

## Congress Finalizes FY 2019 NDAA Conference Report in Record-Breaking Time

By Ken Miller, AOC Director of Advocacy and Outreach

This week, Congress released the Conference Report to H.R. 5515, the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (NDAA). The House plans to take up the legislation later this week and the Senate may vote on it as early as August. This is, by far, the earliest that the NDAA is complete in recent history. In fact, prior to this year, the earliest the NDAA was signed into law in the past 15 years was FY 2009, which was signed on October 14, 2008 (see adjacent chart). While it is unclear when the Conference Report will reach the President's Desk for his signature - the Senate's legislative agenda and Supreme Court nomination process will certainly create some delay - the Congress is at least poised to wrap up the NDAA well before the beginning of the new fiscal year on October 1.

The Conference Report provides \$708.1 billion for national defense, including \$69 billion for Overseas Contingency Operations (OCO). The below chart shows the break-down of funding by major category. Procurement authorization increased by \$1.75 billion above the President's Request, while R&D increased nearly \$700 million. O&M and Personnel accounts decreased almost \$1 billion each.

NDAA by Category (in thousands)

Category	Request	House	Senate	Conference
Procurement	\$130,526,043	\$130,526,043	\$131,998,763	\$132,278,377
R&D	\$91,056,950	\$91,056,950	\$92,216,538	\$91,727,403
O&M	\$199,469,636	\$199,469,636	\$200,351,316	\$198,509,668
Personnel	\$148,222,391	\$148,222,391	\$145,160,311	\$147,057,111
OCO	\$69,000,000	\$69,000,000	\$68,484,600	\$68,997,599
Other (DoE, MILCON, DRA)	\$32,448,517	\$32,761,378	\$32,272,451	\$32,520,100

The AOC will release how EW-related programs fared in the coming days; however, there were significant legislative provisions addressed in the NDAA. First and foremost, the Conference Report contains Sec. 1053, entitled "Guidance on the electronic warfare mission area and joint electromagnetic spectrum operations," combines Sec. 1058 of the House-passed NDAA and Sec. 1032 and Sec. 1661 of the Senate NDAA. The AOC supported each of these provisions. In this new provision, the House recedes to the Senate language (Sec. 1032) with an amendment that would modify the roles and responsibilities of the senior designated official (SDO) and "strengthen the SDO and the EW EXCOM to propose governance, management, organizational and operational reforms to the Secretary of Defense." The language also includes various reports, including an assessment of EW capabilities of Russia and China (Senate Sec. 1661), an update on the progress of implementing an AOC-supported pilot program that provides flexibility in the use of sustainment funds for modernization of legacy EW systems, the progress toward implementing Electromagnetic Battle Management (EMBM) for networked EW and dynamic reprogramming with automated near real-time capabilities, and an assessment of personnel assigned across the Services to JEMSO.

In another victory, the Conference Report removes Sec. 1663, Development of Electromagnetic Battle Management capability for joint electromagnetic operations, which would have required the designation of a military Service to be an Executive Agent for the development of EMBM capabilities. The AOC strongly opposed this language.

#### NDAAs Signed Into Law (History)

Fiscal Year	Bill Number	Date Signed
FY 2019	HR 2810	August 2018?
FY 2018	HR 2810	12/12/17
FY 2017	S 2943	12/23/16
FY 2016	S 1356	11/25/15
FY 2015	HR 3979	12/19/14
FY 2014	HR 3304	12/26/13
FY 2013	HR 4310	1/2/13
FY 2012	HR 1540	12/31/11
FY 2011	HR 6523	1/7/11
FY 2010	HR 2647	10/28/09
FY 2009	S 3001	10/14/08
FY 2008	HR 4986	1/28/08
FY 2007	HR 5122	10/17/06
FY 2006	HR 1815	1/6/06
FY 2005	HR 4200	10/28/2004

Additionally, compromise language on the Compass Call included the House receding to the Senate on Sec. 143 of the Senate NDAA to repeal the funding restriction for the Compass Call Recapitalization Program. The House also added an amendment in the Conference Report to eliminate required reports, but Congress does expect to be regularly updated on the “status and progress” of the program. Relatedly, the Senate recedes to the House on Sec. 146 of the House-passed NDAA that removes the waiting period for limitation on availability of funds for the recapitalization program. These provisions effectively clear the way for the recapitalization program to move forward without limitations by Congress.

Finally, other provisions important to the AOC community include: (1) Report on the modernization of B-52H aircraft systems (Sec. 148); (2) Extension of Directed Energy (DE) prototype authority; (3) the establishment of procedures for rapid reaction to emerging technologies; (4) an independent assessment of EW plans and programs through “JASON,” an independent group of scientists that advise on matters of science and technology, and (5) the establishment of a cross-functional

team for EW under the Secretary of Defense.

The AOC will release additional information and analysis of the NDAA in the coming days. For questions on specific provisions please contact Ken Miller, AOC Director of Advocacy and Outreach, at [kmiller@crows.org](mailto:kmiller@crows.org).