



# NGAUS



## LEGISLATIVE REPORT

United States House of Representatives  
Fiscal Year 2021 Department of Defense Appropriations  
(H.R.7617, as amended)

**Produced by:**  
**NGAUS Legislative Staff**  
*(As of August 1, 2020)*

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## OVERVIEW

On July 31, 2020, the United States House of Representatives approved **H.R.7617**, Department of Defense (DoD) appropriations legislation for Fiscal Year (FY) 2021.

The House recommends providing **\$694.6 billion** for DoD in FY21, which includes **\$626.2 billion** in base and discretionary funding, as well as **\$68.4 billion** in Overseas Contingency Operations (OCO) funding. The House also recommends providing funds to increase National Guard end strength and Operation and Maintenance (O&M) funding, as well as Air National Guard personnel funding, above FY20 levels.

## LEGISLATIVE CYCLE TIMELINE

### Defense Authorizations

President's Budget Release	HASC NDAA	SASC NDAA	House-passed NDAA	Senate-passed NDAA	Conference Committee	Signed Into Law
✓	✓	✓	✓	✓	▲ Current Point	

### Defense Appropriations

President's Budget Release	HAC-D Approps.	SAC-D Approps.	House-passed Approps.	Senate-passed Approps.	Conference Committee	Signed Into Law
✓	✓		▲ Current Point			

## BILL HIGHLIGHTS

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

### Army National Guard

- Recommends Army National Guard end strength at 336,500 soldiers (pg. 20, Report Language)
- **\$866.2 million** for 42 UH/HH-60 Black Hawk M model helicopters for the Army (pg. 142, pg. 144, Report Language)
  - Designates an additional \$141.0 million for six HH-60M aircraft for the Army National Guard
  - FY21 request included \$492.0 million for 23 UH-60M aircraft for the Army National Guard
- **\$100.0 million** for the Army National Guard High Mobility Multipurpose Wheeled Vehicle (HMMWV) modernization program (pg. 157, Report Language)

- **\$792.0 million** to modernize 50 AH-64 Apache Block IIIA helicopters for the Army (pg. 142, Report Language)
  - Consistent with FY21 request, which included \$461.9 million and 24 aircraft designated for the Army National Guard
- **\$172.7 million** for UH-60 A and L model (UH-60V) helicopters for the Army (pg. 142, Report Language)
  - Consistent with FY21 request, which included \$100.8 million and 14 aircraft designated for the Army National Guard
- **\$884.4 million** for Joint Light Tactical Vehicles (JLTVs) for the Army (pg. 157, Report Language)
  - Consistent with FY21 request, which included \$95.8 million designated for the Army National Guard
- **\$69.1 million** for AH-64 Apache Block IIIB new-build helicopters for the Army (pg. 381, Report Language)
- **\$374.2 million** for 12 CH-47 Chinook helicopters for the Army (pg. 142, pg. 381, Report Language)
- **\$47.3 million** for CH-47 Chinook advanced procurement for the Army (pg. 142, Report Language)
- **\$1.0 billion** for the Abrams Upgrade Program to modernize 89 M1 Abrams tanks for the Army (pg. 149, Report Language)

#### **Air National Guard**

- Recommends Air National Guard end strength at 108,100 airmen (pg. 20, Report Language)
- **\$318.5 million** for C-130 modernization (pg. 210, Report Language), includes:
  - \$233.0 million for NP2000 propeller upgrades
  - \$79.0 million for T-56 engine Series 3.5 upgrade
- **\$75.0 million** for F-16 Viper Active Electronically Scanned Array (AESA) radars for the Air National Guard (pg. 209, Report Language)
- **\$5.7 billion** for 60 F-35A Lightning II aircraft for the Air Force (pg. 206, pg. 209 Report Language)
- **\$1.2 billion** for 12 F-15EX aircraft for the Air Force (pg. 206, Report Language)
- **\$2.7 billion** for 15 KC-46A Pegasus aircraft for the Air Force (pg. 206, Report Language)
- **\$1.0 billion** for 19 HH-60W Combat Rescue Helicopters for the Air Force (pg. 206, pg. 386, Report Language)
- Requires the Secretary of Defense to provide a detailed description and timeline for transfer of any Army, Navy, or Air Force elements to the Space Force at least 60 days prior to transfer (SEC. 8118)

## Joint-Personnel

- Recommends a **three percent** military personnel pay increase (pg. 8, Report Language)
- **\$1.0 billion** for the National Guard and Reserve Equipment Account (NGREA) (pg. 389, Report Language), includes:
  - \$300.0 million for the Army National Guard
  - \$300.0 million for the Air National Guard
- Requires any unobligated FY20 funds which were reprogrammed on 13 February 2020 be returned to their original accounts and used for the original purposes for which they were appropriated (SEC. 8135)
- Limits DoD transfer authority to \$1.0 billion (SEC. 8005)
- **\$195.9 million** for the National Guard Counterdrug Program (pg. 43)
- **\$5.5 million** for National Guard Counterdrug schools (pg. 43)
- Additional **\$23.1 million** for the National Guard State Partnership Program (SPP) (pg. 54, pg. 57, pg. 129, pg. 132, Report Language)
- **\$210.0 million** for the National Guard Youth ChalleNGe program (pg. 103, Report Language)
- Additional **\$41.1 million** for STARBASE (pg. 103, Report Language)

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

<https://www.congress.gov/116/bills/hr7617/BILLS-116hr7617eh.pdf>

To view DoD Report Language authored by the House Appropriations Committee, please visit:

<https://www.congress.gov/116/crpt/hrpt453/CRPT-116hrpt453.pdf>

## FY21 NATIONAL GUARD ACCOUNTS OVERVIEW

### Army National Guard\*

Account	FY20 Levels	FY21 Request	FY21 HASC NDAA	FY21 House NDAA	FY21 HAC Mark	FY21 House Approps.	FY21 SASC NDAA	FY21 Senate NDAA	FY21 SAC Mark	FY21 Senate Approps.	Final NDAA Levels	Change from FY20	Final Levels
<b>End Strength</b>	<b>336,000</b>	<b>336,500</b>	<b>336,500</b>	<b>336,500</b>	<b>336,500</b>	<b>336,500</b>	<b>336,500</b>	<b>336,500</b>					
AGR	30,595		30,595	30,595			30,595	30,595					
Dual Status Techs.	22,294		22,294	22,294			22,294	22,294					
ADOS	17,000		17,000	17,000			17,000	17,000					
<b>Summary Personnel</b>	<b>\$8,906,964</b>	<b>\$9,025,425</b>			<b>\$8,834,319</b>	<b>\$8,834,319</b>							
Personnel Base	\$8,704,320	\$8,830,111			\$8,639,005	\$8,639,005							
Personnel OCO	\$202,644	\$195,314			\$195,314	\$195,314							
<b>Summary O&amp;M</b>	<b>\$7,545,238</b>	<b>\$7,499,806</b>	<b>\$7,496,078</b>	<b>\$7,496,078</b>	<b>\$8,834,319</b>	<b>\$8,834,319</b>	<b>\$7,469,854</b>	<b>\$7,469,854</b>					
O&M Base	\$7,461,947	\$7,420,014	\$7,416,336	\$7,416,336	\$7,611,147	\$7,611,147	\$7,360,062	\$7,360,062					
O&M OCO	\$83,291	\$79,792	\$79,792	\$79,792	\$79,792	\$79,792	\$79,792	\$79,792					
MILCON	\$210,819	\$321,437	\$337,172	\$337,172	\$384,272	\$384,272	\$371,272	\$371,272					
NGREA	\$395,000**				\$300,000	\$300,000							

### Air National Guard\*

Account	FY20 Levels	FY21 Request	FY21 HASC NDAA	FY21 House NDAA	FY21 HAC Mark	FY21 House Approps.	FY21 SASC NDAA	FY21 Senate NDAA	FY21 SAC Mark	FY21 Senate Approps.	Final NDAA Levels	Change from FY20	Final Levels
<b>End Strength</b>	<b>107,700</b>	<b>108,100</b>	<b>108,100</b>	<b>108,100</b>	<b>108,100</b>	<b>108,100</b>	<b>108,100</b>	<b>108,100</b>					
AGR	22,637		25,333	25,333			25,333	25,333					
Dual Status Techs.	13,569		10,994	10,994			10,994	10,994					
ADOS	16,000		16,000	16,000			16,000	16,000					
<b>Summary Personnel</b>	<b>\$4,066,275</b>	<b>\$4,552,887</b>			<b>\$4,531,266</b>	<b>\$4,531,266</b>							
Personnel Base	\$4,060,651	\$4,547,087			\$4,525,466	\$4,525,466							
Personnel OCO	\$5,614	\$5,800			\$5,800	\$5,800							
<b>Summary O&amp;M</b>	<b>\$6,832,201</b>	<b>\$6,929,284</b>	<b>\$6,966,977</b>	<b>\$6,966,977</b>	<b>\$7,029,584</b>	<b>\$7,029,584</b>	<b>\$6,804,132</b>	<b>\$6,804,132</b>					
O&M Base	\$6,655,292	\$6,753,642	\$6,791,335	\$6,791,335	\$6,853,942	\$6,853,942	\$6,628,490	\$6,628,490					
O&M OCO	\$176,909	\$175,642	\$175,642	\$175,642	\$175,642	\$175,642	\$175,642	\$175,642					
MILCON	\$164,471	\$64,214	\$64,214	\$64,214	\$118,914	\$118,914	\$93,714	\$93,714					
NGREA	\$395,000**				\$300,000	\$300,000							

\*All Dollars in Thousands

\*\*Impacted by DoD reprogramming \$3.8 billion in FY20 appropriations

## 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 section 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, \$8,639,005,000 (increased by \$10,000,000) (reduced by \$10,000,000).

### **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 section 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, \$4,525,466,000.

### **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), \$7,611,147,000.

### **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, \$6,853,942,000.

**Drug Interdiction and Counterdrug 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, \$746,223,000, of which \$421,029,000 shall be for counter-narcotics support; \$123,704,000 (reduced by \$4,000,000) (increased by \$4,000,000) shall be for the drug demand reduction program; \$195,979,000 (reduced by \$4,000,000) (increased by \$4,000,000) shall be for the National Guard counterdrug program; and \$5,511,000 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: Provided further, That funds appropriated under this heading for counter-narcotics support may only be transferred 15 days following written notification to the congressional defense committees.

**SEC. 8005.**

Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer not to exceed \$1,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations of the House of Representatives and the Senate for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple re-programming of funds using authority provided in this section shall be made prior to June 30, 2021: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

**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. 8053.**

- (a) 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.
- (b) 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. 8060.**

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. 8062.**

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. 8118.**

None of the funds appropriated or otherwise made available by this Act may be used to transfer any element of the Department of the Army, the Department of the Navy, or a Defense Agency to the United States Space Force unless, not less than 60 days prior to initiating such transfer, the Secretary of Defense certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that such transfer is in the national security interest of the United States and will not have an adverse impact on the Department or agency from which such element is being transferred: Provided, That such certification shall include a detailed description of the element and timeline for such transfer.



**SEC. 8126.**

- (a) Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Defense shall submit to the congressional defense committees a report that includes—
- (1) the number of members of the Armed Forces deployed by each geographic combatant command (other than United States Northern Command), set forth separately by each of the Armed Forces and whether regular, National Guard, or Reserve;
  - (2) the number of Department of Defense civilian employees deployed by each geographic combatant command (other than United States Northern Command);
  - (3) the number of Department of Defense contractor employees deployed by each geographic combatant command (other than United States Northern Command); and
  - (4) for each category of personnel described in paragraphs (1) through (3), the country and named operation to which such personnel are assigned, if applicable; a description of the functions performed by such personnel; and a comparison of the number of personnel to the number of such personnel in reports previously submitted under this section.
- (b) Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 8135.**

Notwithstanding any other provision of law, funds made available to the Department of Defense for fiscal year 2020 that were transferred by such Department on February 13, 2020, and remain unobligated as of the date of the enactment of this Act shall be returned to the original account or accounts and may not be used for any purpose other than the original purposes for which they were appropriated by the Department of Defense Appropriations Act, 2020 (division A of Public Law 116–93), notwithstanding the transfer authority provided by section 8005 of such Act.

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

For an additional amount for “National Guard Personnel, Army,” \$195,314,000: 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,” \$5,800,000: 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,” \$79,792,000: 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,” \$175,642,000: 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 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, \$1,000,000,000, to remain available for obligation until September 30, 2023: 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: Provided further, 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.

## REPORT LANGUAGE

### **General Transfer Authority and Special Transfer Authority**

The Department of Defense, as part of the Executive Branch, has historically had a relationship with the Congress based on mutual trust, comity, professionalism, and a general desire to ensure the public good that is the defense of the United States and its interests. While the bounds of this relationship have been tested in the past, its tenets have not been blatantly forsaken until recently. Given the recent breach of trust embodied in the misuse of appropriated funds by the current Administration; the Congress, exercising its constitutional responsibility to oversee the Executive Branch, must improve its understanding of the Department's application of transfer authority and reprogramming actions as the Department executes the budget authority granted it by the Congress.

The Committee directs the Secretary of Defense to submit a report to the House and Senate Appropriations Committees not later than 60 days after the enactment of this Act which shall include the following:

- 1) The levels of General Transfer Authority (GTA)—granted in title VIII in annual defense appropriations acts—and Special Transfer Authority (STA)—granted in title IX in annual defense appropriations acts—provided to the Department of Defense by fiscal year for the last ten fiscal years. In addition to the overall levels of appropriated GTA and STA, the report shall include the portion of authorized GTA and STA that was utilized by the Department by fiscal year and specify the percentage of the total GTA and STA that was used for below threshold reprogramming actions;
- 2) The portion of GTA and STA, by fiscal year for the last ten fiscal years, used for reclassification purposes or to make technical corrections, where, via reprogramming, the Department was not proposing to change the purpose for which the funds were appropriated but was merely moving the funding to better reflect and obligate consistent with congressional intent;
- 3) The portion of GTA and STA, by fiscal year for the last ten fiscal years, appropriated to the Department of Defense, transferred to, and subsequently implemented by a Department or agency other than one funded in this Act;
- 4) The level of GTA and STA, by fiscal year for the last ten fiscal years, used for actions submitted to address urgent mission critical requirements, unforeseen circumstances of an urgent nature (such as the unanticipated mobilization and movement of military personnel to a conflict zone, or investments included in joint urgent operational needs statements), or for life safety; and
- 5) The portion of GTA and STA, by fiscal year for the last ten fiscal years, used to address non-mission critical contract awards, to fund initiatives or investments included in operational needs statements, to accelerate existing acquisition programs, to procure quantities of equipment and/or services originally planned for purchase in future years, and/or to augment previously planned research and development efforts.

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

In title I of the bill, the Committee recommends a total of \$157,726,652,000 for active, reserve, and National Guard military personnel, a decrease of \$1,168,452,000 below the budget request, and an increase of \$7,463,770,000 above the fiscal year 2020 enacted level. The Committee recommendation provides full funding necessary to increase basic pay for all military personnel by three percent, as authorized by current law, effective January 1, 2021.

## Procurement

In title III of the bill, the Committee recommends a total of \$133,633,757,000 for procurement. Major initiatives and modifications include:

\$866,296,000 for the procurement of 42 UH/HH 60M Blackhawk helicopters, an increase of six helicopters designated for the National Guard;

\$1,164,152,000 for the Stryker combat vehicle including \$375,000,000 above the request to upgrade an additional 105 vehicles;

\$792,027,000 for the procurement of 50 remanufactured AH 64 Apache helicopters;

\$198,000,000 for the first five CH-47F Block II Chinook aircraft;

\$1,020,389,000 for the upgrade of 89 Abrams tanks to the M1A2 SEPv3 tank variant;

\$1,725,400,000 for the procurement of 24 F/A-18E/F Super Hornet aircraft;

\$510,000,000 for the procurement of three P-8A Poseidon multi-mission aircraft for the Navy Reserve; an increase of three aircraft and \$429,866,000 above the President's request;

\$791,140,000 for the procurement of five E-2D Advanced Hawkeye aircraft, an increase of one aircraft and \$165,031,000 above the President's request;

\$1,142,732,000 for the procurement of 11 V-22 aircraft, an increase of two aircraft and \$207,939,000 above the President's request;

\$1,050,634,000 for the procurement of nine CH-53K helicopters, an increase of two aircraft and \$237,310,000 above the President's request;

\$577,638,000 for the procurement of five VH-92 executive helicopters;

\$9,254,291,000 for the procurement of 91 F-35 aircraft, an increase of \$1,396,100,000 and 12 aircraft above the President's request: 10 short take-off and vertical landing variants for the Marine Corps, 21 carrier variants for the Navy and Marine Corps, and 60 conventional variants for the Air Force;

\$22,157,938,000 for the procurement of nine Navy ships, including two DDG-51 guided missile destroyers, one Columbia class submarine, two SSN-774 attack submarines, one Frigate, one LPD-17 Flight II, and two Towing, Salvage, and Rescue Ships; a total increase of \$2,355,181,000 and one SSN-774 above the President's request;

\$1,242,247,000 for the procurement of 12 F-15EX aircraft;

\$965,496,000 for the procurement of 11 C/MC/KC-130J aircraft, an increase of \$184,574,000 and two C-130J aircraft above the President's request;

\$343,600,000 for the procurement of 16 MQ-9 Reaper unmanned aerial vehicles, an increase of 16 aircraft above the President's request;

\$2,707,380,000 for the procurement of 15 KC-46 tanker aircraft;

\$1,083,909,000 for the procurement of 19 combat rescue helicopters;

\$194,016,000 for the procurement of eight MH-139 helicopters;

\$933,271,000 for the procurement of three space launch services;

\$622,796,000 for the procurement of two Global Positioning System satellites; and

\$200,000,000 for the Israeli Cooperative Programs under the Missile Defense Agency.

### **Military Personnel Overview**

The Committee recommendation provides \$157,726,652,000 for the military personnel accounts, which funds military pay and allowances, recruitment and retention initiatives, and overall quality of life programs for active duty, National Guard, and reserve personnel. The recommendation provides increased basic pay for all military personnel by 3 percent as authorized by current law, effective January 1, 2021. The Committee continues to encourage constructive evaluations of recruitment and retention programs, bonus and special pay incentives, and personnel benefit programs for fiscal year 2021. The Committee remains supportive of programs intended to enhance the morale and quality of life of military personnel and their families.

### **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.

### **Sexual Assault Prevention and Response**

The Committee is troubled by the ongoing epidemic of sexual assault in the military and at the Service academies and believes that this will persist until a change in culture occurs across all Services at every level. The Department of Defense provides an annual report to Congress which provides details on sexual assaults involving servicemembers. However, the most recent report's findings make it clear that more action by the Department is necessary to combat this widespread problem. In addition to the annual report, the Committee directs the Director of the Department of Defense Sexual Assault Prevention and Response Office (SAPRO) to brief the House and Senate Appropriations Committees not later than 30 days after the enactment of this Act and quarterly thereafter, on the initiatives the Department is implementing to reform how the military prevents, responds to, and adjudicates sexual assault cases, as well as the efforts underway to develop robust research, evaluation, and analytics to assess the effectiveness of its prevention efforts.

The Committee recognizes SAPRO's efforts to implement a comprehensive policy to ensure the safety, dignity and well-being of all members of the military. Despite seeing promising outcomes from some newly implemented SAPRO programs, the most recent Department report from 2019 on the prevalence of sexual assault in the military is disturbing. The report found the number of sexual assaults in the military rose by 38 percent from 2016 to 2018 with roughly 20,500 servicemembers experiencing sexual assault, up from an estimated 14,900 in 2016. The report also found the sexual assault rate for women jumped a shocking 50 percent. While the Department touts increased reporting as a measure of success, only a third of all sexual assaults in the military were reported according to the 2019 report. Despite these dire findings and rhetoric from leadership in the Department and the Services, the budget for sexual assault prevention and response remains stagnant. The fiscal year 2021 budget proposes to cut funding for SAPRO by \$5,000,000 at the Department level. The Committee is appalled by the Department's failure to prioritize funding to address the systemic cultural problems associated with sexual assault in the military and the Service academies.

The Department of Defense has failed to address the sexual assault crisis and failed to protect the men and women who serve every day in the United States military. Sexual assault remains the most underreported crime in the military. The Department's 2019 report on sexual assault in the military found only one third of sexual assaults were reported and of the women who did report 43 percent said they had a negative experience doing so. Still, the Department remains resistant to reforming how sexual assault is reported, requiring sexual assault victims to report to an internal entity to receive health care access or to the command to be referred to military law enforcement. Neither option relieves the victim of fear of reprisal or stigma, nor does it offer the victim much hope for justice or recourse. Of the roughly 6,000 unrestricted reports referred to command only 300 were prosecuted, according to the report.

The Committee believes the current SAPRO reporting policy fails servicemembers, diminishes military readiness, and harms recruitment and retention efforts. The Committee directs the Comptroller General to conduct a review of the Department's policy for reporting sexual assault and its effectiveness in protecting victims' privacy, ensuring their safety, and holding offenders accountable. The Committee directs the Comptroller General to brief the House and Senate Appropriations Committees on its preliminary findings not later than 90 days after the enactment of this Act and to provide a full report to the same Committees at a date agreed upon at the time of the preliminary briefing.

In recent years, Congress has given the Services numerous new tools and responsibilities to improve the military justice system. In particular, the Special Victims' Counsel program was created to provide sexual assault survivors with attorneys to represent their interests in criminal proceedings. The program has proved so critical and successful that it was expanded to serve survivors of domestic violence in the National Defense Authorization Act for Fiscal Year 2020. Despite the inherent importance of the Special Victims' Counsel program and the growing caseload of Special Victim Advocates, the Department fails to request dedicated funding in its annual budget request. Although the Services have taken the role of the Special Victims' Counsel program seriously, the Committee is disappointed by the Department's apparent apathy towards providing adequate funding to sustain a longstanding program.

The Committee recommends \$282,934,000, an increase of \$5,000,000 above the budget request, for sexual assault prevention and response programs at the Department and Service levels and provides an additional \$40,000,000 for the Department of Defense SAPRO for the Special Victims' Counsel program for transfer to the Services, including the National Guard and reserve components.

### **Suicide Prevention and Outreach**

The Committee is alarmed by the growing number of suicides among servicemembers. The Department's first Annual Suicide Report, released in 2019, found a statistically significant increase in the military's suicide rate among active duty servicemembers. The report found in just five years the rate of suicide rose by more than one-third, from 18.5 to 24.8 suicides per 100,000 active duty members.

For the National Guard, the report found the rate of suicide was statistically higher than that of the American population at 30.6 suicides per 100,000 members of the National Guard regardless of duty status. The Committee recognizes that 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.

The Committee acknowledges the Defense Suicide Prevention Office's (DSPO) hard work and dedication to advance holistic, data driven suicide prevention through its partnership with the Services. However, the most recent report emphasizes the need for a more dedicated response to address the troubling rise of suicide among servicemembers. Despite statements by the Secretary of Defense that the military, "has the means and the resources to get ahead of this and do better than our civilian counterparts," the Department's investment in DSPO is negligible at best. The budget for staffing and programming of DSPO has remained flat despite the uptick in suicides among servicemembers. Instead of seeking to expand resources available to the Services, the Department has prioritized finding nominal cuts through the Defense-Wide Review for this office. The Committee is disappointed by the Department's failure to prioritize appropriate resources for DSPO and invest in efforts to understand the efficacy and effectiveness of its own suicide prevention programs.

In addition to the Annual Suicide Report, the Committee directs the Director of the DSPO to brief the House and Senate Appropriations Committees not later than 30 days after the enactment of this Act and quarterly thereafter, on the initiatives the Department is implementing to prevent military suicide, as well as the efforts underway to develop robust research, evaluation, and analytics to assess the effectiveness of its prevention efforts.

Further, the Committee directs the Secretary of Defense to submit to the House and Senate Appropriations Committees, not later than 90 days after the enactment of this Act, and monthly thereafter, a report on suicide among members of the armed forces. The report shall provide the number of suicides, attempted suicides, and occurrences of suicidal ideation involving a member of the armed forces, including the reserve components. The report shall include the gender, age, rank, and method of suicide for each.

### **Restoring Readiness**

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

### **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 2021 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 this 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 \$10,000,000.

In addition, the Secretary of Defense shall follow prior approval reprogramming procedures for transfers in excess of \$10,000,000 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
  - Flight training
- Navy:*
- Mission and other flight operations
  - Fleet air training
  - Aircraft depot maintenance
  - Mission and other ship operations
  - Ship depot maintenance
  - Combat support forces
  - Facilities sustainment, restoration, and modernization
  - Base operating support
- 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
  - Global C3I and early warning
  - Base support
- Space Force:*
- Global C3I and early warning
  - Space operations
  - Depot maintenance
  - Contractor logistics support and system support
  - Administration
- Defense-Wide:*
- Office of the Secretary of Defense



*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 \$10,000,000 into the following budget sub-activities:

*O&M, Army National Guard:* Base operations support  
Facilities sustainment, restoration, and modernization

*O&M, Air National Guard:* Aircraft operations  
Contractor logistics support and systems support

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

The National Defense Authorization Act for Fiscal Year 2020 authorized a study and assessment of the health implications of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) contamination in drinking water. The Committee recommendation includes \$15,000,000 for the study and assessment. The Committee also directs the Assistant Secretary of Defense (Energy, Installations, and Environment) to submit 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.

The Committee remains deeply concerned about PFOS/PFOA contamination on current and former domestic military installations. As the Department conducts its exposure assessment on all installations known to have PFOS/PFOA drinking water contamination, the Committee directs the Assistant Secretary of Defense (Energy, Installations, and Environment) to publicly release the measured levels of contamination found at each installation. For all remediation activities, the Department is directed to achieve a drinking water cleanup standard no higher than the threshold of the Environmental Protection Agency (EPA) health advisory level (currently 70 parts per trillion) for federally controlled sites and surrounding communities whose water sources were contaminated as a result of Department activities. Additionally, the Committee directs the Department to comply with the provisions of section 322 of the National Defense Authorization Act for Fiscal Year 2020. The Committee notes that today's currently available Aqueous Film Forming Foams (AFFF) contain Per- and Polyfluoroalkyl Substances (PFAS) and currently, none of the commercially available PFAS-free foams meet the Department's strict safety standards to rapidly extinguish dangerous fuel fires. The Committee understands that a prohibition on the use of current versions of AFFF would drastically reduce the ability of the Department's firefighters to fight fuel fires and increase risk to servicemembers and firefighters. However, due to the significant and salient public health risks associated with PFOS/PFOA contamination, the Committee urges the Secretary of Defense to expedite replacement of fluorinated AFFF throughout all branches of the military and cease use of AFFF prior to October 1, 2024.

## **C-17**

The C-17 aircraft is a strategic transport aircraft, able to airlift heavy cargo close to a battle area or an area in need of humanitarian assistance. The Committee understands that the Air Force is considering changing the mix of depot level heavy maintenance for its C-17 fleet from a contractor-managed, near equal split of organic and contractor depot heavy maintenance to all organic depot heavy maintenance. The Committee has reservations about this change in strategy because the current product support strategy for the C-17 has consistently demonstrated a mission capable rate above eighty percent. The Committee is also aware that the Air Force acknowledges that this change would result in a negative impact to performance.

Therefore, prior to obligating any funds to change the current C-17 product support strategy, the Committee directs the Secretary of the Air Force, in consultation with the Director of Cost Assessment and Program Evaluation, the Commander of United States Transportation Command, and the Chief of the National Guard Bureau, to certify to the congressional defense committees that such a change in product strategy will result in no additional costs to the Air Force over the next ten years as compared to the current product strategy.

## **Air Force Pilot Shortfall**

During the current fiscal year, the Air Force's pilot shortfall will increase to over 2,000, including more than 1,000 fewer fighter and bomber pilots than required. The Committee supports initiatives such as Pilot Training Next and other efforts to increase training throughput but is concerned that the differences between total force pilot requirements and actual output may be widening. The Committee will continue to monitor the Air Force's plan to grow undergraduate pilot training and increase programmed flying time. With these concerns in mind, the Committee believes augmenting existing pilot training with commercial capacity and expertise could create a scalable, rapidly deployable, temporary solution. To properly realize the benefits and value of a turn-key approach at a new location, any proposed program should maximize previous investments by the Air Force including, but not limited to, established special use airspace, required environmental studies, and locations previously investigated and approved for operations. To ensure the Air Force is developing plans to partner with industry and increase undergraduate pilot training, the Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than 30 days after the enactment of this Act which includes a five-year spend plan for establishing a contractor-operated undergraduate pilot training program.

## **137th Special Operations Wing**

The Committee supports the 137th Special Operations Wing (SOW) and believes that reductions to the unit were misguided as part of the Defense Wide Review. Therefore, the Committee recommendation includes \$22,000,000 to support the MC-12 mission in fiscal year 2021. Furthermore, the Committee recognizes the unique role the 137th SOW serves and directs the Commander, United States Special Operations Command, to internally resource deployment costs in fiscal year 2021.

### **Joint Force Headquarters Analysis Cells**

Intelligence fusion centers are information sharing hubs that provide threat-related information to federal, state, and local agencies. These centers allow the flexibility to determine which critical infrastructure areas merit the dedication of resources on each governmental level. The Committee recognizes that the National Guard Bureau is developing a Joint Force Headquarters Analysis Cell concept to expand state-level intelligence capabilities. As this work progresses, the Committee encourages the Chief, National Guard Bureau to consult with state-level entities, particularly individual state National Guard units who specialize in this area, to integrate key aspects of concepts that have already proved successful at the state level.

### **National Guard Bureau Website Modernization and Standardization**

The Committee believes the Air National Guard must continuously strive to reach its recruitment and sustainment goals to meet the personnel needs of the National Guard Bureau. Meeting these goals requires improved technological outreach via a modernized digital experience. Website standardization, digital asset management, and workflow modernization are all elements required for effective recruitment and sustainment of National Guard forces in the 21st century. Currently, the Committee believes the Adjutant Generals for individual states lack the tools needed to refine and mirror the capabilities present at the federal level. Therefore, the Committee encourages the Chief of the Air National Guard to provide robust funding for recruiting and advertising programs to improve the digital experience, implement state specific website modernization, expand digital asset management, and modernize forms to improve workflow.

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

The Committee remains concerned with the Army's lack of support for the CH-47F Block II program. The Chief of Staff of the Army certified the need for this capability less than three years ago and the Department of Defense Appropriations Act, 2020 outlined certain expectations for future CH-47F Block II funding. The Committee recommendation includes an additional \$198,000,000 for the first five F Block II aircraft in fiscal year 2021, and an additional \$29,000,000 in advanced procurement to enable the second lot of five F Block II aircraft in fiscal year 2022. The Committee expects the Secretary of the Army to restore funding for the CH-47F Block II program across the next future years defense program when the fiscal year 2022 budget request is submitted.

### **High Mobility Multipurpose Wheeled Vehicles**

The Committee recommends a transfer of funds for the purpose of obtaining new High Mobility Multipurpose Wheeled Vehicles (HMMWVs) or "like-new" HMMWVs fully restored to zero-hours, zero-miles condition by the installation of a new powered chassis. The HMMWVs obtained with this funding shall incorporate any necessary safety or capability improvements, including Anti-Lock Braking and Electronic Stability Control systems. Obtaining HMMWVs with a new, up-to-date chassis will enable future technology insertions and capability upgrades to the fleet and will reduce future sustainment costs and logistical challenges. Installing safety enhancements on new production vehicles or new production chassis will ensure that appropriate quality control and testing is performed before vehicles are fielded.

### **LC-130H Aircraft**

The Air National Guard operates a unique fleet of ski-equipped LC-130H aircraft capable of operating in the arctic and Antarctic regions. In addition to supporting vital scientific research, the capabilities of these aircraft have increasing relevance due to growing national interests in the arctic region. As the Department of Defense's 2019 report on arctic strategy notes, the arctic region is gaining importance through the combined effects of climate change and geopolitical competition for territorial claims, waterways and underlying resources, with attendant implications for homeland security. The report identifies the LC-130H wing as the only unit of its kind capable of operating from ice locations in the arctic. While the Committee notes that these aircraft have benefited from recent propulsion upgrades, it is concerned that these aircraft are becoming degraded by age and operational use.

Therefore, the Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees on the status of these LC-130H aircraft not later than 90 days after the enactment of this Act. The report shall include information on the age and estimated service life of the aircraft, trends in operating costs and mission capable rate, known sustainment and safety problems, and the benefits of both completed and planned aircraft modifications. Finally, the report shall include an estimate of the cost of replacing these aircraft with C-130Js, including the cost of modifications required to support the LC-130 wing's unique mission.

### **MQ-Next**

The Air Force's fiscal year 2021 budget request proposes to terminate production of MQ-9 aircraft, citing an excess of aircraft compared to projected operational requirements. The Committee does not accept this proposal and recommends additional funding for 16 MQ-9 aircraft. The Committee is concerned that the Air Force has reached this decision without adequate planning for a follow-on system. The Committee is aware that the Air Force recently released a request for information (RFI) to industry for improved solutions for future unmanned aerial systems with both intelligence, surveillance, and reconnaissance and strike capabilities, including a potential follow-on to the MQ-9. However, this RFI assumes that initial operating capability would not be achieved until 2030, and the Air Force budget request includes only a small amount of funding for concept exploration.

The Committee therefore directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than the submission of the fiscal year 2022 budget request on an MQ-9 follow-on program to be designated as MQ-Next. The goal of the MQ-Next program should be to accelerate the development and fielding of a next-generation medium altitude unmanned aerial system. The report shall detail the desired features of such a system, the cost and timeline required to achieve development and fielding, proposed measures to ensure full and open competition, and an explanation of how such a system would fulfill the goals of the National Defense Strategy.

### **F-15EX**

The Committee continues to support the F-15EX program, which was recently affirmed by the Air Force to be the most expedient and cost-effective solution to addressing urgent availability problems with the F-15C/D fleet and improving fighter force capacity. The Committee notes that the Air Force acquisition strategy includes the provision of F-15EX engines as government furnished equipment. The Committee understands that the Air Force will procure engines for the initial stage of the program, which is being executed under middle tier acquisition authorities for rapid fielding, using a sole-source exception. The Committee is aware that the Air Force recently issued a sources sought notice to determine market capacity to deliver a fully integrated propulsion system for subsequent lots of F-15EX aircraft. The Committee encourages the Secretary of the Air Force to use full and open competition methods, including transparent selection criteria and due consideration of life-cycle costs, consistent with the goals of the F-15EX program.

### **C-130 Fleet Management Plan**

The Committee directs the Secretary of the Air Force to submit a report to the congressional defense committees with the submission of the fiscal year 2022 budget request, that presents the Air Force's long-term fleet management plan for C-130 aircraft. The report shall address the Air Force's updated assessment of the theater airlift requirements and its plans to either recapitalize C-130H aircraft or to maintain a split fleet with C-130J and modernized C-130H aircraft. The report shall include, but is not limited to, planned total active aerospace vehicle inventory numbers throughout the future years defense program (FYDP) with justifications to any projected reduction in fleet size; projections of primary aerospace vehicle inventory and backup aerospace vehicle inventory per individual unit throughout the FYDP; plans to recapitalize C-130H aircraft with C-130J aircraft with projected timelines and associated funding throughout the FYDP; plans to modernize C-130H aircraft with projected timelines and associated funding throughout the FYDP; and plans to modify proficiency training or deployment requirements for units to account for any reduction in the number of aircraft assigned to those units.

### **Future Long-Range Assault Aircraft**

The Committee continues to support the Future Long-Range Assault Aircraft (FLRAA) program and notes it remains a top Army modernization priority. The 2020 Army Aviation Strategic Plan and Modernization Roadmap notes that, as a result of the funding provided in the Department of Defense Appropriations Act, 2020, the Army has been able to accelerate the FLRAA program by four years. To continue supporting this acceleration effort, the Committee recommendation includes an additional \$20,000,000 for robust risk-mitigation efforts. The Committee expects these additional resources to be used to advance the program and shorten the time required to achieve Milestone B of the acquisition process.

### **Future Vertical Lift Sensor Payloads**

The Committee is concerned that the Army has not clearly defined the acquisition strategy for Future Vertical Lift (FVL) mission equipment payloads and sensors. Due to the accelerated FVL schedule and the desire for high technology readiness level sensor payloads, the Army risks fielding advanced aircraft platforms equipped with outdated payloads that will not meet desired operational capabilities. Therefore, the Committee directs the Secretary of the Army to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act, on FVL mission equipment payloads and sensors. The report shall include the acquisition strategy for FVL mission equipment payloads and sensors, including radar, electronic warfare, 360 distributed aperture system, missile warning system, and advanced electro-optical infrared system; planned risk reduction activities for the sensor payloads; and an estimate of the cost and schedule for the development and production of the required sensor payloads.

### **Advanced Battle Management System**

The budget request includes \$302,323,000 for the Advanced Battle Management System (ABMS). The requested funding is more than double the comparable level for fiscal year 2020, and the Committee notes that this program is projected to grow to \$1,087,601,000 by 2024 in the current future years defense plan (FYDP). While the Committee acknowledges the need for a robust and agile “sensor-to-shooter” network to meet the challenges of future operating environments, and supports broad principles of the ABMS approach such as open architecture and the avoidance of “vendor lock,” the Committee currently lacks enough confidence in the Air Force’s structuring and execution of ABMS to support the rate of budget growth beginning with the fiscal year 2021 request.

The Committee notes several weaknesses within the current ABMS program that should be addressed before the Committee agrees to the budget growth for ABMS envisioned in the current FYDP. The Government Accountability Office (GAO) has identified several of these weaknesses, such as the absence of firm requirements, acquisition strategy, or cost estimate, as well as the unclear definition of responsibilities of the Chief Architect of the Air Force and other offices involved in executing the ABMS program. While the Air Force emphasizes that ABMS is being executed as a “nontraditional” acquisition program, this reinforces rather than reduces the need for discipline in what GAO refers to as the control environment. In addition, the Committee believes that the Air Force needs to articulate a strategy for transitioning technologies that are successfully developed by the ABMS program to existing weapon systems and other programs of record. It is unclear how the costs of fully integrating elements of the ABMS family of systems will be accounted for through their lifecycles across multiple programs without simply being handed down as unfunded mandates to individual program managers. Finally, the Committee is not confident that existing Air Force programs of record have been adequately reviewed to ensure that they are consistent with the Air Force’s vision for ABMS and its requirements, to the extent they are actually known.

The budget justification documentation for the fiscal year 2021 request poorly describes how the requested funds will be executed, but from additional information provided by the Air Force the Committee understands that the request includes approximately \$75,000,000 for “on ramp” exercises that are intended to demonstrate potential technologies and capabilities. The Air Force intends to conduct three such exercises in the fiscal year and sustain this pace indefinitely. The Committee cannot ascertain any specific requirement or other programmatic justification for conducting this number of exercises, nor does the Committee have adequate confidence in the cost estimate of \$25,000,000 per exercise. It is unclear if the ABMS program intends to limit the scope of exercises to the allocated funds, if other Air Force funds would be used to augment such exercises as necessary, or if other efforts within the ABMS program would be reduced in order to support the exercises if their actual costs exceed the budgeted amounts. The Committee therefore recommends a reduction of \$50,000,000 to the ABMS program and directs the Secretary of the Air Force to limit the total cost of “on ramp” exercises to no more than \$25,000,000 in fiscal year 2021.

### **PFOS/PFOA Remediation Technologies**

The Committee remains concerned about the prevalence of PFOS/PFOA contamination on current and former domestic military installations and continues to support groundwater remediation activities undertaken by the Department. However, the Committee notes that current methods of PFOS/PFOA remediation are both costly and time consuming. As the Department continues PFOS/PFOA remediation activities, the Committee encourages the Assistant Secretary of Defense (Energy, Installations, and Environment) to continue to explore innovative technological solutions for treating PFOS/PFOA contamination and to develop a competitive process for industry and academia to develop and utilize promising PFOS/PFOA remediation technologies to treat contaminated groundwater.

### **Drug Interdiction and Counterdrug Activities**

The Committee recommendation includes \$421,029,000 for Counter-Narcotics Support, which supports the counter-narcotics activities of United States Northern Command and United States Southern Command, including the Joint Interagency Task Force South. The Committee also supports the provision of intelligence, surveillance, and reconnaissance assets to these combatant commands to support their counter-drug operations.

The Committee recommendation transfers \$31,768,000 from Counter-Narcotics Support to the National Guard Counter-Drug Program. The Committee recommendation also transfers \$26,006,000 requested for international programs under Counter-Narcotics Support to International Security Cooperation Programs managed by the Defense Security Cooperation Agency to build the capacity of countries in the Northern Command and Southern Command areas of responsibility to counter illicit drug trafficking. The budget request for fiscal year 2022 should request funding for these programs in a manner similar to the Committee recommendation for this fiscal year.

The Committee is concerned with the misrepresentation by the Department of Defense regarding the purposes for which funds were requested under this heading in fiscal year 2020. The Department of Defense has reallocated \$47,400,000 from Counter-Narcotics Support for activities that were neither requested by the Department nor appropriated by Congress, namely to fund southwest border barrier construction. Such actions deny the Committee its constitutional and oversight responsibilities and the Committee recommendation for fiscal year 2021 does not continue funding programs that were reduced as a result of the Department’s actions.

The Committee is also concerned with the proper management of funds appropriated under this heading. The Committee understands that the Department of Defense delayed transfers from this account to other appropriations for months while estimates for border construction were being developed. In lieu of the intended source, other appropriations were used to implement programs normally funded under this heading. The Committee expects the Secretary of Defense to ensure that funding provided under this heading is properly managed and executed in a timely manner.

The Committee recommendation does not include the \$20,000,000 requested in fiscal year 2021 for southwest border barrier construction, and section 8134 prohibits funds in this Act from being used for that purpose. Moreover, section 8135 of the Act returns any unobligated funds, which were transferred by the Department of Defense on February 13, 2020 for southwest border barrier construction, to their original accounts to be used for the original purposes for which they were appropriated by Congress.

The Committee recognizes the important role of the National Guard Counter-Drug program in assisting local and state agencies in addressing national drug-related challenges. The Committee encourages the administrators of the National Guard Counter-Drug program to continue their coordination with communities, regions, and other organizations to help alleviate the national drug problem. The Committee notes the recommendations contained in Government Accountability Office report 19–27 and encourages the Chief of the National Guard Bureau to issue guidance on the operation and administration of the National Guard Counterdrug Program in order to improve program performance.

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

The Committee recommends \$1,000,000,000 for the National Guard and Reserve Equipment Account. Of that amount, \$300,000,000 is for the Army National Guard; \$300,000,000 is for the Air National Guard; \$160,000,000 is for the Army Reserve; \$65,000,000 is for the Navy Reserve; \$15,000,000 is for the Marine Corps Reserve; and \$160,000,000 is for the Air Force Reserve to meet urgent equipment needs in the coming fiscal year.

This funding will allow the National Guard and reserve components to procure high priority equipment used by these components for both their military missions and missions in support of State governors. The funding within this account is not to be used to procure equipment 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 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 able to 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; airborne and ground detect and avoid systems; containerized ice making systems; crash-worthy, ballistically tolerant auxiliary fuel systems; counter-UAS systems; gamma radiation protection; helmet-mounted display system; hypervisor-based cross domain access solution; modular small arms ranges and small arms training simulators and tools; radiological screening portals; training systems and simulators; and virtual language training systems.