

## Defense Policy Update: HASC Approves FY 2021 National Defense Authorization Bill

*Lewis-Burke Associates LLC – July 2, 2020*

The House Armed Services Committee (HASC) approved its version of the fiscal year (FY) 2021 *National Defense Authorization Act* (NDAA) late July 1 by a unanimous 56-0 vote after a 13-hour markup. The NDAA is an annual bipartisan bill that authorizes programs and sets policies pertaining to the Department of Defense (DOD) and U.S. national security. The relative ease of HASC's FY 2021 markup, which for the first time allowed members to participate virtually, diverged from last year's process, which was nearly derailed by partisan debates over contentious issues such as topline funding for DOD, restrictions on nuclear modernization and restrictions on the DOD's ability to repurpose funding to construct the border wall. Ranking Member Mac Thornberry (R-TX), who is not be running for reelection, and other Republicans praised Chairman Adam Smith (D-WA) for this year's bipartisan approach to the markup, despite their objections to allowing remote participation due to the COVID-19 pandemic.

HASC's NDAA would authorize \$732 billion in discretionary spending, including \$635.5 billion in base spending for DOD and \$69 billion in Overseas Contingency Operations (OCO). The NDAA would authorize DOD's Science and Technology (S&T) accounts, which include basic research (6.1), applied research (6.2), and advanced technology development (6.3), at a level of \$14.7 billion. This would be a \$150.6 million (1 percent increase) over the FY 2020 enacted level but \$957.6 million (6.1 percent) less than the SASC's FY 2021 proposed levels. In line with the SASC's NDAA, the bill would also authorize a \$17 million increase for Minerva to restore cuts proposed in the Department's defense-wide review. However, the funding levels for programs at DOD will ultimately be determined by the FY 2021 defense appropriations bill, to be addressed by the House and Senate later this summer.

The bill contained several provisions regarding DOD's response to the COVID-19 pandemic, competition with Russia and China, cybersecurity, science and security, and emerging technologies.

### **Science and Security**

A number of amendments related to Science and Security were included in the HASC FY 2021 NDAA, as both parties in Congress continue to express concern over the Chinese government's espionage and theft of intellectual property from U.S. institutions and federally-funded research. This includes amendments that would:

- Require principal investigators (PI) applying for grants from any federal research agency to disclose foreign funding sources. Universities would be responsible for making all PIs aware of this requirement. The amendment also lays out potential actions agencies would be able to take such as rejecting applications, discontinuing funding for a PI, or referral to law enforcement.
- Require DOD to establish procedures to collect information on individuals, including foreign nationals, participating in DOD-funded basic research, removing an exception for basic research in the FY 2019 NDAA. This amendment, put forward by Rep. Jim Banks (R-IN), led to a contentious debate, in which some Democrats expressed concern that the amendment would send a bad signal to foreigners looking to conduct research in the US. However, the amendment had bipartisan support and ultimately was accepted by a voice vote.

- Direct DOD to publish a publicly available list of Russian and Chinese institutions with a history of illicit technology transfer or other similar behaviors. This amendment was submitted by Rep. Mike Gallagher (R-WI).
- Direct DOD to develop a list of foreign talent and recruitment programs that pose a threat to US national security. This amendment was submitted by Rep. Michael Waltz (R-FL).
- Direct the National Institutes of Standards and Technology (NIST) to study China's efforts to influence international standards in emerging technologies. This amendment was submitted by Rep. Elise Stefanik (R-NY).

### **Specific Provisions of Interest**

- **Direct the Under Secretary of Defense for Research and Engineering (USD(R&E)) to submit a report to HASC on costs and negative impacts to universities with DOD-funded grants due to COVID-19, including graduate student and workforce impacts.**
- **Strengthen and protect the Minerva Research Initiative, DOD's signature extramural social science research program**, in alignment with the *Social Sciences Protect Our Nation Act* ([H.R. 7106](#)), [introduced](#) by Rep. Dan Lipinski (D-IL); Rep. Jim Langevin (D-RI), Chairman of the HASC Subcommittee on Intelligence and Emerging Threats and Capabilities; and Rep. David McKinley (R-WV). The bill would require that DOD maintain a social science research program, as well as management science and information science research centers.
- **Direct DOD to establish a University Consortium for National Space Research, that would support the Space Force's research needs.** This provision was submitted as an amendment from Rep. Veronica Escobar (D-TX).
- **Direct DOD to conduct a study of mechanisms and incentives the Department can use to retain, and properly vet, foreign scientific talent in the United States.** This amendment was submitted by Rep. Jim Langevin (D-RI).
- Establish a scholarship for service pilot program under DOD's Science, Mathematics, and Research for Transportation (SMART) Defense Education Program for students at Minority Institutions to pursue internships or other temporary employment opportunities within DOD.
- Require a report on DOD's hypersonics research and development workforce.
- Authorize the creation of a "Pandemic Preparedness and Resilience National Security Fund." This fund would include \$200 million for Small Business Industrial Base resilience, \$50 million for R&D to rapidly develop medical countermeasures, and \$750 million for R&D on preparedness and resilience to pandemics and other biothreats.

### **Artificial Intelligence**

The bill includes an amendment, put forward by Rep. Kendra Horn (D-OK), to establish a National Artificial Intelligence Initiative, based on the House Science, Space, and Technology Committee's *National Artificial Intelligence Initiative Act*, which would authorize establishing an interagency coordination office for AI research; authorize AI research activities at the National Science Foundation, Department of Energy, and NIST; and mandate a report on AI impacts to the U.S. workforce, among other actions. The bill included many of the recommendations issued by the National Security Commission on Artificial Intelligence (NSCAI), which was established by the FY 2019 NDAA, including elevating the reporting structure of the Joint Artificial Intelligence Center (JAIC) and establishing a Steering Committee on Emerging Technologies within the DOD to assess emerging threats and technology capabilities. The bill would also direct a briefing from the JAIC on its established and prospective relationships with universities, academic consortia, and private sector institutions.

## **Cybersecurity**

Strengthening cybersecurity continues to be a priority for Congress. Like the SASC bill, HASC's NDAA would extend the authority of the Cyberspace Solarium Commission to monitor and assess federal implementation of the recommendations from its final report and any new issues in cybersecurity that emerge during that time. Other provisions submitted as amendments would:

- Direct DOD to brief HASC on existing K-12 federal cyber education programs.
- Direct DOD to brief the Committee on improving the cybersecurity of small businesses that contribute to the defense industrial base.
- Direct the Government Accountability Office (GAO) to conduct studies on cyber vulnerabilities, incident management, and cyber hygiene practices at DOD.