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The National Defense Authorization Act (NDAA) for Fiscal Year 2020 Summary

Chairman Smith's proposal for the Fiscal Year 2020 NDAA will address our country's greatest military threats by authorizing a defense enterprise that is inclusive, accountable, and responsible in the management of its resources.

When passed, the FY20 NDAA will mark the fifty-ninth consecutive year the Congress has enacted sweeping legislation in support of a strong, comprehensive national defense. The NDAA is the primary vehicle to execute Congress's important constitutional obligation to "provide for the common defense." To do so, the NDAA must take care of our greatest asset: Our service members. **Chairman Smith's proposal focuses on improving the lives of our men and women in uniform, authorizing a 3.1 percent pay increase** and implementing reforms to improve the quality of military housing. We expect our service members to confront unique, complex challenges and they deserve our support.

A challenging global security environment requires that we find new ways to more **affordably manage strategic risk** by prioritizing the relevant military capabilities and capacities necessary to meet our greatest threats, **adequately resource those priorities** by accepting some risk with well-considered and agreed upon tradeoffs, and, at the same time, **realize cost savings through aggressive oversight and control of unjustified costs.**

Chairman Smith's proposal ensures America's military maintains its competitive edge on the global stage by **executing crucial oversight focused on not only defense programs themselves, but also on how those programs are budgeted against a prioritized strategy, rather than arbitrary budgetary goals.**

Beyond the budget numbers exists a need to **increase the accountability** of how defense resources are allocated and spent. **Over the last year, the principle has been simple – funding allocated for defense programs should be spent on defense programs.** Building and modernizing military capabilities and overall military readiness has been jeopardized by the threat or willful diversion of fiscal support from authorized and appropriated military construction projects, critical training and maintenance functions, and overseas contingency operations. The committee's proposal closes legal loopholes and compels the Department to appropriately align its expenditures to specific priorities or justify a required departure.

The safety and security of our liberties relies heavily on **effective resource management** at home and on the international stage. As such, **Chairman Smith's proposal supports an overall authorization of \$733.0 billion dollars for our national defense.** This authorization level will allow our military to maintain readiness, expand capabilities, and invest in the new





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software and technologies required to secure our country and protect us against our adversaries. Chairman Smith’s proposal meets the committee’s goal to facilitate a strong national defense apparatus that is resourced properly, accountable for its actions and cognizant of the essential, direct oversight role of Congress.

Chairman Smith’s proposal would authorize approximately \$725 billion in discretionary spending for national defense and approximately \$69 billion of Overseas Contingency Operations (OCO).

TABLE 1: FY20 NDAA Funding Levels*

Budget Item	Amount (in billions of dollars)
DoD Discretionary Base	\$632.9
DoE Discretionary Base	\$22.6
Defense-Related Activities*	\$0.3
FY20 Base Budget NDAA Topline	\$655.9
Overseas Contingency Operations (OCO)	\$69.0
FY20 Discretionary Topline**	\$724.9

*Does not include \$8.2 billion national defense authorizations outside of HASC jurisdiction

**Does not include mandatory defense spending





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OVERSIGHT

Chairman Smith takes Congress' constitutional prerogative incredibly seriously, and as such his proposal reflects that seriousness.

CONGRESSIONAL NOTIFICATIONS

Congress cannot perform effective oversight without full information, which requires regular communication between the Committee and the Administration. As such, Chairman Smith's proposal:

- Requires the Secretary of Defense to provide to the chairman and ranking member of each of the congressional defense committees, and their designated staff with the appropriate security clearance, copies of each execute order issued by the Secretary or by a commander of a combatant command before the date of the enactment of this Act, and within 30 days of issuing an execute order after the date of the enactment of this Act.
- Modifies section 1264 of the FY18 NDAA that required the President to submit a report to the appropriate congressional committees on the legal and policy frameworks for the use of military force and related national security operations to be a permanent, annual reporting requirement.

AUTHORIZATION FOR THE USE OF MILITARY FORCE

So that there is no confusion regarding the authorization for the use of military force, the Chairman's proposal:

- Includes a rule of construction, which would clarify that nothing in the NDAA or any amendment made by the NDAA may be construed to authorize the use of military force.

CIVILIAN CASUALTIES

To ensure the Department of Defense is accountable, the Chairman's proposal:

- Modifies current reporting requirements regarding civilian casualties in connection with U.S. Military Operations required by section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) by adding additional elements, such as an evaluation of the general reasons for discrepancies between DoD and other non-governmental reporting, as well as extending the reporting requirement.
- Requires the Secretary of Defense to enter into an agreement with a federally funded research and development center for conduct of an independent assessment of the





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sufficiency of Department of Defense standards, processes, procedures, and policy relating to civilian casualties resulting from United States military operations.

BORDER WALL CONSTRUCTION AND DEPLOYMENTS

Chairman Smith has condemned efforts to divert Department of Defense funding to build a wall on our southwest border. The Chairman's proposal will implement the following provisions to prevent such diversions and to ensure that there is sufficient oversight over the deployment of our servicemembers.

Border Wall Construction

- Includes a blanket prohibition on DoD funds for the construction of a border wall, fence, or physical barrier to a wall along the southern border.
- Includes a blanket prohibition on military construction funds for the construction of a border wall, fence or physical barrier along the southern border
- Modifies 10 USC 284, the counterdrug authority, to eliminate the authority to construct a border wall using counter drug support funding.
- Prohibits the transfer of funds into the counter drug account through reprogramming.
- Modifies 10 USC 2808, the emergency construction authority to include an annual \$100 million cap for domestic uses, with a higher limit overseas, tightens a loophole to circumvent environmental statutes and other laws, and increases transparency by strengthening notification requirements to include how the project would support the operational, logistical, or short-term housing and supporting facility needs of the armed forces used in the national emergency.
- Does not fund \$7.2 billion in Army OCO MILCON for southern border as proposed by the President's Budget request to "backfill" FY19 MILCON projects and fund "new" border wall funds for FY20.

Personnel Deployments

- Modifies Sec. 1059 of the FY16 NDAA, an authority which allows assistance to Customs and Border Protection (CBP) at the southern border including deployment of service members, aerial surveillance, intelligence analysis, and logistics support.
 - Continues to allow use of the authority but directs:
 - DoD reimbursement by the department or agency receiving support
 - Certification that there will be no impact to readiness
 - Certification that contract support could not conduct the task
 - Deployed personnel individual skills and unit missions must align with the support task(s) assigned
 - Requires report on deployment of US military in support of southern border activities, includes readiness levels prior and post deployment





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GUANTANAMO DETAINEE OPERATIONS

The operation of Guantanamo Bay Naval Base has, for years, been exceedingly costly and mired in controversy. The Chairman's proposal would implement the following policies:

- Establishes a ban on any new detainees, including U.S. citizens, being placed in Guantanamo for law of war detention or a military commission proceeding.
- Eliminates arbitrary statutory restrictions on transfer of detainees from Guantanamo Bay, which have consistently harmed efforts to provide medical care and hindered the Obama Administration's ability to close the facility. Allows for medical transfers of detainees to the United States by eliminating the restrictions.
- Restricts detainee transfers as required by previous NDAAs, to Yemen, Syria, Somalia, and Libya.
- Seeks to re-start the repatriation process out of Guantanamo, requiring the Administration to explain why it has not transferred the five individuals who have been cleared for transfer out of Guantanamo and urging the Administration to immediately restart the repatriation process.
- Does not fund the President's Budget request for \$88 million for a new detainee complex.
- Requires an independent study on medical care at Guantanamo, including recommendations for any necessary statutory changes, in order to determine the state of medical care, the appropriate standards of care, and whether any arbitrary restrictions exist that are impeding the quality of care.
- Stresses the necessity of adequate medical care at Guantanamo and the United States ongoing obligation to provide adequate care.

AUDIT

Improving DoD's financial readiness and accountability is essential to both improving the public's trust and enhancing the effectiveness of Department's own decision-making. The DoD recently completed the first full-scope audit in its history, and the Chairman's proposal will continue to build on that progress. As such, the proposal:

- Requires an annual report ranking each of the military departments and Defense Agencies in order of how advanced they are in achieving unmodified audit opinions. Departments and Agencies ranked in the bottom quartile are required to submit an additional report describing the material weaknesses of the reporting entity, underlying causes of the material weaknesses, and a plan for remediation. Affected departments and Agencies have leadership travel funding fenced pending submission of their remediation plans to Congress.





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- Amends the existing semiannual audit briefing requirement to require the DoD to create and update a strategic roadmap for defense business systems, displaying in-service, retirement, and other pertinent dates for affected defense business systems, as well as current cost-to-complete estimates for each effort.
- Requires the DoD to submit a plan for achieving an unmodified audit opinion within five years.
- Requires the Office of the CMO, which has significant audit-related responsibilities, to conduct a human capital analysis as recommended by GAO continuously since 2013.
- Encourages the Department to use leading-edge automation and computing techniques to reduce manual processes in financial transactions and audit activities.

ACQUISITION REFORM

Effective, transparent acquisition policy is prerequisite to an accountable Department of Defense. To that end, a new and increased emphasis on the software and personnel required to make acquisition efficient is vital. Therefore, Chairman Smith's proposal:

Enabling Software Acquisition

- Directs the Secretary to establish a new software acquisition pathway to procure, develop, deploy and continuously improve software for applications at the Department.
- Directs the Secretary to implement a software development training and management program to provide software practitioners access to modern engagement and collaboration platforms to connect, share skills and knowledge, and develop solutions leveraging the full Defense enterprise.

Acquisition Workforce Development

- Modernizes the certification process at the Department to emphasize professional skills that are transferable across the workforce and industry. The Secretary is authorized to implement the program based on third-party accredited, nationally or internationally recognized standards, or through entities outside the Department.
- Creates a two-way exchange program between the Department's acquisition workforce and private sector companies by eliminating structural disincentives.

Contract Award Transparency

- Amends the FY18 NDAA, which required post-award debriefings of the Department rating for each evaluation criteria and overall award decision by reducing the award threshold for comprehensive debriefings from \$100.0 million to \$50.0 million, thus allowing more business access to award decisions regarding their own bid.





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SUPPLY CHAIN SECURITY & CYBER RISK AWARENESS

Given the prominent rise in cyber security threats in recent years, the Chairman's proposal emphasizes the following to bolster our national security and safeguard our supply chain:

Supply Chain Security and Cyber Risk Awareness

- Requires the Secretary to develop tools for supply chain risk mitigation policies during the requirements generation process. Supply chain risk issues have grown in importance as the U.S. Defense acquisition supply base has become increasingly global and should be addressed early in the acquisition process to allow for tailoring where appropriate.
- Requires the Secretary to conduct a comprehensive assessment of the Department's policies relating to telecommunications and video surveillance services and equipment from foreign contractors and subcontractors and identify means to mitigate threats through the debarment and suspension process.
- Requires the Small Business Administrator to establish, or certify, an existing cyber counseling certification program to certify employees at small business development centers (that have received a grant from the Administration) to provide assistance to small businesses for planning cybersecurity practices and strategies to respond to cyber-attacks.

STRENGTHENING GLOBAL PARTNERSHIPS AND ALLIANCES

The United States military faces a number of complex threats. An effective national defense strategy must take these challenges into account and leverage the assets of our partners and allies to address them in a comprehensive manner. Chairman Smith's proposal invests in our partners and allies.

AFGHANISTAN

In support of the enduring military presence in Afghanistan, the Chairman's proposal ensures our service members have the equipment and resources required to accomplish their mission.

Afghanistan

- Afghanistan Security Forces Fund (ASFF)
 - Authorizes \$4.5 billion to fund the Afghanistan National Defense and Security Services (ANDSF)
 - Provides for the training, equipping, and sustainment of the Afghan National Army, the Air Force, Special Forces, and Police while developing the institutions of the Ministry of Defense and the Ministry of the Interior.





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- Encourages the continual development of Gender Programs by providing funds for the recruitment, retention, and professional development of women in the ANDSF
- Afghan Special Immigrant Visas (SIV)
 - Allows Afghans (and their families) whose service to the U.S. Government puts them at great risk, immigrate to the United States.
 - Provides 300 additional visas while reversing overly restrictive measures on who can apply for the program, while maintaining program safeguards.

COUNTER-ISIS

Our counter-terrorism mission is of the utmost importance to our national security, and, ultimately, to global peace and prosperity. Given the unique threat posed by ISIS, Chairman Smith's proposal:

- Implements stricter Congressional oversight of U.S. military activity in Iraq and Syria.
- Fences funding if the Department fails to provide all past, overdue reports related to U.S. military activities in Syria by January 1, 2020.
- Requires the Department to consult with the Government of Iraq on its activities in Iraq.
- Directs the Department to report on all of the U.S. military's activities in Syria, and the conditions the Department seeks to achieve before withdrawing U.S. forces.
- Directs the Department to provide any current plans and timelines for withdrawal, as well as an assessment on the status of Al Qaeda and ISIS in Syria.

Ex Gratia (Compensation) Payments

- Authorizes the Department to make payments for damage, personal injury, or death that may be the result of US combat operations in Afghanistan, Iraq, Syria, Yemen, Libya, and Somalia
- Does not re-authorize the Commanders Emergency Response Program (CERP)

EUROPE & RUSSIAN DETERRENCE

Chairman Smith's proposal will not cut funding for EDI as proposed by the President and ensure that the Trump Administration continues the efforts of the Obama Administration and remains focused on deterring Russia through the following provisions:

Europe Deterrence Initiative

- Reverses President Trump's cuts to the European Deterrence Initiative (EDI), providing an additional \$794.23 million for military construction, anti-submarine warfare, and other urgent priorities to deter Russia and work with U.S. allies and partners.





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- Funds EDI needs at \$6.5 billion for FY 2020, compared with the President's request for \$5.7 billion.
- Moves EDI from Overseas Contingency Operations to base and provides new mechanisms to enhance transparency, strengthen Congressional oversight, identify whether the President is attempting to cut plans for future military investment in Europe, and prevent EDI funds from diversion for other purposes in the base budget.

Russian Influence Operations and Campaigns

- Requires briefings to Congress on Russian election interference and efforts to disrupt U.S. alliances, along with a Department of Defense strategy to counter Russian election interference in advance of the 2020 elections.
- Requires a strategy to respond to Russian aggression in the Black Sea.
- Continues to limit-military-to-military cooperation with Russia, extending a rule of construction that the prohibition does not affect bilateral military-to-military dialogue for the purposes of reducing the risk of conflict.
- Extends the prohibition on funding for any activity that would recognize the sovereignty of the Russian Federation over Crimea.

Ukraine

- Provides \$250 million for the Ukraine Security Assistance Initiative, which provides support and assistance to the Ukrainian Armed Forces, of which \$50 million can only be used for lethal defensive equipment.

Turkey

- Prohibits the transfer of an F-35 aircraft or related materials to Turkey if Turkey were to take possession of the S-400 air defense system.
 - Allows a waiver if Turkey were to take possession of an S-400 and then later abandon it, along with any other equipment, materials, or personnel associated with the system, and provides credible assurances that it would not take possession of an S-400 in the future.

INDOPACOM

President Trump has failed to promote the security of the United States by allowing the North Korean regime to take steps to realize their nuclear ambitions. Chairman Smith supports dialogue with North Korea, but that is only possible with the maintained cooperation with our partners and allies in the region. To that end, his proposal:





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North Korea & South Korea

- Prohibits the use of funds to reduce the total number of active duty service members deployed to South Korea below 28,500 unless the Secretary first certifies that doing so is: 1) in the national security interest of the United States and will not significantly undermine the security of U.S. allies in the region, and 2) U.S. allies – including South Korea and Japan – have been appropriately consulted.
- Extends the report on Military and Security Developments Involving North Korea for two years and requires the report to address developments in North Korea's nuclear program, including the size and state of the program and projections of North Korea's future arsenals.
- Requires the Secretary to provide a report including the size, timing, location, name, cost, and scope of each U.S. military exercise involving South Korea for FY2017-2019.

Burden Sharing Contributions of Japan and South Korea

- Requires the Secretary to provide report on the one-time and recurring costs associated with U.S. forces in Japan and South Korea (beginning in calendar year 2016), and a description of the contributions made by Japan and South Korea to offset such costs.

Chinese Influence Operations and Campaigns

- Requires the Secretary to provide a report on Chinese influence operations and campaigns targeting democratic elections and military alliances and partnerships of which the U.S. is a member and requires a strategy to disrupt Chinese influence operations and campaigns in advance of the 2020 elections.

KEY SUBCOMMITTEE PROVISIONS

During the process of drafting the FY20 NDAA, each of the Subcommittees reported key provisions that collectively support a strong national defense enterprise. The Chairman's proposal includes:

MILITARY PERSONNEL

Our military personnel are our single most valuable asset in our national defense strategy. In order to better serve our men and women in uniform and their families, the Chairman's Proposal:

- Funds a military pay raise of 3.1%.
- Fully funds the Department's end strength as requested by the President's budget.
- Standardizes new mother deployment deferral policy at one year, across the military services, to include the Coast Guard.





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- Authorizes 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.
- Authorizes \$40.0 million for assistance to local educational agencies with military dependent students and \$10.0 million for local educational agencies eligible to receive a payment for children with severe disabilities.
- Require the Secretary concerned to increase the maximum reimbursement amount to \$1,000 and to do an analysis to determine if the maximum reimbursement amount for State licensure and certifications of a spouse is sufficient to cover the average costs of relicensing.
- Requires the Secretary of Defense to establish a board of discharge appeals to hear appeals of request for upgraded discharges and dismissals that are denied by the service review agencies.
- Expands the Special Victims' Counsel program to cover eligible domestic violence victims and designates Special Victims' Counsel Paralegals.
- Requires regulations for implementation of a "safe-to-report" policy at military service academies, which allows sexual assault victims to report sexual assault without fear of discipline for minor collateral misconduct.
- Establishes regulations providing for timely consideration of transfer applications for military service academy students who are the victims of sexual-assault and related offenses.
- Extends the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault for an additional five years and expands their scope of review to address matters impacting crime victims.
- Allows members and former members of the uniformed services access to care related to the prevention of pregnancy with no cost sharing.
- Requires the Secretary of Defense to conduct a review of current policy and submit a report on suicide among members of the Armed Forces and provide specific metrics related to the effectiveness of suicide prevention initiatives.
- Prohibits the Secretary of Defense and the Secretaries of the military departments from realigning or reducing military medical end strength until analyses are conducted on potential manpower realignments and the availability of health care services in the local area.





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- Requires the Secretary of Defense to develop and implement a comprehensive policy for the provision of mental health care services to members of the Armed Forces.

READINESS

The readiness of our military is built on training, sustainment of weapon systems, and adequate facilities that support troops and their families. Chairman Smith's proposal supports these readiness pillars by:

Addressing Problems with the Management and Oversight of Military Family Housing and the Movement of Household Goods:

- Requires the military services to establish a tenants' bill of rights for residents of privatized military family housing that includes at minimum the following elements: a prohibition on reprisal by either the private partner or military chain of command; provision of a housing advocate that is not co-located with or employed by the private partner; a dispute resolution mechanism; a mechanism for withholding rent payments where appropriate during the dispute resolution process; prompt provision of maintenance by qualified personnel and effective communication regarding the status of their work orders to include access to an electronic work order management system; professional and courteous property management services; and information about known and potential hazards at time of home selection, to include mold, lead, rodent infestation, and history of sickened residents.
- Requires the Secretary of Defense to develop an assessment tool to identify and measure health and safety hazards in Department of Defense housing to include privatized housing.
- Prohibits the use of non-disclosure agreements in connection with entering into, continuing, or terminating a lease for on-base privatized military family housing.
- Authorizes an additional \$140.8 million to hire civilian personnel to improve oversight and management of military family housing. In addition, will require a report on the manpower requirements and execution plan to appropriately staff military housing offices.
- Codifies the requirement for each military department to maintain an Assistant Secretary with responsibility for environment, installation, and energy issues.
- Requires U.S. Transportation Command to prepare a business case analysis for the proposed award of a Global Household Goods Contract and establishes an advisory council of outside stakeholders to provide feedback throughout contract execution. Prohibits funds for the Global Household Goods Contract until 30 days after U.S





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Transportation Command briefs the congressional defense committees on the business case analysis and proposed advisory council.

Requiring the Department of Defense to Plan for the Potential Threats Posed by Climate Change:

- Requires DoD develop installation master plans that assess current climate vulnerabilities and plan for mitigating the risks to installations from extreme weather events, mean sea level fluctuation, wildfires, flooding, and other changes in environmental conditions using projections from recognized governmental and scientific entities.
- Limits DoD's ability to spend planning and design funds until it initiates the process of amending the building standards for military construction (Unified Facility Criteria) to ensure that building practices and standards promote energy, climate, and cyber resilience at military installations.
- Requires all proposals for military construction projects to consider potential long-term changes in environmental conditions, and increasingly frequent extreme weather events, as well as, industry best-practices to withstand extreme weather events.
- Requires DoD to report on the feasibility of transitioning installation planning from 100-year floodplain data to a forward-looking predictive model that takes into account the impacts of sea-level rise.
- Authorizes an additional \$40 million for the Department's Energy Resilience and Conservation Investment Program.
- Requires DoD to report on progress towards meeting the goal of 25% renewable energy for military facilities by 2025 and plans for achieving 100% energy resiliency for critical energy loads, and the feasibility of achieving this goal by 2030.

Addressing Drinking Water Contamination Associated With Fluorinated Compounds Around Military Installations:

- Provides an additional \$121.3 million in environmental restoration accounts for remediation activities related to perfluorinated chemicals in drinking water on or near military installations.
- Prohibits the release of fluorinated firefighting foam (AFFF) at military installations except in cases of emergency response or in limited circumstances for training or testing of equipment where complete containment, capture, and proper disposal mechanisms are in place to ensure no AFFF is released into the environment.
- Requires the Secretary of the Navy to complete a new military specification by January 2025 for a fluorine free firefighting agent to be used at all Department of Defense





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installations and institutes a complete ban on fluorinated foams on military installations by September 2029.

- Authorizes the National Guard to access Defense Environmental Remediation Account funds, for five years, for the limited purpose of addressing PFOS and PFOA exposure and contamination resulting from National Guard activities in and around National Guard bases.
- Encourages the Department to ensure adequate training for individuals in regular contact with AFFF about the potential dangers associated with PFOS and PFOA and requires a report on the feasibility of using non-fluorinated foam for firefighter training.
- Requires a report on the Department's understanding of best-practices for cleanup and disposal of PFOS and PFOA-contaminated soils, and disposal of spent filters and AFFF.

Supporting Critical Investments in Military Infrastructure:

- Authorizes \$11.5 billion for military construction, family housing, and the implementation of previous Base Realignment and Closure (BRAC) activities, including an additional \$168.6 million above the budget request for construction projects associated with the European Deterrence Initiative (EDI) and 31 projects from the military departments' unfunded priority lists.
- Authorizes \$50 million for the Office of Economic Adjustment's Defense Community Infrastructure Program, which will provide grants, conclude cooperative agreements, and supplement funds available under other Federal programs to assist States and local governments in addressing deficiencies in community infrastructure projects or facilities which are located outside of military installations but which support military installations.
- Authorizes \$100 million, \$25 million above the budget request, for the Readiness and Environmental Protection Initiative, supports land conservation efforts in cooperation with local communities to prevent incompatible development around military bases and ranges.

Conducting Additional Oversight and Providing Investments in Key Readiness Areas:

- Authorizes \$256.4 billion in Base and OCO for operations and maintenance accounts, including an additional \$653 million for submarine maintenance related to the USS Boise, USS Hartford, and USS Columbus, \$161 million for Navy surface ship maintenance, and \$309 million for Air Force weapon system sustainment.
- Limits funds available to the Under Secretary of Defense for Acquisition and Sustainment until the Under Secretary submits a report on steps being taken to improve the availability and accountability of F-35 parts within the supply chain.





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- Provides a 9-month extension and authorizes an additional \$3 million for the National Commission on Military Aviation Safety to complete its assessment and issue recommendations related to military aviation safety.
- Requires the Secretary of Defense to develop materiel readiness metrics supporting the National Defense Strategy by requiring product support managers to develop product support strategies to meet materiel readiness objectives for major weapon systems.
- Requires a detailed plan for the planning, programming, budgeting, and execution of funding that supports the sustainment of weapon systems and equipment. The report should describe how the military departments calculate their sustainment requirements, how the maximum executable sustainment funding level is calculated, barriers to increasing sustainment execution, and actions being taken to improve the planning, programming, budgeting, and execution of accounts that support the sustainment of weapon systems and equipment.
- Modifies the delivery method, timeline, and required elements of the Quarterly Readiness Report to Congress (QRR) and the Joint Forces Readiness Review (JFFR) to improve Congressional oversight of current military readiness and ability to meet combatant commander requirements.
- Requires a number of reviews by the Government Accountability Office (GAO) on topics such as F-35 sustainment, Littoral Combat Ship operations and sustainment, ship repair capabilities and capacity, Navy collective training, surface fleet manning, workload, and training, and the Army's use of the Global Combat Support system.

Supporting the Efficient Management of DoD's Civilian Workforce:

- Changes the probationary period for Department of Defense federal civilian employees from 2 years to 1 year.
- Clarifies that Department of Defense civilians may not be managed on the basis of man-years, end strength, or full-time equivalent positions, or maximum number of employees, and instead will be managed based on the total force management policies and procedures, the workload required to carry out the functions and activities of the Department, and the funds made available to the department for each fiscal year.
- Extends direct hire authority procedures for civilian personnel at domestic defense industrial base facilities (Depots and Arsenals) and the Major Range and Test Facilities Bases until 2025.
- Provides a one-year extension of authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone and a one-year extension on the authority to provide premium pay for Federal civilian employees working overseas.





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- Allows the Director of the Defense Advanced Research Projects Agency to appoint additional employees to the agency using a demonstration personnel management authority.

STRATEGIC FORCES

Mismanagement of our strategic forces could jeopardize our national security and result in global catastrophe. To live up to the committee's responsibility, the Chairman's proposal:

- Prohibits funding for the deployment of the W76-2 low-yield ballistic missile warhead.
- Authorizes funding for nuclear weapons activities, nuclear non-proliferation and naval reactors by increasing funding for the National Nuclear Security Administration by 4.2% over the FY19 enacted level, a \$645 million increase, but cuts \$612 million from the FY20 budget request for an 8.3% increase over FY19. Authorizes funding for nuclear clean-up.
- Prioritizes achieving capability to produce 30 pits per year by 2026 and repeals the requirement for the National Nuclear Administration to demonstrate the capability to produce plutonium pits at a rate of 80 per year for 90 days in 2027.
- Clarifies authorities and requirements for independent nuclear safety oversight.
- Requires the Secretary of Defense to establish a senior working group to engage in military-to-military dialogue with Russia, China, and North Korea, to reduce the risk of miscalculation, unintended consequences, or accidents that could precipitate a nuclear war.
- Requires an independent study on the policy of no-first-use of nuclear weapons.
- Requires an independent study on extending the life of Minuteman III intercontinental ballistic missiles to 2050, and cuts \$103 million from the Ground-Based Strategic Deterrent program.
- Requires the National Nuclear Security Administrator to conduct an analysis of alternatives with respect to replacing the ICBM W78 warhead and limits funds until the analysis of alternatives is submitted. Also requires an independent study of the W78 replacement.
- Increases funding for Nuclear Command, Control and Communications (NC3) and requires an NC3 plan.
- Requires the Department to provide a report on the Intermediate-Range Nuclear Forces Treaty and the New START Treaty, and limits funds until the report is provided.





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- Directs the Missile Defense Agency to continue work on a sensor payload for tracking ballistic and hypersonic threats from space and authorizes \$108 million to do so.
- Removes a Congressionally directed timeline to test the Standard Missile-3 Block IIA against an intercontinental ballistic missile and requires more robust testing of the interceptor against threats for which it was designed due to the missile experiencing several flight test failures.
- Prohibits development of any missile defense capability that could only be deployed in space and removes a Congressionally-directed deadline for a space missile defense test bed.
- Supports Israeli missile defense by authorizing the full president's budget request of \$500M for development and procurement of the Iron Dome, David's Sling, and Arrow weapon systems.
- Addresses program delays in the Redesigned Kill Vehicle, and cuts unjustified cost growth across the Ground Based Midcourse Defense system.
- Continues support for conventional hypersonics development in a manner that does not increase the risk of nuclear weapons miscalculation or ambiguity.
- Requires an independent study of deterrence in space to improve policies and capabilities to deter conflict in space.
- Introduces opportunities for increased fair and open competition in launch.
- Supports increasing resilience of US space architectures and capabilities, in particular precision, timing and navigation, and missile warning capabilities.
- Facilitates establishment of a US Space Command, by removing requirement for a sub-unified command.

INTELLIGENCE AND EMERGING THREATS AND CAPABILITIES

Chairman Smith is committed to ensuring the Department of Defense plans for, invests in, and matures the relevant warfighting and deterrence capabilities to secure our national security equities and posture the Joint Force effectively against the capabilities of our opponents. Specifically, his proposal:

Provides for a Comprehensive and Robust S&T and R&D Ecosystem to Maintain a Technological Edge

- Requires an assessment of the current workforce essential STEM skillsets required to support emerging and future warfighter technologies, including an analysis of the





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recruiting, retention, and representation of minorities and women in the current and projected workforce and strategy for diversification of the workforce.

- Directs the Secretary to develop and implement a strategy for fifth generation (5G) information and communications technologies and recommends additional investment. Includes an additional \$175 million for 5G investments to ensure effective Joint Force operations in the spectrum.
- Directs the Secretary of Defense to establish a process to ensure that the policies of the Department relating to emerging technology are formulated and updated continuously as such technology is developed by the Department to provide for sound capability investment and expedited employment to the warfighter consistent with such policies.
- Recommends increases in manufacturing technology programs, additive manufacturing technology programs, and university research initiatives across the services and Department.
- Directs the Director, Cost Assessment and Program Evaluation to conduct a study and provide a briefing on the effects of the Department submitting future budget requests with negative real growth in the Department's funding for S&T efforts to understand the impact of this historic underfunding of the U.S. technological edge.
- Extends the National Security Commission on Artificial Intelligence to allow adequate time in support of critical national security objectives.
- Fully funds DARPA and protects other S&T investments that have been historically underfunded by the Department.
- Provides an additional \$20 million for the Historically Black Universities and Minority Serving Institution program.
- Provides an additional \$20 million for civics education grants under the National Defense Education Program.
- Supports doubling the investment made by the Joint Artificial Intelligence Center in AI/ML capabilities while controlling un-executable, early-to-need cost growth.
- Fully supports DIU prototyping and other investments, while decreasing high-risk investment through a venture capital fund since a plan and report has not been provided to Congress

Enhances Protection of Critical Technology

- Requires a report and clarification of roles and responsibilities relating to cybersecurity in the Defense Industrial Base to ensure cohesion and effectiveness across the Department.
- Directs regular reports to the committee from the Protecting Critical Technologies Task Force.





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- Recommends additional funding to convening a National Science, Technology, and Security Roundtable through the National Academies of Science, Engineering and Medicine in order to facilitate dialogue and formulate solutions related to protecting U.S. critical technology and national security information while simultaneously preserving civil liberties and an open science and technology research environment.
- Directs a briefing on the Department's Trusted Microelectronics strategy, including an assessment of supplier base capacity and how 5G information infrastructure and interconnected devices are changing the national security and commercial marketplace for trusted microelectronics.
- Directs the Comptroller General of the United States to assess the Department's electronic warfare and electromagnetic spectrum operations strategy and implementation efforts to include the current electronic warfare threat from peer or near-peer adversaries and actions the Department has taken in response to include the protection of critical warfighting capabilities.

Strengthens Oversight of Military Operations, Cyber Operations and Enhances Cybersecurity

- Requires notices by the Department to Congress for delegations of authorities from the President to the Secretary of Defense for operations in cyberspace.
- Bolsters reporting of sensitive military operations in cyberspace by defining such operations and thresholds for notices.
- Extends the Cyberspace Solarium Commission's report due date by one year, allowing the Commission adequate time to complete its imperative objective to develop a consensus on a strategic, whole-of-government approach in the defense of significant cyber-attacks against the United States.
- Mandates a report upon completion of the evaluation of cyber vulnerabilities for each major U.S. advanced weapon system to include mitigation strategies to address or prevent these vulnerabilities through premeditated adjustments to the research, development, and acquisition cycle.
- Provides \$12 million for the establishment of Cyber Institutes at Senior Military Colleges.
- Increase of \$10 million for the implementation of the Cyber Excepted Service (CES), a component of the excepted service, as authorized in section 1599f of title 10, United States Code. CES will be a critical pillar in building a cyber workforce for the nation, however, the slow rate of implementation has been a challenge. The additional funding will increase momentum for CES across the eligible pool of Department of Defense civilians.





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- Increase of \$3 million for the Cyber Maturity Model Certification Program to enhance cybersecurity in the Defense Industrial Base. The program recognizes the challenges of robust cybersecurity programs for small and medium-sized businesses seeking opportunities with the Department of Defense, while ensuring that cyber risk to Department equities is managed appropriately.

Supports Special Operations Force (SOF) Readiness and Alignment to the National Defense Strategy and National Military Strategy

- Directs the Secretary to enter into an agreement with a Federally Funded Research and Development Center for purposes of an independent assessment of special operations forces (SOF) force structure and roles and responsibilities.
- Requires fidelity on the amounts requested in the budget request in future years across the Department for support of SOF to understand the true cost of the force.
- Provides an additional \$15 million in funding for SOF suicide prevention. SOF suicides rose threefold in 2018.
- Requires GAO to review to current organizational structures of Geographic Combatant Commands and Theater Special Operations Command to ensure adequate alignment to concise and measurable objectives in the area of operations.
- Continues focus on professionalism and ethics of the force through continued reporting.

Improves Alignment of Intelligence and Security Capabilities and Activities to Department Operational Requirements and Strategic Priorities Outlined in the National Defense Strategy

- Requires a review and report on the organization, posture, and processes of intelligence collections capabilities and activities, to assess the ability of the intelligence collections capabilities and activities to support the current and future requirements of the Department of Defense.
- Recognizes the critical nature of understanding emerging capabilities and requires a review of investments in scientific and technical intelligence.
- Recognizes the importance of intelligence contributions of allies and partners.
- Directs the Under Secretary of Defense for Intelligence to provide a briefing on the transition of the background investigations function from the Office of Personnel Management to the Department.





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TACTICAL AIR AND LAND FORCES

Chairman's Smith proposal supports our military services by providing the necessary authorities and resources to equip, modernize, and manage risk across weapon systems and programs.

Legislative Provisions That Would:

- Enhance Congressional oversight and cost transparency associated with F-35 Block 4 development, F-35 reliability and maintainability goals, F-35 life-cycle costs, and addressing Autonomic Logistics Information System deficiencies and capability shortfalls.
- Support economic order quantity and buy-to-budget authority for the F-35 program.
- Enhance congressional oversight and cost transparency associated with the F-15EX development and procurement program.
- Continue oversight of the Department's plans and efforts to mitigate physiological incidents in tactical aircraft.
- Enhance congressional oversight of the CH-53K King Stallion helicopter program.
- Require a strategic plan and modernization roadmap for Army aviation to ensure alignment between requirements and budget requests.
- Require specific program documentation related to the Air Force's Advanced Battle Management System to ensure effective congressional oversight.
- Prohibit retirement of RC-135 aircraft unless the Secretary of Defense certifies that equivalent technology exists to meet the RC-135 ISR missions.
- Require the Army to provide quarterly briefings on the status and progress of the Optionally Manned Fighting Vehicle program
- Require select combatant commanders provide an assessment of the plans of the Navy and Air Force to provide a combination of fifth generation and advanced fourth generation tactical aircraft capabilities to meet operational requirements.
- Require Secretary of Defense provide a report on the integration of emerging long-range ground-based fires to counter land and maritime threats.

Authorization of Appropriations That Would:

- Provide funding for 12 additional F-35A Joint Strike Fighter aircraft.
- Provide funding sufficient for procurement of 8 F-15EX aircraft.
- Support the budget request for 24 F/A-18E/F Super Hornet fighters.





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- Provide additional funding for radar warning receivers for Navy and Marine Corps F/A-18 aircraft.
- Provide additional funding for advanced procurement supporting the CH-47F Chinook Block II program.
- Provide funding for 12 additional MQ-9 Reaper unmanned aerial systems.
- Support the budget request for Light Attack and Armed Reconnaissance aircraft and continuation of the experimentation program.
- Provide additional funding for critical upgrades to high-demand ISR platforms, including the U-2 and the Joint Surveillance Target Attack Radar System (JSTARS).
- Support the budget request for 73 UH-60M Blackhawks, 48 AH-64 Apaches, 9 MH-47G Chinooks (8 in base; 1 in OCO), 6 CH-53K King Stallions, 12 HH-60W Combat Rescue Helicopters, and 6 MQ-1 Gray Eagles.
- Fully support the budget request for UH-1N utility helicopter replacement program.
- Provide funding for 2 additional RQ-7 Shadow unmanned aerial systems.
- Support the budget request for the Improved Turbine Engine Program (ITEP).
- Support the budget request for 131 Armored Multipurpose Vehicles, 152 Stryker Combat Vehicles, and 165 Abrams tanks.
- Provide additional funding for Stryker vehicle lethality upgrades to fully address an identified Army Chief of Staff's unfunded priority.
- Provide additional funding for Family of Medium Tactical Vehicles (FMTV) and Heavy Expanded Mobility Tactical Trucks (HEMTT).
- Provide additional funding to continue evaluation and procurement of Vehicle Active Protection Systems for the Abrams tank and other armored vehicles.
- Support the budget request for Indirect Fires Protection Capability (IFPC).
- Provide additional funding for upgrades to the Air Force's Wide Area Motion Imagery sensor.
- Provide additional funding for open-air test range capabilities to facilitate development of advanced next-generation platforms and high-speed air armaments, and for increasing the fielding of threat emitter technologies.
- Provide additional funding to resolve legacy aircraft ejection seat risks and accelerating next-generation ejection seat technologies.
- Provide additional funding for the National Guard and Reserve Equipment Account.





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SEAPOWER & PROJECTION FORCES SUBCOMMITTEE PROVISIONS

Chairman Smith's proposal allows the Navy to more adequately develop the required force structure to meet future challenges. Specifically, the proposal:

- Funds 11 battle force ships including three Virginia-class submarines, three DDG 51 Arleigh Burke destroyers; one guided missile Frigate (FFG); one Amphibious Transport Dock ship (LPD Flight II); one T-AO 205 oiler; and two T-ATS towing, salvage, and rescue ships.
- Adds 3 additional P-8A aircraft for the Navy Reserve
- Adds 4 additional C-130J aircraft
- Adds 4 additional V-22 aircraft
- Adds 1 additional E-2D aircraft
- Adds 1 Ship to Shore Connector (SSC)
- Funds additional medical modifications to the Expeditionary Transport Ship (EPF)
- Adds 13 additional MK-48 Heavyweight Torpedoes
- Adds over \$35M for additional Navy sono buoys
- Adds additional funds for the propulsion and propeller upgrades of Air National Guard and Air Force Reserve C-130H airlift aircraft
- Establishes a Tanker Security Fleet to help fill the gap in at sea logistics
- Requires the Secretary of the Navy to enter into a contract for a new domestically built sealift ship and provides an affordable framework for doing so
- Requires the Secretary of the Navy to buy the two used sealift ships that were previously authorized
- Fully funds the Columbia class submarine program and recommends additional funds for submarine supplier development
- Fully funds the B-21 Raider program
- Reauthorizes the Maritime Security Program (MSP) and adjusts the stipends
- Restores funding associated with the USS Harry S. Truman refueling overhaul and prohibits the Navy from reducing the number of aircraft carriers below the statutory requirement of 11
- Requires a new Mobility Capabilities Requirement Study (MCRS)
- Fully funds the VC-25B Presidential Aircraft Recapitalization (PAR) program while providing increased oversight in order to ensure cost overruns are avoided.





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- Restores full funding for one National Security Multi-Mission Vessel (NSMV) for the State Maritime Academies
- Increased oversight of Executive Airlift for the Department of Defense by requiring a single scheduler and common guidelines
- Requires major shipboard components be manufactured in the National Technology and Industrial Base (NTIB)
- Increased oversight of the B-52 Commercial Engine Replacement Program (CERP) requiring the Air Force to ensure they have firm requirements.
- Prohibits the Army from inactivating any watercraft units until a review has been completed and validated by a third-party organization.

