

UNITED STATES TRANSPORTATION COMMAND



Reporting Period: 6 - 16 September 2016

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ENVIRONMENT ON THE HILL:

After a seven week recess, Congress returned to the Hill on 6 September with much work to accomplish including funding all government agencies, conferencing the National Defense Authorization Act (NDAA), determining funding for combating Zika, and addressing the Louisiana flood recovery, among others. While they have made some progress in advancing this year's legislation, they have yet to pass any appropriations bills, or the NDAA, and must still resolve how to fund the government past 30 September.

The Senate is expected to begin their pre-election recess at the end of the week after they pass a [continuing resolution](#) (C.R.) to fund the government through early December, but as of the publishing date of this newsletter, several roadblocks remain. Several "riders" to the C.R. will generate support for passage, but will also create opposition to the bill: Zika funding and offsets within the budget; additional aid for Flint, MI; a policy to allow Export-Import (Ex-Im) Bank approvals with less than the standard quorum; a prohibition against additional refugees from Syria and Iraq; and, a temporary halt on transfer of internet governance to international agencies. Congress must resolve these issues and present the President a funding bill by 30 September or risk a government shutdown. Below are some highlights for the reporting period of this edition of the United States Transportation Command's (USTRANSCOM) "Dome Lines."

- Continuing Resolution
 - o Congress is headed towards another C.R. to keep the government funded past the current fiscal year, but is expected to fund it only through early December. President Obama met with congressional leaders (House Speaker Paul Ryan, Senate Majority Leader Mitch McConnell, Senate Minority Leader Harry Reid and House Minority Leader Nancy Pelosi) last week to discuss the stopgap spending plan, following which the Senate scheduled its first procedural vote ([cloture](#) vote) on the C.R. bill (H.R. 5325) for 19 September. It is likely Congress will have to pass an additional spending bill during the lame duck session in December.
- NDAA
 - o The House and Senate Armed Services Committees have been working to resolve differences between the House and Senate versions of the annual defense policy bill (FY 17 NDAA). Committee leaders kicked off the formal "conference" with a meeting among the "Big Four"--Sen. John McCain, (R-AZ), Rep. Mac Thornberry, (R-TX), Sen. Jack Reed, (D-RI), and Rep. Adam Smith, (D-WA)--to prime efforts in reaching agreement on the bill. News sources reported that the "Big Four" leaders made progress towards a compromise and are close to finalizing the NDAA. However, the latest sticking point involves the "sage grouse" and Overseas Contingency Operations (OCO) funding.
 - Sage Grouse, a type of fowl which resides in the Western U.S. and in specific testing and training ranges throughout Utah has resulted in the House to include a provision in the NDAA. The provision would block the sage grouse from being placed on the endangered species list which

would allow full use of the testing and training ranges. The Senate bill doesn't include a similar provision.

- Similar to the last couple of years, OCO funding continues to be a contentious topic among lawmakers. Negotiations have been ongoing for months in addressing the major difference between the House and Senate version (\$18 billion variance). The House version takes \$18 billion from the OCO account, not subject to budget caps, to pay for high-profile weapons while the Senate version complies with the prescribed budget caps while also matching the administration's funding request. It is being reported that a compromise to use only \$9 billion from the OCO account will be the likely outcome. The President has not commented on his support or opposition for the compromise position.

- Ex-Im Bank

- Ex-Im Bank is an independent, self-sustaining U.S. government agency with a mission of supporting U.S. jobs by facilitating the export of American goods and services. In June 2015 Congress allowed Ex-Im Bank's authority to expire; however, this past December Congress agreed to revive the bank's lending authority through September 2019. In light of the re-authorization, Senator Richard Shelby (R-AL) who opposes the bank, held up a vote for a nominee to the Ex-Im board which currently only has two board members. This action has prevented the bank from having a quorum of at least three members to evaluate and approve loans of more than \$10 million. Thus a joint letter signed by industry groups has been sent to congressional leadership recommending temporary change to the agency's quorum requirement in the pending C.R. bill. Industry leaders say that without the change, U.S. businesses are at a disadvantage when compared to global competitors while also harming supply chains of small and medium-sized companies. News sources have indicated that those lawmakers who support Ex-Im Bank are planning to pursue such a provision.

- Justice Against Sponsors of Terrorism Act

- Passage of Senate bill S.2040 would allow victims of terrorist attacks on U.S. soil or their families, to sue foreign governments that funded or aided the attack. The bill, passed by both the House and Senate was presented to the President on 12 September 2016. The measure is opposed by the administration. Press Secretary Josh Earnest made the following statement regarding the bill during a press briefing;

"And the concern that we have is that the way that this bill is currently written exposes the United States, U.S. diplomats, U.S. service members, and in some situations, even U.S. companies to significant risk in courts all across the world. And that is a concern that we have expressed to members of Congress in both parties."

The President has ten days (excluding Sunday) to sign or veto the bill. Congress is discussing strategy to override the President's veto, should it occur.

- Transfer/Release of Guantanamo Detainees

- The House recently passed a bill that would prevent President Obama from releasing any more detainees from Guantanamo Bay through 21 January 2017 (Note: The new elected U.S. President is set to be sworn into office on 20 January). The Senate also has a similar bill which news sources indicate has little chance in being approved. If the bill reaches the President's desk the Administration has threatened to veto it.

USTRANCOM Legislative Proposals:

- USTRANCOM's FY 17 legislative proposals (LPs) are pending with the other legislation for the next fiscal year. The status of the LPs (listed below) is the same: all five LPs are included in the House version of the

NDAAs, while the Department of Defense (DoD) has requested adoption of the five LPs to the conference report. The NDAA is currently being reviewed by the [conference committee](#) to reconcile the differences between the House and Senate versions.

- Included in the House version of the NDAA:
 - o Pro Rata Payments to the Maritime Security Fleet
 - o Authority to Extend Age Restrictions in the Maritime Security Fleet
 - o Extension of Authority for Non-Premium Aviation Insurance until December 31, 2019
 - o Revival of Lapsed Authority for Non-reimbursable Support during a Disaster or Contingency
 - o Liquidation of Unpaid Credits Accrued as a Result of Transactions under a Cross-Servicing Agreement

While FY 17 legislation is pending, the process for drafting FY 18 legislative has begun. The DoD Office of Legislative Counsel will review any submitted proposals through the DoD and interagency coordination process with the projected submission to Congress in the Spring time-frame.

CONGRESSIONAL ACTIVITIES:

Hearing(s):

Hearing Date	Witness(es)	Committee & Hearing Topic
13 Sep 2016	Honorable Marcell Lettre II USD (Intelligence) Admiral Michael Rogers USCYBERCOM/NSA	Senate Armed Services Committee Encryption and Cyber Matters * See Note 1 below table
14 Sep 2016	Maj Gen Michael Fortney AFGSC Maj Gen Timothy Fay HQ USAF Brig Gen Jon Thomas HQ AMC Brig Gen David Nahom HQ ACC	House Armed Services Committee Subcommittee on Seapower & Projection Forces Next Generation Air Space Control—Ensuring Air Force Compliance by January 2020
14 Sep 2016	Mr. Hoyt Brian Yee Dept of State Dr. Michael Carpenter Dept of Defense	Senate Foreign Relations Committee NATO Expansion: Examining the Accession of Montenegro * See Note 2 below table
15 Sep 2016	General Mark Milley CSA Admiral John Richardson CNO General Robert Neller CMC General David Goldfein CSAF	Senate Armed Services Committee Long-term Budgetary Challenges Facing the Military Services and Innovative Solutions for Maintaining our Military Superiority
20 Sep 2016	General John Hyten AFSPC CDR	Senate Armed Service Committee Confirmation Hearing for Gen Hyten

21 Sep 2016	Dr. Andrew Erickson Naval War College Ms. Bonnie Glaser Ctr Strategic & Intl Studies Dr. James Kraska Naval War College	House Armed Services Committee Subcommittee on Seapower & Projection Forces Seapower and Projection Forces in the South China Sea
22 Sep 2016	Hon. Ashton Carter SECDEF Gen Joseph Dunford, Jr. CJCS	Senate Armed Service Committee U.S. National Security Challenges and Ongoing Military Operations

Note 1: In an effort to better address the distinct difference between electronic espionage and cyber warfare, the Pentagon and the intelligence community are likely to recommend to the President the separation of the dual-hatted leadership duties of the National Security Agency (NSA) and U.S. Cyber Command (CYBERCOM) which Adm. Michael Rogers currently holds; however, the Chairman of the Senate Armed Services Committee, John McCain (R-AZ) stated during the hearing titled; "Encryption and Cyber Matters," to oppose any nominee the President offers as NSA Director if different from CYBERCOM commander.

Note 2: The Senate Foreign Relations Committee held a focused hearing on Montenegro's candidacy in becoming a member of the North Atlantic Treaty Organization (NATO) and what the country could bring to the alliance. Russia's influence and opposition to Montenegro's membership was also discussed. Committee members expressed support for Montenegro's candidacy.

Briefing(s):

- On 13 September, Acting Principal Deputy Assistant Secretary of Defense for Personnel & Readiness, Ms. Stephanie Barna and the Director of the Defense Commissary Agency (DeCA), Mr. Joseph Jeu briefed the HASC Military Personnel Subcommittee on the "Commissary Reform Efforts," along with providing a status on the Pacific Fresh Fruit & Vegetables contract performance. Subcommittee members inquired on the communication strategy, how DeCA compares to other grocers, and what DeCA anticipates once the reform efforts are complete.

REPORTS:

Congressional Reports:

Due Date	Description	Status
30 Sep 2016	Capability to transport and treat military personnel exposed to highly infectious emerging diseases (OPR: TCSG)	Letter report drafted and in coordination at Joint Staff. Source report requirement; Senate NDAA FY17 Committee Report, pg 107.
1 Nov 2016	DoD Transportation Protective Services (OPR: SDDC)	Report currently being drafted. Source report requirement; Senate NDAA Committee Report, pg 107.
6 Feb 2017	Level of readiness of CRAF carriers (OPR: TCERC)	Preparing/coordinating draft for the second required report. Source report requirement; NDAA FY16; Sec. 1085.

6 Feb 2017	Assessment on Duplication/ Inefficiencies within DLA & USTRANSCOM (OPR: SECDEF)	Institute for Defense Analyses identified to perform the subject assessment on USTRANSCOM & DLA. (Preliminary brief due NLT 15 Dec 2016 to HASC/SASC).
TBD	Study on Space-A Travel System of the DoD (OPR: SECDEF)	Requires enactment of the FY17 NDAA before commencement of the study.

Government Accountability Office (GAO) Reports (FY 2016):

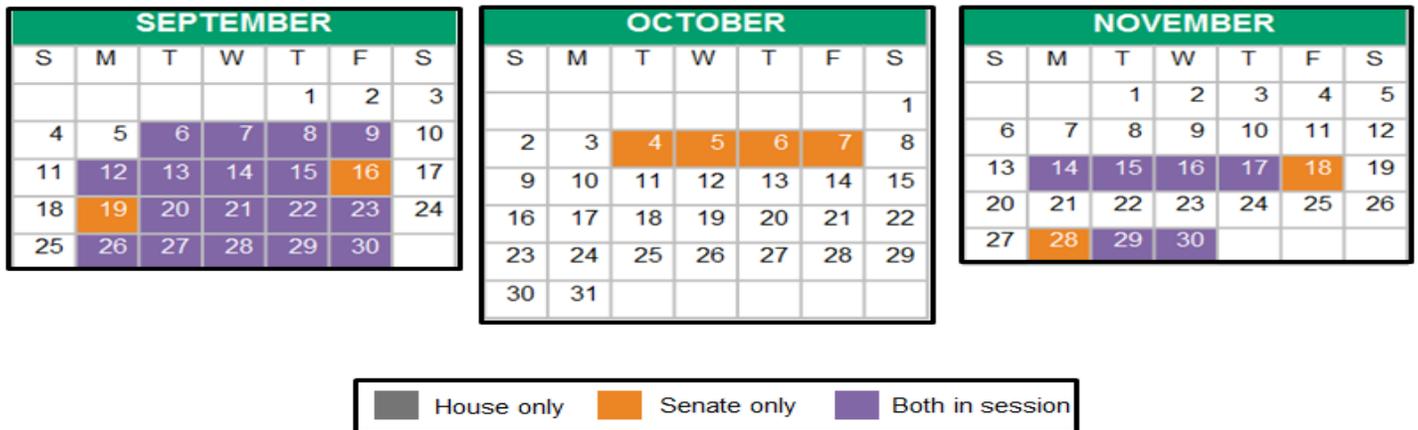
Start Date	Title	Information/Status
Nov 2015	Performance & Effectiveness of DoD's Joint Exercise Program (POCs: TCJ6, J2, J3, J5/4, AC, MSC)	Congressional Mandate. Teleconference held with GAO to discuss technical changes of the report. Next action (respond to recommendations) expected Oct 2016.
Feb 2016	Readiness impact of drawdowns in support of foreign aid (POCs: TCJ2, J3, J5/4, J8, SDDC, AMC)	Congressional Mandate. Determining responses to propose recommendations.
Mar 2016	DoDs Report on HAZMAT Transportation (POCs: TCJ3, J5/4, AMC, SDDC, MSC)	Pre-draft report provided by GAO for technical, scope, and methodology review.
Jun 2016	Mobility Support for Operations in Korea (POCs: TCJ3, J5/4, AC)	Congressional Mandate. GAO auditors have visited USTRANSCOM to conduct Subject Matter Experts interviews. Pre-draft report expected Sep 2016.
Aug 2016	DoD's Policies, Requirements, Uses, Maintenance of Operational Support & Executive Airlift (POC: TCJ3, J5/4, AMC, TACC)	Congressional Mandate. GAO auditors have visited USTRANSCOM to conduct Subject Matter Experts interviews. Pre-draft report expected Dec 2016.

Note: For questions or comments regarding the reports listed above, please [contact](#) the USTRANSCOM Inspector General Office.

NOMINATIONS/CONFIRMATIONS:

Nomination Date	Nominee	Status/Information
26 May 2016	Mr. Daniel P. Feehan	Nominated to be Assistant Secretary of Defense for Readiness. Awaiting confirmation.
26 May 2016	Mr. Thomas Atkin	Nominated to be Assistant Secretary of Defense for Homeland Defense. Awaiting confirmation.
9 Sep 2016	Gen John Hyten	Nominated to be next commander of U.S. Strategic Command. Confirmation hearing with the SASC set for 20 Sep.
13 Sep 2016	Maj Gen Jerry Martinez	Nominated to the rank of Lieutenant General. Awaiting confirmation.

CONGRESSIONAL CALENDAR:



CONGRESSIONAL ENGAGEMENT(S):

Date	Topic	Information
Jan 2017	Sealift Recapitalization & Mariner Manning	Professional Staffer Member event to inform/discuss Sealift Recapitalization & Mariner Manning.
Feb 2017	USTRANSCOM Update	Annual House and Senate Armed Services Committee Professional Staffer Members visit to USTRANSCOM.

RECENT QUOTES:

- Senate Majority Leader Mitch McConnell’s (R-KY) comment after meeting with President Obama and three other congressional leaders (Speaker Paul Ryan, Senate Minority Leader Harry Reid and House Minority Leader Nancy Pelosi) regarding funding the government:
 - "We had a good meeting. Talked about wrapping up the funding issue and I think we're all in a very good place to do that on a bipartisan basis pretty quickly."
- SASC Chairman John McCain (R-AZ); during the 13 September hearing on “Encryption and Cyber Matters:”
 - “I will object to the confirmation of any individual nominated by the President to replace the director of the National Security Agency if that person is not also nominated to be the commander of Cyber Command.”
- Rep. Adam Smith (D-WA); discussed the NDAA and the impact the “sage grouse” is having on it’s resolution:
 - “My understanding is that there are short, chicken-like fowl problems still causing some question as to whether or not we’re going to actually get it done.”

LEGISLATIVE TERMS:

- Brief explanations of legislative terms used throughout this edition of the “Dome Lines,” sourced from Congress.gov.
 - Continuing Resolution: An appropriations act (typically in the form of a joint resolution) that provides stop-gap (or full-year) funds for federal agencies and programs to continue operations when the regular (or annual) appropriations acts have not been enacted by the beginning of the fiscal year.

- Cloture: The method by which a supermajority (typically, three-fifths) of the Senate may agree to limit further debate and consideration of a question (e.g., a bill, amendment, or other matter). Details of the procedural process are provided for in Rule XXII of the Senate standing rules.
- Conference Committee: Temporary joint committee created to resolve differences between House-passed and Senate-passed versions of a measure.

MISCELLANEOUS INFO:

- For those USTRANSCOM members who are traveling/on temporary duty out in Washington D.C. and need a place to work from for a couple of hours, check email or to simply store your luggage while in meetings, please be aware our Legislative Affairs D. C. office is available for your use. Below you will find the office address. If you plan on stopping by, please call Lt Col Mark Robinson at 571-312-8926 ahead of time to arrange your visit.

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- Legislative Affairs related documents, to include this and previous editions of the “Dome Lines,” can be found at the Legislative Affairs [SharePoint site](#). For those without access to the SharePoint site, this edition can be found on the USTRANSCOM public [website](#).

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