

RANKING MEMBER ADAM SMITH'S ADDITIONAL VIEWS ON
H.R. 2810, THE NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2018

I thank Chairman Thornberry for his efficient, bipartisan work in developing the National Defense Authorization Act for Fiscal Year 2018, and I congratulate him for successfully passing the bill out of committee. I appreciate that this bill includes needed measures to strengthen deterrence and to boost unity against Russia's campaign to undermine democracy worldwide. I also appreciate the steps the bill takes to fill genuine military readiness gaps; to require strategies from President Trump and the Department of Defense on Russia, Syria, Afghanistan, Yemen, and Somalia; and to acknowledge and to plan for the real threat that climate change poses to national security. However; I am concerned by several aspects of the bill, and I look forward to working with Chairman Thornberry to further improve it.

My chief concern relates to the bill's funding. While we have marked this bill up to support an overall top line of \$696.1 billion in discretionary budget authority for the national defense budget function, including \$621.5 billion in base budget authority, it is unlikely that, at the end of this legislative process, we will have that much money. The budget cap for defense spending for fiscal year 2018 is \$549 billion, and if the House, the Senate, and the President do not come to an agreement to lift or modify the budget caps, the base budget supported by the bill would fall from \$621.5 billion to \$549 billion as a matter of law. The constraints imposed by the Budget Control Act of 2011 (the BCA) continue to pose significant challenges for the military, and the bill currently does nothing to alleviate the situation.

The bill also authorizes \$74.6 billion for overseas contingency operations (OCO). Of that amount, nearly \$10 billion is reserved for base budget requirements. So, the bill not only fails to comply with the discretionary caps imposed by the BCA, it also misuses the BCNs off-book allowance for OCO by using it for significant non-OCO purposes. If this same approach is ultimately taken to buffer sequestration, then \$147.1 billion in OCO funding would need to be authorized to support a top line of \$696.1 billion. That would be a tremendous abuse since only \$64.6 billion has been requested for actual OCO. We need to exercise better fiscal discipline.

Unfortunately, this bill does not attempt to make really hard choices regarding national security priorities. That is a serious mistake, the consequences of which Congress will eventually be forced to confront. We cannot indiscriminately fund every single program on every defense wish list, while cutting taxes, refusing to raise revenue, refusing to reform mandatory spending, imposing draconian cuts on non-defense discretionary programs that keep our

country safe and prosperous, and insisting on a balanced budget. It doesn't add up.

Moreover, President Trump's budget has thrown into stark relief the relationship between defense spending and non-defense spending, by requesting trade-off cuts to domestic discretionary spending to subsidize increases for defense. It would be unconscionable and a net loss for national security to plus up defense, while imposing a requested cut of 28% to the State Department and USAID. As Secretary Mattis said, "If you don't fund the State Department fully, then I need to buy more ammunition ultimately."

I am disappointed that the bill extends provisions, which effectively prevent closure of the detention facility at Guantanamo Bay, Cuba (GTMO). The bill prohibits the transfer of detainees from GTMO to the United States and the construction or modification of facilities within the United States to house GTMO detainees for another calendar year. Our perennial failure to close the detention facility at GTMO continues to undermine our standing within the international community.

I am disappointed that the bill includes provisions that would prohibit funding for the extension of the New START treaty; abrogate the Intermediate Nuclear Forces treaty by 2019 if Russia has not returned to compliance; limit funding for nuclear weapons dismantlement; mandate the development of space-based interceptors about which the director of the Missile Defense Agency has said, "I have serious concerns about the technical feasibility of the interceptors in space and I have serious concerns about the long-term affordability of a program like that"; and mandate a test of the SM3-IIA missile defense interceptor against an ICBM, which will undermine strategic and regional stability. Strategic stability is in the manifest interest of the United States, and we must respond to Russia's aggressive actions in ways that seek to preserve it, rather than adopting reckless measures that could fuel a nuclear arms race or increase the risk of accidental nuclear war.

I am also disappointed that the bill contains a provision prohibiting a new base realignment and closure (BRAC) round, rejecting DOD's request for flexibility to implement a BRAC for the sixth year in a row.

ADAM SMITH.

ADDITIONAL VIEWS FOR H.R. 2810, THE NATIONAL
DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

We congratulate Chairman Thornberry and Ranking Member Smith on the passage of the committee mark for the 56th National Defense Authorization Act, and appreciate the attentions of all members of the House Armed Services Committee on this important endeavor. However, a particular issue remains of concern to us.

In 2012, Congress created U.S.C. Title 10, §12304b to give combatant commanders the authority to utilize the reserve component more broadly in order to meet combatant commander requirements. Unfortunately, when involuntarily mobilized under this authority, members of the National Guard and Reserves are not granted the same benefits as the active-duty military members with whom they serve. These reserve component troops who mobilize under §12304b do not currently receive pre-mobilization and transitional TRICARE access, eligibility for educational benefits such as the Post-9/11 GI bill, high temp deployment accounting, or early retirement credit.

While deployed in such places as the Sinai Peninsula, Kosovo, the Americas, and across Eastern Europe, these reserve component troops perform the same missions and duties as active component troops, but are not entitled to the same benefits. This is unjust and wrong. Along with their active-duty counterparts, Reserve and Guard troops have served in a variety of essential missions, including the European Reassurance Initiative in Germany and Ukraine to counter Russian aggression. Fixing this inequity—getting our reserve component service members the benefits they earned for their active duty service—is a high priority for the National Guard Bureau, the Office of the Chief of the Army Reserve, other reserve components, as well as many state governors across the country.

Drawn from H.R. 1384, the Reserve Component Benefits Parity Act of which we are sponsors, a provision contained within H.R. 2810, the National Defense Authorization Act (NDAA) for Fiscal Year 2018 corrects part of this inequity by providing pre-mobilization and transitional TRICARE benefits for those mobilized under §12304b. Upon final passage of the NDAA, this will allow Guard and Reserve troops to access the healthcare they need before and after mobilization. This is a step in the right direction, and we thank the Chairman and Ranking Member for assenting to its inclusion.

H.R. 1384 corrects the remainder of inequities under §12304b, and has been endorsed by a host of organizations, including: the National Guard Association of the United States (NGAUS), the Military Coalition (TMC), the Reserve Officers Association (ROA), the Enlisted Association of the National Guard of the United States (EANGUS), the Minnesota National Guard Enlisted Association