



United States House of Representatives

HOUSE ARMED SERVICES COMMITTEE DEMOCRATS

Adam Smith, Ranking Member

Fiscal Year 2018 National Defense Authorization Act Summary

The FY18 National Defense Authorization Act would authorize approximately \$621.5 billion in discretionary base budget authority. It would authorize approximately \$74.6 billion of Overseas Contingency Operations (OCO) funding, \$10 billion of which is to be used for base-budget requirements, amounting to a total of \$631.5 for base-budget requirements and \$64.6 billion for OCO requirements.

Key Provisions

Europe and Russia

Strengthens deterrence in Europe. Provides \$4.65 billion for the European Deterrence Initiative and requires a long-term plan, including an assessment of resourcing needs. Also requires a re-evaluation of the strategic importance of specific sites included in the European Infrastructure Consolidation initiative.

Asserts that there is value in permanently stationed forces in Europe and mandates an assessment of potential locations, logistical requirements, and costs of stationing additional permanent forces in Europe.

Mandates an assessment of training ranges and facilities in Europe, any capability gaps and requirements for improvements in those facilities, and training requirements for additional permanent or rotational forces in Europe.

Accelerates procurement of Army prepositioned equipment and munitions stocks in Europe as part of the European Deterrence Initiative.

Strengthens cyber cooperation with NATO partners and regional allies by emphasizing bilateral training, and by authorizing funding and collaboration with the NATO Cooperative Cyber Defense Center of Excellence and Strategic Communications Center of Excellence.

Enhances bilateral cooperation to counter Russian propaganda aimed at undermining U.S. and allied national security through prioritization of funding for the NATO Strategic Communications Center of Excellence; by recognizing the Russian Information Group established by EUCOM; and by encouraging greater leveraging of capabilities from the U.S. Global Engagement Center.

Extends the authorization for the Ukraine Security Assistance Initiative and authorizes \$150 million in funding, which provides support and assistance to the Ukrainian Armed Forces. Continues to urge that the administration make a policy decision to provide lethal defensive equipment for Ukraine.

Extends the prohibition on funding for any activity that would recognize the sovereignty of the Russian Federation over Crimea.

Requires a briefing to the Armed Services Committee on the Russian military's role in hacking the 2016 U.S. election.

Continues to limit military-to-military cooperation with Russia.

Iraq, Syria, Afghanistan, Somalia, and Yemen

Matches the budget request by providing \$1.8 billion for the Counter-ISIS Train and Equip Fund (CTEF) and \$4.9 billion for the Afghanistan Security Forces Fund.

Authorizes a target of \$41 million for the advancement of women in the Afghan National Defense and Security Forces.

Directs the Secretary of Defense to provide an Afghanistan strategy that will look beyond the next five years and assess the trajectory and cost of U.S. efforts there.

Directs the Secretary of Defense to provide a comprehensive regional strategy for Syria that explains long-term U.S. objectives in the wake of active combat against ISIL.

Requires the President to outline U.S. strategic objectives in Somalia.

Requires the President to develop a security strategy for Yemen.

Indo-Asia-Pacific

Supports forward positioning of forces in the Indo-Asia-Pacific region and invests in critical munitions and joint training exercises.

Detention Facility at Guantanamo Bay, Cuba (GTMO)

Prevents closure of the detention facility by extending the existing prohibitions on transfers of detainees into the United States, and on the construction or modification of facilities within the United States, to house GTMO detainees for another calendar year.

BRAC

Includes language preventing a new base closure round, rejecting DOD's request for the sixth year in a row.

Acquisition Reforms

Includes a package of acquisition legislation released earlier in the year, related to commercial off-the-shelf goods, service contracts, and defense contract auditing. While the bill adds some important modifications to the acquisition reform system, a number of these modifications would impose significant process and bureaucracy on the DOD acquisition system, increase the danger of conflicts of interest, and reduce DOD's ability to ensure that defense contractors do not misuse taxpayer money.

Security Cooperation

Continues the Committee's work on security cooperation reform through support for assessment, monitoring, and evaluation measures, which help ensure best returns on investment from such programs.

Subcommittee Portions

Military Personnel Provisions

Authorizes 27,900 service members worth of increased end-strength across the Army, Navy, Air Force, Army Guard and Reserve, Naval and Air Reserve, and Air Guard.

Raises military pay by 2.4%.

Extends special pay and bonuses for service members.

Does not include language banning transgender individuals from serving in the military.

Does not include language requiring women to register for Selective Service.

Directs the Secretary of Defense to ensure legal permanent residents who are serving in the military are informed of the availability of naturalization through military service.

Requires the Commandant of the Marine Corps to provide a report on the changes and costs that would be required in order to execute fully integrated basic recruit training for men and women, including renovations to barracks.

Directs GAO to provide a report on how the military services collect and maintain data on the race and gender of service members convicted under the UCMJ, recommendations on how to improve the process, and analysis to help determine whether racial disparities exist.

Expands special victims counsel training to require training on the unique challenges faced by male victims of sexual assault.

Enhances the tools available to prosecute perpetrators of nonconsensual sharing of intimate images by adding a new provision to the Uniform Code of Military Justice specifically prohibiting these crimes.

Requires that incidents involving nonconsensual distribution of private sexual images be included in the annual SAPRO reports.

Improves the process for consideration of former service members' discharge upgrade requests by requiring boards to consider non-military medical evidence and requiring liberal consideration of evidence relating to post-traumatic stress or traumatic brain injury.

Directs a report on the methods and resources available to train and educate dependents on suicide risk factors and ways to support their service member, with special emphasis on service members with diagnosed PTSD.

Requires a mental health exam for service members before the transition out of the military.

Supports the recent Military Health System organizational reform by clarifying that the Services have a role in the readiness of military health professionals.

Requires the Secretary of Defense to provide a physical examination to reserve component service members that have served on active duty in support of a contingency operation for a period of more than 30 days.

Prohibits the reduction of inpatient care for military medical treatment facilities located outside the United States.

Increases funding to \$50 million in DOD Impact Aid for schools with large numbers of military-connected students.

Authorizes the services to reimburse a service member up to \$500 for a spouse's expenses related to obtaining licensing or certification in another state because of a military move.

Strongly encourages the Secretary of Defense to explore complementary and integrative post-traumatic stress disorder therapies, supports the Center for Neuroscience and Regenerative Medicine Brain Tissue Repository, and requires the Secretary of Defense to devise a plan to inform service members how to donate their brains for research after death.

Unfortunately, the Special Survivor Indemnity Allowance (SSIA) extension from the FY17 NDAA expires in May 2018, and there is no extension in the bill.

Intelligence and Emerging Threats Provisions

Cyber Warfare and Enhanced Congressional Oversight

Prioritizes the readiness of U.S. Cyber Command, cyber mission forces, and cyber warfare tools and capabilities, including initiatives to strengthen the cyber workforce.

Addresses military service unfunded requirements for cyber warfare.

Enhances resiliency of DoD networks, weapons systems, supply chains, and capabilities.

Strengthens congressional oversight of sensitive cyber military operations and cyber warfare tools and capabilities.

Bolsters international partnerships for cyber warfare to counter Russian, Chinese, and North Korean aggression, cyber-, and information warfare threats.

Counterterrorism and Unconventional Warfare

Fully resources and authorizes U.S. Special Operations Command programs and activities, including ongoing efforts in Iraq, Syria, Afghanistan, Yemen, Somalia, and Eastern Europe.

Grants permanent authority for family support programs within Special Operations Command.

Strengthens congressional oversight of ongoing counterterrorism and unconventional warfare operations and programs, including intelligence activities.

Defense Innovation, Emerging Technologies, and Countering Weapons of Mass Destruction

Fully supports innovation efforts of the Strategic Capabilities Office, Defense Advanced Research Projects Agency, and Defense Innovation Unit Experimental to ensure technological superiority and overmatch for our warfighters against current and future threats.

Advances hypersonic weapons research, development, and transitional efforts within DOD.

Fully funds the Defense Threat Reduction Agency, the Chemical and Biological Defense program, and the Cooperative Threat Reduction program to combat weapons of mass destruction (WMD).

Addresses military service unfunded requirements for operations within a WMD environment.

Readiness Provisions

Readiness and Logistics

Authorizes additional funding for Army, Navy, Marine Corps, and Air Force operation and maintenance accounts to increase training opportunities and equipment maintenance.

Alternates Quarterly Readiness Report to Congress (QRRC) between readiness status and mitigation plans for correcting readiness deficiencies from quarter to quarter.

Improves existing biennial reporting requirements on core depot-level maintenance and repair capabilities by clarifying what specific data should be included in such reports, including mitigating strategies to address shortfalls in core capabilities.

In the wake of reports that the United States spent \$28 on woodland camouflage uniforms for the Afghan National Army, requires a cost-benefit analysis of uniform specifications for Afghan military or security forces as a condition of entering into a contract for any new uniforms.

Changes the Ammunition Storage Board to the Explosive Safety Board and changes membership of the board.

Designates corrosion control and prevention executives for the military departments, including technical qualifications for the positions and sustainment-related duties. At the same time, the bill repeals the DOD Office of Corrosion Policy and Oversight, which supports corrosion-related research and academic efforts.

Does not include a requirement to provide quarterly reports to the House Armed Services Committee on the cost to support presidential travel, which is funded through Air Force readiness accounts, including incurred costs for travel to a property owned or operated by the president or the president's immediate family.

Also requires reports or briefings on:

- How the services calculate depot workload carryover;
- Measures that could be taken to expedite the background investigations for and granting of security clearances;
- Navy's plans to upgrade infrastructure and business and production process at the four major naval shipyards to ensure timely execution of ship maintenance and repair availabilities and to accommodate future ship submarine and carrier ship classes;
- As part of looking toward a return to permanent stationing of greater U.S. military presence in Europe, the location, capabilities, and capacities of air and ground ranges, range complexes, military training routes, and special-use areas in the European Command's area of responsibility;
- The extent to which explosive ordnance disposal (EOD) requirements and capabilities are integrated into operational planning; whether EOD capabilities, including manning and equipment, are sufficient to meet combatant commander requirements; what steps are being taken to identify and mitigate any EOD capability gaps in operational plans; and whether DOD conducts oversight of Department-wide EOD functions.

Civilian Personnel

Extends direct hiring authority for depots and ranges to 2021 (presently stops in 2018).

Extends Voluntary Separation Incentive Pay of \$40,000 to 2021 (presently stops at 2018).

Allows appointment of retired military members to the Civil Service to meet emergency needs (presently requires 6-month wait).

Installations

Authorizes \$10.2 billion for military construction, family housing, and implementation of legacy BRAC, a \$2.3 billion increase from fiscal year 2017.

Authorizes additional funding for facility sustainment, restoration, and modernization to allow DOD to start addressing its facility investment backlog.

Provides additional flexibility for minor military construction as well as infrastructure investments funded with operations & maintenance dollars by increasing the existing thresholds.

Requires infrastructure master plans for defense laboratory and research facilities.

Fully authorizes the budget request for military construction associated with the realignment of U.S. Marines from Okinawa to Guam.

Authorizes U.S. Citizenship and Immigration Services to approve H-2B visa applications and renewals for contractors performing work associated with the military buildup on Guam through October 1, 2020.

Energy

Includes report language encouraging DOD to place an emphasis on investments that support energy resiliency at military installations.

Renames the Department of Defense Clearinghouse to the Military Aviation Range and Installation Assurance Program Office, as well as amending the authorities of the office and including these amended authorities in statute.

Requires a report of the scope of military test and training events conducted in the area east of the Military Mission Line in the Gulf of Mexico and the impact to these activities of the moratorium on oil and gas leasing, pre-leasing, or any related activities east of the Military Mission Line is not extended.

Environment

Acknowledges that climate change is a direct threat to U.S. national security interests and requires a report on vulnerabilities to military installations and combatant commands as well as the mitigations that may be necessary to ensure installation and mission resiliency in the face of climate change.

Requires a briefing on recurrent flooding and sea level rise impacting military installations.

Authorizes an additional \$60 million for the Navy and Air Force environmental restoration accounts to support response actions related to the chemicals perfluorooctanoic acid and perfluorooctane sulfonate (PFOA and PFOS), which can contaminate drinking water.

Requires a briefing on DOD's response to PFOA/PFOS. The briefing shall include locations where DOD has conducted testing of military, public, and private drinking water systems and groundwater, the results of those tests, short-term mitigations that have been provided by the Department, the process and timeline for identifying and resourcing long-term remediation, and research in pursuit of less environmentally harmful aqueous film forming foam for firefighting.

Amends military land withdrawals at 13 military installations and training ranges by repealing the termination date and extending them for an indefinite time period. The bill would replace the current renewal process that occurs every 25 years with a more flexible and responsive interagency review process at least every 5 years involving federal, state, local, and tribal government officials as well as the general public. It would also require that a determination of continuing military need be issued, and subjected to public review and comment, for each military land withdrawal when an Integrated Natural Resources Management Plan (INRMP) covering the withdrawn land is reviewed at least every 5 years.

Authorizes \$75 million for the Readiness and Environmental Protection Initiative.

Authorizes DOD to pay for the removal and cleanup of petroleum, oil, and lubricants associated with the heavy cruiser *Prinz Eugen*, which was transferred from the United States to the Republic of the Marshall Islands in 1986.

Handguns

Requires the Secretary of the Army to transfer some 90,000 surplus .45-caliber handguns to the Civilian Marksmanship Program for sale to the public and ends a pilot program that would have limited the transfer to 10,000 handguns per year.

Seapower and Projection Forces Provisions

Establishes a U.S. policy to have available not fewer than 355 battle force ships.

Authorizes a total of 13 new ships for the Navy.

Authorizes multiyear procurement authority for 15 Arleigh Burke-class destroyers for the next five years at a rate of three destroyers per year.

Authorizes multiyear procurement authority for 13 Virginia-class attack submarines for the next five years at a minimum rate of two submarines per year and provides the Navy advanced procurement authority to support a third submarine in 2020, 2022, and 2023.

Prohibits the retirement of additional Ticonderoga-class cruisers.

Directs the Department of Defense to obtain 12 aircraft carriers by the end of fiscal year 2023.

Strikes the requirement to complete shock trials on the USS Gerald R. Ford (CVN 78).

Provides expanded authority to more efficiently procure new Ford-class aircraft carriers and overhaul existing Nimitz-class aircraft carriers.

Expands the authority of the National Sea-Based Deterrence Fund that would authorize a more efficient procurement of common components associated with the nuclear enterprise.

Adds additional funds for advance procurement and economic order quantity to allow for 3 Virginia-class submarines per year in 2020, 2022 and 2023.

Restricts major overhauls and repairs of U.S. naval vessels in foreign shipyards.

Prohibits the retirement of mine countermeasure ships until Navy is able to deploy the Littoral Combat Ship mine warfare capability.

Provides 17 KC-46A aerial tankers for the Air Force.

Provides 10 P-8 aircraft for the Navy.

Reinstates the requirement to preserve certain C-5 aircraft for future recall to active service.

Prohibits contracting for the re-host of Compass Call mission systems until the acquisition strategy is certified by the Office of the Secretary of Defense.

Fully authorizes the Maritime Security Program.

Tactical Air & Land Provisions

Adds approximately \$11 billion above the budget request for military service unfunded requirements for aircraft, ground combat vehicles, ammunition, and other equipment.

Adds funding to allow the Navy to procure advanced pilot breathing air monitoring systems developed by the Air Force.

Authorizes multiyear procurement authorities for V-22 Osprey.

Provides authority for the procurement of economic order quantities for F-35, while requiring DOD certifications regarding design stability and cost savings estimates.

Requires the Army to provide a plan for executing its ground combat vehicle modernization strategy.

Works to strengthen and improve ISR investment strategies in order to meet combatant commander ISR requirements.

Speeds the development and procurement of lighter, stronger, and more advanced personal protective equipment systems, and includes provisions to ensure women entering combat roles are fully and correctly equipped.

Continues to support an accelerated and streamlined development acquisition strategy to recapitalize high demand, low-density E-8C JSTARS platforms.

Directs the Secretary of the Army to provide a long-term investment strategy that sufficiently funds improvements and needed modernization for Army Ammunition Plants to help improve safety and capacity.

Strategic Forces Provisions

Space

Creates a new U.S. Space Corps as a separate military service within the Air Force by 2019.

Establishes U.S. Space Command as a new sub-unified command within U.S. Strategic Command, elevating the space mission to a four-star command and improving the integration of space forces.

Allows funding for parts for development of a new launch vehicle to the extent that the parts are used primarily for national security purposes.

Mandates a report from NGA on certain public-private partnerships to enhance commercial and NGA imagery analysis.

Prohibits the Secretary of Defense from entering into any contracts for satellites services that pose a cybersecurity risk, or in a situation where those services are provided by satellites launched from specific foreign countries or launched using launch vehicles designed, or manufactured by, those foreign countries.

Requires development and implementation of a plan to enhance the resilience of positioning, navigation, and timing capacity, including measures to add the capability to receive signals from the European Galileo and Japanese QZSS satellites.

Establishes an annual “Space Flag” training event, modeled after the Air Force’s Red Flag training event, for space professionals to improve upon, exercise, and develop concepts of operations in, from, and through the space domain.

Requires demonstration of a back-up Position, Navigation, and Timing capability.

Nuclear

Authorizes the budget request funding level for the National Nuclear Security Administration's (NNSA) nuclear weapons activities and defense nuclear nonproliferation program, including efforts to modernize the nuclear weapons stockpile.

Restricts funding for extending the New START Treaty.

Would mandate that the INF Treaty is no longer binding on the United States if Russia continues to violate the treaty in 2019.

Requires an annual description of NNSA funding risks for nuclear modernization.

Mandates a plan (including costs, benefits, and risks) for a nuclear weapon design competition.

Extends current prohibition on making new ICBM (Ground-Based Strategic Deterrence) mobile, until 2019.

Restricts funding for nuclear weapons dismantlement.

Requires the Secretary of Defense to report on how nuclear proliferation is addressed in DOD strategy and in the Nuclear Posture Review.

Requires a report on changes to Russian and Chinese nuclear posture and plans, as well as missile defense plans, as a result of the FY2017 NDAA change to U.S. missile defense policy.

Allows termination of the MOX project if certain conditions are met.

Allows \$50 million in funding to develop systems to counter Russia's violation of the Intermediate-Range Nuclear Forces Treaty, and mandates the development of a conventional ground-launched cruise missile.

Enhances oversight processes of nuclear command, control, and communications system to ensure that they are effective.

Provides a mechanism to ensure that the U.S. Air Force pursues a command-and-control concept for its ground-based strategic deterrent program that meets combatant commander requirements while maintaining competition.

Requires an independent assessment of whether the contracts for the management and operation of the NNSA national laboratories should be for-profit or not-for-profit prior to awarding a new contract.

Continues the R&D program to assess the feasibility of using low-enriched uranium in naval reactor fuel.

Missile Defense

Mandates development of space-based missile defense interceptors, as part of an effort to create a space-based missile defense layer estimated to cost between \$100 billion and \$300 billion.

Mandates development of a space-based sensor layer for ballistic missile defense.

Increases funding for U.S. missile defense by over \$700 million.

Provides approximately \$705 million, including a \$500 million increase over the budget request, to Israel for co-production and co-development of Israeli missile defense systems, including Iron Dome, David's Sling, and Arrow.

Mandates anti-air warfare capability at missile defense sites in Romania and Poland.

Fences \$50 million until the Missile Defense Agency provides a certification that the risk of mission failure due to foreign object debris has been minimized (or provides a plan to fix this issue).

Requires the Secretary of Defense to transfer acquisition authority for operational missile defense and missile defeat programs from the MDA Director to a military department by time the budget is submitted for fiscal year 2020.

Prevents the Army from retiring GEM-T interceptors from its inventory until the Secretary of the Army submits an evaluation of the Army's ability to meet warfighter requirements and operational needs without GEM-T interceptors.

Authorizes funding to procure an additional 24 THAAD interceptors and 147 PAC-3 MSE missiles above the budget request.

Gives the U.S. Army until April of 2018 to develop a modernization schedule that meets warfighter requirements for a replacement to the legacy Patriot air and missile defense radar system, or have acquisition program transferred to the Missile Defense Agency.

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