



# NGAUS



## LEGISLATIVE REPORT

Fiscal Year 2019 Department of Defense Appropriations  
(H.R. 6157 as-amended)

*As of September 28, 2018*

## OVERVIEW

On September 28, 2018, President Donald Trump signed into law **H.R. 6157**, which includes Department of Defense appropriations for Fiscal Year (FY) 2019. The U.S. House of Representatives passed the bill on September 26, while the U.S. Senate passed it on September 18.

H.R. 6157 provides **\$674.4 billion** in total defense spending, which is an increase of \$19.8 billion above FY18 funding levels. The legislation provides **\$606.5 billion** in base and discretionary funding for the Department of Defense (DoD), as well as **\$67.9 billion** in Overseas Contingency Operations (OCO) funding. The legislation also provides funds to increase Army and Air National Guard Personnel funding, as well as Air National Guard end strength, above FY18 funding levels.

## LEGISLATIVE CYCLE TIMELINE

### Defense Authorizations

House Committee NDAA	House-passed NDAA	Senate Committee NDAA	Senate-passed NDAA	Conference Committee	Signed Into Law
✓	✓	✓	✓	✓	▲ Current Point

### Defense Appropriations

House Committee Approps.	House-passed Approps. Bill	Senate Committee Approps.	Senate-passed Approps. Bill	Conference Committee	Signed Into Law
✓	✓	✓	✓	✓	▲ Current Point

## BILL HIGHLIGHTS

*All page references below are within the Conference Report document unless otherwise noted.*

### General Provisions

- **2.6 percent** pay raise for military personnel (pg. 160)
- **\$1.3 billion** for the National Guard and Reserve Equipment Account (NGREA) (pg. 355), includes:
  - \$421.0 million for the Army National Guard
  - \$421.0 million for the Air National Guard

### Army National Guard

- **\$452.6 million** for AH-64 Apache Block IIIB New Build helicopters for the Army, includes \$168.0 million for 6 aircraft for the Army National Guard (pg. 54C, Joint Explanatory Statement)
- **\$753.2 million** for modernization of AH-64 Apache Block IIIA helicopters for the Army (pg. 54C, Joint Explanatory Statement)
- **\$1.1 billion** for UH-60 Black Hawk M Model helicopters for the Army, includes \$156.0 million for 8 aircraft for the Army National Guard (pg. 54C, Joint Explanatory Statement)

- **\$148.1 million** for modernization of UH-60 Black Hawk A and L Model helicopters for the Army (pg. 54C, Joint Explanatory Statement)
- **\$100.0 million** for the Army National Guard High Mobility Multipurpose Wheeled Vehicle (HMMWV) Modernization Program (pg. 60H, Joint Explanatory Statement)
- **\$120.0 million** for HMMWV ambulances for the Army (pg. 60H, Joint Explanatory Statement)

### **Air National Guard**

- **\$640.0 million** for 8 C-130J Super Hercules aircraft for the Air National Guard (pg. 70E, Joint Explanatory Statement)
- **\$181.0 million** for C-130H modernization (pg. 70G, Joint Explanatory Statement), includes \$55.0 million for NP2000 propellers and \$74.0 million for T-56 3.5 engine upgrades
- **\$157.7 million** for A-10 Thunderbolt modernization for the Air Force and Air National Guard (pg. 70F, Joint Explanatory Statement), includes \$65.0 million for additional A-10 wing replacements
- **\$67.2 million** for F-15C Eagle Passive Active Warning and Survivability System (EPAWSS) kits (pg. 70G, Joint Explanatory Statement)
- **\$10.0 million** for F-15C Eagle ALQ-128 Electronic Warfare Warning Sets (EWWS) (pg. 70F, Joint Explanatory Statement)
- Allows the Air Force to move forward with the Advanced Battle Management System (ABMS) (pg. 155)
  - Prohibits retirement of Joint Surveillance Attack Radar System (JSTARS) aircraft until 2028 or when ABMS reaches certain operational benchmarks
- **\$40.0 million** for Electronic Warfare Range Requirements Threat Emitters for the Air National Guard (pg. 76F, Joint Explanatory Statement)
- **\$9.0 million** for Air National Guard readiness ranges (pg. 46B, Joint Explanatory Statement)
- **\$20.0 million** available for PFOS/PFOA treatment to local water authorities in the vicinity non-federal Air Force and Air National Guard bases (pg. 52)

### **Joint-Personnel**

- Adds **\$11.6 million** for the National Guard State Partnership Program (pgs. 23B, 24B, 45B, 46B, Joint Explanatory Statement)
- **\$217.1 million** for the National Guard Counter-drug Program (pg. 452)

- **\$25.2 million** for National Guard Counter-drug Schools (pg. 452)
- **\$8.0 million** for the National Guard preventative mental health pilot program (pgs. 45B, 46B, Joint Explanatory Statement)
  - Provides \$4.0 million for the Army National Guard and \$4.0 million for the Air National Guard
- Adds **\$1.8 million** for Army National Guard Cyber Protection Teams (pgs. 23B, 45B, Joint Explanatory Statement)
- Adds **\$30.6 million** for the National Guard Youth ChalleNGe Program (pg. 37C, Joint Explanatory Statement)
- Adds **\$30.0 million** for STARBASE (pg. 37C, Joint Explanatory Statement)

To view the full text of the Conference Report, please visit:

<https://www.gpo.gov/fdsys/pkg/CRPT-115hrpt952/pdf/CRPT-115hrpt952.pdf>

To view the Joint Explanatory Statement authored by the Department of Defense and Labor, Health and Human Services, and Education Conference Committee, please visit:

<https://docs.house.gov/billsthisweek/20180924/Joint%20%20Statement.pdf>

## FY19 NATIONAL GUARD ACCOUNTS OVERVIEW

### Army National Guard\*

Account	FY18 Levels	FY19 Request	FY19 HASC NDAA	FY19 House NDAA	FY19 HAC Mark	FY19 House Approps.	FY19 SASC NDAA	FY19 Senate NDAA	FY19 SAC Mark	FY19 Senate Approps.	Final NDAA Levels	Change From FY18	Final Levels
<b>End Strength</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	<b>343,500</b>	0	<b>343,500</b>
<b>AGR</b>	30,155	30,595	30,595	30,595			30,155	30,155			30,595	+440	<b>30,595</b>
<b>Dual Status Techs.</b>	26,817	25,431	22,294	22,294			22,294	22,294			22,294		
<b>ADOS</b>	17,000	17,000	17,000	17,000			17,000	17,000			17,000		
<b>Summary Base Funds</b>	<b>\$15,548,796</b>	<b>\$16,143,640</b>			<b>\$15,919,556</b>	<b>\$15,919,556</b>			<b>\$15,911,940</b>	<b>\$15,911,940</b>		+170,980	<b>\$15,719,776</b>
<b>Personnel</b>	\$8,264,626	\$8,744,345			\$8,589,785	\$8,589,785			\$8,650,645	\$8,650,645		+\$336,319	<b>\$8,600,945</b>
<b>O&amp;M</b>	\$7,284,170	\$7,399,295	\$7,469,295	\$7,469,295	\$7,329,771	\$7,329,771	\$7,399,295	\$7,399,295	\$7,261,295	\$7,261,295	\$7,434,295	-\$165,339	<b>\$7,118,831</b>
<b>MILCON</b>	\$220,652	\$180,122	\$191,122	\$191,122	\$180,122	\$180,122	\$306,122	\$306,122	\$190,122	\$190,122	\$202,122	+\$10,000	<b>\$190,122</b>
<b>NGREA</b>	\$429,000				\$421,000	\$421,000			\$291,500	\$291,500		-\$8,000	<b>\$421,000</b>
<b>Summary OCO Funds</b>	<b>\$292,700</b>	<b>\$306,012</b>			<b>\$306,012</b>	<b>\$306,012</b>			<b>\$306,012</b>	<b>\$306,012</b>		+\$13,312	<b>\$306,012</b>
<b>Personnel OCO</b>	\$184,589	\$195,283			\$195,283	\$195,283			\$195,283	\$195,283		+\$10,694	<b>\$195,283</b>
<b>O&amp;M OCO</b>	\$108,111	\$110,729	\$110,729	\$110,729	\$110,729	\$110,729	\$110,729	\$110,729	\$110,729	\$110,729	\$110,729	+\$2,618	<b>\$110,729</b>

### Air National Guard\*

Account	FY18 Levels	FY19 Request	FY19 HASC NDAA	FY19 House NDAA	FY19 HAC Mark	FY19 House Approps.	FY19 SASC NDAA	FY19 Senate NDAA	FY19 SAC Mark	FY19 Senate Approps.	Final NDAA Levels	Change From FY18	Final Levels
<b>End Strength</b>	<b>106,600</b>	<b>107,100</b>	<b>107,100</b>	<b>107,100</b>	<b>107,100</b>	<b>107,100</b>	<b>106,600</b>	<b>106,600</b>	<b>106,600</b>	<b>106,600</b>	<b>107,100</b>	+500	<b>107,100</b>
<b>AGR</b>	16,260	19,861	19,861	19,861			19,450	19,450			19,861	+3,601	<b>19,861</b>
<b>Dual Status Techs.</b>	21,893	18,969	18,969	18,969			18,969	18,969			15,861		
<b>ADOS</b>	16,000	16,000	16,000	16,000			16,000	16,000			16,000		
<b>Summary Base Funds</b>	<b>\$10,309,615</b>	<b>\$10,153,002</b>			<b>\$10,145,402</b>	<b>\$10,145,402</b>			<b>\$10,152,477</b>	<b>\$10,152,477</b>		-\$189,838	<b>\$10,119,777</b>
<b>Personnel</b>	\$3,408,817	\$3,725,380			\$3,707,240	\$3,707,240			\$3,718,780	\$3,718,780		+\$290,263	<b>\$3,699,080</b>
<b>O&amp;M</b>	\$6,900,798	\$6,427,622	\$6,451,522	\$6,451,522	\$6,438,162	\$6,438,162	\$6,440,222	\$6,440,222	\$6,433,297	\$6,433,697	\$6,424,122	-\$480,101	<b>\$6,420,697</b>
<b>MILCON</b>	\$171,491	\$129,126	\$191,126	\$191,126	\$129,126	\$129,126	\$183,126	\$183,126	\$139,126	\$139,126	\$191,126	-\$42,365	<b>\$129,126</b>
<b>NGREA</b>	\$429,000				\$421,000	\$421,000			\$291,500	\$291,500		-\$8,000	<b>\$421,000</b>
<b>Summary OCO Funds</b>	<b>\$20,404</b>	<b>\$21,330</b>			<b>\$21,330</b>	<b>\$21,330</b>			<b>\$21,330</b>	<b>\$21,330</b>		+\$926	<b>\$21,330</b>
<b>Personnel OCO</b>	\$5,004	\$5,460			\$5,460	\$5,460			\$5,460	\$5,460		+\$456	<b>\$5,460</b>
<b>O&amp;M OCO</b>	\$15,400	\$15,870	\$15,870	\$15,870	\$15,870	\$15,870	\$15,870	\$15,870	\$15,870	\$15,870	\$15,870	+\$470	<b>\$15,870</b>

\*All Dollars in Thousands

## **LEGISLATIVE PROVISIONS**

### **National Guard Personnel, Army.**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$8,600,945,000.

### **National Guard Personnel, Air Force.**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,699,080,000.

### **Operation and Maintenance, Army National Guard.**

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$7,118,831,000.

### **Operation and Maintenance, Air National Guard.**

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$6,420,697,000.

### **National Guard and Reserve Equipment Account.**

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, \$1,300,000,000, to remain available for obligation until September 30, 2021: Provided, That the Chiefs of National Guard and Reserve

components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition.

**Drug Interdiction and Counter-drug Activities, Defense.**

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$881,525,000, of which \$517,171,000 shall be for counter-narcotics support; \$121,900,000 shall be for the drug demand reduction program; \$217,178,000 shall be for the National Guard counter-drug program; and \$25,276,000 shall be for the National Guard counter-drug schools program: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

**SEC. 8042.**

None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

**SEC. 8044.**

Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

**SEC. 8054.**

Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of

the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

**SEC. 8062.**

Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

**SEC. 8064.**

Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

**SEC. 8142.**

Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Air National Guard,” not more than \$20,000,000 shall be available to the Secretary of the Air Force for payments to a local water authority located in the vicinity of an Air National Guard base, or to a state in which the local water authority is located, for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned and operated by the local water authority undertaken to attain the United States Environmental Protection Agency Lifetime Health Advisory level for such acids: Provided, That the applicable Lifetime Health Advisory shall be the one in effect on October 1, 2017: Provided further, That the local water authority must have requested such a payment from the National Guard Bureau in fiscal year 2018: Provided further, That the elevated levels of such acids in the water was the result of activities conducted by or paid for by the Department of the Air Force: Provided further, That such funds may be expended without regard to existing contractual provisions in agreements between the Department of the Air Force or the National Guard Bureau, as the case may be, and the state in which the base is located relating to environmental response actions or indemnification: Provided further, That, in order to be eligible for payment under this section, such treatment must have taken place after January 1, 2017, but prior to the date of enactment of this act, and the local water authority or state, as the case may be, must waive all claims for treatment expenses incurred before such date of enactment: Provided further, That any payment under this section may not exceed the actual cost of such treatment resulting from the activities conducted by or paid for by the Department of the Air Force: Provided further, That the Secretary may enter into such agreements with the local water authority or state as may be necessary to implement this section: Provided further, That the Secretary may pay, utilizing the Defense State Memorandum of Agreement, costs that would otherwise be eligible for payment under that agreement were those costs paid using funds appropriated to the Environmental Restoration Account, Air Force, established under section 2703(a)(4) of title 10, United States Code.

**National Guard Personnel, Army (OCO).**

For an additional amount for “National Guard Personnel, Army,” \$195,283,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism



pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**National Guard Personnel, Air Force (OCO).**

For an additional amount for “National Guard Personnel, Air Force,” \$5,460,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Operation and Maintenance, Army National Guard (OCO).**

For an additional amount for “Operation and Maintenance, Army National Guard,” \$110,729,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Operation and Maintenance, Air National Guard (OCO).**

For an additional amount for “Operation and Maintenance, Air National Guard,” \$15,870,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Advanced Battle Management System.**

The conferees support the Air Force’s new approach to battle management, the Advanced Battle Management System (ABMS), but are concerned with the near-term risks in cancelling the Joint Surveillance Target Attack Radar System recapitalization program. The conferees direct the Secretary of the Air Force to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act on a revised ABMS plan and execution strategy, updated costs and schedules of each activity within the ABMS plan, and a gap and threat assessment of both the ground moving target indicator and battle management command and control mission areas.

This language replaces the language under the heading “Joint Surveillance Target Attack Radar System Recapitalization” in House Report 115–769 and the language under the heading “Advanced Battle Management System” in Senate Report 115–290.

**Reprogramming Guidance for Operation and Maintenance Accounts.**

The Secretary of Defense is directed to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2019 appropriation accounts not later than 60 days after the enactment of this Act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Defense Appropriations Subcommittees.

The Secretary of Defense is directed to use the normal prior approval reprogramming procedures to transfer funds in the Services’ operation and maintenance accounts between O–1 budget activities, or between sub-activity groups in the case of Operation and Maintenance, Defense-Wide, in excess of \$15,000,000. In addition, the Secretary of Defense shall follow prior approval reprogramming procedures for transfers in excess of \$15,000,000 out of the following readiness sub-activity groups:

*Army:*

- Maneuver units
- Modular support brigades
- Land forces operations support
- Aviation assets
- Force readiness operations support
- Land forces depot maintenance
- Base operations support
- Facilities sustainment, restoration, and modernization
- Specialized skill training

*Navy:*

- Mission and other flight operations
- Fleet air training
- Aircraft depot maintenance
- Mission and other ship operations
- Ship depot maintenance
- Facilities sustainment, restoration, and modernization

*Marine Corps:*

- Operational forces
- Field logistics
- Depot maintenance
- Facilities sustainment, restoration, and modernization

*Air Force:*

- Primary combat forces
- Combat enhancement forces
- Depot purchase equipment maintenance
- Facilities sustainment, restoration, and modernization
- Contractor logistics support and system support
- Flying hour program

*Air Force Reserve:*

- Primary combat forces

*Air National Guard:*

- Aircraft operations

Additionally, the Secretary of Defense is directed to use normal prior approval reprogramming procedures when implementing transfers in excess of \$15,000,000 into the following budget sub-activities:

*Operation and Maintenance, Army:*

- Recruiting and advertising

*Operation and Maintenance, Army National Guard:*

- Other personnel support/recruiting and advertising

## **U.S. HOUSE OF REPRESENTATIVES REPORT LANGUAGE**

### **Active, Reserve, and National Guard Military Personnel**

In title I of the bill, the Committee recommends a total of \$139,308,351,000 for active, reserve, and National Guard military personnel, a decrease of \$1,380,950,000 below the budget request, and an increase of \$5,940,954,000 above the fiscal year 2018 enacted level. The Committee recommendation provides full funding necessary to increase basic pay for all military personnel by 2.6 percent, as authorized by current law, effective January 1, 2019.

### **Trauma Training Program**

The Committee recognizes the valuable support that universities, hospitals, and other military partners provide by offering civilian based emergency response trauma and critical care training including public health, bio-environmental, and biomedical instruction to sustain capabilities of the National Guard Enhanced Response Forces Packages, National Guard Homeland Response Forces, and Army Reserve Consequence Management Response Forces. The Committee encourages the Director of the National Guard Bureau and the Chiefs of the reserve components to continue pursuing advanced trauma and public health training with these civilian partners in order to maintain unit readiness. The Committee also encourages the development of enhanced medical and critical care preparedness programs.

### **Suicide Prevention and Outreach**

The Committee is concerned by the number of suicides among servicemembers. The Committee recognizes programs like the National Guard Bureau's national counseling and suicide prevention peer-to-peer outreach programs are vital to reducing the number of suicides among guardsmen. The Committee encourages the Chief of the National Guard Bureau to continue supporting such programs.

### **Reprogramming Guidance for Operation and Maintenance Accounts**

The Committee directs the Secretary of Defense to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2019 appropriation accounts not later than 60 days after the enactment of this Act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Appropriations Committees.

The Committee directs the Secretary of Defense to use the normal prior approval reprogramming procedures to transfer funds in the Services' operation and maintenance accounts between O-1 budget activities, or between sub-activity groups in the case of Operation and Maintenance, Defense-Wide, in excess of \$15,000,000.

In addition, the Secretary shall follow prior approval reprogramming procedures in excess of \$15,000,000 out of the following readiness sub-activity groups:

#### *Army:*

- Maneuver units
- Modular support brigades
- Aviation assets
- Land forces operations support
- Force readiness operations support

Land forces depot maintenance  
Base operations support  
Facilities sustainment, restoration, and modernization  
Specialized skill training

*Navy:*

Mission and other flight operations  
Fleet air training  
Aircraft depot maintenance  
Mission and other ship operations  
Ship depot maintenance  
Facilities sustainment, restoration, and modernization  
Marine Corps:  
Operational forces  
Field logistics  
Depot maintenance  
Facilities sustainment, restoration, and modernization

*Air Force:*

Primary combat forces  
Combat enhancement forces  
Depot maintenance  
Operating forces depot maintenance  
Facilities sustainment, restoration, and modernization  
Contractor logistics support and system support  
Flying hour program  
Mobilization depot maintenance  
Training and recruiting depot maintenance  
Administration and service-wide depot maintenance

*Air Force Reserve:*

Depot maintenance

*Air National Guard:*

Depot maintenance

Additionally, the Secretary of Defense is directed to use normal prior approval reprogramming procedures when implementing transfers in excess of \$15,000,000 into the following budget sub-activities:

*Operation and Maintenance, Army:*

Other personnel support/recruiting and advertising

*Operation and Maintenance, Army National Guard:*

Other personnel support/recruiting and advertising

### **Restoring Readiness**

The Committee recommends additional readiness funds for the Services within the operation and maintenance accounts. This funding shall be used only to improve military readiness, including increased training, depot maintenance, and base operations support. None of the funding provided may be used for recruiting, marketing, or advertising programs. The readiness funding provided is a congressional special interest item. The Secretary of Defense and the Service Secretaries are directed to submit a detailed spend plan by sub-activity group not less than 30 days prior to the obligation of these funds.

### **Pilot Shortages**

The Committee appreciates efforts throughout the Department of Defense to address the shortage of pilots across the Services. The Committee encourages the Secretary of Defense to work with higher education institutions, including Historically Black Colleges and Universities, Hispanic Serving Institutions, and other Minority Serving Institutions, to develop programs that will prepare more students to meet the eligibility requirements for pilot training. In addition, the Secretary of the Air Force is encouraged to examine university-based training for Air Force ROTC cadets and civilian aviation students as pilots and sensor operators for Remotely Piloted Aircraft.

### **PFOS/PFOA Exposure Assessment**

The Committee continues to be concerned about potential perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) contamination on military installations. The Committee recommends \$7,000,000 for an exposure assessment, which shall be limited to current or former domestic military installations known to have PFOS/PFOA contamination in drinking water, ground water, and any other sources of water and relevant exposure pathways. The Committee directs the Assistant Secretary of Defense (Energy, Installations, and Environment) to provide a report to the House and Senate Appropriations Committees not later than 30 days after the enactment of this Act on the Department's strategy to execute this funding.

### **AH-64 Apache**

The Committee is aware that the Army is reviewing a decision to increase the size of the four Army National Guard AH-64 Apache battalions from 18 to 24 aircraft, and that as a result, the acquisition objective for Apache aircraft will increase. The Committee supports such an increase to maximize the operational availability and lethality of the Army's Apache fleet. The Committee further notes that the Department of Defense Appropriations Act, 2018, fully funded the Army's pre-existing acquisition objective for new build Apache aircraft. The fiscal year 2019 request, which was submitted prior to the final appropriation for fiscal year 2018, included a request for 12 new build aircraft. The Committee recommends an increase of six aircraft above the budget request and designates 12 of the 18 total aircraft for the Army National Guard in order to accelerate the enhancement of the Guard's Apache battalions. The remaining six aircraft are available to the Army for fleet management and replacement of recent operational losses. The Committee directs the Secretary of the Army to provide a report to the congressional defense committees on its plans with respect to increasing the size of Army National Guard Apache battalions not later than September 30, 2018.

## **UH-60M Black Hawk**

To accelerate the recapitalization of the Army National Guard's UH-60A fleet, the Committee recommends an increase of eight UH-60M Black Hawk aircraft above the budget request of 50, and designates not fewer than 15 of the 58 total aircraft for the Army National Guard.

## **Stryker**

The recommendation includes \$225,390,000 for the Stryker Upgrade program, an increase of \$203,490,000 above the budget request. The recommendation funds the conversion of one-half of the fifth Stryker Brigade Combat Team (SBCT) to the double-V hull (DVHA1) configuration. The Committee notes that the Department of Defense Appropriations Act, 2018, provided \$300,000,000 in additional funding for Stryker lethality pursuant to an Army unfunded requirement request. The Committee understands that an early user test and evaluation report on the turreted 30 millimeter solution set procured under the 2015 Operational Needs Statement will be finalized in June 2018 and that the Army will achieve a decision by the end of fiscal year 2019 on the preferred course of action for further Stryker lethality modifications.

At the same time, the Committee is aware that the Chief of Staff of the Army has directed that all SBCTs be converted to a DVHA1 configuration. Currently only three of Army's nine SBCTs have vehicles in the DVHA1 configuration. The Army's fiscal year 2019 budget request and future years defense plan does not reflect or support this decision with the necessary budgetary resources. The Committee understands that sufficient prior year funding exists to complete the fourth SBCT conversion to DVHA1 and begin procurement of modifications for the fifth SBCT. The Committee further understands that the Army expects to submit a reprogramming request to the congressional defense committees that would repurpose most of the funds previously appropriated for Stryker lethality to further the conversion of the fifth SBCT. The Army has also requested that the Committee realign \$149,390,000 within this account to support the new DVHA1 strategy. The recommendation realigns this funding per the Army's request and provides additional funding of \$54,100,000. This combination of prior year and fiscal year 2019 funds are sufficient to fund the conversion of one-half of the fifth SBCT to the DVHA1 configuration.

At the same time, the Committee is concerned that the Army's decisions on Stryker modifications, to include both lethality and DVHA1, are not being synchronized with the budget cycle, are currently under-resourced, and have been subject to sudden change. The Army has indicated that the optimal pace for Stryker DVHA1 conversion is one-half of a SBCT per year, but so far the Army has not indicated a commitment to funding DVHA1 at this pace. In addition, the Committee finds a lack of consistency from the Army on its true requirements and plans for Stryker lethality. Therefore, the Committee directs the Secretary of the Army to submit a report on its plans for Stryker vehicles, to include a resourcing strategy for funding Stryker DVHA1 conversion at a rate of one-half of a SBCT per year, an explanation of Stryker lethality requirements, an acquisition and resourcing strategy for fielding required lethality modifications, and an explanation and cost estimate for any further known requirements for Stryker modifications. This report shall be submitted to the congressional defense committees not later than 90 days after the enactment of this Act.

## **MQ-9**

The Committee notes that in its fiscal year 2017 budget request, the Air Force indicated no plans to procure MQ-9 Reaper aircraft in fiscal year 2018 and beyond. The fiscal year 2018 budget request included 16 aircraft, but again projected no further aircraft procurement in fiscal year 2019 and beyond. The fiscal year 2019 request includes 29 aircraft. The Air Force now indicates plans to procure four aircraft per year in fiscal years 2020, 2021, and 2022, and then increase to a quantity of 13 in 2023. The Committee finds this procurement profile to be neither sustainable nor sufficient to meet known requirements. The Committee is aware that the Air Force projects a need for further aircraft beyond the current future years defense plan based on current requirements and projected attrition. The Committee recommends funding MQ-9 procurement to an efficient rate of 24 aircraft in fiscal year 2019. Further, the Committee urges the Secretary of the Air Force to reconsider the MQ-9 procurement profile and, beginning with the fiscal year 2020 request, to budget for a steady, sustainable, and economically efficient rate of MQ-9 procurement throughout the future years defense plan.

## **Light Attack**

The Committee is aware that the Air Force has commenced a second phase of experimentation with light attack aircraft. The Committee believes that a light attack aircraft can provide a cost-efficient capability to perform missions in permissive environments and build capacity with international partners, while preserving fourth and fifth generation assets for scenarios involving peer and near-peer competitors and increasing training opportunities for Air Force fighter pilots. The Committee notes that while the Air Force may seek to initiate an acquisition program in the near future, the fiscal year 2019 budget request includes no funding to procure a light attack aircraft. Therefore, the Committee recommendation includes an increase of \$40,000,000 above the request to initiate an acquisition program for light attack aircraft pending a decision by the Air Force. The Committee further notes that the Department of Defense Appropriations Act, 2018, provided \$100,000,000 to implement the experimentation campaign for light attack in the Research, Development, Test and Evaluation, Air Force account. Should funds from this previous appropriation remain available upon the completion of the experimentation campaign, the Committee encourages the Secretary of the Air Force to submit a reprogramming request to augment the funding for procurement provided in this Act.

The Committee further directs the Secretary of the Air Force to brief the House and Senate Appropriations Committees at the earliest possible date, but not later than 30 days following a decision to proceed with procurement of a light attack aircraft, on the proposed course of action for light attack, to include the results of the experimentation campaign; the objectives, cost estimates, schedule, and contracting strategy for any proposed acquisition program; and an integration strategy for effectively incorporating light attack aircraft into the Air Force's force structure.

## **F-22**

The Committee notes that in August 2017 the Air Force submitted a report to the congressional defense committees on the upgrade of 34 F-22 training and flight test aircraft from their current Block 20 configuration to a Block 30 Increment 3.2B configuration. The Air Force estimated that such an effort could require as much as \$1,718,000,000 and eight years to complete, and would carry significant technical and programmatic risk. However, such an upgrade would increase the effective number of available combat aircraft and allow pilots to train and fight with the same configuration of aircraft, should additional funding be made available for the effort.

With a fleet of just 186 F–22 aircraft, the Committee believes that all possible efforts for maximizing operational availability and realistic training should be considered, including a potential Block 20 upgrade effort and other cost effective options. Therefore, the Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than 120 days after the enactment of this Act that includes an analysis of current trends in F–22 availability and the major drivers of variance in mission capable rates, options (including required funding) for improving F–22 availability and mission capable rates, the impact of the Block 20 configuration on the quality of both pilot training and flight testing, and options (including required funding) for material solutions other than a Block 20 upgrade to improving the quality of F–22 pilot training.

In addition, the Committee recommendation includes an increase of \$50,000,000 above the request for mission critical spares, and \$10,000,000 above the request for the F–22 Reliability, Availability, and Maintainability Program, to increase near-term F–22 availability and mission capability.

### **National Guard and Reserve Equipment**

The Committee recommends \$1,300,000,000 for National Guard and Reserve Equipment. Of that amount, \$421,000,000 is for the Army National Guard; \$421,000,000 is for the Air National Guard; \$180,000,000 is for the Army Reserve; \$65,000,000 is for the Navy Reserve; \$13,000,000 is for the Marine Corps Reserve; and \$200,000,000 is for the Air Force Reserve to meet urgent equipment needs that may arise in the coming fiscal year.

This funding will allow the National Guard and reserve components to procure high priority equipment that may be used by these units for both their combat missions and their missions in support of State governors. The funding within this account is not to be used to procure equipment that has been designated as high density critical equipment, major weapon systems, aircraft, and other equipment central to a unit’s ability to perform its doctrinal mission. The funding within this account is not to be used to procure equipment that should be purchased by the senior Service, to expand or accelerate current Service procurement plans, to purchase expendable items, or to purchase facilities or equipment for any requirement that can be satisfied elsewhere.

The Committee directs the Secretary of Defense to ensure that the National Guard and Reserve Equipment account is executed by the Chiefs of the National Guard and reserve components with priority consideration given to the following items: acoustic hailing devices; active electronically scanned array radars; crashworthy, ballistically tolerant auxiliary fuel systems for ground and air; fifth generation certified wireless mobile mesh self-healing tamper-proof network systems; HMMWV rollover mitigation; joint threat emitters; modular small arms ranges/simulation; personal dosimeters; secure voice, text, and data communications for joint response and operations; sense and avoid systems; training systems and simulators; and unstabilized gunnery trainers and upgrades.

### **Joint Surveillance Target Attack Radar System Recapitalization**

The fiscal year 2019 budget request proposes to terminate the Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program and removes all funding for the program from the future years defense plan. The Committee strongly supports the continuation of the JSTARS recapitalization program and notes that the Department of Defense Appropriations Act, 2018, provided \$405,451,000 for JSTARS recapitalization and prohibited the Secretary of the Air Force from reprogramming or



otherwise utilizing these funds for any purpose other than the JSTARS recapitalization program of record.

The Committee further notes that the House-passed version of the National Defense Authorization Act for Fiscal Year 2019 would limit the use of certain funds until the Secretary of the Air Force certifies that a contract has been awarded for JSTARS recapitalization. The Committee believes that should the Secretary of the Air Force decide to continue the JSTARS recapitalization program and award a contract, the funding previously appropriated is sufficient through fiscal year 2019 based on previous Air Force budget estimates. However, since the Air Force removed funding for the program in the future years defense plan and is in the process of formulating its fiscal year 2020 budget request, the Committee recommends an additional \$623,000,000 to support potential continuation of the JSTARS recapitalization program and designates this funding as a congressional special interest item. In addition, the Committee recommendation includes a provision that would prohibit the divestment of more than one legacy E-8C JSTARS aircraft unless the Secretary of the Air Force certifies to the congressional defense committees that funds have been obligated pursuant to a contract award for continuation of the JSTARS recapitalization program.

The Committee further directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than September 30, 2018, that provides options for continuing the JSTARS recapitalization program with an acquisition objective for fewer than 17 aircraft but which can still fulfill known combatant commander requirements. The report shall include estimated cost and schedule impacts, available options for accelerating the delivery of new JSTARS aircraft, and the timeline for achievement of initial operating capability.

#### **F-15**

The Committee recommendation includes \$50,000,000 above the budget request to upgrade the F-15 electronic warfare warning set in order to restore capability degraded by the fielding of active electronically scanned array radars. In addition, the Committee is concerned by the Air Force's decision to remove funding for the procurement of Eagle Passive Active Warning and Survivability System (EPAWSS) kits for the F-15C fleet. The Committee understands that the Air Force intends to achieve a production decision for EPAWSS in fiscal year 2019 and has funded the development of the increment 1 capability for the F-15C through preliminary design review. The Committee is also aware that the Air Force continues to invest in F-15C capability and sustainability, including critical structural upgrades, as it considers options for the future of the fleet.

As such, the Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than 60 days after the enactment of this Act that includes the impact that the lack of EPAWSS will have on the F-15C fleet's mission capabilities for both homeland defense and contested environments overseas; whether the Joint Requirements Oversight Council has revalidated the reduced scope of the EPAWSS program to verify its effect on warfighter capabilities; the impact of the quantity for F-15C on EPAWSS unit costs; and a cost estimate by year and account to fully restore F-15C EPAWSS increment 1 modifications. To preserve the option of continuing EPAWSS production for the F-15C, the Committee also recommends an increase of \$67,200,000 for F-15C EPAWSS procurement in Aircraft Procurement, Air Force.

### **Unmanned Aircraft Systems**

The Committee encourages the Secretary of Defense to coordinate with the Federal Aviation Administrator on the use of its designated Unmanned Aircraft System (UAS) test sites for the development and demonstration of common UAS standards, architecture, and technologies to ensure a consistent, nationwide approach to airspace integration across all airspace users.

### **Electronic Health Records**

The Committee continues to support the efforts that the Department of Defense and the Department of Veterans Affairs are undertaking with regard to electronic health records and the health record system. The Committee's ongoing expectation is that the Departments' electronic health record systems must be completely and meaningfully interoperable with seamless compatibility. While the Committee acknowledges the significant undertaking of the effort, the Committee is concerned with aspects of the initial fielding of the electronic health record, Military Health System (MHS) Genesis. The Committee notes that a recent partial Initial Operational Test and Evaluation (IOT&E) report described the fielding of MHS Genesis as "neither operationally effective nor operationally suitable" at this time. For this reason, the Committee directs the Comptroller General to perform a review of the implementation of MHS Genesis at the four currently active sites: Fairchild Air Force Base, Naval Health Clinic Oak Harbor, Naval Hospital Bremerton, and Madigan Army Medical Center. The report should include, but not be limited to, how MHS Genesis is addressing the concerns raised by the partial IOT&E report; the performance of MHS Genesis in meeting the demands of each of the medical facilities; underlying issues with implementation; anticipated delays in implementation; and impact on the execution of funds. As new military treatment facilities are expected to start implementing MHS Genesis in January 2019, the report should be submitted to the House and Senate Appropriations Committees not later than 180 days after the enactment of this Act.

The Committee further directs the Comptroller General to perform quarterly performance reviews of the Department of Defense's electronic health record deployment so that the Committee can further monitor implementation of the system and if it is meeting predicted cost assumptions.

The Committee also directs the Director of the Interagency Program Office (IPO) to continue to provide quarterly reports on the progress of interoperability between the two Departments to the House and Senate Defense Appropriations Subcommittees and the House and Senate Military Construction, Veterans Affairs, and Related Agencies Appropriations Subcommittees. The Program Executive Officer (PEO) for Defense Healthcare Management Systems (DHMS), in conjunction with the Director of the IPO, is directed to provide quarterly reports to the congressional defense committees on the cost and schedule of the program, to include milestones, knowledge points, and acquisition timelines, as well as quarterly obligation reports. The Committee directs the PEO DHMS to continue briefing the House and Senate Defense Appropriations Subcommittees on a quarterly basis, coinciding with the report submission.

### **Traumatic Brain Injury**

The Committee recognizes recent efforts by the Department of Defense to leverage partnerships with academia and the private sector to understand and improve prevention and treatment of traumatic brain injuries to servicemembers. The Committee encourages the Assistant Secretary of Defense (Health Affairs) to continue to leverage partnerships with academia and the private sector to support further studies of traumatic brain injuries to gain a deeper understanding of concussive injuries including how

they impact the brain, how and to what extent the brain recovers, and how prevention and treatment methods may be improved.

### **Mental Health Providers**

The Committee supports the Department's continuing efforts to ensure that servicemembers have access to high quality mental health services and providers. In order to ensure that the Department continues to have full access to qualified clinical psychologists, the Committee encourages the Assistant Secretary of Defense (Health Affairs) to review its regulations regarding employment of clinical psychologists who graduate from schools accredited by the Psychologist Clinical Science Accreditation System.

## **U.S. SENATE REPORT LANGUAGE**

### **Advanced Battle Management System**

The fiscal year 2019 President's budget request supports the Air Force's new approach to battle management, the Advanced Battle Management System [ABMS]. The Committee understands that the ABMS will be a decentralized network of platforms and sensors that will integrate battlefield surveillance information. The Committee is supportive of the Air Force's new approach given the changing threat environment and need for resilient and survivable networks against near peer competitors. However, the Committee is concerned with the near-term risks in cancelling the Joint Surveillance and Target Attack Radar System [JSTARS] recapitalization program and time required to operationalize these new capabilities. As a result, the Committee fully funds the budget request for ABMS and recommends an additional \$375,000,000 to address near-term risks, to include procurement funding for additional MQ-9 Reaper unmanned aerial vehicles and support of the battlefield airborne communications node mission; research, development, test and evaluation funding for radar and agile communications development; and operation and maintenance in the Air National Guard funding to continue to operate and sustain the legacy E-8 JSTARS fleet. Further, the Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than 90 days after enactment of this act on a revised ABMS plan and execution strategy, updated costs and schedules of each activity within the ABMS plan, and a gap and threat assessment of both the ground moving target indicator and battle management command and control mission areas.

### **Reserve Component Budget Reporting**

The Committee continues its requirement for the Department to provide a semi-annual detailed report to the congressional defense committees showing transfers between sub-activities within the military personnel appropriation. Reports shall be submitted not later than 30 days following the end of the second quarter and 30 days following the end of the fiscal year.

### **Advanced Trauma Training Program for National Guard and Reserve**

The Committee recognizes the valuable support universities, hospitals, and other military partners provide by offering civilian-based emergency response trauma training and critical care training including public health, bio-environmental, and biomedical instruction to sustain medics' and medical providers' capabilities of the National Guard Enhanced Response Forces Packages [CERFP], National Guard Homeland Response Forces [NGHRF], the Army Reserve Consequence Management Response Forces [CCMRF] and other National Guard and Reserves medical conversion/readiness requirements. The Committee encourages the National Guard and Reserves to continue pursuing state-of-the-art trauma training with these civilian partners, thus maintaining unit medical readiness postures at optimum

levels as military healthcare providers in CERFPs, NGHRFs, and CCMRFs maintain their individual skills to respond effectively to emergency incidents on the homeland. Furthermore, in order to minimize the civilian-military operational gaps in the event of a catastrophic incident, the Committee also encourages the development of enhanced medical and critical care preparedness medical training programs focusing on public health curriculums and the epidemiology of public health diseases, mass casualty triage, advanced disaster life support, advanced hazardous material life support, emergency dental, and psychological health by increasing civilian-based advanced trauma expertise gained through day-to-day experiences and medical research programs.

### **Report on Guard and Reserve Benefits and Compensation**

The Committee recognizes that additional active duty service requirements are being asked of currently serving members of the National Guard and Reserve in order to enhance the readiness of the force. The Committee directs the Secretary of Defense to submit a report to the congressional defense committees not later than 90 days after the enactment of this act that includes proposals for compensation, allowances, and benefits for members of the reserve components who perform additional periods of active duty service for non-contingency operations that exceed the standard duty obligations required of service in a reserve component. These proposals should provide for compensation, allowances, and benefits commensurate with the additional duties assigned.

### **National Guard Cyber Protection Teams**

The Army National Guard currently has 11 Cyber Protection Teams [CPT] with a plan to reach Full Operational Capability by fiscal year 2022. The Committee recognizes the National Guard's unique authority to provide cyberspace operations support to State and local agencies for domestic operations, supports additional CPTs and encourages the Army to investigate the viability of a CPT in each State's Guard.

### **Reprogramming Guidance for Operation and Maintenance Accounts**

The Committee directs the Secretary of Defense to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2019 appropriation accounts not later than 60 days after the enactment of this act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Appropriations Committees.

The Committee directs the Secretary of Defense to use the normal prior approval reprogramming procedures to transfer funds in the services' operation and maintenance accounts between O-1 budget activities, or between subactivity groups in the case of Operation and Maintenance, Defense-Wide, in excess of \$20,000,000.

The Committee maintains the reprogramming rules established in the Department of Defense Appropriations Act, 2018 (Public Law 115-141) for transferring funding out of readiness subactivity groups, which are defined as follows:

*Army:*

- Maneuver units
- Modular support brigades
- Land forces operations support

- Aviation assets
- Force readiness operations support
- Land forces depot maintenance
- Base operations support
- Facilities sustainment, restoration and modernization
- Specialized skill training

*Navy:*

- Mission and other flight operations
- Fleet air training
- Aircraft depot maintenance
- Mission and other ship operations
- Ship depot maintenance
- Facilities sustainment, restoration and modernization
- Marine Corps:
  - Operational forces
  - Field logistics
  - Depot maintenance
  - Facilities sustainment, restoration and modernization

*Air Force:*

- Primary combat forces
- Combat enhancement forces
- Depot purchase equipment maintenance
- Facilities sustainment, restoration and modernization
- Contractor logistics support and system support
- Flying hour program

*Air Force Reserve:*

- Primary combat forces

*Air National Guard:*

- Aircraft operations

During fiscal year 2019, the Committee directs the Service Secretaries to submit written notification to the congressional defense committees not later than 30 days prior to implementing transfers in excess of \$20,000,000 out of any readiness sub-activity if the funds will be transferred into another readiness sub-activity. However, if funding is transferred out of any readiness sub-activity into a non-readiness sub-activity, the Secretary of Defense is directed to use normal prior approval reprogramming procedures.

The Committee further directs the Service Secretaries to include an enclosure with each written notification that includes increases and decreases by sub-activity group, a detailed justification explaining why the sources of funding are available and why the increases are necessary, and an explanation of the impact on resources included in the fiscal year 2020 budget request for each increase and decrease. All transfers may be implemented 30 days after congressional notification unless an objection is received from one of the congressional defense committees.

Additionally, the Committee directs the Secretary of Defense to use normal prior approval reprogramming procedures when implementing transfers in excess of \$20,000,000 into the following budget sub-activities:

*Operation and Maintenance, Army:*  
Recruiting and advertising

*Operation and Maintenance, Army National Guard:*  
Other personnel support/recruiting and advertising

### **Drinking Water Contamination**

The Committee remains concerned about the health implications of contaminated drinking water due to perfluorinated chemicals [PFCs]. The Committee worked with the military services to assess unfunded executable requirements in fiscal year 2019 due to issues associated PFCs and provided additional funding accordingly. The Committee intends to aggressively follow up with the services on procedures for timely remediation and community notification.

Additionally, the Committee encourages the Secretary of Defense to evaluate the efficacy and cost-effectiveness of available remediation technologies for the removal of PFCs and other chemical contaminants from ground water and drinking water, to include granulated activated carbon systems which have already been installed at current and former Department of Defense installations.

### **Properly Budgeting for Full Requirements**

During the review of the fiscal year 2018 President's budget request, the Air Force revealed to the Committee that it starts each fiscal year with nearly \$1,000,000,000 in programmatic shortfalls in its operation and maintenance account for must-pay mission bills. The increases in readiness funding provided by the Bipartisan Budget Act of 2018 have allowed the Air Force to close that gap; however, the Committee continues to discover examples of the Air Force not programming or budgeting for the full amount of known requirements. This is not only evident in the larger programs such as Operational Support Airlift or Base Operations Support, but also very specific smaller programs such as the operational funding for the C-130H Weapons Instructor Course and the Advanced Airlift Tactics Training Center hosted by the 139th Airlift Wing with the Missouri Air National Guard.

The Committee understands that the 139th Airlift Wing requirements have historically been sourced exclusively during the year of execution at the expense of other funded programs. Failure to properly budget resources for known requirements places unnecessary burdens on smaller programs, increases the probability of reprogramming requests, and often leads to an application of a tax against mission accounts to cover under-programmed requirements. The Committee recognizes the efforts made to improve the operation and maintenance budget formulation process to match historical execution and directs the Secretary of the Air Force to continue to emphasize properly programming resources in order to fully fund known requirements for the active, guard and reserve components.

### **Air Force Associate Units**

The Committee recognizes the importance of Total Force Integration within the Air Force and certain Air National Guard units who have a critical role in construction and engineering. This integration ensures cross-component interoperability to fill current and future mission requirements. The Committee encourages the Air Force to continue placing an increased focus on actively managing associate units

between the Air National Guard and the active duty component and to establish robust memorandum of agreements to ensure units are not left without equipment when the active component deploys.

### **Advanced Turbine Engine Maintenance (ATEAM)**

The ATEAM is a military special repair activity located on Fort Riley, Kansas. The ATEAM provides rebuilt-AGT 1500 engines and X1100 transmissions in support of the Army National Guard, Army Material Command, the United States Marine Corps, the Tank and Automotive Command [TACOM], as well as foreign military partners. The Committee is encouraged that the U.S. Army, National Guard Bureau, TACOM and Kansas National Guard are establishing a Memorandum of Agreement to facilitate the contracting of parts and equipment when workload obligations exceed the capacity of the Kansas National Guard. However, authorities for Title 32 Federal technicians are not well defined as it relates to work on foreign military sales contracts specifically, such as Full Up Power Pack repairs. The unclear policies have hampered the ability of the ATEAM to meet obligations and maintain workload.

Therefore, the Chief, National Guard Bureau, in coordination with the Secretary of the Army, is directed to conduct a review and establish policies that clearly define ATEAM authorities to fulfill obligations. The review shall inform a report addressing the following: (1) the duties and responsibilities of the U.S. Army, National Guard Bureau, TACOM and the Kansas National Guard for the ATEAM to meet obligations; (2) an ATEAM workforce transition plan and policies for work on foreign military sales contracts; and (3) a justification from the Chief, National Guard Bureau, in coordination with the Kansas National Guard, that certifies any change in the workforce of the ATEAM will not adversely affect the ATEAM's ability to meet existing and future obligations of the U.S. Army and foreign military sales contracts. The report and a briefing on its findings to the House and Senate Appropriations Committees shall be completed not later 60 days after the enactment of this act.

### **Environmental Restoration, Air Force**

The Committee recommends an appropriation of \$365,808,000. This is \$69,000,000 above the budget estimate due to a decrease of \$11,000,000 which is transferred to Operation and Maintenance, Air National Guard for execution and an additional \$80,000,000 provided to address costs associated with remediating contamination caused by perfluorinated chemicals.

### **AH-64 Apache Block IIIB New Build**

The Committee recommendation includes \$1,184,687,000 for the procurement of AH-64 Apache Block IIIB New Build aircraft, an increase of \$720,000,000 above the budget request. The Secretary of the Army is encouraged to increase readiness by addressing the shortfall of aircraft in the Army National Guard Apache battalions.

### **UH-60 Black Hawk**

The Committee recommendation includes \$1,308,310,000 for the procurement of 64 UH-60M Black Hawk aircraft, an increase of \$319,500,000 and 15 aircraft above the budget request. Of the 64 aircraft funded within the fiscal year 2019 President's budget request, 15 are designated only for the Army National Guard.

### **Army Stryker Double-V Hull A1**

Following the submission of the fiscal year 2019 President's budget request, the Chief of Staff of the Army approved an Army Requirements Oversight Counsel [AROC] decision to upgrade and pure fleet

all Flat-Bottom Hull [FBH] Stryker combat vehicles to the Double V–Hull A1 variant [DVHA1] in an effort to improve troop survivability and mobility. The fiscal year 2019 President’s budget request includes \$21,900,000 to upgrade three FBH Stryker vehicles to DVHA1 variants. Subsequent to the AROC decision, the Army requested a budget based transfer of \$149,390,000 to fund additional conversions. With the transfer, the Army can resource 53 DVHA1 conversions totaling \$171,290,000. The Committee has also included a congressional adjustment of \$94,000,000 for 29 conversions. In addition, the Committee understands that the Army plans to submit a reprogramming request to the congressional defense committees with a request to repurpose fiscal year 2018 congressionally directed funding totaling \$285,000,000 for 91 DVHA1 conversions. If the reprogramming action is approved by the congressional defense committees, the Army will have sufficient resources to fund conversions for half the vehicles in a Stryker Brigade Combat Team [SBCT].

The Committee supports the net-zero fiscal year 2019 transfer request and additional funding for DVHA1 conversions, while anticipating the fiscal year 2018 reprogramming request. However, the Committee is concerned with the Army’s ability to maintain this level of effort through resourcing decisions in the Future Years Defense Program profile within future Program Objective Memorandum and budgeting cycles. Therefore, the Secretary of the Army shall report to the congressional defense committees not later than 30 days after the enactment of this act, on the Army’s acquisition strategy to upgrade and pure fleet the remaining FBH SBCTs to DVHA1 variants.

#### **HMMWV Ambulances**

The Committee is concerned about the Army’s current level of investment to modernize the active component ground ambulance fleet. To accelerate the modernization of ground ambulances, the Committee recommends an increase of \$120,000,000 over the fiscal year 2019 President’s budget request.

#### **Light Attack Aircraft**

The Committee understands that the Air Force is pursuing a new light attack aircraft using a rapid prototyping acquisition strategy in order to procure a low-cost aircraft that provides close air support capability in permissive threat environments, build capability among allies and international partnerships, and reduce operational tempo on more expensive fourth and fifth generation fighter aircraft. While the Committee is supportive of these efforts, it is disappointed that the Air Force has relied on additional funding provided by Congress in order to facilitate the ongoing experiment. The Department of Defense Appropriations Act, 2018, provided \$100,000,000 to continue the experimentation program. However, the Air Force did not request any funding in the fiscal year 2019 President’s budget request, while programming \$2,469,000,000 for procurement of light attack aircraft in fiscal years 2020 through 2024.

As Air Force leadership has continually stressed the importance of rapid procurement and fielding of this new capability, the Committee recommends \$300,000,000 for procurement of light attack aircraft and long lead materials. The Committee expects timely and complete communication from the Air Force on prototyping and experimentation activities. Accordingly, the Committee directs the Secretary of the Air Force, or her designee, to brief the House and Senate Appropriations Committees not fewer than 30 days prior to obligation of light attack procurement funding. This brief should clearly define objectives and requirements, transition plans, technology and manufacturing readiness levels, test activities, costs,



schedules, and performance metrics. It should also include an acquisition strategy for the light attack program along with an execution plan for the fiscal year 2019 procurement funding.

### **National Guard and Reserve Equipment**

The Committee recommends an appropriation of \$900,000,000. This is \$900,000,000 above the budget estimate.

The appropriation includes direction for the component commanders of the Army Reserve, Marine Forces Reserve, Air Force Reserve, Army National Guard and Air National Guard to submit to the congressional defense committees a detailed assessment of their component's modernization priorities, not later than 30 days after enactment of this act.

#### *High-Priority Items:*

The Committee directs that the National Guard and Reserve Equipment account shall be executed by the Chiefs of the National Guard and reserve components with priority consideration given to the following items: Acoustic Hailing Devices, Arctic Sustainment Package, Cold Weather and Mountaineering Gear and Equipment, Commercial Off-the-Shelf Simulation Devices, Detect and Avoid Systems for MQ-9 Aircraft, Digital Radar Warning Receivers for F-16s, MQ-9 Deployable Launch & Recovery Element Mission Support Kits, Radiac Sets, and Small Unit Support Vehicles.

#### *Commercial Off-the-Shelf Simulation Devices:*

The Committee commends the Army National Guard for its innovative approach to acquiring commercial off-the-shelf simulation devices. Utilizing COTS training devices enables the Guard to provide high quality, timely simulation training at an affordable cost. The Committee encourages the Guard to continue utilizing COTS simulation training devices and to consider a service and support business model for simulation training in order to maximize the benefits of modern, realistic training scenarios.

### **Electronic Health Record**

The Committee remains supportive of the goal of the Departments of Defense and Veterans Affairs to develop fully interoperable electronic health records that can exchange data in a meaningful way and be used in a dynamic environment to improve patient care and facilitate smoother transitions for servicemembers from military service to veteran status. After achieving initial operating capability in November 2017 with completion of deployment to four sites in the Pacific Northwest, the Department decided to undertake an eight week Stabilization and Adoption period in order to evaluate the initial deployments. This evaluation included an analysis of roles, workflows, and training activities and further collection of user feedback in order to implement changes prior to continuing the wave deployment schedule to more military treatment facilities, with a decision on further deployments scheduled for January 2019.

Given this delay in the deployment of the Military Health System [MHS] GENESIS program, the Committee recommends a reduction of \$80,000,000 to the fiscal year 2019 President's budget request and a rescission of \$215,000,000 of fiscal year 2018 procurement funds in order to properly realign resources to a revised deployment plan. The Committee also recommends \$70,000,000 above the budget request for the Medical Community of Interest [Med-COI], the IT infrastructure backbone of the new

electronic health record, as the Department has acknowledged that Med-COI deployment should precede MHS GENESIS deployment by 6 months at each site. The Committee expects that execution information for these additional funds will be clearly laid out in the fiscal year 2020 budget justification materials. The Committee understands that the next 6 months will be an important time for MHS GENESIS with upcoming program decisions on a plan for expanding Med-COI in July 2018, an updated Life Cycle Cost Estimate in Fall 2018, and a decision on further wave deployments in January 2019. The Committee anticipates timely updates as these program decisions are made.

The Program Executive Officer, Defense Healthcare Management Systems [PEO DHMS], in conjunction with the Director of the Interagency Program Office [IPO], is directed to provide quarterly reports to the congressional defense committees on the cost and schedule of the program, to include milestones, knowledge points, and acquisition timelines, as well as quarterly obligation reports. These reports should also include the following: (1) any changes to the deployment timeline, including benchmarks, for full operating capability; (2) any refinements to the cost estimate for full operating capability and the total life cycle cost of the project; and (3) the progress toward developing, implementing, and fielding the interoperable electronic health record throughout the two Departments' medical facilities. The Committee further directs the PEO DHMS to continue briefing the House and Senate Defense Appropriations Subcommittees on a quarterly basis, coinciding with the report submission.

Finally, the Committee directs the IPO to continue to provide quarterly reports to the House and Senate Subcommittees on Appropriations for Defense and Military Construction, Veterans Affairs, and Related Agencies on the progress of interoperability between the two Departments.

#### **Traumatic Brain Injury (TBI)/Psychological Health**

The Committee recommends \$60,000,000 above the fiscal year 2019 President's budget request for continued research into treatment, prevention, and detection of TBI and improved psychological health. The Committee directs the Assistant Secretary of Defense (Health Affairs) to submit a report to the congressional defense committees not later than 180 days of enactment of this act on expenditure and obligation data of additional funding added by Congress for psychological health and TBI. This report should include information on agreements made with other government agencies.

Additionally, the Committee is aware of recent medical advances in drug development for neurodegenerative diseases and encourages the Department to further its research into developing drugs that reverse, halt, or slow the neurodegenerative process associated with TBI including opportunities through public-private partnerships, such as the Medical Technology Consortium. The Committee is also aware of efforts to establish a brain donor network to better understand mild traumatic brain injury and identify biomarkers for diagnosis and monitoring. The Committee supports expansion of this network and inclusion of states with high populations of veterans and suicide incidence into this research. Finally, the Committee is encouraged by the advancement of expeditionary, noninvasive medical devices for analyzing the full spectrum of TBI that have received clearance by the U.S. Food and Drug Administration. These devices provide clinicians with a comprehensive and objective clinical picture to help them identify the full spectrum of brain injuries shortly after injury, and the Committee encourages continued test and evaluation of such devices.

### **Mental Health Professionals**

The Committee recognizes that servicemembers and their families face unique stresses beyond those of everyday life. After over 15 years of war, the need for mental health professionals in the Department is at an all-time high, and the Committee believes that every beneficiary of the Military Health System should have timely access to mental health services. However, the Committee is concerned with the Department's inability to recruit and retain enough psychiatrists, psychologists, social workers, nurse practitioners, and registered nurses to provide adequate mental healthcare.

The Government Accountability Office review of this issue found that progress is being made regarding the annual reporting of mental health professional staffing needs. However, GAO also noted that the Services need to accurately report any additional measures used to supplement the Psychological Health Risk-Adjusted Model for Staffing [PHRAMS] as well as report their PHRAMS-generated estimates in the requirements fields of the Defense Health Agency's quarterly mental health staffing reports.

The Committee encourages the Assistant Secretary of Defense (Health Affairs), the Director of the Defense Health Agency, and the Service Surgeons General to continue to work together to ensure annual estimates of mental health professionals meet the needs of all beneficiaries in the military health system. In addition, the Assistant Secretary of Defense (Health Affairs) is directed to prepare as part of DHA's fiscal year 2020 budget submission a review of these estimates as well as an outline of current challenges in recruiting and retaining mental health professionals by the Department of Defense.

### **Behavioral and Mental Health Care for National Guard and Reserve**

The Committee recognizes that the men and women of the National Guard and Reserve components need greater access to care if they are to maintain a high state of medical readiness to support regularly occurring deployments. It also recognizes that the suicide rate in the reserve components is consistently higher than the suicide rate for both the active duty military and the civilian population. Therefore, the Committee encourages the Department to better ensure that periodic health assessments are followed by medical treatment to address any behavioral or mental health conditions that could impact a servicemember's ability to deploy, even if such care falls outside of the pre-deployment window. This practice would allow for a more medically ready, deployable force and would expand access to behavioral and mental healthcare for reserve component servicemembers.