



FY20 House National Defense Authorization Act (NDAA)

Summary of H.R. 2500

*The National Defense Authorization Act
for Fiscal Year 2020*



As of August 21, 2019

	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House	June 13 th , 2019	July 12, 2019			
Senate	May 23 rd , 2019	June 27, 2019			

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Executive Summary

This guide provides a short summary of the House of Representatives Fiscal Year 2020 National Defense Authorization Act (NDAA).

To obtain a complete understanding of any particular provision, users are encouraged to review the actual bill text. Bill text and the committee report can be found on NGB-LL's website: 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 June 13th, the House passed the FY2020 National Defense Authorization Act. The bill authorizes \$733.1 billion in discretionary spending, including \$69 billion for overseas operations.

Highlights:

- 3.1% pay raise for service members
- Grants the National Guard temporary access to the Defense Environmental Restoration Account for PFOS/PFOA contamination cleanup (Sec. 315)
- Authorizes an end strength of 336,000 for ARNG and 107,700 for ANG (Sec. 411)
- Maintains an AGR end strength of 30,595 (Sec. 412)
- Prevents the imposition of a limit on transferability of Post-9/11 GI Bill benefits based on maximum number of years of service (Sec. 574)
- Directs the Service Chiefs and the Chief of the National Guard Bureau to meet periodically with survivors of deceased members of the Armed Forces to receive feedback regarding issues affecting such survivors (Sec. 578)
- Authorizes the Secretary of Defense to establish a pilot program administered by the State Adjutants General to provide direct employment and job placement assistance services to members of the National Guard and Reserves and others (Sec. 579)
- Reduces retirement eligibility age for members of the Ready Reserve by 3 months for each aggregate 90 days of active duty service (Sec. 627)
- Authorizes the Chief of the National Guard Bureau to establish a pilot program to expand suicide prevention and intervention efforts at the community level through the utilization of smartphone applications (Sec. 724)
- Establishes a Space Corps and prohibits the transfer of any personnel or resources from the Reserve Components to the Space Corps until the establishment of a Space National Guard (Sec. 921 & 924)

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	FY20 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY20 Delta from PB
O&M	\$7,629,403	\$7,474,003	-\$155,400	\$7,633,603	+4,200		
OCO O&M	\$83,291	\$83,291	-	\$83,291	-		
MILCON	\$210,819	\$365,819	+\$155,000	\$365,819	\$155,000		

Army National Guard End Strength

Army National Guard	FY20 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY20 Delta from PB
End Strength	336,000	336,000	-	336,000	-		
AGR	30,595	30,595	-	30,595	-		
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	FY20 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY20 Delta from PB
O&M	\$6,727,229	\$6,596,662	-\$130,567	\$6,727,229	-		
OCO O&M	\$176,909	\$176,909	-	\$176,909	-		
MILCON	\$165,971	\$172,971	+\$7,000	\$172,971	+7,000		

Air National Guard End Strength

Air National Guard	FY20 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY20 Delta from PB
End Strength	107,700	107,700	-	107,700	-		
AGR	22,637	22,637	-	22,637	-		
Dual Status Technicians	13,573	13,573	-	13,573	-		
ADOS	16,000	16,000	-	16,000	-		

BILL TEXT

OPERATION AND MAINTENANCE PROVISIONS

Sec. 315. Five-Year Authority for National Guard Environmental Restoration Projects for Environmental Responses

This section would allow the National Guard Bureau to access the Defense Environmental Remediation Account funds for the limited purpose of addressing perfluorooctanoic acid and perfluorooctane sulfonate exposure and contamination resulting from National Guard activities in and around National Guard bases. This authority would sunset five years after the date of the enactment of this Act

Sec. 330H. Cooperative Agreements with States to Address Contamination by Perfluoroalkyl and Polyfluoroalkyl Substances

This section would authorize the mechanism and funding to expedite the review and approval of Department of Defense documents related to amending or finalizing cooperative agreements with state governments on Perfluoroalkyl and Polyfluoroalkyl contaminations originating from Department activities.

MILITARY PERSONNEL AUTHORIZATIONS AND POLICY

Sec. 411. End strengths for Selected Reserve.

This section would authorize the following end strengths for Selected Reserve personnel, including the end strength for Reserves on Active Duty in support of the Reserves, as of September 30, 2020:

Army National Guard—336,000

Air National Guard—107,700

Sec. 503. Authority of Promotion Boards to Recommend that Officers of Particular Merit Be Placed Higher on Promotion List

This section would allow for Reserve Component promotion selection boards to recommend placing an officer on the reserve active-status list higher on a promotion list based on particular merit, if at least a majority of the promotion selection board members so recommend.

Sec. 504. Availability on the Internet of Certain Information about Officers Serving in General or Flag Officer Grades

This section would require the Secretary of each military department to publish general and flag officer biographies and assignment information on a publicly available website on the internet.

RESERVE COMPONENT MANAGEMENT PROVISIONS

Sec. 512. Authority to Defer Mandatory Separation at Age 68 of Officers in Medical Specialties in the Reserve Components.

This section would amend section 14703 of title 10, United States Code, to authorize the Secretary concerned to retain Reserve Component medical specialty officers beyond the age of 68.

Sec. 514. Guidance for use of Unmanned Aircraft Systems by the National Guard

This section directs the Secretary of Defense to issue new guidance that treats the use of unmanned aircraft systems by the National Guard for covered activities in a manner no more restrictive than the use of other aircraft for covered activities.

Sec. 519. Sense of Congress Regarding the National Guard Youth Challenge Program

This section urges the Secretary of Defense to use existing authorities to allow Department of Defense equipment and facilities to be used by the National Guard to maximize the support of the Department for the Youth Challenge Program.

Sec. 520C. Report on National Guard and United States Northern Command Capacity to Meet Homeland Defense and Security Incidents

This section requires the Chief of the National Guard Bureau, in consultation with United States Northern Command, to submit a report to the Congressional Defense Committees detailing the roles, missions, capabilities and resources that the National Guard has at its disposal to respond to a homeland defense or security incident.

Sec. 520D. National Guard Support to Major Disasters

This section authorizes the appropriations of funds to carry out National Guard training under 502(f) authorities for catastrophic disaster response.

Sec. 520E. Report on Methods to Enhance Domestic Response to Large Scale, Complex and Catastrophic Disasters.

This section requires the Secretary of Defense, in consultation and coordination with the Federal Emergency Management Agency, the National Security Council, the Council of Governors, and the National Governors Association, to submit a report to Congress on their plan to establish policy and processes to implement the homeland defense authorities provided by sec. 520 of this legislation. The report shall include a detailed examination of the policy framework consistent with existing authorities, identify major statutory or policy impediments to implementation, and make recommendations for legislation as appropriate.

Sec. 520F. Report Regarding National Guard Youth Challenge Program

This section requires the Secretary of Defense to submit a report to Congress regarding the resources and authorities the Secretary determines necessary to identify the effects of the National Guard Youth Challenge Program on graduates of that program during the five years immediately preceding the date of the report.

Sec. 520G. Permanent Extension of Suicide Prevention and Resilience Program for the Reserve Components

This section repeals the sunset provision for the Suicide Prevention and Resilience Program.

MILITARY JUSTICE

Sec. 531. Command Influence

This section would amend the Uniform Code of Military Justice to prohibit convening authorities and commanding officers from interfering with access and influencing witnesses, and would expressly allow convening authorities and commanding officers to engage in communications with subordinates that do not jeopardize the fairness of military judicial proceedings.

Sec. 532. Statute of Limitations for Certain Offenses

This section would amend the UCMJ to eliminate the statute of limitations for the offenses of maiming and kidnapping of a child.

Sec. 534. Expansion of Responsibilities of Commanders for Victims of Sexual Assault Committed by another Member of the Armed Forces

This section would require commanders to notify an alleged victim of sexual assault of significant events in the military justice process in connection with the investigation, prosecution, and confinement of the accused, when the accused is a member of the Armed Forces, and to document such notification. This section would also require commanders to create and maintain documentation of an alleged sexual assault victim's expressed preference for prosecution jurisdiction.

Sec. 543. Notification of Issuance of Military Protective Order to Civilian Law Enforcement

This section would require unit commanders to notify civilian authorities of the issuance of a military protective order against a member of the Armed Forces, and would require unit commanders to notify a receiving unit of the issuance of a military protective order in the event a member is transferred to another unit. This section would also require the Secretary of Defense, not later than March 1, 2020, and each year thereafter through 2024, to submit a report to the congressional defense committees identifying the number of military protective orders issued and the number of military protective orders reported to the appropriate civilian authorities in the preceding calendar year in which the report was submitted.

Sec. 544. Clarifications regarding the Scope of Employment and Reemployment Rights of Members of the Uniformed Services

This section would protect service members from forced arbitration in Uniformed Services Employment and Reemployment Rights Act cases.

Sec. 545. Military Orders Required for Termination of Leases Pursuant to the Service Members Civil Relief Act

This section would clarify that, in the context of terminating residential or motor vehicle leases, military orders for a permanent change of station include separation or retirement orders.

MILITARY MEMBER TRANSITION AND FAMILY READINESS

Sec. 566. Records of Service for Reserves

This section would require the Secretary of Defense to establish and implement a standard record of service for members of the Reserve Component that summarizes the record of service of the service member including dates of Active Duty service.

Sec. 571. Authorizing Members to Take Leave for a Birth or Adoption in More Than One Increment

This section would remove the statutory requirement that parental leave be taken in one increment.

Sec. 572. Deferred Deployment for Members Who Give Birth

This section would standardize new mother deployment deferral policy across the military services.

Sec. 574. Clarification regarding Eligibility to Transfer Entitlement under Post-9/11 Educational Assistance Program

This section would prevent the Secretary of Defense from imposing a limit on transferability of Post-9/11 GI Bill benefits based on maximum number of years of service.

Sec. 575. Absentee Ballot Tracking Program

This section would require State election officials to establish and operate an absentee ballot tracking program for absentee uniformed voters and overseas citizen voters.

Sec. 576. Annual State Report Card

This section would amend the Elementary and Secondary Education Act of 1965 to include children with a parent(s) in the National Guard or Reserve Component in the Military Student Identifier definition of the Every Student Succeeds Act.

Sec. 578. Meetings of Officials of the Department of Defense with Survivors of Deceased Members of the Armed Forces

This section would direct the Secretary of Defense to establish procedures to ensure that each of the military departments, including the National Guard, identify surviving family members of fallen service members to meet periodically with their respective military service chiefs to provide feedback on surviving family member issues and concerns.

Sec. 579. Direct Employment Pilot Program for Members of the National Guard and Reserve, Veterans, their Spouses and Dependents, and Members of Gold Star Families

This section would authorize the Secretary of Defense to carry out a pilot program administered by the State Adjutants General to provide direct employment and job placement assistance services to members of the National Guard and Reserves, Veterans of the Armed Forces, Spouses and Members of Gold Star families.

COMPENSATION, RETIREMENT AND HEALTHCARE

Sec. 606. Increase in Basic Pay

This section increases the rate of monthly basic pay for service members by 3.1 percent.

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

This section would extend, through December 31, 2020, income replacement payments for Reserve Component members experiencing extended and frequent mobilization for Active Duty service; would extend two critical recruitment and retention incentive programs for Reserve Component health care professionals; would extend accession and retention incentives for nuclear-qualified and would extend the consolidated special and incentive pay authorities.

Sec. 627. Consideration of Service on Active Duty to Reduce Age of Eligibility for Retired Pay for Non-Regular Service

This section would authorize credit for a service member who as a member of the Ready Reserve serves on Active Duty or performs Active service under section 12304(b) of title 10, United States Code. The eligibility age will be reduced below 60 years of age by 3 months for each aggregate of 90 days on which such person serves on such Active Duty or performs such Active service in any fiscal year after January 28, 2008, or in any two consecutive fiscal years after September 30, 2014.

Sec. 703. Modification of Eligibility for TRICARE Reserve Select for Certain Members of the Selected Reserve

This section would amend section 1076 of title 10, United States Code, by removing the restriction of Federal employees who are National Guard or Reserve Component service members from purchasing TRICARE Reserve Select beginning in the year 2030.

Sec. 707. Modifications to Post-Deployment Mental Health Assessments for Members of the Armed Forces Deployed in Support of a Contingency Operation

This section would amend section 1074 of title 10, United States Code, by requiring a mental health assessment for members of the Armed Forces within 14 days after redeployment from a contingency operation.

Sec. 724. National Guard Suicide Prevention Pilot Program

This section would authorize the Chief of the National Guard Bureau to carry out a pilot program to expand suicide prevention and intervention efforts at the community level through the utilization of smartphone and other handheld applications to provide in-the-moment support to service members.

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 924. Space National Guard.

This section would prohibit the Secretary of Defense from transferring any personnel or resources from any reserve components, including the National Guard, to the Space Corps until the date on which a Space National Guard has been established by law.

MILITARY CONSTRUCTION PROVISIONS

Sec. 2601. Authorized Army National Guard Construction and Land Acquisition Projects

Army National Guard

State	Location	Amount
Alabama	Anniston Army Depot	\$34,000,000
	Foley	\$12,000,000
California	Camp Roberts	\$12,000,000
Idaho	Orchard Combat Training Center	\$29,000,000
Maryland	Havre De Grace	\$12,000,000
Massachusetts	Camp Edwards	\$9,700,000
Minnesota	New Ulm	\$11,200,000
Mississippi	Camp Shelby	\$8,100,000
Missouri	Springfield	\$12,000,000
Nebraska	Bellevue	\$29,000,000
New Hampshire	Concord	\$5,950,000
New York	Jamaica Armory	\$91,000,000
Pennsylvania	Moon Township	\$23,000,000
Vermont	Jericho	\$30,000,000
Washington	Richland	\$11,400,000

Sec. 2604. Authorized Air National Guard Construction and Land Acquisition Projects

Air National Guard

State	Location	Amount
California	Moffett Air National Guard Base	\$57,000,000
Georgia	Savannah/Hilton Head International Airport	\$24,000,000
Missouri	Rosecrans Memorial Airport	\$9,500,000
Puerto Rico	Luis Munoz-Marin International Airport	\$50,000,000
Wisconsin	Truax Field	\$34,000,000

Sec. 3003. Authorization of Emergency Army National guard and Reserve Construction and Land Acquisition Projects

Army National Guard Authorization

State	Installation or Location	Project	Amount
Florida	Panama City	National Guard Readiness Center	\$25,000,000
North Carolina	Military Training Area Fort Fisher	General Purpose Administrative Building	\$25,000,000

OTHER PROVISIONS

Sec. 599C. Sense of Congress Regarding the High-Altitude Army National Guard Aviation Training Site

This section expresses the sense of Congress that the High-Altitude Army National Guard Aviation Training Site is critical to the national security of the United States and the readiness of the Armed Forces.

Sec. 1013. Repeal of Secretary of Defense Review of Curricula and Program Structures of National Guard Counterdrug Schools

This section would repeal the Secretary of Defense's review of National Guard counterdrug school curricula and program structures.

Sec. 1044. Modification and Technical Correction of Authority for Deployment of Members of the Armed Forces to the Southern Land Border of the United States

This section would require the Secretary of Defense to fully consider readiness, mission and task alignment to requested support, and ensure that support requirements are inherently governmental prior to providing assistance along the U.S. southern land border. Additionally, this section would add reporting requirements.

Sec. 1046. Prohibition on Use of Funds for Construction of a Wall, Fence, or Other Physical Barrier along the Southern Border of the United States

This section would prohibit the obligation, expense, or use of national defense funds that have been authorized to be appropriated for national defense in fiscal years 2015 through 2020, to design or carry out a project to construct, replace, or modify a wall, fence or other physical barrier along the international border between the United States and Mexico.

Sec. 1403. Drug Interdiction and Counter-Drug Activities, Defense-Wide

This section would authorize \$122,291,000 for National Guard Counter-Drug Program and \$5,371,000 for National Guard Counter-Drug Schools

Sec. 1624. Tier 1 Exercise of Support to Civil Authorities for a Cyber Incident

This section would revise section 1648 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) by directing the Commanders of U.S. Northern Command and U.S. Cyber Command to conduct a Tier 1 exercise by February 1, 2020. This section would also place a limitation on 10 percent of fiscal year 2020 funds authorized to be appropriated for the White House Communications Agency until the exercise is initiated. Despite legislation directing the exercise in Public Law 115-232, the Department of Defense was unable to perform the exercise within fiscal year 2019, and the committee is concerned that the Department may not be focused adequately on the potential for a domestic cyber-attack necessitating defense support to civil authorities.

Sec. 1627. Authority to Use Operation and Maintenance Funds for Cyber Operations-Peculiar Capability Development Projects

This section would allow the Secretaries of military departments to use money appropriated for operation and maintenance (O&M) to develop cyber operations-peculiar capabilities up to \$3.0 million in each of fiscal years 2020 through 2022. The Department of Defense could use its O&M funds for rapid creation, testing, fielding, and operation of cyber capabilities that would be developed and used within the 1-year appropriation period. If the authority is utilized, the Department must notify the congressional defense committees not more than 15 days later, and present an annual report of the expenditures permitted under this authority.

Sec. 2801. Prohibition on Use of Military Construction Funds for Construction of a Wall, Fence, or Other Physical Barrier along the Southern Border of the United States

This section would prohibit the obligation, expense, or use of funds that have been authorized to be appropriated for military construction projects in fiscal years 2015 through 2020 to design or carry out a project to construct, replace, or modify a wall, fence, or other physical barrier along the international border between the United States and Mexico.

COMMITTEE REPORT LANGUAGE

Air National Guard F-16 Radar Upgrades

The committee recognizes that F-16s will remain a critical component of the Air National Guard (ANG) inventory through the 2040s making it essential to maintain the operational viability of these aircraft. The committee further recognizes that Active Electronically Scanned Array (AESA) radar upgrades for the F-16 make the aircraft more survivable and lethal in a combat environment when deployed, provides increased capability for homeland defense and aerospace control alert missions, as well as reduces maintenance and logistics challenges.

The committee strongly supports continuing the F-16 AESA radar upgrades for both the Air Force and ANG, including the use of National Guard and Reserve Equipment Account funding referenced elsewhere in this Act. Furthermore, the committee directs the Chief of Staff of the Air Force, in coordination with the Chief of the National Guard Bureau, to provide a report to the House Armed

Services Committee not later than February 1, 2020, that details an operational risk assessment, requirements determination, and acquisition and fielding strategy with associated funding profiles for upgrading the ANG's F-16s with AESA radars.

UH-72A Light Utility Helicopter

The committee understands the UH-72A Lakota helicopter provides general aviation support for aviation units in the Active and Reserve Components. The committee supports the requirement to conduct mid-life sustainment and product improvement activities for the UH-72A, and supports funding to conduct the analysis, engineering, certification, and risk reduction activities necessary to update the UH-72A Life Cycle Support Plan. The committee also recognizes that the UH-72A was initially fielded without aircraft survivability equipment, which could potentially limit the Active Component and Army National Guard utilization of the UH-72A platform. As reflected in division D of this Act, the committee recommends additional funding for the National Guard and Reserve Component Equipment Account (NGREA). The committee understands that while no requirements have been formally identified for UH-72A Lakota ballistic armor or aircraft survivability equipment by the National Guard Bureau, should a requirement be put forth, the committee expects the Army National Guard to utilize NGREA funds.

The committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services by February 1, 2020, on long-term sustainment strategy for the UH-72A Lakota helicopter fleet.

Report on the National Guard's Equipment Reimbursement Policies

The committee directs the Chief of the National Guard Bureau to provide a report to the House Committee on Armed Services, not later than March 1, 2020. At minimum, the report should provide details on the amount of reimbursements for SAD missions deposited to the U.S. Treasury in fiscal year 2019 and, if required, a legislative proposal that would ensure reimbursed funds could be utilized for the maintenance and sustainment of equipment utilized in SAD missions.

Northern Strike Exercise Funding

The committee notes that the Northern Strike exercise is one of the largest Reserve Component exercises supported by the Department of Defense. This annual event develops full-spectrum combat readiness of National Guard, Active Component, and coalition partner units through realistic, joint live-fire training with an emphasis on joint and coalition force cooperation. The committee recognizes that the Northern Strike exercise has over 5,000 participants from all military services and military units from the United Kingdom, Germany, Poland, Hungary, Estonia, Lithuania, and Latvia. However, the committee is concerned that the Department of Defense has inconsistently programmed funding for this annual event. Accordingly, the committee directs the Chief, National Guard Bureau to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by December 1, 2019, that provides the following:

- (1) the annual cost of the Northern Strike exercise broken out by account over the last 5 years;
- (2) the number and countries of foreign partner participants over the last 5 years;
- (3) the number of military personnel by service and component over 5 years broken out by service; and
- (4) the anticipated funding for future exercises in the Future Years Defense Program.

National Guard Unit Equipped Flying Squadrons

The committee recognizes that the Air National Guard enterprise is based on established Capstone Principles that notionally set the foundational framework for mission allocation in the 54 states and territories. One of those Capstone Principles is to allocate at least one unit-equipped wing and flying squadron to each state. New Mexico is one of three states – New Mexico, Virginia, and Washington – that have an operational flying mission, but due to the classic associate construct they lack ownership of aircraft. The committee therefore directs the Secretary of the Air Force, in consultation with the Chief of the National Guard Bureau, to report back to the committee by December 15, 2019 to present options for achieving an operational flying mission in each state.

Report on Air National Guard Control Grades

The committee recognizes the challenges the Air National Guard (ANG) faces in recruiting and retaining qualified airmen for full-time positions due to the statutory control grade cap. To alleviate this limitation, the National Defense Authorization Act for Fiscal Year 2019 increased the control grade cap for O-4 through O-6, E-8s, and E-9s. While units across the country felt the positive impact of this cap increase, they continue to face personnel challenges. With the current numbers and distribution, there are fewer control grades than the unit manning document positions. Therefore, organizations are unable to place service members of the correct rank into the corresponding positions. The committee directs the Director of the Air National Guard to perform a by-unit audit to determine the true number of control grade deficiencies and necessary increases and provide a report to the House Committee on Armed Services not later than June 1, 2020, with audit results.

Report on Army Active Component Support of the Reserve Component

The Committee notes that efforts to achieve Army active and reserve component integration have made significant progress. However, both congressionally mandated and Department of Defense-led efforts to provide active component support for Army reserve components have failed. Uniformed full-time personnel assigned to Army reserve component units should bring relevant, operational experience from the active component and return to the active force with a greater understanding of the reserve component. The current Army Active Guard and Reserve (AGR) program does not integrate components at the unit level and does not capitalize on the potential benefits of personnel exchange. Therefore, the Committee directs the Secretary of the Army to report to the House Armed Services Committee no later than January 1, 2020 on the current force structure of AGR personnel, the impact of increased active component support to the reserve component, ways to incentivize active service in the reserve components, any recommended changes to the Active Guard and Reserve (AGR) program.

The National Guard's Role in Current and Future Space Strategy

The committee recognizes that National Guardsmen and women across the country provide a unique skillset that accommodates the role of space in modern defense, and the needs of the overall force in the years ahead. While the National Guard has served and will continue to serve a role in space operations, the Department has yet to adequately define the role of the National Guard in future DoD space strategy. Therefore, the committee directs the Chief of the National Guard Bureau, in consultation with the Secretary of Defense to provide a detailed report to the Defense Congressional Committees on the Guard's role in space, and the departments intentions for the guard in future space planning.

Reserve Component Duty Status Reform

The committee notes that the Office of the Secretary of Defense continues to refine and coordinate legislative language to fulfill the requirement of section 513 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) to reduce the number of statutory authorities by which members of the Reserve Component of the Armed Forces may be ordered to Active Duty.

The committee continues to support the completion of the required legislative provision and encourages the Secretary of Defense to continue the necessary coordination with all stakeholders, to include the States' Adjutants General, to complete this legislative proposal for inclusion in the National Defense Authorization Act for Fiscal Year 2021.

Maternity Leave Parity for National Guard and Reserve Components

The committee notes that the Department of Defense established policies for maternity leave in 2016, authorizing 12 weeks fully paid maternity leave after normal pregnancy and childbirth. The committee further notes that such paid leave is not given to female service members in inactive duty status within the National Guard and reserve components, and that these service members are still required to attend unit training assemblies to receive military service pay and retirement points. Therefore, the committee directs the Secretary of Defense to provide a report to the House Committee on Armed Services by May 1, 2020, on the barriers, benefits, and feasibility of providing compensation and credit for retired pay to members of the National Guard and reserve components in inactive duty status.

Report Assessing the Advisability of Permitting Military Personnel to use Education Benefits for Nontraditional Cyber-Related Education Programs

The Committee understands that new and innovative educational opportunities exist for service members through non-traditional forms of schooling such as technology boot camps or massive online open courses (MOOC's). Such courses are particularly useful for service members in geographically remote areas who are hoping to continue their education. While the committee understands and appreciates the need for verification and certification of educational programs prior to approving government funds, such as tuition assistance, to pay for such programs, the committee believes that such standards should be mindful of the rapidly evolving nature of modern educational services.

Therefore, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives no later than February 1, 2020, outlining the Department of Defense's procedures for determining the educational institutions and resources eligible for tuition assistance. The report should include:

- (1) Standards the educational resource or institution must meet for military personnel to receive assistance from DoD.
- (2) A description of the steps taken to ensure a broad variety of STEM- focused programs are eligible for tuition assistance, including non-traditional cyber-related learning alternatives.
- (3) Steps that have been taken to account for the changes in modern learning platforms.
- (4) Recommendations for expanding educational opportunities available to military personnel.

Service Member Statement of Benefits

Section 522 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) amended chapter 58 of title 10, United States Code, by adding a new "Statement of Benefits", that would provide service members, with a current and individualized statement of benefits that provides a comprehensive and complete listing of all benefits to the service member is entitled. To date, the Department of Defense has not yet complied with section 522. The committee reaffirms that Active Duty service members and members of a Reserve Component shall be provided with an individualized, comprehensive, and complete statement of benefits listing all benefits to which they are entitled. It is imperative that those who have served in our Nation's Armed Forces be afforded with clear guidance as to the benefits to which they are entitled after serving their country to assist them with a successful transition to civilian life. Provision of such a statement of benefits individualized to each service member, including an authoritative estimate of

benefits provided by other departments, will assist in that member's access to which that member is entitled.

Report on Access to Health Care Services for Reserve and National Guard Who Disclose Sexual Assault

The Committee is concerned that if a Reserve Component (RC) service member is sexually assaulted while not in an active status, they are ineligible for DoD medical care (to include psychological health care) to treat symptoms from the trauma. Sexual assault, regardless when it occurs, is likely to impact duty performance and degrade mission effectiveness, and RC service members often execute military missions alongside their active duty counterparts. Medical treatment, to include psychological health treatment, can assist in recovery and enhance mission effectiveness and should be available regardless of service member's duty status. The Committee directs the Secretary of Defense to report to the House Committee on Armed Services by January 1, 2020 on the feasibility of providing medical care, to include psychological the RC who are sexually assaulted while not in an active status.

TRICARE Reserve Select Study

The committee remains concerned about Reserve Component service members using limited training time to address required health evaluations. The consumption of training time for purposes like medical preparedness that is not directly related to military readiness training may inhibit unit lethality. The lack of a TRICARE Reserve Select option for dual-status technicians impacts Reserve Component recruiting and retention efforts. The committee therefore directs the Secretary of Defense to submit a report to the Committee on Armed Services of the House of Representatives not later than April 1, 2020, that includes the following:

- (1) administrative, policy, statutory, and technical changes that could reduce the administrative burden on the military;
- (2) the program cost associated with providing TRICARE Reserve Select for medical, dental, and vision care to dual-status technicians;
- (3) the out-of-pocket costs involved with providing TRICARE Reserve Select for medical, dental, and vision care to dual-status technicians compared to the Federal Employees Health Benefits Program;
- (4) the amount of funding currently budgeted for Reserve Component health care;
- (5) the readiness and quality of life impacts associated with providing Reserve Component service members with TRICARE Reserve Select; and
- (6) an economic analysis of whether the cost of providing TRICARE Reserve Select for dual-status technicians is feasible when considering the readiness and time constraints of Reserve Component service members.

Briefing on National Guard Ability to Meet Modern Threats from Area Disasters and Weapons of Mass Destruction

The Committee is aware that since the 1998 report on the National Guard's ability to respond to threats from Weapons of Mass Destruction (WMDs) there has been a significant evolution of threats emanating from technological revolutions, asymmetric threats, new chemical and biological threats, cyber threats, electromagnetic pulse (EMP) threats, UAV and drone technology, and security at the border and at ports of entry.

Further, as the Committee observed in response to Hurricanes Maria, Harvey, and Michael, the recent California wildfires, and other wide-area natural disasters, synchronizing the flow of forces and resources in disaster response and recovery operations requires seamless planning and operations on behalf of U.S. Northern Command (NORTHCOM) and the National Guard, including

all six phases of shaping, anticipating, responding, operating, stabilizing, and transitioning afflicted areas and populations.

In light of these evolving threats, it is appropriate to re-examine the National Guard Homeland Defense and Security enterprise. The Committee believes it is important that each State and Territory be given the opportunity to develop detailed plans relating to their own special circumstances, under the guidance of the National Guard Bureau.

The Committee directs the Chief of the National Guard Bureau, and the Commander of NORTHCOM, to provide a briefing to the House Committee on Armed Services, no later than April 15, 2020, detailing the following:

- (1) a clarification of the roles and missions, structure, capabilities, and training of the National Guard and NORTHCOM and identification of emerging gaps and shortfalls in light of current homeland security threats to our country;
- (2) an overview of the resources that each State and Territory National Guard has at its disposal that are available to respond to a homeland defense or security incident;
- (3) the readiness and resourcing status of the resources listed in (2);
- (4) the current strengths and areas of improvement in working with State and Federal interagency partners;
- (5) the current assessments in place that address Guard readiness and resourcing of NORTHCOM Title 10 forces postured to respond to homeland defense and security incidents, and;
- (6) a roadmap that addresses readiness of long-range emerging threats facing the United States.

Briefing on Support to Civil Authorities in Support of Natural Disasters and Law Enforcement with Aerial Platforms and Satellites

The committee recognizes that the Department of Defense provides resources at the request of States, territories, and other Federal agencies in support of natural disasters and matters of law enforcement. Some of this support comes in the form of unmanned and manned aerial systems supporting search and rescue operations, natural disasters (to include preemptive measures), and through collaboration between the Department and other Federal agencies. The committee also recognizes that the Department utilizes some of its space-based resources to assist in wildfire support (to include detection) and other natural disasters. The committee is concerned that there is a lack of understanding of the policy, procedures, and overall availability of Department resources.

Therefore, the committee directs the Secretary of Defense, in coordination with the Chief of the National Guard Bureau and the Director of the National Geospatial-Intelligence Agency, to provide an unclassified briefing to the House Committee on Armed Services and, as appropriate, the Committee on Homeland Security, not later than September 30, 2019, on the availability of Department resources, focusing on aerial and satellite platforms in support of natural disasters and law enforcement, the assets that are currently available, and how States, territories, and Federal agencies request or access these resources.

The briefing should provide:

- (1) an explanation of Unmanned Aerial Systems (UAS), piloted platforms, and satellite support the Department provides or can provide to States and other Federal agencies, including examples of support provided, length of time to approve requests, whether any requests were disapproved and the reason that such requests were disapproved, during calendar year 2018.
- (2) an overview of programs, including satellite systems, that provide wildfire support to States and Federal agencies, including how long such programs have been in operation, the processes by which States access such programs, and whether such programs provide detection and early

warning as well as support during wildfires. The overview shall include examples of the support the Department provided in calendar year 2018 to wildfire suppression and wildfire detection.

(3) an overview of current policies regarding the use of such systems and platforms by States and Federal agencies and the procedures a State or Federal agency must follow to obtain Department support for natural disasters and search and rescue operations, including whether UAS require additional approvals, and the amount of time to obtain additional approvals. Further, a discussion of whether such procedures can be streamlined, and whether different authorities exist when requesting use of unmanned systems versus manned systems.

(4) a description of the different categories of the Department's UAS, how the different categories are managed, and if certain UAS categories affect the Department's ability to provide support to a State or Federal agency.

(5) a description of how the Department shares imagery collected by manned aircraft and UAS with Federal, State, and local disaster responders, including whether such imagery is shared in real time.

(6) an explanation of any restrictions on the use of UAS under the "Guidance for the Domestic Use of Unmanned Aircraft Systems in U.S. National Airspace," August 18, 2018, and Department of Defense Instruction (DODI) 3025.18 "Defense Support to Civil Authorities," or other relevant Department of Defense guidance.

(7) a description of how the Department (Active Duty, National Guard, and the Reserves) supports other federal agencies with UAS assets, specifically the Department of Homeland Security (DHS) and Custom and Border Protection (CBP), including examples of requests that were supported or not supported and an explanation for such determinations.

(8) a description of policies and laws that facilitate or restrict Department support to DHS or CBP, and a description of any systems in place that enable long- range planning to support DHS and CBP support requests.

(9) an analysis of how the Department of Defense can improve access and knowledge of resources to States, territories, and other Federal agencies and whether there are plans to make more assets available in the future.

(10) any other matters the Secretary determines appropriate.

Chemical, Biological, Radiological, Nuclear Response Enterprise

The committee recognizes that a robust Chemical, Biological, Radiological, and Nuclear (CBRN) Response Enterprise is critical to the Nation's security. U.S. Northern Command plays an integral role in domestic CBRN response, and the committee applauds the role of the National Guard in the planning and response. The committee also notes the importance of coordinated combined training and operations between the Department of Defense and civilian first responders and agencies, including the Department of Homeland Security and the Department of Health and Human Services. To further enhance this collaboration, the committee believes the Department of Defense and other Federal and State agencies that sponsor first responder training should coordinate CBRN training opportunities to maximize the effectiveness of such events. As the Department of Defense continues to execute unit-level and enterprise-wide training events, including exercises in major metropolitan cities, the Department of Defense should consider including State and local first responders on a space-available basis. As noted in the Blue Ribbon Study Panel on Biodefense report released in October 2018, this would better integrate the Department of Defense response to a CBRN event with the overall Federal response. The committee encourages the Department of Defense, in coordination with Department of Homeland Security and Department of Health and Human Services, to increase engagement with State and local emergency first responders related to training and expert advice on CBRN emergency response activities, technology, and exercises.

Report on Supporting Requirements for the Air Force's Proposed Increase in Force Structure

The Committee is concerned that the current size and structure of the Air Force does not support the National Defense Strategy. The committee acknowledges the Air Force's recent force structure assessment, called "The Air Force We Need", which provides a case and framework that would, if adopted and resourced, grow the Air Force from 312 to 386 operational squadrons. While the committee understands the assessment's analysis and conclusions and the case it makes to grow the size of the Air Force, it also notes the limitations associated with an analysis of operational squadrons only. Further, the committee is concerned that the requirement for 386 operational squadrons as illustrated in the assessment will only be realized through the alignment of resources to these requirements through future Air Force budgets and encourages the Air Force to develop a more comprehensive analysis that would fully integrate planning for 386 operational squadrons into future budgets.

Therefore, the committee directs the Secretary of the Air Force, in consultation with the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and the secretaries of the other military departments to provide a report to the congressional defense committees not later than March 1, 2020, that builds on the analysis completed in the "Air Force We Need" assessment, and details the supporting resources and support personnel requirements necessary to execute a force sized at 386 operational squadrons. This analysis and report should include associated, realigned, or additional infrastructure requirements, maintenance and other supporting personnel requirements, depot production, industrial base support, and additional details the Secretary feels necessary to fully identify, evaluate, and estimate the costs of the changes required within the larger Air Force enterprise to meet the requirements of the National Defense Strategy.

Optimizing Total Force Management

The Department of Defense's Fiscal Year 2020 budget request explains that the size and composition of its civilian workforce is shaped to reflect changes commensurate with the Department's military force structure and its civilian workforce is key to warfighter readiness. However, when the committee examined the workforce projections of the Department of Defense, it found the civilian workforce increases by 0.7 percent from fiscal year 2019 to 2020, while Active Component End Strength increases by 6.2 percent and Reserve Component End Strength by 1.5 percent.

Therefore, given these workforce mix decisions, the committee directs the Secretary of Defense to contract with a federal funded research and development center to review the Department's force structure decision-making processes in the Office of Secretary of Defense, Joint Staff and in each of the Military Departments to verify the Department is planning, programing and budgeting for a force structure that optimizes lethality by using military for warfighting functions and ensures that planned operational capabilities are fully executable and sustainable. This review should include recommendations, and, as a minimum, include:

- (1) an identification of best practices as well as impediments to the optimum sizing of each component of the Total Force of active military, reserve component military, civilian workforce, host nation support, and contract support;
- (2) recommendations on how to leverage the Military Department's modeling efforts in order to achieve a more balanced Total Force mix, and;
- (3) the effects of Full Time Equivalent (FTE) caps and associated business processes resulting from either legislation or Departmental policy or practice that would impede the use of more holistic analytical tools for linking the enabling civilian to supported force structure

National Guard and Reserve Equipment

The budget request contained no funding for a National Guard and Reserve Component equipment account. The committee has long been concerned about the availability of modern equipment needed to ensure the relevance and readiness of the National Guard and Reserve Components as an operational reserve and for their domestic support missions. The committee notes that the National Guard and Reserve Equipment Report for Fiscal Year 2020 identifies continuing shortages in modernized equipment and challenges associated with efficiently fulfilling combat readiness training requirements.

The committee believes additional funds would help manage strategic risk and eliminate identified critical dual-use equipment shortfalls. The committee expects these funds to be used for the purposes of, but not limited to, the procurement of High Mobility Multipurpose Wheeled Vehicles; Family of Medium Tactical Vehicle trucks; Family of Heavy Tactical Vehicle trucks; F-16 Active Electronically Scanned Array radar; Ground Based Sense and Avoid radars; C-130H NP2000 Propeller Upgrades; C-130 Air National Guard Recapitalization; UH-60M Black Hawk helicopters; UH-72 Lakota helicopters; aviation crashworthy, ballistic- tolerant auxiliary fuel systems; and other critical dual-use, unfunded procurement items for the National Guard and Reserve Components. The committee recommends \$415.0 million for National Guard and Reserve equipment.