

The Best Outcome for the U.S. Military and U.S. Security: Recommendations for the FY 2024 National Defense Authorization Act

Wilson Beaver

KEY TAKEAWAYS

The House and Senate versions of the FY 2024 National Defense Authorization Act (NDAA) have room for improvement.

Republican leaders must ensure that the final version of the FY 2024 NDAA includes provisions to eliminate the divisive social issues foisted upon the military.

The final version of the FY 2024 NDAA must also clearly prioritize the Indo-Pacific, including full funding for INDOPACOM's unfunded priorities.

Defense resourcing should flow from strategy. The National Defense Strategy identifies great-power competition, especially in the Indo-Pacific, as the most pressing challenge faced by the United States, and both the House and Senate versions of the National Defense Authorization Act (NDAA) for fiscal year (FY) 2024 include provisions that identify China as the primary challenge and affirm support for the U.S. military's role in the Indo-Pacific. But many of the priorities identified by the Indo-Pacific Command (INDOPACOM) as critical to the effort to deter China have been left unfunded.

The House and Senate are in the process of reconciling the differences to produce a single conference bill. Ideally, the final NDAA will result in a military free from divisive politicization and funding commensurate with the military's needs in the Indo-Pacific,

This paper, in its entirety, can be found at <https://report.heritage.org/ib5331>

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while adhering to the spending caps prescribed in the Fiscal Responsibility Act of 2023 negotiated between President Joe Biden and House Speaker Kevin McCarthy (R–CA).

Both the House and the Senate versions of the FY 2024 NDAA reject the Biden Administration’s inadequate budget request for the Department of Defense (DOD) earlier this year.¹ The Administration has been sending U.S. military hardware to Ukraine, talking tough on China, and continuing American military engagements around the globe, yet did not see fit to fund the DOD at a level that is commensurate with the massive inflation the nation has been dealing with since 2021. Both the House and Senate versions address this issue by increasing the defense topline and funding some Indo–Pacific priorities left unfunded by the Biden Administration’s initial request.

Additionally, the House advances provisions to reduce politicization of the military through controversial and divisive policies that promote critical race theory (CRT) and diversity, equity, and inclusion (DEI). It also requires an important reallocation of resources within the existing budget away from underperforming programs and research and toward capabilities more suited to U.S. strategy in the Indo–Pacific.

Recommendations for Congress

Once Congress meets in conference to finalize the FY 2024 NDAA, it should consider the following recommendations to resource the military that the nation needs to carry out the missions demanded by the National Defense Strategy and the National Security Strategy:

End Divisive Politicization Policies in the Military. The House NDAA contains a number of provisions aimed directly at ending the corrosive influence of concepts such as DEI and CRT—being implemented by the Biden Administration throughout the DOD at the expense of military readiness, public support for the military, and unit cohesion and morale. The House version of the FY 2024 NDAA prohibits the teaching of DEI and CRT in the military, restricts the ability of the DOD to pay for DEI or CRT ideology enforcement, and eliminates funding for the various DEI and CRT programs and working groups within the DOD. These House provisions are certain to be among the most contentious in conference, but the Senate should support them, as they are critical for the performance of the DOD.²

Congress should likewise support the House NDAA’s provision prohibiting the DOD’s recent policy change to use taxpayer dollars for expenses relating to abortion services and the House provision prohibiting coverage of sex-reassignment surgeries and related services under military health care.³

This year, the Supreme Court ruled that affirmative action was unconstitutional and universities across America are no longer allowed to discriminate against applicants on the basis of race. The Court did include some language that has raised confusion about whether the ruling applies to military service academies, even though Heritage Foundation experts are certain that the Court's decision is binding on these schools.⁴ To address this confusion, the House NDAA prohibits the use of race-based quotas at the military service academies, and the Senate should support this measure to ensure that the military is selecting future officers on the basis of merit and qualification alone.

Focus on Savings and Oversight. The House NDAA also contains some important provisions for savings, oversight, and reforms within the DOD that will both help the department run more efficiently and ensure that the DOD is focused on military capability.

The House NDAA stops the DOD from requiring contractors to document the impact that their weapons systems would have on greenhouse gas emissions, yet another onerous bit of red tape that will inevitably increase costs and delays in military contracting. The Biden Administration's initial defense spending request sought up to \$5.1 billion for investments that would "mitigate climate risk." The House NDAA prohibits spending on climate change initiatives and redirects these funds to higher-priority programs. Congress should support these prohibitions.

The House NDAA calls for a special inspector general to be appointed to conduct oversight of the military aid that has been provided to Ukraine. Congress should support this call, as it will demonstrate to the American public a national commitment to account for how Ukraine aid has been spent and to reduce possible abuses. Simultaneously, Congress should also consider eliminating the office of the Special Inspector General for Afghanistan Reconstruction (SIGAR), given that not a single American soldier or government employee is still in Afghanistan.⁵

Fully Fund INDOPACOM Priorities. Both the House and the Senate NDAs identify funding INDOPACOM priorities as an important goal, and both versions have provisions that will contribute to deterring China. However, the vast majority of the additional \$3.5 billion requested by INDOPACOM in its unfunded priorities list has gone unfunded in both the Senate and House NDAs.⁶⁷ House and Senate conferees should prioritize fixing this oversight by fully funding INDOPACOM's unfunded priorities, including the Guam Defense System, and munitions, construction, and campaigning that has been deemed critical to deterring China by the INDOPACOM commander.⁸ The Heritage Foundation has identified billions of dollars that could be reallocated toward these INDOPACOM priorities without reducing military readiness.⁹

Both NDAA's authorize funding for the Pacific Deterrence Initiative, which includes increased training and operations by U.S. forces throughout the Indo-Pacific, including with key allies and partners. Both versions contain provisions that express support for and cooperation with Taiwan and provisions aimed at countering China in the Indo-Pacific, in general. The House NDAA has extensive recommendations for security provisions aimed at countering Chinese malign foreign influence and prescribes additional steps to counter Chinese measures to control critical minerals and raw materials critical to the defense supply chain. These measures include requiring contractors to disclose the origin of critical components in produced weapons systems, assessments of Chinese attempts to control supply chains critical to defense systems, and improved tracking of Chinese companies and universities affiliated with the Chinese military to prevent theft of intellectual property with defense applications. The Senate NDAA contains important provisions on reviews of outbound foreign investment headed to China and the ability to stop China from buying U.S. farmland near sensitive U.S. military bases or other critical infrastructure.

Increase Shipbuilding Procurement. The two versions of the NDAA contain substantially different provisions for shipbuilding. A large and capable fleet is one of the key components of deterring China in the Indo-Pacific, and the defense budget should reflect this fact. The Senate version places a higher emphasis on shipbuilding procurement for the Navy, with approximately \$2.5 billion more for shipbuilding than the House (although the House version improved upon President Biden's initial shipbuilding request). Significantly, the Senate version adds an additional \$1.86 billion to fund an additional LDP-33 Amphibious Transport Dock. The Marine Corps has identified the procurement of the LPD-33 as its top priority and considers it integral to the Corps' Force Design 2030, which is the Corps' project to realign itself for great-power competition in the Indo-Pacific.¹⁰ The House NDAA includes cuts to the *Virginia*-class submarine advance procurement account as well as the Navy's frigate program, both of which are extremely important to any Indo-Pacific strategy.

There are many places to cut spending within the defense budget,¹¹ but cuts to shipbuilding are not where Congress should be looking for savings when great-power competition is heating up. The House is right, however, to prohibit the decommissioning of battle force ships that still have decades of remaining service life. The Navy has a vision for a much larger fleet, yet consistently proposes to decommission ships ahead of schedule at a rate that will leave the Navy with fewer ships than it currently has. Representative Kay Granger (R-TX), the ranking Republican on the House Appropriations

Committee, rebuked Navy officials last year, saying, “If the Navy experts expect Congress to support its vision for this fleet, it must do a better job at managing the inventory it has.”¹²

The conferees should support the additional Senate funding for the LPD-33, and the House should rethink its cuts to *Virginia*-class submarine advance procurement and the *Constellation*-class frigate program. Congress should also consider long-term naval shipbuilding planning through a Naval Act as the limitations of the annual budget process are constraining the Navy from expanding its fleet to meet the needs and challenges of the threat from China.¹³

Support Army Modernization. Between 2002 and 2014, Congress and the DOD terminated nearly every modernization program in the Army, and Army modernization has been moving at an anemic pace ever since. The conferees should support the House’s additional funding for the Stryker and Abrams programs to speed up this modernization and generate modernized Armored Brigade Combat Teams at a quicker rate.

Oppose the Repeal of the Position of Director of Cost Assessment and Program Evaluation (CAPE). A number of reforms could be implemented to improve the defense resourcing cycle of planning, programming, budgeting, and execution (PPBE).¹⁴ CAPE has found itself in the crosshairs regarding recent DOD budget decisions, especially concerning Navy force structure. But it is important to remember that these decisions are made by the Secretary or Deputy Secretary of Defense, not the CAPE Director. CAPE provides a necessary function, presenting resourcing decisions to DOD senior leaders, that, if eliminated, would have to be recreated elsewhere. For that reason, Congress should oppose the repeal of the Director of CAPE position.

Move Ground Moving Target Indication (GMTI) Under Air Force Authority. The Senate version of the FY 2024 NDAA makes an important change to the current program implementation for new GMTI satellites. The National Reconnaissance Office (NRO) and the Space Force have been in contention over who ought to have ultimate responsibility for GMTI systems that provide direct support to military operations. Senior Space Force officials have made clear that this should be a Space Force function, even though it has traditionally been the NRO’s responsibility.¹⁵ As the information provided by these satellites is a critical component of Air Force operations, it makes sense for the ultimate authority to reside within the Department of the Air Force (where the Space Force resides) and not with a civilian agency, such as the NRO. The conferees should support this Senate provision.

Fund the SLCM-N and Modernize the Nuclear Triad. Both the House and Senate NDAA support the nuclear-armed sea-launched cruise missile (SLCM-N), a program that has been targeted for cancellation by both the

Obama and Biden Administrations (although the Senate version includes slightly more funding for the program).¹⁶ The SLCM-N fills a critical gap in the current nuclear posture, and therefore deserves support.

The House NDAA accelerates the modernization of the nuclear triad by providing an additional \$500 million for infrastructure upgrades and plutonium pit and high explosives production. The conferees should support the House's investments in the future of the nuclear triad.

Achieve Readiness Through Fitness. In 2021, the Army introduced a new physical fitness test that was gender neutral by design, holding all soldiers to standards of physical fitness based on the needs of their job, not their gender. Modern combat is not simply pushing buttons, and a soldier serving in the infantry or artillery must be held to high standards of physical fitness to meet the needs of the job.¹⁷ The House version of the FY 2024 NDAA re-institutes gender-neutral fitness standards for soldiers in combat positions in the Army, prohibiting the Army from using gender-based fitness standards in these positions. This provision is an important step toward ensuring that the Army bases its physical fitness requirements on combat readiness and not on some politicized concept of equity or fairness, and the conferees should support the House provision.

Conclusion

The two versions of the FY 2024 NDAA currently under consideration have significant overlap in terms of military procurement and strategy in the Indo-Pacific, and there will be much for negotiators to agree on when working in conference to resolve the differences in these areas. The primary issues in contention in conference will be culture war issues related to DEI, CRT, climate change, and other politically charged topics. Members of Congress and their staffs would do well to remember that the primary function of the U.S. military is to act as a lethal fighting force capable of defending the United States, not as a laboratory for divisive social issues. Congress should reconcile the two versions of the FY 2024 in a way that maintains support for the military's mission to deter China in the Indo-Pacific, while eliminating the corrosive influence of DEI, CRT, and various other ideological initiatives from the DOD.

Wilson Beaver is Senior Policy Analyst for Defense Budgeting in the Center for National Defense at The Heritage Foundation.

Endnotes

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