



United States House of Representatives

HOUSE ARMED SERVICES COMMITTEE

FY21 NDAA As Referred

Defense Policy With American Principles

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.

RESPONDS TO THE COVID PANDEMIC

- **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.**
- **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.
- **Expresses the sense of Congress in support of NATO's multinational response to the COVID-19 pandemic.**
- **Restores \$135.2 million in funding to the Department of Defense Cooperative Threat Reduction (CTR) Program with an increased focus on cooperative biological engagement to detect and confront biological threats to the United States.**





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CREATES A MORE INCLUSIVE MILITARY

- **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 and prohibits the public display of the Confederate flag on Department of Defense installations.

Diversity Requirements for DOD

- **Establishes a Chief Diversity Officer reporting directly to the Secretary of Defense** as well as establishing a Chief Diversity Officer in each of the military services reporting directly to the Secretary of that service, to include the Coast Guard.
- **Requires the SecDef to establish a Diversity and Inclusion council** to help develop a strategy to be included in the National Defense Strategy to increase diversity in the military mirroring the US population;
- Requires the establishment of a comprehensive mentoring program and career development framework with measurable metric and outcomes to retain the best and brightest in the military and increase the diversity at senior ranks
- Requires membership of selection boards represent the diversity of the Armed Forces
- **Requires the SecDef and the Secretaries of the Military Services to establish goals for increasing women and minorities in the military services.**
- Requires a Federally Funded Research and Development Center to study the barriers to participation of minority servicemembers in the Special Forces and the pilot and navigator military occupational specialties.
- Creates a Special Investigator to review and investigate racial disparities in the Military Justice System, personnel polies and practice including recruiting accessions, promotions and retention, as well as white supremacist activities among military personnel
- Requires each Secretary of a military department to submit annually a report summarizing the gender and race of each officer who was recommended on a list for promotion to the United States Senate for the grades of O-4 and above.
- Urges the Secretary of Defense to better partner 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.

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.





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SUPPORTS OUR TROOPS

Puts our men and women in uniform first, by:

- **Authorizing support for a 3.0% military pay raise;**
- **Continuing efforts to address contamination associated with per- and polyfluorinated compounds around military installations**
- Building 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

Sexual Assault Prevention and Response:

- **Includes a pilot program for the military services academies** creating a special prosecutor for special victim's offenses committed by attendees;
- Requires a policy to minimize contact between a cadet or midshipman who is an alleged sexual assault victim and a cadet or midshipman who is an alleged perpetrator of sexual assault, to the extent practicable, while allowing both individuals to complete their course of study with minimal disruption and privacy protections in place.
- **Improvements to the Special Victims' Counsel Program:** Directs the Judge Advocates General of the Army, Navy, and Air Force, and the Staff Judge Advocate to the Commandant of the Marine Corps, to provide a briefing on compliance with the National Defense Authorization Act for Fiscal Year 2020 provisions relating to the SVC program and a description of any staffing constraints on the SVC program.
- **Safe to Report Policy:** Requires the Secretary of Defense, in consultation with the Secretaries of the military departments, to prescribe regulations for a safe-to-report policy that would allow alleged victims of sexual assault who may have committed minor collateral misconduct to report sexual assault without fear of receipt of discipline for such collateral misconduct, absent aggravating circumstance. It also requires the Secretary of Defense to develop and implement a process to track incidents of minor collateral misconduct that are subject to the safe-to-report policy.
- **Coordination of Support for Survivors of Sexual Trauma:** Requires the Secretaries of Defense and Veterans Affairs to jointly develop, implement, and maintain a standard of coordinated care for members of the Armed Forces who are survivors of sexual trauma.
- Requires a report on the status of investigations of alleged sex-related offenses.





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PROMOTES AMERICAN VALUES

- **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.
- **Border Wall: Amends the national emergency military construction authority (10 USC 2808) 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.
- **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.
- **Accelerates closure of Guantanamo Bay detention facility:** Does not carry any statutory restrictions on transfer of detainees from Guantanamo Bay.
- **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.

Climate Change:

- Requires an update to the Department of Defense Climate Change Roadmap.
- 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.
- **Establishes a new “National Academies Climate Security Roundtable” within the National Academies of Science** to establish best practices for identifying and disseminating climate indicators and warnings to ensure that environmental security is included in operational planning and intelligence analysis.
- **Supports funding for research that advances long-range forecasting of seasonal and subseasonal 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 for research into extreme weather events.**

Nuclear Deterrence/Non-proliferation:

- Recommends funding increases for Defense Nuclear Nonproliferation.
- Strengthens oversight of the Savannah River Plutonium Processing Facility construction related to additional plutonium pit production.
- Mandates early coordination between DOD and NNSA during the budget planning process related to nuclear weapon programs.





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ENSURES OVERSIGHT & ACCOUNTABILITY

Implements strong Congressional oversight over the use of the military:

- **Deployment Transparency:** Limits the Secretary of Defense's travel budget until the Department publishes troop locations and numbers, and/or submits waivers and justifications to Congress in accordance with Section 595 of the FY19 NDAA.
- Modifies the authority for military personnel to assist Customs and Border Protection (CBP) at the southern border and significantly increases reporting requirements.
- 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.
- **Requires NNSA to report on its unobligated and uncosted balances as part of the President's budget submission.**
- Updates program management controls on the nuclear warhead acquisition process.
- **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.
- 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.

Addresses civilian casualties resulting from U.S. military operations by:

- Sense of Congress commending the Department of Defense for measures to prevent, mitigate, track, investigate, learn from, respond to, and report civilian casualties resulting from U.S. military operations
- Study to explore other geographic combatant commanders providing civilian casualty reporting data similar to U.S. AFRICOM
- Authorizes resources to implement a Department policy on civilian casualties in connection with U.S. military operations

