



National Guard Bureau  
Office of Legislative Liaison



# FY19 Senate National Defense Authorization Act (NDAA)



*Summary of S. 2987*

*The National Defense Authorization Act for Fiscal Year 2019*

*As of June 19<sup>th</sup>, 2018*



	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House	May 10 <sup>th</sup> , 2018	May 24 <sup>th</sup> , 2018			
Senate	May 24 <sup>th</sup> , 2018	June 18 <sup>th</sup> , 2018			

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## Executive Summary

This guide provides a short summary of the Senate Armed Services Fiscal Year 2019 National Defense Authorization Act (NDAA).

To obtain a complete understanding of any particular provision, users are encouraged to review the actual legislative language. Bill text and the committee report can be found on NGB-LL's website: [www.nationalguard.mil/ll](http://www.nationalguard.mil/ll). Beyond the legislative provisions, there are a number of directive reports with specific relevance to the National Guard. Readers are encouraged to review this report language (starting on page 10) for their own situational awareness.

### Status:

On May 24<sup>th</sup>, the Senate Armed Services Committee (SASC) conducted its full-committee markup of the FY2019 National Defense Authorization Act. The bill authorizes \$707.7 billion, approving \$617.6 billion for base Pentagon spending and \$68.5 billion for war spending

### Highlights:

- Authorizes an end strength of 343,500 for the ARNG and 106,600 for the ANG (Sec. 411)
- Authorizes a 2.6% pay raise for uniformed personnel. (Sec. 602)
- Authorizes the SecDef to treat PFOS/PFOA in drinking water at State-owned and operated National Guard installations and authorizes the National Guard access to environmental restoration funds. (Sec. 315)
- Authorizes the service secretaries to adjust the effective date of promotion for officers in the reserve component if the secretary determines there was an undue delay in the federal recognition process. (Sec. 521)
- Clarifies the authority of the Chief of the National Guard Bureau to employ persons under certain provisions of title 5, United States Code. (Sec. 523)
- Authorizes RC personnel ordered to Active Duty under section 12304b to receive a high-deployment allowance for frequent or lengthy deployments (Sec. 606)
- Authorizes an additional \$74 million for C-130 engine modernization. (Air Force Procurement)
- Authorizes \$117 million for the National Guard Counterdrug Program. (Sec. 4501)
- Expresses the Sense of Congress that State-owned National Guard installations have always qualified as military installations under section 2684a of title 10 and should continue to qualify as military installations. (Sec. 6801)
- Requires the Chief of the National Guard Bureau to provide a report Warrior Resilience and Fitness Program, including its impact on readiness, resiliency and suicide prevention. (Committee Report Language)

# National Guard Accounts Overview

**RECOMMENDED FUNDING AUTHORIZATIONS DO NOT EQUAL FINAL FUNDING. FINAL FUNDING LEVELS WILL BE DECIDED BY APPROPRIATIONS BILLS**



## Army National Guard - Authorization of Funding (All Dollars in Thousands)

Army National Guard	FY19 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY19 Delta from PB
O&M	\$7,399,295	\$7,469,295	+\$70,000	\$7,399,295	-		
OCO O&M	\$110,729	\$110,729	-	\$110,729	-		
MILCON	\$180,122	\$191,122	+\$11,000	\$306,122	+\$126,000		

### Army National Guard End Strength

Army National Guard	FY19 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY19 Delta from PB
End Strength	343,500	343,500	-	343,500	-		
AGR	30,595	30,595	-	30,155	-440		
Dual Status Technicians	22,294	22,294	-	22,294	-		
ADOS	17,000	17,000	-	17,000	-		



## Air National Guard - Authorization of Funding (All Dollars in Thousands)

Air National Guard	FY19 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY19 Delta from PB
O&M	\$6,427,622	\$6,451,522	+\$23,900	\$6,440,222	+\$12,600		
OCO O&M	\$15,870	\$15,870	-	\$15,870	-		
MILCON	\$129,126	\$191,126	+\$62,000	\$183,126	+\$54,000		

### Air National Guard End Strength

Air National Guard	FY19 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY19 Delta from PB
End Strength	107,100	107,100	-	106,600	-500		
AGR	19,861	19,861	-	19,450	-411		
Dual Status Technicians	18,969	18,969	-	18,969	-		
ADOS	16,000	16,000	-	16,000	-		

# BILL TEXT

## PROCUREMENT PROVISIONS

### **Sec. 141. Prohibition on availability of funds for retirement of E-8 JSTARS aircraft**

This provision would prohibit the availability of funds to retire, or prepare to retire, any E-8 Joint Surveillance Target Attack Radar System (JSTARS) aircraft.

### **Sec. 141. Multiyear procurement authority for C-130J aircraft program**

The committee recommends a provision that would provide the Department of Defense authority to enter into multiyear procurement for C-130J aircraft for up to 5 years.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION PROVISIONS

### **Sec. 232. Report on active protection systems for armored combat and tactical vehicles**

This provision would require the Secretary of the Army to submit to the Committees on Armed Services of the Senate and House of Representatives a report on the technologies related to active protection systems for armored combat and tactical vehicles no later than 60 days after the enactment of this Act.

## OPERATION AND MAINTENANCE PROVISIONS

### **Sec. 312. Funding of study and assessment of health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry**

This provision would amend section 316(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) to allow funds to be transferred to the Secretary of Health and Human Services for the study and assessment of health implications of per- and polyfluoroalkyl substances.

### **Sec. 315. Funding treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid at State-owned and operated National Guard installations**

This provision authorizes the Secretary of Defense to treat perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water at State-owned and operated National Guard installations with several limitations. The provision would also authorize the National Guard access to environmental restoration funds.

### **Sec. 337. Limitation on availability of funds for establishment of additional specialized undergraduate pilot training facility**

This provision would limit funds to establish a new specialized undergraduate pilot training location until the Secretary of the Air Force submits a prescribed certification. The provision would also require the Secretary of the Air Force to submit a report on specialized undergraduate pilot training production, resourcing, and locations.

## MILITARY PERSONNEL AUTHORIZATIONS

### **Sec. 411. End strengths for Selected Reserve**

This provision authorizes Selected Reserve end strengths for fiscal year 2019:

ARNG: 343,500

ANG: 106,600

**Sec. 412. End strengths for Reserves on active duty in support of the reserves**

This provision authorizes full-time support end strengths for fiscal year 2019, as shown below:

ARNG: 30,155

ANG: 19,450

**Sec. 413. End strengths for military technicians (dual status)**

This provision establishes the minimum number of military technicians (dual status) for the reserve components of the Army and Air Force as of the last day of fiscal year 2019, as shown below:

ARNG: 22,294

ANG: 18,969

**Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support**

This provision establishes limits on the number of reserve personnel authorized to be on Active Duty for operational support under section 115(b) of title 10, United States Code, as of September 30, 2019, as shown below:

ARNG: 17,000

ANG: 16,000

**Sec. 422. Limitation on use of funds for personnel in fiscal year 2019 in excess of statutorily specified end strengths for fiscal year 2018**

This provision prohibits the Department of Defense from increasing end strengths for the various military departments and components beyond the levels authorized by the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) until the Secretary of Defense submits the report on "Highest-Priority Roles and Missions of the Department of Defense and the Armed Forces" required elsewhere in this Act.

**Sec. 502. Annual defense manpower requirements report matters**

This provision amends section 115a of title 10, United States Code, to require the Annual Defense Manpower Requirements Report be submitted on the same day as the date on which the President submits the budget request for the next fiscal year to Congress. The provision would also require the Secretary of Defense to include two new elements in the Annual Defense Manpower Requirements Report. These new elements are: (1) The anticipated promotion opportunity for officer promotion boards expected to occur during the upcoming fiscal year; and (2) The number of officers required to serve during the upcoming fiscal year in the rank of major, lieutenant colonel, and colonel for the Army, Air Force, and Marine Corps and lieutenant commander, commander, and captain for the Navy.

**Sec. 503. Repeal of requirement for ability to complete 20 years of service by age 62 as qualification for original appointment as a regular commissioned officer**

The committee recommends a provision that would amend section 532 of title 10, United States Code, to repeal the requirement that original officer appointments may only be granted to individuals who are able to complete 20 years of commissioned service prior to reaching age 62.

**Sec. 504. Enhancement of availability of constructive service credit for private sector training or experience upon original appointment as a commissioned officer**

This provision amends sections 533 and 12207 of title 10, United States Code, to authorize service secretaries to award constructive credit to newly-appointed active and reserve component officers for special training or experience not to exceed the amount of constructive credit required for appointment in the grade of colonel in the Army, Air Force, and Marine Corps or captain in the Navy. This provision would also repeal the temporary authority to award constructive credit for critically necessary cyberspace-related experience.

**Sec. 505. Standardized temporary promotion authority across the military departments for officers in certain grades with critical skills**

This provision would amend chapter 35 of title 10, United States Code, by adding a new section to authorize each military service to award temporary promotions to the grade of O-4, O-5, and O-6 for officers serving in specified positions. This provision would also repeal a similar authority, which was previously only applicable to the Navy.

**Sec. 506. Authority for promotion boards to recommend officers of particular merit be placed higher on a promotion list**

This provision amends section 616 and section 14108 of title 10, United States Code, to authorize service secretaries to allow officer promotion selection boards to place officers of particular merit higher on a regular or reserve promotion list.

**Sec. 516. Matters relating to satisfactory service in grade for purposes of retirement grade of officers in highest grade of satisfactory service**

This provision amends section 1370 of title 10, United States Code, to: (1) Authorize a conditional determination of an officer's retired grade when the officer is under investigation for alleged misconduct at the time of retirement;

(2) Authorize reopening of a determination or certification of an officer's retired grade under specified conditions; and (3) Provide that determinations of satisfactory service in grade for purposes of determining an officer's retired grade take into account the officer's service throughout a military career.

## **RESERVE COMPONENT MANAGEMENT PROVISIONS**

**Sec. 521. Authority to adjust effective date of promotion in the event of undue delay in extending Federal recognition of promotion**

This provision would amend section 14308(f) of title 10, United States Code, to allow service secretaries to adjust the effective date of promotion for officers in the reserve component if the secretary concerned determines there was an undue delay in the federal recognition process and the delay is not attributable to the action, or inaction, of the officer concerned.

**Sec. 522. Authority to designate certain reserve officers as not to be considered for selection for promotion**

This provision amends section 14301 of title 10, United States Code, to authorize service secretaries to defer promotion consideration for reserve component servicemembers in a non-participatory, membership-only status.

**Sec. 523. Expansion of personnel subject to authority of the Chief of the National Guard Bureau in the execution of functions and missions of the National Guard Bureau**

This provision amends section 10508 of title 10, United States Code, to clarify the authority of the Chief of the National Guard Bureau to employ persons under certain provisions of title 5, United States Code, in furtherance of meeting the requirements of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), as amended by section 1084 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) and section 1083 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

**Sec. 524. Repeal of prohibition on service on Army Reserve Forces Policy Committee by members on active duty**

This provision amends section 10302 of title 10, United States Code, to permit the Army National Guard of the United States and United States Army Reserve officers serving on Active Duty to serve on the Army Reserve Forces Policy Committee.

## **MILITARY JUSTICE MATTERS**

### **Sec. 545. Expansion of eligibility for Special Victims' Counsel services**

This provision amends section 1044e of title 10, United States Code, to expand eligibility for Special Victims' Counsel services to victims of domestic violence and other aggravated violent offenses.

### **Sec. 547. Expansion of policies on expedited transfer of members of the Armed Forces who are victims of sexual assault**

The committee recommends a provision that would require the Secretary of Defense to expand eligibility for expedited transfer to servicemembers.

## **COMPENSATION, PERSONNEL BENEFITS AND RETIREMENT**

### **Sec. 553. Clarification of application and honorable service requirements under the Troops-to-Teachers Program to members of the Retired Reserve**

This provision amends section 1154(d)(2)(B) of title 10, United States Code, to require that members transferred to the Retired Reserve who wish to submit applications to participate in the Troops-to-Teachers program must do so not later than 3 years after the date of the transfer.

This provision would apply the same application submission requirement to members transferred to the Retired Reserve in the same way the requirement currently applies to eligible members who are retired, separated, or released from Active Duty.

### **Sec. 554. Prohibition on use of funds for attendance of enlisted personnel at senior level and intermediate level officer professional military education courses**

This provision prohibits the use of any funds authorized to be appropriated for the Department of Defense for the purpose of the attendance of enlisted personnel at senior level and intermediate level officer professional military education courses. The provision would also repeal section 547 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

### **Sec. 567. Expansion of period of availability of Military OneSource program for retired and discharged members of the Armed Forces and their immediate families**

This provision requires the Secretary of Defense to prescribe regulations to extend eligibility for the Military OneSource program of the Department of Defense of an eligible individual retired, discharged, or otherwise released from the Armed Forces and their eligible family members to the 1-year period beginning on the date of retirement, discharge, or release of the individual.

### **Sec. 571. Department of Defense Military Family Readiness Council matters**

This provision amends paragraphs (1)(B) and (2) of subsection (b) of section 1781a of title 10, United States Code, to: (1) Authorize a change in membership of the Military Family Readiness Council (MFRC); and (2) Change the term of service from 3 years to 2 years for military family organizations serving on the MFRC. The provision would also amend subsection (d), paragraph 2, of such section to require the MFRC to review and make recommendations to the Secretary of Defense to improve collaboration, awareness, and promotion of accurate and timely military family readiness information and support services by policy makers, service providers, and targeted beneficiaries. Finally, the provision would amend subsection (e) of such section to change the submission date for the MFRC's annual report from February 1 to July 1 of each year.

**Sec. 594. Limitation on justifications entered by military recruiters for enlistment or accession of individuals into the Armed Forces**

This provision would restrict military recruiters from changing the reasons for an individual entering into the Armed Forces to anything other than that individual's stated reason. The committee remains concerned that marketing and advertising metrics related to recruiting efforts continue to lack the ability to demonstrate the effective use of resources.

**Sec. 602. Fiscal year 2019 increase in military basic pay**

This provision authorizes a pay raise of 2.6 percent for all members of the uniformed services effective January 1, 2019.

**Sec. 606. Eligibility of reserve component members for high-deployment allowance for lengthy or numerous deployments and frequent mobilizations**

This provision amends section 436 of title 37, United States Code, to authorize reserve component personnel ordered to Active Duty under section 12304b of title 10, United States Code, to receive a high-deployment allowance for frequent or lengthy deployments.

**Sec. 607. Eligibility of reserve component members for nonreduction in pay while serving in the uniformed services or National Guard**

This provision amends section 5538(a) of title 5, United States code, that would include reserve component personnel ordered to Active Duty under section 12304b of title 10, United States Code, under existing protections preventing reduction in pay while absent from a position of employment with the Federal Government.

**Sec. 611. One-year extension of certain expiring bonus and special pay authorities**

This provision extends for 1 year the general bonus authority for enlisted members, the general bonus authority for officers, special aviation incentive pay and bonus authorities for officers, special bonus and incentive pay authorities for officers in health professions, and contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

The provision would also extend for 1 year the authority to pay hazardous duty pay, assignment or special duty pay, skill incentive or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The provision would also extend for 1 year the authority to pay the nurse officer candidate accession bonus and education loan repayment for certain health professionals who serve in the Selected Reserve.

The provision would also extend for 1 year the authority to pay the special bonus and incentive pay for nuclear officers.

The provision would also extend for 1 year the authority to pay for income replacement for reserve component members experiencing extended and frequent mobilization for Active-Duty service.

The provision would also extend for 1 year the authority of the Secretary of Defense to temporarily increase the rate of the Basic Allowance for Housing in areas impacted by natural disasters or experiencing a sudden influx of personnel.

**Sec. 726. Registry of individuals exposed to per- and polyfluoroalkyl substances on military installations**

This provision would require the Secretary of Veterans Affairs to establish a registry for individuals who have been exposed to per- and polyfluoroalkyl substances.

## DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### **Sec. 892. Limitation on use of funds pending submittal of report on Army Marketing and Advertising Program**

This provision would require the Secretary of the Army to submit a report on the recommendations contained in the Army Audit Agency of the Army's Marketing and Advertising Program. The report would include: (1) Mitigation and oversight measures to improve contract management; (2) The establishment of a review process to evaluate the effectiveness of marketing efforts; (3) The increase of acquisition and marketing experience within the Army Marketing and Research Group (AMRG); (4) An analysis of the workforces within AMRG; (5) The establishment of an Army Marketing and Advisory Board; and (6) The status on the implementation of new contracting practices recommended by the Army Audit Agency.

Additionally, the provision would prohibit the Secretary of the Army from obligating 50 percent of funds available for the AMRG in fiscal year 2019 until the report is submitted to the Committees on Armed Services of the Senate and House of Representatives.

## MILITARY CONSTRUCTION PROVISIONS

### **Sec. 2601. Authorized Army National Guard construction and land acquisition projects**

The committee recommends a provision that would authorize military construction projects for the Army National Guard for fiscal year 2019. The committee recognizes the significant unfunded military construction requirements and has included an additional \$126.0 million for many of these projects. The authorized amounts are listed on an installation-by-installation basis.

State/Location	Project	FY19 Request	Senate Authorized
AK/Joint Base Elmendorf-Richardson	United States Property & Fiscal Office	\$27,000	\$27,000
IL/Marseilles	Automated Record Fire Range	\$5,000	\$5,000
MT/Malta	National Guard Readiness Center	\$15,000	\$15,000
NV/North Las Vegas	National Guard Readiness Center	\$32,000	\$32,000
NH/Pembroke	National Guard Readiness Center	\$12,000	\$12,000
ND/Fargo	National Guard Readiness Center	\$32,000	\$32,000
OH/Camp Ravenna	Automated Multipurpose Machine Gun Range	\$7,400	\$7,400
OK/Lexington	Aircraft vehicle storage building	\$0	\$11,000
OR/Boardman	Tactical unmanned aerial vehicle hangar	\$0	\$11,000
SD/Rapid City	National Guard Readiness Center	\$15,000	\$15,000
TX/Houston	Unheated vehicle storage (aircraft)	\$0	\$15,000
VA/Sandston	Army aviation support facility	\$0	\$89,000

**Sec. 2604. Authorized Air National Guard construction and land acquisition projects**

The committee recommends a provision that would authorize military construction projects for the Air National Guard for fiscal year 2019. The authorized amounts are listed on an installation-by-installation basis.

State/Location	Project	FY19 Request	Senate Authorized
CA/Channel Islands	Construct C-130J Flight Simulator Facility	\$8,000	\$8,000
HI/JB Pearl Harbor	Construct Addition to F-22 LO/CRF B340	\$17,000	\$17,000
IL/Peoria IAP	Construct New Fire Crash/Rescue Station	\$9,000	\$9,000
LA/JRB NAS New Orleans	NORTHCOM—Construct Alert Apron	\$15,000	\$15,000
NY/Gabreski Airport	Security Forces/Comm.training Facility	\$20,000	\$20,000
PA/Ft Indiantown Gap	Replace Operations Training/Dining Hall	\$8,000	\$8,000
PR/Luis Munoz Marin IAP	Hurricane Maria—Communications Facility	\$0	\$15,000
PR/Luis Munoz Marin IAP	Hurricane Maria—Maintenance Hangar	\$0	\$35,000
VA/JB Langley-Eustis	Construct Cyber Ops Facility	\$10,000	\$10,000

**BASE REALIGNMENT AND CLOSURE ACTIVITIES**

**Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round**

The committee recommends a provision that prohibits the Department of Defense from conducting another base realignment and closure (BRAC) round. The committee notes that although the Department of Defense did not request authorization to conduct a BRAC round in the request for fiscal year 2019, the Department is focusing its efforts this year on studying facility optimization. The committee is encouraged by these efforts and looks forward to reviewing these results prior to the request for any future BRAC round.

**OTHER PROVISIONS**

**Sec. 1044. Military aviation readiness review in support of the National Defense Strategy**

This provision requires the Secretary of Defense to establish a joint review of military aviation and deliver an accompanying report to the Committees on Armed Services of the Senate and the House of Representatives no later than 1 year after the enactment of this Act.

**Sec. 1041. Repeal of certain Department of Defense reporting requirements that otherwise terminate as of December 31, 2021**

This provision would repeal certain Department of Defense reporting requirements that are otherwise set to terminate as of December 31, 2021. The committee notes that the included reports have served their oversight purpose and will be repealed so as to reduce the burden placed on the Department of Defense by compounding reporting requirements, which drive up costs and distract offices from their primary missions.

**Sec. 1062. Improvement of database on emergency response capabilities**

This provision amends section 1406 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to require the Department of Defense (DOD) to establish the database required under that section not later than one year after the date of enactment of this Act. Furthermore, the provision would require the database to include information on the emergency response capabilities of the National Guard of each U.S. Territory and information on the cyber capabilities of National Guard and Reserve units identified by the DOD as critical for response to domestic natural or man-made disasters. Finally, the provision would clarify that the Department may use an existing database or system to fulfill the requirement to establish a database under certain circumstances.

**Sec. 1253. Report on Arctic strategies**

This provision requires the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force not later than 180 days after the enactment of this Act to submit to the congressional defense committees a report on the strategy of the Army, Navy, the Marine Corps, and the Air Force for the Arctic region. The committee recognizes that the Arctic is a region of growing strategic importance to the national security interest of the United States and that the Secretary of Defense should improve the posture and capabilities of the Department of Defense to meet the growing array of challenges in the region, with a particular focus on the People's Republic of China and the Russian Federation.

**Sec. 1635. Program to establish cyber institutes at institutions of higher learning**

This provision authorizes the Secretary of Defense to establish a Cyber Institute at any college or university that hosts a Reserve Officers' Training Corps program, with special consideration for the Senior Military Colleges.

**Sec. 5301. Prioritization of environmental impacts for Facilities Sustainment, Restoration, and Modernization demolition**

This provision directs the Secretary of Defense to establish prioritization metrics for deemed eligible for demolition within the Facilities Sustainment, Restoration, and Modernization (FSRM) process. Those metrics shall include full spectrum readiness and environmental impacts, including the removal of contamination.

**Sec. 6801. Clarification to Include National Guard Installations in Readiness and Environmental Protection Integration Program**

This provision expresses the Sense of Congress that State-owned National Guard installations have always qualified as military installations under section 2684a of title 10 and should continue to qualify as military installations.

**OTHER FUNDING AUTHORIZATIONS**

Authorizes an additional \$74 million for C-130 engine modernization (Air Force Procurement).

Authorizes \$117 million for the National Guard Counterdrug Program (Sec. 4501).

**COMMITTEE REPORT LANGUAGE**

**Continued F-15 C/D fleet modernization**

The committee is aware that the U.S. Air Force is undertaking a review of its aircraft force mix and structure, including the appropriate balance between 4th and 5th generation aircraft in the Active-Duty and reserve force, and that the Air Force expects to complete that review in August 2018. Therefore, the committee requests a briefing on the results of this review no later than September 1, 2018.

The committee remains concerned that retiring entire fighter fleets, like the F-15C, without acquiring sufficient replacement aircraft, will drive the number of fighter aircraft below the levels required by the National Defense Strategy and below the floor established by Section 131 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91). Until the Air Force makes a final determination on the future of the F-15C/D fleet, the committee encourages the Air Force to continue investment in the modernization of the F-15 C/D, including the Active Electronically Scanned Array (AESA) radar, the Electronic Warning Warfare System (EWWS), and the Eagle Passive Active Warning and Survivability System (EPAWSS), which provides radar warning, geo-location, situational awareness, and self-protection solutions to detect and defeat surface and airborne threats in contested environments.

The committee notes the Air Force has funded procurement of EPAWSS for its F-15E fleet and the necessary research and development to outfit the F-15C/D fleet.

### **Report on Air Force plan for fighter aircraft**

The committee understands that Air Combat Command is developing a Fighter Roadmap which will detail the Air Force's plans for the fighter aircraft fleet.

The Secretary of the Air Force shall provide a report to the Committees on Armed Services of the Senate and House of Representatives on the Air Combat Command Fighter Roadmap. The report shall describe the Air Force's plans for the fourth-generation fighter fleet and plans for converting fighter units to the F-35. To the extent feasible, the report should discuss the criteria to be used for future basing operations of F-35 aircraft.

### **Improved Turbine Engine Program**

The committee commends the Army for moving forward with research and development for the Improved Turbine Engine Program (ITEP). The committee notes the importance of this critical program, which is intended to develop a more fuel-efficient and powerful engine for the current UH-60 Black Hawk and AH-64 Apache helicopter fleets. This new engine will substantially increase operational capabilities by increasing range and improving fuel efficiency, while reducing the logistics footprint, resulting in dramatically reduced operating and support costs. Given the positive progress of this key program, the committee fully supports ITEP in fiscal year 2019.

### **Arctic search and rescue**

The committee is aware that growing international interest and changing environmental conditions in the Arctic have led to increased commercial and governmental activity in the High North. With this steady surge, the committee remains concerned by the limited capabilities of the United States to conduct search-and-rescue operations throughout the Arctic region. The committee notes that the Department of Defense's Report to Congress on Strategy to Protect United States National Security Interests in the Arctic Region, a report required in section 1068 of the National Defense Authorization Act for Fiscal Year 2016 (Public-Law 114-92), identified the need for additional personnel recovery capability in this region.

Specifically, the report calls for "forward-deployed/based assets in a sustainable location and/or rapidly deployable air drop response/sustainment packages suitable to remote land, cold water, or ice pack operating environments."

The committee understands that the 176th Wing of the Alaska National Guard is the closest dedicated response force with the only refueling capability to respond to a search-and-rescue incident in the Arctic. The unit currently possesses two air-dropped, palletized Arctic Sustainment Packages (ASPs) to enable the survival of 50 individuals for 3 or more days in extreme Arctic conditions. The ASP is rapidly deployable over varied terrain, and allows personnel to survive and operate in the High North. Each ASP requires considerable resources for sustainability, demanding 500 man-hours to re-pack ASPs after testing and to continually keep contents viable. In light of the increased activity in this region, the committee believes that this capability could benefit from additional sustainment funding to maintain the two existing ASPs, and encourages the Secretary of Defense to prioritize its resourcing.

### **Congressional notification of incidents**

The committee is concerned that the Office of the Secretary of Defense and the military departments have not promptly and consistently notified the committee of the occurrence of significant incidents and accidents. While certain military departments have routinely sent timely notifications to the committee, there has often been a lack of even basic information communicated when troubling events have occurred.

Accordingly, the committee directs the Department to establish a rigorous, well-defined process and system to provide notifications to the committee for basic and initial reporting of incidents such as, but not limited to: class A and B mishaps for aircraft, ships and submarines, training casualties and accidents, safety stand downs and operational pauses, relief of command, significant explosions and fires at installations, and significant security barrier breaches.

**Encouraging the use of the Innovative Readiness Training program**

The committee is aware that readiness challenges continue to face the Armed Forces due to budgetary constraints. The committee continues to recognize the value of the Innovative Readiness Training (IRT) program, which allows the Armed Forces the most realistic, joint training opportunities for National Guard, Reserve, and Active Duty members.

The committee values the IRT program for its low cost and high benefit to achieving measurable military readiness. The committee strongly encourages the Department of Defense to increase utilization of IRT projects to provide mission-essential training, prioritizing programs that directly support the most challenging and relevant training opportunities and increasing program outreach toward identifying quality training opportunities in the most logistically challenging geographical areas. Examples of IRT activities include, but are not limited to, constructing rural roads and airplane runways, small building, and warehouse construction in remote areas, transportation of medical supplies, and military readiness training in the areas of engineering, health care, and transportation for under-served communities.

The committee understands the IRT program offers complex and challenging training opportunities for domestic and international crises. The committee is also aware that states that utilize the IRT program include Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Indiana, Kentucky, Louisiana, Maine, Minnesota, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, South Dakota, Texas, Virginia, West Virginia, and Wyoming.

The committee strongly encourages the Department of Defense to continue to fully utilize IRT programs that provide hands-on and mission-essential training and that are available to active, reserve and National Guard forces.

**Comptroller General report on Department of Defense original appointment and scrolling processes**

As the committee continues to look for opportunities to make military personnel management policy more adaptable, the ability of the military to quickly and repeatedly transition service-members between the active and reserve components is an important step toward building a true continuum of service. The committee understands that under current policy and practice, transferring an officer from one component to another can take up to 4 months. This extended timeline is likely a contributing factor in declining reserve component affiliation rates and the limited numbers of reserve component officers able to return to the active component.

The committee also understands the current original appointment policy contributes significantly to delays in processing original appointments and promotions for both the active and reserve component. In particular, military department officials have repeatedly stated concerns related to the “scrolling” process used to process officer original appointments. This process may also affect the time required to gain federal recognition of National Guard promotions. Despite the recurring concerns, Department of Defense (DOD) and military officials have been unable to articulate aspects of the current process that may be accelerated either by policy or legislative changes.

Therefore, the committee directs the Comptroller General of the United States to conduct a review of DOD’s original appointment process and to provide preliminary observations to the Committees on Armed Services of the Senate and the House of Representatives by the end of February 2019. At that time, a final product due date will be determined. The review shall include: (1) An explanation of current original appointment processes within all relevant organizations, including the military departments, National Guard Bureau, Office of the Secretary of Defense, the White House Military Office, and the Senate; (2) An explanation of the necessity for hard copy scroll documents; and (3) A discussion of opportunities to accelerate the original appointment process.

**National Guard Federal promotion delays**

The committee recognizes that soldiers and airmen in the National Guard are unique because their appointments and promotion to a higher rank are governed by their states and are subsequently reviewed and approved for Federal recognition by the Federal Government.

The committee continues to believe that a thorough review of officer character and conduct is necessary, but is concerned about reports that bureaucratic obstacles in the scrolling process are unduly slowing Federal recognition of National Guard promotions.

Delays in Federal recognition can have negative consequences for National Guard officers, who often assume a more senior role while waiting for their promotion to be federally recognized, still receiving the pay and benefits of a more junior grade. Delays impact time in grade, or can result in officers being assigned to lesser positions than they are qualified to perform. It also means that National Guard officers may not be assigned to positions of additional responsibility, such as command, when working hand-in-hand with their Active-Duty counterparts on a Federal mission.

Therefore, the committee has included a provision that would provide service secretaries with discretion to adjust the date of rank of National Guard officers when promotions are unduly delayed. The committee urges the service secretaries to use this authority to expeditiously identify and proactively address National Guard officers whose promotions have been unfairly subjected to bureaucratic delay.

#### **National Guard mental health pilot program**

The committee remains concerned with the high suicide rate present in the National Guard and endorses efforts by the Chief of the National Guard Bureau to increase access and resources for behavioral health treatment and support for members of the National Guard. The committee is supportive of the efforts taken by the Chief of the National Guard Bureau to establish the National Guard Warrior Resilience and Fitness Program, an integrated approach to using embedded behavioral health models to leverage enhanced screening tools and predictive analytics to identify mental health risk and provide early, targeted intervention.

Not later than December 1, 2018, the Chief of the National Guard Bureau shall provide a letter report to the Committees on Armed Services of the Senate and the House of Representatives on the Warrior Resilience and Fitness Program, including its impact on readiness, resiliency and suicide prevention.

#### **Reimbursement for certain costs incurred by states during domestic emergencies**

The committee recognizes that the National Guard is an essential force providing effective emergency response capabilities in the Homeland. However, during some complex emergency responses, states are forced to assume fiscal risk that can jeopardize their ability to accomplish the emergency response deployment, and further place individual servicemembers in conditions of compromised individual protection, family protection, and compensation.

The committee notes that a mechanism exists in current law where the Federal Government can reimburse a state that orders its National Guard to State Active Duty to respond to certain domestic emergencies. The committee understands that when the Federal Emergency Management Agency (FEMA) is authorized to reimburse states for National Guard utilization during a domestic emergency, such reimbursement may take over a year to reach the state. The committee further notes that exceedingly long periods for reimbursement reduces states' ability to respond to follow-on domestic emergencies or ones of extended duration. For extended duration emergencies, such as those suffered by states during the 2017 hurricane season, funding requirements can extend beyond the current state fiscal year. The committee also notes that states acting under the Emergency Management Assistance Compact to provide mutual aid to another state during a domestic emergency must obligate their own funds to do so. These states are especially harmed by long reimbursement timelines. Finally, the committee understands these delays in reimbursement can harm military readiness.

Therefore, no later than 180 days after the enactment of this Act, the committee directs the Assistant Secretary of Defense for Homeland Defense and Global Security, in consultation with FEMA and the states, to report to the congressional defense committees on suggested ways to expedite the reimbursement process. The consultations should include consideration of the process for requesting specific orders status, the average time for the Federal Government to answer a request from a state, and the criteria required to approve the request.

### **Use of reserve personnel for the Cyber Mission Force**

As the military departments continue to formalize their contribution to the U.S. Cyber Command Cyber Mission Force by acquiring, training, and managing personnel with cyber-related capabilities, the committee encourages creative utilization of personnel who serve in the reserve component. The private sector requirement for relevant cyber knowledge and experience continues to grow, which means the reserve component may be the ideal source of personnel who possess the skills necessary to bolster the Cyber Mission Force.

The committee encourages service secretaries to use all personnel authorities at their disposal to attract and retain personnel for the Cyber Mission Force. In particular, the committee is interested in novel approaches to the use of the reserve component for this vital mission. As innovative personnel policies are developed, the committee urges service secretaries to identify legal constraints and to propose changes to current law to improve the military's ability to make itself an attractive employer for the nation's cyber workforce.

### **Business case analysis for the 168th Air Refueling Wing**

The committee notes that the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) required the Secretary of the Air Force to conduct a business case analysis on the creation of an Active Duty association for the 168th Air Refueling Wing. However, the committee notes that since the prescribed analysis was completed in December 2016, two important developments have occurred that were not taken into account. First, consideration of the addition of two F–35A squadrons at Eielson Air Force Base, Alaska, in 2020, and an examination of future shortfalls in air refueling requirements due to such additional aircraft. Second, consideration of the increased operations tempo of the 168th Air Refueling Wing due to increased mission requirements of the North American Aerospace Defense Command. The committee believes that consideration of these two factors could potentially have led to different conclusions in the 2016 analysis.

Therefore, the committee directs the Secretary of the Air Force to update the 2016 business case analysis taking into consideration the aforementioned factors and brief the Committees on Armed Services of the Senate and House of Representatives on its results no later than March 1, 2019.

### **Chemical, Biological, Radiological, and Nuclear Response Enterprise**

A robust Chemical, Biological, Radiological, and Nuclear (CBRN) Response Enterprise is critical to our nation's security. U.S. Northern Command (NORTHCOM) plays an integral part of any domestic CBRN response, and the committee applauds the role the National Guard performs in such a response. The committee also notes the importance of coordinated combined training and operations between the Department of Defense (DOD) and civilian first responders and agencies, including the Department of Homeland Security (DHS).

To further enhance this collaboration, the committee believes DOD and civilian agencies that sponsor first responder training should coordinate such training opportunities at the individual level. As NORTHCOM continues to execute unit-level and enterprise-wide training events, such as through exercises with major metropolitan cities, the Department should consider allowing state and local first responders to participate in CBRN response training programs provided by the individual military services, particularly those supported by Federal Emergency Management Agency (FEMA) grants, such as those offered at the Army's Maneuver Support Center of Excellence (MSCOE), on a space-available basis. This would better integrate NORTHCOM's overall response to a CBRN event. The committee also believes that there are cost efficiencies and improved information-sharing and integration that could result from using existing DOD CBRN training facilities.

Therefore, the committee directs DOD, in coordination with DHS, to develop a plan to expand individual training opportunities on a space-available basis for state and local first responders. This plan should examine and take into consideration: (1) Existing DOD programs that provide trained and certified service members to serve in the CBRN Response Enterprise (CRE) including standardized training products and facilities offered by the Army's MSCOE and the Army Chemical, Biological, Radiological, and Nuclear School and their ability to provide courses to non-DOD students that comply with civilian standards and industry best practices; (2) Existing programs and training standards set by the National Domestic Preparedness Consortium (NDPC), the Emergency Management Institute (EMI), and the Center for Domestic Preparedness (CDP), a training component of FEMA; (3) Any additional or unmet CBRN training

requirements that are needed by the National Guard, Department of Homeland Security, other federal agencies, and state and local first responders that can currently be provided by the Department of Defense and military services to better integrate civilian CBRN training; and (4) Any other factors the Secretary deems appropriate. The Department should submit such a plan to the committee no later than March 1, 2019.

**Department of Defense efforts to cooperate with Department of Homeland Security Fusion Centers**

The committee encourages the Secretary of Defense to consider coordinating with the other relevant Federal Government departments and agencies and each State that has a National Guard with a defensive cyber operations element to establish regionally-focused public-private cooperative agreements or cross-functional taskforces, responsible for the creation of strategies to coordinate and share information among local, regional, and national entities, both public and private, in order to protect vital assets in the cyber realm. This cooperation might leverage divergent skillsets, extant public-private partnership relationships, and high-performing Federal Government assets in the joint defense of public and private systems. These cross-functional task-forces could comprise National Guard units, Department of Homeland Security (DHS) State and Major Urban Area Fusion Centers, and private sector companies with significant cybersecurity equities and assets—in particular, in critical infrastructure sectors—thereby strengthening active participation and sharing of information, integrating threat mitigation strategies, and growing the cyber network through shared experience.

Pursuant to this kind of coordination, the committee directs the Secretary of Defense to submit a report to the congressional defense committees no later than 180 days after the date of enactment of this Act on opportunities and efforts underway to cooperate with DHS fusion centers and State assets in cybersecurity. This report should relay: (1) The extant collaboration between National Guard units, the rest of the public sector, and the private sector in advancing cybersecurity across their aggregated assets; (2) Planned cooperation along these lines; and (3) The Secretary's assessment of opportunities in cooperation in red-teaming, incident response, data-sharing, provision of technical expertise, common cybersecurity standards, and attachment to DHS State and Major Urban Area Fusion Centers.

**Encouraging the use of existing authorities for construction of future National Guard Readiness Center**

The committee recognizes that the South Carolina National Guard plans to construct the Summerville National Guard Readiness Center in fiscal year 2021 and commends the South Carolina National Guard for working to acquire Federal land with Joint Base Charleston in submission of a Base Action Request for approval.

The committee encourages the Secretary of the Air Force to leverage existing authorities to make land available at Joint Base Charleston, South Carolina to the Secretary of the Army for the purpose of constructing a permanent National Guard Readiness Center. Further, the committee encourages the Secretary of the Army to use his authority to issue a revocable license to the South Carolina National Guard for the purpose of constructing a permanent National Guard Readiness Center on the land made available if the Secretary determines the license to be in the interest of the Army.

**Federal land transfer for South Carolina National Guard**

The committee recognizes that the South Carolina National Guard intends to establish a Federal training site and commends the South Carolina National Guard for working with the Savannah River Site, Aiken, South Carolina on a potential location for the site. The committee encourages the Secretary of Defense, in consultation with the Secretary of Energy, to use existing authorities to make land available at the Savannah River Site, Aiken, South Carolina to the Secretary of the Army for the purpose of establishing a Federal training site for the South Carolina National Guard. Further, the committee encourages the Secretary of the Army to use his authority to issue a revocable license to the South Carolina National Guard for the purpose of establishing a Federal training site on the land made available if the Secretary determines the license to be in the interest of the Army.