

UNITED STATES TRANSPORTATION COMMAND



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LEGISLATIVE ANALYSIS

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Well into the second session of the 116th Congress, members, staffers, and Services/CCMD Legislative Affairs Offices adjusted to the departure of Secretary Mattis, planned under (acting) SECDEF Shanahan, and now prepare for the Senate confirmation hearing determining if current Secretary of the Army Mark Esper will be the next SECDEF. This transition creates a domino effect of leadership not yet fully flushed out as one vacancy potentially leads to another.

National Defense Authorization Act (NDAA): The NDAA has been signed into law for 58 consecutive years and after an over twenty-hour marathon, the House Armed Services Committee (HASC) took the first step and passed the FY2020 defense policy bill on 13 June. The topline agreement, mostly along party lines, was \$733 billion for FY2020 which is \$17 billion less than what republican's request of \$750 billion. However, this is just one step towards it becoming a law and its signing isn't certain for several key differences, the largest being:

Iran. The Senate Armed Services Committee (SASC) passed their version of the NDAA on 27 June after bi-partisan agreements were made to ensure it wouldn't be delayed. The Democratic minority requested a vote on an amendment from Sen Udall (D-NM) that would block funds for possible military action involving Iran without Congressional approval. The agreement allowed for a vote on Sen Udall's amendment *after* the vote on the NDAA. An additional compromise was made to allow senators, who are also presidential candidates, time to return to Washington and vote. There were challenges aside from travel to adopt the Udall amendment. In order to be adopted into the NDAA, 60 votes are required; it failed to pass on 28 June. In order to counteract Udall, Sen. Romney (R-UT) proposed a preventative amendment to guarantee funding for national defense against an attack from another nation (also requires 60 votes for adoption). This measure passed on 27 June and is now accepted into the Senate version of the NDAA. Prior to the compromise, Democrats stated that without a vote on Iran, there would not be an NDAA vote while Republicans favored a measure ensuring the President's hands were not tied if the US is attacked. Though the Senate and HASC have voted out their version of the NDAA, both chambers must agree to a final (identical) bill before it goes to the President for signature and negotiations are far from over.

The "so what" if the NDAA is not passed:

Service members:

- Suspension of FY20 pay increase of 3.1% until NDAA passage

USTRANSCOM: Planned programs/initiatives would be addressed

- DP3 initiative
- Tanker force structure and modernization
- Mobility Capability Requirements Study (MCRS)
- NDSF procurement of two used vessels
- Construction of 1x new sealift vessel
- Facility/asset protection from UAS

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HAPPENINGS ON THE HILL:

- FY20 Appropriations Bills: The House passed its second minibus appropriations package (H.R. 3055) spanning Agriculture-FDA, Commerce-Justice-Science, Interior-Environment, Military Construction-VA and Transportation-HUD on 25 Jun 19.
- House Democrats released a \$4.5 billion supplemental appropriations bill (H.R. 3401).
 - Unlike the Senate bill, the House bill omits \$145 million for the Army, USMC, Air Force and Army National Guard. The House measure would block a Trump administration attempt to cut Central America aid. Senate bill wouldn't weigh in.

SENATE ACTIONS ON NOMINATIONS & CONFIRMATIONS:

NAME	POSITION	STATUS
LTG Timothy J. Kadavy	Vice Chief of the National Guard Bureau	Pending on Executive Calendar
Mr. Jeffrey Byard	Department of Homeland Security	Pending on Executive Calendar
GEN Mark Milley	Chairman Joint Chiefs of Staff	Pending Hearing, 11 Jul 19
Gen John Hyten	Vice Chairman Joint Chief of Staff	Pending Hearing
Gen John Raymond	USSPACECOM	Pending on Executive Calendar

RECENT HEARINGS OF INTEREST:

Date	Hearing Topic	Committee
12 Jun 19	Full Committee Markup of NDAA (HR 2500)	HASC
9 Apr 19	Air Force Modernization	SASC
4 Apr 19	Mismanaged Military Family Housing Programs: What is the Recovery Plan?	HASC
4 Apr 19	Air Force Modernization	SASC
27 Mar 19	Navy Shipbuilding Programs	SASC
14 Mar 19	Department of the Air Force Fiscal Year 2020 Budget Request	HASC
7 Mar 19	U.S. Transportation Command and Maritime Administration: State of the Mobility Enterprise	HASC
5 Mar 19	United States European Command and United States Transportation Command	SASC

FY20 NDAA DIRECTED REPORTS TO CONGRESS:

Due Date	Requirement	Description
1 Dec 19	Defense Personal Property Program (DP3) Report to HASC	Extends the comment period for the draft GHC RFP to allow at least 60 days for comments and delay the release of the final RFP until August 15, 2019. Directs the Services to provide a report to the HASC on the Secretaries' plans to improve installation-level relocation services to military families
1 Feb 20 SASC	Comptroller General Review of Mobility in Contested Environments Report to congressional defense cmtes	Requires report on: 1: Evolving strategic mobility reqs and impact upon mobility force structure. 2: Challenges in protecting mobility mission and how security will impact overall warfighting capability (elements protecting mobility not "in the fight" elsewhere. 3: State of mobility readiness/planning regarding training and concept development
1 Feb 20 SASC	Report on Special FAA Regulation Waivers for CRAF*	SECDEF required to notify defense committees on status of all requested SFARs. Requires SECDEF to inform defense cmtes

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		on each DOD approved, denied, and pending SFAR request. SECDEF will also conduct a study on current CRAF-designation process with recommendations
1 Mar 20	Contracted Aerial Refueling Aircraft Report to HASC	Directs the Air Force, in coordination with USTRANSCOM, to provide a report to the HASC assessing the feasibility, affordability, and advisability of expanding the use of contractor-operated aerial refueling aircraft to support Air Force receiver requirements
1 Sep 20	Defense Access Roads (DAR) Project Report to HASC	Directs SECDEF to report on the implementation of the expanded DAR program that addresses the process and the criteria that will be used for selecting projects and a list of projects that have been identified as being eligible for consideration at the time the report is submitted. The list of eligible projects should include the geographic description, impacted military installation, road name or description, purpose, cost, scope, and DOD Form 1391 for each project.
1 Oct 20	Incorporation of Cleared U.S. Flag commercial Ship Operators in Wargames and Exercise brief from Navy to HASC	Directs Navy to brief on any plans to include cleared U.S.-flag commercial ship operators in wargames and exercise
		*Bill language that is pending conference report approval and POTUS signature
60 days after Enactment HASC	DP3*	USTRANSCOM shall prepare a business case analysis (BCA) for the proposed GHC and brief the congressional defense committees on the BCA and structure of the advisory group
1 Mar 20 HASC	Cybersecurity of the Supply Chain	To what extent the Department has identified and addressed cybersecurity risks to its supply chain
1 Jan 21 HASC	Mobility Capability Requirement Study*	Requires TRANSCOM to submit a report and a briefing to the HASC 1 Jan 21 with an interim update by 1 Jun 20, assessing the operational risk for meeting the mobility requirements of the geographic combatant commanders
HASC	Independent Review of Transportation Working Capital Fund*	Requires SECDEF, in coordination with the Secretaries of the military departments, to contract with independent federally funded R&D center to conduct a review of the TWCF
15 Feb 19 SASC	DP3	GAO report on the administration of DP3

GAO REPORTS:

Start Date:	Title:	Information/Status:
20 Nov 2018	Noncombatant Evacuation Operations from Korea	To what extent the Department: <ul style="list-style-type: none"> has visibility into cybersecurity risks to supply chain led by commercial networks/ contractors; corrective action plans in place to mitigate cybersecurity risks associated with the supply chain
27 Dec 2018	Federal Maritime Strategy	What are key challenges to ensuring that the U.S. marine transportation system and merchant marine are sufficient to support U.S. economic and defense needs? To what the extent: <ul style="list-style-type: none"> does the national maritime strategy incorporate desirable characteristics of successful national

		<p>strategies and any key obstacles as identified by stakeholders to successfully implementing such strategies?</p> <ul style="list-style-type: none"> • federal efforts to establish a national maritime strategy duplicative or fragmented, and if so, what is the impact on U.S. maritime policy for the future?
21 May 2019	Financial Oversight of the Foreign Military Sales Transportation Fee	<p>To what extent do Defense Security Cooperation Agency and Defense Finance and Accounting Services policies and procedures:</p> <ul style="list-style-type: none"> • provide reasonable assurance that payments made into the foreign military sales transportation accounts are timely and accurate? • provide reasonable assurance that shipment costs paid from the foreign military sales transportation accounts are allowable? • identify training requirements for personnel involved with the foreign military sales transportation process?
22 May 2019	DP3	<p>What is the fully burdened cost of the existing DP3 to DOD? To what extent has DOD:</p> <ul style="list-style-type: none"> • assessed the impact and estimated the costs and savings of each of the DP3 alternatives under consideration? • sought and incorporated input from key stakeholders, including the motor carrier industry, in developing the DP3 alternatives under consideration? How would each of the DP3 alternatives under consideration impact servicemembers' and their families' needs, including the capacity to complete moves during the peak-season summer months? • done to promote competition for each of the DP3 alternatives under consideration? • sought and incorporated input from key stakeholders, including the motor carrier industry, in developing the DP3 alternatives under consideration?

Newly Published GAO Reports Germane to USTRANSCOM Leadership

Foreign Sourcing in Government Procurement: <https://www.gao.gov/assets/700/699393.pdf>

- *Govts spend trillions of dollars to purchase goods and services—and some from foreign firms*

KC-46A Tanker Modernization: <https://www.gao.gov/assets/700/699661.pdf>

- *Aircraft delivery has begun, but deficiencies could affect operations and will take time to correct*

MISCELLANEOUS INFO:

Please send comments or suggestions to mark.j.osmack.civ@mail.mil Are you traveling to Washington D.C. and need a place to work from, check email, store luggage while? USTRANSCOM members can call our Legislative Affairs D.C. team: Maj Tyler “Ty” Marcotte (571) 312-8926/8854 to schedule a visit. The office is a ~7 minute drive from the Pentagon.

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