

## INCHING IN THE RIGHT DIRECTION: THE GOOD, THE BAD, AND THE UGLY IN THE NDAA

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Earlier this week, Congress passed the annual National Defense Authorization Act (NDAA) — one of the few pieces of regular legislation Congress manages to advance these days. Weighing in at 3,086 pages, this hulking legislation covers everything from the personnel strength of each of the armed services to the safety and security of America's nuclear arsenal to environmental regulations at military bases and much else besides.

It's important to note that while this bill *authorizes* funding for the military — salaries for service members, money for weapons programs, and the like — it does not actually *appropriate* it. Instead, the NDAA sets defense policy priorities and parameters, as well as providing a sense of where Congress stands on important national security questions. And as one of the few regular legislative vehicles able to get through Congress these days, the NDAA also tends to accumulate amendments unrelated to defense or national security policy.

As with any significantly detailed and dense piece of legislation, the NDAA contains its fair share of good, bad, and just plain ugly provisions and proposals — and the 2026 edition is no different. Whatever its weaknesses, however, this NDAA makes plain that Congress sees the world very differently than the Trump White House.

Where the Trump administration's recent National Security Strategy called for an effective withdrawal from Europe and the Pacific, abandoning American allies to the designs of Russia and China, the NDAA remains steadfast in America's commitment to our allies in these parts of the world. It repeatedly calls out Russian aggression and argues for strengthening the NATO alliance as well as America's alliances with Japan, South Korea, and other nations in the Pacific. It's clear, moreover, that many members of Congress of both parties remain sympathetic to Ukraine and seek to draw redlines to prevent the Trump administration from imposing a false peace deal on Kyiv.

At the same time, however, divisions in Congress remain sharp and limit its ability to make good on its intentions. Prohibitions against withdrawals from alliances come with mere reporting and certification requirements susceptible to abuse by bad-faith actors in the Trump administration, who could easily abuse them, while aid to Ukraine has become more symbolic than substantive and meaningful for a nation at war. Though

less robust than it might be on these critical issues, the NDAA does nonetheless show a Congress at odds with the Trump administration on questions of foreign policy, defense, and national security.

It's worth taking a closer look at what the NDAA says about America's overall defense policy as well, from key weapons programs to space policy to efforts to rebuild the nation's defense industry.

## WEAPONS PROGRAMS

- **The Good:**

- **Protects E-7 Wedgetail:** The NDAA prohibits the Department of Defense from spending any funds to shut down the E-7A Wedgetail airborne early warning program, as [earlier mooted](#) by the Hegseth Pentagon. Indeed, the bill authorizes an additional \$647 million for the program above and beyond the Trump administration's request — meaning the U.S. military will not have to rely on less capable airborne early warning platforms or hypothetical space-based ones to replace the current E-3 Sentry airborne radar system. (Sec. 163, Sec. 4201)
- **A roadmap for the Next Generation Air Dominance fighter:** At the same time the NDAA approves full funding for the Air Force's Next Generation Air Dominance fighter — aka the F-47 — it also requires the Air Force to submit a report to relevant Congressional committees detailing, among other things, the program's "system requirements, employment concepts, and projected costs, schedule, and funding requirements" from fiscal year 2028 to fiscal year 2034. Given that Congress has authorized more than \$2.5 billion for this program and the difficulties the previous generation of Air Force fighters (the F-22 and F-35) faced in development, requiring such a report is only prudent (Sec. 153, Sec. 4201).
- **More money for multiyear contracts for critical munitions:** The NDAA authorizes multiyear contracts for a wide range of critical munitions, ranging from SM-3/6, Patriot, and THAAD air defense interceptors to Tomahawk cruise missiles and Long Range Anti-Ship Missiles. It also provides for sustained or increased funding for procurement, with Patriot funding, for instance, authorized by \$1.2 billion above the administration's request. By enabling five-year contracts, the NDAA allows companies to invest in scaling production with greater confidence. (Sec. 804, Sec. 4101)
- **Increased funding for submarine construction and shipbuilding:** The *Columbia*-class ballistic missile submarine and *Virginia*-class attack submarine programs receive an additional \$700 million and \$1.9 billion, respectively, in the NDAA, allowing the Navy to begin the process of building additional submarines with greater urgency. It also authorizes an additional \$450 million for advanced procurement of *Arleigh Burke*-class

destroyers and maintenance of the “Large Surface Combatant Shipyard Infrastructure and Industrial Base.” (Sec. 4101)

- **Reporting and restrictions on “Golden Dome”:** The NDAA also requires the Trump administration to send a report detailing the scope, cost, and timeline of its “Golden Dome” missile defense proposal, holding travel and other funding hostage until the Pentagon produces a report from the independent Institute of Defense Analysis (IDA) on space-based missile defense as required by the 2024 NDAA. This year’s authorization also requires quarterly progress reports on the development of this system and prohibits the Pentagon from using “privatized or subscription-based missile defense intercept capabilities,” as a consortium comprised of SpaceX, Andruil, and Palantir [reportedly proposed](#) earlier this year. In general, however, the blackline addition of Golden Dome to the mission of the Department of Defense is premature. (Sec. 1651-2, 1654)

- **The Well-Intentioned:**

- **Continued micromanagement of A-10 retirement:** While Congress has finally acceded to the Air Force’s continued requests to retire the outmoded A-10 attack jet, it continues to micromanage the retirement process down to the retirement date of each individual airframe. The NDAA’s discussion of A-10 retirement does reflect some legitimate concerns, such as the fate of units that now fly the aircraft. These concerns notwithstanding, however, Congress has accepted that the A-10 will be retired and should allow the Air Force to proceed without legislative micromanagement. (Sec. 147)

- **The Bad:**

- **Minimal funding for F/A-XX:** The NDAA authorizes the [bare minimum](#) of funding for the Navy’s next-generation strike fighter program, known as the F/A-XX. The Hegseth Pentagon opposes the development of this fighter over professed but so far unsubstantiated concerns that the U.S. defense industry cannot manage both the F/A-XX and NGAD programs at the same time. There is no reason to make such a pessimistic assumption, however, and development of the F/A-XX should proceed accordingly. (Sec. 4201)
- **Cancellation of the *Constellation*-class frigate:** The NDAA zeroes out funding for frigate development, effectively accepting the Department of the Navy’s decision to terminate construction of the *Constellation*-class guided missile frigate at just two examples. Instead, the Navy will look to procure a new frigate design based on the Coast Guard’s National Security Cutter — though it remains unclear how scrapping an existing shipbuilding program to embark upon a new one will deliver ships by the Navy’s own 2028 deadline, particularly if it suffers from the same design challenges faced by the *Constellation*-class. (Sec. 4201)

- **Support for a new, unnecessary nuclear cruise missile:** Congress restored funding for a new sea-launched nuclear-capable cruise missile (SLCM-N) in the NDAA, though it remains far from clear why the United States needs such a missile to maintain its strategic nuclear deterrent. The Navy has not deployed nuclear-capable cruise missiles since 1991, and new infrastructure, procedures, and training would be required to field a new nuclear-capable cruise missile — time and money that would be better spent updating and reinforcing America’s existing nuclear deterrent. (Sec. 1633, Sec. 4201)

## ALLIES AND PARTNERS

- **The Good:**

- **Prohibits withdrawal of American troops from Europe:** Per the NDAA, the Trump administration cannot reduce American forces in Europe below an overall level of 76,000 troops without consultations with NATO and a thorough analysis of the cost and impact of the drawdown certified by the Secretary of Defense. (For comparison purposes, in 2021, before Russia invaded Ukraine, there were an estimated 60,000 U.S. troops in Europe. By 2024, the number had risen to 80,000.) Nor can the Pentagon “divest, redeploy, withdraw, or otherwise permanently move out of” Europe any equipment or physical property, or relinquish the post of Supreme Allied Commander, Europe, as the Trump administration has floated on several occasions. (Sec. 1249)
- **Keeps the Baltic Security Initiative alive:** Launched by Congress in 2020, the Baltic Security Initiative aims to boost the defense capabilities of NATO members Estonia, Latvia, and Lithuania—three small nations bordering Russia, vulnerable to Moscow’s revanchist ambitions. The threat to the Baltics has escalated significantly since Russia invaded Ukraine in 2022: increased sabotage, cyberattacks, weaponized migration, information warfare, surveillance of NATO military assets, and airspace incursions by Russian fighter jets. The Trump administration attempted to cut off funding for the Baltic Security Initiative in September, and the NDAA restores it, though at a lower level than was authorized in 2025. (Sec. 1247)
- **Extends and establishes various Indo-Pacific security initiatives:** Beyond extending the life of the Pacific Deterrence Initiative to fiscal year 2028, the NDAA also creates a Partnership for Indo-Pacific Industrial Resilience meant to “strengthen cooperation among the defense industrial bases of the United States and allied and partner countries in the Indo-Pacific region and other countries supporting Indo-Pacific defense industrial resilience.” It singles out at least six existing Pacific allies and partners — Australia, Japan, South Korea, India, the Philippines, and New Zealand — for invitations to participate in the initiative, with the potential

inclusion of additional participants. In addition, the NDAA also requires the Pentagon to “develop and implement a strategy to strengthen multilateral defense against regional aggression in the Indo-Pacific region by expanding multilateral coordination with United States allies and partners in the region.” (Sec. 1251, 1253-4)

- **Prohibits withdrawal from South Korea:** The NDAA prevents the Trump administration from using any funds appropriated by Congress to either reduce the number of American troops deployed in South Korea below 28,500 or deviate from existing plans to shift command responsibilities from the U.S. military to the Korean military. These prohibitions are relatively weak, however, requiring only a certification and analysis from the Secretary of Defense that such moves will not harm American interests or national security. (Sec. 1268)

## UKRAINE AND RUSSIA

- **The Good:**

- **Prohibits recognition of Russian sovereignty over Ukrainian territory:** Among the strongest and most significant sections of this year’s NDAA is a provision of the 2023 bill that prohibited the use of U.S. funding to acknowledge Russian sovereignty over the internationally recognized territory of Ukraine. The explicit intent: to prevent America from accepting or endorsing Moscow’s illegal 2014 annexation of Crimea and its occupation, over a period of more than a decade, of some 20% of Ukrainian territory, including the long-contested Donbas region. Several of the Trump administration’s recent peace proposals would run afoul of this provision unless the Secretary of Defense can somehow show that recognition of Russian sovereignty is in the national security interest of the United States. (Sec. 1242)
- **Creates guardrails against requisitioning equipment earmarked for Ukraine:** In addition, the NDAA seeks to prevent the Department of Defense from “accepting back into stock” weaponry and ammunition procured for Ukraine. This has happened several times since Donald Trump returned to the White House: the administration has paused the flow of matériel authorized by Congress and, on one occasion, canceled already scheduled cargo flights. The NDAA aims to prevent this from happening again by stipulating that the U.S. can reaccept weapons and ammunition only if they are no longer needed in Ukraine or are “urgently” needed by the United States, and the department must replace any equipment requisitioned in this way within 30 days. (Sec. 1243)
- **Requires extensive annual reporting on Russian military activity and aggression:** In sharp contrast to the Trump administration’s Kremlin-friendly National Security Strategy, the NDAA includes extensive requirements for assessing what it explicitly calls the Russian “threat.” The

legislation mandates that the Department of Defense report annually on Russian military activities, defense production, nuclear capabilities, and cooperation with China and North Korea. Though the bill also requires the U.S. to monitor Russian aggression around the globe, including in Asia, Africa, and Latin America, it devotes special attention to the European theater, calling for annual reporting on Russia's military threat to NATO, its hybrid warfare activity in Europe, its force posture in the Baltic and Black Seas, lessons learned from the war in Ukraine, and the effect of U.S. sanctions. (Sec. 1241)

- **Authorizes U.S. help for efforts to secure the release of abducted Ukrainian children:** The NDAA enthusiastically encourages broad bipartisan efforts to help Ukraine secure the return of the more than 35,000 children abducted by Russia since the 2022 invasion, authorizing funds to train and equip Ukrainian government agencies and nonprofit organizations working to secure the release and reintegration of kidnapped children and teenagers. The administration is authorized to help Ukraine find missing children using biometric identification and open-source intelligence. Once abductees have returned home, the U.S. may assist local services providing medical and mental health care and other support. (Sec. 8362-3)

- **The Well-Intentioned:**

- **Sharply reduces military aid for Ukraine:** Since the Russian invasion in February 2022, the U.S. has relied on two principal tools to send military aid to Ukraine. Presidential Drawdown Authority (PDA) enabled transfers from existing U.S. stockpiles of weapons and ammunition, while the Ukraine Security Assistance Initiative (USAI) funded American defense manufacturers to produce new equipment that was shipped directly to the front. From 2022 to 2024, Congress allocated a total of \$34.2 billion to USAI. The new NDAA authorizes \$400 million per year in 2026 and 2027 — better than no support, but largely symbolic since \$400 million a year doesn't buy much modern weaponry. (Sec. 1242)
- **Requires reporting on intelligence support for Ukraine:** American intelligence support has proven crucial to Ukraine, with steady flow of American information alerting air-defense units in Kyiv and other cities about incoming Russian missiles and targeting information proving essential for Ukraine's long-range precision strike campaign beyond its borders, including Kyiv's crippling attacks on oil refineries, munitions depots, and military air fields deep in Russia since 2024. The NDAA recognizes the importance of this assistance, but it does not authorize any funding for it or ensure it continues. What the legislation offers instead is a guardrail that would kick in only after a pause in support: a report from the Department of Defense in the event that the flow of intelligence is reduced or eliminated. (Sec. 1244)



- **Requires reports on U.S. sales to European allies supplying Ukraine:**  
In mid-2024, the Trump administration agreed to two mechanisms that would allow Ukraine and its NATO allies to purchase weapons from the United States, resulting in a sharp drop in overall military assistance. The NDAA does little to rectify this decline, instead requiring the Department of Defense to monitor and report on the use of these mechanisms — the Joint Ukraine Multinational Program Services, Training, and Articles Rapid Timeline (JUMPSTART) and the Prioritized Ukraine Requirements List (PURL) — and the bilateral aid our allies provide Kyiv. Looking ahead, the legislation mandates that the Department of Defense begin to plan on meeting Ukraine’s security needs in the event of a ceasefire. (Sec. 1245)
- **The Ugly:**
  - **Omits sanctions on the illegitimate pro-Russian regime in Georgia:**  
Vladimir Putin’s efforts to restore the old Soviet sphere of influence extend well beyond Ukraine to include neighboring Georgia, where Moscow helped the Georgian Dream, an authoritarian political party funded by a pro-Russia oligarch, win rigged elections in 2024. Bipartisan legislation circulating in Congress — the Mobilizing and Enhancing Georgia’s Options for Building Accountability, Resilience, and Independence (MEGOBARI) Act — would address this subversion with strong sanctions on the Georgian Dream and other measures. Bipartisan negotiators in the Senate endeavored to get the MEGOBARI Act attached to the NDAA but were ultimately unsuccessful, and the legislation does not mention Georgia or make any effort to stop Russian interference in the once fiercely democratic and pro-European country.

## SPACE

- **The Good:**
  - **Maintains remote sensing funding and acquisition:** The NDAA proposes to restore funding to the commercial remote sensing purchase program (EOCL), which the Trump administration proposed slashing. Requiring reporting on how the existing system’s remote sensing tasking is working is also positive; the services have complained that their requests are not consistently fulfilled. Likewise, legislation similarly requests a study on establishing a program of record for tactical surveillance, reconnaissance, and tracking capabilities (TacSRT), which the program advocates see as a supplement for the existing National Geospatial Intelligence Agency (NGA) process. (Sec. 1625, Sec. 1607)
  - **Creates an acquisition career path:** In addition, the NDAA creates an acquisition career path within the Space Force, as well as focusing on acquisition throughout the legislation. The Space Force can point to many examples of acquisition done right, but it has rightfully faced criticism for

putting operational capabilities over acquisition expertise. A dedicated acquisition career path should be part of the solution. (Sec. 1601)

- **Studies on launch capacity:** The NDAA also requests a study on the ability of the federal launch ranges to keep pace with the growing demand for space launch from both the U.S. military and the commercial sector. This is aligned with recommendations from [a recent PPI report](#) on space launch competition that flagged concerns about the insufficient capacity of the existing spaceport network. This study will be beneficial as Congress continues to evaluate how to ensure spaceport infrastructure is sufficiently robust today and into the future. (Sec. 1608)

- **The Ugly:**

- **The absence of SBIR:** Missing from this year's NBAA is a reauthorization of the Small Business Innovation Research/Small Business Technology Transfer (SBIR/STTR) program, which hits the military's space portfolio particularly hard. As Major General Stephen Purdy, Acting Secretary of the Air Force for Space Acquisition and Integration, has said, "many of the technologies that now populate the Space Force's early-stage development pipeline are funded through the Small Business Innovation Research program."

## DEFENSE INDUSTRIAL BASE

- **The Good:**

- **Creating a new position for international defense cooperation:** The NDAA establishes a new position in the Department of Defense, the Assistant Secretary of Defense for International Armaments Cooperation, that will report directly to the Under Secretary of Defense for Acquisitions and Sustainment. Though the precise duties of this new position aren't spelled out in the NDAA, it presumably will include working together with American allies and partners on defense industrial matters per its placement in the Pentagon's acquisitions and sustainment office. (Sec. 903)
- **Bridging Operational Objectives And Support For Transition (BOOST) Program:** It also establishes the BOOST program within the Defense Innovation Unit to help smaller companies overcome traditional barriers in defense procurement. By pairing commercially viable technologies with existing DoD programs, BOOST aims to reduce costs and accelerate transition. This approach is far more targeted and effective than the Senate's FORGED Act provisions, which broadly skew the defense industry toward firms with a commercial-first production model. (Sec. 1833)
- **Reducing unnecessary or burdensome regulations:** The NDAA eliminates or streamlines a number of regulatory requirements that have



slowed the delivery of needed capabilities to the force. While many of these regulations were appropriate for earlier eras, today's threat environment places a greater premium on speed. Accelerating development and procurement is essential to keeping pace with the modern battlefield. (Sec. 811–2)

- **Well-Intentioned:**

- **Creates the new Portfolio Acquisition Executive position:** To reduce bureaucratic friction, the NDAA creates a new role, the Portfolio Acquisition Executive, with authority over portfolio-level planning, budgeting, and program lifecycle management. The impact of this reform will depend almost entirely on how it is implemented. In a best-case scenario, this role could meaningfully flatten layers of bureaucracy by consolidating responsibility at the capability-portfolio level. In the worst case, however, this could amount to rearranging the deck chairs on the *Titanic* and will lead to little actual change in the defense acquisition. (Sec. 1802)

- **The Ugly:**

- **Commercial first acquisition approach:** The NDAA establishes a new precedent where certain defense companies are treated differently depending on their research and development models. Firms that independently speculate on future capability needs are rewarded with preferential access to contracts, while the companies with more traditional approaches are forced to rely on scraps of whatever the startups pass on. While such a dynamic may make sense in a competitive commercial market, defense acquisition is effectively a single-buyer market in which the U.S. government exerts control not only over demand but also over production, licensing, and critical inputs. In this environment, firms are rewarded less for technical insight than for proximity and access to decision-makers — particularly those able to secure congressional or executive favor. (Title XVIII, Subtitle C).
- **Exclusion of Europe from defense industrial collaboration:** While the NDAA appropriately emphasizes cooperation with some allies, it notably omits Europe's defense industrial base — failing to include even a study on deeper collaboration. This omission is especially unfortunate given the rapid expansion of European defense production capacity. Incorporating Europe more fully into future NDAs would strengthen allied interoperability and collective industrial resilience.
- **Interest as Allowable Cost:** The NDAA creates a study to determine the feasibility of expanding the acquisition costs the Pentagon could cover to include financing and interest payments. This move would only increase the cost of procurement to taxpayers while inflating profit margins for defense companies. Such a provision could also incentivize companies to avoid using their own capital, and instead utilize a financial institution's capital to invest at much lower risk — all while taxpayers foot the bill. It

would create a system that favors defense startups whose access to capital has been a challenge and also result in the government picking winners and losers in the industrial base. (Sec. 803)

## POLICY ODDS AND ENDS

- **The Good:**

- **Limits on meddling with the military's combatant command structure:** In addition, the NDAA limits the Pentagon's ability to alter the military's existing combatant command structure by refusing to authorize funding for such reorganizations — including appointing lower-ranking commanders to these posts and “divesting, consolidating, or returning” property to host nations. While welcome, these restrictions are fairly weak and only require the Secretary of Defense to provide certifications and analyses supporting a proposed shift. (Sec. 916)

- **The Well-Intentioned:**

- **Reporting on Department of Defense support for deportation:** The NDAA also requires the Pentagon to notify relevant committees whenever military planes, installations, or personnel are used to support the Trump administration's deportation campaign, providing these committees with details on the specific aircraft, bases, and personnel involved, as well as the estimated cost of such support. However, it does little to actually stop this practice. (Sec. 1053)
- **An inchoate approach to artificial intelligence:** In some cases, the NDAA takes an aggressive approach to the adoption of artificial intelligence into various Department of Defense platforms and programs. It tasks the Secretary of Defense to “facilitate the integration of currently available and suitable commercial artificial intelligence capabilities specifically designed to assist with logistics tracking, planning, operations, and analytics” for a pair of exercises this fiscal year, for instance, and encourages the Pentagon to use artificial intelligence to manage its finances. But the NDAA also takes a more cautious approach, prohibiting certain AI systems and mandating the Pentagon adopt a new cybersecurity policy framework for artificial intelligence that addresses its own particular vulnerabilities — a policy that would be good to have in place before deploying AI systems for testing. (Sec. 347, Sec. 1007, Sec. 1512-3, 1532-3)

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