



OUR SECURE FUTURE

Women Make the Difference

# Policy Brief - Winter 2022

## Inclusion of Women in the NDAA FY22 (P.L. 117-81)

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This is a brief summary of specific references to the inclusion of women in the National Defense Authorization Act for FY 2022 (NDAA, P.L. 117-81). The NDAA emphasizes attention to sexual and gender based violence in the U.S. military and creates a pilot program to assess barriers to women's participation in partner nation defense and security forces based on the WPS Act.

## Overview

On December 27, 2021, President Biden signed the National Defense Authorization Act for FY 2022 into law. The FY22 NDAA authorizes policy provisions and programs of some \$740 billion for the Department of Defense (about \$25 billion above the President's Budget Request for DoD), \$27.8 billion for military-related programs of the Department of Energy and \$378 million for other defense activities. On the appropriations side, which is expected to set the actual money amounts in a separate defense spending bill by providing specific budget authority to the executive branch to actually obligate funds, the Defense Department Appropriation bills are currently still pending in Congress. The current funding is provided under a continuing funding contained in the Further Extending Government Funding Act (P.L. 117-70), further extended to March 11, 2022 by the Further Additional Extending Government Funding Act (P.L. 117-86). Military commanders testified on January 12, 2022 on Capitol Hill regarding the detrimental planning impact temporary Continuing Resolutions (CRs) have on military planning compared to funding provided in a regular appropriations bill.

The Department of Defense does not have a budget for WPS.  
Funding is Congressionally set aside as a result of WPS advocacy.

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## Specific language referencing the inclusion of women and WPS

The NDAA for FY22 is making some important changes to the inclusion of women in the armed forces and the implementation of the [Women, Peace and Security Act](#) (P.L. 115-68):

### Requires Congressional briefing

Sec. 539G requires the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives on the status of implementation of the recommendations set forth in the report of the [Independent Review Commission on Sexual Assault in the Military](#). Recommendation 3.4 specifically relates to WPS to ensure that there is an internal focus on preventing sexual harm and gender-based violence across the force including: Elevate and standardize the gender advisor workforce; Use qualitative data as part of indicators for Defense Objective One of the WPS Strategic Framework; Integrate a gender analysis into the military's planning & operational frameworks; Review and revise Professional Military Education (PME) and DoD schoolhouse curricula to mainstream WPS priorities; Congress should support DoD's inclusion of Personnel & Readiness in WPS implementation and codify in legislation.

### Improves prosecution

The law includes significant changes to how sexual harassment and assault are prosecuted within the U.S. military.

Along with designating sexual harassment as a separate offense, the NDAA changed how sexual harassment complaints are handled within the military. Military commanders now must forward complaints of sexual harassment to independent investigators. Commanders have also been removed from "decisions related to the prosecution of covered crimes," which include rape, sexual assault, murder and manslaughter. Those decisions will instead be moved to an Office of the Special Trial Counsel that will be created in each service, the NDAA states. On January 26, 2022, [President Biden signed an Executive Order](#) to amend the Uniform Code of Military Justice to implement those NDAA provisions.

### Establishes WPS pilot program

Sec. 1334 establishes a pilot program to support the implementation of the Women, Peace, and Security Act of 2017, conducted by the Secretary of Defense in consultation with the Secretary of State. This program will require partner country assessments, conducted in collaboration with relevant NGO partners and research institutions. The Secretary of Defense is required to select one partner country within each geographic combatant command for participation in the pilot program, after consulting with the commanders of the combatant commands and relevant United States ambassadors.

The findings from each partner country assessment will inform future US WPS security cooperation activities and security sector assistance interventions, which shall be designed to substantially increase opportunities for the recruitment, employment, development, retention, deployment, and promotion of women in the national security forces of such partner country.

## **Requires Afghanistan study**

Sec. 1323 requires a study of US Security Cooperation Programs focused on Afghanistan, which among others, will “assess the effectiveness of the Department of Defense in promoting the rights of women, including incorporating a gender perspective in security cooperation programs, in accordance with the Women, Peace and Security Strategic Framework and Implementation Plan issued by the Department of Defense in June 2020 and the Women, Peace, and Security Act of 2017 (Public Law 115–68).”

## **Requires DEI data collection**

Sec. 573 requires the collection of data regarding diversity and inclusion at military service academies, officer candidate and training schools, and the senior reserve officers’ training corps, including the “number of graduates of the Senior Reserve Officers’ Training Corps during the fiscal year covered by the report, disaggregated by gender, race, and ethnicity, for each military department.”

## **Authorizes professional development**

Sec. 5405 authorizes the Secretary of Defense to expand professional development opportunities, including studying “how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories,” and “actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.”

# Gender perspectives improve security outcomes



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