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SPEAKER OF THE HOUSE

## FACT SHEET

FROM SPEAKER OF THE HOUSE NANCY PELOSI  
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### **H.R. 4350, National Defense Authorization Act for Fiscal Year 2022**

***This Bipartisan Bill Makes Key Investments to Support Our Service Men and Women and Also Key Investments in Innovation and Emerging Technologies***

#### **Key Points:**

- This evening, the House will begin consideration of H.R. 4350, National Defense Authorization Act for Fiscal Year 2022. This bipartisan bill honors our values, supports our servicemembers and their families, strengthens our security, and advances our leadership in the world. The bill authorizes \$768 billion in discretionary spending for national defense for FY 2022, while making significant quality of life improvements for service member members and their families and also making key investments in innovation and emerging technologies. On September 1, the Armed Services Committee reported the bill by a vote of 57 to 2, with 29 Democrats voting YEA and 2 voting NAY.
- The bill takes several key steps to improve the quality of life for our service men and women, including authorizing support for a 2.7 percent pay increase and increasing the allowable parental leave for primary and secondary caregivers in military families. The bill also makes historic changes to better combat sexual assault in the military, including removing the Commander from decisions related to the prosecution of sexual assault crimes and instead creating an Office of Special Victim Prosecutor to prosecute these crimes. In addition, it includes improvements in military health care, including making it easier to make mental health appointments.
- The bill also includes historic investments in innovation and emerging technologies to ensure the Department of Defense strengthens the nation's efforts to defend democratic values in the face of challenges from authoritarian states around the world and to modernize our national security institutions and processes to reinvigorate our partnerships and alliances. For example, the bill includes an historic 36 percent increase in defense-wide basic and applied research and development, and significant increases in academic partnerships.
- The bill also includes numerous other critical provisions, including:
  - Requiring a plan for the creation of a Minority Institute for Defense Research;
  - Establishing an Office of Countering Extremism;
  - Including significant funding to promote academic partnerships with Historically Black Colleges and Universities;
  - Establishing a \$15 minimum wage for covered DOD service and construction contracts;
  - Containing multiple provisions to address strategic challenges posed by the government of the People's Republic of China (PRC);
  - Giving the D.C. Mayor control of the D.C. National Guard for the first time in history;
  - Containing \$500 million in DOD relocation support for Afghan SIV holders; and
  - Does not include the arbitrary prohibitions on transfer of detainees out of the detention facility at Guantanamo Bay, Cuba, that hinder progress toward its closure.

Following is an overview of some of the major provisions in the bill.

## **Meeting the Needs of Our Troops and Our Military Families**

### **Providing A Pay Raise for Our Troops**

- Builds on previous attempts to close the pay gap by funding a 2.7 percent pay increase for our service men and women.

### **Basic Needs Allowance for Low-Income Service Members**

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

### **Parental Leave for Service Members**

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

### **Child Care**

- Expands the in-home child care pilot program, providing financial assistance for in-home child care.

### **Exceptional Family Members**

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

### **Impact Aid**

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

### **Enhanced Protection Against Debt Collector Harassment of Servicemembers**

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

### **Basic Allowance for Housing (BAH)**

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

## **Making Historic Changes to the UCMJ In Order to Better Combat Sexual Assault in the Military**

### **Special Victims' Prosecutors**

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

### **Reform and Improvement of Military Criminal Investigative Organizations**

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

### **Racial Disparities**

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

## **Improving Military Health Care**

### **Integrated Management of Population Health**

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

### **Independent Review of Suicide Prevention and Response at Military Installations**

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

**Contraceptive Coverage Copays**

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

**Expansion of Eating Disorders Treatments**

- Expands eating disorders treatments for members of the Armed Forces and certain dependents of members and former members of the uniformed services.

**Post-Partum Care Improvements**

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

**Mental Health**

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

**Addressing the Scourge of Extremism****Countering Extremism**

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

**Recruiting Initiatives and Extremism**

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

**Updating National Guard Policy****DC Guard Home Rule**

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

**Private Funding of National Guard Activities**

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

**Investing in Talent Across the Military****Incentive and Special Pays**

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

**Diversity and Training**

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

**Selective Service and More Opportunities for Women**

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

## Afghanistan

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

## China

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

## Europe and Russia

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

## Guantanamo Bay

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

## Industrial Base Policy

- Establishes a \$15 minimum wage for covered service and construction contracts.
- Raises the required percentage of domestic content for acquisitions covered by the Buy American Act.

- Requires certain contractors to submit annual reports regarding diversity and inclusion within their workforce and requires the Secretary of Defense to submit annual reports on the consolidated findings to track progress across the defense industrial base.

### **Congressional Oversight of the Use of Force**

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

### **Counter-ISIS & Counter-Terrorism**

- Continues U.S. military support to our partners in Iraq and Syria to fight ISIS, while directing the Secretaries of Defense and State to submit security cooperation and security sector reform plans for U.S. military partners in Iraq.

### **Climate and Energy**

- Authorizes combatant commander initiative funds to be used for the purpose of enhancing extreme weather resilience of infrastructure.
- Requires the Department of Defense to incorporate consideration of the risks of extreme weather into certain existing Department of Defense strategies and planning documents.
- Requires the Department of Defense to institute a process for ensuring accurate and effective analytical tools are used to project life-cycle costs and performance potential of energy resilience measures.
- Directs the Secretary of Defense to carry out a pilot program to implement mitigating actions to address vulnerabilities in defense critical electric infrastructure.

### **Further Protecting Military Communities from PFAS Chemicals**

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

### **Investing in R&D and Innovative Technologies**

- Authorizes more than \$6 billion above the President’s budget request in funding for research, development, testing, and evaluation, including a historic 36 percent increase in defense-wide basic and applied research and development, as well as significant increases in, academic partnerships and activities at Historically Black Colleges and Universities.
- Authorizes \$2.5 billion in military construction to recapitalize aging laboratory infrastructure and support future R&D efforts of national importance.
- Authorizes the Secretary of Defense to expand the efforts of the Defense Innovation Unit (DIU) to engage and collaborate with private-sector industry and communities in regions that do not otherwise have a DIU presence, including in economically disadvantaged communities.

## **HBCU and Minority Institutions**

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

## **Provisions on Aircraft**

- Limits the total quantity of F-35 aircraft that could be procured and maintained in the aircraft inventory by the Secretary of the Air Force and the Secretary of the Navy based on existing affordability cost constraints that have been determined by each Secretary.
- Requires the Secretary of Defense, in consultation with the Administrator of NASA, to investigate, assess, and implement corrective actions for the F-35 breathing system initially noted by NASA's Engineering and Safety Center Technical Assessment report on the F-35 breathing system published on November 19, 2020.
- Requires Under Secretary of Defense for Acquisition and Sustainment to submit reports on the integration of the Adaptive Engine Transition Program propulsion system, or other advanced propulsion systems, into F-35 aircraft, to reduce sustainment costs, foster industrial base competition, and significantly reduce carbon-emissions through reduced fuel consumption.
- Provides additional funding for the National Guard and Reserve Equipment Account.

## **Provisions on Shipbuilding**

- Authorizes funding for a total of 13 new battle force ships, including:
  - Two Virginia-class submarines;
  - Three Arleigh Burke destroyers;
  - One guided missile Frigate (FFG);
  - Two John Lewis class fleet oilers (T-AO);
  - One America-class amphibious assault ship;
  - One surveillance ship (T-AGOS(X));
  - Two Expeditionary Fast Transport (EPF) ships; and
  - One (T-ATS) towing, salvage, and rescue ship.
- Authorizes a fifteen ship multi-year procurement contract for DDG-51 Arleigh Burke destroyers beginning in fiscal year 2023.
- Funds supplier development for the submarine industrial base.
- Funds the propulsion and propeller upgrades of Air National Guard and Air Force Reserve C-130H airlift aircraft.

## **Improving Capabilities in Cyberspace**

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

## **Special Operations**

- Authorizes an increase in funding to mitigate undiagnosed, untreated traumatic brain injury and post-traumatic stress syndrome.

- Increases oversight of Special Operations Forces (SOF) by requiring the monthly counterterrorism briefing to include a detailed overview of all instances of the use of military force by Special Operations Forces under the notion of the collective self-defense of foreign partners.

## **Intelligence**

- Establishes an office within the Office of the Secretary of Defense to collect and assess incidents of unidentified aerial phenomenon from across the Department.
- Reforms certain intelligence processes to better support the ability of combatant commanders to counter in the public domain malign activities of adversaries of the United States.
- Requires Congressional notification when the Secretary of Defense determines with high confidence that an official of a foreign government plans or takes some other substantive step that is intended to cause the death of, or serious bodily injury to, any member of the United States Armed Forces.
- Requires quarterly briefings on the security environment in Afghanistan and U.S. military operations related to the security of, and threats emanating from Afghanistan.
- Directs the Defense Intelligence Agency to provide the House Armed Services Committee a classified report and briefing on China's People's Liberation Army Strategic Support Force.

## **Artificial Intelligence**

- Authorizes \$1.133 billion for key initiatives recommended by the National Security Commission on Artificial Intelligence, including commercial AI for business applications, logistics and sustainment, enterprise data sets, and the Electronics Resurgence Initiative.
- Sets up a pilot program to facilitate the agile acquisition of technologies for warfighters.
- Requires the Secretary of Defense to develop a strategy to ensure superiority in the Information Environment and articulate how the Department intends to support the larger United States government effort.

## **Countering Weapons of Mass Destruction**

- Authorizes funding to support the biological threat reduction program efforts to detect and fight emerging biological threats, develop medical countermeasures such as vaccines and therapeutics, and reduce the proliferation of biological weapons.
- Requires a publicly available report on threats regarding Weapons of Mass Destruction by China and Russia.
- Requires a report on biosecurity efforts across the Department of Defense.
- Requires a strategy for acquiring vaccines to protect U.S. service members against the full range of biological agents.
- Requires a briefing on the status of the destruction of the U.S. inventory of lethal chemical agents and munitions, as required by the Chemical Weapons Convention.

## **Nuclear Deterrence and Non-Proliferation**

- Directs the Secretary of the Air Force to conduct an independent review of the Ground Based Strategic Deterrent program to ensure industry best practices are incorporated into the engineering and manufacturing development phase.
- Prohibits the future award of a production contract for the Long-Range Standoff Weapon until additional cost analysis and justification is complete.
- Increases oversight of the National Nuclear Security Administration plutonium pit production enterprise.
- Cuts funding to initiate a service life extension program for the B-83 megaton gravity bomb.
- Authorizes requested funding for nuclear clean-up programs.