



United States House of Representatives

HOUSE ARMED SERVICES COMMITTEE **DEMOCRATS**

*Adam Smith, Ranking Member*

## **Fiscal Year 2019 National Defense Authorization Act Summary**

The FY19 National Defense Authorization Act Chairman’s mark would authorize approximately \$639.1 billion in discretionary base budget authority. It would authorize approximately \$69.0 billion of Overseas Contingency Operations (OCO).

### **Key Provisions**

#### **Europe and Russia**

Provides \$6.3 billion for the European Deterrence Initiative (EDI), and would declare that it is the policy of the United States to establish credible deterrence and counter Russian influence by reinvesting in the U.S. presence in Europe via additional permanently stationed forces—including logistics enablers and a combat aviation brigade—and continued presence of rotational forces; by boosting pre-positioned equipment and necessary infrastructure; and through increasing U.S. focus on countering Russian indirect action through cyber, counterpropaganda, intelligence, and security cooperation.

Directs the President to task an NSC official with coordinating a whole-of-government response to malign foreign influence operations and campaigns, defines “malign foreign influence operations and campaigns,” and requires a strategy to counter them.

Directs the DOD Comptroller General to assess DOD’s information operations strategy and implementation efforts due to concerns about the lack of progress in developing the strategy, tools, and coordination mechanisms to counter adversarial influence.

Authorizes the Secretary of Defense to provide funds to support the NATO Strategic Communications Center of Excellence in FY 2019, and would direct the Secretary of Defense to assign executive agent responsibilities to an appropriate organization within the Department of Defense.

Extends for two years the authorization for the Ukraine Security Assistance Initiative (USAI), which provides support and assistance to the Ukrainian Armed Forces. Increases authorized funding by \$50 million above the FY 2019 budget request to \$250 million, provided that the additional funds are used for lethal defensive equipment.

Provides for a “Special Rule” that would allow President Trump to terminate Russia sanctions under section 231 of the Countering America’s Adversaries Through Sanctions Act (CAATSA), if the President makes a certification to Congress that someone subject to sanctions is altering their relationship with Russia.

Fences DOD funding support for White House functions until the implementation of previously congressionally-mandated sanctions for violating the Intermediate Nuclear Forces (INF) Treaty, and until a previously required plan for additional sanctions is submitted to Congress.

In a separate provision, also imposes additional sanctions on Russia for its INF Treaty violation, but provides President Trump with broad waiver authority to avoid implementing those sanctions.

Labels Russia a violator of the Chemical Weapons Convention (CWC) for using chemical weapons in assassinations in the United Kingdom and its involvement with Syria's chemical weapons use.

Extends the prohibition on funding for any activity that would recognize the sovereignty of the Russian Federation over Crimea.

Continues to limit military-to-military cooperation with Russia.

### ***Turkey***

Requires DOD to provide Congress with a report on the impact that increasing strains on the U.S.-Turkey relationship, caused by provocative actions taken by the Turkish government over the past year, will have on all U.S. military and diplomatic activities currently conducted in Turkey, including joint operation of the F-35 and other military platforms. Prohibits DOD from taking any action to execute the delivery of a foreign military sale for major defense equipment under section 36 of the Arms Export Control Act to Turkey, until the report is complete.

### **DOD “Fourth Estate”**

Includes a package of provisions targeting DOD's “Fourth Estate,” which is a jargon term for the portions of the Defense Department that are not the military services. These include a requirement for an unrealistic and unnecessary sequester-like automatic 25% reduction to important DOD support functions in the fields of civilian resources, services contracting oversight, logistics, or real estate management over just two years, while also adding substantial red tape and reports to DOD's already slow internal budget process. In addition, the mark includes cuts of \$442.5 million that are not justified by underlying analysis from funding requested for several DOD organizations, including:

- the Office of the Secretary of Defense;
- the Defense Acquisition University
- the Defense Contract Audit Agency
- the Defense Contract Management Agency;
- the Defense Human Resources Activity;
- the Defense Information Systems Agency;
- the Defense Legal Services Agency;
- the Defense Logistics Agency;
- the Defense Media Activity;
- the Defense Technology Security Administration;
- the Office of Economic Adjustment.

The mark would eliminate Washington Headquarters Services entirely.

## **Iraq, Syria, Afghanistan, and Iran**

Renews the authority to provide assistance to counter the Islamic State of Iraq and Syria through 2020 and authorizes \$850.0 million for such assistance in Iraq in fiscal year 2019. Also extends the authority for the Office of Security Cooperation in Iraq through 2019.

Renews the Syria train-and-equip program and its associated reprogramming requirement through calendar year 2019. However, the provision would prevent funding requests until 30 days after the President submits a plan to Congress that describes the following: efforts the United States will take to train and to build an appropriately vetted force; the nature of the force; the effectiveness of the force; the conditions that would indicate that the Islamic State in Iraq and Syria has been adequately neutralized; the roles and contributions of partner countries; the concept of operations, timelines and types of training, equipment, stipends, sustainment, and supplies to be provided by the United States, including measures for accountability; and the force posture of the U.S. forces involved in providing assistance.

Extends the Afghanistan Security Forces Fund through 2019 and set a goal of \$18.0 million to promote the recruitment, training, and integration of Afghan women into the Afghan National Defense and Security Forces. The mark also requires Secretary of Defense, in consultation with the Secretary of State, to assess the Government of Afghanistan's ability to manage, employ, and sustain equipment provided under the Afghan Security Forces Fund.

Authorizes the Secretary of Defense, with the concurrence of the Secretary of State, to develop and to implement a strategy with foreign partner countries to counter the destabilizing activities of Iran.

## **Indo-Asia-Pacific**

Renames the United States Pacific Command the United States Indo-Pacific Command.

Expresses support for the Indo-Pacific Stability Initiative to: enhance U.S. force posture; improve defense infrastructure, basing, and logistics; and increase bilateral and multilateral training and exercises with allies and partners. The mark also requires the Secretary of Defense to submit a plan to the congressional defense committees by March 1, 2019, with analysis of the challenges faced by the United States to meet the objectives and activities outlined in the Indo-Pacific Stability Initiative and the resources needed through fiscal year 2024.

Renames the Southeast Asia Maritime Security Initiative the Indo-Pacific Maritime Security Initiative, extends the authority through September 30, 2023, and adds India as a covered country. The mark also allows additional countries in the Indo-Pacific region to be included if the Secretary of Defense, in concurrence with the Secretary of State, determines and certifies to the appropriate committees of Congress that it is important for increasing maritime security and maritime domain awareness.

Requires the President to develop a whole-of-government strategy regarding strategic competition with China.

Requires the Secretary of Defense to evaluate DOD expertise in the Chinese, Korean, and Russian languages and to provide a plan to address any shortfalls.

## **Africa**

Adds \$15 million for casualty evacuation capabilities in Africa Command's area of operations.

### **Military Parade**

Authorizes the Secretary of Defense to carry out a parade in Washington, DC for the purpose of honoring American veterans. The provision would authorize the use of military units that perform customary ceremonial duties, and small arms and munitions appropriate for customary ceremonial honors, for the parade. Also authorizes the Defense Secretary to use any kind of motorized vehicle, aviation platform, munition, operational military unit, or operational military platform, unless he believes its use will affect its readiness.

### **BRAC**

Clarifies that nothing in the bill shall be construed as authorizing an additional Base Realignment and Closure (BRAC) round.

Provides limited authority for the Secretary of Defense to close or realign a military installation if the Secretary receives a notification from the governor of a state or territory recommending the realignment or closure of a military installation in their state or territory. Provides for a congressional notification and wait prior to the Department initiating any such closure or realignment.

Authorizes \$55.3 million above the budget request for response actions related to military installations closed under previous BRAC rounds.

### **Detention Facility at Guantanamo Bay, Cuba (GTMO)**

The mark would prevent closure of the detention facility by extending the existing prohibitions on transfers of detainees into the United States, and on the construction or modification of facilities within the United States, to house GTMO detainees for another calendar year.

Does not authorize the construction of a new High Value Detainee Complex at Guantanamo Bay, Cuba.

### **Acquisition**

Clarifies and strengthens existing laws that encourage procurement of commercial items and commercial services.

Streamlines current acquisition law by eliminating numerous out-of-date or redundant laws and reports. Eliminates legislative mandates for numerous acquisition-related positions.

The commercial products and streamlining provisions are based on the congressionally mandated acquisition reform "809 Panel" recommendations.

Prohibits the Department of Defense from using 50% of the funds authorized to be appropriated for the JEDI cloud initiative, until the Secretary of Defense provides Congress with information sufficient to conduct oversight of the acquisition.

Strengthens congressional notification and approval for use of Other Transaction Authority for award of follow-on production contracts, to increase prudent use of OTAs while maintaining the flexibility and agility of these tools.

Increases oversight over services contracting. Requires the Secretary of Defense to submit information to Congress about services contracts, identifying the amount requested for each category of services procured by each Defense Agency, Department of Defense Field Activity, command, or military installation by October 1, 2020, and requires this information to be submitted annually with the Future-Years Defense Program.

Requires the Secretary of Defense to establish a 1.5% contracting goal for the procurement of products and services produced by the blind and severely disabled (Ability One contracts).

Increases the amount authorized for the Procurement Technical Assistance Program, which assists small businesses with learning the federal contracting process, from \$35 million to \$50 million. Also increases the amount of federal assistance available for these centers.

The bill is largely “status quo” on Buy America / the Berry Amendment with three exceptions.

- Section 822 increases the DOD Micro-Purchase threshold from \$5,000 to \$10,000, which brings it in line with other departments;
- Section 841 expands Buy America for certain navy ship equipment;
- Section 873 restricts, with exceptions, DOD procurement of certain magnets and tungsten components from China, Iran, Russia, and North Korea, or their third-party agents.

## **Security Cooperation**

Requires the Secretary of Defense to submit a report on the use of security cooperation authorities to counter the malign influence campaigns that are directed at allies and partners and that pose a significant threat to the United States.

Authorizes U.S. participation in and support for the Inter-American Defense College.

## **Guns**

Improves crime reporting by requiring DOD to establish a centralized oversight system to ensure criminal data is transmitted to the FBI database preventing the purchase of a firearm.

Amends federal law related to the transfer or possession of a machine gun to allow direct transfer between a licensed manufacturer or licensed importer in certain circumstances.

## **Opioids**

Requires the Department of Defense to establish a prescription drug monitoring program and share information with state prescription drug monitoring programs in order prevent opioid abuse within the military.

## **Subcommittee Portions**

### **Readiness Provisions**

#### **Readiness and Logistics**

Establishes a National Commission on Military Aviation Safety, proposed by Armed Services Committee Ranking Member Adam Smith, to study military aviation mishaps between FY2013 and FY2018. The commission would assess the rates of military aviation mishaps compared to historic averages, assess the causes contributing to the mishaps, and make recommendations on required changes to training, maintenance, personnel, or other policies related to aviation safety.

Authorizes \$607.8 million above the budget request for operations and maintenance accounts, while imposing “Fourth Estate” cuts that could have substantial impacts on military readiness, including spare parts and logistics support, secure communications, cloud support, and cyber security.

The package of “Fourth Estate” cuts that could have substantial impacts on military readiness, operational security, defense communities, service member quality of life, and efforts to prevent waste of taxpayer money. For example, cuts to the Defense Logistics Agency could negatively impact spare parts and logistics support. The reductions could impact the ability to provide secure communications, cloud support, and cyber security through the Defense Information Systems Agency. Cuts to the Office of Economic Adjustment could impact support and grant programs to defense communities. Cuts to contract oversight through the Defense Contract Management Agency, and cuts to the audit of defense contract spending through the Defense Contract Audit Agency could adversely affect both contractors’ ability to interface with DOD, and DOD’s efforts to prevent waste, fraud, and abuse of taxpayer funds.

Amends current law to require that scheduled maintenance on Navy vessels without a designated homeport be performed in shipyards in U.S. states or Guam, with the exception of voyage repairs.

Includes a number of provisions aimed at addressing Navy readiness challenges following the incidents involving the USS *Fitzgerald*, USS *John S. McCain*, USS *Antietam*, and USS *Lake Champlain* in 2017. These include provisions that address the amount of time a ship is forward deployed overseas, command relationships, optimization of Navy inspections and crew certifications, and surface warfare training and career paths.

Amends the Quarterly Readiness Report to Congress to require that each military service include readiness information about space and cyber operations. Will also require the combatant commanders to report on their readiness to conduct operations in a multi-domain battle, integrating ground, air, sea, space, and cyber forces.

In order to measure efforts to improve military readiness, the bill requires GAO to assess the readiness of the Armed Forces in the warfighting domains of ground, sea, air, space, and cyber annually through 2022. The assessment would be based on metrics established by the Secretary of Defense and validated by GAO, to allow Congress to assess readiness over time.

### **Civilian Personnel**

Allows the Secretary of Defense to appoint candidates without competition to any position involved with DOD maintenance activities, including depot-level maintenance and repair, any cybersecurity position, any acquisition professional managing service contracts, any science technology or engineering position at major range and test facilities until September 30, 2025. Does not consider existing civil service hiring practices, protections or veterans’ preference.

Allows the Secretary of Defense to recruit and appoint, without competition, recent graduates and current post-secondary students to competitive service positions in professional and administrative positions within DOD until September 30, 2025. This provision does not consider existing civil service hiring practices, protections or veterans' preference. This provision also eliminates the existing 25% cap on the prior pilot program.

Provides a one-year extension on overtime pay for Department of Navy employees working on nuclear powered aircraft carriers in Japan.

Allows DOD to appoint retired members of the Armed Forces to positions which have been granted direct hire authority, classified as an emergency appointment, or require a highly qualified expert.

### **Military Construction and Infrastructure**

Authorizes appropriations for \$11.2 billion for military construction, family housing, and implementation of legacy BRAC. Due to the Committee's recommendation to incrementally fund large projects consistent with amounts that can be expended in the fiscal year, the bill was able to authorize nearly 40 additional projects that were not included in the budget request.

Authorizes an additional \$715 million above the budget request for facilities sustainment, restoration, modernization, and demolition.

Does not authorize the construction of a new High Value Detainee Complex at Guantanamo Bay, Cuba.

Authorizes the secretaries of the military departments to use up to \$50 million each to carry out military construction projects to enhance force protection and safety on military installations.

Authorizes a new \$100 million grant program for the Secretary of Defense to assist state and local governments in addressing deficiencies in community infrastructure projects or facilities which are located outside of military installations but which support military installations.

Extends the Defense Laboratory Modernization Pilot Program through 2023, which allows the Department to use research and development funding for construction projects that support defense laboratories and test and evaluation facilities, and clarifies that funds can be used for architectural and engineering services for such projects.

Directs the secretaries of the military departments to accept financial services provided by an insured depository institution to service members and employees of the Department of Defense as sufficient in-kind consideration to cover all lease, services, and utilities costs assessed with regard to the leased property.

### **Energy and Environment**

Requires installation master plans to address climate and energy resiliency initiatives aimed at ensuring the ability to sustain mission-critical operations.

Authorizes \$15 million above the budget request for Energy Resiliency Conservation Investment Program.

Authorizes \$70 million above the budget request for environmental restoration to support the Department's response to drinking water contamination related to PFOS/PFOA.

Amends the Marine Mammal Protection Act to allow the Secretary of Interior to authorize 10-year permits for Department of Defense activities, an increase from the current 5-year permits.

Prohibits the Secretary of Interior from listing the Greater Sage Grouse and Lesser Prairie Chicken under the Endangered Species Act for a 10-year period, prohibit the listing of the American Burying Beetle as a threatened or endangered species, and prohibits the provision from being subject to judicial review.

Amends the statutory authority for several military land withdrawals to extend the withdrawals indefinitely while establishing a continuous review process that includes public comment regarding the resource management plans and military use of such lands.

### **Military Personnel Provisions**

Authorizes increased end-strength across the Army, Navy, Air Force, Naval and Air Reserve, and Air Guard.

Raises military pay by 2.6%.

Extends special pay and bonuses for service members.

Extends and standardizes installation benefits across the military services for Gold Star Families.

Improves crime reporting by requiring DOD to establish a centralized oversight system to ensure criminal data is transmitted to the FBI database preventing the purchase of a firearm.

Establishes Domestic Violence as a separate article under the UCMJ.

Requires the Department of Defense to establish a prescription drug monitoring program and share information with state prescription drug monitoring programs in order prevent opioid abuse within the military.

Directs the Secretary of the Army to take steps to extend the life of Arlington National Cemetery.

Overhauls the Transition Assistance Program (TAP) to provide service members better tailored resources and information as they prepare to enter civilian life.

Authorizes \$40 million for assistance to local educational agencies with military dependent students and \$10 million for local educational agencies eligible to receive a payment for children with severe disabilities.

Enhances ongoing Military Health System organizational reforms for the services to transition military medical treatment facilities to the Defense Health Agency by ensuring no military medical treatment facility will be closed or downgraded in health services provided until the completion of the transition to the Defense Health Agency.

Requires the Secretary of Defense to update and review the policy and procedures related to wounded warrior care coordination, administrative support, and facility standards.



Expands eligibility for the expedited transfer process following sexual assault for cadets at a military service academy.

Requires the Department of Defense Education Agency (DODEA) to consolidate juvenile misconduct data into one centralized reporting database.

Requires DOD and the military services to publish, on a public website, redacted reports of substantiated investigations of misconduct of senior leaders.

Requires DOD to assess the ability of the Defense Health Agency to deliver mental health care services and review research efforts involving traumatic brain injury, chronic traumatic encephalopathy, and post-traumatic stress disorder.

Requires the Secretary of Defense to provide a briefing on managed care support contractor compliance, with performance metrics and standards relating to appointments, referral processing, network development, to include the requirement to cover 85% of the beneficiaries with standard select coverage in Prime Service Areas with special emphasis on remote locations, and other administrative processing functions.

Directs DOD to report on the Department's compliance with requirements to consult sexual assault victims on their preference for having a covered offense prosecuted by court-martial or in a civilian court with jurisdiction.

Directs the DOD Comptroller General to review and report on the extent and substance of legal and ethics training provided to U.S. military commanders to support their role in the military justice system.

Requires DOD to establish a comprehensive oversight plan for implementation of the Department's new harassment prevention and response policy.

Increases the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces's ability to advise the Secretary of Defense on sexual assault and sexual misconduct-related matters by broadening its access to information deemed relevant to its scope and mission.

Mandates increased DOD oversight of the Department's registered sex offender management program.

Expands eligibility for the expedited transfer process, following sexual assault, of domestic cases handled under the Family Advocacy Program.

Requires the Secretary of Defense to establish an expedited transfer policy for service members whose dependents are the victim of a sexual assault perpetrated by a non-relative service member.

Directs the Secretary of Defense to report on best practices for prevention and response to sexual assault.

Requires the Secretary of Defense, through the Defense Advisory Committee on Investigations, Prosecution, and Defense of Sexual Assault in the Armed Forces (DACIPAD), to report on the frequency of punishment of sexual assault victims for collateral misconduct.

Changes the military rules of evidence to restrict the use of general military character as a defense.

Requires military service academies to provide cadets/midshipmen an information sheet with certain information regarding sexual assault resources.

### **Intelligence & Emerging Threats Provisions**

#### **Cyber**

Creates a pilot program authorizing DOD to provide technical experts to the Department of Homeland Security to increase cooperation and capabilities for defending and responding to cyberattacks, and to enhance cooperation, collaboration, and unity of government efforts for protection of critical infrastructure.

Requires the Secretary of Defense and Secretary of Homeland Security to study and report to Congress on the feasibility, advisability, and necessity, of establishing cyber civil support teams resourced by the federal government but operationally controlled by the governor of each state or territory.

Requires DOD to establish procedures for notifying Congress of cybersecurity breaches resulting in the loss of personally identifiable information (PII) of servicemen and women.

Incorporates the Defense Digital Service (DDS) into pilot program authorities for identifying new, innovative ways to evaluate cyber vulnerabilities of Department of Defense critical infrastructure, based on the success of the Defense Digital Service's "Hack the Pentagon" program. Also encourages the Department to use this or similar DDS activities to more rapidly and effectively improve the cybersecurity of government owned and operated facilities.

Requires that the President's annual DOD budget request materials include a consolidated display for cyber vulnerability evaluations and mitigation activities for each major weapon system beginning in fiscal year 2021.

Transfers the DOD Cyber Defense (DODIN) mission from DISA to CYBERCOM, for purposes of strengthening command and control, and defending DOD networks.

Directs the Comptroller General to assess the Department of Defense's current military cyberspace operations to ensure alignment with the appropriate authorities, policies and doctrine, rules of engagement, plans, oversight mechanisms, and evaluate the lessons learned processes, and examine how the Department manages the number of organizations that are conducting cyber operations, to ensure there are clearly defined roles and responsibilities, and that there are de-confliction mechanisms in place.

Increases funding for the DOD Cyber Scholarship Program by \$10 million.

Directs the Secretary of Defense to provide a briefing detailing information security technologies DOD employs to protect the official unclassified email and official unclassified mobile communications of its employees.

### **Counterterrorism, Countering Adversarial Influence, Countering Weapons of Mass Destruction, and Operational Authorities**

Directs the Comptroller General to assess the Department's information operations strategy and implementation efforts due to concerns about the lack of progress in developing the strategy, tools, and coordination mechanisms to counter adversarial influence.

Authorizes the Secretary of Defense to provide funds for fiscal year 2019 for the purposes of supporting the NATO Strategic Communications Center of Excellence, and would direct the Secretary of Defense to assign executive agent responsibilities to an appropriate organization within the Department of Defense.

Extends authority for non-conventional assisted recovery capabilities through 2024.

Directs the Comptroller General to review the extent to which Department of Defense military units deployed to the Republic of Korea and the Department's chemical and biological defense support units on the Korean peninsula, in the U.S. Pacific Command area of responsibility, and in the United States, are prepared to counter chemical and biological weapons.

Directs the Secretary of Defense to designate, from among the personnel of the Office of the Secretary of Defense, a Principal Advisor on Countering Weapons of Mass Destruction (CWMD).

Authorizes the Secretary of Defense to provide funds for fiscal year 2019 for the purposes of supporting the NATO Cooperative Cyber Defense Center of Excellence, and directs the Secretary of Defense to assign executive agent responsibilities to an appropriate organization within the Department of Defense.

### **Special Operations Forces**

Limits the availability of funds until the Secretary of Defense provides a report to the congressional defense committees on the Department of Defense Global Messaging and Counter Messaging program.

Directs the Commander of Special Operations Command to brief Congress on the future of the Preservation of the Families and Force Initiative to ensure the program places appropriate emphasis on promoting, maintaining, and restoring the psychological and behavioral health of SOF, rather than focusing solely on physical health.

Directs the Secretary of Defense, in coordination with the Secretaries of the military departments, to conduct a comprehensive review of the ethics and professionalism programs of the U.S. Special Operations Command and the military departments for officers and other military personnel serving in Special Operations Forces.

### **Science and Technology**

Strengthens congressional notification and approval for use of Other Transaction Authority for award of follow-on production contracts, to increase prudent use of OTAs while maintaining the flexibility and agility of these tools.

Directs the Secretary of Defense to develop a National Security Science and Technology Strategy to prioritize Department of Defense science and technology efforts and investments.

Directs the Secretary of Defense to submit a plan for the elimination or transfer of the functions of the Strategic Capabilities Office (SCO) to another organization or element of the Department

of Defense for purposes of institutionalizing the innovation, lessons learned, and best practices of SCO.

Directs the Under Secretary of Research and Engineering to establish an Artificial Intelligence and Machine Learning Policy and Oversight Council to continuously improve research, innovation, policy, joint processes, and procedures that facilitate the development, acquisition, integration, advancement, and sustainment of Artificial Intelligence and Machine Learning throughout the Department of Defense.

Authorizes counter-UAS cooperative research and development with Israel for countering unmanned aerial vehicles.

Provides an additional \$10 million for historically black colleges and universities.

Provides an additional \$30 million for Artificial Intelligence activities.

Provides an additional \$20 million for hypersonics.

Provides an additional \$40 million for railgun development.

Extends authority through FY 2019 and provides \$100 million for directed energy prototyping.

Provides an additional \$5 million for high performance computing modernization.

Provides \$30 million for undersea and unmanned aerial warfare research, which represents an additional investment in maritime robotics, autonomous systems, and energy storage technology.

### **Tactical Air & Land Provisions**

Mandates that the Air Force continue the JSTARS recapitalization aircraft development program.

Mandates aircraft improvements to address increased rates of physiological episodes in F/A-18s and other aircraft.

Provides multiyear procurement authority for F/A-18 aircraft.

Limits funding for F-35 software upgrades pending thorough cost and schedule estimates.

Authorizes funding in line with the President's budget request for 77 F-35 Lighting II, 24 F/A-18 Super Hornets, 60 AH-64 Apaches, 8 CH-53K King Stallion, 7 CMV-22 Osprey, 25 AH-1Z Viper, 3 MQ-4C, and other aircraft.

Authorizes funding in line with budget request for M1 Abrams, M2 Bradley, AMPV, and other ground combat vehicles.

Authorizes additional funding above the budget request for JSTARS Recap, UH-60M Blackhawks, Stryker Vehicles, Paladin Vehicles, MQ-1 Gray Eagle, EQ-4 BACN, WIN-T Increment 2, F-15 upgrades, A-10C wings, Body Armor research, and numerous unfunded requirements for munitions.

Includes a legislative provision encouraging DOD to use existing “Buy to Budget” authority for F-35 if production or other efficiencies are found.

### **Seapower & Projection Forces Provisions**

Funds the 10 ships included in the fiscal year 2019 budget request, including two *Virginia*-class submarines, three DDG 51 *Arleigh Burke* destroyers; one Littoral Combat Ship (LCS); two T-AO 205 oilers; one Expeditionary Sea Base (ESB); and one T-ATS towing, salvage, and rescue ship. In addition, the mark adds three battle force ships, including one *Ford*-class aircraft carrier and two additional LCS for a total of 13 ships.

Specifically authorizes the procurement of CVN-81, the fourth *Ford*-class aircraft carrier.

Adds over \$1 billion for long-lead time material funding in fiscal year 2019 for two additional *Virginia*-class submarines in fiscal years 2022 and 2023.

Adds additional funds for long-lead time material and authorizes a multiyear procurement contract for the LPD Flight II amphibious ship.

Authorizes the multiyear procurement associated with 625 SM-6 missiles at a rate of 125 missiles per year.

Adds additional funds for critical enablers including LRASM, Tomahawk, MK-48 heavyweight torpedoes, and sonobuoys.

Authorizes the multiyear procurement of E-2D Advanced Hawkeye and C-130J Super Hercules aircraft.

Fully funds the amount requested in the FY 2019 budget for the B-21 Raider program.

Establishes a floor of 479 air refueling tanker aircraft in the Air Force inventory subject to the results of the Mobility Capability and Requirements Study 2018.

Requires the Navy to incorporate the MQ-25 unmanned air vehicle (UAV) on the USS *George Washington* CVN-73 to ensure that our only forward deployed carrier is equipped with the first carrier based UAV.

Fully funds the VC-25B Presidential Recapitalization Aircraft program.

Adds additional funds for the propulsion and propeller upgrades of Air National Guard and Air Force Reserve C-130H airlift aircraft.

Retains the hospital ship USNS *Comfort* (T-AH-20) until a replacement capability can be developed.

Limits Military Sealift Command fiscal year 2019 expenditures until the Secretary of the Navy has entered into a contract for two vessels and has completed the requirements documentation for the construction of 10 new sealift vessels.

Recommends an increase in Maritime Security Program (MSP) funding to ensure retention of 60 MSP vessels.

## **Strategic Forces Provisions**

### **Nuclear**

To support the recommendation of the Trump Nuclear Posture Review, authorizes \$65 million for developing and producing a low-yield warhead to be carried on a submarine launched ballistic missile, breaking with decades of tradition on how SSBNs have been used, increasing focus on low-yield nuclear weapons, lowering the threshold for using nuclear weapons, and increasing the risk of miscalculation. Further repeals a 15-year prohibition on developing and producing low-yield nuclear warheads absent congressional authorization. The committee markup rejected an amendment that would have fenced funding for these initiatives pending a report on the impact that conventional strike capabilities might increase strategic danger by increasing the ambiguity about conventional v. nuclear launch, and the possibility that conventional strike capabilities might increase the risk of discovery for U.S. ballistic missile submarines.

Expresses a sense of Congress supporting the Trump Nuclear Posture Review.

Adds \$198 million above the budget request level for the National Nuclear Security Administration's (NNSA) nuclear weapons activities, including NNSA's aging facilities and infrastructure, and defense nuclear nonproliferation program.

Authorizes an additional \$115 million for construction of the mixed oxide (MOX) facility, but allows a waiver to terminate the project, similar to the one contained in the FY 18 NDAA.

Requires development and implementation of a plan to accelerate the acquisition of the Long-Range Stand-Off (LRSO) weapon and the new Ground-Based Strategic Deterrent (GBSD), and adds \$154 million in funding beyond the budget request.

Prohibits DOD from reducing the number of Intercontinental Ballistic Missiles (ICBMs), or reducing their level of alert for a nuclear launch. The committee rejected an amendment to provide a waiver of this strict requirement to the Chairman of Joint Chiefs of Staff / STRATCOM.

Prohibits funding for retaining the option for or developing a mobile variant of the GBSD through FY 2020.

Declares that the prohibitions pursuant to the INF Treaty will no longer be legally binding as a matter of law unless the President certifies within one year of enactment that Russia has returned to verifiable compliance with the treaty.

Fences DOD funding support for White House functions until the implementation of previously congressionally-mandated sanctions for violating the Intermediate Nuclear Forces (INF) Treaty, and until a previously required plan for additional sanctions is submitted to Congress.

In a separate provision, also imposes additional sanctions on Russia for its INF Treaty violation, but provides the President with a broad waiver authority to avoid implementing those sanctions.

Limits authorization of DOD funds for extending the New START Treaty unless Russia has responded in writing as to whether certain new weapons systems being developed will be declared as Strategic Offensive Arms pursuant the treaty. Also requires a report on whether New START and the extension of this treaty is in U.S. security interests.

Drops the congressional requirement that had prevented the Air Force from retiring the conventional air-launched cruise missile, which was going to cost over \$300 million to maintain, and pushes out the congressional mandate that the LRSO have a conventional variant to 4 years after initial operating capability of the nuclear LRSO.

Requires a report on the military requirements, and cost/life extension implications of retaining the megaton B83 bomb that had been slated for retirement.

Requires an independent report on the risks and benefits of changing the U.S. nuclear weapons launch-under-attack posture.

Requires a report on the rationale for the Nuclear Posture Review recommendation to change the annual plutonium pit requirement to “at least 80 pits” from a previous requirement of “50-80 pits” and requires a detailed assessment of whether plutonium pits in the U.S. inventory can be re-used.

Extends the required annual report on the 10-year funding profile of the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control (established in the FY12 NDAA) through FY 2022.

Requires a report on the W78 warhead replacement.

Authorizes \$10 million for feasibility work on low-enriched uranium naval reactor fuel.

Authorizes NNSA’s independent office of Cost Estimate and Program Evaluation to review and provide cost estimates for construction projects exceeding \$500 million.

Requires the Secretary of Energy to impose civil penalties on contractors for violations of Department of Energy rules, regulations, and orders relating to nuclear safety and radiation protection.

Requires briefings to Congress on the vapor problems at the Hanford Site.

Provides for the Under Secretary of Defense for Research and Engineering to sit on the Nuclear Weapons Council, which coordinates nuclear weapons programs and policy between the Department of Defense and the National Nuclear Security Administration.

Fences funding for upgrading U.S. Open Skies Treaty sensors and procuring new aircraft used to conduct U.S. verification flights over Russia until the President has imposed responsive costs on

Russia for its violation of the treaty, and prohibits the U.S. from approving any upgrades to Russian sensors.

Prohibits funding for nuclear threat reduction in Russia but provides a waiver for the Secretary of Energy.

### **National Security Space**

Establishes U.S. Space Command as a new sub-unified command within U.S. Strategic Command, to ensure joint space warfighting receives the resources and emphasis that it needs.

Major Commands in the Air Force are organized into numbered Air Forces (NAF). To ensure prioritization of space within the service, the mark directs the Secretary of the Air Force to establish a new numbered Air Force dedicated to space warfighting and reorganize the current 14<sup>th</sup> Air Force to a space support mission.

Directs the Deputy Secretary of Defense to develop a plan to establish a separate alternative acquisition system for defense space acquisition to include the space vehicle, ground segment, and terminals, and tasks the Secretary of the Air Force to implement a plan to increase the number and improve the quality of the civilian and military space cadre.

Requires inclusion in GPS receivers of the capability to receive European Galileo and Japanese QZSS signals to increase U.S. resilience of the positioning, navigation, and timing capability.

Fences funding for the Joint Space Operations Center mission system and 25% of the ESBMC2 service and management applications until the Deputy Secretary certifies that the Air Force has contracted for operationalizing best-in-breed commercial space situational awareness processing software.

Requires designation of lead entity to coordinate common solutions for M-code modernization, integration, testing and procurement efforts, and requires congressional updates through 2021. Requires the Secretary of Defense to designate a component of DOD to be responsible for coordination of information relating to using commercially hosted payloads.

Continues the U.S. commitment to supporting innovation in national security space launch, by requiring consideration of both reusable and expendable launch vehicles while recognizing the need to maintain risk at acceptable levels to ensure mission success, and requires a related risk and cost impact analysis.

### **Conventional Prompt Strike**

Adds \$150 million above the President's budget request to accelerate development and testing for a conventional prompt strike operational capability, and requires a report addressing ambiguity concerns.

### **Missile Defense**



Prohibits funding for lot 1 of the Redesigned Kill Vehicle, which the Missile Defense Agency (MDA) is planning to purchase before any flight testing occurs, but allows the Secretary of Defense to waive the prohibition.

Requires the director of the MDA to establish a boost-phase intercept program using kinetic interceptors, and initiate development of a missile defense tracking and discrimination space sensor layer. Requires an independent assessment of a concept proposal for this capability.

Requires the Undersecretary for Acquisition and Sustainment to remain part of the Missile Defense Executive Board and clarify that she retains milestone acquisition authority, and requires the MDA to release an unclassified copy of test dates by quarter/year.

Requires the MDA to provide unclassified information relating to the schedule for planned missile defense tests.

Requires the Secretary of Defense to submit a report following release of the ballistic missile defense review that addresses the implications for planned programs of record, costs and resource prioritization, and strategic stability.

Requires the director of the MDA to continue development for the Homeland defense radar in Hawaii to deliver an operational capability in fiscal year 2023.

Authorizes multi-year procurement for SM-3 IB missiles.

Provides the amount requested in the budget request of \$500 million for Israeli Missile Defense co-development and co-production of the Iron Dome, David's Sling, and Arrow weapon systems, and includes a sense of Congress supporting U.S.-Israel missile defense cooperation.

Directs the Army to ensure the Lower Tier Air and Missile Defense Sensor performance specification (PSPEC) specifies certain requirements and utilizes evaluation criteria that enables understanding of the cost/value of procuring this advanced capability.

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