



May 26, 2020

The Honorable James Inhofe
Chairman
Senate Committee on Armed Services
Washington, DC 20510

Dear Chairman James Inhofe:

As you continue working to draft the FY2021 National Defense Authorization Act (NDAA), I would like to highlight some key policy recommendations that our sister organization The Heritage Foundation has identified as being paramount to ensuring military readiness and a strong national defense. These recommendations are based on the work of policy experts from The Heritage Foundation and we hope to work with you to support these recommendations amid ongoing NDAA discussions.

Heritage Action's top priorities for the FY2021 NDAA:

Improve our nation's missile defense capabilities with the Integrated Air and Missile Defense Battle Command System (IBCS). ([Heritage Link](#)): *There will always be more assets we want to defend than missile defenses available. The real question, then, is how to achieve more with less.*

The answer lies in increasing distributed missile defense operations. The Army's new command and control network for missile defense, the Integrated Air and Missile Defense Battle Command System (IBCS), will serve as a necessary step to achieving this solution. Scheduled for initial use in 2022, IBCS will link all missile defense sensors and interceptors to one fire control center, as opposed to today's more stove-piped approach in which each unit independently operates its co-located sensor and launcher. By permitting air and missile defenses to function as a joint kill web, rather than a linear kill chain, IBCS will be able to determine the best shooter to take down an incoming missile.

Such integration permits a commander to disperse each missile defense system's various sensors, shooter, and fire control elements without loss of capability. For example, instead of having to move an entire Patriot battery or battalion from place to place within a region, a regional commander can separate launchers or sensors from the battery and distribute them

more freely. Such flexibility expands the defended area, introduces doubt about where defenses are located, and further complicates an adversary's decision-making.

Invest in a space sensor layer, currently called the Hypersonic and Ballistic Tracking Space Sensor (HBTSS) program, to address the future needs of U.S. missile defense systems. [\(Heritage Link\)](#): *A space sensor layer, currently called the Hypersonic and Ballistic Tracking Space Sensor (HBTSS) program under the Missile Defense Agency (MDA), would consist of a proliferated constellation of sensing satellites in low Earth orbit that can detect and track the flight of hypersonic vehicles, which fly too low to the ground to be detected by existing sensor architecture.*

Despite the significance in both the National Defense Strategy and the Missile Defense Review of addressing emerging capabilities such as hypersonics, the budget has not prioritized the HBTSS program. In fiscal years 2019 and 2020, the HBTSS was excluded from the budget request, but was first on the MDA's Unfunded Priorities List. Therefore, Congress provided \$73 million in FY 2019 and \$108 million in FY 2020. Also in FY 2020, the Administration tried to assign the HBTSS to the nascent Space Development Agency (SDA), but Congress assigned primary responsibility of the HBTSS program to the MDA.

The FY 2021 budget request includes \$99.6 million for the SDA to develop a hypersonic tracking layer, which is not enough money for a program still in its RDT&E phase if the Pentagon intends to have an initial space layer operational by FY 2022. Regardless of the agency ultimately responsible for the program, funding for the HBTSS needs to increase—not decrease—in FY 2021 to move forward quickly with the development and demonstration of the hypersonic tracking layer in low Earth orbit.

Explore the idea of selling bunker bombs to Israel to boost deterrence against Iran. [\(Heritage Link\)](#): *Israel's air force could potentially benefit from acquiring the GBU-57 Massive Ordnance Penetrator (MOP), a U.S. Air Force precision-guided 30,000-pound bomb designed to pulverize deeply buried hard targets. MOPs have continually been improved, but by 2010 were capable of penetrating approximately 125 feet of moderately hard rock (or up to 200 feet of reinforced concrete), before detonating and generating an intense seismic shock wave to pulverize hardened underground targets. MOPs would give Israel options to destroy Fordow and other hardened underground sites that it currently lacks.*

Washington must defeat Iran's strategy and restore deterrence to dissuade Tehran from its present course and force a return to nuclear negotiations. Tehran may doubt that the U.S. would attack Fordow, particularly if a Democrat opposed to Trump's hardline policy is elected President in 2020.

But Iran is unlikely to doubt Israel's willingness to strike. MOPs would strengthen Israel's military capabilities, enhance deterrence of Iran, and encourage a negotiated resolution of the nuclear

issue. Giving Israel MOPs would serve notice on Iran that its nuclear weapons program will be ended—one way or another.

Fully fund the President’s budget request for modernization of U.S. nuclear delivery platforms and the nuclear weapons complex. (Heritage recommendation 25): *U.S. nuclear delivery platforms are old and need to be replaced without further delay in order to avoid gaps in the U.S. strategic deterrent as the threat to the United States becomes increasingly complex. Congress must fully fund the Ground-Based Strategic Deterrent (GBSD), the B-21 bomber, the Long-Range Standoff Weapon, and the Columbia-class submarine. These programs have been supported by the previous two Administrations and thoroughly evaluated; dilatory maneuvers, which often take the form of mandates for additional studies, must be rejected.*

Additionally, even though Northrop Grumman is the only competitive entrant for the GBSD program, Congress must move forward in order to field GBSD before Minuteman III missiles obsolesce. Congress must also appropriate the full budget request for the National Nuclear Security Administration so that it can move forward with its long-term challenge of life-extending or modifying warheads for the new delivery platforms and producing plutonium pits to replace those in aging weapons.

Maintain the Administration’s carefully nuanced policy on military service by transgender individuals. (Heritage recommendation 61): *In 2018, the Administration announced a new policy regarding military service by transgender individuals. The policy allows service by transgender individuals who do not have a diagnosis of gender dysphoria (a medical condition marked by a distinct incongruence between one’s assigned gender and one’s expressed gender causing the individual significant distress or problems functioning).*

This new policy took a much more flexible approach than decades of prior policy, which categorically prohibited military service by transgender individuals. After considerable study however, the DOD found extensive evidence to support the conclusion that transgender individuals diagnosed with gender dysphoria are plagued by “high rates of mental health conditions such as anxiety, depression, and substance abuse disorders.”

Rates of suicide attempts and severe anxiety among this group are approximately 10 times the rate for individuals not diagnosed with gender dysphoria. Allowing individuals with such a medical condition to join the military would be inconsistent with long-standing DOD policy to prohibit service by individuals with pre-existing medical conditions that could either put them at increased risk or jeopardize the readiness of their military units.

Opponents of the 2018 policy are attempting to paint the policy as discriminatory and biased, because, unlike the Obama Administration’s policy, it does not allow transgender individuals who have been diagnosed with gender dysphoria to serve. The 2018 policy is neither discriminatory nor biased. It is a nuanced, science-based, and consistent with most prior policy, which prohibits service by individuals suffering from pre-existing medical conditions requiring

special treatment or consideration. At the same time, the policy allows service by transgender individuals not suffering from gender dysphoria, thus allowing the military to recruit from the broadest possible population within the United States. Congress should therefore not alter the DOD's current policy.

Increase funding for accelerated procurement of Virginia-class nuclear-powered attack submarines. [\(Heritage recommendation 8\)](#): *The Navy's requirement for attack submarines is 66, yet the current fleet only has 51 attack submarines. Congress should add one Virginia-class submarine from the Navy's unfunded priority list to the FY 2021 request. The Navy would then procure two Virginia-class SSNs in FY 2021 and two SSNs each year until the completion of the program.*

Give the Secretary of Defense the authority to transfer military and civilian personnel, equipment, and facilities from the Army, Navy, and Marine Corps to the Space Force. [\(Heritage recommendation 24\)](#): *The NDAA for FY 2020 only authorized the transfer of Air Force personnel and assets to the Space Force. Excluding personnel and assets from the other services has given the Secretary of the Air Force time to focus on building a strong organizational foundation by using personnel and assets from that department alone. To expand the new service to its full complement and capability in FY 2021, Congress should give the Secretary of Defense the authority to transfer personnel and assets to the Space Force from all three services, not just one.*

This authority will allow the Secretary of Defense to reduce bureaucracy, streamline the U.S. space enterprise across the Defense Department, and give the Chief of Space Operations the ability to organize, train, and equip the preponderance of U.S. military space assets, fulfilling the stated purpose for establishing the new service.

Reform Congress's Defense Department reporting requirements. [\(Heritage recommendation 74\)](#): *Congress should establish sunset clauses for all reporting requirements. While congressionally mandated reports can be valuable, many of the current reports that the DOD sends to Congress have lost meaning or relevance. Congress should require the DOD to holistically list and outline every report that the DOD is currently required to produce, with a DOD recommendation of whether it should continue. Congress should deliberately terminate any reports that it has determined no longer add value. Congress should further include a sunset date for every new report that it requests.*

Many congressionally mandated reports are dispersed through Capitol Hill offices without a contemporary solution for its distribution, access, and storage. Some offices digitize the reports, some offices keep physical copies in file cabinets. There is no centralized method of access for all congressional staff. Congress should create a centralized repository of these reports at the Library of Congress that is accessible to all congressional staffers. Ideally, there should be a public version, a version that is solely accessible to congressional staffers, and a classified version, all three of which should be at the Library of Congress.

Finally, congressionally mandated reports are often late and lack a point of contact for follow-up questions. Congress should require the Pentagon to provide comprehensive situational awareness of all reports, their status, and a point of contact for follow-up questions.

Fully fund the Columbia-class ballistic missile submarine program. ([Heritage recommendation 9](#)): *Building the Columbia-class ballistic missile submarines are the Navy's, arguably the nation's, top-priority defense priority. When complete, these 12 submarines will "carry a staggering 70 percent of the country's nuclear arsenal." The Navy intends to procure the first boat in FY 2021 and Congress should ensure that this happens.*

Resist attempts to scale back the deployment of the W76-2 warheads on the Trident II missile. ([Heritage recommendation 27](#)): *Congress authorized and appropriated funding for the Navy to complete its deployment of the W76-2 warhead on its Trident II sea-launched ballistic missile (SLBM) in FY 2019 and FY 2020. As numerous senior military leaders have testified, the deployment of this low-yield warhead fills a crucial gap in U.S. deterrence against Russia by providing a credible, proportionate response to the Russian threat to strike first with a low-yield weapon in order to "escalate to de-escalate," or "escalate to win." Any attempts by opponents of this program to undo the deployment of the W76-2 warhead would not only result in a costly undertaking, but would also be extremely disruptive to the Navy's nuclear deterrence mission.*

Congress should establish education savings accounts (ESAs) for children from military families ([Heritage recommendation 62](#)): *Military families' dissatisfaction with education options is a major impediment to retaining a strong military force. To the frustration of many military parents, most military children are required to enroll in whichever public school is closest to the military base, regardless of whether that school is a good fit. More than one-third of families responding to a Military Times survey reported that "dissatisfaction with their child's education was a significant factor in their decision to remain in or leave military service."*

Congress could also consider piloting a military ESA program on military bases in states where the DOD does not already operate schools. Currently, the DOD operates department-affiliated schools on just 15 of more than 200 military bases in the contiguous United States.

Giving all families who serve school choice would ensure that their children do not face mandatory assignment to the nearest district school. Providing military parents with ESAs would allow them to find education options that are the right fit for their children, wherever their next assignment takes them. Indeed, ESAs have garnered support from 75 percent of active-duty military families. ESAs can improve education options for military children since they meet the unique needs of military families. Military ESAs give parents the ability to make the best education choices for their children.

Sincerely,

Jessica Anderson
Executive Director
Heritage Action for America

CC: The Honorable Roger Wicker
The Honorable Deb Fischer
The Honorable Tom Cotton
The Honorable Mike Rounds
The Honorable Joni Ernst
The Honorable Thom Tillis
The Honorable Dan Sullivan
The Honorable David Perdue
The Honorable Kevin Cramer
The Honorable Martha McSally
The Honorable Rick Scott
The Honorable Marsha Blackburn
The Honorable Josh Hawley