

## **Summary of the Fiscal Year 2022 National Defense Authorization Act**

For the 61<sup>st</sup> consecutive year, Congress has reached a bipartisan, bicameral agreement to pass the National Defense Authorization Act (NDAA). Each year, the NDAA authorizes funding levels and provides authorities for the U.S. military and other critical defense priorities, ensuring our troops have the training, equipment, and resources they need to carry out their missions. This year's agreement focuses on the most vital national security priorities for the United States, including strategic competition with China and Russia; disruptive technologies like hypersonic weapons, artificial intelligence, 5G, and quantum computing; modernizing our ships, aircraft, and vehicles; and, most importantly, improving the lives of our servicemembers and their families.

### **Funding Summary and Table**

The 61<sup>st</sup> annual NDAA bicameral agreement supports a total of \$777.7 billion in fiscal year 2022 funding for national defense. Within this topline, the legislation authorizes \$740.0 billion for the Department of Defense (DOD) and \$27.8 billion for national security programs within the Department of Energy (DOE). This legislation, like the President's budget request, does not include a separate Overseas Contingency Operations (OCO) request – any war-related costs are included in the base budget.

<b>FY22 Defense Funding Levels (in billions of dollars)</b>	
Department of Defense	\$740.30
Department of Energy	\$27.8
NDAA Topline	\$768.2
Defense-related Activities Outside NDAA Jurisdiction	\$9.9
<b>National Defense Topline</b>	<b>\$777.7</b>

The bill allows up to \$6 billion in general transfer authority for unforeseen higher-priority needs in accordance with normal reprogramming procedures.

### **Summary of Provisions in the FY22 NDAA**

#### **Personnel**

##### **Quality of Life**

- Includes funding to support a 2.7 percent pay raise for both military servicemembers and the DOD civilian workforce.
- Authorizes an increase in funding of \$70 million for Defense-wide Operations & Maintenance, Department of Defense Education Activity, for Impact Aid, including \$10 million for military children with severe disabilities.

- Authorizes \$75.3 million from the Armed Forces Retirement Home Trust Fund for fiscal year 2022 for the operation of the Armed Forces Retirement Home.

### **Military Justice Reform Legislation**

- Includes historic reform to how the military investigates and prosecutes certain offenses under the Uniform Code of Military Justice, including by:
  - Establishing special trial counsel who would have exclusive authority to refer certain offenses to trial by court-martial. Such referral would be binding on any applicable convening authority.
  - Requiring that each Secretary of a Military Department appoint one lead special trial counsel for each military service in the grade of O-7 or above with significant military justice experience reporting directly to the Secretary concerned, without intervening authority.
  - Establishing the scope of these reforms to include offenses under the following Articles of the UCMJ: 117a, 118, 119, 120, 120b, 120c, 125, 128b, 130, and 132, and the standalone offense of child pornography under Article 134 of the UCMJ. The scope would also include the inchoate offenses of conspiracy, solicitation, or attempt under Articles 81, 82, or 80 of the UCMJ, relative to the underlying offenses.
  - Making numerous necessary conforming amendments to the UCMJ to effectuate this reform.
  - Establishing an effective date for this reform of two years after the date of enactment of this Act, and by requiring numerous reports and briefings by the Department concerning implementation.

### **Other Military Justice and Investigation Matters**

- Requires the President to issue regulations to include sexual harassment as a standalone offense punishable under Article 134 of the UCMJ.
- Requires independent investigations of sexual harassment complaints relative to the new standalone offense.
- Amends the UCMJ to require military judge-alone sentencing in non-capital courts-martial, subject to the President's establishment of sentencing parameters and criteria.
- Authorizes the DOD Safe Helpline to receive sexual assault reports in both unrestricted and restricted forms, and to provide support to victims making reports.
- Requires a plan to establish a uniform document management system for the military justice system.
- Establishes a DOD Primary Prevention Workforce tasked with developing training and education programs for the prevention of sexual assault among DOD personnel.
- Requires the Secretary to designate a single office to track allegations of retaliation toward victims of sexual assault or sexual harassment.
- Requires the return to full functionality of the Military Justice Review Panel.

- Requires the Secretary of Defense to submit a report containing such recommendations as the Secretary considers appropriate with respect to the establishment of a separate punitive article in the UCMJ on violent extremism.

### **Families**

- Creates a new category of bereavement leave for military personnel that would permit servicemembers to take up to two weeks of leave in connection with the death of a spouse or child.
- Increases parental leave to 12 weeks for all servicemembers for the birth, adoption, or foster care placement of a child.
- Establishes a Basic Needs Allowance to ensure that all servicemembers can meet the basic needs of their families.
- Directs the Secretary of Defense, in consultation with the Secretaries of the military departments and Superintendents of the military academies, to develop policy that includes the option to preserve parental guardianship rights of cadets and midshipmen.
- Authorizes the Secretary to conduct a pilot program providing direct hire authority to hire military spouses stationed at a duty station outside of the United States to a term position within the DOD.
- Requires the Department of Defense to conduct oversight of the military services in their uniform selections to ensure there is no gender bias in uniform design or selection, and requires payments if like uniform items cost more for one gender or another.

### **End Strength**

- Army – 485,000
- Navy – 346,920
- Marine Corps – 178,500
- Air Force – 329,220
- Space Force – 8,400

### **Health Care**

- Authorizes coverage of preconception and prenatal carrier screening tests for certain medical conditions under the TRICARE program.
- Requires the Secretary of Defense to provide certain federal employees and their family members experiencing symptoms of anomalous health conditions timely access for medical assessment and treatment, subject to space availability, at certain medical treatment facilities.
- Authorizes the Secretary of Defense to transfer \$137.0 million from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for the operation of the Captain James A. Lovell Federal Health Care Center.

### **DOD Civilian Personnel**

- Establishes new bereavement leave benefit for Federal civilian employees of two weeks for the death of a child.
- Extends premium pay and other temporary pay authorities for Federal civilian employees.
- Repeals the requirement to offset National Guard pay of members of the District of Columbia (DC) National Guard who are also Federal employees, under certain mobilization authorities unique to members of the DC National Guard.
- Repeals the two-year probationary period for Department of Defense civilian employees, effective December 31, 2022.
- Eliminates the primacy of performance ratings in reductions-in-force within the Department of Defense by requiring the Secretary of Defense to account for performance among other factors.
- Extends through 2026 the authority for employees of Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base hired to time-limited positions to compete for a permanent appointment in the competitive service.

## **General Provisions**

- Allows the Secretary of Defense to transfer up to \$6.0 billion of FY22 funds to unforeseen higher-priority needs in accordance with normal reprogramming procedures.
- Establishes a Commission on Planning, Programming, Budgeting, and Execution (PPBE) Reform to provide an independent review and assessment of the PPBE process of DOD.
- Requires the DOD Comptroller, along with DOD's Chief Information Officer (CIO) and Chief Data Officer, to submit a plan to consolidate the IT systems used to manage data and support the PPBE process.

## **Air Force Programs**

- Requires the Secretary of the Air Force to retire some older C-130s and reduce the total inventory to 279 aircraft.
- Requires the Air Force to maintain a total fighter inventory of 1,970 aircraft in order to modernize while still being prepared to execute operations in the near term.
- Prohibits the reduction of A-10 aircraft by the Air Force in fiscal year 2022 and modifies the F-35 and A-10 report on close air support mission effectiveness.
- Removes the restriction on the divestment of KC-10s and authorizes the Secretary of the Air Force to divest 18 KC-135s during fiscal year 2022 to facilitate the acceleration of KC-46 bed down.
- Requires the Secretary of the Defense to report on the B-52 Commercial Engine Replacement Program costs and cost growth.
- Requires the Secretary of the Air Force and the Vice Chairman of the Joint Chiefs of Staff to submit requirements to Congress.

## **Indo-Pacific Region**

- Extends and modifies the Pacific Deterrence Initiative (PDI) to realign DOD efforts towards PDI objectives and identifies approximately \$7.1 billion in FY22 investments that support and attempt to improve the current posture, capabilities, and activities of U.S. forces in the Indo-Pacific region.
- Adds nearly \$500 million for unfunded requirements identified by the Commander of U.S. Indo-Pacific Command.
- Extends and modifies the authority underpinning the Indo-Pacific Maritime Security Initiative.
- States that it shall be the policy of the United States to maintain the ability of the United States to resist a *fait accompli* against Taiwan.
- Requires the Under Secretary of Defense for Research and Engineering to conduct an analysis comparing the research and development efforts of the United States and China on certain critical, militarily-relevant technologies.
- Extends and modifies an annual required report on military and security developments involving China.
- Requires the Secretary of Defense to provide to Congress a report on the feasibility and advisability of establishing improved military-to-military communications with China for crisis situations.
- Requires the Secretary of Defense to provide the congressional defense committees with an annual briefing on the feasibility and advisability of enhanced cooperation between the National Guard and Taiwan.
- Requires the Secretary of Defense to provide an assessment of Taiwan's defensive asymmetric capabilities and a plan for assisting Taiwan with the improvement of such capabilities.
- Requires the President to develop a grand strategy with respect to China.

## **Europe and the Russian Federation**

- Extends the limitation on military cooperation between the United States and the Russian Federation.
- Prohibits the use of funds for any activity that recognizes the sovereignty of the Russian Federation over Crimea.
- Increases funding by \$50 million for the Ukraine Security Assistance Initiative, which authorizes the Secretary of Defense, with the concurrence of the Secretary of State, to provide security assistance and intelligence support to military and other security forces of the Government of Ukraine. Also maintains a minimum requirement of \$75 million of these funds that must be spent on defensive lethal capabilities.
- Extends the authority for the Secretary of Defense, with the concurrence of the Secretary of State, to provide multilateral or regional training for countries in Eastern Europe.

- Expresses the sense of Congress that the United States' commitment to the North Atlantic Treaty Organization is ironclad and emphasizes the importance of expanding cooperation on shared security challenges.
- Expresses the sense of Congress that the United States should continue to prioritize support for the Baltic states of Estonia, Latvia, and Lithuania as they build and invest in critical security areas.

### **Afghanistan**

- Establishes a commission to study U.S. involvement in Afghanistan from 2001-2021 and requires recommendations and lessons learned.
- Enhances oversight through quarterly classified and unclassified security briefings on Afghanistan by the Undersecretary of Defense for Policy.
- Prohibits the transfer of DOD funds and resources to the Taliban.

### **Middle East**

- Extends and modifies authorization for the provision of assistance to vetted Syrian groups.
- Extends and modifies authorization for the provision of assistance to the security forces of the Government of Iraq, including Peshmerga forces.
- Extends the prohibition on in-flight refueling to non-United States aircraft that engage in the ongoing civil war in Yemen, while continuing defense support to the Kingdom of Saudi Arabia to counter ballistic missiles and other threats from Iranian-backed Houthis.
- Establishes a grant program for U.S.-Israel cybersecurity cooperation.

### **Counterterrorism**

- Extends through December 31, 2022, existing restrictions relating to the detention facility at the United States Naval Station, Guantanamo Bay, Cuba, specifically:
  - A ban on the transfer of Guantanamo detainees to the United States;
  - A ban on the use of DOD funds to construct or modify facilities in the United States to house Guantanamo detainees;
  - A ban on the use of DOD funds to transfer Guantanamo detainees to specific countries; and
  - A ban on the use of DOD funds to close the United States Naval Station, Guantanamo Bay, relinquish control over that facility, or to make a material modification to the treaty between the United States and Cuba that would constructively close the Guantanamo Bay facility.
- Requires the Chief Medical Officer of the Guantanamo Bay detention facility to submit a classified report to the Armed Services Committees on the provision of medical care to detainees at Guantanamo.
- Requires improved reporting with respect to sensitive military operations in Afghanistan, Iraq, and Syria, and the use of military force in collective self-defense.

## **Strategic Planning**

- Establishes a Commission on the National Defense Strategy to provide an independent review and assessment of the forthcoming NDS.
- Requires an assessment of joint force requirements for 3D terrain data to achieve Combined Joint All-Domain Command and Control and a determination of whether One World Terrain 3D geospatial data meets requirements for precision targeting and a determination of the optimum management funding structures for 3D terrain data.
- Requires the Secretary of Defense to submit a report on the activities and programs of DOD to implement the irregular warfare strategy consistent with the 2019 Irregular Warfare Annex to the NDS.
- Requires the Secretary of Defense to develop and implement security cooperation strategies for each of the geographic combatant commands.
- Establishes a Secretary of Defense initiative to support DOD activities and programs to engage in long-term strategic competition with near-peer rivals short of armed conflict, and requires specific plans for strategic competition initiatives in the U.S. Southern Command and U.S. Africa Command areas of responsibility.
- Provides temporary authority to pay the personnel expenses of foreign national security forces participating in training through the U.S.-Colombia Action Plan.

## **Personnel / Defense and Acquisition Management**

- Creates a working group to assist the official designated to coordinate and integrate the training program on foreign malign influence and requires the working group to assist in coordinating and integrating the training program in order to enhance and strengthen servicemember and DOD employee awareness of and defenses against foreign malign influence.
- Authorizes a Secretary of a military department to present an award or decoration following a favorable review of a request of a Member of Congress after a 60-day period for congressional review.

## **Airland**

### **Army**

- Increases research, development, test and evaluation funding for Army modernization priorities and enduring capabilities that enable multi-domain operations against near-peer competitors.
- Supports requested funding for rapid development and fielding of land-based long-range fires, including Precision Strike Missile (PrSM), Medium-Range Capability (MRC), and Long-Range Hypersonic Weapon (LRHW).
- Supports requested funding for Future Long-Range Assault Aircraft (FLRAA) and Future Attack Reconnaissance Aircraft (FARA).
- Supports Next Generation Combat Vehicle programs, including Mobile Protected Firepower (MPF), Robotic Combat Vehicles (RCV) and Optionally-Manned Fighting

Vehicle (OMFV), but requires a report on analysis used to refine OMFV requirements before physical prototyping.

- Authorizes increased funding for continued development of enduring combat vehicles including Abrams tank technologies and Stryker and Bradley active protection systems.
- Requires the Secretary of the Army to establish technical standards for armor materials in combat vehicles.
- Supports requested funding for Integrated Air and Missile Defense capabilities.
- Supports procurement of the Integrated Visual Augmentations System (IVAS) consistent with ongoing development, and requires a post-operational-test report on system development, functionality, and suitability, and the plan for continued iterative improvement.
- Authorizes increased funding for procurement of enduring combat vehicles, including the Abrams tank, Bradley fighting vehicle, Paladin self-propelled howitzer, and tactical vehicles.
- Authorizes increased funding for CH-47F Block-II Chinook and UH-60 Black Hawk helicopters and authorizes multi-year procurement of AH-64E Apache and UH-60M and HH-60M Black Hawk helicopters.
- Authorizes numerous unfunded requirements as requested by the Chief of Staff of the Army.

#### **Air Force**

- Prohibits reductions in B-1 bomber squadron combat capability until such time as the B-21 aircraft begins fielding.
- Authorizes \$4.4 billion for the F-35A program, including an increase of \$175 million for the purchase of F135 power modules and the resources to begin upgrading the fleet to TR-3/Block 4 capability.
- Authorizes an additional \$576 million to purchase five additional F-15EX aircraft.
- Authorizes \$733.2 million for F-16 modifications, including an increase of \$100 million for the procurement of additional AESA radar sets across the entire F-16 fleet.
- Authorizes the procurement of Valkyrie aircraft for Skyborg and the unmanned adversary air programs.
- Authorizes an increase of \$257 million for Air Force advanced engine development.

#### **Defense Wide**

- Directs the Secretary of Defense to deliver a report to the defense committees on hypersonic test facilities.
- Requires the Service Secretaries to establish sustainment cost objects in fiscal year 2026 for the F-35 program.
- Directs the Vice Chairman of the Joint Chiefs, in coordination with the Chiefs of the Military Services and Commanders of U.S. Indo-Pacific Command (INDOPACOM) and U.S. European Command (EUCOM), to conduct an assessment of Joint Force capability and capacity to defend against anticipated complex, high-volume, advanced missile attacks.



## **Cybersecurity**

### **Strengthening DOD's Cybersecurity Posture**

- Requires the development of a joint zero trust strategy and a model architecture for the Department of Defense Information Network and a data management strategy.
- Requires a program to demonstrate and assess an automated security validation capability to assist the Department in cybersecurity efforts.
- Directs an assessment of the utility and cost-benefits of using capabilities to make risk-based vulnerability remediation decisions, identify key cyber terrain and assets, identify single-node mission dependencies, and monitor for changes in mission threat execution.
- Requires an assessment of the impact of the Cybersecurity Maturity Model Certification program on small businesses.

### **Enhancing CYBERCOM's Authorities and Capabilities**

- Authorizes full funding for U.S. Cyber Command (CYBERCOM).
- Assigns to the Commander, CYBERCOM, responsibility for directly controlling and managing the planning, programming, budgeting, and execution of the resources to maintain the Cyber Mission Forces.
- Requires the Commander, CYBERCOM, to establish a voluntary process for engaging with the commercial information technology and cybersecurity companies to develop methods of coordination to protect against foreign malicious cyber actors.

### **Strengthening the Federal Government's Cybersecurity Posture**

- Creates a pilot program led by the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Secretary of Defense and the National Cyber Director, to assess the feasibility and advisability of entering into voluntary public-private partnerships with internet ecosystem companies to facilitate actions by such companies to discover and disrupt the use of the platforms, systems, services, and infrastructure of such companies by malicious cyber actors.
- Requires the Department of Homeland Security to take a variety of steps to improve cybersecurity, including by developing a strategy to improve cybersecurity, enhance cyber incident response, establish a national cyber exercise program, and establish a competition related to cybersecurity vulnerabilities.
- Requires a CyberSentry program to provide continuous monitoring and detection of cybersecurity risks to certain critical infrastructure entities.

### **Responding to the Cyber Threat Environment**

- Requires an assessment of the current and emerging offensive cyber posture of adversaries of the United States and the plans of the military services for offensive cyber operations during potential conflict.

- Requires an assessment of the policy, capacity, and capabilities of DOD to defend the United States from ransomware attacks.
- Strengthens the university cyber consortium of academic institutions that have been designed as Cyber Centers of Academic Excellence for cyber operations, cyber research, and cyber defense.
- Directs the Comptroller General to assess DOD's efforts to address information and communications technology supply chain risks.
- Expands eligibility for Department of Defense support and services to owners of critical infrastructure, including National Guard training on protection of critical infrastructure in the event of a cyber attack.

## **Emerging Threats and Capabilities**

### **Research, Development, Test, and Evaluation**

- Authorizes an increase of more than \$3 billion in funds available for science and technology programs that fund cutting-edge research and prototyping activities at universities, small businesses, defense labs, and industry, including in critical areas such as artificial intelligence, microelectronics, advanced materials, 5G, and biotechnology.
- Authorizes an increase of nearly \$1 billion in funding for DARPA's high-risk, high-payoff research, including in areas such as quantum computing.
- Authorizes over \$2.6 billion for defense university research programs of the military services and DARPA.
- Implements a number of recommendations from the National Security Commission on Artificial Intelligence, including accelerating processes to apply artificial intelligence capabilities to military systems, processes, and operations.
- Establishes a national security commission on emerging biotechnology to examine and make recommendations on the impact of emerging biotechnology to current and future missions and activities of the Department of Defense.
- Requires the Secretary of Defense to modify the Joint Common Foundation program of the Joint Artificial Intelligence Center to enable DOD components to access the advanced artificial intelligence computing platforms and services of commercial companies to build applications.
- Requires the Secretary of Defense to establish a set of activities to accelerate the development and deployment of quantum capabilities.
- Mandates the establishment of the microelectronics research network, originally established in the Creating Helpful Incentives to Produce Semiconductors for America Act (CHIPS Act).
- Strengthens the ability of the Department of Defense laboratories and DARPA to hire and retain world-class technical talent.

- Authorizes funding for other unfunded requirements as requested by the Commanders of EUCOM, AFRICOM, CENTCOM, NORTHCOM, and SOUTHCOM.

### **Operation and Maintenance**

- Authorizes an increase of \$67.0 million for U.S. Africa Command (AFRICOM) for intelligence, surveillance, and reconnaissance (ISR).
- Authorizes an increase of \$18 million for Southern Command (SOUTHCOM) ISR operations.
- Authorizes an increase of \$45.14 million for EUCOM security cooperation programs and activities.
- Authorizes an increase of \$59.6 million for AFRICOM security cooperation programs and activities.
- Authorizes funding for other unfunded requirements as requested by the Chief of the National Guard Bureau and the Commanders of EUCOM, AFRICOM, CENTCOM, NORTHCOM, and SOUTHCOM.

### **Special Operations**

- Directs an updated manpower study to ensure the office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict has the personnel and resources it needs to fulfill its “service secretary-like” responsibilities for the oversight of and advocacy for special operations forces.
- Requires the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of SOCOM to submit a special operations forces joint operating concept for competition and conflict.
- Extends the authority to provide support to regular forces, irregular forces, groups, and individuals (known as “1202”) for irregular warfare through 2025.
- Requires a plan for optimizing the Irregular Warfare Technical Support Directorate.

### **Policy Provisions**

- Directs the Comptroller General to assess the operational security standards for microelectronics products and services.
- Directs the Comptroller General to conduct a review of the DOD’s directed energy development efforts.
- Directs the Under Secretary of Defense for Research and Engineering to provide a briefing on the support that the manufacturing institutes are providing to the technical and transition roadmaps developed for relevant modernization priorities.
- Requires the Secretary of Defense and the Director of National Intelligence to take actions to address unidentified aerial phenomena.
- Requires the Under Secretary of Defense for Intelligence and Security to develop a plan for more effectively fulfilling the intelligence and information requirements of the combatant commands in support of efforts to expose and counter foreign malign influence, coercion, and subversion.

- Requires the President to establish an Interagency Coordinator for Anomalous Health Incidents (AHI) and directs the Secretary of Defense to establish a cross-functional team to address DOD-specific aspects of AHI.

## **Readiness and Management Support**

- Authorizes more than \$3.5 billion of additional military construction projects above the President's Budget while incrementing \$1.4 billion from other large projects in the budget request that were deemed ahead of need

### **Research, Development, Test, and Evaluation**

- Authorizes an increase of more than \$25 million for industrial base programs to support development of advanced manufacturing capabilities and train a world-class manufacturing workforce.

### **Operation and Maintenance**

- Authorizes an increase of \$98.0 million for Army PFAS cleanup, \$167.3 million for Navy PFAS cleanup, \$175.0 million for Air Force PFAS cleanup, and \$74.0 million for PFAS cleanup for FUDS.
- Authorizes an increase of \$15.0 million for the Centers for Disease Control and Prevention Nation-wide human health assessment on PFAS.
- Authorizes an increase of \$15.0 million for Bien Hoa dioxin cleanup.
- Authorizes an increase of \$3.0 million for additional personnel for Environment, Safety, and Occupational Health.

### **Environmental and Health Security**

- Requires performance evaluations of certain officers and enlisted personnel with duties related to military privatized housing include an assessment of the extent to which the individual exercised effective oversight and leadership of military privatized housing.
- Clarifies that the Sentinel Landscape Partnership program is also authorized to address concerns of military installation resilience in addition to conservation efforts.
- Prohibits the use of open-air burn pits in contingency operations outside the United States unless waived by the Secretary of Defense.
- Prohibits DOD from incinerating PFAS substances until the Department issues implementation guidance or until the date the EPA publishes a final rule regarding the destruction of PFAS substances.
- Directs the GAO to audit the DOD's procurement of certain items that contain PFAS substances.
- Extends the transfer authority for funding of study and assessment on health implications of PFAS substances contamination in drinking water by the Centers for Disease Control and Prevention.

- Requires the Navy to inspect the pipeline system, supporting infrastructure, and other corrosion prone equipment at the Red Hill Bulk Fuel Storage Facility.
- Directs that the Department's core processes fully consider and make needed adjustments to account for current and emerging climate and environmental challenges and to ensure the climate resilience of assets and capabilities of the Department.
- Directs the Secretaries of the military departments to conduct an assessment of climate risks to infrastructure under their jurisdiction.

### **Acquisition Policy, Contracting Reform, and Industrial Base Recommendations**

- Requires the Services to identify the highest- and lowest-performing acquisition programs, and for the lowest-performing programs, provide a report that outlines the factors behind the program's performance and steps being taken to improve performance.
- Requires defense contractors to disclose the sources of the printed circuit boards used in certain defense systems.
- Requires defense contractors to disclose their use of workforce and facilities in the performance of certain defense contracts.
- Repeals the preference for fixed-price contracts.
- Establishes a pilot program to develop and implement unique contracting mechanisms for emerging technology that can increase the speed, flexibility, and competition of DOD acquisition process.
- Authorizes DOD to use Commercial Solutions Openings to solicit and acquire innovative commercial items, technologies, or services.
- Clarifies that the technology prize authority can be used for the awarding of procurement agreements.
- Modifies certain certifications required of the Secretary of Defense before approving a multi-year procurement contract to include a certification that DOD will not reduce the quantity of end items under such a contract without prior approval from the congressional defense committees.
- Enhances education and training for defense acquisition workforce, including by strengthening partnership with universities.
- Includes a number of provisions aimed at strengthening the defense and manufacturing industrial base.
- Includes a number of provisions aimed at improving the ability for the Department of Defense to work with small businesses.
- Prohibits the Secretary of Defense from procuring personal protective equipment manufactured in China, Russia, North Korea, or Iran.

### **Defense Wide**

- Requires DOD to develop and implement management innovation activities to support more effective business operations, including enhancing research on management challenges and partnerships with management and business schools.

## **Seapower**

- Includes a \$4.7 billion increase for shipbuilding, including 5 additional battle force ships: 2 destroyers, 2 expeditionary fast transports, and 1 fleet oiler.

### **Destroyers**

- Authorizes \$4.9 billion for *Arleigh Burke*-class destroyers, an increase of \$2.9 billion to builds three guided missile destroyers in fiscal year 2022.
- Authorizes an increase of \$120.0 million for long lead material for the *Arleigh Burke*-class destroyer program.
- Expresses support for an acquisition strategy for the next generation destroyer that would feature greater collaboration between industry and the government, taking lessons from early successes in the *Columbia*-class program, and directs the Secretary of the Navy to provide a report on the use of such acquisition practices in the next generation destroyer program.
- Requires the Secretary of the Navy to report on various aspects of a potential destroyer multiyear procurement contract starting in fiscal year 2023.
- Provides additional specificity for the engineering test program required for the DDG(X) program.
- Requires an advanced degaussing system be installed on destroyers procured beginning in fiscal year 2025.

### **Submarines**

- Authorizes \$3.1 billion for the *Columbia*-class submarine program, an increase of \$130 million, for industrial base development and expansion in support of the *Virginia* and *Columbia* shipbuilding programs.
- Authorizes \$6.6 billion for the procurement of two *Virginia*-class submarines and advance procurement of future submarines, including an additional \$200 million to expand the submarine industrial base.

### **Amphibious Ships**

- Extends through fiscal year 2022 an authority granted in last year's NDAA to enter into a multi-ship procurement contract for up to four amphibious vessels.
- Authorizes \$250 million for LPD Flight II advance procurement, an increase of \$250 million to support a multi-ship procurement or long-lead time material procurement for amphibious warships.
- Authorizes \$168.6 million for the LHA replacement, an increase of \$100 million to gain efficiencies by accelerating construction of LHA-9.

### **Other Shipbuilding**

- Authorizes 120.0 million to purchase two used sealift vessels.

- Adds \$540.0 million for the procurement of two expeditionary fast transport vessels.
- Authorizes \$286.7 million for the procurement of four Ship-to-Shore Connectors, an increase of two vessels.
- Supports the President's budget request to procure one *Constellation*-class frigate, one T-AGOS vessel, two *Navajo*-class vessels, and four landing craft utility vessels.
- Adds \$668 million for procurement of one fleet oiler.

### **Navy Strategy**

- Requires the Navy to develop a 15-year acquisition, modernization, and sustainment plan for the entire carrier air wing, building off the FY21 NDAA requirement to produce a fighter force structure acquisition strategy.
- Requires updated Navy battle force ship assessment and requirement reporting when DOD updates strategic guidance.

### **Oversight**

- Prohibits the early retirement of naval vessels unless the Secretary of the Navy makes certain certifications to Congress.
- Requires the Navy to establish a position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair to improve oversight and administration of shipbuilding contracts.
- Requires additional design maturity certifications prior to starting a new shipbuilding program.
- Prohibits the retirement of more than five *Ticonderoga*-class cruisers in fiscal year 2022.
- Prohibits the retirement of Mark VI patrol boats in fiscal year 2022.

### **Aircraft**

- Authorizes \$1.0 billion for 12 F/A-18E/F aircraft.
- Authorizes \$191 million to purchase an additional E-2D aircraft.
- Authorizes \$197.0 million to purchase two additional C-130J aircraft.
- Authorizes \$197.9 million to purchase two additional KC-130J tanker aircraft.
- Authorizes \$250.0 million to purchase two additional CH-53K helicopters.
- Authorizes \$323.0 million to purchase two MQ-4C Triton unmanned aerial systems.
- Authorizes \$117.8 million to purchase additional F-35B spares.

### **Sensors**

- Extends a prohibition on availability of funds for certain Navy waterborne security equipment pending improvements to program management.
- Requires the Office Cost Assessment and Program Evaluation to conduct a review of three similar radar systems used for air and missile defense by the Navy and Missile Defense Agency.
- Authorizes \$303.52 million for sonobuoy procurement, an increase of \$54.4 million.
- Authorizes \$304 million to purchase eight additional G/ATOR systems for the Marine Corps.

## **Strategic Forces**

### **Research, Development, Test, and Evaluation**

- Authorizes an increase of \$75 million for the development of the Homeland Defense Radar- Hawaii.
- Authorizes an increase of \$15.0 million for the Strategic Weapons System Shipboard Navigation Modernization program.
- Authorizes an increase of \$25.0 million for the development of the Over the Horizon Radar capability for the North Warning System.
- Authorizes an increase of \$50.0 million for the development of technologies and concepts of operations based on those technologies for Tactically Responsive Launch.
- Authorizes an increase of \$15.0 million for Digital Core Services for the Nevada Test and Training Range.
- Authorizes an increase of \$6.0 million for laser communications in space.

### **Space Activities**

- Authorizes an increase of \$10.0 million to bridge space protection gaps - U.S. Space Command.
- Authorizes and additional \$66 million for the Cheyenne Mountain Complex for operations and maintenance of this strategic asset
- Provides the Secretary of the Air Force the authority to delegate the duties and authorities of the Senior Procurement Executive that relate to space systems and programs.
- Directs the Secretary of the Air Force to delegate milestone decision authority and head of contracting authority to the Director of the Space Development Agency for Tranche 0 and 1 to continue to allow SDA to develop game changing capability at speed.
- Begins the long term effort to increase the role of the Space Force as the Title 10 providers of people, hardware and operations in the space domain by consolidating disparate efforts across the Armed Services consistent with the intent of Congress in its creation.
  - a. Changes the name of the Space Force Acquisition Council to the Space Acquisition Council to review Armed Services space programs and an increased oversight role of the Space Service Acquisition Executive to ensure acquisition programs across the armed services are coordinated.
  - b. Requires the Secretary of Defense to designate the Chief of Space Operations as the Force Design Architect for the Armed Forces within 90 days and certify that designation to the congressional defense committees.

### **Cooperative Threat Reduction**

- Authorizes \$344.89 million for the Cooperative Threat Reduction program to stem the proliferation of nuclear, chemical, and biological threats around the world, an increase



of \$105 million to help contain stock of dangerous pathogens at laboratories world-wide.

### **Nuclear Forces**

- Requires involvement from senior civilian and military officials in nuclear command, control, and communications exercises, as well as in the decision-making with respect to optimize Presidential decision capability in a time of crisis.
- Extends existing timelines for prior notification to Congress of any unilateral reductions in the U.S. nuclear weapons stockpile, the number of deployed U.S. nuclear weapons, and changes to U.S. nuclear forces in Europe; reinstates a requirement to perform a conditional net assessment of the capability of the U.S. nuclear weapons stockpile to deter global nuclear threats; and updates the date of effect for any changes to the U.S. stockpile.
- Establishes a congressional commission to examine and make recommendations to Congress and the President on the long-term strategic posture of the United States.
- Requires the Secretary of the Air Force to ensure that the B-21 bomber is capable of employing the Long-Range Standoff Weapon.
- Prohibits the obligation or expenditure of fiscal year 2022 funds to reduce deployed U.S. intercontinental ballistic missiles' responsiveness, alert level, or quantity to fewer than 400.
- Requires the Secretary of Defense, through the Under Secretary of Defense for Policy and the Vice Chairman of the Joint Chiefs of Staff, to conduct a comprehensive review of U.S. nuclear posture for the next 5 to 10 years, and to submit a report on the results of the review to the congressional defense committees.
- Requires the Secretary of Defense to provide for an independent review of the safety, security, and reliability of United States nuclear weapons systems; the nuclear command, control, and communications system; and the integrated tactical warning and attack assessment system.
- Requires, upon release of the Nuclear Posture Review, a briefing on allied consultations and reactions, including those regarding possible changes to U.S. nuclear declaratory policy.

### **Missile Defense Programs**

- Directs the Secretary of Defense to identify an architecture and acquisition approach for developing a comprehensive missile defense capability that can be fielded on Guam within 10 years.
- Directs the Secretary of Defense to delegate the authority for developing directed energy-based missile defenses to the Director of the Missile Defense Agency (MDA).
- Authorizes the Director of the Missile Defense Agency (MDA) to develop a highly reliable missile defense interceptor for the Ground-Based Midcourse Defense system.
- Requires a plan for conducting annual reliability testing for the Next-Generation Interceptor and ensure at least one test a year is performed in an operational setting for the Ground-Based Midcourse Defense system.

- Authorizes funding for the procurement of the Iron Dome short-range rocket defense system, David's Sling Weapon System, and Arrow 3 Upper Tier Interceptor Program, and establishes options for expanded U.S.-Israel co-production.
- Requires the Director of the MDA to certify that the ongoing program for developing a homeland defense discrimination radar for Hawaii will be operational no later than 2028.
- Prohibits MDA from entering into a program of record to develop and field operational satellite constellation and ground systems unless a waiver is obtained from the Space Acquisition Council.
- Requires the Secretary of Defense to provide for an independent review of DOD Components' missile defense roles and responsibilities.

### **Defense Intelligence and Intelligence-Related Activities**

- Requires the Director of the Defense Intelligence Agency to provide to the congressional defense and intelligence committees an annual briefing on the electronic warfare threats posed to the U.S. military from the Russian Federation, the People's Republic of China, and other relevant nations.

### **Maritime Administration**

- Authorizes various aspects of the Maritime Administration.

### **Department of Energy**

#### *National Security Programs and Authorizations*

- Authorizes \$20.2 billion for the activities of the NNSA.
- Authorizes \$6.48 billion for the Department of Energy's defense environmental cleanup activities.
- Authorizes \$920 million for DOE other defense activities.
- Authorizes \$149.8 million for DOE nuclear energy activities.

#### *Defense Environmental Cleanup*

- Creates a series of competitively selected technology demonstration programs and a university grant program to underpin the technology required to support environmental cleanup efforts.
- Directs NNSA to develop a comprehensive strategy that includes the type and quantity of defense nuclear waste it will generate, plans to treat, store, and dispose of the waste, and potential disposal facilities.

#### *Budget Items*

- Authorizes an increase of \$92.4 million to restore funding for NNSA engineering and science programs.
- Authorizes an increase of \$350.0 million to the NNSA's infrastructure and operations of facilities.

- Authorizes an increase of \$23 million to the NNSA's Defense Nuclear Non-proliferation Program
- Authorizes an increase of \$12.39 million to help accelerate the cleanup of high-risk contaminated facilities at the Y-12 plant.
- Authorizes an increase of \$6.0 million to restore the proposed decrease for DOE Environmental Management Savannah River Community and regulatory support
- Authorizes an increase of \$1.36 million to help restore the proposed decrease and help operations at H Canyon.