



H.R. 5515 — National Defense Authorization Act for Fiscal Year 2019 (Rep. Thornberry, R-TX)

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FLOOR SCHEDULE:

Scheduled for consideration on May 22, 2018, subject to a rule. The rule provides for consideration of a Rules Committee Print for H.R. 5515.

TOPLINE SUMMARY:

[H.R. 5515](#) would authorize \$639.1 billion in spending for base national defense requirements for the Department of Defense (DOD), for the Department of Energy (DOE)'s nuclear security programs, and an additional \$69 billion for Global War on Terror/Overseas Contingency Operations (OCO) for a total of \$708.1 billion. In addition to the total amount, an additional \$7.9 billion is allocated for activities outside of the House Armed Services Committee jurisdiction. Of the base amount, \$18.5 billion would be allocated for Army equipment readiness and restoration, and \$39.4 billion would be for military operations and maintenance readiness, in light of a series of recent military aviation accidents. Funding authorized by the bill would be consistent with the [Bipartisan Budget Act of 2018](#).

Funding Authorized by FY 2019 NDAA <i>(in billions of Dollars)</i>	
DOD Discretionary Base Budget	\$616.7
DOE Discretionary Base Budget	\$22.1
Defense-Related Activities	\$0.3
FY19 Base Budget NDAA Topline	\$639.1
Overseas Contingency Operations	\$69.0
FY19 Discretionary Topline*	\$708.1
Defense Mandatory Spending**	\$8.9
FY19 NDAA Topline	\$717.0

Table provided courtesy of the House Armed Services Committee

*Does not include \$7.9 billion of authorizations not within HASC jurisdiction. When this funding outside the jurisdiction of HASC is taken into account, base discretionary funding for national security would total \$647 billion and total discretionary national security would total \$716 billion.

** Includes statutory requirements for Concurrent Receipt; does not include \$0.6 billion outside HASC Jurisdiction

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 5515 would “authorize appropriations totaling an estimated \$709 billion for the military functions of the Department of Defense

(DoD), for certain activities of the Department of Energy (DOE), and for other purposes. In addition, the bill would prescribe personnel strengths for each active-duty and selected-reserve component of the U.S. Armed Forces. CBO estimates that appropriation of the authorized and necessary amounts would result in outlays of \$685 billion over the 2019-2023 period. The bill also contains provisions that would affect the costs of defense programs funded through discretionary appropriations in 2020 and future years. Those provisions mainly would affect force structure, compensation and benefits, and various procurement programs. CBO has analyzed the costs of a select number of those provisions and estimates that they would, on a net basis, increase the cost of those programs relative to current law by about \$48 billion over the 2020-2023 period. The net costs of those provisions in 2020 and beyond are not included in the total amount of outlays mentioned above because funding for those activities would be covered by specific authorizations in future years. Several provisions of H.R. 5515 would have insignificant effects on direct spending and revenues over the 2019-2028 period”

CONSERVATIVE VIEWS:

- **Expand the Size and Scope of the Federal Government?** The bill would authorize the appropriation of resources for national security consistent with the [Bipartisan Budget Act Of 2018](#). The bill would authorize increases to personnel end strength. The bill would authorize the DOD to eliminate 4th Estate agencies and activities.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** The bill would authorize the Chief Management Officer (CMO) of the Department of Defense to carry out the elimination of 4th Estate agencies and activities (other than those established by statute and other than the Department of Defense Education Activity), and to maximize efficiency across the Department with respect to civilian resource management, logistics, services contracting, and real estate management (other than with respect to the military departments). To do so, the bill would set benchmarks to eliminate redundancy and waste, including a mandate to cut the 4th Estate by 25% by 2021. If this savings target is not met by the deadline, the bill imposes a 25% across-the-board reduction to funding.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The committee’s summary for the FY 2018 NDAA can be found [here](#). The House report (R. Rept. 115-676) accompanying H.R. 5515 can be found [here](#).

Highlights of the major provisions of note are included below:

Personnel:

- **Troop Pay:** The bill would support a 2.6 percent military pay raise for Fiscal Year (FY) 2019, in accordance with current law ([section 1009 of title 37, United States Code](#)), to ensure that military pay increases to keep pace with the pay increases in the private sector, as measured by the [Employment Cost Index \(ECI\)](#). This would be the highest increase in nine years according to the committee. Section 611 would extend two critical recruitment and retention incentive programs for Reserve Component health care professionals; and would extend accession and retention incentives for nuclear-qualified officers.
- **Authorizations for End Strengths as of September 30, 2019:**

- *Active Duty Personnel*: 487,500 (5,000 more than in FY 2018) (Army), 335,400 (7,500 more than in FY 2018) (Navy), 186,100 (100 more than in FY 2018) (Marine Corps), 329,100 (4,000 more than in FY 2018) (Air Force).
 - *Selected Reserves*: 343,500 (Army National Guard), 199,500 (Army Reserve), 59,100 (Navy Reserve), 38,500 (Marine Corps Reserve), 107,100 (Air National Guard), 70,000 (Air Force Reserve).
 - *Military Technicians*: 22,294 (Army National Guard), 6,492 (Army Reserve), 18,969 (Air National Guard), 8,880 (Air Force Reserve).
- **Compensation and Benefits:**
 - The bill would permit the Secretaries of the military departments additional discretion to determine the grade of certain individuals receiving an original appointment as a regular or reserve commissioned officer, expanding the authority to award Constructive Service Credit for advanced education, experience, or training, upon original appointment as a Commissioned Officer.
 - Section 503 would allow officer promotion boards to recommend officers of particular merit be placed at the top of the promotion list, and to allow the Secretary of the military department concerned to re-order the promotion list accordingly.
 - Section 506 would prevent dual-status military technicians who reach their time-in-service end date from losing their jobs due to separation from military service.
 - Section 551 would authorize each Secretary of a military department to carry out programs under which members of the regular components and members on Active Guard and Reserve duty of the armed forces may be inactivated from active service in order to meet personal or professional needs and returned to active service at the end of such period of inactivation from active service, and would thus make the Career Intermission Program a permanent authority.
 - Section 552 would establish counseling pathways, require transmission of the Joint Service transcript, and allow transitioning service members to select a portion of the content covered during the transition assistance period of instruction.
 - Section 563 would authorize \$40.0 million for the purpose of providing assistance to local educational agencies with military dependent students and \$10.0 million for local educational agencies eligible to receive a payment for children with severe disabilities.
 - Section 601 would require the Secretary of Defense to issue a determination, within 90 days, when a geographic combatant commander submits a request to add a location to the Imminent Danger Pay eligibility list.
 - Section 604 would mandate that the Basic Allowance for Housing reduction directed under current law, not take effect in fiscal year 2019, prohibiting the Military Housing Privatization Initiative (MHPI) housing recapitalization efforts from being reduced.
- **TRICARE:** The FY 2019 NDAA would authorize a series of reforms regarding the military health system and TRICARE.
 - Section 701 would authorize the Department of Defense to develop a Medicare Advantage demonstration program for TRICARE eligible beneficiaries.
 - Section 702 would authorize the Secretary of Defense to assess the feasibility of a pilot program that uses intensive outpatient programs to treat members of the Armed Forces suffering from posttraumatic stress disorder resulting from military sexual trauma.

- Section 711 would require the Department of Defense to transition the administration of military treatment facilities from the respective Secretary of the military departments to the Director of the Defense Health Agency not later than September 30, 2020. This section would also prohibit the Secretary of Defense from closing or limiting services in any military medical treatment facility until a transition certification process is completed.
 - Section 712 would require the Department of Defense to establish a prescription drug monitoring program and share information with State prescription drug monitoring programs.
- **Commissaries:** The NDAA would require the Secretary of Defense to direct installation commanders to establish an advisory board to advise commanders regarding the interests of patrons and beneficiaries of military commissaries and exchanges. The NDAA would also direct the Secretary of Defense to conduct a study on the feasibility of expanding commissary alcohol sales to include the sale of distilled spirits. The study shall include a comparison of state and local laws that could impact the expansion of the sale of distilled spirits. The study shall also include an estimate on revenue and sales that could result from such an expansion.
 - **Combatting Sexual Assault in the Military:** The NDAA would direct the Department to report to Congress on current use of best practices for prevention and response to sexual assault; update on current research informed evaluation outcome criteria, and the feasibility of developing, and offering high quality, standardized, research informed best practices for training and response that are shown to prevent sexual assaults across the services.
 - Section 533 would require the Department of Defense to provide information to the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces that the panel (by majority vote) deems necessary to carry out its duties.
 - Section 541 would require the Secretary of Defense to conduct a security clearance background reinvestigation under expedited procedures for flag officers and Senior Executive Service personnel employed by the Department of Defense convicted of sexual assault, sexual harassment, fraud against the United States, or other serious crimes.
 - Section 542 would require the Service Secretary concerned to expedite the consideration and approval of an application for an inter-academy transfer submitted by a cadet of a military academy who has been the victim of sexual assault.
 - Section 543 would require the Secretary of Defense to standardize the expedited transfer procedures for service members who are the victim of sexual assault, regardless of whether their cases are handled by the Sexual Assault Prevention and Response Program or the Family Advocacy Program, and would require the Secretary to establish a transfer policy for service members whose dependent is the victim of sexual assault perpetrated by an unrelated service member.
 - **Arlington National Cemetery:** Section 582 would require the Secretary of the Army to establish revised interment criteria for Arlington National Cemetery that preserve Arlington National Cemetery as an active burial ground well into the future.
 - **Deferred Action for Childhood Arrivals:** No provisions or language on Deferred Action for Childhood Arrivals were included in the FY 2019 NDAA.
 - **Selective Service:** No provisions or language on Selective Service were included in the FY 2019 NDAA.

- **Uniform Code of Military Justice Reform:**
 - Section 564 would require the Secretary of Defense to establish a comprehensive policy and database regarding juvenile misconduct occurring in Department of Defense Education Activity schools.
 - Section 531 would require a minimum confinement period of 2 years for individuals convicted of certain sex-related offenses under the Uniform Code of Military Justice.
 - Section 535 would require the Secretary of Defense to establish a consolidated tracking process that provides the Department of Defense increased visibility on the military departments' required crime report submissions to the Federal Bureau of Investigation.
 - Section 536 would require the Secretary of Defense to designate a single official or entity within the Office of the Secretary of Defense to serve as the official or entity with principal responsibility.

- **Military Parades:** Section 1077 would authorize the Secretary of Defense to carry out a parade to honor America's Veterans in light of the 100th anniversary of the 1918 Armistice ending World War I. The Secretary would be authorized to expend funds authorized to be appropriated under the bill for the display of small arms and munitions appropriate for customary ceremonial honors and for the participation of military units that perform customary ceremonial duties. The NDAA would prohibit the use of operational units or equipment in the parade if the Secretary of Defense believes such use will hamper readiness.

- **BRAC:** Section 2703 would affirm that nothing in the bill would be construed to authorize an additional Base Realignment and Closure round. Section 2702 would provide the Secretary of Defense with the authority to close or realign a military installation if the Secretary receives notification from the Governor of a State or territory that recommends the realignment or closure of a military installation within the Governor's State or territory.

Readiness:

- **Aviation Readiness:** According to the [House Armed Services Committee](#), in 2017, nearly four times as many members of the military died in training accidents as were killed in combat. In all, 21 servicemembers died in combat while 80 died as a result of noncombat training-related accidents. This spring alone, 25 were killed in military aviation mishaps. The NDAA would authorize an increase \$24.2 million to readiness accounts for flying hours.
 - The NDAA would direct the Secretary of the Air Force to evaluate and validate every pilot or rated officer required staff billet across the Air Force and joint community enterprise, and to address the Government Accountability Office recommendations "Report on Military Personnel: DOD Needs to Reevaluate Fighter Pilot Workforce Requirements," ([GAO-18-113](#)), and to provide a report to Congress not later than December 7, 2018, on the methodology and the results of the evaluation and validation as well as the implementation of the recommendations of the GAO Report.
 - Section 1078 would establish a National Commission on Military Aviation Safety. The commission would undertake a comprehensive study and deliver a report not later than June 1, 2019, on military aviation mishaps occurring between fiscal years 2013-18.
 - The NDAA would recommend \$724.7 million for Air Force test and evaluation support, an increase of \$31.9 million, to provide improved open-air range test capabilities on a timeline that supports the Air Force's roles in the development of next-generation platforms and air armament, and addresses the growing range challenges.

- The NDAA would match the President's budget request of \$2.8 billion for the procurement of spare airplane parts for the Navy, Marine Corps, and Air Force. The bill would also authorize an additional \$100.0 million for spare parts for the F-35 Joint Strike Fighter.
- The NDAA would recommend \$163.7 million in the base budget for A-10 modifications, an increase of \$65.0 million for the A-10 wing replacement program.
- **Army Readiness:** The NDAA would provide funding to allow the Army to conduct 20 Combat Training Center rotations in fiscal year 2019, including 4 rotations for the Army National Guard, doubling the number of Brigade Combat Teams sent to the Center. The NDAA would authorize funding for the Army to hold two Security Force Assistance Brigade (SFAB) culminating training events a year, enhancing the Army's combat capability and capacity. According to the [committee](#), the bill would increase funding for other training operations by nearly \$83 million above the increase already included in the President's Budget Proposal. The NDAA would authorize an additional \$58.9 million to improve and modernize major combat range and test facility bases to include procurement of advanced threat radar systems.
- **Maintenance:** According to the committee, the NDAA would authorize \$21.8 billion for equipment maintenance and \$3.7 billion for spare parts, an increase of \$927.9 million over the Fiscal Year 2018 Omnibus.
- **Naval Readiness:** The NDAA would direct the Navy to provide clear chains of command for operations, for building readiness, and for shipyard maintenance. It would limit the time a Navy vessel is forward deployed to no more than 10 years, and it would increase the number of Navy vessels authorized for construction.
 - Section 333 would require the Secretary of the Navy to provide a report on surface warfare officer credentialing, training, and assessment to Congress not later than March 1, 2019.
 - Section 334 would require the Secretary of the Navy to provide a report on optimizing surface navy vessel inspections and crew certifications to reduce redundancies and the burden of inspection type visits that ships undergo.
 - Section 502 would require the Secretary of the Navy to establish two career paths for surface warfare officers. The Secretary would be required to establish one career path in ship engineering systems and another in ship operations and combat systems, not later than January 1, 2021.
 - Section 323 would require the Secretary of the Navy to limit the time a naval vessel is forward deployed overseas to 10 years. This section would permit the Secretary to waive the 10-year requirement for individual naval vessels with notification to the congressional defense committees. This section would further provide that all currently forward deployed naval ships which have exceeded 10 years of service overseas shall have 3 years to return to a U.S. homeport.
 - Section 325 would prohibit authorized funds by the bill, or otherwise made available for fiscal year 2019 for the Navy, from being obligated or expended for any construction, alteration, repair, or development of the real property consisting of the Former Ship Repair Facility in Guam unless such project directly supports depot-level ship maintenance capabilities, to include the mooring of a floating dry dock.
 - Section 321 would provide that examinations of naval vessels performed under the authority of that section after October 1, 2019, would be conducted on a no notice basis.

This section would also provide that reports detailing the results of such inspections be unclassified and available to the public.

▪ **Defense Innovation:**

- Section 225 would require the Under Secretary of Defense for Research and Engineering to submit a report to Congress, on the integration of Defense Innovation Unit Experimental (DIUx) into the broader Department of Defense research and engineering community, the unit's measures of effectiveness, the number and type of transitions, and the impacts of the unit's initiatives and investments on the Department.
- Section 1053 would prohibit certain funds authorized to be appropriated by the bill from being obligated or expended for the Joint Enterprise Defense Infrastructure (JEDI) until the Secretary of Defense provides a report to the congressional defense committees on the Joint Enterprise Defense Infrastructure.

Procurement:

▪ **Weapon Systems: The FY 2019 NDAA would:**

- **Naval Systems:** accelerate construction of the fourth *Ford*-class aircraft carrier, construction of two additional Littoral Combat Ships, and support two additional *Virginia*-class attack submarines in fiscal years 2022 and 2023.
- Would recapitalize the Navy's 43-year old auxiliary fleet to include tanker and transportation ships.
- Authorize multiyear procurement of the Navy's *San Antonio*-class amphibious transport ships.
- Require the Secretary of the Navy to procure technical data rights to any acquired frigate class vessel. Additionally, this section would require the Secretary to recompete the frigate class procurement not later than the award of the 10th frigate using the acquired technical data rights.
- Prohibit the Secretary of the Navy from entering into economic order quantity contracts for the *Virginia*-class submarine program until the Secretary certifies that such funding shall be used to enter into economic order quantities for 12 *Virginia*-class submarines.
- **Army Systems:** would modernize Army Armored Brigade Combat Team vehicles, including 135 M1 Abrams tanks, 60 Bradley fighting vehicles, 197 Armored multi-purpose vehicles, 38 Improved Recovery Vehicles, and 3,390 Joint Light Tactical Vehicles, matching the President's Budget.
- Authorize \$360.0 million, an increase of \$338.1 million, for Stryker A1 combat vehicles
- Authorize an additional \$85 million for 5 additional UH-60M Black Hawk utility helicopters for the Army National Guard.
- **Aviation:** Authorize multiyear procurement authorities for F/A-18E/F Super Hornet, C130 Super Hercules, E-2D Advanced Hawkeye.
- Authorize 77 F-35 Joint Strike Fighter, matching the President's Budget request.
- **Munitions:** additional funding to maintain the maximum production rate of critical munitions, such as small diameter bombs, joint direct attack munitions, hellfire missiles, advanced precision kill weapon systems, long range anti-ship missiles, tomahawk missiles, advanced medium-range air-to-air missiles and torpedoes
- **Intelligence Surveillance and Reconnaissance (ISR):** Authorize an additional \$105 million for EQ-4 unmanned aircraft systems.
- Authorize an additional \$60 million to improve the capability of the Army's Gray Eagle unmanned air system platform.

- Authorize authorizing an additional \$623 for Joint Surveillance Target Attack Radar System Recapitalization (JSTARS Recap) program.
- **Defense Infrastructure:** The NDAA would increase funds for facilities sustainment by \$470.9 million, authorize \$11.3 billion for military construction, including family housing, and other infrastructure projects, with an additional \$340.5 million for depot maintenance.
- **Nuclear Deterrence:** The NDAA proposed \$15.4 billion, an increase of \$307 million to the President's budget request for programs of the National Nuclear Security Administration (NNSA). The NDAA would support the production of a lower-yield submarine-launched ballistic missile warhead, as proposed by the [2018 Nuclear Posture Review](#). The bill would authorize \$325 million for the National Nuclear Security Administration's nuclear weapons activities and defense nuclear nonproliferation program, including efforts to modernize the nuclear weapons stockpile and address NNSA's aging facilities and other infrastructure.
 - Section 1643 would require the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Secretary of the Air Force, to develop and implement plans to accelerate the development, procurement, and fielding of the Ground Based Strategic Deterrent (GBSD) program and the Long-Range Standoff cruise missile program.
 - The NDAA would add \$140 million to the Missile Defense Agency (MDA) for development of critical directed energy, and Space sensing projects, and the acceleration of hypersonic defense capabilities.
 - The bill would add \$175 million to accelerate integration of Patriot and Terminal High Altitude Area Defense (THAAD) missiles to meet the requirements of the Commander of U.S. Forces in Korea.
 - Section 1662 would require the Missile Defense Agency (MDA) to begin a program in fiscal year 2019 to develop boost phase intercept capabilities that are either air-launched or ship-based, cost effective, and that include a kinetic interceptor.
 - The bill would require MDA to continue the development for the homeland defense radar in Hawaii, operationally capable by Fiscal Year 2023.
 - The NDAA would additionally fully fund the [B-21 Raider](#) future stealth bomber program and the new [Columbia-class ballistic missile submarine](#), as well as the development and delivery of the life-of-ship nuclear reactor for the submarine.
- **Space:** The NDAA would establish a new numbered Air Force unit responsible for carrying out Space warfighting. The bill would create a sub-unified command for Space under the Strategic Command for carrying out joint Space warfighting; and would direct the Secretary of Defense to develop a plan that identifies joint mission-essential tasks for Space as a warfighting domain.
 - Section 1601 would direct the Deputy Secretary of Defense to develop a plan to establish a separate alternative acquisition system for defense space acquisitions, including with respect to space vehicles, ground segments, and terminals. The section would also task the Secretary of the Air Force to develop and implement a plan to increase the number and improve the quality of the civilian and military space cadre within the Air Force.
 - Section 1602 would clarify that assured access to space include consideration of rapid, responsive, and reliable space launches for national security space programs. It would also require the Secretary of Defense to provide for consideration of both reusable and expendable launch vehicles with respect to any solicitations occurring on or after March 1, 2019. Lastly, it would require the Secretary of Defense to conduct

a risk and cost impact analysis with respect to reusable launch vehicles for national security payloads.

Defense Reforms:

- **Acquisition Reform:** According to the committee, the NDAA would restructure: “United States Code to logically assemble all acquisition-related statutes in one place for the first time since 1947. In so doing, the [NDAA] also repeals dozens of obsolete provisions of law, prescriptive statutory requirements for positions and offices, and outdated reporting requirements. To further increase clarity and consistency, the Proposal separates commercial items into either “commercial products” or “commercial services,” and creates a precise definition for “subcontract.” The NDAA would further require the Army Marketing Group to implement measures to improve the effectiveness of its advertising and marketing campaign and to provide additional review and oversight of related contracts.

- **4th Estate Reform:** According to the committee “the almost 30 defense agencies and field activities which comprise this group (which is informally known as the “[4th Estate](#)”) account for 20% of DOD’s budget, 25% of the workforce, and have enormous influence on day-to-day operations.”
 - Section 911 would authorize the Chief Management Officer (CMO) of the Department of Defense to carry out the elimination of agencies and activities (other than those established by statute and other than the Department of Defense Education Activity), and to maximize efficiency across the Department with respect to civilian resource management, logistics, services contracting, and real estate management (other than with respect to the military departments). The provision would require each Defense Agency and Department of Defense Field Activity to transmit their budgets to the CMO for review before submission to the Under Secretary of Defense (Comptroller). The CMO would submit a report concerning all proposed budgets to the Secretary of Defense not later than January 31 of the year preceding the budgets’ fiscal year. The Department’s Chief Management Officer would reduce or eliminate duplicative cross-enterprise functions across all Defense Agencies and Field Activities related to civilian resource, services contracting, logistics, or real estate management.
 - Section 913 would require the Secretary of Defense, acting through the CMO, to submit a plan to Congress not later than March 1, 2020, concerning the transfer and migration of all Defense Information Systems Agency (DISA) information technology contracting and acquisition services, and senior leader communications functions, to other Department elements. The provision would require the CMO to eliminate the Washington Headquarters Service not later than January 1, 2021. The CMO would transfer any essential functions to other appropriate elements of the Office of the Secretary of Defense (OSD) and eliminate the others. The CMO would be required to submit a plan to Congress to accomplish the above by March 1, 2020. This section would also require the CMO to review the efficiency and effectiveness of each Defense Agency and Department of Defense Field Activity and to examine potential duplication among the agencies and activities. The CMO would be required to submit a report to Congress on his findings not later than March 1, 2020, including any recommendations to eliminate an agency or activity or transfer some or all of its functions to another Department entity. The section would also clarify the Secretary’s authority to establish or terminate any Defense Agency or Department of Defense Field Activity, other than entities that are specifically established or terminated by act of Congress.

- Section 914 would require that the Director of the Defense Logistics Agency (DLA) and the CMO to jointly implement a comprehensive system that enables customers to view items and materials available to customers, the delivery status of items and materials in transit, and predictive analytics designed to improve the system's efficiency. The section would also require the Director of DLA and the CMO to jointly reduce charged rates by at least 10 percent, eliminate duplication of services, and establish specific goals and metrics to ensure the agency is fulfilling its mission by January 1, 2021.
- Section 915 would direct the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense (Comptroller) to conduct a joint review of the Defense Contract Auditing Agency and Defense Contract Management Agency to validate their missions and functions and determine if any of their functions could be more appropriately performed by the other Agency, any other organization within the Department of Defense, or commercial providers.
- Section 916 would require that, not later than January 1, 2021, the CMO and the Comptroller to jointly carry out activities to make the Defense Finance and Accounting Services more efficient and effective.
- Section 917 would require that, starting in calendar year 2021, there may not be more than five "Chief Information Officers" in the Department of Defense. According to the committee report: "there are at least 60 Senior Executive Service grade positions in the Department of Defense with the position of "Chief Information Officer".

Security:

- **Russia, Ukraine, and Europe:** Section 1232 would prohibit the use of funding authorized in the NDAA for fiscal year 2019 for the purposes of upgrading or modernizing certain [Treaty on Open Skies](#) systems until such time as the President (or the Secretary of State) is able to certify that the President has imposed treaty violations responses and legal countermeasures. The provision would also limit the use of funding for the approval or adoption of any implementing decision in the Open Skies Consultative Commission concerning approval of a request by states parties to certify infra-red or synthetic aperture radar sensors under the treaty. Such funding would be restricted until: the Secretary of Defense, jointly with the relevant U.S. Government officials, submits a certification that an implementing decision would not be harmful or detrimental to the national security of the United States; and the President has certified, not later than 90 days prior to a decision taking effect, that Russia is in complete compliance with the treaty, is allowing observation flights over certain specified regions, and it has agreed to certain conditions (including the extradition of Russian citizens involved in undertaking unlawful activities against the United States incident to the 2016 Presidential election, it has withdrawn from Crimea and ceased support to Russian proxies in Eastern Ukraine, and has ceased all military and financial support for any state that uses or has used against its civilian population any agent or substance banned by the Chemical Weapons Convention).
 - Section 1228 would require a report each year for the next 5 years on military and security cooperation between the Islamic Republic of Iran and the Russian Federation, particularly in respect to Syria. The report would further cover Russian and Iranian intelligence-sharing, joint naval exercises, joint cooperation on Iran's space and nuclear programs, Russian cooperation with Hezbollah, and the potential that Iran will adopt Russia's hybrid warfare model.
 - Section 1231 would prohibit the use of fiscal year 2019 funds to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

- Section 1233 would additionally withhold 25 percent of the funding authorized to be appropriated by the NDAA for Department support to the Executive Office of the President, other than funding required for senior leader communications, until the President certifies that each requirement of section 1290 of the National Defense Authorization Act for Fiscal Year 2017 ([Public Law 114-328](#)) regarding Russia's material breach of the Intermediate-Range Nuclear Forces (INF) Treaty has been met; that the President has notified Congress of the imposition of sanctions pursuant to section 1290 of that Act; and, that the President has submitted the report required by section 1244(c) of the National Defense Authorization Act for Fiscal Year 2018 ([Public Law 115-91](#)).
 - Section 1234 would extend security assistance and intelligence support to the Government of Ukraine by 2 years. This section would also authorize \$250.0 million.
 - Section 1236 would require the imposition of sanctions with respect to persons providing specified support to Russian industry, with a focus on targeting Russia's defense industry supply chain, involved with developing or producing major defense equipment or advanced conventional weapons. The sanctions available to the President would include, denial of sales or defense articles and services; licenses for export of an item on the United States Munitions List; or, exports controlled for national security under the Export Administration Regulations. It would also contain an enhanced sanction for governments of state-sponsors of terrorism that obtain such equipment from Russia. The President would be authorized to waive the imposition of sanctions with respect to the new sanctions provided in this section in certain specified circumstances.
 - Section 1240 would limit the expenditure of funds for the Department of Defense to extend the implementation of the New START Treaty unless and until the President certifies that the President has raised the issue of certain new Russian nuclear weapons systems under Article V of the New START Treaty and that the Russian Federation has responded in writing to the United States as to whether they will agree to declare such nuclear weapons systems pursuant to the Treaty.
 - The NDAA would fully support the President's request for \$6.3 billion for the European Deterrence Initiative (EDI) to further increase number of U.S. troops in Europe, reassure U.S. partners and allies, and deter Russian aggression.
- **Asia Rebalance and China:**
 - Section 1252 would require the President to issue a strategy on the United States' whole-of-government approach to safeguard U.S. interests against Chinese industrial acquisitions, political influence, and regional and global military capabilities and presence that have defense and security implications for the United States and its allies and partners.
 - Section 1253 would direct the Secretary of Defense to conduct a comprehensive assessment, in consultation with appropriate counterparts of Taiwan, on ways to enhance and reform Taiwan's military forces, particularly Taiwan's reserve forces. The assessment would also require the development of recommendations to strengthen bilateral cooperation and improve Taiwan's self-defense capabilities.
 - Section 1257 would change the name of "United States Pacific Command" to "United States Indo-Pacific Command" beginning in January 1, 2020.
 - Section 1271 would express the sense of Congress that, pursuant to the Taiwan Travel Act, a service secretary or member of the joint chiefs should visit Taiwan for a senior-level defense engagement.

- Section 880 would provide that, not later than January 1, 2021, no government agency may procure or obtain, nor extend or renew a contract to procure or obtain, nor enter into a contract with an entity that uses covered telecommunications equipment or services with any communications equipment or services as that: produced by Huawei Technologies Company or ZTE Corporation or telecommunications equipment or services produced or provided by an entity that the head of an agency believes to be owned or controlled by, or otherwise connected to, the Government of the People's Republic of China.
- **North Korea:** The NDAA would direct the Government Accountability Office (GAO) to review the extent to which Department of Defense military units deployed to the Republic of Korea and the Department's chemical and biological defense support units on the Korean peninsula, in the U.S. Pacific Command area of responsibility, and in the United States, are prepared to counter chemical and biological weapons. The NDAA would also direct the Department of Defense to provide a report to Congress on the U.S. casualty estimates for likely scenarios of an armed conflict with North Korea.
- **Iran:**
 - Section 1225 would authorize the Secretary of Defense, with concurrence of the Secretary of State, to develop and implement a strategy with foreign partners to counter the destabilizing activities of Iran.
 - Section 1226 would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report to Congress assessing the extent to which Iran is complying with its obligations under the Chemical Weapons Convention.
 - The NDAA would establish a Defense Partnership to Counter Iran, extending the authority for the Counter ISIS fund, and expresses Congress' support for Gulf Cooperation Council unity.
- **Iraq and Syria:**
 - Section 1221 would extend the authority to provide assistance to counter the Islamic State of Iraq and Syria. This section would also authorize a funding level of \$850.0 million for such support in Iraq.
 - Section 1222 would extend the "Syria train and equip" program and the reprogramming requirement through December 31, 2019. Further, this section would require the President to submit to the congressional defense committees a plan at least 30 days prior to an initial reprogramming request in fiscal year 2019. The plan would describe the efforts the United States will take to train and build an appropriately vetted force; the nature of the force; the current effectiveness of the force; the conditions to be met for a determination that the Islamic State in Iraq and Syria has been adequately neutralized; the roles and contributions of partner countries; the concept of operations, timelines and types of training, equipment, stipends, sustainment, supplies to be provided by the United States (including measures for accountability); and a description of force posture.
 - Section 1223 would extend the authority for the Office of Security Cooperation in Iraq (OSC-I) through December 31, 2019.
 - Section 1227 would require the Secretary of Defense to provide a report to Congress within 30 days after the bill's enactment on the analysis for potential release of chemical weapons or chemical weapon precursors, conducted prior to U.S. and partner forces strikes on the Barzeh Research and Development Center and the Him

Shinshar chemical weapons storage and bunker facilities in Homs province of Syria in April 2018.

- **Afghanistan and Pakistan:**
 - The NDAA would maintain the Coalition Support Fund (CSF) to reimburse partners and allies that contribute to U.S. counterterrorism efforts and to encourage Pakistan to do more to counter the groups that threaten stability in Afghanistan. The NDAA would authorize \$900.0 million for fiscal year 2019 for CSF payments.
 - Section 1211 would extend the authority to transfer defense articles being drawn down in the Islamic Republic of Afghanistan and the authority to provide defense services regarding such transfers to the military and security forces of Afghanistan.
 - Section 1212 would state that of the funds authorized for CSF, not more than \$700.0 million may be provided to the Islamic Republic of Pakistan, and of that amount, not more than \$350.0 million may be provided until the Secretary of Defense certified that Pakistan is taking demonstrable steps against the Haqqani Network.

- **Turkey:** Section 1271 would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report to Congress on the U.S.- Turkish relationship. The section would also prohibit any action to execute delivery of a foreign military sale for major defense equipment under section 36 of the Arms Export Control Act ([22 U.S.C. 2761](#)) to the Republic of Turkey until the required report is delivered.

- **Africa:** The NDAA would authorize an additional \$15.0 million for contractor-owned, contractor-operated casualty evacuation capability in AFRICOM's area of operations, given the vast distances and austere conditions affecting mobility on the African continent. The bill would direct the Secretary of Defense to evaluate the missions of Combined Joint Task Force-Horn of Africa (CJTF-HOA) and the operational environment to determine whether a joint task force provides the most effective headquarters option for command and control of operations.

- **Guantanamo Bay Detention Center:**
 - Section 1032 would prohibit the use of any amounts authorized to be appropriated or otherwise made available for the Department of Defense during the period beginning on the date of the enactment of the bill and ending on December 31, 2019, to transfer or release detainees at U.S. Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories, or possessions.
 - Section 1033 would prohibit the use of any amounts authorized to be appropriated or otherwise made available for the Department of Defense during the period beginning on the bill's enactment and ending on December 31, 2019, to construct or modify any facility in the United States, its territories, or possessions.
 - Section 1034 would prohibit the use of any amounts authorized to be appropriated or otherwise made available for the Department of Defense during the period beginning on the bill's enactment and ending on December 31, 2019, to transfer, release, assist in the transfer or release of any individual detained at U.S. Naval Station, Guantanamo Bay, Cuba, to Libya, the Federal Republic of Somalia, the Syrian Arab Republic, or the Republic of Yemen, to house any detainee transferred from U.S. Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

- **Israel:** The NDAA would authorize \$500 million for co-development of missile defense systems with Israel, and co-production of Iron Dome, David’s Sling, and Arrow weapons systems. Section 1276 would to authorize establishment of a cooperative research and development program with the State of Israel to develop capabilities for countering unmanned aerial systems through modification of the existing memorandum of agreement between the United States and Israel for anti-tunneling defense capabilities or through a new memorandum of agreement. According to the committee report, “since 2011, Congress has provided over \$1.5 billion for the procurement of Iron Dome batteries for the State of Israel, a system with demonstrated capability against a wide-range of threats. There is value in experimenting with the Iron Dome system through demonstrations to assess operational suitability for the fixed and semi-fixed site [Air and Missile Defense] AMD mission, and [maneuver short-range air defense] M-SHORAD missions. Such demonstrations will evaluate challenges associated with integration of the Iron Dome command and control system with the existing AMD [command and control] C2 systems and sensors.”
 - The NDAA would authorize \$68.0 million, an increase of \$30.0 million, to support the acquisition of Iron Dome hardware and associated integration activities, for the operational demonstration of the Iron Dome system against a range of threats.

- **Plan Central America:** The NDAA would urge the Department of Defense, in close conjunction with other U.S. agencies, to monitor the economic, security, and political situation in Venezuela closely and to continue working with the government of Colombia and other regional partners to assist the Venezuelan refugee population and resolve the crisis, directly impacting the Republic of Colombia with an estimated 500,000 Venezuelans seeking refuge there.

The National Defense Authorization Act has been signed into law for fifty-seven consecutive years.

COMMITTEE ACTION:

H.R. 5515 was introduced on April 13, 2018, and was referred to the House Armed Services Committee. On [May 15, 2018](#), the committee ordered it to be reported (amended) by the yeas and nays: 60 - 1.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is the power of Congress “to provide for the common Defence”, “to raise and support Armies”, “to provide and maintain a Navy” and “to make Rules for the Government and Regulation of the land and naval Forces” as enumerated in Article I, section 8 of the United States Constitution.”

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