



United States House of Representatives

HOUSE ARMED SERVICES COMMITTEE

Summary of the Fiscal Year 2023 National Defense Authorization Act *Issues for the House Democratic Caucus*

The Fiscal Year 2023 (FY23) National Defense Authorization Act (NDAA) reflects House Democrats' enduring belief that people – the workers powering America's defense industrial base, the civil servants across the DoD working tirelessly to protect our country, the scientists and researchers building technologies of the future, and service members and their families making enormous sacrifices every day – are the heart of America's defense. To ensure we continue to have the ability to recruit and retain the diverse and talented military and civilian workforce we need, the FY23 NDAA includes provisions to strengthen the DoD civilian workforce with key reforms; supports a **4.6% pay raise for service members and civilians**, in addition to supporting **inflation bonuses for service members and civilians earning less than \$45,000/year**; and **codifies a \$15 minimum wage** for workers on federal service and construction contracts.

This year's NDAA invests in the greatest sources of U.S. national strength: our service members, innovation and technology, allies and partners, and rich diversity. In light of the growing strategic challenge posed by the People's Republic of China – and in the aftermath of Vladimir Putin's unlawful invasion of Ukraine – the FY23 NDAA equips the Department of Defense (DoD) and U.S. military with the right resources and authorities to meet the greatest threats to the United States and our common defense.

Supports Military Service Members and Families

- Supports an increase in military basic pay by 4.6% for service members, plus adds 2.4% inflation bonuses for those earning less than \$45,000/year.
- Adds \$750 million for commissary to help reduce costs.
- Basic Allowance for Housing (BAH): Adds funds to decrease BAH reduction by 2% and requires a report on a more transparent, fair, and flexible way to calculate the basic allowance for housing.
- Creates a victims compensation fund to ensure survivors of interpersonal crimes have the financial resources they need for financial assistance, safe housing, and any property damage that may have occurred as a result of the crime.
- Child care: Requires the Secretary of Defense to complete a pay study and adjust the pay of child development center employees as compared to similarly trained and qualified public elementary school employees.
- Spouse change of station reimbursement: Authorizes financial reimbursement for moving expenses for spouses with home businesses.





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- Access to behavioral health: To address the growing behavioral health demands across the Military Health System, the bill includes several provisions that would:
 - Increase opportunities to grow the number of available behavioral health providers.
 - Require analysis of the number of providers needed to support care delivered at military treatment facilities and embedded in operational units.
 - Establish a program to better train civilian behavioral health providers to meet the unique challenges of service members and their families.
 - Expand license portability for providers delivering non-medical counseling.
 - Require GAO to review whether TRICARE conforms with the requirements of certain mental health parity laws.

Supporting the Department of Defense Civilian Workforce

- Supports an increase in basic pay by 4.6% for DoD civilians, plus adds 2.4% inflation bonuses for those earning less than \$45,000/year.
- Requires a Comptroller General review of the Administration's implementation of the paid parental leave benefit for federal civilians.
- Requires the Secretary of Defense to use available authorities to increase the use of incentive payments for civilian behavioral health providers.

Supporting and Empowering HBCUs and Other Minority Serving Institutions

- Triples funding for HBCUs, to over \$111 million.
- Requires the DoD to submit a report on actions that may be carried out to increase the participation of minority-serving institutions in the research, development, test, and evaluation activities of the DoD following the release of the National Academies study on defense research capacity at HBCUs and other minority serving institutions.
- Establishes the Dellums Fellowship Program to provide scholarships and internships for eligible students, particularly women of color, with high potential talent in science, technology, engineering, arts, and mathematics.
- Establishes a pilot program to increase research capacity at HBCUs and other minority serving institutions and implements a minority institution subcontracting requirement for UARCs.

Accelerating Innovation Across the Science and Technology Ecosystem

- Authorizes a 20 percent increase in basic research funding, strengthening the pipeline of future innovation.
- Authorizes \$500 million to create a new class of biomanufacturing capabilities and facilities, providing a crucial capability to transition products successfully proven in the lab to commercial scale.





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- Triples investment into the National Security Innovation Network and increases the authorization for the Defense Innovation Unit by over 150 percent.
- Strengthens the bioindustrial manufacturing base in the United States.
- Requires DoD to analyze the biotechnology industrial base and recommend actions to ensure robust domestic manufacturing capabilities. Also investigates the feasibility of forward deployed biomanufacturing to ease supply chain concerns.
- Authorizes an additional \$100 million to strengthen the domestic supply chain for critical elements of microelectronics production.

Europe and Russia

- Expresses the Sense of Congress in strong support of U.S. commitments to the North Atlantic Treaty Organization (NATO) alliance and European partners. Supports enhanced forward U.S. and allied posture to adapt to the new security environment created by Russia's unprovoked further invasion of Ukraine.
- Fully funds the European Deterrence Initiative (EDI) budget request and invests in additional capabilities that support deterrence in the European Command area of operations, totaling \$4.6 billion for EDI purposes.
- Includes \$1 billion for the Ukraine Security Assistance Initiative (USAI), which provides support and assistance to the Ukrainian Armed Forces — an increase of \$700 million above the budget request. Harmonizes USAI statutory authorities with changes made in the Ukraine Supplemental Appropriations Act, 2022, and the Additional Ukraine Supplemental Appropriations Act, 2022, and allows for the replenishment of stocks of comparable ally and partner equipment provided to Ukraine.
- Combating reliance on Russian energy: Requires all main operating bases in the U.S. European Command area of responsibility to adopt installation energy plans to increase energy resiliency and sustainability in order to reduce reliance on Russian energy and sets a DoD goal of eliminating their use of Russian energy entirely.
- Requires Inspector General (IG) oversight of the response to the further invasion of Ukraine, including assistance to Ukraine, and requires semiannual reporting to Congress on that oversight, including contracting, compliance, and end-use monitoring issues.
- Requires quarterly briefings on efforts to replenish and revitalize stocks of tactical missiles provided to Ukraine by the United States, allies, and partners.
- Requires reporting on Russian atrocities in Ukraine, operations pertaining to Russian "filtration camps," and threats caused by the global food security crisis.
- Requires reporting on efforts by the Russian Federation to expand its presence and malign influence in Latin America and the Caribbean.





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- Requires reporting on Wagner Group deployments in Africa and associated destabilization of fragile states, targeting of civilians and other crimes, and links to the Russian state.

Asia-Pacific

- Provides more than \$7 billion for the Pacific Deterrence Initiative, while making prudent adjustments to the budget request.
- Directs an assessment of dual-use technology that the Chinese Communist Party might exploit and requires policy solutions that align with the National Defense Strategy.
- Requires reporting on existing or planned construction of naval bases in Africa by the People's Republic of China or Russian Federation.
- Modifies DoD reporting requirements to enhance defense cooperation with allies and partners in the Indo-Pacific region.
- Expresses congressional support for South Korea as a critical ally of the United States and requires a briefing on how the DoD will seek to implement the U.S. extended deterrence commitment to Korea.
- Expresses sense of Congress that the United States should strengthen security cooperation with India and requires report on U.S. support for India's efforts to produce indigenous defense systems.
- Requires a briefing on the opportunities for enhancing the role of the National Guard in Oceania.

Civilian Harm Mitigation

- Establishes a Commission on Civilian Harm.
- Establishes the DoD Center for Excellence in Civilian Harm Mitigation.
- Directs the Comptroller General to review DoD processes related to preventing, mitigating, investigating, and responding to civilian harm in military operations.
- Makes enhancements to the requirements to the DoD Annual Report on Civilian Casualties in Connection with United States Military Operations.
- Permanently extends a global ex-gratia authority that requires the United States to make payments for damage, personal injury, or death to a civilian that is inadvertently caused by the use of force by the U.S. Armed Forces, a coalition that includes the United States, or a military organization supporting the United States.
- Directs the DoD to report to the Committee on efforts to integrate countering the use of human shields in joint exercises, doctrine development, education, and training at multinational centers of excellence.





Acquisition, Industrial Base, and Supply Chain Security

Acquisition Policy

- Codifies a \$15 minimum wage for workers on federal service and construction contracts.

Acquisition Workforce

- Enhances incentives for acquisition professionals to learn more about the business models of software-first commercial, start-up, and nontraditional companies that may be able to offer solutions to the DoD.
- Expands the Small Business Administration's authority to provide microloan assistance to women, low-income, veteran, and minority entrepreneurs and business owners suffering from a lack of credit due to economic downturns in the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

Supply Chain Security and Industrial Base Policy

- Directs an assessment of dual-use technology that the Chinese Communist Party might exploit and requires policy solutions that align with the National Defense Strategy.
- Focuses oversight on the DoD's role in foreign investment risk mitigation and requires analysis of methods to prevent strategic competitors' capital markets from taking advantage of U.S. businesses in the bankruptcy process.
- Requires the DoD Industrial Base Analysis and Sustainment program to evaluate and further develop workforce development training programs to train skilled industrial workers through the DoD National Imperative for Industrial Skills Program.
- Improves risk management in DoD supply chains involving pharmaceutical products.
- Authorizes a study and pilot program focused on semiconductors in the National Defense Stockpile.

Software and Technology

- Requires the Defense Acquisition University to create a software and cyber security acquisition-focused curriculum designed to increase the digital literacy of the acquisition workforce.





Continues Efforts to Address Contamination Associated Around Military Installations and Formerly Used Defense Sites

- Requires the DoD to send a list of essential uses for PFAS. Also requires the DoD to report on its progress in minimizing the use of certain non-essential PFOS and PFOA containing items.
- Requires the DoD to implement Comptroller General recommendations to set goals for the timely clean-up of formerly used defense sites that fall under the military munitions response program.
- Modifies a prize program created in the FY21 NDAA created to incentivize private sector development of AFFF alternatives to include research on PFAS-free personal protective firefighting equipment.
- Requires the DoD to adhere to the strictest relevant standard (state or federal) when conducting environmental remediation of PFAS contamination.
- Expands the list of non-essential items containing PFAS that DoD is prohibited from procuring for use within the DoD.

Provide Direction and Oversight to the Department of Defense in Responding to the Releases from the Red Hill Bulk Fuel Storage Site in Hawaii

- Defueling Red Hill: Requires the Secretary of the Navy to defuel Red Hill Bulk Fuel Storage Facility with an independent review of how best to mitigate risk of the defueling the process.
- Sentinel/monitoring wells around Red Hill: Requires the DoD to report quarterly on the progress towards installing sentinel and monitoring wells to get early warning of fuel within the aquifer around Red Hill Bulk Fuel Storage Facility.
- Water needs on Oahu: Requires the DoD to conduct a study of the hydrology around Red Hill and to assess how best to address the water needs on Oahu and mitigate water shortages to include water treatment plants or the placement of a new drinking water shaft.
- INDOPACOM Readiness: Requires an independent study on fuel distribution logistics in the Indo-Pacific area of responsibility and quarterly reporting on the progress made in establishing permanent fuel logistics points.
- Pre-defueling repairs: Prevents the obligation or expenditure of funds related to the Secretary of the Navy's office until a certain set of projects related to the safe defueling of the Red Hill Bulk Fuel Facility have been awarded.

Energy and Installation Resiliency

- Requires the DoD to create a pilot program to collaborate with civilian airfields on the use of sustainable aviation fuel in military aircraft.





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- Requires the DoD to promulgate a policy to increase the recycling of advanced batteries to address rare and strategic mineral shortages.

Support for Addressing Issues Related to Wildfires

- Extends the National Guard support for the Fireguard program until 2029.
- Requires the DoD to reimburse states, post-enactment, for any firefighting costs related to wildfires started on lands controlled by the DoD.
- Allows the DoD to transfer aircraft to other departments for the purposes of aiding search and rescue operations or emergency operations related to wildfires.
- Adds the “National Interagency Fire Center” to the list of agencies that the National Guard should consult with during wildfire training.

Supports and Strengthens Oversight of Intelligence and Special Operations Activities

- Requires a briefing on the implementation of the U.S. Special Operations Command (USSOCOM) Diversity and Inclusion Action Plan, to include how the Command has instituted best practices to strengthen diversity and inclusion into the organizational climate and culture.
- Prioritizes the assessment of the intelligence and counterintelligence requirements of each of the relevant combatant commands and the strategy to address the requirements, including with respect to spaceborne, airborne, ground, maritime, and cyber intelligence, surveillance, and reconnaissance capabilities, as required by section 426 of title 10, United States Code.
- Requires a quarterly report on clandestine activities that support operational preparation of the environment carried out during the preceding three months, to include an explanation of how such activities support the respective theater campaign plans.
- Requires a briefing on human rights vetting conducted prior to the provision of support by U.S. Special Operations Forces to combat terrorism and irregular warfare operations through the Section 127e and 1202 authorities.
- Increases funding for critical SOF advanced technologies.

Afghanistan

- Afghan Special Immigrant Visas (SIV): Extends the authorization of this program, the deadline for those who qualify to apply for SIVs, and allows those Afghans wounded during their service to the U.S. Government to apply for the SIV program even if they have not met the one-year minimum employment threshold. This provision reaffirms the commitment to Afghan citizens who, at great personal risk, supported U.S. operations in Afghanistan.





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- Requires a report on how strike and combatant engagement data archived by U.S. and NATO forces in Afghanistan can be shared, when requested, to support safe and efficient explosive remnants of war (ERW) clearance operations.

Counter-ISIS & Counter-Terrorism

- Continues U.S. military support to our partners in Iraq and Syria to fight ISIS.
- Extends the authority and funding for the Office of Security Cooperation-Iraq.
- Extends DoD authority to collaborate with Israel on the development of counter-drone technology and increases its authorized funding.
- Prohibits the DoD from using funds authorized by the NDAA to transfer cash, currency, or items of value to Iran or its subsidiaries.

Security Cooperation

- Expands DoD train-and-equip authority to build partner capacity to include counter-illicit trafficking operations and operations or activities to enhance climate resiliency.

Defense Support to Civil Authorities

- Continued oversight of DoD support to the Department of Homeland Security at the southern land border of the United States. Modifies existing annually reporting with quarterly briefings as well as additional reporting requirements on costs and military readiness. This ensures Congress continues to have timely oversight on support at the southern land border.

Nuclear Policy

- Upholds the Biden-Harris administration's decision to retire the megaton-class B83 gravity bomb.
- Requires a number of studies and certifications by the Secretary of Defense, Secretary of the Navy, and Administrator of NNSA before nuclear-capable sea-launched cruise missile (SLCM-N) programs proceed to system development and demonstration or development engineering.
- Authorizes a substantial increase above the budget request for defense environmental cleanup efforts.

Missile Defense

- Directs the Secretary of Defense to contract with a federally funded research center to provide an independent analysis regarding the proposed integrated air and missile defense architecture for the territory of Guam, and to reduce risk of the current planned architecture, authorizes the Missile Defense Agency to





procure three vertical launching systems that are capable of launching Standard Missile variants.

- Requires the Secretary of Defense, in coordination with the Secretary of State and Director of National Intelligence, to submit a plan on the expansion of the Shared Early Warning System program to additional countries.
- Requires the Secretary of Defense to provide an update on analysis conducted regarding the integrated air and missile defense architecture of the U.S. Indo-Pacific Command area of responsibility.

National Security Space

- Provides a sense of Congress on Phase 3 of the National Security Space Launch Program and requires quarterly briefings on development of the acquisition strategy.

Quality of Life and Innovation Infrastructure

- Adds \$1.7 billion in Facilities Sustainment Renovation and Modernization funds to address poor and failing infrastructure including quality of life infrastructure such as barracks and child development centers.
- Creates a required percentage of investment for sustainment of child development centers to address poor and failing facilities.

Provides Additional Funding to SOCOM for Critical Capabilities

- Authorizes \$229 million for medium fixed wing recapitalization.
- Authorizes \$8 million for Avana Authoritative Data Management.
- Authorizes \$11.5 million for Army Special Operations Command Information Advantage Acceleration.
- Authorizes \$18 million for Enterprise Data Stewardship.
- Authorizes \$10 million for non-traditional intelligence, surveillance, and reconnaissance.

Supports Effective Multi-Domain Capabilities in an Evolving Landscape

- Requires an assessment of the level of operational risk to the combatant commands posed by any plans to divest existing airborne intelligence, surveillance, and reconnaissance (ISR) capability.

