



United States House of Representatives

HOUSE ARMED SERVICES COMMITTEE

FY22 NDAA As Referred

The National Defense Authorization Act (NDAA) for Fiscal Year 2022 (FY22) makes historic policy changes that will benefit our service members and their families while investing in future capabilities that will allow for the United States to confront the unprecedented challenges facing our nation at home and abroad.

The annual defense bill draws on all sources of our national power: **our diversity, vibrant economy, dynamic civil society, innovative technological base, enduring democratic values, and our broad and deep network of partnerships and alliances around the world.**

The FY22 NDAA promotes resilience, innovation, and competition, and provides vital quality of life improvements for the backbone of America's fighting force: Our service members and their families. **The FY22 NDAA builds on previous attempts to close the pay gap by funding a 2.7 percent pay increase for our service men and women in uniform and establishing a \$15 minimum wage for covered service and construction contracts, makes historic changes to the Uniform Code of Military Justice to combat sexual assault in the military, establishes an Office of Countering Extremism, and gives the DC mayor control of the DC National Guard for the first time in history.**

The FY22 NDAA leans forward to improve the quality of life for our service members, support our workforce, and fortify our military's technological advantage by ensuring our nation has the tools to confront the growing threat of China and Russia, while also continuing to grapple with the effects of a global pandemic and a corresponding shift in our economy, a crisis of racial justice, and a deepening climate emergency.

The FY22 NDAA authorizes \$768 billion in discretionary spending for national defense, including historic investments in our diverse fighting force, innovation, and emerging technologies to ensure the Department of Defense strengthens the nation's efforts to defend democratic values in the face of challenges from authoritarian states and modernizes our national security institutions and processes to reinvigorate our partnerships and alliances around the world.





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MAKES HISTORIC CHANGES TO THE UCMJ

Special Victims' Prosecutors

- Removes the Commander from decisions related to the prosecution of special victim crimes; creating an Office of the Special Victim Prosecutor within in each Service and ensuring their independence by requiring they directly report to the Service Secretary. The provision also defines the role of Special Victim Prosecutors and special victim offenses. Special Victim Offenses includes sexual assault, sexual harassment, and all offenses against a child under the age of 18, among others.
- Criminalizes sexual harassment and violent extremism under the Uniform Code of Military Justice.
- Establishes judge-alone sentencing and sentencing parameters (guidelines) to increase fairness across the system.
- Increases the notification for Survivors of Sexual Assault by directing the Services to notify survivors of sexual assault about the outcomes of any administrative action taken against their perpetrator.

Reform and Improvement of Military Criminal Investigative Organizations

- Requires the military services to reform their criminal investigative organizations consistent with the guidance provided and submit a report through the Secretary of Defense not later than 1 year after the date of the enactment of this Act.

Racial Disparities

- Requires improved reporting requirements on demographics of offenses under the UCMJ.

ADDRESSES THE SCOURGE OF EXTREMISM

Countering Extremism

- Establishes an Office of Countering Extremism responsible for training and education about extremist activities; data collection and analysis; and countering extremism within the Department of Defense.
- Directs the Comptroller General of the United States to perform a review of the prevalence of extremist affiliations among member of the Armed Services.

Recruiting Initiatives and Extremism

- Removes waiver authority to prevent enlistment of an individual who has been convicted of a felony hate crime.
- Directs the Secretary of Defense to provide a briefing on all studies regarding efforts of extremist organizations to recruit members of the armed forces, and a strategy to develop and implement training to prevent such recruitment efforts.





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UPDATES NATIONAL GUARD POLICY

DC Guard Home Rule

- Extends the authorities over the National Guard of the District of Columbia to the Mayor of the District of Columbia in the same manner as the governor of a state.

Private Funding of National Guard Activities

- Prohibits private funds from being used to fund any State's National Guard deployment in another state, except for natural disaster emergencies.

PRIORITIZES FAMILY READINESS

Increase in Basic Pay

- Supports increase in military basic pay by 2.7%.

Basic Needs Allowance for Low-Income Service Members

- Authorizes the Secretary of Defense to pay a basic needs allowance to a qualified service member.

Parental Leave for Service Members

- Increases the allowable parental leave for primary and secondary caregivers including foster parents.

Child Care

- Expands the in-home childcare pilot program providing financial assistance for in-home childcare.

Exceptional Family Members

- Establishes an Exceptional Family Member Program Advisory Council to better support military families who have members with special needs.

Impact Aid

- Authorizes \$50.0 million for the purpose of aiding local educational agencies with military dependent students, and \$20.0 million for local educational agencies eligible to receive a payment for children with severe disabilities.

Enhanced Protection against Debt Collector Harassment of Servicemembers

- Prohibits a debt collector from using unfair or threatening practices in connection with the collection of debt from servicemembers and veterans.

Basic Allowance for Housing (BAH)

- Requires a report by the Department of Defense on family size within the military including if BAH accurately assess the needs of military families moves.





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IMPROVES MILITARY HEALTH CARE

Integrated Management of Population Health

- Requires the implementation of a population health platform that integrates health care data for all military health system beneficiaries, including care delivered through purchased care and direct care.

Independent Review of Suicide Prevention and Response at Military Installations

- Requires the Department of Defense to conduct a thorough and independent review of suicide prevention and response programs at various military installations.

Contraceptive Coverage Copays

- Requires TRICARE to offer similar contraceptive coverage currently provided through the Affordable Care Act (ACA) by removing cost sharing through the mail order and retail pharmacy program for related contraceptive care.

Post-Partum Care Improvements

- Requires a pilot program in support of post-natal care, to include pelvic health rehabilitation, and the issuance of policy guidance to develop and to implement standard protocols across the Military Health System to treat obstetric hemorrhage.

Mental Health

- Directs the Department of Defense to create a program to provide direct assistance for mental health appointment scheduling at military medical treatment facilities and clinics, with a reporting requirement to the Armed Services Committee.

INVESTS IN TALENT ACROSS THE MILITARY

Incentive and Special Pays

- Requires the military to provide Reserve and National Guard service members incentive and special duty pays at the same rate as their active-duty counterparts.

Diversity and Training

- Updates outdated diversity training requirements to ensure training includes programming to reduce discrimination and bias based on race, gender, age, religion, sexual orientation, and gender identity, among other items.

Selective Service and More Opportunities for Women

- Modernizes the Selective Service System to ensure that the Selective Service System is prepared to support the mobilization needs of the Department of Defense by including women if the all-volunteer model is no longer able to recruit enough people during a time of national crisis.





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HBCU AND MINORITY INSTITUTIONS

- Requires a plan for the creation of a Minority Institute (MI) for Defense Research and requires the head of each agency that awards contracts to Department of Defense Federally Funded Research and Development Centers or University Affiliated Research Centers to include a requirement to subcontract with MIs for at least 5 percent of the contract award to develop those MIs' capacity to address the Department's research and development needs.

INVESTS IN TECH R&D ACROSS THE NATION

- Authorizes over \$4 billion above the President's Budget Request in funding for research, development, testing, and evaluation, including a historic 32 percent increase in defense-wide research and development, and significant increases to basic and applied research, academic partnerships, and Historically Black Colleges and Universities activities; authorizes \$2.5 billion in military construction to recapitalize aging laboratory infrastructure and support future R&D efforts of national importance.
- Authorizes the Secretary of Defense to expand the efforts of the Defense Innovation Unit (DIU) to engage and collaborate with private-sector industry and communities in regions that do not otherwise have a DIU presence, including in economically disadvantaged communities.

IMPROVES CAPABILITIES IN CYBERSPACE

- Authorizes nearly \$1 billion in additional cybersecurity investments in people, programs, and technologies.
- Requires the Secretary to create a software development and acquisition cadre to assist with developing and acquiring of software by providing expert advice, assistance, and resources.
- Requires the creation of a cross-functional team to address Anomalous Health Incidents (AHI, also known as Havana Syndrome).
- Directs the establishment of a Cyber Threat Information Collaboration Environment within the Executive Branch to facilitate the transmission, sharing and analysis of cyber threat information, modeled on a recommendation from the Cyberspace Solarium Commission.

IMPLEMENTS KEY NSCAI RECOMMENDATIONS

- Authorizes \$1.133 billion for key initiatives recommended by the National Security Commission on Artificial Intelligence (NSCAI), including commercial AI for business applications, logistics and sustainment, enterprise data sets, and the Electronics Resurgence Initiative.
- Sets up a pilot program to facilitate the agile acquisition of technologies for warfighters.
- Directs the Director of the Office of Personnel Management to establish or update one or more occupational series for digital career fields.
- Requires the Secretary of Defense to develop a strategy to ensure superiority in the Information Environment and articulate how the Department intends to support the larger United States government effort.





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ADDRESSES AFGHANISTAN

- Afghan Special Immigrant Visas (SIV): Expresses the sense of Congress about the importance of the program and honoring our commitments to those Afghan partners, who at great personal risk, supported the U.S. mission in Afghanistan. Further clarifies legislation with regard to Afghans and their families who supported the U.S. mission in Afghanistan.
- Authorizes \$500 million for Department of Defense relocation support to SIVs and at-risk Afghans.
- Requires the Secretary of Defense to provide in-depth reports and briefings to Congress provide critical information on U.S. ability to counter terrorism, accountability on military equipment left in the country, and the plan to rescue American citizens and Afghan allies who remain in the country, ensuring transparency and ongoing oversight of the security situation in Afghanistan.
- Provides for the sense of Congress recognizing the men and women of the Armed Services for securing Hamid Karzai International Airport and supporting the largest Noncombatant Evacuation Operation in United States history. The sense of Congress also recognizes the ultimate sacrifice of the 11 Marines, the sailor, and the soldier who gave their lives for this mission.

GUANTANAMO BAY

- Does not include the arbitrary statutory prohibitions on transfer of detainees out of the detention facility at Guantanamo Bay, Cuba, that hinder progress toward its closure.

INDUSTRIAL BASE POLICY

- Establishes a \$15 minimum wage for covered service and construction contracts.
- Raises the required percentage of domestic content for acquisitions covered by the Buy American Act.
- Requires certain contractors to submit annual reports regarding diversity and inclusion within their workforce and requires the Secretary of Defense to submit annual reports on the consolidated findings to track progress across the defense industrial base.

CONGRESSIONAL OVERSIGHT OF THE USE OF FORCE

- Requires the President to submit a report to Congress not later than 48 hours after any incident in which the United States Armed Forces are involved in hostilities, if the incident was not otherwise reported under the requirements of the War Powers Resolution or pursuant to an authority for the use of force that was reported to Congress under section 1264 of the National Defense Authorization Act for Fiscal Year 2018.





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EUROPE AND RUSSIA

- Expresses the sense of Congress in strong support of the U.S. commitment to the North Atlantic Treaty Organization (NATO) alliance and European partners, along with continued commitment to and robust oversight of investments in Europe.
- Fully funds the European Deterrence Initiative (EDI) budget request and invests in substantial additional capabilities that support deterrence in the European Command area of operations.
- Requires biennial reporting on Russian influence operations and campaigns targeting U.S. military alliances and partnerships.
- Includes \$300 million for the Ukraine Security Assistance Initiative (USAI), which provides support and assistance to the Ukrainian Armed Forces.

ADDRESSES CHINA AS OUR PACING CHALLENGE

- Directs the Secretary of Defense, with concurrence of the Secretary of State, and in coordination with the Secretary of the Treasury and the Director of National Intelligence, to submit a report to Congress on the Government of the People's Republic of China's efforts to expand its presence and influence in Latin America and the Caribbean.
- Tightens restrictions on acquisitions of certain printed circuit boards for which supply chains may be susceptible to interference by the Chinese government. These provisions will reduce supply chain risk in critical defense systems, and will encourage development of reliable, effective, and efficient sources of printed circuit board technology in the United States and its allies and partners.
- Contains multiple provisions to address the strategic challenges posed by the government of the People's Republic of China (PRC). The provisions include:
 - A requirement for the Department of Defense to provide an annual report to Congress on military and security developments involving the PRC;
 - An interagency report to Congress on the PRC's influence operations and campaigns targeting U.S. military alliances and partnerships; and
 - A prohibition on Department of Defense procurement of products produced with forced labor from the Xinjiang Uyghur Autonomous Region of the PRC.
- Robustly funds the president's budget request for the Pacific Deterrence Initiative (PDI). The Chairman's mark provides at least \$8.8 billion for programs in PDI, while making prudent adjustments to funding levels on programs that are being poorly executed.
- Codifies the position of Assistant Secretary of Defense for Indo-Pacific Security Affairs.





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ACQUISITION POLICY

- Requires the Secretary of Defense, in coordination with the Secretary of State, to develop a plan to reduce reliance on certain materials obtained from sources located in certain geographic areas.
- Requires Defense Department priorities to be addressed in research and development programs focused on alternative technologies to, and methods for the extraction, processing, and recycling of, critical minerals to strengthen the domestic supply chain.
- Requires the Under Secretary of Defense for Acquisition and Sustainment to establish and manage a coalition among covered institutions of higher education, career and technical education programs, workforce development boards, labor organizations, and organizations representing defense industrial base contractors to focus on career pathways for individuals seeking careers in manufacturing.
- Requires the Department's Climate Working Group, in coordination with the Assistant Secretary of Defense for Energy, Installations, and Environment, to assess and develop recommendations for implementing sustainable acquisition practices and policies in regulations.

OTHER IMPORTANT AUTHORITIES

- Extends a global 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 U.S., or a military organization supporting the U.S.
- Extends authority for support to other federal departments and agencies' stabilization activities in certain countries.

SPECIAL OPERATIONS

- Authorizes an increase in funding to mitigate undiagnosed, untreated traumatic brain injury and post-traumatic stress syndrome.
- Increases oversight of Special Operations Forces (SOF) by requiring the monthly counterterrorism briefing to include a detailed overview of all instances of the use of military force by SOF under the notion of the collective self-defense of foreign partners.

INTELLIGENCE

- Establishes an office within the Office of the Secretary of Defense to collect and assess incidents of unidentified aerial phenomenon from across the Department.
- Requires quarterly briefings on the security environment in Afghanistan and U.S. military operations related to the security of, and threats emanating from Afghanistan.
- Directs the Defense Intelligence Agency to provide HASC with a classified report and briefing on the People's Liberation Army Strategic Support Force.





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COUNTERING WEAPONS OF MASS DESTRUCTION

- Authorizes funding to support the biological threat reduction program efforts to detect and fight emerging biological threats, develop medical countermeasures such as vaccines and therapeutics, and reduce the proliferation of biological weapons.
- Requires a publicly available report on threats regarding Weapons of Mass Destruction by China and Russia.
- Directs a report on biosecurity efforts across the Department of Defense.

CIVILIAN PERSONNEL

- Promotes civilian pay equity by ensuring that locality pay for General Schedule and Federal Wage System employees is calculated using the same map of locality pay areas.
- Modifies the temporary authority to appoint retired members of the Armed Forces to civilian positions in the federal government.

PFAS

- Requires the Department of Defense to use enforceable state standards for clean-up of PFAS contamination when they are more strict than federal regulations.
- Prohibits the Department of Defense from procuring covered PFAS-containing items including food packaging, sunscreen, cleaning products, and certain textiles.
- Establishes a 2-year deadline for completion of PFAS testing at Department of Defense and National Guard installations.
- Requires the Department of Defense to publish and make publicly available results of drinking and ground water testing for PFAS conducted on or near military installations, formerly used defense sites, and national guard sites.
- Requires the Department to report on the status of clean-up at 50 PFAS sites across the country.

CLIMATE AND ENERGY

- Authorizes combatant commander initiative funds to be used for the purpose of enhancing extreme weather resilience of infrastructure.
- Requires the Department of Defense to incorporate consideration of the risks of extreme weather into certain existing Department of Defense strategies and planning documents.
- Directs the Secretary of the Air Force to assess and provide a briefing on the feasibility of incorporating innovative engine fan coating technologies as a means to reduce large transport aircraft fuel burn.

READINESS AND SUSTAINMENT

- Requires the Secretary of Defense to report on its progress to date to implement the Government Accountability Office's open recommendations regarding F-35 program sustainment.





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NUCLEAR DETERRENCE AND NON-PROLIFERATION

- Directs the Secretary of the Air Force to conduct an independent review of the Ground Based Strategic Deterrent program to ensure industry best practices are incorporated into the engineering and manufacturing development phase, including the use of digital engineering, and to assess options to reduce cost of the program and introduce competition for operations and sustainment.
- Prohibits the future award of a production contract for the Long-Range Standoff Weapon (LRSO) until additional cost analysis and justification is completed and requires a briefing on how any warhead development delays would impact the program, in addition to other budgetary and programmatic details to maintain LRSO on schedule and within cost estimates.
- Increases oversight of the National Nuclear Security Administration (NNSA) plutonium pit production enterprise.
- Cuts funding to initiate a service life extension program for the B-83 megaton gravity bomb.
- Authorizes requested funding for nuclear clean-up programs and prohibits the reclassification of high-level waste at the Hanford Site.

SEAPOWER AND PROJECTION FORCES

- Restores funding for two additional Arleigh Burke class destroyers.
- Funds the procurement of thirteen battle force ships including two Virginia-class submarines; three (DDG 51) Arleigh Burke destroyers; one guided missile Frigate (FFG); two John Lewis class (T-AO) fleet oilers; one (T-AGOS(X)) surveillance ship; two Expeditionary Fast Transport (EPF) ships; and one (T-ATS) towing, salvage, and rescue ships.
- Authorizes a fifteen ship multi-year procurement contract for DDG-51 destroyers beginning in fiscal year 2023.
- Funds supplier development for the submarine industrial base.
- Funds the propulsion and propeller upgrades of Air National Guard and Air Force Reserve C-130H airlift aircraft.





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TACTICAL AIR AND LAND FORCES

- Limits the total quantity of F-35 aircraft that could be procured and maintained in the aircraft inventory by the Secretary of the Air Force and the Secretary of the Navy based on existing affordability cost constraints that have been determined by each Secretary.
- Requires the Secretary of Defense, in consultation with the Administrator, National Aeronautics and Space Administration, to investigate, assess, and implement corrective actions for the F-35 breathing system initially noted by the National Aeronautics and Space Administration's Engineering and Safety Center Technical Assessment Report on the F-35 pilot breathing system published on November 19, 2020.
- Requires the Secretary of the Navy, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, to submit a report on the integration of the Adaptive Engine Transition Program propulsion system, or other advanced propulsion system, into F-35B and F-35C aircraft.
- Provides additional funding for the National Guard and Reserve Equipment Account.

