

HR 2500
The National Defense Authorization Act for FY 2020
Ranking Member Views

WASHINGTON: The Constitution places upon Congress the responsibility to provide for the common defense, including to “raise and support Armies”, “Provide and maintain a Navy”, and “make Rules for the Government and Regulation of the land and naval Forces.” For 58 years, the National Defense Authorization Act (NDAA) has been the primary way through which Congress executes this obligation.

Rep. Mac Thornberry (R-TX), Ranking Member of the House Armed Services Committee, made the following remarks on HR 2500, the National Defense Authorization Act for Fiscal Year 2020 introduced by Chairman Adam Smith (D-WA):

“Traditionally, the NDAA earns broad bipartisan support from Members on both sides of the aisle. Recently, this support has allowed Congress to arrest a lethal crisis in military readiness, provide support to troops and their families, reform the Pentagon to bring needed efficiency and agility, and guide and oversee the President and DOD on critical national security matters. I hope Congress can continue that tradition this year. There are a number of provisions in the bill that meet that standard. There are others that are troubling.

“The Budget Control Act set arbitrary and unrealistic spending caps on our military. Those caps forced the Pentagon into unwise choices, deferring needed training, maintenance, and modernization. These choices contributed to a lethal readiness crisis we are only now arresting. I am concerned that by imposing another insufficient and arbitrary topline, the Chairman’s mark is forcing those unwise choices once again.”

Examples of Items in the Chairman’s Mark Ranking Member Thornberry Supports

Continues to Support the Troops: The Chairman’s Mark supports a 3.1% military pay raise, essential end strength increases, an increase in compensation for military spouses to acquire professional licenses, and significant bipartisan housing reform to protect military families. The Mark continues reforms focused on sexual assault prevention and response. The Chairman’s Mark also prohibits the reduction of military health care personnel.

Continues to Make Important Investments: The Chairman’s Mark makes important investments in science and technology, military platforms including 4th and 5th generation fighters, unmanned systems, Guard and Reserve equipment, and helicopters. The Mark continues support for a space-based hypersonic missile layer, the Missile Defense Agency’s cybersecurity efforts, small space launch for national security requirements, and efficient acquisition of commercial satellite communications.

Continues Important Oversight: The Chairman's Mark continues the Committee's tradition of robust oversight of major weapons systems, sensitive military operations and activities, including cyber, counterterrorism, and intelligence. The Chairman's Mark adopts some reforms suggested by the 809 Panel to rationalize the acquisition system.

Continues to Support Allies and Partners: The Chairman's Mark fully funds security cooperation activities that enable Geographic Combatant Commands to strengthen and evolve our alliances and partnerships, and to increase global burden sharing in support of the National Defense Strategy.

Examples of Items of Concern

Topline: The Chairman's Mark cuts \$17 billion from the President's budget request. The Committee received repeated testimony, including from Acting Secretary Shanahan and General Dunford, that the military needs between 3%-5% real growth to continue readiness restoration and to deter threats posed by Russia and China. The committee heard no testimony supporting arbitrary cuts to the topline. The proposed cuts directly impact readiness recovery, military personnel, and America's ability to deter Russia, China, and other malign actors.

Reform: While the Chairman's Mark makes significant cuts, it does not do enough to offset those cuts through agility or efficiency focused reforms. The Ranking Member will introduce his reform proposals as amendments as the NDAA process continues.

Military Personnel Funding: Our service members richly deserve their hard-earned pay and benefits. Many military families must rely on the service member's income alone to make ends meet because of high military spouse unemployment rates and military childcare shortages. Despite supporting a 3.1% military pay raise, the Chairman's Mark calls for over \$1.2 Billion in military personnel funding cuts, making it more difficult for the military to meet its obligations to our service members and their families.

Readiness Funding: Between 2013 and 2017, military aviation accidents rose 40%, and military aviation deaths hit a six-year high in 2018. Following sustained, focused oversight from the Armed Services Committee and a significant targeted increase in resources, the Committee received testimony that the degradation in readiness has been arrested and accident rates have begun to decline. Rep. Thornberry believes that the billions cut from readiness programs necessitated by the lower topline endangers key readiness recovery efforts.

Facilities Funding: Degraded military infrastructure poses a significant risk to America's security and the safety of men and women in uniform. The estimated number of facilities that meet the Pentagon's definition of failure has doubled in recent years. To mitigate this risk, Congress has

previously provided significant resources to arrest the general decline. However, this year, Chairman's Mark cuts facilities sustainment funding and diverts it to other purposes.

Disaster Relief: Despite the considerable emphasis the Chairman's Mark places on climate change and climate resiliency, and repeated criticism of Administration efforts to fund border barriers while not rebuilding storm damaged installations, the Chairman's Mark does not authorize \$2.3 billion of additional disaster relief efforts required to support Offutt AFB, Tyndall AFB, MCAS Cherry Point and MCB Camp Lejeune.

Modernization Funding: The lower topline also forces the Chairman's Mark to make unwise cuts to vital modernization programs critical to deter Russia and China, including hypersonics, 5G, LCS, and other programs.

GTMO: Provisions in the Chairman's Mark- while purporting simply to ban new detainee transfers to GTMO- also requires a plan that will ultimately lead to the transfer of current detainees to the United States. Moreover, the Chairman's Mark does not contain the traditional prohibitions against transferring detainees to the United States. Finally, the Mark did not support a High Value Detention Facility to replace a failing facility that is putting U.S. military personnel at risk.

Space Force: Despite bipartisan support on the Committee for space reform, including from Chairman Smith and Strategic Forces Subcommittee Chairman Jim Cooper (R-TN) the Chairman's Mark does not contain language establishing a Space Force.

Nuclear Modernization and Strategic Deterrence: The Chairman's Mark makes significant reductions to nuclear modernization and recapitalization programs. These programs traditionally receive bipartisan support and many date back to recommendations made by the Obama administration. In addition to prohibiting the deployment of new low-yield weapons, the Chairman's Mark weakens our deterrent posture against Russia and China and defers essential safety upgrades.

Border Policy: The Chairman's Mark contains many provisions related to Congressional oversight in response to the diversion of resources to border security and repeated deployments in support of DHS activities. The Chairman's Mark is overly prescriptive with its presumptive ban on construction projects. The effect of these prohibitions – if passed in the final NDAA- would pull back those military construction funds not already obligated for border barrier construction once the NDAA is enacted. Ranking Member Thornberry is concerned that the restrictions on reprioritizing military construction funds could hamper the recovery of other critical infrastructure- a major readiness concern. In addition the Chairman's Mark does not restore military construction funding diverted to border barrier construction. Refusing to restore these funds forces our troops- whose lives often depend on military infrastructure- to pay the price of political discord in Washington.

Increased Reports: DOD reporting requirements are a critical oversight tool. The Committee must also be mindful of the total cost in terms of time and resources reporting requirements impose on the military. The Chairman's Mark imposes 240 new reporting requirements, a 34% increase over the reports required in the FY19 NDAA and a 79% increase over the FY18 NDAA. Additional reporting requirements are expected as we go through the FY20 markup process.