



United States House of Representatives

## HOUSE ARMED SERVICES COMMITTEE

### Summary of the National Defense Authorization Act for Fiscal Year 2021

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Chairman Smith's proposal for the Fiscal Year 2021 National Defense Authorization Act (NDAA) focuses on maintaining the strength of our defense enterprise as our nation grapples with a once-in-a-generation health crisis and a heightened social crisis against the backdrop of sustained systemic discrimination.

The FY21 NDAA comes at a pivotal time in our nation's history. For the sixtieth consecutive year, Congress will enact timely, important, and essential legislation to fulfill its critical constitutional obligation to "provide for the common defense" and allow on our nation's military to continue to represent the best that America has to offer: Our leadership and values.

The NDAA is the mechanism that, once executed, will provide essential care for the backbone of America's fighting force: Our service members and their families. **Chairman Smith's proposal continues to improve the quality of life for our service men and women in uniform, supporting the authorization for a 3.0 percent pay increase**, and makes key investments to military infrastructure and provides crucial support to training and sustainment activities that continue to enhance military operations. The committee recognizes that our service members confront unique, complex challenges and deserve our support.

To address the country's greatest military threats, Chairman Smith's proposal balances vital national security requirements in a resource-constrained environment while ensuring the Department of the Defense is postured to address the shifting global security landscape and its effects on the national defense apparatus. The devastating impacts of the COVID-19 pandemic have affected every aspect of our daily lives, and the military is no exception. **Chairman Smith's proposal authorizes funding that will strengthen DOD and the country's ability to respond to potential COVID-19 resurgence and other infectious diseases in the future.**

The FY21 NDAA authorizes a defense enterprise that is inclusive, accountable, and responsible in the management of its resources. Chairman Smith's proposal ensures America's military maintains its competitive edge while increasing accountability so that Congress and the American people know how defense resources are allocated and spent.

**Chairman Smith's proposal would authorize approximately \$732 billion in discretionary spending for national defense, including approximately \$69 billion of Overseas Contingency Operations (OCO).** This authorization level will allow our military to maintain readiness, expand capabilities, and invest in the new software and technologies required to secure our country.





**TABLE 1: FY21 NDAA Funding Levels\***

Budget Item	Amount (in billions of dollars)
DoD Discretionary Base	\$635.4
DoE Discretionary Base	\$26.7
Defense-Related Activities*	\$0.5
<b>FY20 Base Budget NDAA Topline</b>	<b>\$662.6</b>
Overseas Contingency Operations (OCO)	\$69.0
<b>FY20 Discretionary Topline**</b>	<b>\$731.6</b>

\*Does not include \$8.9 billion in national defense authorizations outside of HASC jurisdiction

\*\*Does not include mandatory defense spending

## Summary of Provisions in the FY21 NDAA

### FULL COMMITTEE

#### COVID-19

- Creates a Pandemic Preparedness and Resilience National Security Fund, directing \$1 billion to efforts to proactively increase the country’s ability to prepare for and respond to future pandemics.
- Requires one of the Assistant Secretaries to be the Assistant Secretary of Defense for Industrial Base Policy, whose principal duty would be the overall supervision of policy of the Department of Defense for developing and maintaining the defense industrial base of the United States and ensuring a secure supply of materials critical to national security.
- Creates the Small Business Industrial Base Resiliency Program and authorizes the Assistant Secretary of Defense Industrial Base Policy to enter into transactions to purchase or make a commitment to purchase goods or services from small business concerns in response to the COVID-19 pandemic. These transactions are intended to support the monitoring and assessment of small businesses in the defense industrial base by addressing critical issues relating to urgent operational needs and supporting efforts to expand the small business industrial base in response to the pandemic, and addressing supply chain vulnerabilities related to the pandemic for small businesses.
- Requires the Secretary of Homeland Security to coordinate with the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and heads of other relevant Federal departments and agencies to create a repository of federally approved plans and specifications for critical medical items that could help manufacturers rapidly produce those items in a potential national emergency or disaster.





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- Adds an additional \$180 million to the Maritime Security Program (MSP) to enable MSP carriers to keep their ships fully crewed despite the lack of cargo as a result of COVID.

### Partners and Allies

- Expresses the sense of Congress that the U.S. should focus on investments that contribute to national security and collective security and cease efforts that solely focus on the financial contributions of U.S. allies and partners, the U.S. must continue to strengthen its alliances and partnerships and maintain forward-deployed forces, U.S. partners should continue to increase their military capacity and meet their commitments, and that alliances and partnerships are the cornerstone of U.S. national security.

### Europe and Russia

- Prevents the use of DOD funds to reduce U.S. forces stationed in Germany and stationed in Europe below the levels present on June 10, 2020, unless 180 days in advance the Secretary of Defense and Joint Chiefs of staff certify that the reduction would not negatively impact U.S. and allied security, and provide Congress with assessments of the national security impacts, costs, and consequences for U.S. servicemembers and their families. Prevents divestment of U.S. military infrastructure in Europe for five years if its use is foreseeable.
- Requires a briefing to Congress on the consequences of capping U.S. troop presence in Germany at 25,000.
- Fully funds the European Deterrence Initiative (EDI), and provides an additional \$3.789 billion for strategic sealift, satellite communications, refueling, submarine, and anti-submarine warfare capabilities that enhance deterrence against Russia.
- Provides \$250 million for the Ukraine Security Assistance Initiative (USAI), which provides support and assistance to the Ukrainian Armed Forces, of which \$50 million can only be used for lethal defensive equipment.
- Extends the prohibition on funding for any activity that would recognize the sovereignty of the Russian Federation over Crimea.
- Continues to limit military-to-military cooperation with Russia, extending a rule of construction that the prohibition does not affect bilateral military-to-military dialogue for the purposes of reducing the risk of conflict.
- Expresses the Armed Services Committee's concern about the Administration's decision to establish an Army Corps headquarters for Europe based in the United States rather than forward-positioned in Europe and requires a briefing on the decision-making process behind the choice.

### Indo-Pacific

- Authorizes \$3.58 billion as the basis for the Indo-Pacific Reassurance Initiative to optimize the presence of U.S. forces in the region, strengthen and maintain bilateral and multilateral military exercises and training with United States allies and partner countries,





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improve infrastructure in the region to enhance the responsiveness of U.S. Armed Forces, enhance the prepositioning of equipment and materiel of the U.S. Armed Forces, and build the defense and security capabilities, capacity, and cooperation of allies and partner nations.

- Authorizes \$161.8 million in priority activities identified by U.S. Indo-Pacific Command not included in the budget request, including missile defense, resilient command and control, information sharing, information operations, and enhanced posture.
- Authorizes the Secretary of Defense to establish a Movement Coordination Center Pacific to coordinate and share airlift capacity with partners and allies.
- Modifies and extends the Department's Freedom of Navigation Operations report and requires the Secretary of Defense to provide an assessment of the impact of U.S. accession to the United Nations Convention on Law of the Sea.
- Directs the Secretary of Defense to provide a report on the Department's strategy for strategic competition below the threshold of armed conflict.
- Requires the Secretary of Defense to generate a list of each entity determined to be directly or indirectly owned, controlled, or beneficially owned by the People's Liberation Army, or identified as a military-civil fusion contributor to the Chinese defense industrial base, operating directly or indirectly in the United States.
- Requires the Secretary of Defense, prior to basing a major weapons system or additional permanently assigned forces to a host country with at-risk 5th generation (5G) or sixth generation (6G) wireless network equipment, software, and services, to provide a notification of the steps being taken to mitigate the potential risks.
- Expresses the sense of the Congress that Taiwan is a vital partner of the United States and the United States should continue to strengthen defense and security cooperation in support of Taiwan maintaining a sufficient self-defense capability, and requires a report on the feasibility of establishing a United States-Taiwan working group for supply chain security.
- Prohibits the use of funds to reduce the total number of active duty service members deployed to South Korea below 28,500 until 180 days after the Secretary certifies: 1) doing so is in the national security interest of the United States and will not significantly undermine the security of U.S. allies in the region, 2) is commensurate with a reduction in the threat posed by North Korea, 3) that South Korea is capable of deterring a conflict, and 4) U.S. allies – including South Korea and Japan – have been appropriately consulted.
- *Note:* See Africa section for China's One Belt, One Road Initiative in Africa.

### Counter-ISIS

- Continues U.S. military support to our partners in Iraq and Syria to fight ISIS, while extending and expanding Congressional oversight over U.S. military training and equipping activities.
- Requires the Secretary of Defense to certify U.S. military forces are not being used to extract, transport, transfer, or sell oil from Syria.





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- Extends the authority and funding for the Office of Security Cooperation – Iraq.
- Prohibits Department of Defense funds from knowingly being used to arm or support terrorist organizations.
- Expresses the Sense of Congress that the Peshmerga of the Kurdistan Region of Iraq are a critical partner in Operation Inherent Resolve, the fight to destroy ISIS.

### Iran

- Requires the Department of Defense to submit detailed budget and activity information to the Congress on Operation Spartan Shield, which covers some Iran deterrence related activities, in the Central Command area of operations.

### Yemen

- Prohibits the use of Department of Defense funds to provide logistical support to the Saudi-led coalition for strikes in Yemen, and prohibits Department of Defense civilian, military, or contractor personnel from participating in hostilities against the Houthis, without authorization from Congress.

### Multinational Force and Observers (MFO) in Sinai

- Expresses the Sense of Congress that the U.S. military should continue support for, and participate in the MFO, the peacekeeping force established following the 1979 Egypt-Israel peace treaty.

### Afghanistan

- Afghanistan Security Forces Fund (ASFF)
  - Authorizes \$3.5B to fund the Afghanistan National Defense and Security Forces (ANDSF)
  - Provides for the training, equipping, and sustainment of the Afghan National Army, the Air Force, Special Forces, and Police while developing the institutions of the Ministry of Defense and the Ministry of the Interior.
  - Encourages the continual development of Gender Programs by specifying funds within ASFF for the recruitment, retention, and professional development of women in the ANDSF
- Afghan Special Immigrant Visas (SIV)
  - Extends the program that allows Afghans (and their families) whose service to the U.S. Government puts them at great risk, to immigrate to the United States.
- Requires the Department of Defense to submit detailed budget information to Congress on Operation Freedom Sentinel, specifically funds spent outside of Afghanistan that support operations in Afghanistan
- Prohibits the precipitous withdraw of U.S. personnel from Afghanistan that is out of alignment with the conditions based withdraw established by the agreement the U.S. Government signed with the Taliban on February 29, 2020.





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- Prohibits the use of funds to withdraw U.S. personnel below 8,000 and then later 4,000 unless reporting and certification requirements are met.
- An element of that report is an assessment if state actors have provided incentives to the Taliban or their affiliates to target U.S. or coalition personnel

### **Deployment of military personnel to the southern border of the United States**

- Modifies the authority to assist Customs and Border Protection (CBP) at the southern border to:
  - Require a certification that there will be no impact to readiness.
  - Require deployed personnel individual skills and unit missions to align with the support task(s) assigned.
  - Requires a report on the deployment of U.S. military in support of southern border activities, includes readiness levels to include impacted training events for units deployed.
  - Greatly expands existing quarterly report requirements on the mission of National Guard and active duty personnel at the southern border.
  - Requires the Department of Defense to provide quarterly and total cost breakdowns for support provided to CBP.

### **Acquisition**

- Requires increased domestic content for components of major defense acquisition programs
- Allows small businesses performing a construction contract to submit a request for equitable adjustment to an agency if the contracting officer directs a change in the work within the general scope of the contract without the agreement of the small business
- Grants authority to Director of the Joint Artificial Intelligence Center for the development, acquisition, and sustainment of artificial intelligence technologies, services, and capabilities through fiscal year 2025. The staff of the Director shall include an acquisition executive responsible for rapidly delivering acquisition solutions to meet validated artificial intelligence requirements.
- Reduces the contract closeout period from the current 17 years to seven years for service contracts and directs the Secretary of Defense, acting through the Director of the Defense Contract Management Agency, to establish and maintain a centralized capability with necessary expertise and resources to provide oversight of the closeout of a contract or group of contracts covered by this section.
- Clarifies whistleblower rights to state that contractors, subcontractors, or grantees are protected from reprisal for disclosure of certain information, including gross mismanagement of a Federal contract or grant or an abuse of authority relating to a federal contract or grant.
- Requires disclosure of beneficial ownership in the database used by federal agency contract and grant officers for contractor responsibility determinations.





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- Adds to the term "non-traditional defense contractor" under the Other Transaction Authority an entity that is owned entirely by an employee stock ownership plan.
- Modifies section 804 of the National Defense Authorization Act for Fiscal Year 2016 to direct the Secretary of Defense to provide notification to the congressional defense committees 30 days after a program is terminated that used the "middle tier" of acquisition authority.
- Requires the Department of Defense to publicly post identifying information on military construction contracts once awarded in the Federal Register and requires prime contractors for military construction projects to publicly post all available subcontracting work of \$250,000 or more on relevant websites of the Small Business Administration and General Services Administration. Also allows Federal agencies to award additional small business credit toward meeting subcontracting goals for awarding a contract to a local business.
- Requires a GAO report on the implementation of section 889 of the FY19 NDAA (prohibition on procuring certain telecommunications and video surveillance equipment from certain Chinese companies or contracting with entities that use said equipment). Separately, requires the Secretary of Defense, in coordination with the Secretary of Commerce, to provide a briefing on implementation of section 889.
- Requires agencies to report on the timeliness of accelerated payments made to certain small businesses.
- Exempts contracts awarded to certain small businesses from the Category Management program and requires the Director of the Office of Management and Budget to develop a plan to ensure small businesses can compete for contracts in the program.

### Africa

- Requires the Department of Defense to submit a report detailing the effects, implications and cost of a troop reduction in the AFRICOM Area of Operation on military, diplomatic, development and humanitarian efforts and another report within 90 days detailing the military, diplomatic, and development effects of a reduction should they reduce troops in the Africa AOR below 80 percent of the current force posture on the day the NDAA is enacted.
- Requires the Secretary Defense, to provide a report on activities and resources required to enhance security and economic partnerships between the United States and African countries, to include dual infrastructure projects, MILCON projects, training, and the State Partnership Program.
- Requires the Department of Defense to submit a report on the military and defense implications of China's One Belt, One Road Initiative in Africa, and a strategy to address impacts on U.S. military and defense interests in Africa.





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### South America

- Sense of Congress on the essential role of the Human Rights Office at US Southern Command and a report ensuring it has the resources to operate effectively, support the work of the Human Rights Office and to promote human rights and civilian protection.

### Oversight

- Requires the Department of Defense to provide Congressional notification of all activities under 10 USC 284, which authorizes support for counterdrug activities and activities to counter transnational organized crime.
- Would limit the Secretary of Defense's travel budget until the Department of Defense publicly disclosed U.S. military troop dispositions and/or submitted a waiver to Congress for those it cannot, due to sensitive military operations, in accordance with Section 595 of the Fiscal Year 2019 NDAA.

### Counterdrug

- Directs the Department of Defense to prioritize activities that address drug flows into the United States for foreign law enforcement activities that receive support under 10 USC 284, which authorizes support for counterdrug activities and activities to counter transnational organized crime.

### Guantanamo

- Does not carry any statutory restrictions on transfer of detainees from Guantanamo Bay.
- Prohibits the transfer of Guantanamo Bay detainees to four countries with ungoverned spaces: Libya, Somalia, Syria, and Yemen.

### Election Security

- Requires a briefing on nation-state election interference efforts, influence operations and campaigns targeting democratic elections, and campaigns targeting military alliances and partnerships that may impact U.S. defense and security equities.

## INTELLIGENCE AND EMERGING THREATS AND CAPABILITIES

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### Cyber

- Assigns to the Principal Cyber Advisor full responsibility for certification, coordination, harmonization, and deconfliction of the various efforts, initiatives, and programs that the Department of Defense manages in the furtherance of its responsibilities as the Sector-Specific Agency (SSA) for the Defense Industrial Base.
- Extends the Solarium Commission for two years to provide updates to the Executive and Legislative Branches on the implementation of the Commission's final report.





### **Artificial Intelligence**

- Makes substantial improvements to the Joint Artificial Intelligence Center (JAIC) by bringing responsibility for it up to the Deputy Secretary of Defense, establishing a Board of Directors, and establishing acquisition authority for the Director of the JAIC.
- Includes recommendations from the National Security Commission on Artificial Intelligence, established in the FY19 NDAA, including:
  - Establishes a Steering Committee on Emerging Technology,
  - Requires training for human resources personnel in artificial intelligence and related topics,
  - Requires guidance on establishment of unclassified workspaces for personnel with pending security clearances,
  - Establishes a pilot program on the use of electronic portfolios to evaluate applicants for certain technical positions,
  - Ensures availability of self-directed training in artificial intelligence,
  - Establishes program for part-time and term employment of university professors and students in the defense science and technology enterprise,
  - Modifies strategy for assured access to a trusted supply chain for microelectronics,
  - Assess the Department's ability to ensure that artificial intelligence technology acquired by the Department is ethically and responsibly developed, and
  - Enhanced public-private talent exchange programs in the Department.

### **Strengthens National Security Workforce**

- Establishes a scholarship for service pilot under the Department's Science, Mathematics, and Research for Transformation (SMART) Defense Education Program for students at Minority Institutions to diversify and strengthen the national security workforce.
  - Adds \$3 million to fund the pilot scholarship for service program for Minority Institutions under SMART.
  - Adds \$17 million in funding for Historically Black Colleges and Universities and Minority Institutions.
- Codifies the National Security Innovation Network (formerly the MD5 National Security Technology Accelerator) in statute and directs the Comptroller General to evaluate the office in three years.
  - Restores \$20 million in funding to the Department's National Security Innovation Network and encourages fully resourcing Hacking for Defense (H4D) university courses.
- Supports better partnerships with Hispanic-serving, land-grant institutions to create a talent development program that provides experiential learning through internships and





co-ops with Department agencies, while improving access to science, technology, engineering, and math education and careers for underrepresented populations.

**Strengthens our Ability to Counter Weapons of Mass Destruction, With a Focus on Chemical and Biological Threat Reduction**

- Restores \$135.2M in funding to the Cooperative Threat Reduction Account, fixing a cut of a third of the program's budget, and raising the total back to FY20 levels. At a time when the United States is struggling to respond to the spread of a highly infectious new virus, this funding is most directed towards cooperative biological engagement – the portfolio that took the largest cut.
- Supports prioritization of funding and exploring partnerships to improve the Department's ability to respond to public health and national security threats through emerging infectious disease modeling and forecasting.
- Urges the Department to include in its bio-engineering roadmap plans to resource and expand its efforts and collaboration with the bio-industrial manufacturing base for defense applications.

**Maintains Our Technological Edge**

- Adds nearly \$600 million in science and technology funding.
- Adds over \$50 million in funding for investments and efforts in biotechnology and pandemic preparedness.
- Authorizes an additional \$15.0 million investment in counter-Unmanned Aerial Systems for the further development, testing, and fielding of integrated, autonomous, multi-sensor cUAS capabilities in austere environments.
- Establishes the Study of Terrorism and Responses to Terrorism (START) activity as a research consortium of excellence for irregular warfare and advanced analytics within the office of the Under Secretary of Defense for Research and Engineering. Authorizes \$5 million in funding for the START consortium.
- Increases funding in emergent technologies such as Machine Learning/Artificial Intelligence to enable operational maneuver, autonomous or otherwise, in highly contested environments with near-peer adversaries in support of special operations forces in Great Power Competition.
- Urges the Department to expand existing mechanisms and increase opportunities for international partnerships in research, development, test, and evaluation for emerging science and technology projects.
- Requires a plan on spectrum information technology modernization and a program to identify and mitigate vulnerabilities in the military's telecommunications infrastructure.





**Strengthens Oversight of Special Operations Forces Activities, Readiness, and Alignment to the National Defense Strategy**

- Authorizes a funding increase of \$40.1 million to replace the Special Operations Command DHC-8 aircraft, which was destroyed in the January 5, 2020, attack against U.S. forces stationed in Manda Bay, Kenya supporting Operation Enduring Freedom-Horn of Africa missions.
- Strengthens oversight by expanding the level of detail on Special Operations Command budget reporting.
- Prohibits procurement of aircraft for Special Operation Command's Armed Overwatch Program until certain reviews and certifications are met.
- Authorizes resources to implement a Department policy on civilian casualties in connection with U.S. military operations. authorizing resources to implement a Department policy on civilian casualties in connection with U.S. military operations.
- Sense of Congress commending the Department for the measures it has implemented and is currently implementing to prevent, mitigate, track, investigate, learn from, respond to, and report civilian casualties resulting from U.S. military operations.
- Directs DoD to conduct a feasibility study on the adoption of AFRICOM civilian casualty initiatives by each combatant command.
- Increases resourcing of Machine Learning/Artificial Intelligence technologies to facilitate development of neurocognitive mapping capabilities to capture the psychological data of special operations forces more accurately.
- Requires training needs analysis to identify opportunities in DOD trainings to integrate attention to women's varied roles in violent extremism.

**Improves Alignment of Intelligence and Security Capabilities to the National Defense Strategy**

- Supports funding for research that advances long-range forecasting of seasonal and sub-seasonal weather patterns, which would provide national security officials with advanced warning of potentially destabilizing events and allow time to adequately plan mitigation measures. Authorizes an additional \$5 million in funding for research into extreme weather events.
- Directs creation of a "National Academies Climate Security Roundtable" to assist the Climate Security Advisory Counsel in carrying out its responsibility to build out the intelligence community's analysis and estimate capabilities in environmental and climate security.
- Ensures the National Geospatial-Intelligence Agency provides aeronautical and nautical charts that are safe for navigation as determined through a formalized validation process.





- Directs GAO to conduct an assessment of the extent to which the National Center for Medical Intelligence is postured to provide department leaders, military surgeon generals, and other federal agencies with information and intelligence about foreign health threats and other medical issues that threaten U.S. interests in a timely manner.
- Authorizes an additional \$10 million to support the mission of the National Center for Medical Intelligence.

## **MILITARY PERSONNEL**

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### **Impact Aid**

- Authorizes \$40.0 million for the purpose of providing assistance to local educational agencies with military dependent students, and \$10.0 million for local educational agencies eligible to receive a payment for children with severe disabilities.

### **Maintenance of Funding for Stars and Stripes**

- Maintains the enacted fiscal year 2020 funding levels for Stars and Stripes and would require the Secretary of Defense to submit a report to the Committee on Armed Services of the House of Representatives detailing a business case analysis to maintain Stars and Stripes as an information benefit to service members.

### **Study on Feasibility of Thrift Savings Plan Contributions for Military Spouses**

- Requires the Secretary of Defense to study the effect of allowing military spouses to contribute or make eligible retirement account transfers to the military Thrift Savings Plan account of the Member of the Armed Forces to whom the military spouse is married.

### **Taking Care of Pregnant Service Members**

- Establishes a 5-year pilot program to temporarily issue maternity uniforms to pregnant service members at no cost to the service member. Service members would return uniforms once no longer needed and DLA and the military departments would then repurpose them for reissuance to other service members.

### **Authority of Military Judges and Military Magistrates to Issue Military Court Protective Orders**

- Grants Military magistrates and military judges the authority to issue Military Court Protective Orders, thereby ensuring compliance with the VAWA, protecting special victims from further harm, and establishing a system of due process for the offender.





**Punitive Article on Violent Extremism**

- Adds a Violent Extremism punitive article to the Uniform Code of Military Justice. The Article punishes individuals subject to the Code who knowingly commit murder, manslaughter, assault, and other covered offenses with the intent to intimidate, coerce a person or class of people or influence, affect, or retaliate against the policy or conduct of the Government, in order to achieve political, ideological, religious, social, or economic goals or because of the race, religion, color, ethnicity, sex, age, disability status, national origin, sexual orientation, or gender identity of the person or class of people.

**Establishes an Atomic Veterans Service Medal to be awarded to radiation-exposed veterans**

**Diversity Requirements for DOD**

- Establishes a Chief Diversity Officer in DOD and each of the services to include the Coast Guard. Requires the SecDef to establish a strategy to increase diversity to actually look like the US population; Requires the establishment of a mentoring program, Requires membership of selection Boards represent the diversity of the Armed Forces and requires the SecDef to establish a Military Diversity Leadership Commission
- Requires the SecDef and the Secretaries of the Military Services to establish goals for increasing women and minorities in the military services.

**Burn Pit Registry and Electronic Health Records**

- Requires DOD and the VA to ensure that information from the Burn Pit Registry be incorporated into Electronic Health Records

**READINESS**

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**Confederate Names and Display of Confederate Flag**

- Requires the Department of Defense to identify, report on a process, and change the names of all military bases and infrastructure named for individuals who served in the Confederacy within one year.
- Prohibits the public display of the Confederate flag on Department of Defense installations.

**Supports the Department of Defense workforce by protecting their workplace rights and strengthening the pay and benefits they receive for their service**

- Prohibits the Department of Defense from excluding any civilian employees from their collective bargaining rights.





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- Prohibits the Office of Personnel Management from including more than one local wage area within a General Schedule pay locality to better align Federal Wage System Areas with General Schedule locality pay areas.
- Makes technical corrections to the Paid Parental Leave benefit provided through the FY20 National Defense Authorization Act to ensure that Federal Aviation Administration, Department of Veterans Affairs, and certain other civilian employees inadvertently omitted from the legislation receive the paid parental leave benefit.
- Prohibits the Secretary of Defense from reducing the civilian workforce unless the Department assesses the impact of such reduction on workload, military force structure, lethality, readiness, and operational effectiveness.
- Requires the Department of Defense to provide a report on their compliance with contractor inventory requirements.
- Authorizes benefits to all injured government employees who suffer brain injuries from their service in Cuba or China.
- Authorizes the Department of Defense and Department of Homeland Security to provide travel allowances and accompaniment services to family members in connection with the transfer of Department of Defense or Coast Guard civilians who die while performing official duties overseas.
- Authorizes the Secretary of Defense to provide competitive pay and benefits, outside of the General Schedule, for civilian faculty at the Defense Security Cooperation University and the Institute for Security Governance, consistent with authorities provided to other Department of Defense academic institutions.
- Extends authority to provide premium pay and grant allowances, benefits, and gratuities to certain groups of Department of Defense civilians.
- Requires a report on improving the Equal Employment Opportunity complaint resolution processes for civilian employees in the Department of Defense.
- Includes the text of the Elijah Cummings Federal Employee Antidiscrimination Act.

### **Requires the Department of Defense to place an emphasis on the sustainment, logistics, and the infrastructure enterprise to enable military readiness and operations**

- Requires the Department to conduct a comprehensive examination and submit a report on the sustainment and logistics requirements, gaps, and mitigations necessary to support the force structure, force modernization, infrastructure, and other elements of the national defense strategy.
- Amends the national emergency military construction authority to set an annual limit of \$100 million for the domestic use of the authority and \$500 million for overseas projects, with an exception for medical projects that may be necessary to support response to a health emergency or pandemic.





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- Requires the Secretary of Defense to establish an independent advisory panel to conduct a review and make recommendations related to the weapon system sustainment ecosystem.
- Strengthens cost-control on weapon system sustainment by requiring a life-cycle sustainment plan for a major weapon system to establishing readiness metrics and baseline cost estimates prior to being granted Milestone C approval. When there is a significant and critical breach of a baseline cost estimate, the Secretary of Defense would be required to notify congress of such a breach and certify a remediation plan or endorsement that the cost growth is justified.
- Requires the military departments to each establish a Deputy Assistant Secretary for Sustainment while also clarifying additional responsibilities of the Under Secretary of Defense for Acquisition and Sustainment.
- Requires the development of a strategic framework for prioritizing and integrating sustainment of major defense acquisition programs in support of the national defense strategy.
- Requires the development of materiel readiness metrics and objectives for major weapon systems and a report on them with each annual budget request.
- Makes changes to the Department of Defense cargo preference statutes to improve enforcement of current U.S. flag requirements.
- Expands and codifies an annual report on the infrastructure requirements and investments at enduring and contingency bases maintained overseas. In addition, requires a one-time report on the infrastructure masterplan for all infrastructure requirements, and a breakdown of U.S. and Australia funded projects, needed to support the Marine Rotational Force and others that may operate from Darwin, Australia.
- Requires the Secretary of the Navy to provide a report on the current and projected bulk fuel management strategies in the Indo-Pacific and prepare a bulk fuel strategy that optimally supports bulk fuel management in the Indo-Pacific.
- Requires the Secretary of the Navy to provide a briefing every six months on the implementation of the Shipyard Infrastructure Optimization Plan (SIOP) and authorizes a dedicated funding line for SIOP activities to support more transparency and oversight of the program.
- Extends the sunset of the minimum business guarantee provision relating to the Civil Reserve Air Fleet to December 31, 2025.

### **Continues efforts to address contamination associated with per- and polyfluorinated compounds around military installations**

- Requires the Secretary of Defense to meet or exceed the most stringent standards between an enforceable State standard under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), an enforceable Federal





standard under CERCLA, or a health advisory under the Safe Drinking Water Act when performing removal or remediation actions of PFOS or PFOA contamination from Department of Defense or National Guard activities found in drinking water or in groundwater that is not currently used for drinking water.

- Requires the Secretary of Defense to notify all agricultural operations in an area where covered PFAS has been detected in groundwater that is suspected to originate from use of firefighting foam on a military installation.
- Requires the Department of Defense to publish on a public website the results of drinking and ground water PFAS testing conducted on military installations or former defense sites.
- Requires the Department of Defense to notify the congressional defense committees when there has been an uncontrolled release of PFAS-containing firefighting agent.
- Establishes a prize that can be awarded by the Secretary of Defense for innovative research that results in a viable replacement agent for firefighting foam that does not contain PFAS.
- Requires the Department of Defense to survey and report on non-firefighting agent technologies, such as hangar flooring and firefighting equipment, that will help facilitate the phase-out of PFAS containing firefighting agents.
- Makes technical corrections to the FY2020 National Defense Authorization Act to ensure that all National Guard installations are eligible for funding under the Defense Environmental Restoration Account for PFAS remediation.
- Establishes an interagency coordinating body for PFAS research.
- Prohibits DLA procurement of certain items containing PFAS, including cookware, uniforms, personal care products, floor, and furniture wax, carpeting and upholstery, and food packaging.
- Authorizes \$150 million for research lines that support development of PFAS remediation and disposal technologies and firefighting agent replacement.
- Authorizes a total of \$1.5 billion for environmental remediation and cleanup at current military installations, formerly utilized defense sites, and installations closed by BRAC, to include an additional \$190 million in BRAC and Environmental Restoration accounts to support acceleration of remediation activities and PFAS response.

**Continues efforts to address vulnerabilities to utilities and fuel that threaten the resiliency of military facilities and operations**

- Re-establishes the Operational Energy Capability Improvement Fund, which was eliminated in the budget request, and authorizes \$65 million to demonstrate and field technologies that reduce fuel consumption and logistics.
- Requires a report on efforts taken to ensure fuel consumption, distribution, and logistics are being considered across the Department and that steps are being taken to reduce





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consumption of fossil fuels by 30 percent in 25 years to reduce the number of resupply convoys and oilers required in a contested environment.

- Strengthens an existing preference for the purchase of electric and hybrid vehicles for official business on military installations.
- Requires the Department of Defense to institute energy metering on critical military facilities to assess the energy requirements and plan to ensure resilient power sources for these facilities.
- Establishes a pilot program to develop microgrids on military installations that integrate emergency diesel generators to demonstrate how microgrid emergency diesel generator backup power could create efficiencies and resiliency while reducing costs and emissions.
- Directs the Department to assess water security at its installations and implement plans to implement xeriscaping at arid installations and other appropriate landscaping at other installations.
- Requires a report on the implementation of provisions from the FY2020 National Defense Authorization Act related to installation master planning, updates to the Unified Facilities Criteria (building codes), sea-level rise modeling, and climate assessment tools.
- Promotes the use of on-site energy production to promote military installation energy resiliency and energy security.
- Requires an update to the Department of Defense Climate Change Roadmap.
- Requires an assessment of the Department's installation and operational energy usage.

### **Builds on the Committee's Previous Legislative and Oversight Activities to Ensure that Military Personnel and Their Families Live in Quality Housing and that the Department and Private Housing Partners are Responsive to Resident Concerns:**

- Requires a report on the oversight of known environmental hazards in government-owned family housing, including overseas housing.
- Requires the Department of Defense to report on the feasibility of standardizing privatized housing performance metrics to better allow the Department to track trends across the housing enterprise.
- For future and renegotiated privatized housing agreements, requires that funding for housing maintenance and recapitalization be prioritized ahead of housing management and other fees in the payment structure.
- Updates minimum health and safety standards for all military base housing, requires transparency for private housing company contract performance fees, and requires a report on the status of other military housing reforms.
- Authorizes an additional \$135 million for oversight and improvement of the Military Housing Privatization Initiative (MHPI) program and to continue addressing environmental and maintenance issues in government-owned family housing.





**Ensures the military continues to have access to existing testing and training areas and supports programs to limit encroachment on military installations**

- Authorizes 25-year renewals of the existing Department of Interior lands that have been withdrawn from public use and reserve for military testing and training at Naval Air Station Fallon, Nevada; Nellis Air Force Base, Nevada; Naval Air Facility El Centro, California; and White Sands Missile Range, New Mexico.
- Authorizes \$100 million, \$25 million above the budget request, for the Readiness Environmental Protection Initiative (REPI) to protect natural resources while protecting military installations from encroachment by development.

**Makes Investments in key Readiness Accounts and Military Infrastructure to Support the Training, Sustainment, and Quality of Life for Military Personnel and Their Families:**

- Authorizes appropriations for \$8.1 billion in military construction, family housing, and BRAC cleanup activities. This includes the following increases above the budget request:
  - \$378 million for additional housing and barracks projects for training and enlisted personnel
  - \$156 million for additional projects under the Energy Resilience and Conservation Investment Program and planning & design for future projects
  - \$97 million for additional Child Development Centers;
  - \$63 million for the costs to complete Air Force projects that have experienced cost-growth; and
  - \$10 million to support planning & design requirements associated with posture initiatives of the Indo-Pacific Command;
- Authorizes appropriations for operation & maintenance accounts that support military operations, training, and weapon system sustainment. This includes the following increases above the budget request:
  - \$269.5 million for facilities sustainment, restoration, and modernization to help with the backlog of facility requirements;
  - \$142 million for sealift readiness to help address shortfalls found during a turbo activation exercise in 2019;
  - \$110 million to retain 13 KC-135 and 10 KC-10 aerial refueling aircraft originally scheduled for divestment;
  - \$100 million for Army depot maintenance activities;
  - \$100 million for Child Youth Services programs;
  - \$60 million for the acquisition and conversion of two additional used sealift vessels. This would bring the total to \$120 million for four ships authorized in the bill;
- Extends the annual locality adjustment for unspecified minor military construction projects through fiscal year 2027.





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- Authorizes a pilot program to support combatant command military construction priorities.
- Authorizes the Department of Defense to issue guidelines that would allow services to be considered as part of fair market value determinations in land transfers.
- Requires a GAO report and assessment of the structural condition of schools operated by the Department of Defense Education Agency.

### **Reports and Other Matters Related to Military Communities, Safety, and Congressional Oversight of Military Readiness:**

- Codifies the Office of Economic Adjustment (OEA) and clarifies its role in coordinating with and providing support to defense communities.
- Authorizes \$50 million for the Defense Community Infrastructure Program (DCIP) and clarifies congressional intent with respect to the implementation of the program.
- Grants authority to proceed with a public infrastructure project on Guam intended to provide a public health laboratory that can support biosecurity testing and analysis to monitor and detect a range of health threats.
- Requires a report on the reporting, tracking, accuracy, and sharing of information related to ground vehicle training mishaps
- Requires an independent review of critical points of failure in the munitions enterprise, requires a report on mishaps and safety waivers in the munitions enterprise, and clarifies the role and authority of the Chairman of the Department of Defense Explosive Safety Board.
- Includes a number of reporting requirements for the Government Accountability Office to assist the committee with oversight on topics that include F-35 operations and sustainment, Air Force use of contract air support services, aviation and ship maintenance, Dynamic Force Employment, and Coast Guard Reimbursement for Defense Activities.

## **STRATEGIC FORCES**

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### **Nuclear Deterrence/Non-proliferation**

- Requires that the President participate in at least one nuclear command and control exercise per term.
- Realigns space, nuclear deterrence, and missile defense under one assistant secretary to ensure unity of effort for the development of strategic deterrence policy. This individual would be responsible for understanding and developing policies to address escalation risks across the strategic forces of the U.S. and inform acquisition decisions.
- Mandates early coordination between DOD and NNSA during the budget planning process related to nuclear weapon programs.
- Requires NNSA to report on its unobligated and uncosted balances as part of the President's budget submission.





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- Requires reports on progress cleaning up the radioactive spill at Harborview Research and Training Facility.
- Strengthens oversight of the Savannah River Plutonium Processing Facility construction related to additional plutonium pit production.
- Updates program management controls on the nuclear warhead acquisition process.
- Recommends funding increase for Defense Nuclear Nonproliferation.

### Verification and Strategic Stability

- Raises concern with regards to U.S. assets and personnel that will continue to be subject to Open Skies overflights as the Administration contemplates withdrawal from the Treaty. Further requires a report regarding the impact of potential withdrawal to national security, allied views on U.S. withdrawal, and how the U.S. could replace imagery and intelligence received via the Open Skies Treaty.
- Requires the Secretary of Defense, in coordination with the Secretary of State, to provide a briefing not later than September 1, 2020 on the status of nuclear arms control negotiations with Russia.
- Requires a report detailing development and implementation of guidance to ensure that the risks of inadvertent escalation to nuclear war are considered within the decision-making processes of the Department.
- Requires an independent report on the effects of nuclear winter.

### Missile Defense

- Recommends a reduction in funding in the Ground-based Missile Defense (GMD) and Next Generation Interceptor (NGI) programs due to acquisition delays.
- Increases oversight of the Next Generation Interceptor program by requiring an independent cost estimate and requires fly-before-you-buy.
- Extends the annual Government Accountability Office audit of missile defense programs.
- Continues to mandate and support funding for a space sensor layer that is capable of tracking both advanced ballistic and hypersonic missile threats, despite lack of funding and priority from DOD, and places the funding for sensor payload development with the Missile Defense Agency as required by the FY20 NDAA.

### Hypersonics

- Provides funding to require the Secretary of the Navy to initiate integration efforts for conventional prompt strike on surface-ship platforms to address miscalculation and ambiguity concerns.

### National Security and Space

- Locks in phase 2 acquisition strategy as planned for national security space launches, requires certification for reusable space launch vehicles, and begins full and open competition for investments in preparation for phase 3 competition after fiscal year 2024,





including certification and infrastructure necessary for phase 3 and transformational technologies that support phase 3, by providing an increase of \$150 million.

- Requires a policy and strategy to launch small-class payloads; requires a policy for tactically-responsive launch operations; requires establishment of a domestic responsive satellite manufacturing capability and an acquisition strategy for responsive satellite infrastructure; and recommends related funding increases.
- Requires the Secretary of Defense to submit a report on an alternative space acquisition system and requires an independent GAO review.

## **SEAPOWER AND PROJECTION FORCES**

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- Provides funding for the restoration of a second Virginia Class submarine and the required advanced procurement to maintain the two per year build rate.
- Provides funding for the Navy to procure nine battle force ships including one Columbia class fleet ballistic missile submarine; two Virginia-class submarines; two DDG 51 Arleigh Burke destroyers; one guided missile Frigate (FFG); one Expeditionary Fast Transport (EPF) ship; and two T-ATS towing, salvage, and rescue ships.
- Prohibits the retirement of LCS-3 and LCS-4 until all operational tests have been completed.
- Prohibits the retirement of any aircraft carrier before its first refueling.
- Establishes a statutory floor that the Air Force is required to retain for air refueling aircraft.
- Establishes a statutory floor that the Air Force is required to retain for tactical airlift aircraft.
- Reduces KC-46A procurement to the minimum sustaining rate to minimize the number of aircraft that will require modification of the Remote Vision System given the Remote Vision System 2.0 is still in development.
- Provides funding for one additional Expeditionary Fast Transport (EPF) ship.
- Provides funding for six additional P-8 Poseidon aircraft.
- Provides funding for four additional V-22 Osprey aircraft.
- Provides funding for one additional MQ-4 Triton.
- Provides funding to support the propulsion and propeller upgrades of Air National Guard and Air Force Reserve C-130H airlift aircraft.
- Authorizes efficient construction of the first two Columbia class ballistic missile submarines by providing incremental funding within the National Sea Based Deterrence Fund.
- Restricts funds associated with the Secretary of Defense until the 30-year shipbuilding plan is delivered.
- In Fiscal Year 2021, prohibits the retirement of any Navy vessel until the Secretary of Defense provides a Navy force structure assessment.
- Authorizes the procurement of up to four used sealift vessels.





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- Requires the Secretary of Defense to provide ship requirements to implement the Commandant's Planning Guidance.
- Establishes a Tanker Security Fleet to help fill the gap in at sea logistics.
- Provides full funding for the B-21 Raider program and provides the first year of procurement dollars.
- Provides full funding for the VC-25B Presidential Aircraft Recapitalization (PAR) program.
- Provides funding of the 4th National Security Multi-Mission Vessel (NSMV) for the State Maritime Academies and recommends additional funds for previously authorized ships.
- Continues to provide strict oversight of the Large Unmanned Surface Vessel (LUSV).
- Provides funding to convert an EPF to an unmanned surface vessel to help better develop Concept of Operations (CONOPS) for future unmanned surface vessels.

### Tactical Air and Land Forces

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#### Legislative provisions

- Requires preservation of critical close air support capabilities and force structure capacity during fiscal year 2021 by restricting retirement of Air Force A-10 aircraft.
- Requires quarterly briefings on the Joint All-Domain Command and Control concept.
- Requires the secretaries of the military departments to report on the fielding of the newest generations of body armor. Also requires DOD to track and report injuries attributed to ill-fitting or malfunctioning equipment.
- Requires a study that identifies and evaluates the roles and responsibilities of the military services involved in the Explosive Ordnance Disposal (EOD) program.
- Continues critical oversight of the F-35 Joint Strike Fighter and initiates new reporting requirements from the Department on software testing methodologies, mitigation of physiological episode occurrences, and pertinent issues approaching the full-rate production decision in early 2021.
- Requires a non-advocate review of the Air Force and Navy Next Generation Air Dominance capabilities development to assess risk, technological maturity, and affordability.
- Requires the Air Force to provide a long-term modernization plan for airborne Intelligence, Surveillance, and Reconnaissance (ISR).
- Strengthens accountability of the Advanced Battle Management System (ABMS) by adding reporting requirements on ABMS demonstrations, product line capabilities, and decision-making authorities. Also requires an independent cost estimate of ABMS by the Director of Cost Assessment and Program Evaluation.

#### Program recommendations

- Supports the budget request for 79 F-35 aircraft for the Air Force, Navy, and Marine Corps.





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- Supports the budget request for the Air Force's F-15EX tactical fighter and T-7A training aircraft programs.
- Provides full funding for development of Air Force and Navy Next Generation Air Dominance capabilities.
- Provides additional funding for 5 CH-47F Block II Chinook helicopters.
- Supports the budget request for the AH-64 Apache and UH-60 Blackhawk helicopters.
- Supports the budget request for the CH-53K heavy lift helicopter.
- Supports the budget request for the Future Vertical Lift development program.
- Supports the budget request for the Improved Turbine Engine Program (ITEP).
- Provides additional funding for MQ-1 Gray Eagle unmanned aircraft.
- Provides additional funding for Next Generation Jammer high band risk reduction.
- Provides additional funding for up to 16 MQ-9 Reaper unmanned aircraft.
- Provides additional funding for advance procurement to support the purchase of 12 F/A-18E/F Super Hornet aircraft in fiscal year 2022.
- Provides additional funding for continued development of noise reduction capabilities for Navy F/A-18 aircraft.
- Provides additional funding to enhance the Air Force's development schedule of Low-Cost Attributable Aircraft Technology program capabilities.
- Provides additional funding for Stryker combat vehicle upgrades to fully address an identified Army Chief of Staff unfunded priority.
- Provides additional funding for the Marine Corps Ground Based Anti-Ship Missile (GBASM) to fully address an identified Commandant of the Marine Corps unfunded priority.
- Provides additional funding for research and development of armored vehicle protection systems.
- Provides additional funding for Heavy Expanded Mobility Tactical Trucks (HEMTT)
- Provides additional funding for procurement of additional Civil Air Patrol aircraft.
- Provides additional funding for EC-37B Compass Call aircraft.
- Provides additional funding for E-8 JSTARS modernization.
- Supports the budget request for the MH-139 Grey Wolf helicopters.
- Provides additional funding to replace a Wide Area Motion Imagery sensor pod.
- Supports the budget request for 32 Armored Multi-Purpose Vehicles (AMPV), 30 Paladin self-propelled howitzers, and 89 Abrams tanks.
- Supports the budget request for Handheld Manpack Small Form Fit (HMS) radios.
- Supports the budget request for Assured Positioning Navigation, and Timing (APNT).
- Supports the budget request for Distributed Common Ground System-Army (DCGS-A)
- Supports the budget request for Army ammunition production base support to help ensure resiliency in the munitions industrial base.
- Supports the budget request for 72 mobile short-range air defense missile systems (50 in base and 22 in OCO).
- Supports the budget request for 72 Amphibious Combat Vehicle Family of Vehicles (ACV)





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- Supports the budget request for the Army, Marine Corps, and Air Force Joint Light Tactical Vehicles (JLTV).
- Supports the budget request for Air-to-Surface Missile Systems, including the Hellfire and Joint-Air-to-Ground Missile (JAGM).
- Supports the budget request for procurement of tactical aircraft preferred and precision-guided air-launched munitions to include AMRAAMs, LRASM, JDAMs, SDBs, and JASSM-ER
- Supports the budget request for Army and Marine Corps anti-tank and assault missile systems, including Javelin and Guided MLRS Rocket (GMLRS).
- Supports the budget request for the Next Generation Squad Weapon Program.
- Supports the budget request for the Marine Corps' Ground Air Task Oriented Radar (GATOR).
- Provides funding sufficient for the Integrated Air and Missile Defense (IAMD) Battle Command System.
- Supports the budget request for the Synthetic Training Environment (STE).
- Provides additional funding for a new study on shape, size, fit, and material for body armor, particularly for female service members.
- Provides additional funding for research on thermoplastic drive shafts for helicopter tail rotor drive systems.
- Provides additional funding for the National Guard and Reserve Equipment Account.

**The bill includes direction that the Department provide reports or briefings on a variety of important issues including:**

- Requires a report on the current and future programs developed by the congressionally created Soldier Enhancement Program (SEP). Also restores funding to the program which was eliminated in FY20.
- Requires a plan for apportionment of Wide Area Motion Imagery systems to meet geographic combatant commanders' requirements.

