



# NGAUS



## LEGISLATIVE REPORT

U.S. Senate Armed Services Committee  
Fiscal Year 2020 National Defense Authorization Act  
(S. 1790)

*As of June 26, 2019*

## OVERVIEW

On May 22, 2019, the U.S. Senate Armed Services Committee approved **S. 1790**, the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020.\*

The Committee recommends authorizing **\$718.4 billion** for DoD in FY20, which includes **\$642.5 billion** in base and discretionary funding and **\$75.9 billion** in Overseas Contingency Operations (OCO) funding. The Committee also recommends authorizing Army National Guard and Air National Guard Operation and Maintenance (O&M) funds above FY19 levels.

## LEGISLATIVE CYCLE TIMELINE

### Defense Authorizations

President's Budget Release	House Committee NDAA	House-passed NDAA	Senate Committee NDAA	Senate-passed NDAA	Conference Committee	Signed Into Law
✓	✓		✓			
	<i>Current Point</i>					

### Defense Appropriations

President's Budget Release	House Committee Approps.	House-passed Approps. Bill	Senate Committee Approps.	Senate-passed Approps. Bill	Conference Committee	Signed Into Law
✓	✓	✓				
		<i>Current Point</i>				

## BILL HIGHLIGHTS

*All page references below are within the legislation text document unless otherwise noted.*

### Army National Guard

- Authorizes Army National Guard end strength at 336,000 soldiers (SEC. 411)
- **\$1.2 billion** for 66 UH-60 Black Hawk M model helicopters for the Army (SEC. 4101)
- **\$204.3 million** for modernization of 33 UH-60 Black Hawk L and V model helicopters for the Army (SEC. 4101)
- **\$956.5 million** for 2,530 Joint Light Tactical Vehicles (JLTVs) for the Army (SEC. 4101)
  - Consistent with FY20 DoD request, which included 512 JLTVs for the Army National Guard
- **\$105.0 million** for 3 AH-64 Apache Block IIIB new-build helicopters for the Army (SEC. 4101)
- **\$806.8 million** for modernization of 48 AH-64 Apache Block IIIA helicopters for the Army (SEC. 4101)

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\* *Funding levels and policies cited in this document are authorizations recommended by the Senate Armed Services Committee only and are subject to change before final passage.*

- **\$294.8 million** for Army National Guard military construction (MILCON), includes funding for projects in 14 states (SEC. 4601)

### **Air National Guard**

- Authorizes Air National Guard end strength at 107,700 airmen (SEC. 411)
- Authorizes establishment of a U.S. Space Force within the Air Force (SECs. 1601-1616)
  - Directs the Secretary of the Air Force and the U.S. Space Force Commander to consult with the Chief of the National Guard Bureau to ensure currently-assigned reserve component space assets and personnel continue to perform those duties in the U.S. Space Force
- **\$5.3 billion** for 60 F-35A Lightning II aircraft for the Air Force (SEC. 4101)
- **\$888.0 million** for 8 F-15EX aircraft for the Air Force (SEC. 4101)
- **\$2.7 billion** for 15 KC-46A Pegasus aircraft for the Air Force (SEC. 4101)
- **\$75.0 million** for additional F-16 Viper radars for the Air Force (SEC. 4101)
- **\$884.2 million** for HH-60W Combat Rescue Helicopters for the Air Force (SEC. 4101)
  - Report Language directs the Air Force to report on the HH-60W Combat Rescue Helicopter fielding plan, including risks and benefits associated with fielding aircraft to the Active Component first and program acceleration options within the current contract
- Establishes environmental restoration accounts for the Army National Guard and Air National Guard to address PFOS/PFOA contamination (SEC. 319)
- Prohibits DoD from procuring firefighting foam containing PFAS after 1 October 2022 (SEC. 316)
- **\$222.9 million** for Air National Guard MILCON, includes funding for projects in 4 states and Puerto Rico (SEC. 4601)

### **Joint-Personnel**

- **3.1 percent** military personnel pay raise
- Enhances inspection authority of the Chief of the National Guard Bureau to ensure Army National Guard and Air National Guard units comply with federal law (SEC. 1036)
- Expands the authority of the President, in cases where state National Guards fail to comply with federal law and policy, to limit or completely bar federal funds from being received by the state(s) and withdraw federal recognition of National Guard officers and/or units (SEC. 1037)

- Allows the Chief of the National Guard Bureau to appoint state National Guard property and fiscal officers, as well as limits the officer selected to one who has not served within that state in the preceding 36 months (SEC. 1038)
- **\$91.3 million** for the National Guard Counter-drug Program (SEC. 4501)
- **\$5.3 million** for National Guard Counter-drug schools (SEC. 4501)
- Adds **\$15.0 million** for STARBASE (SEC. 4301)

To view the full text of the legislation, please visit:

<https://www.congress.gov/116/bills/s1790/BILLS-116s1790rs.pdf>

To view DoD Report Language authored by the Senate Armed Services Committee, please visit:

<https://www.congress.gov/116/crpt/srpt48/CRPT-116srpt48.pdf>

## FY20 NATIONAL GUARD ACCOUNTS OVERVIEW

### Army National Guard\*

Account	FY19 Levels	FY20 Request	FY20 HASC NDAA	FY20 House NDAA	FY20 HAC Mark	FY20 House Approps.	FY20 SASC NDAA	FY20 Senate NDAA	FY20 SAC Mark	FY20 Senate Approps.	Final NDAA Levels	Change From FY19	Final Levels
<b>End Strength</b>	<b>343,500</b>	<b>336,000</b>	<b>336,000</b>		<b>336,000</b>		<b>336,000</b>						
AGR	30,595	30,595	30,595				30,595						
Dual Status Techs.	22,294	22,294	22,294				22,294						
ADOS	17,000		17,000				17,000						
<b>Summary Personnel</b>	<b>\$8,796,228</b>	<b>\$9,010,969</b>			<b>\$8,867,199</b>								
Personnel Base	\$8,600,945	\$8,808,305			\$8,664,535								
Personnel OCO	\$195,283	\$202,664			\$202,664								
<b>Summary O&amp;M</b>	<b>\$7,229,560</b>	<b>\$7,712,694</b>	<b>\$7,557,294</b>		<b>\$7,531,827</b>		<b>\$7,716,894</b>						
O&M Base	\$7,118,831	\$3,335,755	\$7,474,003		\$7,448,536		\$7,633,603						
O&M OCO	\$110,729	\$4,376,939	\$83,291		\$83,291		\$83,291						
MILCON	\$190,122	\$210,819	\$365,819		\$210,819		\$294,819						
NGREA	\$421,000				\$375,000								

### Air National Guard\*

Account	FY19 Levels	FY20 Request	FY20 HASC NDAA	FY20 House NDAA	FY20 HAC Mark	FY20 House Approps.	FY20 SASC NDAA	FY20 Senate NDAA	FY20 SAC Mark	FY20 Senate Approps.	Final NDAA Levels	Change from FY19	Final Levels
<b>End Strength</b>	<b>107,100</b>	<b>107,700</b>	<b>107,700</b>		<b>107,700</b>		<b>107,700</b>						
AGR	19,861	22,637	22,637				22,637						
Dual Status Techs.	15,861	13,569	13,573				13,569						
ADOS	16,000		16,000				16,000						
<b>Summary Personnel</b>	<b>\$3,704,540</b>	<b>\$4,069,469</b>			<b>\$4,038,145</b>								
Personnel Base	\$3,699,080	\$4,063,845			\$4,032,521								
Personnel OCO	\$5,460	\$5,624			\$5,624								
<b>Summary O&amp;M</b>	<b>\$6,436,567</b>	<b>\$6,904,138</b>	<b>\$6,773,571</b>		<b>\$6,769,498</b>		<b>\$6,904,138</b>						
O&M Base	\$6,420,697	\$3,612,156	\$6,596,662		\$6,592,589		\$6,727,229						
O&M OCO	\$15,870	\$3,291,982	\$176,909		\$176,909		\$176,909						
MILCON	\$129,126	\$165,971	\$172,971		\$115,971		\$222,971						
NGREA	\$421,000				\$375,000								

\*All Dollars in Thousands

**Army National Guard\***

Account			FY19 Levels	FY20 Request	FY20 HASC NDAA	FY20 House NDAA	FY20 HAC Mark	FY20 House Approps.	FY20 SASC NDAA	FY20 Senate NDAA	FY20 SAC Mark	FY20 Senate Approps.	Final NDAA Levels	Change from FY19	Final Levels
<b>Total MILCON Funding</b>			<b>\$190,122</b>	<b>\$210,819</b>	<b>\$365,819</b>		<b>\$210,819</b>		<b>\$294,819</b>						
MILCON By State	Location	Project	FY20 Request	FY20 HASC NDAA	FY20 House NDAA	FY20 HAC Mark	FY20 House Approps.	FY20 SASC NDAA	FY20 Senate NDAA	FY20 SAC Mark	FY20 Senate Approps.	Final NDAA Levels	Change from FY19	Final Levels	
Alabama	Anniston	Army Depot		\$34,000				\$34,000							
	Foley	National Guard Readiness Center	\$12,000	\$12,000		\$12,000		\$12,000							
California	Camp Roberts	Multi-Purpose Gun Range	\$12,000	\$12,000		\$12,000		\$12,000							
Idaho	Orchard Training Area	Railroad Tracks	\$29,000	\$29,000		\$29,000		\$29,000							
Maryland	Havre De Grace	Combined Support Maintenance Shop	\$12,000	\$12,000		\$12,000		\$12,000							
Massachusetts	Camp Edwards	Multi-Purpose Gun Range	\$9,700	\$9,700		\$9,700		\$9,700							
Minnesota	New Ulm	Vehicle Maintenance Shop	\$11,200	\$11,200		\$11,200		\$11,200							
Mississippi	Camp Shelby	Multi-Purpose Gun Range	\$8,100	\$8,100		\$8,100		\$8,100							
Missouri	Springfield	National Guard Readiness Center	\$12,000	\$12,000		\$12,000		\$12,000							
Nebraska	Bellevue	National Guard Readiness Center	\$29,000	\$29,000		\$29,000		\$29,000							
New Hampshire	Concord	National Guard Readiness Center	\$5,950	\$5,950		\$5,950		\$5,950							
New York	Jamaica Armory	National Guard Readiness Center		\$91,000				\$20,000							
Pennsylvania	Moon Township	Combined Support Maintenance Shop	\$23,000	\$23,000		\$23,000		\$23,000							
Vermont	Jericho	Instruction Building		\$30,000				\$30,000							
Washington	Richland	National Guard Readiness Center	\$11,400	\$11,400		\$11,400		\$11,400							
Worldwide/Various		Minor Construction	\$15,000	\$15,000		\$15,000		\$15,000							
		Planning & Design	\$20,469	\$20,469		\$20,469		\$20,469							

*\*All Dollars in Thousands*

**Air National Guard\***

Account			FY19 Levels	FY20 Request	FY20 HASC NDAA	FY20 House NDAA	FY20 HAC Mark	FY20 House Approps.	FY20 SASC NDAA	FY20 Senate NDAA	FY20 SAC Mark	FY20 Senate Approps.	Final NDAA Levels	Change From FY19	Final Levels
<b>Total MILCON Funding</b>			<b>\$129,126</b>	<b>\$165,971</b>	<b>\$172,971</b>		<b>\$115,971</b>		<b>\$222,971</b>						
MILCON By State	Location	Project	FY20 Request	FY20 HASC NDAA	FY20 House NDAA	FY20 HAC Mark	FY20 House Approps.	FY20 SASC NDAA	FY20 Senate NDAA	FY20 SAC Mark	FY20 Senate Approps.	Final NDAA Levels	Change from FY19	Final Levels	
California	Moffett Air National Guard Base			\$57,000				\$57,000							
Georgia	Savannah/Hilton Head Int'l Airport	Air Dominance Hangar/Shops	\$24,000	\$24,000		\$24,000		\$24,000							
Missouri	Rosecrans Memorial Airport	C-130 Flight Simulator Facility	\$9,500	\$9,500		\$9,500		\$9,500							
Puerto Rico	Luis Munoz IAP (Hurricane Maria)	Comms. Facility	\$12,500					\$12,500							
		Maintenance Hangar	\$37,500					\$37,500							
Wisconsin	Truax Field	F-35 Simulator Facility	\$14,000	\$14,000		\$14,000		\$14,000							
		Flight Alert Shelters	\$20,000	\$20,000		\$20,000		\$20,000							
Worldwide/Various	Minor Construction		\$31,471	\$31,471		\$31,471		\$31,471							
	Planning & Design		\$17,000	\$17,000		\$17,000		\$17,000							

*\*All Dollars in Thousands*

## LEGISLATIVE PROVISIONS

### **SEC. 141. Requirement to Align Air Force Fighter Force Structure with National Defense Strategy and Reports.**

Not later than March 1, 2020, the Secretary of the Air Force shall submit to the congressional defense committees a fighter force structure acquisition strategy that is aligned with the results of the reports submitted under subtitle D of title I of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) and the Air Force’s stated requirements to meet the National Defense Strategy.

The Secretary of the Air Force may not deviate from the strategy submitted under subsection (a) until:

- (1) the Secretary receives a waiver and justification from the Secretary of Defense; and
- (2) 30 days after notifying the congressional defense committees of the proposed deviation.

### **SEC. 145. Air Force Plan for Combat Rescue Helicopter Fielding.**

It is the sense of Congress that, given delays to Operational Loss Replacement (OLR) program fielding and the on-time fielding of Combat Rescue Helicopter (CRH), the Air National Guard should retain additional HH–60G helicopters at Air National Guard locations to meet their recommended primary aircraft authorized (PAA) per the Air Force’s June 2018 report on Air National Guard HH–60 requirements.

Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on its fielding plan for the CRH program.

The report required under paragraph (1) shall include the following elements:

- (A) A description of the differences in capabilities between the HH–60G, OLR, and CRH helicopters.
- (B) A description of the costs and risks associated with changing the CRH fielding plan to reduce or eliminate inventory shortfalls.
- (C) A description of the measures for accelerating the program available within the current contract.
- (D) A description of the operational risks and benefits associated with fielding the CRH to the active component first, including:
  - (i) how the differing fielding plan may affect deployment schedules;
  - (ii) what capabilities active-component units deploying with the CRH will have that reserve component units deploying with OLR will not; and
  - (iii) an analysis of the potential costs and benefits that could result from accelerating CRH fielding to all units through additional funding in the future years defense program.

Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the plan to sustain training for initial-entry reserve component HH-60G pilots once the active component of the Air Force has received all of its CRH helicopters.

The report required shall include the following elements:



- (A) Projected reserve component aircrew initial HH–60G/OLR qualification training requirements, by year.
- (B) The number of legacy HH–60G/OLR helicopters required to continue providing initial HH–60G qualification training through the 150th Special Operations Wing at Kirtland Air Force Base.
- (C) The number of personnel required to continue providing initial HH–60G/OLR qualification training through the 150th Special Operations Wing at Kirtland Air Force Base.
- (D) The number of flying hours required per pilot to perform “differences training” home station for initial entry HH–60 pilots receiving CRH training at Kirtland Air Force Base to become qualified in the HH–60G/OLR at their home station.
- (E) The projected effect of using local flying training hours at reserve component units on overall unit training readiness and ability to meet Ready Aircrew Program requirements.

**SEC. 152. F-35 Sustainment Cost.**

The Under Secretary of Defense for Acquisition and Sustainment shall include in the quarterly report required under section 155 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232):

- (1) sustainment cost data related to the F–35 program, including a comparison in itemized format of the cost of legacy aircraft and the cost of the F–35 program, based on a standardized set of criteria; and
- (2) a progress report on the extent to which the goals developed pursuant to subsection (b) are being achieved.

The Under Secretary of Defense for Acquisition and Sustainment shall develop a plan for achieving significant reductions in the cost to operate and maintain the F–35 aircraft.

The plan required shall include the following elements:

- (A) Specific changes in the management of operation and support (O&S) cost to engender continuous process improvement.
- (B) Specific actions the Department will implement in the near term to reduce O&S cost.
- (C) Concrete timelines for implementing the specific actions and process changes.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report on the baseline plan for achieving operation and support cost savings.

**SEC. 153. Economic Order Quantity Contracting Authority for F-35 Joint Strike Fighter.**

The Secretary of Defense is authorized to award multiyear contracts for the procurement of F–35 aircraft in economic order quantities for fiscal year 2021 (Lot 15) through fiscal year 2023 (Lot 17).

**SEC. 215. Sense of the Senate on the Advanced Battle Management System.**

It is the sense of the Senate that:

- (1) the Senate supports the vision of the Air Force for the Advanced Battle Management System (ABMS) as a system of systems that can integrate air, space, and other systems to detect, track, target, and direct effects against threats in all domains;
- (2) such a capability will be essential to the ability of the Air Force to operate effectively as part, and in support, of the Joint Force, especially in the highly-contested operating environments established by near-peer competitors;
- (3) the Senate is concerned that the Air Force has not moved quickly enough over the past year to begin defining the requirements and maturing the technologies that will be essential for the Advanced Battle Management System, especially in light of the pending retirement of the Joint Surveillance and Target Attack Radar System (JSTARS) aircraft that the Advanced Battle Management System is conceived, in part, to replace;
- (4) the Senate understands that the Air Force is moving deliberately to analyze alternative concepts for the Advanced Battle Management System and adopt an architectural approach to its design;
- (5) the Advanced Battle Management System, as a multi-domain system of systems, must have a central command and control capability that can integrate these systems into a unified warfighting capability;
- (6) emerging technologies, such as artificial intelligence and automated sensor fusion, should be built into the command and control capability for the Advanced Battle Management System from the start;
- (7) such technologies would improve the ability of the Advanced Battle Management System to support human operators with the rapid processing and fusion of multi-domain sensor data; the highly-automated identification, classification, tracking, and targeting of threats in all domains; the creation of a real-time common operating picture from multi-domain intelligence; and the ability to direct effects on the battlefield at machine-to-machine speeds from all of the systems comprising the Advanced Battle Management System; and
- (8) for an effort as ambitious and complex as the Advanced Battle Management System, the Senate encourages the Air Force to use existing acquisition authorities to begin a rapid prototyping effort to refine the requirements and software-intensive technologies that will be integral to the command and control capability of the Advanced Battle Management System.

**SEC. 316. Prohibition on Use of Perfluoroalkyl Substances and Polyfluoroalkyl Substances for Land-Based Applications of Firefighting Foam.**

After October 1, 2022, no funds of the Department of Defense may be obligated or expended to procure firefighting foam that contains in excess of one part per billion of perfluoroalkyl substances and polyfluoroalkyl substances.

Not later than October 1, 2023, the Secretary of Defense shall:

- (1) cease the use of firefighting foam containing in excess of one part per billion of perfluoroalkyl substances and polyfluoroalkyl substances; and
- (2) dispose of all existing stocks of such firefighting foam in accordance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).
- (3) Subsections (a) and (b) shall not apply to firefighting foam for use solely onboard ocean-going vessels

The term “perfluoroalkyl substances” means aliphatic substances for which all of the H atoms attached to C atoms in the nonfluorinated substance from which they are notionally derived have been replaced by F atoms, except those H atoms whose substitution would modify the nature of any functional groups present.

The term “polyfluoroalkyl substances” means aliphatic substances for which all H atoms attached to at least one (but not all) C atoms have been replaced by F atoms, in such a manner that they contain the perfluoroalkyl moiety.

**SEC. 318. Cooperative Agreements with States to Address Contamination by Perfluoroalkyl and Polyfluoroalkyl Substances.**

Upon request from the Governor or chief executive of a State, the Secretary of Defense shall work expeditiously, pursuant to section 2701(d) of title 10, United States Code, to finalize a cooperative agreement, or amend an existing cooperative agreement to address testing, monitoring, removal, and remedial actions relating to the contamination or suspected contamination of drinking, surface, or ground water from PFAS originating from activities of the Department of Defense by providing the mechanism and funding for the expedited review and approval of documents of the Department related to PFAS investigations and remedial actions from an active or decommissioned military installation, including a facility of the National Guard.

A cooperative agreement shall meet or exceed the most stringent of the following standards for PFAS in any environmental media:

- (A) An enforceable State standard, in effect in that State, for drinking, surface, or ground water, as described in section 121(d)(2)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(ii)).
- (B) An enforceable Federal standard for drinking, surface, or ground water, as described in section 121(d)(2)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(i)).

Beginning on February 1, 2020, if a cooperative agreement is not finalized or amended under subsection (a) within one year after the request from the Governor or chief executive under that subsection, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees and Members of Congress a report:

- (1) explaining why the agreement has not been finalized or amended, as the case may be; and
- (2) setting forth a projected timeline for finalizing or amending the agreement.

In this section, the term “appropriate committees and Members of Congress” means the congressional defense committees; the Senators who represent a State impacted by PFAS contamination described in 19 subsection (a)(1); and the Members of the House of Representatives who represent a district impacted by such contamination. The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine. The term “PFAS” means perfluoroalkyl and polyfluoroalkyl substances that are man-made chemicals with at least one fully fluorinated carbon atom. The term “State” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

**SEC. 319. Modification of Department of Defense environmental restoration authorities to include Federal Government facilities used by National Guard.**

Section 2700(2) of title 10, United States Code, is amended:

- (1) by striking “The terms” and inserting “(A) The terms;” and
- (2) by adding at the end the following new subparagraph, “(B) The term ‘facility’ includes real property that is owned by, leased to, or otherwise possessed by the United States at locations at which military activities are conducted under this title or title 32 (including real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the National Guard).”

Section 2701(c) of such title is amended by inserting “or pollutants or contaminants” after “hazardous substances” each place it appears.

Section 2703(a) of such title is amended by adding at the end the following new paragraphs:

“(6) An account to be known as the ‘Environmental Restoration Account, Army National Guard’ (for real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the Army National Guard).

“(7) An account to be known as the ‘Environmental Restoration Account, Air National Guard’ (for real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the Air National Guard).”

**SEC. 411. End Strengths for Selected Reserve.**

The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2020, as follows:

- (1) The Army National Guard of the United States, 336,000.
- (2) The Army Reserve, 189,500.
- (3) The Navy Reserve, 59,000.
- (4) The Marine Corps Reserve, 38,500.
- (5) The Air National Guard of the United States, 107,700.
- (6) The Air Force Reserve, 70,100.
- (7) The Coast Guard Reserve, 7,000.

The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected

Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. End Strengths for Reserves on Active Duty in Support of the Reserves.**

Within the end strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 2020, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 30,595.
- (2) The Army Reserve, 16,511.
- (3) The Navy Reserve, 10,155.
- (4) The Marine Corps Reserve, 2,386.
- (5) The Air National Guard of the United States, 22,637.
- (6) The Air Force Reserve, 4,431.

**SEC. 413. End Strengths for Military Technicians (Dual Status).**

The authorized number of military technicians (dual status) as of the last day of fiscal year 2020 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army National Guard of the United States, 22,294.
- (2) For the Army Reserve, 6,492.
- (3) For the Air National Guard of the United States, 13,569.
- (4) For the Air Force Reserve, 8,938.

Notwithstanding section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be increased by 3 percent, upon determination by the Secretary of Defense that such action is in the national interest; and by 2 percent, upon determination by the Secretary of the military department concerned that such action would enhance manning and readiness in essential units or in critical specialties or ratings.

Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken against the individual or the individual's position.

If, at the end of fiscal year 2019, the Air National Guard of the United States does not meet its full-time support realignment goals for such fiscal year (as presented in the justification materials of the Department of Defense in support of the budget of the President for such fiscal year under section 1105 of title 31, United States Code), the authorized number of military technicians (dual status) of the Air National Guard of the United States under subsection (a)(3) shall be increased by the number equal to difference between 3,190, which is the number of military technicians (dual status) positions in the Air National Guard of the United States sought to be converted to the Active, Guard, and Reserve program

of the Air National Guard during fiscal year 2019; and the number of realigned positions achieved in the Air National Guard by the end of fiscal year 2019.

The increase under paragraph (1) in the authorized number of military technician (dual status) positions described in that paragraph may not exceed 2,292.

In the event of an adjustment to 15 the authorized number military technicians (dual status) of the Air National Guard of the United States under this subsection, the number of members of the Air National Guard of the United States authorized by section 412(5) to be on active duty as of September 30, 2020, shall be decreased by the number equal to the number of such adjustment.

Not later than January 1, 2020, the Chief of the National Guard Bureau shall certify to the Committees on Armed Services of the Senate and House of Representatives the number of positions realigned from a military technician (dual status) position to a position in the Active, Guard, and Reserve program of a reserve component in fiscal year 2019.

The term “realigned position” means any military technician (dual status) position which has been converted or realigned to a position in an Active, Guard, and Reserve program of a reserve component under the full time support rebalancing plan of the Armed Force concerned, regardless of whether such position is encumbered. The term “Active, Guard, and Reserve program,” in the case of a reserve component, means the program of the reserve component under which Reserves serve on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training such reserve component.

**SEC. 414. Maximum Number of Reserve Personnel Authorized to be on Active Duty for Operational Support.**

During fiscal year 2020, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

- (1) The Army National Guard of the United States, 17,000.
- (2) The Army Reserve, 13,000.
- (3) The Navy Reserve, 6,200.
- (4) The Marine Corps Reserve, 3,000.
- (5) The Air National Guard of the United States, 16,000.
- (6) The Air Force Reserve, 14,000.

**SEC. 502. Maker of Original Appointments in a Regular or Reserve Component of Commissioned Officers Previously Subject to Original Appointment in Other Type of Component.**

Section 531(c) of title 10, United States Code, is amended by striking “the Secretary concerned” and inserting “the Secretary of Defense.”

Subsection (b) of section 12203 of such title is amended by striking “the Secretary concerned” and inserting “the Secretary of Defense.”

Such section 12203 is further amended:

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following new subsection, “(c) For purposes of appointments under this section, an officer who receives an original appointment as a regular commissioned officer in a grade under section 531 of this title that is made on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 shall be deemed also to have received an original appointment as a reserve commissioned officer in such grade.”

**SEC. 511. Repeal of Requirement for Review of Certain Army Reserve Officer Unit Vacancy Promotions by Commanders of Associated Active Duty Units.**

Section 1113 of the Army National Guard Combat Readiness Reform Act of 1992 (10 U.S.C. 10105 note) is repealed.

**SEC. 515. Modification of Authorities on Management of Deployments of Members of the Armed Forces and Related Unit Operating and Personnel Tempo Matters.**

Paragraph (3) of subsection (a) of section 991 of title 10, United States Code, is amended by striking “be delegated to” and all that follows and inserting “be delegated to a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.”

Paragraph (4) of such subsection is amended:

- (1) by striking “addresses the amount” and inserting, “addresses each of the following: (1) The amount; (2) in paragraph (1), as designated by paragraph (1) of this subsection, by inserting ‘regular’ before ‘member;’ and (3) by adding at the end the following new paragraph, ‘(2) The amount of dwell time a reserve member of the armed forces remains at the member’s permanent duty station after completing a deployment of 30 days or more in length.’”

Subsection (b), authority to prescribe alternative definition of “deployment,” of such section is amended by striking paragraph (4).

**SEC. 576. Two-Year Extension of Authority for Reimbursement for State Licensure and Certification Costs of Spouses of Members of the Armed Forces Arising from Relocation to Another State.**

Section 476(p)(4) of title 37, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2024.”

**SEC. 577. Improvement of Occupational License Portability for Military Spouses through Interstate Compacts.**

Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsection:

- (h) Improvement of Occupational License Portability through Interstate Compacts.
  - (1) The Secretary of Defense shall seek to enter into a cooperative agreement with the Council of State Governments to assist with funding of the development of interstate compacts on licensed occupations in order to alleviate the burden associated with relicensing in such an occupation by spouse of a member of the armed forces in connection with a permanent change of duty station of members to another State.

- (2) The amount provided under paragraph (1) as assistance for the development of any particular interstate compact may not exceed \$1,000,000.
- (3) The total amount of assistance provided under paragraph (1) in any fiscal year may not exceed \$4,000,000.
- (4) Not later than February 28 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on interstate compacts described in paragraph (1) developed through assistance provided under that paragraph. Each report shall set forth the following:
  - (A) Any interstate compact developed during the preceding calendar year, including the occupational licenses covered by such compact and the States agreeing to enter into such compact.
  - (B) Any interstate compact developed during a prior calendar year into which one or more additional States agreed to enter during the preceding calendar year.
- (5) The authority to enter into a cooperative agreement under paragraph (1), and to provide assistance described in that paragraph pursuant to such cooperative agreement, shall expire on September 30, 2024.

**SEC. 611. One-Year Extension of Certain Expiring Bonus and Special Pay Authorities.**

The committee recommends a provision that would extend, through December 31, 2020, various expiring bonus and special pay authorities for military personnel. The provision would extend special pay and bonus authority for reserve personnel, military healthcare professionals, and nuclear officers and consolidated pay authorities for officer and enlisted personnel. The provision would also extend the authority to provide temporary increases in the rate of Basic Allowance for Housing in certain circumstances.

**SEC. 1036. Modernization of Inspection Authorities Applicable to the National Guard and Extension of Inspection Authority to the Chief of the National Guard Bureau.**

The committee recommends a provision that would amend section 105 of title 32, United States Code, to authorize the Chief of the National Guard Bureau to conduct inspections to determine whether units and members of the Army National Guard and Air Force National Guard comply with Federal law and policy applicable to the National Guard.

**SEC. 1037. Enhancement of Authorities on Forfeiture of Federal Benefits by the National Guard.**

The committee recommends a provision that would amend section 108 of title 32, United States Code, to provide that the availability of Federal funds provided to the National Guard of individual States is contingent upon compliance with Federal law and policy applicable to the National Guard. The provision would also authorize the President to withdraw Federal recognition of National Guard units and members for failure to comply with Federal law and policy and would authorize the President to bar units and individuals from receiving Federal funds if the unit or individuals fail to comply with Federal law and policy.

**SEC. 1038. Modernization of Authorities on Property and Fiscal Officers of the National Guard.**

The committee recommends a provision that would amend section 708 of title 32, United States Code, to require the Chief of the National Guard Bureau, subject to the approval of the secretary of the military department concerned, to assign, designate, or detail property and fiscal officers for each State, each territory, and the District of Columbia.



**SEC. 1085. Extension of National Commission on Military Aviation Safety.**

Section 1087(h)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1995) is amended by striking “March 1, 2020” and inserting “December 31, 2020.”

Of the amount authorized to be appropriated for fiscal year 2020 for the Department of Defense by this Act, \$3,000,000 shall be available for the National Commission on Aviation Safety under section 1087 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 in calendar year 2020.

**SEC. 1403. Drug Interdiction and Counter-drug Activities, Defense-wide.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

**SEC. 2601. Authorized Army National Guard Construction and Land Acquisition Projects.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States.

**SEC. 2604. Authorized Air National Guard Construction and Land Acquisition Projects.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States.

**SEC. 2702. Prohibition on Conducting Additional Base Realignment and Closure (BRAC) Round.**

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

## **REPORT LANGUAGE**

**AH–64 Apache Block IIIB New Build**

The budget request included \$0.0 million in line number 10 of Aircraft Procurement, Army (APA), for AH–64 Apache Block IIIB New Build.

The committee recognizes the importance of the Army’s efforts to modernize and equip both the active component and the Army National Guard with the most advanced and capable attack helicopters in support of the National Defense Strategy. Consequently, the Army should field the Block IIIB aircraft as quickly as possible across the 24 attack battalions in the active component and the Army National Guard.

Therefore, the committee recommends an increase of \$105.0 million in line number 10 of APA for the procurement of three AH–64 Apache Block IIIB New Build aircraft.

### **UH-60M Blackhawk**

The budget request included \$1.4 billion in line number 12 of Aircraft Procurement, Army (APA), for 73 UH-60M Blackhawk aircraft.

The committee recognizes the importance of the Army's efforts to field the most advanced and capable utility helicopters in support of the National Defense Strategy. However, the committee is concerned about the utility helicopter industrial base and the dramatic downturn in production of UH-60M aircraft through the proposed future years defense program. Further, the committee believes that the Army should take advantage of the current multiyear contract that will expire in fiscal year 2021 and more equitably distribute procurement to limit a steep production cut from fiscal year 2020 to fiscal year 2021.

Therefore, the committee recommends a decrease of \$140.0 million for 7 active component aircraft in line number 12 of APA for the procurement of UH-60M aircraft.

### **UH-60V Conversion**

The budget request included \$169.2 million in line number 14 of Aircraft Procurement, Army (APA), for UH-60 Blackhawk L and V Models.

The committee recognizes the importance of the Army's efforts to field the most advanced and capable utility helicopters for the Army National Guard in support of the National Defense Strategy. As such, the Army should accelerate the conversion of Blackhawks to the upgraded V model, which provides enhanced situational awareness, as quickly as possible to optimize training and reduce operation and sustainment costs.

Therefore, the committee recommends an increase of \$35.0 million in line number 14 of APA for the conversion of 8 additional UH-60V aircraft.

### **Abrams upgrade program**

The budget request included \$1.8 billion in line number 14 of Weapons & Tracked Combat Vehicles (WTCV), Army, for the upgrade of 165 Abrams tanks to the M1A2 SEPv3.

The M1A2 SEPv3 program is vital to the lethality and survivability of the Army's armored brigade combat team. The M1A2 SEPv3 incorporates multiple improvements such as: turret and hull armor upgrades for enhanced crew survivability; the Total Integrated Engine Revitalization program and upgraded transmission for improved power pack reliability and durability; improved computer systems including microprocessors, color flat panel displays, and memory capacity; and Block 1 second generation Forward Looking Infra-Red technology. The committee strongly supports the Abrams Upgrade Program and its alignment to the National Defense Strategy. However, the committee believes that funding could be better balanced throughout the future years defense program to reduce industrial base turbulence.

Therefore, the committee recommends a decrease of \$35.0 million in line number 14 of WTCV, Army.

**Joint Light Tactical Vehicle**

The budget request included \$996.0 million in line number 6 of Other Procurement, Army (OPA), for the procurement of 2,530 Joint Light Tactical Vehicles (JLTV).

The Army has requested a zero sum realignment of \$4.5 million from line number 6 of OPA to PE 65812A in Research, Development, Test, and Evaluation, Army, in order to complete the developmental portion of the Training, Aids, Devices, Simulators and Simulation Hands-On Trainers requirement for the JLTV.

Therefore, the committee recommends a decrease of \$4.5 million in line number 6 of OPA.

**Joint Light Tactical Vehicle**

The budget request included \$996.0 million in line 6 of Other Procurement, Army (OPA), for the procurement of 2,530 Joint Light Tactical Vehicles (JLTV).

The JLTV is capable of performing multiple mission roles and is designed to provide protected, sustained, and networked mobility for personnel and payloads across the full range of military operations.

However, the committee believes that the Army should make a full rate production decision as soon as possible. Therefore, the committee recommends a decrease of \$35.0 million in line 6 of OPA.

**F-35A**

The budget request included \$4.3 billion in line number 1 of Aircraft Procurement, Air Force (APAF), for 48 F-35 aircraft.

The committee recognizes the importance of the Air Force's efforts to modernize and equip itself with the most advanced and capable aircraft in support of the National Defense Strategy. However, the committee is concerned about the quantity and timing of procurement of fifth generation aircraft and understands that the Chief of Staff of the Air Force has placed additional aircraft on his unfunded priority list.

Therefore, the committee recommends an increase of \$1.1 billion in line number 1 of APA for the procurement of 12 additional F-35 aircraft.

**F-35 advanced procurement**

The budget request included \$655.5 million in line number 2 of Aircraft Procurement, Air Force (APAF), for advanced procurement of F-35 aircraft.

The committee recognizes the importance of the Air Force's efforts to modernize and equip itself with the most advanced and capable aircraft in support of the National Defense Strategy. However, the committee is concerned about the quantity and timing of procurement of fifth generation aircraft and understands that the Chief of Staff of the Air Force has placed additional aircraft on his unfunded priority list.

Therefore, the committee recommends an increase of \$156.0 million in line number 2 of APAF for advanced procurement to support 12 additional F-35A aircraft.

### **F-15X**

The budget request included \$1.1 billion in line number 3 of Aircraft Procurement, Air Force (APAF), for 8 F-15X aircraft.

The committee recognizes the importance of the Air Force's efforts to modernize its aging air superiority fighters. The committee also understands that the use of existing non-developmental aircraft already in inventory allows for the continued readiness of current F-15 squadrons. However, the committee is concerned that the associated non-recurring engineering costs, as programmed, are above what should be for a non-developmental aircraft.

Therefore, the committee recommends a decrease of \$162.0 million in line number 3 of APAF.

### **KC-46**

The budget request included \$2.2 billion in line number 5 of Aircraft Procurement, Air Force (APAF), for 12 KC-46 aircraft.

The committee recognizes the importance of the Air Force's efforts to modernize and equip itself with the most advanced and capable aircraft in support of the National Defense Strategy. However, the committee is concerned about the quantity and timing of procurement of tanker aircraft and understands that the Chief of Staff of the Air Force has placed additional aircraft on his unfunded priority list.

Therefore, the committee recommends an increase of \$471.0 million in line 5 of APAF for the procurement of 3 additional KC-46 aircraft.

### **F-15 ADCP**

The budget request included \$481.1 million in line number 25 of Aircraft Procurement, Air Force (APAF), for the procurement of new avionics radars.

The committee recognizes the importance of the Air Force efforts to modernize the legacy 4th generation fleet in support of the National Defense Strategy. The committee also understands the Air Force's intention to recapitalize the F-15 fleet with new F-15X aircraft.

Therefore, the committee recommends a decrease of \$75.1 million in line 25 of APAF as a reduction of the procurement of F-15 avionics.

### **F-15 IFF modernization**

The budget request included \$481.1 million in line number 25 of Aircraft Procurement, Air Force (APAF), for procurement of new IFF.

The committee recognizes the importance of the Air Force efforts to modernize the legacy fourth generation fleet in support of the National Defense Strategy. The committee also understands the Air Force's intention to recapitalize the F-15 fleet with new F-15X aircraft.

Therefore, the committee recommends a decrease of \$29.6 million in line 25 of APAF as a reduction of the procurement of F-15 IFF.

### **F-15 Longerons**

The budget request included \$481.1 million in line number 25 of Aircraft Procurement, Air Force (APAF), for the procurement of 64 F-15 Longerons.

The committee recognizes the importance of the Air Force efforts to modernize the legacy fourth generation fleet in support of the National Defense Strategy. The committee also understands the Air Force's intention to recapitalize the F-15 fleet with new F-15X aircraft.

Therefore, the committee recommends a decrease of \$24.6 million in line number 25 of APAF as a reduction of the procurement of F-15 Longerons.

### **F-15 Radar**

The budget request included \$481.1 million in line 25 of Aircraft Procurement, Air Force (APAF), for procurement of new radars.

The committee recognizes the importance of the Air Force efforts to modernize the legacy 4th generation fleet in support of the National Defense Strategy. The committee also understands the Air Force's intention to recapitalize the F-15 fleet with new F-15X aircraft.

Therefore, the committee recommends a decrease of \$23.7 million in line number 25 of APAF as a reduction of the procurement of F-15 radars.

### **F-16 modernization**

The budget request included \$234.8 million in line number 26 of Aircraft Procurement, Air Force (APAF).

The committee recognizes the importance of the Air Force's efforts to modernize its fourth generation fighter fleet and equip itself with the most advanced and capable radars in support of the National Defense Strategy. However, the committee is concerned about the quantity and timing of procurement of advanced radars for the entire F-16 fleet.

Therefore, the committee recommends an increase of \$75.0 million in line number 26 of APA for the procurement of 30 additional radars.

### **F-15C EPAWSS**

The budget request included \$149.0 million in line number 31 of Aircraft Procurement, Air Force (APAF), for F-15 Eagle Passive Active Warning Survivability System (EPAWSS).

The committee recognizes the importance of the Air Force's efforts to modernize and equip itself with the most advanced electronic warfare capability available in support of the National Defense Strategy. However, the committee also understands the Air Force's intention to recapitalize the F-15 fleet with new F-15X aircraft already equipped with the EPAWSS.

Therefore, the committee recommends a decrease of \$67.2 million in line number 31 of APAF as a reduction of the procurement of additional F-15 EPAWSS kits.

### **A-10 Modernization**

The committee is encouraged that the Air Force is executing a modernization strategy to provide unmatched air power and believes that modernizing the A-10 fleet is integral to this strategy. The committee also believes that upgrades to weapons delivery, management systems, and the electronic warfare and communications suite that keep pace with threat advancements and proliferation are critical to the continued success of the weapons system.

The committee notes that these enhancements and the aircraft wing replacements will maintain the effectiveness of the A-10C through the 2030s. Therefore, the committee recommends that continuous funding for the modernization of the A-10C be provided from fiscal year 2020 through fiscal year 2030 in order to achieve upgrades that are long overdue.

### **Bradley Program**

The budget request included \$638.8 million in line 5 of Weapons & Tracked Combat Vehicles (WTCV), for the procurement of upgrades to the family of Bradley Fighting Vehicles. As an integral part of the Army's Armored Brigade Combat Team (ABCT), the Bradley is being modernized in a program approved by the Army Acquisition Executive in July 2011 to enhance survivability, mobility, and lethality by procurement of hardware for modifications. These modifications include two Engineering Change Proposals in this plan, with the Bradley A4 upgrade being the most significant.

As the Army works to align itself with the National Defense Strategy and its focus on near-peer competition, the committee understands that the Army plans to gradually phase out the Bradley and replace it with a new Optionally Manned Fighting Vehicle (OMFV). To achieve this strategy, the Army has formulated a plan to end M2A4 production in fiscal year 2022, following the procurement of 859 vehicles (fielding 5 ABCTs plus 1 prepositioned set), which will enable sufficient funding for the procurement of the OMFV.

The committee supports the Army's planning and budgeting to achieve force modernization with the OMFV and understands that it will take at least 6 years to develop and begin fielding the OMFV. The committee also notes that the Bradley A4 upgrade program is essential to ensuring that the ABCT remains relevant for the next 3 decades. Nonetheless, the committee encourages the Army to ensure that the Bradley industrial base is properly maintained until the Army has a high level of confidence that the OMFV program will not be delayed.

Therefore, the committee supports the procurement of upgrades for the family of Bradley Fighting Vehicle modernization across five ABCTs, efforts to sustain the entire fleet, and the incorporation of an Active Protection System into the fleet.

### **CH-47F Block II Program**

The budget request contained \$174.4 million in PE 67137A within Research, Development, Test, and Evaluation (RDT&E), Army for the CH-47 Block II program. The CH-47F Block II program is designed to upgrade the current CH-47F Block I heavy-lift rotorcraft in order to improve readiness and commonality, extend the useful life of the Block I helicopter, and restore additional payload capacity for

the airframe. The committee understands that the budget request fully funds the completion of the Engineering and Manufacturing Development (EMD) phase of the Block II program. The committee also understands that, subject to successful completion of the EMD phase, the Army plans to conduct a Milestone C low-rate production decision beginning in fiscal year 2021. However, the committee notes that the current Future Years Defense Program (FYDP) provides no additional procurement funding for the CH-47 Block II program.

Further, the committee notes that the formal Analysis of Alternatives for the CH-47 Block II indicated that, in order to maintain fleet readiness, the Army must begin to remanufacture CH-47 Block I rotorcraft between fiscal years 2024 and 2028 and sustain full-rate production of 12 aircraft per year by fiscal year 2030. The committee is concerned about the impact from the lack of programmed funding in the FYDP for CH-47 Block II production on the heavy-lift rotorcraft industrial base and the Army's long-term plans to maintain fleet readiness post-FYDP.

Therefore, the committee directs the Secretary of the Army to provide a briefing by October 1, 2019, on the following topics: potential readiness impacts to the current CH-47F fleet should Block II production be delayed post-FYDP; a cost-benefit analysis comparing the CH-47 Block II upgrade program to CH-47F remanufacture efforts; the impacts to current MH-47G aircraft production given the delay of Block II production; the analysis the Army used to assess the strategic risk to the industrial base, including the supplier base; and the Army's current strategy for modernizing the heavy-lift rotorcraft fleet.

### **Close Combat Lethality Task Force**

In February 2018, the Secretary of Defense established the Close Combat Lethality Task Force (CCLTF), a cross-functional task force charged with improving combat capabilities of infantry formations to increase lethality, survivability, and resiliency on the battlefield. The CCLTF has focused its efforts on reforming manpower policy, improving training, and fielding cutting-edge equipment and weapons systems for these formations. These efforts are particularly noteworthy as technology proliferation has eroded the comparative advantage of these forces, and, with renewed great power competition, it is imperative that the Department of Defense focus on investments that support close combat formations that historically account for the majority of U.S. casualties.

Therefore, the committee urges the Department to continue its support of the CCLTF, including through sufficient resourcing of the task force and by maintaining the exceptional quality of its leadership as well as the direct reporting relationship to the Secretary of Defense and the Deputy Secretary of Defense.

### **Future Vertical Lift Capability Set 3 Potential Acceleration**

The budget request included \$31.9 million in PE 63801A within Research, Development, Test, and Evaluation (RDT&E), Army for the continued development of the Future Long Range Assault Aircraft (FLRAA) as part of the Army's Future Vertical Lift (FVL) family of systems. The FVL family of systems consists of aircraft across five capability sets based on size, and the FLRAA effort is capability set three.

The committee understands that the FLRAA platform will replace a portion of the Army's utility helicopter fleet to provide considerable capability improvements in speed, range, agility, endurance, and sustainability as compared to current legacy utility helicopters. The committee notes that the current acquisition strategy for the FLRAA represents a traditional approach. However, the committee

understands that the Army is considering multiple courses of action to accelerate this program through the use of acquisition reform authorities. Further, the committee understands that the Army is nearing completion of the Joint Multi-Role Technology Demonstration (JMR–TD) effort that successfully demonstrated several transformational vertical lift capabilities and technologies.

Given the substantial investment and knowledge gained by the successful JMR–TD, the committee expects the Army to possess a much better understanding of the technology readiness levels required for the FLRAA development program. As such, the committee believes that the Army should be in a position to reasonably accelerate the FLRAA schedule and acquisition strategy. The committee encourages the Secretary of the Army to consider using a more tailored acquisition approach for the FLRAA program, to include developing prototypes to expedite the procurement of critical technologies. The committee expects that, following any such prototyping effort, the Army would pursue a follow-on production contract using competitive procedures.

Therefore, the committee directs the Secretary of the Army to provide a briefing, not later than October 1, 2019, to the Committees on Armed Services of the Senate and House of Representatives that details a course of action to accelerate the FLRAA program, to include potential use of tailored acquisition strategies, procedures, and authorities with appropriate oversight, management, and technical rigor.

### **Improved Turbine Engine Program**

The Improved Turbine Engine Program (ITEP) is an acquisition program to develop a more powerful engine that would enhance performance at high altitudes and at elevated temperatures while improving operational readiness of the current UH–60 Blackhawk and AH–64 Apache helicopter fleets. The ITEP also has a goal to improve fuel efficiency, which will ease the mission of sustainment forces.

The committee notes that this program represents a cost-effective approach to modernizing aviation assets. Therefore, the committee encourages the Army to pursue opportunities to accelerate the fielding of this capability.

### **MQ-1 Gray Eagle Briefing**

The committee notes the significant capability that the MQ–1 Gray Eagle fleet of unmanned aircraft systems (UAS) provides to the Army. This capability is game-changing and reduces risk for Army soldiers by providing extended surveillance coverage and the ability to self-transit to distant locations by virtue of its long endurance and ease of use, itself deriving from its automatic takeoff and landing system, which the aircraft to be launched and recovered with minimal operator interaction.

The current fleet consists of over 200 Gray Eagle aircraft, half of which are the original configuration and the other half are the Gray Eagle Extended Range (GE–ER) configuration. The GE–ER is the next-generation advanced derivative, providing longer-endurance UAS surveillance, communications relay, and weapons delivery missions in support of maneuver.

However, the committee is concerned that a mixed fleet of Gray Eagle aircraft may not be sufficient to meeting ever increasing operational requirements.



Therefore, the committee directs the Secretary of the Army to provide a briefing, not later than October 1, 2019, to the Senate Armed Services Committee on the capabilities and capacity of the MQ-1 Gray Eagle fleet. The briefing shall include:

- (1) A fleet optimization plan to meet long-term surveillance requirements in multi-domain operations in support of the National Defense Strategy;
- (2) Potential readiness impacts to the Army of operating a mixed fleet of Gray Eagle aircraft; and
- (3) Cost-benefit analysis comparing operations of the current mixed fleet of aircraft to operations of a pure GE-ER fleet.

### **Multi-year Block Buy for F-35**

The committee notes that both the production and sustainment costs for the F-35 program continue to decrease. However, the committee believes that further savings may be realized through multiyear block buy contracts.

Therefore, the committee directs the Under Secretary of Defense for Acquisition and Sustainment, no later than February 1, 2020, to deliver a report to the congressional defense committees that examines the business case for a combined domestic and international 3-to-5 year multiyear contract for procurement of the F-35A/B/C, beginning with Lot 15. The report shall include: analysis of the appropriate government furnished equipment, such as propulsion systems savings; an assessment of the design stability and technical risk, given the Block 4 changes introduced to the baseline beginning in Lot 15; and an evaluation of the potential to achieve significant net savings for the Department of Defense and international partners through economies of scale. Additionally, the report shall articulate the optimal multiyear contract length for the F-35.

### **Tactical Wheeled Vehicle Industrial Base**

The committee is concerned that the fiscal year 2020 budget request reduced funding from what was planned in the future years defense program for the majority of the Army's tactical wheeled vehicle fleets, including the Joint Light Tactical Vehicles, the Family of Medium Tactical Vehicles, and the Heavy Expanded Mobile Tactical Trucks. The committee acknowledges that reducing funding across the light, medium, and heavy tactical wheeled vehicle fleet could threaten the fragile networks of suppliers, many of which are small businesses. Such businesses may be forced to exit the defense industry or cease operations altogether. In addition, if production does not support minimum sustaining rates for the tactical wheeled vehicle industrial base, it would impact overall readiness rates by reducing the availability of parts and spares.

Therefore, the committee encourages the Army to pursue predictable funding levels in the future for the tactical wheeled vehicle industrial base in order to avoid production breaks that could adversely impact Army readiness and modernization efforts.

### **Western Army Aviation Training Site (WAATS) for FMS**

The committee acknowledges that the Western Army Aviation Training Site (WAATS) in Marana, Arizona, is a premier rotary wing training location and is integral to the mission of the U.S. Army Aviation Center of Excellence (USAACE) to provide trained and ready aircrews in support the National Defense Strategy. However, the committee notes that the required increase of U.S. personnel throughput

at the USAACE due to pilot shortages in the Active-Duty component, Army National Guard, and Army Reserve limits the available training quotas of foreign military students sent by our allies and partners.

The WAATS currently provides both rated and nonrated crew flight training for both U.S. and foreign military students in UH–60 Blackhawk and UH–72 Lakota aircraft courses and possesses excess capacity to assist USAACE throughput. Additionally, the WAATS provides hundreds of square miles of airspace specifically dedicated to aviation training and an above average number of days allowing flight operations.

Therefore, the committee requires the Secretary of the Army to brief the Senate Armed Services Committee, not later than October, 1, 2019, on the aviation training at the WAATS and include the:

- (1) Forecasted schedule for UH–60 and UH–72 flight training courses in fiscal years 2020–2023;
- (2) Feasibility and suitability of the WAATS to conduct all foreign military flight training for UH–60 and UH–72 courses;
- (3) Excess capacity at the WAATS, including classrooms, simulators, hangar space, and aircraft parking; and
- (4) Potential expansion of training missions at the WAATS.

#### **Future Long Range Assault Aircraft (FLRAA)**

The budget request included \$459.3 million in Research, Development, Test, and Evaluation (RDT&E), Army, for PE 63801A Aviation Advanced Development, of which \$31.9 million is for the Future Long Range Assault Aircraft (FLRAA) and Capability Set 3 (CS3).

The Army also identified on the unfunded priority list a shortfall in funding of \$75.6 million for PE 63801A to accelerate the CS3 program. The committee notes that the current acquisition strategy for FLRAA/CS3 represents a traditional approach; however, the committee understands that the Army is considering multiple courses of action to accelerate this program through the use of acquisition reform authorities. Further, the committee understands that the Army recently completed the Joint Multi-Role Technology Demonstration effort that successfully demonstrated several transformational vertical lift capabilities and technologies. As such, the committee believes that the Army should be in a position to reasonably accelerate the FLRAA/CS3 schedule and acquisition strategy.

Therefore, the committee recommends an increase of \$75.6 million in RDT&E, Army, for PE 63801A.

#### **Light Attack Experiment**

The budget request included \$35.0 million in Research, Development, Test, and Evaluation (RDT&E), Air Force, for PE 27100F Light Attack Armed Reconnaissance Squadrons.

The committee supports the increase of combat capability and readiness at a reduced cost and the development of advanced capabilities for close air support, armed reconnaissance, strike coordination and reconnaissance, airborne forward air control, and interdiction. The committee also supports the Department of Defense's intent to lower the cost of countering violent extremism in accordance with the National Security Strategy. However, the committee is concerned that the pace of research and prototyping in this area has not kept pace with the threat or the current capability available to the Department.

Additionally, the committee is aware that, on a modern battlefield, it is expected that friendly forces will be in close proximity to the enemy and will require integrated joint fires in order to achieve the effects demanded by the Joint Force Commander. The committee believes that the Department of Defense has been slow to develop and field capabilities to provide battlefield situational awareness of enemy and friendly actors. The committee is also aware of current technical solutions that would provide the required identification of friend and foe in environments, like that in which close air support is demanded, in which the friendly forces are in close proximity to the enemy.

Therefore, the committee recommends an increase of \$50.0 million in RDT&E, Air Force, for PE27100F to conduct additional RDT&E.

### **Computer Modeling of PFAS**

The budget request included \$62.2 million in Research, Development, Test, and Evaluation (RDT&E), Defense-wide, for PE 62251D8Z applied research for the advancement of science and technology priorities.

The committee notes the potential for advanced computer modeling to improve the characterization and understanding of per- and poly-fluoroalkyl substances (PFAS) and supports an increase in applied research in computational biology research efforts to meet long-term national security needs in support of the National Defense Strategy.

Therefore, the committee recommends an increase of \$2.0 million in RDT&E, Defense-wide, for PE 62251D8Z for government-university-industry partnerships in computer modeling of PFAS.

### **Light Attack Experiment**

The committee supports the increase of combat capability and readiness at a reduced cost and the development of advanced capabilities for close air support, armed reconnaissance, strike coordination and reconnaissance, airborne forward air control, and interdiction. The committee also supports the Department of Defense's intent to lower the cost of countering violent extremism in accordance with the National Security Strategy. However, the committee is concerned that the pace of research and prototyping in this area has not kept up with the threat or the current capability available to the Department.

Therefore, the committee directs the Secretary of the Air Force to deliver a briefing, no later than March 30, 2020, to the congressional defense committees on the acceleration of the light attack experiment using existing aircraft and any other aircraft that the Chief of Staff of the Air Force deems appropriate and capable of reaching initial operating capability by 2023.

### **Army National Guard Facilities Sustainment Disaster Recovery Increase**

The budget request included \$3.3 billion in Operation and Maintenance, Army National Guard (OMARNG), of which \$1.1 billion was for SAG 132 Facilities Sustainment, Restoration & Modernization.

The committee notes that the Army National Guard has increasing facilities sustainment costs due to the catastrophic flooding in Nebraska impacting Camp Ashland and other guard equities.

Accordingly, the committee recommends an increase of \$7.2 million In OMARNG for SAG 132 Facilities Sustainment, Restoration & Modernization for disaster recovery.

### **Army National Guard Recruiting and Advertising Decrease**

The budget request included \$3.3 billion in Operation and Maintenance, Army National Guard (OMARNG), of which \$250.4 million was for SAG 434 Other Personnel Support.

The committee notes that the Army National Guard requested \$3.5 million in addition to its baseline marketing budget of \$77.5 million and \$3.5 million in addition to its baseline recruiting budget of \$7.9 million. The committee further notes that the request represents a 4.5 percent increase to marketing and a 44.3 percent increase to recruiting. When compared to its end strength increases over the future years defense program, the committee believes that this request is ahead of need.

Accordingly, the committee recommends a decrease of \$3.0 million in OMARNG for SAG 434. The committee notes that the specific decreases recommended are \$1.5 million for marketing and \$1.5 million for recruiting.

### **US CYBERCOM**

The budget request included \$323.1 million in Operation and Maintenance, Air Force (OMAF), for SAG 015E US CYBERCOM.

The committee is aware of the growing capabilities needed to counter adversaries in the cyberspace domain as highlighted in the National Defense Strategy. The committee recognizes the need to improve the capabilities of Cyber National Mission Force and therefore supports the request of U.S. Cyber Command (CYBERCOM) to re-align certain funds to support the Cyber National Mission Force Capability Acceleration Plan. The committee also supports CYBERCOM's request to increase funding for the Cyber National Mission Force Mobile and Modular Hunt Forward Kit and the ETERNALDARKNESS program.

Therefore, the committee recommends an increase of \$1.5 million to accelerate the development of Cyber National Mission Force capabilities, an increase of \$5.3 million for the Cyber National Mission Force Mobile and Modular Hunt Forward Kit, and an increase of \$18.0 million for ETERNALDARKNESS in OMAF for SAG 015E.

### **Innovative Readiness Training Increase**

The budget request included \$37.4 billion in Operation and Maintenance, Defense-Wide (OMDW), of which \$165.7 million was for SAG 4GT3 Civil Military Programs.

The committee notes that \$15.7 million of the request for Civil Military Programs was for Innovative Readiness Training (IRT). The committee is aware that the Armed Forces continue to face readiness challenges due to budgetary constraints. The committee continues to recognize the value of IRT, which affords to the Armed Forces the most realistic joint training opportunities for National Guard, Reserve, and Active-Duty members.

The committee understands that IRT offers complex and challenging training opportunities for domestic and international crises. The committee is also aware that Alaska, Arizona, Arkansas, California,

Colorado, Hawaii, Indiana, Kentucky, Louisiana, Maine, Minnesota, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, South Dakota, Texas, Virginia, West Virginia, and Wyoming all use IRT.

Accordingly, the committee recommends an increase of \$14.3 million in OMDW for SAG 4GT3 for IRT.

### **STARBASE Program**

The budget request included \$34.7 billion for Operation and Maintenance, Defense-wide (OMDW), of which \$165.7 million was for SAG 4GT3 Civil Military Programs.

The committee notes that the Science and Technology Academies Reinforcing Basic Aviation and Space Exploration (STARBASE) program is a highly effective program that improves the knowledge and skills of students in kindergarten through 12th grade in science, technology, engineering, and mathematics. Therefore, the committee recommends an increase of \$15.0 million for SAG 4GT3 Civil Military Programs for the STARBASE program.

### **National Commission on Military Aviation Safety**

The budget request included \$1.6 billion in Operation and Maintenance, Defense-wide (OMDW), for SAG 4GTN Office of the Secretary of Defense.

Elsewhere in this Act, the committee is recommending a provision that extends the term for the National Commission on Military Aviation Safety. The committee notes that this extension will require additional funding.

Accordingly, the committee recommends an increase of \$3.0 million in OMDW for SAG 4GTN for the National Commission on Military Aviation Safety.

### **Arctic Search and Rescue**

The committee is aware that growing international interest and changing environmental conditions in the Arctic have led to increased commercial and governmental activity in the High North. With this steady surge, the committee believes the capabilities of the United States to conduct search and rescue operations throughout the Arctic needs to be commensurate for the activity in the region. The committee notes that the Department of Defense's Report to Congress on Strategy to Protect United States National Security Interests in the Arctic Region, a report required by section 1068 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), identified the need for additional personnel recovery capability in this region. Specifically, the report calls for "forward-deployed/based assets in a sustainable location and/or rapidly deployable air drop response/sustainment packages suitable to remote land, cold water, or ice pack operating environments."

The committee understands that the 176th Wing of the Alaska National Guard is the closest and only dedicated response force with the refueling capability to respond to a search and rescue incident in the Arctic. The committee notes that the unit currently possesses 2 air-dropped, palletized Arctic Sustainment Packages to enable the survival of 50 individuals for 3 or more days in extreme Arctic conditions.

Accordingly, the committee encourages the Department of Defense to review how additional resources could benefit search and rescue operations throughout the Arctic region.

### **National Guard Unit Equipped Flying Squadrons**

The committee recognizes that the Air National Guard enterprise is based on established capstone principles that notionally set the foundational framework for mission allocation in the 54 states and territories. One of those Capstone Principles is to allocate at least one unit-equipped wing and flying squadron to each State. New Mexico is one of three states-the others being Virginia and Washington-that have an operational flying mission, but, due to the classic associate construct, it lacks ownership of aircraft. Therefore, the committee directs the Secretary of the Air Force, in consultation with the Chief of the National Guard Bureau, to report to the committee within 60 days of the date of the enactment of this Act to present additional options for achieving an operational flying mission in each State.

### **Report on Future Combat Search and Rescue in Support of National Defense Strategy**

The committee acknowledges that the Air Force is the only service with a Combat Search and Rescue (CSAR) capability to provide to a Joint Force Commander and is concerned with maintaining this critical mission in the face of great power competition. Therefore, the committee directs the Chief of Staff of the Air Force to complete a comprehensive study on the future combat search and rescue mission in the near peer threat environment expected in the 2030s. Prior to any realignment of rescue assets and by September 30, 2020, the Chief of Staff of the Air Force shall present the findings and recommendations of the study to the congressional defense committees. This study shall address:

- (1) The evolving threat environment and its significance to the CSAR mission;
- (2) The optimal organizational responsibility for CSAR and components of a task force;
- (3) Alternative solutions to maintaining the social contract with isolated personnel (IP) that a rescue force is available to return the IP to friendly forces;
- (4) Title 10 service responsibilities and joint force mission sets, to include command and control, planning and execution, and IP recovery; and
- (5) Any other matters that the Chief of Staff deems relevant.

### **Report on Perfluorooctane Sulfonate and Perfluorooctanoic Acid Contamination on Military Installations**

The committee directs the Secretary of Defense, in coordination with the Commandant of the Coast Guard, to submit to the congressional defense committees, not later than March 1, 2020, a report listing military and Coast Guard installations or facilities potentially germane to the Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid Lifetime Drinking Water (PFOA) Health Advisories established by the Environmental Protection Agency and those whose drinking water supply may exceed the PFOA and PFOS levels recommended in these advisories. The Secretary shall consult with the Administrator of the Environmental Protection Agency and affected States, tribes, and local governments, using information on PFOA and PFOS manufacturing and use.

### **Concurrent Use of Montgomery G.I. Bill and Department of Defense-funded Tuition Assistance**

The benefits provided by the Montgomery G.I. Bill and Department of Defense-funded tuition assistance are valuable incentives that can help the military meet its recruiting and retention goals by providing financial means for servicemembers to complete college courses. The committee is aware that due to a Department of Defense (DOD) policy change to DOD Instruction 1322.25 in July 2014, reserve

component members receiving tuition assistance are no longer allowed to receive Montgomery G.I. Bill—Selected Reserve (MGIB–SR) benefits for the same college course. The committee is aware that tuition assistance is paid directly to schools and is authorized only for tuition while the MGIB–SR benefits are paid directly to servicemembers and may be used to cover education-related costs such as books, fees, and housing. Therefore, the committee encourages the DOD to re-evaluate this policy and strongly consider reinstating simultaneous use of tuition assistance and MGIB–SR for reserve component members.

### **Full Time Support Manpower Study**

The committee directs the Secretary of Defense to conduct a manpower study of the full time support requirements of the Department of Defense to determine the proper allocation of military technicians (dual status), Active Guard and Reserve personnel, and Federal civilian employees employed under title 5, United States Code, under the supervision of State Adjutants General. The Secretary shall submit the results of this review to the Committees on Armed Services of the Senate and House of Representatives by no later than April 1, 2021.

### **Tuition Assistance in the Reserves and National Guard**

Tuition assistance is a valuable incentive that can help the military meet its recruiting and retention goals. The committee is aware that there may be differences in how each military department implements its tuition assistance program, particularly as it pertains to the Reserves and National Guard, which often struggle to achieve authorized end strength levels. Therefore, the committee encourages the Secretary of the Air Force and the Secretary of the Army to review their respective tuition assistance policies to identify and rectify any inconsistencies that may adversely affect the Air National Guard, Air Force Reserve, Army National Guard, and Army Reserve.

### **Blended Retirement System Implementation Study**

The committee notes that the period for eligible members to elect whether to transition to the new Blended Retirement System (BRS) has concluded and that all new recruits are now automatically enrolled in the system. To monitor the effectiveness of the BRS on both recruitment and retention of the all-volunteer force, the committee directs the Secretary of Defense, in coordination with the Secretaries of the military departments and the service chiefs, to review the implementation of the BRS and provide details regarding ongoing decisions associated with the new retirement system by submitting a report, no later than May 1, 2020, that provides the following information:

- (1) An assessment of the BRS transition period, to include an enumeration of members who elected to transition into the BRS broken out by service, grade, gender, race, marital status, occupation, duty location, and other pertinent demographics; the proportion of members who elected to transition by demographic; and whether the differences in choice structure (e.g. Marines were required to elect to either remain in the legacy retirement system or switch to BRS) contributed to disparities in enrollment rates between the Services.
- (2) An analysis of Thrift Savings Plan (TSP) matching contributions, to include the TSP contribution level of servicemembers enrolled in the BRS broken out by demographic information; whether servicemembers who receive special pay or incentives are more inclined to contribute and receive matching contributions; the extent to which the Services are supporting servicemembers in making sound financial decisions regarding matching contributions; and whether actual TSP

contribution rates and investment choices are creating a wealth disparity in retirement among servicemembers.

- (3) An explanation of planned continuation pay policy, to include the method the Services will use to determine continuation pay levels, to include details on how the Services will determine when a member will receive notification of the continuation pay offer, the amount of the multiplier, the timing of payment, whether the pay will vary by occupation, skill, or other factors, and the duration of the required service obligation; and an econometric analysis of possible methods to increase the effectiveness and efficiency of continuation pay.
- (4) An analysis of BRS impacts, including whether the BRS has affected or is likely to affect historic recruitment and retention trends; and an assessment of the tools inherent in DOD BRS policy that will allow the Services to achieve necessary recruitment and retention levels.
- (5) Recommendations for statutory change necessary to address issues of fairness and equity identified by the review.

### **Excess Storage Capacity at Army National Guard Installations**

The committee is aware that Department of Defense (DOD) facilities are able to maintain unique secure storage capabilities as well as have excess storage capacity that could also be used for public-private partnership opportunities. For example, the committee understands that Camp Navajo, Arizona, has significant excess capacity that could enable public-private partnerships to offer additional revenue to Camp Navajo, the Arizona National Guard, and the surrounding community. The committee recognizes the value that public-private partnerships between the DOD and appropriate non-profit or commercial entities would bring to the installation and encourages the Army to consider expanding these partnerships.

Accordingly, the committee directs the Secretary of the Army to provide a briefing to the congressional defense committees, no later than November 1, 2019, outlining specific National Guard installations that have requested to use excess storage capacity for public-private partnerships. The briefing should include general considerations that could impact any public-private storage agreements with non-DOD entities. Additionally, the briefing should include any land conveyances that may be required for any installations on a case-by-case basis.