guard to acquire new icebreaking capability, including an explanation of how such efforts are coordinated through the integrated program office.

(B) Actions taken by the Coast Guard to incorporate key practices of other countries with respect to the procurement of icebreaker vessels to increase the Coast Guard’s knowledge of, and to reduce the costs and risks of, procuring such vessels.

(C) The extent to which the cost and schedule for the construction of Coast Guard vessels
icebreakers differs from such cost and schedule in other countries.

(D) The extent to which innovative acquisition practices (such as multiyear funding and block buys) may be applied to the procurement of icebreaker vessels to reduce the costs and accelerate the schedule of such procurement.

(E) A capacity replacement plan to mitigate a potential icebreaker capability gap if the Polar Star cannot remain in service.

(F) Any other matters the Comptroller General considers appropriate.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.

(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 for the procurement of up to 15 Arleigh Burke class Flight III guided missile destroyers.

(b) Authority for Advance Procurement.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018, for advance procurement associated with the destroyers for which authorization to enter into a multiyear procurement contract is provided under subsection (a), and for systems and sub-
systems associated with such destroyers in economic order quantities when cost savings are achievable.

(c) 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.

(d) LIMITATION.—The Secretary of the Navy may not modify a contract entered into under subsection (a) if the modification would increase the target price of the destroyer by more than 10 percent above the target price specified in the original contract awarded for the destroyer under subsection (a).

SEC. 124. 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 for the procurement of not more than 13 Virginia class submarines.

(b) LIMITATION.—The Secretary of the Navy may not modify a contract entered into under subsection (a) if the modification would increase the target price of the submarine by more than 10 percent above the target price
specified in the original contract awarded for the submarine under subsection (a).

(c) Authority for Advance Procurement.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018, for advance procurement associated with the Virginia class submarines for which authorization to enter into a multiyear procurement contract is provided under subsection (a) and for equipment or subsystems associated with the Virginia class submarine program, including procurement of—

(1) long lead time material; or

(2) material or equipment in economic order quantities when cost savings are achievable.

(d) 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 2019 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(e) Limitation on Termination Liability.—A contract for the construction of Virginia class submarines entered into under subsection (a) shall include a clause that limits the liability of the United States to the contractor for any termination of the contract. The maximum liability of the United States under the clause shall be the
amount appropriated for the submarines covered by the contract regardless of the amount obligated under the contract.

(f) **Virginia Class Submarine Defined.**—The term “Virginia class submarine” means a block V configured Virginia class submarine.


(a) **In General.**—Using funds authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, the Secretary of the Navy may enter into a contract, beginning with the fiscal year 2018 program year, for the design and construction of—

(1) the lead ship of the amphibious ship replacement class designated LX(R); or

(2) the amphibious transport dock designated LPD–30.

(b) **Use of Incremental Funding.**—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract.

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

SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 OSPREY AIRCRAFT.

(a) Authority for Multiyear Procurement.—Subject to section 2306b of title 10, United States Code (except as provided in subsection (b)), the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the 2018 program year, for the procurement of the following:

(1) V–22 Osprey aircraft.

(2) Common configuration-readiness and modernization upgrades for V–22 Osprey aircraft.

(b) Contract Period.—Notwithstanding section 2306b(k) of title 10, United States Code, the period covered by a contract entered into on a multiyear basis under the authority of subsection (a) may exceed five years, but may not exceed seven years.

(c) 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.

SEC. 127. EXTENSION OF LIMITATION ON USE OF SOLE-SOURCE SHIPBUILDING CONTRACTS FOR CERTAIN VESSELS.

Section 124 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “2017” and inserting “2017 or fiscal year 2018”.

SEC. 128. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ENHANCED MULTI-MISSION PARACHUTE SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 for the enhanced multi-mission parachute system, not more than 80 percent may be used to enter into, or to prepare to enter into, a contract for the procurement of such parachute system until the date on which the Secretary of the Navy submits to the congressional defense committees the certification under subsection (b) and the report under subsection (c).

(b) CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of
the Navy shall submit to the congressional defense committees a certification that states—

(1) whether the multi-mission parachute system fielded by the Marine Corps meets Marine Corps requirements;

(2) whether the RA–1 parachute system of the Army meets Marine Corps requirements;

(3) whether the PARIS, Special Application Parachute of the Marine Corps meets Marine Corps requirements;

(4) whether the testing plan for the enhanced multi-mission parachute system meets all applicable regulatory requirements; and

(5) whether the Department of the Navy has determined that a high glide canopy parachute system is as safe and effective as the fielded free fall parachute systems.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes—

(1) an explanation for using the Parachute Industry Association specification for a military parachute given that sports parachutes are deployed
from relatively slow flying civilian aircraft at altitudes below 10,000 feet;

(2) a cost estimate for any new equipment and training that the Marine Corps will require in order to use a high glide parachute;

(3) justification for why the Department of the Navy is not conducting any testing of parachutes until first article testing; and

(4) an assessment of the risks associated with high glide canopy parachutes with a focus on how the Department of the Navy will mitigate the risk of malfunctions experienced in other high glide canopy parachute programs.

SEC. 129. REPORT ON NAVY CAPACITY TO INCREASE PRODUCTION OF CERTAIN ROTARY WING AIRCRAFT.

(a) REPORT.—Not later than March 30, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report that describes and assesses the capacity of the Navy to increase production of the aircraft described in subsection (b), taking into account an increase in the size of the surface fleet of the Navy to 355 ships.

(b) AIRCRAFT DESCRIBED.—The aircraft described in this subsection are the following:
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(1) Anti-submarine warfare rotary wing aircraft.

(2) Search and rescue rotary wing aircraft.

Subtitle D—Air Force Programs

SEC. 131. INVENTORY REQUIREMENT FOR AIR FORCE FIGHTER AIRCRAFT.

(a) INVENTORY REQUIREMENT.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) During the period beginning on October 1, 2017, and ending on October 1, 2022, the Secretary of the Air Force shall maintain a total aircraft inventory of fighter aircraft of not less than 1,970 aircraft, and a total primary mission aircraft inventory (combat-coded) of not less than 1,145 fighter aircraft.

“(2) In this subsection:

“(A) The term ‘fighter aircraft’ means an aircraft that—

“(i) is designated by a mission design series prefix of F– or A–;

“(ii) is manned by one or two crewmembers; and

“(iii) executes single-role or multi-role missions, including air-to-air combat, air-to-ground attack, air interdiction, suppression or destruc-
tion of enemy air defenses, close air support, strike control and reconnaissance, combat search and rescue support, or airborne forward air control.

“(B) The term ‘primary mission aircraft inventory’ means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.”.

(b) LIMITATION ON RETIREMENT OF AIR FORCE FIGHTER AIRCRAFT.—

(1) LIMITATION.—Except as provided in subsection (c), during the period beginning on October 1, 2017, and ending on October 1, 2022, the Secretary of the Air Force may not proceed with a decision to retire fighter aircraft in any number that would reduce the total number of such aircraft in the Air Force total active inventory below 1,970, and shall maintain a minimum of 1,145 fighter aircraft designated as primary mission aircraft inventory.

(2) ADDITIONAL LIMITATIONS ON RETIREMENT OF FIGHTER AIRCRAFT.—Except as provided in subsection (c), during the period beginning on October 1, 2017, and ending on October 1, 2022, the Secretary of the Air Force may not retire fighter aircraft from the total active inventory as of the date
of the enactment of this Act until the later of the following:

(A) The date that is 30 days after the date on which the Secretary submits the report required under paragraph (3).

(B) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(i) the retirement of such fighter aircraft will not increase the operational risk of meeting the National Defense Strategy;

and

(ii) the retirement of such aircraft will not reduce the total fighter force structure below 1,970 fighter aircraft or the primary mission aircraft inventory below 1,145.

(3) REPORT ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(A) The rationale for the retirement of existing fighter aircraft and an operational analysis of the portfolio of capabilities of the Air Force that demonstrates performance of the
designated mission at an equal or greater level of effectiveness as the retiring aircraft.

(B) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of the force mix ratio of fighter aircraft.

(C) Such other matters relating to the retirement of fighter aircraft as the Secretary considers appropriate.

(c) Exception for Certain Aircraft.—The requirement of subsection (b) does not apply to individual fighter aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

(d) Fighter Aircraft Defined.—In this section, the term “fighter aircraft” has the meaning given the term in subsection (i)(2)(A) of section 8062 of title 10, United States Code, as added by subsection (a) of this section.

SEC. 132. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E-8 JSTARS AIRCRAFT.

(a) Prohibition on Availability of Funds for Retirement.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this
Act or otherwise made available for fiscal year 2018 for the Air Force may be obligated or expended to retire, or prepare to retire, any E–8 Joint Surveillance Target Attack Radar System aircraft.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to individual E–8 Joint Surveillance Target Attack Radar System aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

SEC. 133. REQUIREMENT FOR CONTINUATION OF JSTARS AIRCRAFT RECAPITALIZATION PROGRAM.

(a) IN GENERAL.—If the budget request submitted to Congress for any fiscal year includes a request by the Secretary of the Air Force to cancel or modify the JSTARS aircraft recapitalization program, the Secretary of Defense shall submit, as part of such budget request, the report described in subsection (b).

(b) REPORT.—The report described in this subsection, is a report that includes the following:

(1) The assumptions, rationale, and all analysis supporting the proposed cancellation or modification of the JSTARS aircraft recapitalization program.

(2) An assessment of the implications of such cancellation or modification for meeting the mission
requirements for air battle management and moving
target indicator intelligence discipline of the Air
Force, the Air National Guard, the Army, the Army
National Guard, the Navy and Marine Corps, and
the combatant commands.

(3) A certification that the plan for the can-
cellation or modification of the recapitalization pro-
gram would not result in an increased time during
which there is a capability or capacity gap in pro-
viding battlefield management, command and control
and intelligence, surveillance, and reconnaissance ca-
pabilities to the combatant commanders.

(4) Such other matters relating to the proposed
cancellation or modification as the Secretary con-
siders appropriate.

(e) FORM OF REPORT.—The report under subsection
(b) shall be submitted in unclassified form, but may in-
clude a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term “budget request” means the
budget materials submitted by the Secretary of De-
fense in support of the budget of the President for
a fiscal year (submitted to Congress pursuant to sec-
tion 1105 of title 31, United States Code).
(2) The term “JSTARS aircraft recapitalization program” means the recapitalization program for the E–8C Joint Surveillance Target Attack Radar System aircraft as such program is proposed to be carried out in the budget request submitted to Congress for fiscal year 2018.

SEC. 134. LIMITATION ON SELECTION OF SINGLE CONTRACTOR FOR C–130H AVIONICS MODERNIZATION PROGRAM INCREMENT 2.

(a) LIMITATION.—The Secretary of the Air Force may not select only a single prime contractor to carry out increment 2 of the C–130H avionics modernization program until the Secretary submits to the congressional defense committees a written certification that, in selecting such a single prime contractor—

(1) the Secretary will ensure, to the extent practicable, that commercially available off-the-shelf items are used under the program, including technology solutions and nondevelopmental items; and

(2) excessively restrictive military specification standards will not be used to restrict or eliminate full and open competition in the selection process.

(b) DEFINITIONS.—In this section, the terms “commercially available off-the-shelf item”, “full and open competition”, and “nondevelopmental item” have the mean-
ings given the terms in chapter 1 of title 41, United States Code.

SEC. 135. 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 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. 136. LIMITATION ON RETIREMENT OF U-2 AND RQ-4 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may take no action that would prevent the Air Force from maintaining the fleets of U-2 aircraft or RQ-4 aircraft in their current, or improved, configurations and capabilities until—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the appropriate committees of Congress that—

(A) in the case of the RQ-4 aircraft, the validated operating and sustainment costs of the capability developed to replace the RQ-4 aircraft are less than the validated operating and sustainment costs for the RQ-4 aircraft on a comparable flight-hour cost basis; or

(B) in the case of the U-2 aircraft, the validated operating and sustainment costs of the capability developed to replace the U-2 aircraft are less than the validated operating and sustainment costs for the U-2 aircraft on a comparable flight-hour cost basis; and

(2) the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate committees of Congress that the capability to be fielded at the same time or before the retirement
of the U–2 aircraft or RQ-4 aircraft (as the case
may be) would result in equal or greater capability
available to the commanders of the combatant com-
mands and would not result in less capacity avail-
able to the commanders of the combatant com-
mands.

(b) WAIVER.—The Secretary of Defense may waive
the certification requirement under subsection (a)(1) with
respect to U–2 aircraft or RQ–4 aircraft if the Sec-
retary—

(1) determines, after analyzing sufficient and
relevant data, that a greater capability is worth in-
creased operating and sustainment costs; and

(2) provides to the appropriate committees of
Congress a certification of such determination and
supporting analysis.

(c) APPROPRIATE COMMITTEES OF CONGRESS DE-
FINED.—In this section, the term “appropriate commit-
tees of Congress” means—

(1) the Committee on Armed Services, the
Committee on Appropriations, and the Select Com-
mittee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the
Committee on Appropriations, and the Permanent
Select Committee on Intelligence of the House of Representatives.

(d) REPEAL.—Section 133 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1321) is repealed.

SEC. 137. COST-BENEFIT ANALYSIS OF UPGRADES TO MQ–9 REAPER AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of the Air Force, shall conduct an analysis that compares the costs and benefits of the following:

(1) Upgrading fielded MQ–9 Reaper aircraft to a Block 5 configuration.

(2) Proceeding with the procurement of MQ–9B aircraft instead of upgrading fielded MQ–9 Reaper aircraft to a Block 5 configuration.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the results of the cost-benefit analysis conducted under subsection (a).
(2) Form of report.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 138. PLAN FOR MODERNIZATION OF THE RADAR FOR F–16 FIGHTER AIRCRAFT OF THE NATIONAL GUARD.

(a) Modernization Plan Required.—The Secretary of the Air Force shall develop a plan to modernize the radars of F–16 fighter aircraft of the National Guard by replacing legacy mechanically-scanned radars for such aircraft with active electronically scanned array radars.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees the plan developed under subsection (a).

SEC. 139. COMPTROLLER GENERAL REVIEW OF AIR FORCE FIELDING PLAN FOR HH–60 REPLACEMENT PROGRAMS.

(a) Comptroller General Review.—The Comptroller General of the United States shall conduct a review of the Air Force fielding plan for the HH–60 replacement programs.

(b) Elements.—The review conducted under subsection (a) shall include, with respect to the HH–60 replacement programs, the following:
(1) A description of the recommendations of the National Commission on the Structure of the Air Force regarding the use of concurrent and proportional fielding and how the Air Force applied the recommendations in the fielding plan for the HH–60G replacement programs.

(2) An evaluation of the fielding plan, including an assessment of the Air Force rationale for the plan, as well as the alternative fielding plans considered by the Air Force.

(3) An evaluation of the potential readiness impact of the fielding plan on active duty, National Guard, and Reserve units, including the impact of the plan on the ability of such units to meet training, maintenance, and deployment requirements, as well as the implications for total force integration initiatives should the fielding not be proportional.

(c) BRIEFING.—Not later than March 1, 2018, the Comptroller General shall provide a briefing to the congressional defense committees on the review conducted under subsection (a).

(d) FINAL REPORT.—Not later than June 30, 2018, the Comptroller General shall submit to the congressional committees a report that includes the results of the review conducted under subsection (a).
(e) HH–60G Replacement Programs Defined.—

In this section, the term “HH–60G replacement programs” means the HH–60G Ops Loss Replacement program and the HH–60W Combat Rescue Helicopter program.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

SEC. 141. F–35 Economic Order Quantity Contracting Authority.

(a) In General.—Subject to subsections (b) through (e), from amounts made available for obligation under the F–35 aircraft program, the Secretary of Defense may enter into one or more contracts, beginning with the fiscal year 2018 program year, for the procurement of economic order quantities of material and equipment that has completed formal hardware qualification testing for the F–35 aircraft program for use in procurement contracts to be awarded for such program during fiscal years 2019 and 2020.

(b) Limitation.—The total amount obligated under all contracts entered into under subsection (a) shall not exceed $661,000,000.

(c) Preliminary Findings.—Before entering into a contract under subsection (a), the Secretary shall make
each of the following findings with respect to such contract:

(1) The use of such a contract will result in significant savings of the total anticipated costs of carrying out the program through annual contracts.

(2) The minimum need for the property to be procured is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities.

(3) There is a reasonable expectation that, throughout the contemplated contract period, the Secretary will request funding for the contract at the level required to avoid contract cancellation.

(4) That there is a stable design for the property to be procured and that the technical risks associated with such property are not excessive.

(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of an economic order quantity contract are realistic.

(6) Entering into the contract will promote the national security interests of the United States.

(d) CERTIFICATION REQUIREMENT.—Except as provided in subsection (e), the Secretary of Defense may not
enter into a contract under subsection (a) until a period of 30 days has elapsed following the date on which the Secretary certifies to the congressional defense committees, in writing, that each of the following conditions is satisfied:

(1) A sufficient number of end items of the system being acquired under such contract have been delivered at or within the most recently available estimates of the program acquisition unit cost or procurement unit cost for such system to determine that the estimates of the unit costs are realistic.

(2) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year will include the funding required to execute the program without cancellation.

(3) The contract is a fixed-price type contract.

(4) The proposed contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

(5) The Secretary has determined that each of the conditions described in paragraphs (1) through (6) of subsection (e) will be met by such contract
and has provided the basis for such determination to
the congressional defense committees.

(6) The determination under paragraph (5) was
made after the completion of a cost analysis per-
formed by the Director of Cost Assessment and Pro-
gram Evaluation for the purpose of section
2334(e)(1) of title 10, United States Code, and the
analysis supports that determination.

(e) EXCEPTION.—Notwithstanding subsection (d),
the Secretary of Defense may enter into a contract under
subsection (a) on or after March 1, 2018, if—

(1) the Director of Cost Assessment and Pro-
gram Evaluation has not completed a cost analysis
of the preliminary findings made by the Secretary
under subsection (c) with respect to the contract;

(2) the Secretary certifies to the congressional
defense committees, in writing, that each of the con-
ditions described in paragraphs (1) through (5) of
subsection (d) is satisfied; and

(3) a period of 30 days has elapsed following
the date on which the Secretary submits the certifi-
cation under paragraph (2).
SEC. 142. AUTHORITY FOR EXPLOSIVE ORDNANCE DISPOSAL UNITS TO ACQUIRE NEW OR EMERGING TECHNOLOGIES AND CAPABILITIES.

The Secretary of Defense, after consultation with the head of each military service, may provide to an explosive ordnance disposal unit the authority to acquire new or emerging technologies and capabilities that are not specifically provided for in the authorized equipment allowance for the unit, as such allowance is set forth in the table of equipment and table of allowance for the unit.

SEC. 143. REQUIREMENT THAT CERTAIN AIRCRAFT AND UNMANNED AERIAL VEHICLES USE SPECIFIED STANDARD DATA LINK.

Section 157 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1667) is amended—

(1) by amending subsection (b) to read as follows:

“(b) SOLICITATIONS.—The Secretary of Defense shall—

“(1) ensure that any solicitation issued for a Common Data Link described in subsection (a), regardless of whether the solicitation is issued by a military department or a contractor with respect to a subcontract—
“(A) conforms to a Department of Defense specification standard, including interfaces and waveforms, existing as of the date of the solicitation; and

“(B) does not include any proprietary or undocumented waveforms or control interfaces or data interfaces as a requirement or criterion for evaluation; and

“(2) notify the congressional defense committees not later than 15 days after issuing a solicitation for a Common Data Link to be sunset (CDL–TBS) waveform.”; and

(2) in subsection (c), in the matter preceding paragraph (1)—

(A) by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “Deputy Secretary of Defense”; 

(B) by striking “Under Secretary” and inserting “Deputy Secretary of Defense”; and

(C) by inserting “before October 1, 2023” after “committees”.
SEC. 144. REINSTATEMENT OF REQUIREMENT TO PRESERVE CERTAIN C–5 AIRCRAFT; MOBILITY CAPABILITY AND REQUIREMENTS STUDY.

(a) PRESERVATION OF RETIRED 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.—

“(1) IN GENERAL.—The Secretary of the Air Force shall preserve eight retired C–5 aircraft until the date that is 30 days after the date on which the briefing under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 is provided to the congressional defense committees.

“(2) MANNER OF PRESERVATION.—The retired C–5 aircraft preserved under paragraph (1) shall be preserved such that each aircraft—

“(A) can be returned to service; and

“(B) 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.”.

(b) STUDY AND BRIEFING.—
(1) **STUDY.**—The Secretary of Defense shall carry out a mobility capability and requirements study that estimates the number of airlift aircraft, tanker aircraft, and sealift ships needed to meet combatant commander requirements.

(2) **BRIEFING.**—Not later than September 30, 2018, the Secretary of Defense shall provide to the congressional defense committees a briefing on the results of the study carried out under paragraph (1). The briefing shall include—

(A) a detailed explanation of the strategy and associated force sizing and shaping constructs, associated scenarios, and assumptions used to conduct the analysis;

(B) estimated risk based on Chairman of the Joint Chiefs of Staff risk management classifications; and

(C) implications of operations in contested areas with regard to the Civil Reserve Air Fleet.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations