



Congresswoman
VERONICA ESCOBAR
Texas' 16th Congressional District

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FACT SHEET

Congresswoman Escobar Secures Inclusion of Historic Provisions in FY21 NDAA

Congresswoman Veronica Escobar (TX-16), member of the House Armed Services Committee, secured historic provisions in H.R.6395, the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year 2021, legislation that honors America's values, strengthens our security, advances our nation's leadership in the world, and delivers big wins for Fort Bliss and El Paso.

On July 21, 2020, the House of Representatives, approved this legislation which authorizes \$732 billion in discretionary spending for our national defense for FY 2021, including approximately \$69 billion for Overseas Contingency Operations (OCO). Below, an overview of the big wins in the FY21 NDAA:

CREATING A MORE INCLUSIVE, DIVERSE MILITARY

Confederate Names and Display of Confederate Flag

- Congresswoman Escobar fought for a provision to require DOD to identify and change the names of all military bases and infrastructure named for individuals who served in the Confederacy within one year and after considering public input.
- Prohibits the public display of the Confederate flag on Department of Defense installations.

Creating a More Diverse and Inclusive Military

- Congresswoman Escobar championed a provision to ensure oversight of disqualifications for mental health conditions, assessment of waivers requested and granted for covered conditions.
- Creates a Special Investigator to review and investigate racial disparities in the Military Justice System and in personnel policies and practices, including recruiting accessions, promotions, and retention, as well as white supremacist activities among military personnel.

- Establishes a Chief Diversity Officer reporting directly to the Secretary of Defense as well as Service-level Chief Diversity Officers reporting directly to the Secretary of each military service.
- Requires the Secretary of Defense to develop a plan to have the military reflect the diversity of the American population, establish a Military Diversity Leadership Commission and improve mentor programming.
- Congresswoman Escobar fought to include a key provision requiring the Secretary of Defense and the Secretaries of the Military Services to establish goals for increasing women and minorities in the military services.
- Additionally, Congresswoman Escobar championed a provision requiring each Secretary of a military department to submit annually a report summarizing the gender and race of each officer who was recommended on a list for promotion to the U.S. Senate for the grades of O-4 and above.

Violent Extremism

- Congresswoman Escobar secured a provision requiring Congressional reporting on incidences of White Supremacy, Extremism, or Anti-Semitism in the military, to include punitive or administrative actions levied against offenders, coordination with civilian law enforcement, and final dispositions.
- Adds a Violent Extremism punitive article to the Uniform Code of Military Justice.
- For example, the Article would punish individuals subject to the Code who knowingly commit murder, manslaughter, assault and other covered offenses in order to achieve political, ideological, religious, or other goals or because of the race, religion, color, ethnicity, sex, age, disability status, national origin, sexual orientation, or gender identity of the person or class of person.

Other Provisions

- Congresswoman Escobar secured a provision that ensures collection and publication of race, gender, ethnicity and other demographic metrics for academy nominations on an annual basis to support more equitable nomination of minority candidates and those from marginalized communities.
- Additionally, Congresswoman Escobar led in the inclusion of a key provision that promotes STEM outreach to minority serving institutions (MSIs) and historically black colleges and universities (HBCUs).
- Authorizes \$17 million for Historically Black Colleges and Universities and Minority Institutions.
- Establishes a scholarship for service pilot subprogram under DOD's Science, Mathematics, and Research for Transformation (SMART) program for students in Minority Institutions, to diversify and strengthen the national security workforce.
- Requires a report on improving the equal employment opportunity complaint resolution processes for civilian employees of DOD.

- Congresswoman Escobar fought for a provision that establishes a National Institute for Space Research as a university consortium in support of the newly established Space Force to ensure our military's newest service gets the same excellence in research that universities, like the University of Texas at El Paso (UTEP), provide as partners in national security.
- Includes the Elijah Cummings Federal Employee Anti-Discrimination Act, passed by the House in January 2019, which strengthens equal employment opportunity protections for federal employees and strengthens prohibitions against discrimination and retaliation against whistleblowers.

TAKING CARE OF OUR TROOPS AND OUR MILITARY FAMILIES

- Continues to improve the quality of life of our service men and women by authorizing support for a 3.0 percent pay increase for our service men and women.
- Authorizes additional funding to clean up contamination of drinking water on our military bases by PFAS chemicals.
- Builds on previous efforts to continue to require additional improvements in the housing for military personnel and their families.
- Continues to require additional improvements in sexual assault prevention and response programs, including creating a new pilot program for the military service academies, which includes a special prosecutor for offenses committed by attendees.

PROTECTING OUR CIVILIAN WORKFORCES

- Prohibits the Department of Defense from excluding any civilian employees from their collective bargaining rights
- Prohibits the Office of Personnel Management from including more than one local wage area within a General Schedule pay locality to better align Federal Wage System Areas with General Schedule locality pay areas.
- Prohibits the Secretary of Defense from reducing the civilian workforce unless the Department assesses the impact of such reduction on workload, military force structure, lethality, readiness, and operational effectiveness.

RESPONDING TO THE COVID-19 PANDEMIC

- Creates a \$1 billion Pandemic Preparedness and Resilience National Security Fund, directing the funding to efforts to proactively increase our country's ability to be prepared for and respond to future pandemics.
- Requires one of the Assistant Secretaries to be the Assistant Secretary of Defense for Industrial Base Policy, who would be responsible for developing and maintaining the defense industrial base and ensuring a secure supply of materials critical to national security.

- Creates the Small Business Industrial Base Resiliency Program and authorizes the Assistant Secretary for Defense to enter into transactions to purchase or make a commitment to purchase goods or services from small business concerns in response to the COVID-19 pandemic.

PAID PARENTAL LEAVE

- Makes technical corrections to the paid parental leave benefit provided through the FY 2020 National Defense Authorization Act to ensure that the Federal Aviation Administration, Department of Veterans Affairs, and certain other civilian federal employees inadvertently omitted from the legislation receive the parental leave benefit.

PROMOTING AMERICAN VALUES

- **BORDER WALL:** Does not authorize funding for the border wall. The bill does, however, limit the funding under the national emergency military construction authority to prevent its misuse on the President's wasteful border wall.
- **GUANTANAMO BAY:** Does not carry any statutory restrictions on transfer of detainees from the Guantanamo Bay detention facility.
- **YEMEN:** Prohibits the use of DOD funds to provide logistical support to the Saudi-led coalition for strikes in Yemen. It also prohibits DOD civilian, military, or contractor personnel from participating in hostilities against the Houthis, without authorization from Congress.

STRENGTHENING CONGRESSIONAL OVERSIGHT OF DEPLOYMENT PERSONNEL TO THE SOUTHERN BORDER OF THE UNITED STATES AND USE OF EMERGENCY CONSTRUCTION AUTHORITIES

- Modifies the authority for military personnel to assist Customs and Border Protection (CBP) at the southern border to add additional oversight.
 - Requires a certification that there will be no impact on readiness.
 - Requires that deployed personnel's individual skills and unit missions align with the support task(s) assigned.
 - Requires a report on the deployment of U.S. military in support of southern border activities, including possible impact on readiness.
 - Greatly expands existing quarterly report requirements on the mission of National Guard and active duty personnel at the southern border.
 - Requires the Department of Defense to provide quarterly and total cost breakdowns for support provided to CBP.
 - Amends the emergency military construction authority to set an annual limit of \$100 million for the domestic use of the authority and \$500 million for overseas projects, with an exception for medical projects that may be necessary to support response to a health emergency or pandemic. These changes essentially render

the emergency construction authority useless for purposes of constructing a border wall.

Other Provisions Strengthening Congressional Oversight of DOD

- Implements strong congressional oversight over the use of the military:
 - Requires DOD to provide congressional notification of all activities under a section of the U.S. Code that authorizes support for counterdrug activities and activities to counter transnational organized crime.
 - Updates program management controls on the nuclear warhead acquisition process and nuclear weapons plutonium pit production.
 - Continues critical oversight of the F-35 Joint Strike Fighter and initiates new reporting requirements from DOD on software testing methodologies and pertinent issues approaching the full-rate production decision in early 2021.
 - Strengthens accountability of the Advanced Battle Management System (ABMS) by adding reporting requirements on ABMS demonstrations, product line capabilities, and decision-making authorities.
- Addresses civilian casualties resulting from U.S military operations by:
 - Including a Sense of Congress commending DOD for measures to prevent, mitigate, track, investigate, learn from, respond to, and report civilian casualties resulting from U.S. military operations.
 - Requiring a study to explore other geographic combatant commanders providing civilian casualty reporting data similar to U.S. AFRICOM.
 - Authorizing resources to implement a Department policy on civilian casualties in connection with U.S. military operations.

ADDRESSING CLIMATE CHANGE

- Establishes a new “National Academies Climate Security Roundtable” within the National Academy of Science to establish best practices for identifying and disseminating climate indicators and warnings to ensure that environmental security is included in operational planning and intelligence analysis.
- Authorizes additional funding to support research that advances long-range forecasting of seasonal and subseasonal weather patterns, which would provide national security officials with advanced warning of potentially destabilizing events.
- Authorizes an additional \$5 million for research into extreme weather events.
- Establishes a pilot program to develop microgrids on military installations that integrate emergency diesel generators to demonstrate how microgrid emergency diesel generator backup power could create efficiencies and resiliency while reducing costs and emissions.
- Requires a report on efforts taken to ensure fuel consumption, distribution, and logistics are being considered across the Department and that steps are being taken to reduce consumption of fossil fuels by 30 percent in 25 years to reduce the number of resupply convoys and oilers required in a contested environment.

- Congresswoman Escobar championed provisions requiring a report on the implementation of provisions from the FY2020 National Defense Authorization Act related to installation, master planning, updates to the Unified Facilities Criteria (building codes), sea-level rise modeling, and climate assessment tools.

PROVISIONS ON PFAS CHEMICALS

- Requires the Secretary of Defense to meet or exceed the most stringent standards between an enforceable State standard under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), an enforceable Federal 16 | P a g e standard under CERCLA, or a health advisory under the Safe Drinking Water Act when performing removal or remediation actions of PFOS or PFOA contamination from Department of Defense or National Guard activities found in drinking water or in groundwater that is not currently used for drinking water.
- Requires the Department of Defense to publish on a public website the results of drinking and ground water PFAS testing conducted on military installations or former defense sites.
- Requires the Department of Defense to notify the congressional defense committees when there has been an uncontrolled release of PFAS-containing firefighting agent.
- Prohibits DLA procurement of certain items containing PFAS, including cookware, uniforms, personal care products, floor, and furniture wax, carpeting and upholstery, and food packaging.
- Authorizes \$150 million for research lines that support development of PFAS remediation and disposal technologies and firefighting agent replacement.
- Authorizes a total of \$1.5 billion for environmental remediation and cleanup at current military installations, formerly utilized defense sites, and installations closed by BRAC, to include an additional \$190 million in BRAC and Environmental Restoration accounts to support acceleration of remediation activities and PFAS response.

PROVISIONS ON EUROPE AND RUSSIA

- Prevents the use of DOD funds to reduce U.S. forces stationed in Germany and stationed in Europe below the levels present on June 10, 2020, unless 180 days in advance, the Secretary of Defense and Joint Chiefs of Staff certify that the reduction would not negatively impact U.S. and allied security, and provide Congress with assessments of the national security impacts, costs and consequences for U.S. servicemembers and their families.
- Fully funds the European Deterrence Initiative (EDI), and provides an additional \$3.789 billion for strategic sealift, satellite communications, refueling, submarine, and anti-submarine capabilities that enhance deterrence against Russia.
- Provides \$250 million for the Ukraine Security Assistance Initiative (USAI), which provides support and assistance to the Ukrainian Armed Forces, of which \$50 million can only be used for lethal defensive equipment.

- Continues to limit military-to-military cooperation with Russia, extending a rule of construction that the prohibition does not affect bilateral military-to-military dialogue for the purposes of reducing the risk of conflict.

PROVISIONS ON COUNTERING ISIS

- Continues U.S. military support for our partners in Iraq and Syria to fight ISIS, while extending and expanding congressional oversight over U.S. military training and equipping activities.
- Requires the Secretary of Defense to certify U.S. military forces are not being used to extract, transport, transfer, or sell oil from Syria.
- Expresses the Sense of Congress that the Peshmerga of the Kurdistan Region of Iraq are a critical partner in Operation Inherent Resolve, the fight to destroy ISIS.

PROVISIONS ON NUCLEAR SECURITY

- Requires the President to participate in at least one nuclear command and control exercise per term.
- Authorizes an increase of \$80 million for nuclear non-proliferation.

PROVISIONS ON IRAN

- Requires the Department of Defense to submit detailed budget and activity information to the Congress on Operation Spartan Shield, which covers some Iran deterrence related activities, in the Central Command area of operations.

PROVISIONS ON AFGHANISTAN

- Afghanistan Security Forces Fund (ASFF):
 - Authorizes \$3.5 billion to fund the Afghanistan National Defense and Security Forces (ANDSF).
 - Encourages the continual development of Gender Programs by specifying funds within Afghanistan Security Forces Fund for the recruitment, retention, and professional development of women in the ANDSF.
- Extends the Afghan Special Immigrant Visas program that allows Afghans (and their families) whose service to the U.S. Government puts them at great risk, to immigrate to the United States.
- Supports a responsible, conditions-based drawdown from Afghanistan that protects the hard-fought rights of women, girls, and other vulnerable populations in Afghanistan.

PROVISIONS ON AIRCRAFT

- Supports the Administration's budget request for 79 F-35 Joint Strike Fighters.

- Authorizes funding for 12 KC-46 tanker aircraft, the Air Force's next-generation aerial refueling tanker.
- Provides additional funding for advance procurement to support the purchase of 12 F/A-18E/F Super Hornet aircraft in fiscal year 2022.
- Provides funding for six additional P-8 Poseidon multi-mission aircraft.
- Provides funding for four additional V-22 Osprey aircraft.
- Supports the Administration's request for the AH-64 Apache and UH-60 Blackhawk helicopters.

PROVISIONS ON SHIPBUILDING

Authorizes funding for a total of nine new battle force ships, including one Columbia-class ballistic missile submarine, two Virginia-class submarines, two DDG-51 Arleigh Burke destroyers; one guided missile Frigate (FFG); one Expeditionary Fast Transport (EPF) ship, and two T-AT towing, salvage, and rescue ships.