

4 **DIVISION A—DEPARTMENT OF**
5 **DEFENSE AUTHORIZATIONS**
6 **TITLE I—PROCUREMENT**

Subtitle A—Authorization Of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Authority to expedite procurement of 7.62mm rifles.

Sec. 112. Limitation on availability of funds for Increment 2 of the Warfighter Information Network-Tactical program.

Sec. 113. Limitation on availability of funds for upgrade of M113 vehicles.

Subtitle C—Navy Programs

Sec. 121. Aircraft carriers.

Sec. 122. Icebreaker vessel.

Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers.

Sec. 124. Multiyear procurement authority for Virginia class submarine program.

Sec. 125. Design and construction of the lead ship of the amphibious ship replacement designated LX(R) or amphibious transport dock designated LPD-30.

Sec. 126. Multiyear procurement authority for V-22 Osprey aircraft.

Sec. 127. Extension of limitation on use of sole-source shipbuilding contracts for certain vessels.

Sec. 128. Limitation on availability of funds for the enhanced multi-mission parachute system.

Sec. 129. Report on Navy capacity to increase production of certain rotary wing aircraft.

Subtitle D—Air Force Programs

Sec. 131. Inventory requirement for Air Force fighter aircraft.

Sec. 132. Prohibition on availability of funds for retirement of E-8 JSTARS aircraft.

Sec. 133. Requirement for continuation of JSTARS aircraft recapitalization program.

Sec. 134. Limitation on selection of single contractor for C-130H avionics modernization program increment 2.

Sec. 135. Limitation on availability of funds for EC-130H Compass Call recapitalization program.

Sec. 136. Limitation on retirement of U-2 and RQ-4 aircraft.

Sec. 137. Cost-benefit analysis of upgrades to MQ-9 Reaper aircraft.

- Sec. 138. Plan for modernization of the radar for F-16 fighter aircraft of the National Guard.
- Sec. 139. Comptroller General review of Air Force fielding plan for HH-60 replacement programs.

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

- Sec. 141. F-35 economic order quantity contracting authority.
- Sec. 142. Authority for explosive ordnance disposal units to acquire new or emerging technologies and capabilities.
- Sec. 143. Requirement that certain aircraft and unmanned aerial vehicles use specified standard data link.
- Sec. 144. Reinstatement of requirement to preserve certain C-5 aircraft; mobility capability and requirements study.

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

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2018 for procurement for the Army, the Navy
6 and the Marine Corps, the Air Force, and Defense-wide
7 activities, as specified in the funding table in section 4101.

8 **Subtitle B—Army Programs**

9 **SEC. 111. AUTHORITY TO EXPEDITE PROCUREMENT OF**
10 **7.62MM RIFLES.**

11 (a) 7.62MM RIFLES.—

12 (1) PROCUREMENT AUTHORITY.—The Sec-
13 retary of the Army is authorized to expedite the pro-
14 curement of a commercially available off-the-shelf
15 item or nondevelopmental item for a 7.62mm rifle
16 capability in accordance with this section.

17 (2) LIMITATION.—The Secretary of the Army
18 may use the authority under paragraph (1) to pro-
19 cure only the following:

1 (A) Not more than 7,000 7.62mm rifles.

2 (B) Equipment and ammunition associated
3 with such rifles.

4 (3) CONTRACTING PROCEDURES.—

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

9 (B) PROCEDURES OTHER THAN FULL AND
10 OPEN COMPETITION.—The Secretary of the
11 Army may not award a contract under para-
12 graph (1) using procedures other than full and
13 open competition until a period of 10 days has
14 elapsed following the date on which the Sec-
15 retary submits to the congressional committees
16 the report described in subparagraph (C).

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

20 (i) a detailed justification for limiting
21 full and open competition for the procure-
22 ment authorized under paragraph (1);

23 (ii) a description of the objectives,
24 costs, and timelines associated with the
25 procurement; and

1 (iii) an assessment of the projected
2 impact of the procurement on any related
3 programs in terms of cost, schedule, and
4 the use of full and open competition in
5 such programs.

6 (b) RELATED PROGRAMS.—

7 (1) IN GENERAL.—The Secretary of the Army
8 is authorized to use funds made available to carry
9 out subsection (a)—

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

13 (B) to accelerate by two years the ad-
14 vanced armor piercing ammunition program of
15 the Army; and

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

19 (2) FULL AND OPEN COMPETITION.—Any con-
20 tract awarded under the next generation squad
21 weapon program of the Army shall be awarded using
22 full and open competition.

23 (c) DEFINITIONS.—In this section, the terms “com-
24 mercially available off-the-shelf item”, “full and open com-
25 petition”, and “nondevelopmental item” have the mean-

1 ings given the terms in chapter 1 of title 41, United States
2 Code.

3 **SEC. 112. LIMITATION ON AVAILABILITY OF FUNDS FOR IN-**
4 **CREMENT 2 OF THE WARFIGHTER INFORMA-**
5 **TION NETWORK-TACTICAL PROGRAM.**

6 (a) LIMITATION.—Of the funds authorized to be ap-
7 propriated by this Act or otherwise made available for the
8 Department of Defense for fiscal year 2018 for Increment
9 2 of the Warfighter Information Network-Tactical pro-
10 gram of the Army (referred to in this section as “WIN-
11 T Increment 2”) not more than 50 percent may be used
12 to enter into, or to prepare to enter into, a contract for
13 the procurement of equipment under the program until
14 the date on which the Secretary of the Army submits the
15 report under subsection (b).

16 (b) REPORT.—Not later than January 31, 2018, the
17 Secretary of the Army, in consultation with the Chief of
18 Staff of the Army, shall submit to the congressional de-
19 fense committees a report on the strategy of the Army
20 for modernizing air-land ad-hoc, mobile tactical commu-
21 nications and data networks.

22 (c) ELEMENTS.—The report under subsection (b)
23 shall include the following:

1 (1) A description of the strategy of the Army
2 for modernizing air-land ad-hoc, mobile tactical com-
3 munications and data networks.

4 (2) The justification, rationale, and decision
5 points for the strategy, including how network re-
6 quirements are being redefined.

7 (3) How the Army intends to implement the
8 recommendations accepted by the Secretary of the
9 Army related to air-land ad-hoc, mobile tactical com-
10 munications and data networks provided by the Di-
11 rector of Cost Assessment and Program Evaluation
12 pursuant to section 237 of the National Defense Au-
13 thorization Act for Fiscal Year 2016 (Public Law
14 114–92; 129 Stat. 781).

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

21 (5) A timeline and decision points for upgrad-
22 ing fielded WIN-T Increment 1B systems.

23 (6) A list of planned upgrades for components
24 of WIN-T Increment 2 designed to improve program
25 capabilities, including size, weight, and complexity,

1 including the impact of these improvements on the
2 cost of the program, as well as fielding schedules for
3 Army Brigade Combat Teams.

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

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

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

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

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

24 (12) Identification of the changes in acquisition
25 policy as well as operational requirements being im-

1 plemented to deliver an effective, suitable, and sur-
2 vivable network to the warfighter.

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

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

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

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

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

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

23 (2) An analysis of the manner in which the
24 Army plans to address M113 vehicle survivability
25 and maneuverability concerns.

1 (3) An analysis of the historical costs associated
2 with upgrading M113 vehicles, and a validation of
3 current cost estimates for upgrading such vehicles.

4 (4) A comparison of—

5 (A) the total procurement and life cycle
6 costs of adding an echelon above brigade re-
7 quirement to the Army Multi-Purpose Vehicle;
8 and

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

11 (5) An analysis of the possibility of further ac-
12 celerating Army Multi-Purpose Vehicle production or
13 modifying the fielding strategy for the Army Multi-
14 Purpose Vehicle to meet near-term echelon above
15 brigade requirements.

16 **Subtitle C—Navy Programs**

17 **SEC. 121. AIRCRAFT CARRIERS.**

18 (a) MODIFICATION OF COST LIMITATION BASELINE
19 FOR CVN-78 CLASS AIRCRAFT CARRIER PROGRAM.—
20 Section 122 of the John Warner National Defense Author-
21 ization Act for Fiscal Year 2007 (Public Law 109-364;
22 120 Stat. 2105), as most recently amended by section 122
23 of the National Defense Authorization Act for Fiscal Year
24 2016 (Public Law 114-92; 129 Stat. 749), is amended—

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

3 “(2) CARRIER DESIGNATED AS CVN-79.—The
4 total amount obligated from funds appropriated or
5 otherwise made available for Shipbuilding and Con-
6 version, Navy, or for any other procurement ac-
7 count, for the aircraft carrier designated as CVN-
8 79 may not exceed \$11,398,000,000 (as adjusted
9 pursuant to subsection (b)).

10 “(3) FOLLOW-ON SHIPS.—The total amount ob-
11 ligated from funds appropriated or otherwise made
12 available for Shipbuilding and Conversion, Navy, or
13 for any other procurement account, for any ship that
14 is constructed in the CVN-78 class of aircraft car-
15 riers after the aircraft carrier designated as CVN-
16 79 may not exceed \$12,568,000,000 (as adjusted
17 pursuant to subsection (b)).”;

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

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

22 “(A) after September 30, 2013, in the case
23 of the aircraft carrier designated as CVN-79;
24 and

1 “(B) after September 30, 2017, in the case
2 of any ship that is constructed in the CVN-78
3 class of aircraft carriers after the aircraft car-
4 rier designated as CVN-79.”; and

5 (3) by adding at the end the following:

6 “(g) EXCLUSION OF BATTLE AND INTERIM SPARES
7 FROM COST LIMITATION.—The Secretary of the Navy
8 shall exclude from the determination of the amounts set
9 forth in paragraphs (2) and (3) of subsection (a), the costs
10 of the following items:

11 “(1) CVN-78 class battle spares.

12 “(2) Interim spares.”.

13 (b) WAIVER ON LIMITATION OF AVAILABILITY OF
14 FUNDS FOR CVN-79.—The Secretary of Defense may
15 waive subsections (a) and (b) of section 128 of the Na-
16 tional Defense Authorization Act for Fiscal Year 2016
17 (Public Law 114-92; 129 Stat. 751) after a period of 60
18 days has elapsed following the date on which the Secretary
19 submits to the congressional defense committees a written
20 notification of the intent of the Secretary to issue such
21 a waiver. The Secretary shall include in any such notifica-
22 tion the following:

23 (1) The rationale of the Secretary for issuing
24 the waiver.

1 (2) The revised test and evaluation master plan
2 that describes when full ship shock trials will be held
3 on Ford-class aircraft carriers.

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

9 **SEC. 122. ICEBREAKER VESSEL.**

10 (a) **AUTHORITY TO PROCURE ONE POLAR-CLASS**
11 **HEAVY ICEBREAKER.—**

12 (1) **IN GENERAL.—**There is authorized to be
13 procured for the Coast Guard one polar-class heavy
14 icebreaker vessel.

15 (2) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
16 **MENTS.—**A contract entered into under paragraph
17 (1) shall provide that any obligation of the United
18 States to make a payment under the contract for a
19 fiscal year after fiscal year 2018 is subject to the
20 availability of appropriations or funds for that pur-
21 pose for such later fiscal year.

22 (b) **LIMITATION ON AVAILABILITY OF FUNDS FOR**
23 **PROCUREMENT OF ICEBREAKER VESSELS.—**None of the
24 funds authorized to be appropriated by this Act or other-
25 wise made available for the Department of Defense for

1 any fiscal year that are unobligated as of the date of the
2 enactment of this Act may be obligated or expended for
3 the procurement of an icebreaker vessel other than the one
4 polar-class heavy icebreaker vessel authorized to be pro-
5 cured under subsection (a)(1).

6 (c) CONTRACTING AUTHORITY.—

7 (1) COAST GUARD.—If funds are appropriated
8 to the department in which the Coast Guard is oper-
9 ating to carry out subsection (a)(1), the head of con-
10 tracting activity for the Coast Guard shall be re-
11 sponsible for contracting actions carried out using
12 such funds.

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

18 (3) INTERAGENCY ACQUISITION.—Notwith-
19 standing paragraphs (1) and (2), the head of con-
20 tracting activity for the Coast Guard or head of con-
21 tracting activity for the Navy, Naval Sea Systems
22 Command (as the case may be) may authorize inter-
23 agency acquisitions that are within the authority of
24 such head of contracting activity.

25 (d) COMPTROLLER GENERAL REPORT.—

1 (1) IN GENERAL.—Not later than March 1,
2 2018, the Comptroller General of the United States
3 shall submit to the congressional defense commit-
4 tees, the Committee on Commerce, Science, and
5 Transportation of the Senate, and the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives a report assessing the cost of, and
8 schedule for, the procurement of new icebreaker ves-
9 sels for the Federal Government.

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

12 (A) The status of the efforts of the Coast
13 Guard to acquire new icebreaking capability, in-
14 cluding an explanation of how such efforts are
15 coordinated through the integrated program of-
16 fice.

17 (B) Actions taken by the Coast Guard to
18 incorporate key practices of other countries
19 with respect to the procurement of icebreaker
20 vessels to increase the Coast Guard's knowledge
21 of, and to reduce the costs and risks of, pro-
22 curing such vessels.

23 (C) The extent to which the cost and
24 schedule for the construction of Coast Guard

1 icebreakers differs from such cost and schedule
2 in other countries.

3 (D) The extent to which innovative acquisi-
4 tion practices (such as multiyear funding and
5 block buys) may be applied to the procurement
6 of icebreaker vessels to reduce the costs and ac-
7 celerate the schedule of such procurement.

8 (E) A capacity replacement plan to miti-
9 gate a potential icebreaker capability gap if the
10 Polar Star cannot remain in service.

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

13 **SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR**
14 **ARLEIGH BURKE CLASS DESTROYERS.**

15 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
16 Subject to section 2306b of title 10, United States Code,
17 the Secretary of the Navy may enter into one or more
18 multiyear contracts for the procurement of up to 15
19 Arleigh Burke class Flight III guided missile destroyers.

20 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
21 Secretary of the Navy may enter into one or more con-
22 tracts, beginning in fiscal year 2018, for advance procure-
23 ment associated with the destroyers for which authoriza-
24 tion to enter into a multiyear procurement contract is pro-
25 vided under subsection (a), and for systems and sub-

1 systems associated with such destroyers in economic order
2 quantities when cost savings are achievable.

3 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
4 **MENTS.**—A contract entered into under subsection (a)
5 shall provide that any obligation of the United States to
6 make a payment under the contract for a fiscal year after
7 fiscal year 2018 is subject to the availability of appropria-
8 tions or funds for that purpose for such later fiscal year.

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

15 **SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
16 **GINIA CLASS SUBMARINE PROGRAM.**

17 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—
18 Subject to section 2306b of title 10, United States Code,
19 the Secretary of the Navy may enter into one or more
20 multiyear contracts for the procurement of not more than
21 13 Virginia class submarines.

22 (b) **LIMITATION.**—The Secretary of the Navy may
23 not modify a contract entered into under subsection (a)
24 if the modification would increase the target price of the
25 submarine by more than 10 percent above the target price

1 specified in the original contract awarded for the sub-
2 marine under subsection (a).

3 (c) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
4 Secretary of the Navy may enter into one or more con-
5 tracts, beginning in fiscal year 2018, for advance procure-
6 ment associated with the Virginia class submarines for
7 which authorization to enter into a multiyear procurement
8 contract is provided under subsection (a) and for equip-
9 ment or subsystems associated with the Virginia class sub-
10 marine program, including procurement of—

11 (1) long lead time material; or

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

14 (d) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
15 **MENTS.**—A contract entered into under subsection (a)
16 shall provide that any obligation of the United States to
17 make a payment under the contract for a fiscal year after
18 fiscal year 2019 is subject to the availability of appropria-
19 tions or funds for that purpose for such later fiscal year.

20 (e) **LIMITATION ON TERMINATION LIABILITY.**—A
21 contract for the construction of Virginia class submarines
22 entered into under subsection (a) shall include a clause
23 that limits the liability of the United States to the con-
24 tractor for any termination of the contract. The maximum
25 liability of the United States under the clause shall be the

1 amount appropriated for the submarines covered by the
2 contract regardless of the amount obligated under the con-
3 tract.

4 (f) VIRGINIA CLASS SUBMARINE DEFINED.—The
5 term “Virginia class submarine” means a block V config-
6 ured Virginia class submarine.

7 **SEC. 125. DESIGN AND CONSTRUCTION OF THE LEAD SHIP**
8 **OF THE AMPHIBIOUS SHIP REPLACEMENT**
9 **DESIGNATED LX(R) OR AMPHIBIOUS TRANS-**
10 **PORT DOCK DESIGNATED LPD-30.**

11 (a) IN GENERAL.—Using funds authorized to be ap-
12 propriated for the Department of Defense for Shipbuilding
13 and Conversion, Navy, the Secretary of the Navy may
14 enter into a contract, beginning with the fiscal year 2018
15 program year, for the design and construction of—

16 (1) the lead ship of the amphibious ship re-
17 placement class designated LX(R); or

18 (2) the amphibious transport dock designated
19 LPD-30.

20 (b) USE OF INCREMENTAL FUNDING.—With respect
21 to the contract entered into under subsection (a), the Sec-
22 retary may use incremental funding to make payments
23 under the contract.

24 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
25 MENTS.—The contract entered into under subsection (a)

1 shall provide that any obligation of the United States to
2 make a payment under such contract for any fiscal year
3 after fiscal year 2018 is subject to the availability of ap-
4 propriations for that purpose for such later fiscal year.

5 **SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22**
6 **OSPREY AIRCRAFT.**

7 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—
8 Subject to section 2306b of title 10, United States Code
9 (except as provided in subsection (b)), the Secretary of
10 the Navy may enter into one or more multiyear contracts,
11 beginning with the 2018 program year, for the procure-
12 ment of the following:

13 (1) V-22 Osprey aircraft.

14 (2) Common configuration-readiness and mod-
15 ernization upgrades for V-22 Osprey aircraft.

16 (b) **CONTRACT PERIOD.**—Notwithstanding section
17 2306b(k) of title 10, United States Code, the period cov-
18 ered by a contract entered into on a multiyear basis under
19 the authority of subsection (a) may exceed five years, but
20 may not exceed seven years.

21 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
22 **MENTS.**—A contract entered into under subsection (a)
23 shall provide that any obligation of the United States to
24 make a payment under the contract for a fiscal year after

1 fiscal year 2018 is subject to the availability of appropria-
2 tions or funds for that purpose for such later fiscal year.

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

6 Section 124 of the National Defense Authorization
7 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
8 ed by striking “2017” and inserting “2017 or fiscal year
9 2018”.

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

13 (a) LIMITATION.—Of the funds authorized to be ap-
14 propriated by this Act or otherwise made available for the
15 Department of Defense for fiscal year 2018 for the en-
16 hanced multi-mission parachute system, not more than 80
17 percent may be used to enter into, or to prepare to enter
18 into, a contract for the procurement of such parachute
19 system until the date on which the Secretary of the Navy
20 submits to the congressional defense committees the cer-
21 tification under subsection (b) and the report under sub-
22 section (c).

23 (b) CERTIFICATION.—Not later than 90 days after
24 the date of the enactment of this Act, the Secretary of

1 the Navy shall submit to the congressional defense com-
2 mittees a certification that states—

3 (1) whether the multi-mission parachute system
4 fielded by the Marine Corps meets Marine Corps re-
5 quirements;

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

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

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

14 (5) whether the Department of the Navy has
15 determined that a high glide canopy parachute sys-
16 tem is as safe and effective as the fielded free fall
17 parachute systems.

18 (c) REPORT.—Not later than 90 days after the date
19 of the enactment of this Act, the Secretary of the Navy
20 shall submit to the congressional defense committees a re-
21 port that includes—

22 (1) an explanation for using the Parachute In-
23 dustry Association specification for a military para-
24 chute given that sports parachutes are deployed

1 from relatively slow flying civilian aircraft at alti-
2 tudes below 10,000 feet;

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

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

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

14 **SEC. 129. REPORT ON NAVY CAPACITY TO INCREASE PRO-**
15 **DUCTION OF CERTAIN ROTARY WING AIR-**
16 **CRAFT.**

17 (a) REPORT.—Not later than March 30, 2018, the
18 Secretary of the Navy shall submit to the congressional
19 defense committees a report that describes and assesses
20 the capacity of the Navy to increase production of the air-
21 craft described in subsection (b), taking into account an
22 increase in the size of the surface fleet of the Navy to
23 355 ships.

24 (b) AIRCRAFT DESCRIBED.—The aircraft described
25 in this subsection are the following:

1 (1) Anti-submarine warfare rotary wing air-
2 craft.

3 (2) Search and rescue rotary wing aircraft.

4 **Subtitle D—Air Force Programs**

5 **SEC. 131. INVENTORY REQUIREMENT FOR AIR FORCE** 6 **FIGHTER AIRCRAFT.**

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

10 “(i)(1) During the period beginning on October 1,
11 2017, and ending on October 1, 2022, the Secretary of
12 the Air Force shall maintain a total aircraft inventory of
13 fighter aircraft of not less than 1,970 aircraft, and a total
14 primary mission aircraft inventory (combat-coded) of not
15 less than 1,145 fighter aircraft.

16 “(2) In this subsection:

17 “(A) The term ‘fighter aircraft’ means an air-
18 craft that—

19 “(i) is designated by a mission design se-
20 ries prefix of F– or A–;

21 “(ii) is manned by one or two crew-
22 members; and

23 “(iii) executes single-role or multi-role mis-
24 sions, including air-to-air combat, air-to-ground
25 attack, air interdiction, suppression or destruc-

1 tion of enemy air defenses, close air support,
2 strike control and reconnaissance, combat
3 search and rescue support, or airborne forward
4 air control.

5 “(B) The term ‘primary mission aircraft inven-
6 tory’ means aircraft assigned to meet the primary
7 aircraft authorization to a unit for the performance
8 of its wartime mission.”.

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

11 (1) LIMITATION.—Except as provided in sub-
12 section (c), during the period beginning on October
13 1, 2017, and ending on October 1, 2022, the Sec-
14 retary of the Air Force may not proceed with a deci-
15 sion to retire fighter aircraft in any number that
16 would reduce the total number of such aircraft in
17 the Air Force total active inventory below 1,970, and
18 shall maintain a minimum of 1,145 fighter aircraft
19 designated as primary mission aircraft inventory.

20 (2) ADDITIONAL LIMITATIONS ON RETIREMENT
21 OF FIGHTER AIRCRAFT.—Except as provided in sub-
22 section (c), during the period beginning on October
23 1, 2017, and ending on October 1, 2022, the Sec-
24 retary of the Air Force may not retire fighter air-
25 craft from the total active inventory as of the date

1 of the enactment of this Act until the later of the
2 following:

3 (A) The date that is 30 days after the date
4 on which the Secretary submits the report re-
5 quired under paragraph (3).

6 (B) The date that is 30 days after the date
7 on which the Secretary certifies to the congress-
8 sional defense committees that—

9 (i) the retirement of such fighter air-
10 craft will not increase the operational risk
11 of meeting the National Defense Strategy;
12 and

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

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

21 (A) The rationale for the retirement of ex-
22 isting fighter aircraft and an operational anal-
23 ysis of the portfolio of capabilities of the Air
24 Force that demonstrates performance of the

1 designated mission at an equal or greater level
2 of effectiveness as the retiring aircraft.

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

7 (C) Such other matters relating to the re-
8 tirement of fighter aircraft as the Secretary
9 considers appropriate.

10 (c) EXCEPTION FOR CERTAIN AIRCRAFT.—The re-
11 quirement of subsection (b) does not apply to individual
12 fighter aircraft that the Secretary of the Air Force deter-
13 mines, on a case-by-case basis, to be non-operational be-
14 cause of mishaps, other damage, or being uneconomical
15 to repair.

16 (d) FIGHTER AIRCRAFT DEFINED.—In this section,
17 the term “fighter aircraft” has the meaning given the
18 term in subsection (i)(2)(A) of section 8062 of title 10,
19 United States Code, as added by subsection (a) of this
20 section.

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

23 (a) PROHIBITION ON AVAILABILITY OF FUNDS FOR
24 RETIREMENT.—Except as provided by subsection (b),
25 none of the funds authorized to be appropriated by this

1 Act or otherwise made available for fiscal year 2018 for
2 the Air Force may be obligated or expended to retire, or
3 prepare to retire, any E-8 Joint Surveillance Target At-
4 tack Radar System aircraft.

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

11 **SEC. 133. REQUIREMENT FOR CONTINUATION OF JSTARS**
12 **AIRCRAFT RECAPITALIZATION PROGRAM.**

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

19 (b) REPORT.—The report described in this sub-
20 section, is a report that includes the following:

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

24 (2) An assessment of the implications of such
25 cancellation or modification for meeting the mission

1 requirements for air battle management and moving
2 target indicator intelligence discipline of the Air
3 Force, the Air National Guard, the Army, the Army
4 National Guard, the Navy and Marine Corps, and
5 the combatant commands.

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

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

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

19 (d) DEFINITIONS.—In this section:

20 (1) The term “budget request” means the
21 budget materials submitted by the Secretary of De-
22 fense in support of the budget of the President for
23 a fiscal year (submitted to Congress pursuant to sec-
24 tion 1105 of title 31, United States Code).

1 ings given the terms in chapter 1 of title 41, United States
2 Code.

3 **SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR EC-**
4 **130H COMPASS CALL RECAPITALIZATION**
5 **PROGRAM.**

6 (a) LIMITATION.—None of the funds authorized to
7 be appropriated by this Act or otherwise made available
8 for any fiscal year for the EC–130H Compass Call recapiti-
9 talization program of the Air Force may be obligated until
10 a period of 30 days has elapsed following the date on
11 which the Under Secretary of Defense for Acquisition,
12 Technology, and Logistics submits to the congressional de-
13 fense committees the certification described in subsection
14 (b).

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

17 (1) an independent review of the acquisition
18 process for the EC–130H Compass Call recapitaliza-
19 tion program of the Air Force has been conducted;
20 and

21 (2) as a result of such review, it has been deter-
22 mined that the acquisition process for such program
23 complies with all applicable laws, guidelines, and
24 best practices.

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

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

8 (1) the Under Secretary of Defense for Acquisi-
9 tion, Technology, and Logistics certifies in writing to
10 the appropriate committees of Congress that—

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

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

23 (2) the Chairman of the Joint Requirements
24 Oversight Council certifies in writing to the appro-
25 priate committees of Congress that the capability to
26 be fielded at the same time or before the retirement

1 of the U-2 aircraft or RQ-4 aircraft (as the case
2 may be) would result in equal or greater capability
3 available to the commanders of the combatant com-
4 mands and would not result in less capacity avail-
5 able to the commanders of the combatant com-
6 mands.

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

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

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

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

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

23 (2) the Committee on Armed Services, the
24 Committee on Appropriations, and the Permanent

1 Select Committee on Intelligence of the House of
2 Representatives.

3 (d) REPEAL.—Section 133 of the National Defense
4 Authorization Act for Fiscal Year 2012 (Public Law 112–
5 81; 125 Stat. 1321) is repealed.

6 **SEC. 137. COST-BENEFIT ANALYSIS OF UPGRADES TO MQ-9**
7 **REAPER AIRCRAFT.**

8 (a) IN GENERAL.—The Secretary of Defense, in con-
9 sultation with the Secretary of the Air Force, shall con-
10 duct an analysis that compares the costs and benefits of
11 the following:

12 (1) Upgrading fielded MQ-9 Reaper aircraft to
13 a Block 5 configuration.

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

17 (b) REPORT REQUIRED.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the congressional
21 defense committees a report that includes the results
22 of the cost-benefit analysis conducted under sub-
23 section (a).

1 (2) FORM OF REPORT.—The report required by
2 paragraph (1) shall be submitted in unclassified
3 form, but may include a classified annex.

4 **SEC. 138. PLAN FOR MODERNIZATION OF THE RADAR FOR**
5 **F-16 FIGHTER AIRCRAFT OF THE NATIONAL**
6 **GUARD.**

7 (a) MODERNIZATION PLAN REQUIRED.—The Sec-
8 retary of the Air Force shall develop a plan to modernize
9 the radars of F-16 fighter aircraft of the National Guard
10 by replacing legacy mechanically-scanned radars for such
11 aircraft with active electronically scanned array radars.

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

16 **SEC. 139. COMPTROLLER GENERAL REVIEW OF AIR FORCE**
17 **FIELDING PLAN FOR HH-60 REPLACEMENT**
18 **PROGRAMS.**

19 (a) COMPTROLLER GENERAL REVIEW.—The Comp-
20 troller General of the United States shall conduct a review
21 of the Air Force fielding plan for the HH-60 replacement
22 programs.

23 (b) ELEMENTS.—The review conducted under sub-
24 section (a) shall include, with respect to the HH-60 re-
25 placement programs, the following:

1 (1) A description of the recommendations of the
2 National Commission on the Structure of the Air
3 Force regarding the use of concurrent and propor-
4 tional fielding and how the Air Force applied the
5 recommendations in the fielding plan for the HH-
6 60G replacement programs.

7 (2) An evaluation of the fielding plan, including
8 an assessment of the Air Force rationale for the
9 plan, as well as the alternative fielding plans consid-
10 ered by the Air Force.

11 (3) An evaluation of the potential readiness im-
12 pact of the fielding plan on active duty, National
13 Guard, and Reserve units, including the impact of
14 the plan on the ability of such units to meet train-
15 ing, maintenance, and deployment requirements, as
16 well as the implications for total force integration
17 initiatives should the fielding not be proportional.

18 (c) BRIEFING.—Not later than March 1, 2018, the
19 Comptroller General shall provide a briefing to the con-
20 gressional defense committees on the review conducted
21 under subsection (a).

22 (d) FINAL REPORT.—Not later than June 30, 2018,
23 the Comptroller General shall submit to the congressional
24 committees a report that includes the results of the review
25 conducted under subsection (a).

1 (e) HH-60G REPLACEMENT PROGRAMS DEFINED.—
2 In this section, the term “HH-60G replacement pro-
3 grams” means the HH-60G Ops Loss Replacement pro-
4 gram and the HH-60W Combat Rescue Helicopter pro-
5 gram.

6 **Subtitle E—Defense-wide, Joint,**
7 **and Multiservice Matters**

8 **SEC. 141. F-35 ECONOMIC ORDER QUANTITY CONTRACTING**
9 **AUTHORITY.**

10 (a) IN GENERAL.—Subject to subsections (b)
11 through (e), from amounts made available for obligation
12 under the F-35 aircraft program, the Secretary of De-
13 fense may enter into one or more contracts, beginning
14 with the fiscal year 2018 program year, for the procure-
15 ment of economic order quantities of material and equip-
16 ment that has completed formal hardware qualification
17 testing for the F-35 aircraft program for use in procure-
18 ment contracts to be awarded for such program during
19 fiscal years 2019 and 2020.

20 (b) LIMITATION.—The total amount obligated under
21 all contracts entered into under subsection (a) shall not
22 exceed \$661,000,000.

23 (c) PRELIMINARY FINDINGS.—Before entering into a
24 contract under subsection (a), the Secretary shall make

1 each of the following findings with respect to such con-
2 tract:

3 (1) The use of such a contract will result in sig-
4 nificant savings of the total anticipated costs of car-
5 rying out the program through annual contracts.

6 (2) The minimum need for the property to be
7 procured is expected to remain substantially un-
8 changed during the contemplated contract period in
9 terms of production rate, procurement rate, and
10 total quantities.

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

15 (4) That there is a stable design for the prop-
16 erty to be procured and that the technical risks asso-
17 ciated with such property are not excessive.

18 (5) The estimates of both the cost of the con-
19 tract and the anticipated cost avoidance through the
20 use of an economic order quantity contract are real-
21 istic.

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

24 (d) CERTIFICATION REQUIREMENT.—Except as pro-
25 vided in subsection (e), the Secretary of Defense may not

1 enter into a contract under subsection (a) until a period
2 of 30 days has elapsed following the date on which the
3 Secretary certifies to the congressional defense commit-
4 tees, in writing, that each of the following conditions is
5 satisfied:

6 (1) A sufficient number of end items of the sys-
7 tem being acquired under such contract have been
8 delivered at or within the most recently available es-
9 timates of the program acquisition unit cost or pro-
10 curement unit cost for such system to determine
11 that the estimates of the unit costs are realistic.

12 (2) During the fiscal year in which such con-
13 tract is to be awarded, sufficient funds will be avail-
14 able to perform the contract in such fiscal year, and
15 the future-years defense program submitted to Con-
16 gress under section 221 of title 10, United States
17 Code, for that fiscal year will include the funding re-
18 quired to execute the program without cancellation.

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

20 (4) The proposed contract provides for produc-
21 tion at not less than minimum economic rates given
22 the existing tooling and facilities.

23 (5) The Secretary has determined that each of
24 the conditions described in paragraphs (1) through
25 (6) of subsection (c) will be met by such contract

1 and has provided the basis for such determination to
2 the congressional defense committees.

3 (6) The determination under paragraph (5) was
4 made after the completion of a cost analysis per-
5 formed by the Director of Cost Assessment and Pro-
6 gram Evaluation for the purpose of section
7 2334(e)(1) of title 10, United States Code, and the
8 analysis supports that determination.

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

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

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

20 (3) a period of 30 days has elapsed following
21 the date on which the Secretary submits the certifi-
22 cation under paragraph (2).

1 **SEC. 142. AUTHORITY FOR EXPLOSIVE ORDNANCE DIS-**
2 **POSAL UNITS TO ACQUIRE NEW OR EMERG-**
3 **ING TECHNOLOGIES AND CAPABILITIES.**

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

11 **SEC. 143. REQUIREMENT THAT CERTAIN AIRCRAFT AND**
12 **UNMANNED AERIAL VEHICLES USE SPECI-**
13 **FIED STANDARD DATA LINK.**

14 Section 157 of the National Defense Authorization
15 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
16 1667) is amended—

17 (1) by amending subsection (b) to read as fol-
18 lows:

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

21 “(1) ensure that any solicitation issued for a
22 Common Data Link described in subsection (a), re-
23 gardless of whether the solicitation is issued by a
24 military department or a contractor with respect to
25 a subcontract—

1 “(A) conforms to a Department of Defense
2 specification standard, including interfaces and
3 waveforms, existing as of the date of the solici-
4 tation; and

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

9 “(2) notify the congressional defense commit-
10 tees not later than 15 days after issuing a solici-
11 tation for a Common Data Link to be sunset (CDL-
12 TBS) waveform.”; and

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

15 (A) by striking “Under Secretary of De-
16 fense for Acquisition, Technology, and Logis-
17 tics” and inserting “Deputy Secretary of De-
18 fense”;

19 (B) by striking “Under Secretary” and in-
20 serting “Deputy Secretary of Defense”; and

21 (C) by inserting “before October 1, 2023”
22 after “committees”.

1 **SEC. 144. REINSTATEMENT OF REQUIREMENT TO PRE-**
2 **SERVE CERTAIN C-5 AIRCRAFT; MOBILITY CA-**
3 **PABILITY AND REQUIREMENTS STUDY.**

4 (a) PRESERVATION OF RETIRED AIRCRAFT.—Section
5 141 of the National Defense Authorization Act for Fiscal
6 Year 2013 (Public Law 112–239; 126 Stat. 1659), as
7 amended by section 132 of the National Defense Author-
8 ization Act for Fiscal Year 2017 (Public Law 114–328),
9 is amended by inserting after subsection (c) the following:

10 “(d) PRESERVATION OF CERTAIN RETIRED C-5 AIR-
11 CRAFT.—

12 “(1) IN GENERAL.—The Secretary of the Air
13 Force shall preserve eight retired C-5 aircraft until
14 the date that is 30 days after the date on which the
15 briefing under section 144(b) of the National De-
16 fense Authorization Act for Fiscal Year 2018 is pro-
17 vided to the congressional defense committees.

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

21 “(A) can be returned to service; and

22 “(B) is not used to supply parts to other
23 aircraft unless specifically authorized by the
24 Secretary of Defense upon a request by the
25 Secretary of the Air Force.”.

26 (b) STUDY AND BRIEFING.—

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

6 (2) BRIEFING.—Not later than September 30,
7 2018, the Secretary of Defense shall provide to the
8 congressional defense committees a briefing on the
9 results of the study carried out under paragraph (1).
10 The briefing shall include—

11 (A) a detailed explanation of the strategy
12 and associated force sizing and shaping con-
13 structs, associated scenarios, and assumptions
14 used to conduct the analysis;

15 (B) estimated risk based on Chairman of
16 the Joint Chiefs of Staff risk management clas-
17 sifications; and

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