

## FY2020 NDAA SUMMARY

For 58 years, the National Defense Authorization Act (NDAA) has been the primary way Congress executes its Constitutional duties to “raise and support Armies,” “provide and maintain a Navy,” and “make Rules for the Government and Regulation of the land and naval Forces.”

This year’s NDAA charts a consensus national defense policy that continues the restoration of military readiness, implements a National Defense Strategy to confront Russia, China, and other threats around the world, reforms and modernizes Pentagon business systems and bureaucracy, and – most importantly – cares for our troops and their families.

The NDAA Conference Report is consistent with the bipartisan budget agreement. It supports a base budget of **\$658.4 billion**, an additional **\$71.5 billion for Overseas Contingency Operations**, and **\$5.3 billion for emergency disaster recovery** to restore installations damaged by extreme weather or earthquakes.

TABLE 1: Discretionary Funding Levels

DOD Discretionary Base Budget	\$635B
DOE Discretionary Base Budget	\$23.1B
Other Non-Defense	\$300M
<b>FY20 Base Budget NDAA Topline</b>	<b>\$658.4B</b>
Overseas Contingency Operations	\$71.5B
<b>FY20 Discretionary Topline</b>	<b>\$729.9B</b>
Defense-Related Activities Outside NDAA Jurisdiction	\$8.1B
<b>National Defense Topline w/ OCO</b>	<b>\$738B</b>
Emergency Disaster Recovery	<b>\$5.3B</b>

*Mandatory Spending: The bill also includes \$10.6 billion in authorizations for Defense mandatory spending, as requested in the President’s budget request. The bill also includes approximately \$5.7 billion in additional mandatory spending resulting from three-year phased repeal of the Survivor Benefit Plan/Dependency and Indemnity Compensation offset, a new medical malpractice claims process, 4,000 Afghan Special Immigrant Visas, and other items.*

### **CARING FOR TROOPS THE CIVILIAN WORKFORCE, AND THEIR FAMILIES**

“You recruit a service member but retain a family” is a military maxim reflected in the FY20 NDAA. The Conference report pays particular attention to family support, including providing for a **3.1 percent pay raise (the largest increase in a decade)**, **extending special pay and bonuses for service members**, programs to offset the costs of acquiring professional licenses for military spouses, including additional measures to combat sexual assault and harassment in

the military while supporting survivors, and historic reforms to the military privatized housing system. The NDAA also includes a **three-year phased repeal of the requirement that Survivor Benefit Plan payments be reduced by Dependency and Indemnity Compensation payments.**

### *Family Support*

#### Improving Military Education and Child Care

The NDAA requires a **comprehensive assessment of child care capacity** on military installations to identify and remedy child care waiting list backlogs and expands childcare fee assistance to include survivors of service members killed in combat. The NDAA streamlines **staff hiring for child development centers** by authorizing direct hire authority and ensuring background investigations are transferrable between installations. The NDAA also authorizes \$40 million for assistance to local educational agencies with military dependent students and \$10 million for local educational agencies eligible to receive a payment for children with severe disabilities.

#### Professional Licenses for Military Spouses

The NDAA **doubles the reimbursement amount** for state licensure expenses incurred by military spouses as they move their families around the country. It also **authorizes a cooperative agreement with the Council of State Governors** to assist with funding the development of interstate compacts to improve spouse professional license portability.

#### Reforms Military Family Housing

The NDAA implements the most substantial overhaul of the Privatized Military Housing Initiative since its creation in 1996. These reforms address the considerable gaps in oversight and accountability seen at all levels of housing management from ineffective housing offices, to substandard property management, to under-engaged military leadership. Specifically, the conference report:

- Requires the Department to establish a standardized assessment tool to be used in evaluating military housing for certain risks, including lead and mold;
- Directs each military service to develop guidelines for a dispute resolution process to include the ability to withhold Basic Allowance for Housing until the dispute is resolved;
- Increases transparency for families by requiring disclosure of major repairs/remediation prior to lease signing;
- Reinforces the need for the Government Housing Office to be present as the advocate for military families;
- Requires new quality control measures and increases health and hazard inspections;
- Authorizes additional funding to ensure installation housing offices are properly staffed;
- Provides for a temporary direct hiring authority for government housing personnel to increase oversight of private contractors; and
- Suspends the Resident Energy Conservation Program until the Secretary of Defense can certify that homes are accurately metered.

The conference report also requires the Services to establish a **Tenant Bill of Rights** that sets **minimum acceptable livability standards**, requires better communication, creates

greater transparency, addresses establishment of a formal dispute resolution process, **bans the use of non-disclosure agreements** as a condition of moving out of military housing, and enhances protections against reprisal.

#### Reforms the Defense Personal Property Program:

The NDAA implements policies to address problems with management and oversight in the movement of service members' household goods through standardized and establish centralized control of the program and:

- Prohibits U.S. Transportation Command from awarding a Global Household Goods Contract (GHC) for the Defense Personal Property Program (DP3) until April 1, 2020, after the Comptroller General of the United States submits to the congressional defense committees an analysis of options to restructure the DP3;
- Requires U.S. Transportation Command to prepare a business case analysis for the proposed award of a GHC contract;
- Requires the Under Secretary of Defense for Acquisition and Sustainment and the Assistant Secretary of Defense for Personnel and Readiness to submit to the congressional defense committees a report on the activities of the Personnel Relocation/Household Goods Movement Cross-Functional Team; and
- Establishes an advisory committee to provide feedback to the Secretary of Defense on the DP3, military relocation services, and other issues relating to permanent change of station moves.

#### *Combatting Sexual Assault, Harassment, and Domestic Violence*

For the past 12 years, the NDAA has included provisions to combat sexual assault in the military. The FY20 NDAA requires a comprehensive GAO report on the status of implementation by the Armed Forces of all recent statutory requirements on sexual assault prevention and response in the military. The NDAA also directs GAO to review and report on the military services' efforts to prevent and respond to hazing. The conference report requires DOD to standardize the collection of race, ethnicity and gender statistics for military justice actions and requires the Secretary of Defense to establish guidance to further identify, and take corrective action on, any disparities in the justice process. The NDAA **eliminates the statute of limitations on kidnapping and maiming of a child.**

#### Sexual Assault and Harassment

The conference report increases resources available to sexual assault survivors, including an **increase in the number of investigative personnel** and **Victim Witness Assistance Program liaisons** with the goal of ensuring that investigations of sex-related offenses are completed not later than six months after the date of initiation. The NDAA provides additional digital forensic investigators to enhance DoD's ability to recover text messages between an individual accused of sexual assault and their victim, investigate child pornography, and help make the case in allegations of Internet fraud. The NDAA provides for **additional training for commanders** on their roles in the disposition of sexual assault and collateral offenses. The NDAA requires that **victims of sexual assault receive periodic updates throughout the court-martial process**

regarding the status of the case, while **expanding authority of military judges to review actions prior to the referral of a court-martial**. The NDAA also takes steps to ensure that a victim's preference of prosecution jurisdiction and other decisions by the victim are properly documented. The NDAA also expands the **training of special victims' counsel on state civilian criminal justice** matters in the state where the victim is assigned and requires that a **special victims counsel be made available to victims not later than 72 hours** after a request for such.

### Domestic Violence

The NDAA requires the Department of Defense to establish a program by 2020 to provide legal counsel to domestic violence victims and to report to Congress on how the Department will structure and implement the program. The Conference Report also requires that **victims of domestic violence receive legal counsel** to assist them before and during the court-martial process, and that counsel providing services through this program receive specialized training on issues commonly associated with domestic violence. The NDAA also closes gaps in the reporting of Military Protective Orders between military installations and civilian authorities and across military installations during transfers.

### *Recruiting and Retaining the Best While Honoring Past Service*

The NDAA makes policy changes that mirrors society and promotes a more diverse and inclusive military, with provisions that:

- Require the Secretary of Defense to update and implement the Department of Defense **Diversity and Inclusion Strategic Plan**;
- Require DoD to submit an initial report, within 120 days of enactment, and an annual report for two years thereafter, setting forth information about the number of transgender applicants and **transgender service members** who sought and received a waiver or an exception to policy to permit their enlistment, accession, or retention in the military;
- Enable the Federal Aviation Administration (FAA) to give hiring preference to veterans and graduates from FAA Certified College Training Initiative schools to improve pipeline of qualified air traffic controllers;
- Require the Marine Corps to gender **integrate basic training at Parris Island** within five years and at San Diego within eight years; and
- Authorize the establishment of **Coast Guard Junior ROTC programs**, and expands Junior ROTC programs to include students who are in the eighth-grade.

### Military Discharges

The FY20 NDAA requires the Secretary of Defense to establish a process to conduct a **final review of a request for an upgrade** in the characterization of a discharge or dismissal that is denied by the Service review boards. In addition, the NDAA extends the prohibition on reducing the number of military and civilian personnel assigned to a Service review board agency. It also establishes additional safeguards for the review of applications to the Boards of Correction of Military Records and Discharge Review Boards by veterans who were the victims of sexual assault or domestic violence to **ensure Boards seek the advice of a behavioral health professional**. It also requires the creation of a uniform curriculum of training for review board

members on the **responses to trauma caused by sexual assault**, intimate partner violence, and spousal abuse.

### Military Health Care

The FY17 NDAA included a comprehensive reform of the military health care system to improve medical readiness and patient experience. The FY20 NDAA **prohibits the reduction of certain military medical personnel billets** until the completion of reviews required under the FY17 NDAA to ensure any reductions or realignments will not negatively impact military health care. The Conference Report **enhances combat casualty care** for troops through partnerships with medical expertise outside the Department of Defense. The NDAA **extends Tricare Reserve Select** to certain Reservists who are currently covered under a federal health benefits plan. The NDAA requires the Department of Defense to develop a comprehensive **policy on providing mental health care** to service members as well as a strategy on **how to recruit and retain mental health providers**. The Conference Report also authorizes the National Guard to establish a **pilot program that would allow National Guard members to receive immediate access to mental health professionals** through a smartphone application. Although the NDAA does not change or repeal the Feres doctrine, it **authorizes the Secretary of Defense to allow, settle, and pay an administrative claim against the United States for personal injury or death** of a member of the uniformed services that was the result of medical malpractice caused by a Department of Defense health care provider.

### *Contributing to Healthy Communities*

The NDAA **prohibits the use of firefighting foam containing per- and polyfluoroalkyl substances (PFAS)** after October 1, 2024, with an exception for shipboard use, and immediately prohibits the uncontrolled release of fluorinated aqueous film-forming foam (AFFF) and the use of AFFF in training exercises at military installations. The conference agreement encourages the Secretary of Defense to **finalize cooperative agreements with states** to address contamination by these substances and authorizes the **National Guard to access Defense Environmental Remediation Account funds** for the limited purpose of addressing PFOS and PFOA exposure and contamination resulting from National Guard activities in and around National Guard bases.

### *Supporting the Civilian Workforce*

The conference agreement provides 12 weeks of paid parental leave to all federal civilian employees. The conference agreement also ensures that civilians moving as part of their employment within the federal government are not taxed for their relocation expenses paid by the government. In addition, it provides a one-year extension on authorities for certain allowances, benefits, and gratuities for civilian personnel on official duty in combat zones. Finally, the conference agreement extends and expands several hiring authorities so that the Department of Defense can quickly hire civilian personnel into key areas, such as the defense industrial facilities (shipyards, depots, and arsenals) and Major Range and Test Facilities until 2025.

## CONTINUING TO REBUILD READINESS AND MODERNIZE THE MILITARY

According to the Congressional Research Service, America's military has started 13 of the past 18 years under a continuing resolution. Since 2010, our troops have had to contend with wasteful and inefficient stopgap funding for 39 months. This, together with successive years of high op-tempo and inadequate budgets, contributed to a fatal readiness crisis in the force. This year, the *Military Times* found that while total aviation accidents fell for the first time since 2013's budget cuts, military aviation deaths hit a six-year high in 2018. Senior commanders and DOD leaders repeatedly testified to the Committee that while we have arrested the readiness crisis, we have not yet reached the readiness levels required.

The readiness of our military is built on training, sustainment of weapon systems, and adequate facilities that support troops and their families. The conference agreement includes provisions that will increase the Department of Defense's capacity to build military readiness and modernize military capabilities. To continue to address military aviation safety, the FY20 NDAA provides a nine-month extension and authorizes an additional \$3 million for the National Commission on Military Aviation Safety to complete its assessments and issue recommendations related to military aviation safety. In addition, conferees in both parties intend to continue monitoring border support missions and assessing the impact on military readiness, but deferred final decisions on border security support to the FY20 Appropriations process.

### *Military Construction*

For years, commanders across the force assumed enormous risk in military infrastructure as they diverted funds to cover shortfalls in training, maintenance, and operations. Restoring degraded military infrastructure is now an urgent priority. This year's NDAA authorizes \$11.8 billion for military construction, military family housing, and work associated with base realignment and closure rounds. The conference agreement includes \$1.2 billion for 44 projects that were included in the unfunded requirement lists of the military departments. The conference report includes \$120.9 million to establish a program to support construction of child development centers to help with shortfalls in the condition and capacity of on-base child care facilities. Finally, the conference report provides a total of \$5.3 billion in emergency funding for military installations damaged by natural disasters in North Carolina, Florida, Nebraska, Louisiana, and California, including \$4.1 billion in emergency authorization for military construction projects and \$539 million for emergency repair and restoration.

### *Facilities Sustainment*

The NDAA provides over \$15 billion in facilities restoration, sustainment, and modernization funding to the military departments.

### *Installation Resilience*

The NDAA prescribes base resiliency efforts to ensure better planning to assess vulnerabilities and facility codes to mitigate the risk of future disasters. The conference report also directs the Secretary of Defense to conduct a **black start exercise** at three major military installations to

ensure installation resiliency in the case of a total power outage. The conference agreement also authorizes an additional \$133 million for military construction projects under the Department's Energy Resiliency and Conservation Investment Programs.

#### *Defense Community Infrastructure Program*

The conference agreement authorizes \$75 million for the Office of Economic Adjustment's Defense Community Infrastructure Program (DCIP), which will provide grants, conclude cooperative agreements, and supplemental funds available under other federal programs to assist states and local governments in addressing deficiencies in community infrastructure projects or facilities that are located outside of military installations but that support military installations.

#### *Ship and Submarine Maintenance*

The conference agreement authorizes an additional \$653 million for Navy ship and submarine depot maintenance to ensure key ship and submarine shipyard availabilities are not further delayed due to cost and schedule overruns associated with the backlog of ship and submarine maintenance.

#### *Replenishing the Force*

The NDAA supports our military services by providing the necessary authorities and resources to equip, modernize, and manage risk across weapons systems and programs, as well as develop the required force structure to meet future challenges. The Conference Report:

- Supports the budget request for 73 UH-60M Blackhawks, 48 AH-64 Apaches, 9 MH-47G Chinooks, 6 CH-53K King Stallions, 12 HH-60W Combat Rescue Helicopters, and 6 MQ-1 Gray Eagles;
- Includes an additional \$28 million for the CH-47 Block II program and preserves the option for the Army to buy this helicopter in future years;
- Prohibits the retirement of RC-135 and KC-10 aircraft;
- Expands maritime patrol by adding three additional P-8 Poseidon and one E-2D Hawkeye aircraft;
- Increases intertheater airlift by adding four additional C-130 Hercules aircraft;
- Fully supports the Air Force UH-1N utility helicopter replacement program;
- Supports the Army budget request for 131 Armored Multipurpose Vehicles, 152 Stryker Combat Vehicles, and 165 Abrams Tanks; and
- Provides for additional funding for Army medium and heavy tactical trucks.

#### *Building A Larger Navy*

The NDAA reaffirms that the United States must maintain a **minimum of 11 aircraft carriers** to protect our interests around the world and authorizes the first year of appropriations for the midlife **refueling of USS Harry S. Truman (CVN 75)**. The NDAA takes other action to build a larger Navy, including:

- Preserving a Navy plan to procure 10 *Virginia*-class attack submarines, nine of which include the Virginia Payload Module across a FY19-23 multiyear contract, and

authorizing an additional \$1.5 billion to eliminate a submarine construction deficit in FY20, an additional \$200 million for FY21 submarine advance procurement, and an additional \$100 million for advanced submarine design;

- Supports full funding for the *Columbia*-class ballistic missile submarine development;
- Authorizes construction of three *Arleigh Burke*-class destroyers and one new frigate;
- Authorizes construction of two additional amphibious ships including an *America*-class amphibious assault ship and a *San Antonio*-class amphibious transport dock; and
- Authorizes construction of one large unmanned surface vessel and two medium unmanned surface vessels.

The NDAA **reforms how aircraft carriers are constructed and paid for**. It requires the Navy to insert the **Joint Strike Fighter ship alterations on the USS John F. Kennedy** (CVN 79) before her first deployment. The NDAA also inserts **congressional cost controls over CVN 80 and 81** to ensure cost visibility associated with the anticipated \$4 billion two-carrier cost savings.

### **REFORMING THE PENTAGON TO IMPROVE EFFICIENCY, AGILITY, AND ACCOUNTABILITY**

Making the Pentagon more efficient, while helping our troops become more agile, is critical to maintaining America's competitive edge. That's why, since the FY15 NDAA, Congress has instituted numerous reforms, including an updated military retirement system, an improved health care system, a sustainable commissary benefit, and a major reorganization of Pentagon bureaucracy and business systems and practices.

This year, the conferees focused on enforcing reforms already enacted by Congress while creating new pathways for innovators to bring their ideas to DOD.

#### *Strengthening the Acquisition System and Business Reform*

Acquisition Workforce: The FY20 NDAA directs DOD to redesign the Acquisition Workforce certification, education, and career fields by leveraging nationally and internationally recognized standards. It also establishes a requirement for the Defense Acquisition University to employ visiting professors.

Defense Civilian Training Corps: The NDAA establishes a Defense Civilian Training Corps to address critical skill gaps in the DOD's civilian workforce. Just like ROTC trains individuals for the Armed Forces, for the first time, the Defense Civilian Training Corps will train civilians for public service in the Department of Defense.

Leveraging Outside Experts: The FY20 NDAA directs the DOD to establish extramural research activities focused on innovative acquisition process that leverage expertise outside of the DOD in order to provide academic analyses and policy alternatives to DOD and Congress.

Eliminating Bureaucracy and Streamlining Processes: To resolve acquisition program contracting issues, the NDAA establishes a pilot program for "alpha" contracting teams;



improves intellectual property evaluations for acquisition programs; and modifies or eliminates duplicative approval requirements for certain DOD contracts or awards.

Holding the Department Accountable: Congress has enacted numerous reform proposals, and DOD is working hard to implement them. Still, in some areas, the Pentagon has not yet made enough progress. The FY20 NDAA holds the Pentagon accountable for implementing policies across defense business systems, integrating modular open system approaches into major defense acquisition systems, establishing an intellectual property policy and cadre, reforming the Fourth Estate, and finalizing a Middle-Tier of Acquisition policy.

Industrial Base Resiliency: The FY20 NDAA continues the work of previous NDAs to enable the DoD to assess and mitigate risks to its supply chain posed by advanced intelligence services like China and Russia that seek to exploit vulnerabilities to erode our military advantage. The NDAA:

- Modernizes risk assessment and mitigation across DOD's contracting processes to strengthen decision-making about which suppliers to use;
- Strengthens reporting to Congress on key industrial base vulnerabilities and plans to address them, including with partners and allies.
- Improves insight to and mitigation of risks posed by foreign ownership, control and influence of defense contractors;
- Improves insight to contractors' adherence to law and regulation pertaining to human rights and human trafficking, workplace safety, labor standards, sexual harassment, and fraud;
- Reduces reliance on foreign sources of rare earth minerals;
- Repairs microelectronics supply chain security; and
- Enhances manufacturing and small business innovation.

#### *Accelerating Defense Innovation*

The FY20 NDAA aspects of the **Accelerating Defense Innovation Act** to assist DOD's efforts to access new sources of innovation. It establishes inclusive **pathways for the most promising small businesses to commercialize their innovations** for the DOD market. The NDAA increases DOD's engagement with innovation hubs across the country by establishing a **Joint Reserve Detachment at Defense Innovation Unit** locations and authorizing \$75 million to the Defense Innovation Unit for the **creation of a National Security Innovation Capital Fund**.

#### *Enhanced Oversight of Military Operations*

The NDAA requires the Secretary of Defense to provide the Chairman and Ranking Member of the congressional defense committees and their designated staff with an **execute order and a detailed briefing within 30 days of receiving a written request**. Further, the Secretary of Defense is required to submit a comprehensive report identifying and summarizing all execute orders approved by the Secretary or the commander of a combatant command in effect at the time of the submission of the President's budget. The conference agreement also requires the Secretary of Defense to promulgate a comprehensive written policy on the issuance of, authorization of, and the provision by members and units of the United States Armed Forces of, collective self-defense to designated foreign nationals, their facilities, and their property.

### *Software and Information Technology*

The FY20 NDAA plans for, invests in, and matures a comprehensive and robust research and development ecosystem to maintain a technological edge. The NDAA:

- Directs tailoring of acquisition pathways for software applications and upgrades to enable initial delivery to end users within one year and continuous secure integration and delivery;
- Establishes digital engineering capability to speed capability delivery by improving modeling and simulation of system performance, and automating testing and evaluation;
- Establishes a software science and technology strategy and training program for software development and acquisition; and
- Requires DOD's Chief Information and Chief Data Officers to develop policy on for transitioning data and applications to the cloud, under DOD's cloud strategy.

### *Accountability and Compensation – Civilian Casualties*

The conference report modifies existing reporting requirements regarding civilian casualties to enhance transparency and accountability through the **establishment of additional reporting elements**. It also requires an independent assessment of the Department of Defense standards, processes, procedures, and policy relating to civilian casualties resulting from United States military operations.

- The FY20 NDAA establishes a global authority for the U.S. military to redress injury and loss to civilian personnel inadvertently caused by U.S. Armed Forces, a coalition that includes the U.S., or a military organization supporting the U.S.

### *Technical Foundation for Shipbuilding Programs*

The FY20 NDAA improves the technical foundation of shipbuilding programs to reduce delays, budget overages, and performance deficiencies by requiring:

- The designation of a Senior Technical Authority for each class of naval vessels to establish, monitor, and approve the technical aspects of such class of vessels;
- A certification by the Secretary of the Navy and Senior Technical Authority before Milestone B approval for new shipbuilding programs;
- Design changes identified in the first *Arleigh Burke*-class destroyer in the Flight III configuration to be incorporated into the next new class of Navy large surface combatants; and
- Reporting of Navy procurement prime and subcontractor stop work orders or other manufacturing disruptions of 15 calendar days or longer to the program manager and technical authority.

### *Increasing Focus on Intelligence and Security*

The FY20 NDAA takes steps to increase focus on intelligence and security, including new authorities to the Defense Intelligence Enterprise that will allow greater insight into threats from Russia and China. The **NDAA re-designates the Under Secretary of Defense for Intelligence as the Under Secretary of Defense for Intelligence and Security** in recognition of

the Undersecretary's critical role in setting the policies that protect the Department's personnel, property and information against insider threats and active intelligence services seeking to erode the Nation's military advantage. Following the transition of responsibility for security clearances from the Office of Personnel Management to DOD, the NDAA provides new authorities to the Defense Counterintelligence and Security Agency with authorities **to further streamline and modernize the background investigation process.**

### **CONFRONTING RUSSIA, CHINA, AND OTHER THREATS**

The National Defense Strategy (NDS) recognizes that we are in an era of major power competition with Russia and China. As our competitors seek to undermine international order and gain influence, the FY20 NDAA includes measures designed to maintain America's competitive military edge and support our allies and partners. These include a new reporting requirement for the Secretary of Defense – and additional independent reports – on the implementation of the NDS focused on joint operational concepts to deter and defeat strategic competitors. The Pentagon must also report on strategies to impose political, military, economic, budgetary, and technology costs on Russia and China.

#### *Russia*

The FY20 NDAA renews a series of authorities to deter Russian aggression. The FY20 NDAA:

- Increases funding for the European Defense Initiative (EDI) needs by providing an additional \$734.3 million for military construction, anti-submarine warfare, and other urgent priorities to deter Russia and work with U.S. partners and allies;
- Renews and extends the authorization of \$300 million of funding for the Ukraine Security Assistance Initiative, to include lethal defensive items as well as new authorities for coastal defense cruise missiles and anti-ship missiles;
- Prohibits military-to-military cooperation with Russia;
- Prohibits U.S. government recognition of the absorption of Crimea into the Russian Federation;
- Requires an update and expansion of the strategy for countering malign influence activities of Russia, China, and other countries;
- Protects European energy security by imposing sanctions related to Russian energy pipelines Nord Stream 2 and TurkStream; Prohibits the transfer of the F-35 to Turkey and expresses a Sense of Congress that Turkey's acquisition of the S-400 constitutes a significant transaction under the Countering Russian Influence in Europe and Eurasia Act (CAATSA) and the President should implement sanctions under that Act; and
- Authorizes the Department to use up to \$30 million for storage of six Turkish F-35 aircraft that were previously being used to train Turkish pilots before Turkey's suspension and removal from the program.

## *China*

The FY20 NDAA recognizes that China already presents a severe test of U.S. interests in the Indo-Pacific and beyond and:

- Modifies the annual report on Chinese military and security developments to include developments relating to Chinese overseas investments; the use of China's Coast Guard for gray zone activity; Chinese military relations with Russia; and China's expansion of its surveillance state and the overall lack of human rights;
- Updates the strategy to counter the threat of malign influence by including China as a required element in the report;
- Expresses a Sense of Congress that Congress unequivocally supports the people of Hong Kong as they defend their rights and preserve their autonomy against China;
- Supports improving Taiwan's defense capabilities and force readiness, expands joint training, foreign military sales, and senior level military-to- military engagements; directs the Secretary to conduct a review of Chinese military, economic, information, diplomatic, and digital influences in Taiwan;
- Requires a report on resourcing United States defense requirements for the Indo-Pacific region and directs the Office of Net Assessment to conduct studies on competitive strategies with respect to China;
- Adds Pacific Island countries to the Indo-Pacific Maritime Security Initiative but limits the use of funds until the Secretary of Defense, with the concurrence of the Secretary of State, submits a report regarding how they will use the security cooperation and assistance programs for those countries;
- Directs reports on Chinese military activities in the Arctic, as well as Chinese foreign direct investment in the Arctic;
- Prohibits the purchase of Chinese drones; and
- Places certain restrictions on the purchase of rail cars and buses from certain Chinese state-owned enterprises, excluding pre-existing contracts.

## *North Korea*

The FY20 NDAA:

- Expresses a Sense of Congress that diplomacy, economic sanctions, and credible deterrence are essential to address North Korea's weapons of mass destruction program and the conventional threat North Korea poses to U.S. forces on the Korean Peninsula and to U.S. allies in the region; condemns North Korea's recent missile launches; and states that the United States, in concert with allies, should continue to deter North Korea through a credible defense and deterrence posture;
- Places mandatory sanctions on North Korean imports and exports of coal and other minerals and textiles, as well as refined petroleum products and crude oil up to certain levels; in addition, it penalizes banks that are already on sanctions lists with additional sanctions if they engage in illicit activity with North Korea; and
- Prohibits the Department of Defense from reducing the number of Armed Forces deployed to South Korea below 28,500 unless the Secretary of Defense certifies that it is in the national security interest of the United States, the reduction will not significantly

undermine the security of U.S. allies, and that allies (including South Korea and Japan) have been appropriately consulted.

### *Allies and Partners*

The NDS emphasizes how critical **allies and partners** are to our own national security. The FY20 NDAA supports America's allies and partners by requiring new reports related to **ally and partner nation contributions**, specifically from NATO member and East Asian allies, including South Korea and Japan. The NDAA provides **\$2.3 billion to the Defense Security Cooperation Agency** and improves security cooperation programs to build capabilities of allies and partners to contribute to U.S. national security objectives while also dedicating funds to assistance, monitoring, and evaluation of programs, and increasing oversight **to prevent human rights violations**. The FY20 NDAA also:

- Expresses the Sense of Congress in strong support of the U.S. commitment to the NATO alliance.
- Expresses the Sense of Congress that the United States remains committed to its alliances with Japan and South Korea, which are essential to the peace and stability in the Indo-Pacific region;
- Affirms the commitment of the United States to the Mutual Defense Treaty between the United States and the Republic of the Philippines;
- Authorizes the Secretary of Defense to transfer to the Secretary of State up to \$15 million in FY2020 for the Bien Hoa dioxin cleanup in Vietnam;
- Prohibits the use of funds to terminate, suspend, or file notice of withdrawal for the United States from NATO; expresses the Sense of Congress in strong support of the U.S. commitment to the NATO alliance;
- Supports the establishment of the North Atlantic Treaty Organization Joint Force Command Norfolk to protect Atlantic Ocean sea lanes;
- Holds NATO countries accountable for commitments on defense spending and NATO Readiness initiative by requiring new reports related to ally and partner nation contributions;
- Increases support for security assistance with Baltic countries and requires an assessment on efforts to assist Baltic countries deter and resist aggression from Russia;
- Supports cooperation with Israel on counter-tunnel and counter-drone capabilities;
- Allows for the conditional lifting of the arms embargo on the Republic of Cyprus;
- Increases oversight to prevent human rights violations;
- Authorizes a new initiative to assist foreign security forces in building the institutional capacity to enhance compliance with the law of armed conflict and human rights;
- Authorizes the use of up to \$18 million to provide logistical support to stabilization activities of the Department of State, U.S. Agency for International Development and other federal agencies in certain countries emerging from conflict; and
- Authorizes two-year extension of the Global Security Contingency Fund.

### *Space Force*

The FY20 NDAA recognizes space as a warfighting domain and establishes the **U.S. Space Force** in Title 10 as the sixth **Armed Service of the United States, under the U.S. Air Force**. In doing so, the NDAA provides the Secretary of the Air Force with the authority to transfer Air Force personnel to the newly established Space Force. To minimize cost and bureaucracy, the Space Force will require no additional billets and remains with the President's budget request.

The conference agreement creates a **Chief of Space Operations (CSO)** for the U.S. Space Force who will report directly to the Secretary of the Air Force and become a member of the Joint Chiefs of Staff. During the first year, the CSO may also serve as the Commander of U.S. Space Command. The CSO will provide updates to the committees of jurisdiction every 60 days, with briefings and reports on implementation and establishment status. The conference report also creates:

- A Senate-confirmed **Assistant Secretary of the Air Force for Space Acquisition and Integration**, as the senior space architect, who will:
  - Provide a renewed focus on the acquisition of space systems as the Chair of the Space Force Acquisition Council, ensuring integration across the national security space enterprise;
  - Synchronize with the Air Force Service Acquisition Executive on all space system efforts, and take on Service Acquisition Executive responsibilities for space systems and programs effective on October 1, 2022; and
  - Oversee and direct the Space and Missile Systems Center, Space Rapid Capabilities Office, and Space Development Agency.
- An **Assistant Secretary of Defense for Space Policy** as the senior civilian in the Office of the Secretary of Defense for oversight of space warfighting.

### *Nuclear Forces and Strategic Stability*

#### Nuclear Forces

Nuclear forces have been the cornerstone of our national defense and the conference agreement funds the President's budget request for Nuclear National Security Administration programs, including **nuclear weapons and nuclear non-proliferation activities**.

- In addition, the FY20 NDAA supports the U.S. Strategic Command requirement to produce 80 plutonium pits per year by 2030 and doesn't prohibit the Department from deploying low-yield nuclear weapons. It also clarifies nuclear safety authorities.

#### Strategic Stability

- With respect to key arms control treaties, the conference agreement requires congressional notification and a 120-day waiting period before the provision of notice of any intent to withdraw from the New START and Open Skies treaties (including requiring consultation with allies prior to withdrawal from the Open Skies Treaty);

- The conference agreement prohibits the procurement and deployment of new ground launched INF-range missiles and requires information on the analysis of alternatives to such new missiles, basing options and foreign countries consulted including NATO; and
- The conference report requires an independent study on the policy of no-first-use of nuclear weapons, and a report on military-to-military dialogue with foreign countries to reduce the risk of miscalculation, unintended consequences, or accidents that could precipitate a nuclear war.

### Missile Defense

The FY20 NDAA continues bipartisan efforts for a robustly tested layered missile defense system for the U.S. and increases regional capability and capacity to protect the nation's deployed forces, and our global partners and allies. The conference agreement:

- Requires an independent assessment on the impacts of U.S. missile defense development on the security of the United States as a whole vis-à-vis adversary responses to deployment.
- Requires increased operationally realistic testing, specifically with regards to countermeasures, of missile defense systems and increased analysis and reporting on the results of those tests.
- Mandates an independent report on the organization and structure of missile defense programs to increase accountability and oversight.
- Increases oversight on the Ground-Based midcourse Defense System to address the cancellation of the Redesigned Kill Vehicle effort, which will improve transparency and avoid similar errors in future programs.
- Supports Israeli missile defense by authorizing the President's full budget request of \$500 million for development and procurement of the Iron Dome, David's Sling, and Arrow weapon systems, and requires acquisition milestones be met prior to release of funds.

### Conventional Prompt Strike

To address ambiguity and miscalculation concerns, the FY20 NDAA directs the Secretary of the Navy to ensure that technologies developed for the conventional prompt strike program are transferrable to surface-ship platforms.

### *Emerging Technology*

The FY20 NDAA directs policies to ensure that the national security innovation base is poised to meet long-range emerging threats and the rise of global competitors. The Conference report:

- Directs the Department of Defense to develop a cyber science and technologies activities roadmap;
- Supports efforts across DOD and the Services to deliver a hypersonic capability in the mid-2020s;
- Extends the activities of the Joint Hypersonics Transition Office and authorizes the establishment of a new university consortium focused on hypersonic research and development;

- Extends unique hiring authorities to the Joint Artificial Intelligence Center to attract experts in science and engineering and advance the DoD's artificial intelligence efforts;
- Establishes an interagency working group within the Office of Science and Technology Policy at the White House to coordinate activities to better protect federally funded research and development from foreign interference;
- Creates new reporting requirements for national security academic research;
- Authorizes the creation of a new technology and national security fellowship for undergraduate and graduate students in the areas of science, technology, engineering, and math;
- Authorizes \$8 million for the establishment of a Quantum Information Science Innovation Center;
- Commissions a Defense Science Board study on emerging biotechnologies pertinent to national security;
- Transfers control of the Strategic Capabilities Office to the Deputy Secretary of Defense and establishes a cross-functional team to improve the efficiency and effectiveness of the Office;
- Establishes an independent National Academies of Sciences, Engineering, and Medicine study to review the state of defense research at Historically Black Colleges and Universities and other minority institutions; and
- Extends the completion date of the National Security Commission on Artificial Intelligence.

#### *NDS-Related Modernization Programs*

- Authorizes an additional \$1 billion for 12 additional F-35A aircraft to address an identified Air Force unfunded requirement and accelerate delivery of needed 5<sup>th</sup> generation capability and \$440 million for the purchase of additional F-35s originally ordered by Turkey;
- Provides the necessary authority for buying F-35 long lead spare parts in bulk to help achieve better cost savings for the F-35 program and authorizes buy-to-budget authority to capitalize on lower unit cost savings;
- Supports the budget request for 10 F-35B and 20 F-35C 5th generation strike fighters to help address Navy and Marine Corps strike fighter shortfalls;
- Supports the budget request for 24 F/A-18E/F Super Hornets to help address Navy strike fighter shortfalls;
- Supports full funding for the B-21 long-range strike aircraft development;
- Supports the budget request for 8 F-15EX aircraft to begin replacing aging aircraft while also enhancing congressional oversight of the program;
- Authorizes an additional \$75.6 million to address an identified Army unfunded requirement for Future Long-Range Assault Aircraft program; a critical future vertical lift modernization priority;
- Supports nearly \$1 billion for the Air Force Next Generation Air Dominance (NGAD) Program ensuring U.S. air superiority for our future;



- Authorizes an additional \$249.2 million for the Stryker combat vehicle medium caliber weapon system, an identified Army unfunded requirement; and
- Bolsters maritime sealift and mobilization by reauthorizing the Maritime Administration, including authorizing a new cable security fleet program and requiring the Secretary of the Navy to seek to enter into a contract for two used sealift vessels and one new vessel for mobilization purposes.

### *Cyber*

The NDAA strengthens congressional oversight of cyber operations, and enhances the Department of Defense's cybersecurity strategy and cyber warfare capabilities. The Conference Report:

- Directs the Secretary of Defense to develop a consistent, comprehensive framework to enhance the cybersecurity of the U.S. defense industrial base;
- Requires development of metrics for the assessment of the readiness of the Cyber Mission Forces;
- Establishes a consortium of universities to advise the Secretary of Defense on cybersecurity matters;
- Establishes Principal Cyber Advisors on military cyber force matters for each military service;
- Allows the secretaries of the military departments to use up to \$3 million in Operation and Maintenance funds to develop cyber operations-peculiar capabilities for the rapid creation, testing, fielding, and operation of cyber capabilities;
- Requires the Secretary of Defense to notify the congressional defense committees and describe various operational details of any delegation of authorities from the National Command Authority for military cyberspace operations;
- Directs an annual report on military cyberspace operations;
- Directs a zero-based review of Department of Defense cyber and information technology personnel;
- Mandates a study on improving cyber career paths in the Navy;
- Refines the role of the Chief Information Officer in improving enterprise-wide cybersecurity;
- Commissions a Defense Science Board study on future cyber warfighting capabilities of Department of Defense;
- Directs the Secretary of Defense to conduct a review of the cyber posture of the United States on a quadrennial basis; and
- Extends the completion date of the Cyberspace Solarium Commission.

### *5G*

The Conference Report recognizes the importance and urgency of establishing a Department-wide 5th Generation (5G) strategy to enhance military capabilities. The NDAA:

- Authorizes \$275 million for a new 5G information communications technology research and development program and creation of 5G test sites at DoD installations across the United States, including at the Nevada Test and Training Range;

- Requires the establishment of microelectronic trusted supply chain and operational security standards in order to improve the acquisition of securely manufactured, commercially available products and ensure the industrial base is more resilient to a variety of risks; and
- Requires the development of a Department of Defense 5G strategy and implementation plan.

## **PROTECTING AMERICA AGAINST TRANSNATIONAL THREATS**

The United States military faces a number of complex threats, including those posed by transnational terrorist groups like ISIS and al Qaeda, and illegal narcotics. An effective national defense strategy must take these challenges into account and leverage the assets of our partners and allies to address them in a comprehensive manner.

### *Reporting on the Use of Military Force*

The FY20 NDAA requires a semiannual report that includes details on the use of military force and specified support of foreign partner forces pursuant to the Authorization for the Use of Military Force or other statutory or constitutional authorities.

### *Afghanistan*

The FY20 NDAA provides \$4.5 billion to continue building the Afghan security forces and modifies reporting requirements to enhance oversight of the Department's South Asia Strategy. The agreement requires the Secretary of State, in coordination with the Secretary of Defense, to work to ensure the meaningful participation of Afghan women in the ongoing peace process in Afghanistan and authorizes 4,000 Special Immigrant Visas for Afghan wartime partners.

### *Middle East*

The conference agreement continues support for the Iraqi Security Forces, vetted Syrian groups, and other counterterrorism partners while seeking to gradually normalize security assistance to the Government of Iraq. It includes the text of the CAESAR Syria Civilian Protection Act, which applies sanctions to those who lend support to the Assad regime's military efforts in the Syrian civil war, and grants authorities to the Secretary of State to support entities collecting evidence and pursuing prosecutions against those who have committed war crimes in Syria. In addition, the conference report authorizes families of victims of the 1983 Beirut Marine barracks bombing access to \$1.68 billion in Iranian funds. Finally, the conference report prohibits aerial refueling of Saudi-led coalition aircraft participating in the civil war in Yemen, codifying current DOD policy in statute, and requires additional reporting on harm to Yemeni civilians resulting from military action by the Houthis and Saudi-led coalition.

### *GTMO*

The FY20 NDAA prohibits transferring GTMO detainees to the U.S., transferring GTMO detainees to certain other countries, constructing or modifying new detention centers in the United States, or on closing or relinquishing control of GTMO. The NDAA also establishes a Chief

Medical Officer to oversee the medical care provided to individuals detained at Guantanamo Bay, reporting directly to the Assistant Secretary of Defense for Health Affairs.

#### *Counternarcotics*

The FY20 NDAA provides \$945 million for drug interdiction and counter-drug activities. It also requires an assessment of the impact of any planned or proposed border wall construction would have on the volume of illegal narcotics entering the United States. Finally, it adopts the Fentanyl Sanctions Act, which implements a number of economic and financial sanctions to cripple the operations of foreign traffickers of opioids.

#### *Intelligence Authorization*

The conference report includes three years of Intelligence Authorization Act (IAA), which authorizes critical intelligence and intelligence-related activities for Fiscal Year 2018, 2019, and 2020 to ensure the Intelligence Community is postured to effectively address the growing array of threats to our national security. Further, the IAA seeks to deter Russian and other foreign influence in our U.S. elections by requiring assessments of foreign intelligence threats to Federal elections and a strategy for countering Russian cyber threats to U.S. elections.

The IAA also addresses challenges to the Intelligence Community's supply chain by requiring an Intelligence Community-led task force to protect against counterintelligence threats from countries such as Russia and China and requires accountability for foreign threats to our infrastructure before entering into foreign intelligence sharing agreements. The bill also focuses on the security of the homeland by requiring relevant intelligence agencies to conduct a strategic intelligence assessment of domestic terrorism threats.