

What the Finalized 2021 NDAA Bill Contains

Months of negotiations between House and Senate lawmakers culminated with Congress unveiling its conference report of the FY 2021 National Defense Authorization Act (NDAA) on 3 December 2020. The \$731.6 billion defense bill authorizes everything from pay and benefits for servicemembers and families to the size of the force.

Details on these and other issues are below.

Pay Raises

Congress approved a 3% military pay raise, effective Jan. 1, 2021. The raise matches the administration's request and nearly matches the FY 2020 raise of 3.1%, which was the largest pay increase for servicemembers in 10 years. A 3% increase equates to an annual raise of nearly \$2,400 for an O-3 with 10 years of service. In addition to a general pay increase, Congress increased Hazardous Duty Incentive Pay from \$250 to \$275 month for duty in a foreign area designated as an imminent danger area or high-risk duties.

Medical Billet Cuts and MTF Restructuring

One provision (Section 717) addresses medical billet cuts by prohibiting DoD and the services from reducing medical end strength authorizations for 180 days following enactment of the bill. It also requires DoD to conduct a review of medical manpower requirements that specifically considers the homeland defense mission and DoD's role in a pandemic influenza response, in addition to all other national defense strategy scenarios. The other provision (Section 718) increases requirements for implementation plans for each MTF slated for restructure or realignment. It also requires DoD to certify to the congressional defense committees that a covered beneficiary affected by restructure or realignment of a MTF would have access to health care services through the purchased care component of the TRICARE program. This provision prohibits MTF restructuring from moving forward for 180 days following the date Congress receives the implementation plans and notice of certification or the date of enactment of the FY 2021 NDAA, whichever comes later.

TRICARE

Congress included a provision to expand benefits available under the TRICARE Extended Care Health Option (ECHO) program, which covers services for a subset of military special needs families with individuals who are diagnosed with intellectual disabilities, a serious physical disability, or an extraordinary physical or psychological condition. The provision includes an increase in respite hours from 16 to 32 hours per month, and also requires a Government Accountability Office (GAO) report on caregiving assistance available under other programs, including Medicaid home- and community-based services. The bill includes no new TRICARE fees or copay increases. However, a new TRICARE Select enrollment fee for Group A retirees will go into effect Jan. 1, 2021 – a change that became law with the FY 2017 NDAA. Toxic Exposures Vietnam veterans have a reason to celebrate as three new presumptives were added to the list of illnesses linked to Agent Orange exposure. The change means 34,000 veterans suffering from bladder cancer, hypothyroidism, and Parkinsonism will receive the care and

benefits they deserve. Read more about MOAA's fight to help this provision pass. The bill also requires that Individual Longitudinal Exposure Record (ILER), a collaboration between DoD and the VA to link exposures testing to servicemembers by location and date of service, must be expanded to allow veterans to see their personal records. While ILER's data is limited, this change marks a step in the right direction.

Guard and Reserve

The past year was emblematic of the contributions made by members of the National Guard and Reserve to our nation, as they responded to the pandemic, natural disasters, and civil unrest. A House provision to expand hazardous duty incentive pay parity for the Guard and Reserve was adopted in the final bill. Reserve component personnel who maintain a proficiency will receive monthly pay like their active-duty counterparts receive when fulfilling required proficiencies like parachute duty, aircrew duty, and many others. The Pentagon also has to assure retirement eligibility is not cut for National Guard members and reservists because of drill weekends and annual training was canceled due to the coronavirus pandemic. The NDAA does not create a Space Force Reserve component, but directs the Pentagon to provide Congress with recommendations and a plan to integrate reserve elements.

Commissaries and Exchanges

The Senate adopted House language that seeks an update the business case analysis (BCA) before moving forward with efforts to merge the back-office operations of the commissary and exchange systems. A GAO report found several flaws in the cost and saving estimates made in the initial BCA. Despite these concerns, DoD planned to move forward with the merger. Now, DoD will need to produce a new BCA and get it approved by Congress before moving toward consolidation.

DoD Civilian Jobs and the '180-Day Rule'

The bill would allow for direct hire of certain retired military members (GS-13 and below) in logistics positions that are facing manpower shortages, letting these qualified candidates bypass a rule requiring a 180-day waiting period. And while a MOAA-supported Senate provision that would've expanded direct hire authority for positions that perform support functions for depot-level maintenance and repair did not make the final bill, the conferees noted DoD already possesses extensive direct hire authority for a variety of civilian personnel positions, to include any job involved with DoD maintenance activities and major range and test facilities bases.

Spouse and Family Issues

Military families can expect to see improvements to the Exceptional Family Member Program (EFMP) to ensure continuity of services and standardization across the services. Continuity of education for families with special needs will get a closer look as well by the GAO. MOAA was one of five military family advocates to testify on Capitol Hill to secure improvements carried forward in this legislation. Military spouse employment issues were also addressed in this year's defense bill. The My Career Advancement Account (MyCAA) program will be expanded to include continuing education and national testing. Clarifications for the licensure reimbursement

program are made in the bill to ensure military spouses moving from overseas to stateside can take advantage of the program. Child care improvements are expected to roll out with the passage of the bill, including housing prioritization for Family Child Care (FCC) providers, expansion of 24-hour child care, family discounts at child development centers, a pilot program to provide financial assistance to families utilizing FCC child care, and several reports addressing affordability and availability concerns. DoD also must conduct a feasibility study to implement dependent care flexible spending accounts.

Military Housing

Additional improvements to military housing were included in the NDAA, including repeal of DoD's authority to lease out substandard housing, a requirement for the department to implement recommendations outlined in the DoD Inspector General's report on housing, and language ensuring performance metrics and remediation guidance for housing issues are made public. The bill also will expand the Uniform Code of Basic Standards for housing along with inspection requirements to government-owned military family housing. An audit also will be conducted to track medical conditions of residents in privatized military housing. Finally, DoD now will be expected to take certain military family readiness issues into consideration when making future basing decisions.

Cheryl Lankford Memorial Expansion Assistance

The bill improves assistance for Gold Star families by increasing support offered by Casualty Assistance Officers (CAO). The updates ensure that if a Gold Star spouse dies, their dependents will receive the support of a CAO to advocate for the family, answer questions, log complaints, and assist with the benefits process.

Funding to counter Chinese influence

The bill includes \$2.2 billion for the Pentagon to begin a Pacific Deterrence Initiative in an effort to check growing Chinese military power in the Indo-Pacific region. The new program is modeled after the European Deterrence Initiative that the Defense Department launched in response to Russian aggression in 2014, including its annexation of Crimea from Ukraine. The program will provide funding to jumpstart the initiative this fiscal year. Lawmakers have said they envision an increase in U.S. troops in the region, more training with allies in the Western Pacific and new stockpiles of weapons as part of the effort.

Space Force

The House version of the NDAA directed the Space Force use Navy ranks. Yet the Senate bill contained no such provision. The compromise bill cut the House language and directs the Air Force to make a recommended rank structure for officers and enlisted personnel at least 15 days prior to implementation.

Drawdown from Germany & Afghanistan

The bill also seeks to squash Trump's plan to move some 12,000 troops out of Germany. The plan calls for some to move elsewhere in Europe and others to the United States. The bill halts

the Pentagon from cutting troop numbers below 34,500 in Germany until 120 days after it sends an analysis to Congress on the impacts of a reduction. The NDAA seeks not to fund a reduction of troops in Afghanistan until the Pentagon assesses the impacts a drawdown would have on expanding terrorist safe havens and counterterrorism efforts.

ACFT on an indefinite hold

The bill halts the implementation of the Army Combat Fitness Test (ACFT) until a study is complete to assess the test's impact on recruitment and retention. The study, which has to be conducted by an entity independent of the Pentagon, also has to investigate whether troops in different environments where outdoor activity is hindered are at a disadvantage. The ACFT replaces the decades-old fitness test with more events aimed to gauge a soldier's physical fitness for combat. This includes CrossFit-style exercise events, hand release pushups, and leg tucks. The test retains the timed two-mile run.