

Third Tranche of FY 2021 Legislative Proposals to Congress

Sec # in DoD Proposal	Tiers	Title	Synopsis
312	1	Updating Indemnification of Transferees of Closing Defense Property	This proposal would update and clarify section 330 of the FY 1993 NDAA to address three issues: (1) the duty to defend requirement; (2) funding for indemnification; and (3) cases extending Section 330's requirements to cleanup costs. Since its passage over 25 years ago, DoD has had a limited number of requests for DoD to "defend" a private party identified in subsection (a)(2). DoD, however, is not authorized to represent these private or State parties, and lacks independent litigation authority in accordance with 5 U.S.C. 3106. The President's signing statement for the FY1993 NDAA contained specific statements concerning Section 330's duty to defend, including that "the Secretary of Defense will 'settle or defend' claims in litigation through attorneys provided by the Department of Justice." DOJ conducts all litigation in which DoD has an interest or is a party in accordance with 28 U.S.C. 516 and has determined that it is unable to defend the enumerated entities in Section 330 due to inherent conflicts of interest. For these reasons, DoD is proposing to delete the duty to defend requirement from subsections (a)(1) and (b)(4) in Section 330, as it cannot be practically implemented. The duty to "hold harmless and indemnify in full" remains in Section 330.
512	1	Change to Payment of Certain Reserves While on Duty	This proposal would modify the pay and compensation waiver order provisions of 10 U.S.C. § 12316. Specifically, it would modify the existing priority of payments so that a Reservist of the Army, Navy, Air Force, Marine Corps, or Coast Guard who is entitled to retired or retainer pay and who performs paid reserve duty, would be paid (receive compensation) for their reserve duty unless the reservist elects to waive that compensation to receive the retired or retainer pay. This proposal would also make clear that a Reservist in the circumstances described above may receive either (1) the pension or disability compensation to which they are entitled because of his or her earlier military service; or (2) the pay and allowances authorized by law for the duty the reservist is performing, but not both.
544	2	Selected Reserve Members Participation in Armed Forces Health Professions Scholarship Program	This proposal would allow the Secretaries of the military departments to expand participation in the Armed Forces Health Professions Financial Assistance Programs to members of the Selected Reserve. Currently, chapter 105 of title 10, United States Code, requires participants in the Armed Forces Health Professions Scholarship Programs to fulfill their service obligations on active duty.
545	1	Joint Forces Staff College Name Change	This proposal would amend sections of Title 10, United States Code that include the current title of Joint Forces Staff College (JFSC) to the Joint Forces War College (JFWC). "Staff College" no longer accurately reflects the institution's mission and role within National Defense University (NDU) and the broader Joint Professional Military Education (JPME) community.
552	3	Expansion of Gold Star Lapel Button Eligibility to Stepbrothers and Stepsisters	This proposal would extend and enhance authority for the Secretary of Defense to furnish one gold star lapel button to stepbrothers and stepsisters who may have grown up in the same household as the service member.
563	3	Clarification of Office of Special Needs Policy for Individualized Services Plans	This proposal would clarify that individualized services plans need only be provided to military families with special needs who have requested support, rather than to all families.
607	3	One-Year Extension of Certain Expiring Bonus and Special Pay Authorities	This proposal would extend certain bonus and special pay authorities due to expire December 31, 2019. These authorities allow the uniformed Services to continue to offer bonuses and incentives to individuals joining the uniformed Services and to Service members continuing to serve in critical specialties and hard to fill positions.
701	2	Military Health System Fraud and Abuse Prevention Program	This proposal would create a fraud and abuse prevention program within the MHS

Sec # in DoD Proposal	Tiers	Title	Synopsis
702	3	Granting of Authority for the Secretary to Manage Provider Type Referral and Supervision Requirements Under the Tricare Program	This proposal would increase Department of Defense flexibility in determining which provider types under the TRICARE Program may diagnose or assess a mental or physical illness, injury, or bodily malfunction, and, by extension, the extent to which referrals and supervision are required for these provider types.
703	3	Expansion of Eligibility for Hearing Aids for Pediatric Dependents	This proposal would add coverage of hearing aids for dependents 18 years old or younger for all beneficiary categories.
704	3	Removal of Christian Science Providers as Authorized Providers Under the Tricare Program	The proposed legislation would remove the Christian Science practitioner services exception from meeting statutory and regulatory medical necessity requirements.
705	3	Extension of the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Project	This proposal would amend the demonstration project authority to permit revisions to the original executive agreement that are appropriate for continuing joint VA-DoD operation of the FHCC.
706	3	Appointment of Council of Directors of the Henry M. Jackson Foundation for the Advancement of Military Medicine	This proposal would resolve constitutional defects in the current provisions of law governing appointment of members of the Council of Directors of the Henry M. Jackson Foundation for the Advancement of Military Medicine.
707	3	Extension of Health Care Professionals: Enhanced Appointment and Compensation Authority for Personnel for Care and Treatment of Wounded and Injured Members of the Armed Forces	This proposal would remove the “sunset” date of December 31, 2020 from the current statute, thus allowing the DoD to use this authority without the need to request periodic extensions. Section 1599c of title 10, U.S.C., provides that the Secretary of Defense may designate any category of healthcare occupations within DoD as shortage category positions or critical need occupations and utilize the authorities in section 3304 of title 5, U.S.C., to recruit and appoint qualified persons directly to these designated positions. Currently this authority is set to expire December 31, 2020.
708	3	Endowments at the Uniformed Services University of the Health Sciences	This proposal allows USUHS, to pursue medical research, medical consultation, and medical education impacting care provided throughout the Military Health System in a manner that is comparable with fully accredited schools of the health professions.
709	3	Authority to Plan, Design, and Construct, or Lease, Shared Medical Facilities With Department of Veterans Affairs	This proposal would extend the collaborative relationship between the Department of Defense and Department of Veterans Affairs beyond the sharing of existing health care resources and permit proactive, joint planning and capital investment in shared medical facilities
710	1	Repeal of Requirements to Establish Defense Health Agency Research and Development, to Establish Defense Health Agency Public Health, and to Designate Defense Health Agency as a Combat Support Agency	This legislative proposal would repeal the requirement for the Secretary of Defense, acting through the Director of the Defense Health Agency, to: 1) establish a subordinate organization comprised of the Army Medical Research and Materiel Command (MRMC) and other medical research organizations and activities to be called the Defense Health Agency Research and Development; 2) establish a subordinate organization comprised of the Army Public Health Command, the Navy-Marine Corps Public Health Command, Air Force public health programs, and other related defense health activities to be called the Defense Health Agency Public Health; and 3) designate the Defense Health Agency (DHA) as a Combat Support Agency. This proposal does not affect continuing with the designation for creating the Center of Excellence for Joint Biomedical Research, Development, and Acquisition Management.
711	3	Exclusion of Active Duty Status for Required Medical Evaluation and Care From the Five-Year Service Limitation Established in the Uniformed Services Employment and Reemployment Rights Act	This proposal is a change to current law to exclude an additional statutory authority from the five-year cumulative absence limitation established in Chapter 43 of Title 38, U.S.C., otherwise known as the Uniform Services Employment and Reemployment Rights Act (USERRA). These periods of active duty service are required to evaluate and provide required medical care for Reserve Component Service members injured while on military status. This legislation would apply to all Services and any member of a Reserve Component called to active duty under this authority.

Sec # in DoD Proposal	Tiers	Title	Synopsis
712	3	Appointment of Board of Directors of the Uniformed Services University of the Health Sciences	This proposal would add director, DHA, to the USUHS Board of Regents as a non-voting advisor.
821	2	Authority to Acquire and Dispose of Materials for the National Defense Stockpile	This proposal would authorize acquisition of certain materials for the National Defense Stockpile (NDS) under the Strategic and Critical Materials Stock Piling Act (Act).
Title IX Subtitle D	1	United States Space Force technical and conforming amendments	This proposal provides technical and conforming amendments to fully integrate the United States Space Force into existing law.
1022	1	Modification of Availability of Appropriations for Ship Overhaul, Modernization, Maintenance, and Repair	This proposal would amend 10 U.S.C. 8683 by inserting “modernization, maintenance, and repair” into the title to clarify that the statute applies to the full range of ship work efforts during a ship availability consistent with the range of efforts identified in the body of the statute, which include overhaul, modernization, maintenance, and repair.
1023	1	Limitation on Length of Overseas Forward Deployment of Naval Vessels	This legislative proposal clarifies that the 10-year rule on ships “forward deployed” overseas applies only to the naval vessels specified in this subsection and permits SECNAV to use the existing statutory waiver process for ships that were “forward deployed” overseas for more than 10 years.
1047	1	Submission to Congress of Future-Years Defense Program	This proposal would remove the statutory requirement to submit an unclassified Future-Years Defense Program (FYDP) to Congress, the Congressional Budget Office, the Comptroller General of the United States, and the Congressional Research Service. It would also remove the requirement to certify the accuracy of the input to the FYDP. The proposal would retain delivery of a classified FYDP to Congress and other offices.
1061	2	Nondisclosure of certain sensitive military information	This proposal would amend section 130e of title 10, United States Code (U.S.C.), to authorize the Department of Defense to withhold sensitive, but unclassified, military tactics, techniques, or procedures, and military rules of engagement, from release to the public under section 552 of title 5, U.S.C. (known as the Freedom of Information Act (FOIA)), if public disclosure could reasonably be expected to provide an operational military advantage to an adversary.
1062	1	Termination of the Lake Eufaula Advisory Committee	This proposal concludes the termination of the Lake Eufaula Advisory Committee authorized under section 3133 of the Water Resources Development Act of 2007.
1063	1	Repeal of the Missouri River Task Force - North Dakota	This proposal would repeal the language authorizing the Missouri River (North Dakota) Task Force, authorized under section 705 of the Water Resources Development Act of 2000 (Public Law 106-541).
1064	1	Repeal of the Missouri River Task Force - South Dakota	This proposal would repeal the language authorizing the Missouri River (South Dakota) Task Force, authorized under section 905 of the Water Resources Development Act of 2000 (Public Law 106-541).
1104	2	Placement on the Executive Schedule for the Department of Defense Directors of the National Security Agency and the National Reconnaissance Office	This proposal would amend section 5315 of title 5, United States Code, to establish two Directors of Department of Defense elements of the Intelligence Community and one Director of a Department of Defense agency at Level IV of the Executive Schedule. This level of pay would be consistent with the stature and responsibilities of these positions.
1204	2	Mission Training Through Distributed Simulation	This proposal would amend section 346 of title 10, United States Code, to authorize the Secretary of Defense to utilize mission training through distributed simulation activities in military training with friendly foreign forces.
1205	1	Inter-European Air Forces Academy	This proposal would authorize the Secretary of the Air Force and combatant commanders to provide military education and training in the EUCOM area of responsibility at the Inter-European Air Forces Academy to additional partner nations when schoolhouse capacity permits.
1211	1	Afghanistan Security Forces Fund	This proposal would authorize \$4,015,612,000 for the Afghanistan Security Forces Fund (ASFF) for fiscal year (FY) 2021 and continue certain established provisions applicable to the ASFF. This proposal would also expand the group of eligible recipients of ASFF funds to include all of the security forces of Afghanistan.

Sec # in DoD Proposal	Tiers	Title	Synopsis
1231	1	Authority to Enter Into Patient Movement Agreements With Allies	This proposal would authorize DoD, in consultation with the State Department, to enter into bilateral or multilateral agreements with certain allies that would permit the exchange of patient movement personnel and equipment, enabling allied personnel to perform duties on U.S. aircraft, and U.S. personnel to do the same on allied aircraft.
1232	1	Extension of Authority on Training for Eastern European National Security Forces in the Course of Multilateral Exercises	This proposal would extend the authority under section 1251 of the FY 2016 NDAA from December 31, 2020, to December 31, 2023, to enable USEUCOM to continue to train Eastern European forces.
1233	1	Authority to Establish a Movement Coordination Center Pacific in the Indo-Pacific Region	This proposal would authorize the establishment of a Movement Coordination Center Pacific similar to the Movement Coordination Center Europe. The MCC-P would aim to synchronize lift capabilities of partner nations to expand the overall reach capacity of mobility operations.
1621	1	Authority to Use Operation and Maintenance Funds for Cyber Operations-Peculiar Capability Development Projects	This proposal would allow the Secretaries of military departments to use money appropriated for Operation and Maintenance (O&M) to develop cyber operations-peculiar capabilities up to \$3,000,000. The Department of Defense could use its O&M funds for rapid creation, testing, fielding, and operation of cyber capabilities that would be developed and used within the one-year appropriation period.
1651	1	Improved Protection of Certain Facilities and Assets from Unmanned Aircraft Threats	This proposal would expand DoD domestic counter-UAS authority by: (1) granting SD authority to designate temporary covered facilities/assets; (2) adding additional covered facilities/assets; and (3) repealing the sunset clause.
2804	1	Interagency Coordination Group of Inspectors General for Guam Realignment	This proposal would modify a reporting of Guam oversight from an annual to a biennial basis.
2805	3	Authorized Cost Variations for Unspecified Minor Military Construction	This proposal would provide authority for unforeseen cost increases on unspecified minor military construction projects similar to what is already provided for major military construction projects per 10 U.S.C. 2853. This proposal extends these location-based adjustments to UMMC thresholds to locations outside the United States, and extends the current sunset date for this provision from 2022 to 2024.