



Fact Sheet: National Defense Authorization Act for FY14

The bipartisan National Defense Authorization Act (NDAA) would provide the resources and tools that our military needs to provide a strong national defense, and would ensure that the highly skilled professionals of our Armed Forces receive the compensation and benefits they've earned through service to their country. The NDAA also includes measures to promote aggressive oversight so that taxpayer dollars are spent wisely.

Securing the United States Against Existing and Emerging Threats

The NDAA plans for a responsible replacement for sequestration. Like the President's Budget Request and the budget passed by Senate Democrats, the NDAA assumes that sequestration will be replaced by a combination of smarter spending cuts and revenue from closing tax loopholes for the wealthiest Americans and big corporations. If the automatic, across-the-board cuts are not replaced, the Defense Department (DOD) will have to cut \$52 billion in funding, hurting readiness, hindering military modernization, freezing promotions, scaling back recruitment, and possibly forcing Congress to revisit statutory end strength levels to enable the Pentagon to drawdown the number of Army and Marine Corps personnel below the levels established in this legislation. [Letter from Sec. Hagel, [7/10/13](#)]

The NDAA would authorize the appropriations of funds the military needs to secure our nation. The NDAA would authorize \$625.1 billion for national defense programs. This total includes \$526.6 billion for DOD base budget (\$4 million less than the budget request); \$80.7 billion for Overseas Contingency Operations (\$18 million less than the budget request); and \$17.8 billion for national security programs in the Department of Energy (\$16 million less than the budget request). [Senate Armed Services Committee, [6/14/13](#); Committee report [113-44](#)]

- To address readiness problems caused by sequestration in FY13, the NDAA adds \$732.2 million above the President's budget request in Army operation and maintenance (O&M) funding, \$571.9 million in Air Force O&M funding, \$448.5 million in Navy O&M funding, and \$56 million in Marine Corps O&M funding. [Senate Armed Services Committee, [6/14/13](#)]

The NDAA would support end strength levels that will safeguard American personnel and interests while saving taxpayers money. The legislation would decrease personnel levels ("end strength") from FY13 for all active forces in the military, except for the Navy, which would be authorized to increase by 900 active personnel over last year. The NDAA would also decrease personnel levels for all branches of the Guard and Reserves, except for the Army Reserve, the Marine Corps Reserve and the Coast Guard Reserve, whose levels would remain unchanged from last year. The end strength authorizing levels in this bill are all

consistent with the President's budget request. [Senate Armed Services Committee, [6/14/13](#); Committee report [113-44](#)]

The NDAA would provide critical resources and strategic guidance in the fight against terrorists. The legislation would authorize a total of \$9.89 billion for U.S. Special Operations Command (USSOCOM), \$7.64 billion in the base budget and \$2.25 in Overseas Contingency Operations (OCO). USSOCOM plays a critical role in countering nontraditional threats such as al Qaeda and other extremist groups. [Senate Armed Services Committee, [6/14/13](#)]

- **Building Partner Counterterrorism Capacity:** The NDAA would authorize the DOD Global Train and Equip program through 2018, which helps U.S. forces achieve theater counterterrorism and stability operational objectives by bolstering capabilities of foreign military partners in key regions. [Senate Armed Services Committee, [6/14/13](#); Committee report [113-44](#)]
- **Assisting Jordan with Border Security:** The NDAA would authorize the Secretary of Defense, upon a determination from the President that it is in the national interests of the United States, to use up to \$150 million of amounts authorized for the Coalition Support Fund in FY 13 and 14 to support border security operations of the Jordanian Armed Forces. These funds would help Jordan secure its border against violent extremists, and against spillover from the Syria conflict. [Senate Armed Services Committee, [6/14/13](#)]
- **Strengthening Counternarcotics Operations:** Al Qaeda and its affiliates engage in drug trafficking and other illicit activity around the world to fund their operations. The NDAA would authorize more than \$1.3 billion for the DOD counternarcotics program and provide certain foreign governments with non-lethal assistance to support counter drug operations and expand the list of eligible countries to include Niger, Libya, Mali and Chad. The NDAA would also direct the Secretary of Defense to develop a regional strategic framework for U.S. counterterrorism assistance and cooperation in North Africa. [Senate Armed Services Committee, [6/14/13](#)]
- **Lord's Resistance Army (LRA):** The LRA is a small, dispersed Ugandan rebel group that terrorized the citizens of northern Uganda for nearly three decades. The LRA, which is now active in the border zones of the Democratic Republic of Congo, Central African Republic and South Sudan, is notorious for using child soldiers and threatens regional stability in central Africa. In late 2011, the U.S. deployed 100 troops to Uganda to advise and assist the local forces in their efforts to dismantle the remaining vestiges of the LRA. The bill would extend and modify DOD's authority to provide certain types of assistance to foreign militaries that are contributing to the ongoing operation against the LRA. [Senate Armed Services Committee, [6/14/13](#)]

The NDAA would continue efforts to counter threats from nuclear, chemical, and biological weapons and advance nonproliferation programs.

- **Nuclear:** The NDAA would authorize \$2.1 billion for the National Nuclear Security Administration's (NNSA) Defense Nuclear Nonproliferation programs. NNSA manages and maintains oversight responsibility for the nuclear nonproliferation programs at the Department of Energy. The NDAA would also create a Senior Leadership Command,

Control and Communications Council in DOD to ensure the senior leadership communications systems are integrated and modernized. [Committee report [113-44](#); Senate Armed Services Committee, [6/14/13](#)]

- **Chemical and Biological:** The NDAA would authorize \$1.5 billion for the Chemical and Biological Defense Program. It would also include authorization of \$1.2 billion for chemical demilitarization programs, which were created to eliminate existing chemical weapons stockpiles in compliance with the Chemical Weapons Convention (CWC) signed in 1997. [Senate Armed Services Committee, [6/14/13](#)]
- **Cooperative Threat Reduction (CTR):** The NDAA would authorize \$528 million for the Cooperative Threat Reduction (CTR) program, as requested in the President's budget. CTR programs work to account for, secure, and safeguard weapons of mass destruction. Although the legislation fully funds the President's request, it will transfer money from programs that are ending in Russia (\$75 million) to CTR nonproliferation efforts in the Middle East, particularly relating to Syrian chemical weapons. [Senate Armed Services Committee, [6/14/13](#); [DOD](#)]

The NDAA supports a robust missile defense program.

- The legislation authorizes \$9.3 billion for missile defense programs, which is \$150 million above the President's budget request. [Senate Armed Services Committee, [6/14/13](#)]
- The NDAA authorizes a \$30 million increase for the Missile Defense Agency to develop additional homeland ballistic missile defense radar. [Senate Armed Services Committee, [6/14/13](#)]
- The NDAA also contains a provision requiring the Missile Defense Agency to deploy additional X-band radar, or a comparable sensor, to help defend the East Coast of the United States from long-range ballistic missile threats. Senate Armed Services Committee, [6/14/13](#)

The NDAA would support efforts to wind down the war in Afghanistan. The legislation would extend a number of authorities that are essential for our military commanders to conclude the mission in Afghanistan and bring the war to an end. The NDAA would:

- Reauthorize support for the reintegration of insurgent fighters back into Afghan society. [Senate Armed Services Committee, [6/14/13](#)]
- Provide up to \$60 million for the Commanders' Emergency Response Program for commanders to enable military commanders to fund small-scale humanitarian projects that help secure the support of the Afghan people. [Senate Armed Services Committee, [6/14/13](#)]
- Authorize funds to provide logistical support to transport and sustain our coalition partners in Afghanistan. [Senate Armed Services Committee, [6/14/13](#)]
- Authorize up to \$250 million for the Afghanistan Infrastructure Fund to support infrastructure projects that are high-priority for the civil-military campaign. This is a \$29 million reduction from the President's budget request. [Senate Armed Services Committee, [6/14/13](#)]

Support Men and Women in Uniform

The NDAA would raise military pay. The NDAA would include a cost-of-living adjustment that would provide all members of the uniformed services with a 1% across-the-board pay raise. [Senate Armed Services Committee, [6/14/13](#)]

The NDAA would keep TRICARE affordable for beneficiaries. The legislation would not authorize the Defense Department's proposal to establish or increase health care fees, deductibles, and copayments that would primarily affect working-age military retirees and their families. [Senate Armed Services Committee, [6/14/13](#)]

The NDAA would extend competitive salary incentives. The legislation would reauthorize over 30 types of bonuses and special pay aimed at encouraging enlistment, reenlistment, and continued service by active duty and reserve component military personnel. [Senate Armed Services Committee, [6/14/13](#)]

Enhancing Israel's Security

The NDAA would authorize critical assistance to Israel. The NDAA would expand existing efforts to support Israel and provide it with the resources and technology it needs to defend itself.

- The NDAA would authorize \$220 million to provide to the Government of Israel to procure additional "Iron Dome" short-range rocket defense system batteries and interceptors. [Senate Armed Services Committee, [6/14/13](#)]
- The legislation would authorize an increase of \$150 million to accelerate and enhance US-Israeli cooperative missile defense programs, including \$30 million to improve the Arrow Weapon System; \$20.0 million for development of the Arrow-3 upper-tier interceptor; and \$100 million for the David's Sling short-range missile defense system. [Senate Armed Services Committee, [6/14/13](#)]

Fighting Waste and Protecting Taxpayer Dollars

- The NDAA would cut more than \$1.34 billion from military construction from the President's budget and \$16.6 billion from family housing projects. These saving would be applied to the readiness accounts of the services to help address shortfalls created by sequestration. [Senate Armed Services Committee, [6/14/13](#)]
- The NDAA would cut \$69.1 million in procurement from the XM25, Counter Defilade Target Engagements (CDTE) because of system unreliability and an Army decision to consider other available weapons that meet the Army's need. [Senate Armed Services Committee, [6/14/13](#)]
- The legislation would require the DOD to develop a comprehensive plan to streamline management headquarters at all levels, with the objective of saving \$100 billion over 10 years. [Senate Armed Services Committee, [6/14/13](#)]

- The NDAA would add \$35.9 million for the DOD Inspector General (IG) to provide more effective oversight and help identify waste, fraud, and abuse in DOD programs. In FY 12, DOD IG reviews resulted in savings of \$3.6 billion, which is a return on investment of \$10.81 for every dollar appropriated. [Senate Armed Services Committee, [6/14/13](#)]

Greater Energy Security and Independence

- The NDAA would authorize \$150 million for the Energy Conservation Investment Program, which is tasked with reducing energy consumption and greenhouse gas emissions, and increasing the use of renewable energy. [Senate Armed Services Committee, [6/14/13](#)]

Prevent and Respond to Sexual Assault

The NDAA would take strong action to address sexual assault. The NDAA includes a number of provisions that would address sexual assault in the military. Some of the new provisions included in the legislation would:

- **Limit Authority to Modify Court-Martial Findings:** Under the Uniform Code of Military Justice (UCMJ), only an officer with sufficient legal authority can “convene” a court martial. Under Article 60 of the UCMJ, the officer who is the convening authority has the responsibility to review a case after it is completed and may reduce or dismiss charges if the convening authority feels that a modification is appropriate. The NDAA includes a provision that would amend Article 60 of the UCMJ to limit the ability of a convening authority to modify the findings of a court-martial with regard to specified sexual offenses. The provision would also require the convening authority to provide a written explanation for the record of any decision to modify a court-martial finding or sentence. [[Article 60 UCMJ](#); CRS, [3/14/12](#); Senate Armed Services Committee, [6/14/13](#); Committee report [113-44](#)]
- **Require Automatic Review:** Require automatic higher-level review of any decision by a commander not to prosecute a sexual assault allegation, with the review going all the way to the service secretary in any case in which the commander disagrees with his or her legal advisor’s recommendation to prosecute. [Senate Armed Services Committee, [6/14/13](#)]
- **Prevent Retaliation:** Make retaliation against service members for reporting criminal offenses a punishable offense under the UCMJ and express the sense of the Senate that Commanding Officers should be held accountable for maintaining a command climate in which sexual assault allegations are properly managed and fairly evaluated, and victims can report sexual assaults without fear of retaliation.. [Senate Armed Services Committee, [6/14/13](#)]
- **Eliminate the Statute of Limitations:** Eliminate the five-year statute of limitations on trial by court-martial for certain sexual-related offenses. [Senate Armed Services Committee, [6/14/13](#)]
- **Bar Sex Offenders from Service:** Codify a prohibition on military service by individuals convicted of sexual offenses.

- **Immediate Referral:** Require commanding officers to immediately refer to the appropriate military criminal investigation organization reports of sexual-related offenses involving service members in the commander's chain of command. [Senate Armed Services Committee, [6/14/13](#)]
- **Special Victims' counsel:** Require service secretaries to provide a Special Victims' Counsel to provide legal advice and assistance to service members who are victims of a sexual assault committed by a member of the armed forces. [Senate Armed Services Committee, [6/14/13](#)]
- **Review Civilian Practices:** Require DOD to conduct a comprehensive review of civilian law enforcement best practices in sexual assault prevention and response. [Senate Armed Services Committee, [6/14/13](#)]

Guantanamo-Related Provisions

The NDAA includes provisions regarding the detention facility at Guantanamo Bay, Cuba, including: [Senate Armed Services Committee, [6/14/13](#)]

- **Temporary and National Security Interest Transfers:** The legislation would authorize the temporary transfer of Guantanamo detainees to a DOD medical facility in the United States if necessary to prevent death or significant imminent harm to the detainee's health. The NDAA would also authorize the transfer of Guantanamo detainees to the United States for detention and trial if the Secretary of Defense determines doing so is in the U.S. national security interest and that any public safety issues have been addressed.
- **Overseas Transfers:** The NDAA would authorize the transfer of Guantanamo detainees to foreign countries if: (a) the detainee is determined to no longer be a threat to U.S. security; (b) the transfer is pursuant to a court order; or (c) the detainee has been tried and acquitted or has been convicted and has completed his sentence. For all other Guantanamo detainee transfers overseas, the transfer process is streamlined to allow such transfers if the Secretary of Defense conducts a thorough assessment and determines the transfer would be in the U.S. national security interest and that steps have been taken or will be taken to substantially mitigate the risk of the detainee re-engaging in terrorist activities.