



# FY21 Senate National Defense Authorization Act (NDAA)

## Summary of S. 4049 The National Defense Authorization Act for Fiscal Year 2021



As of August 07<sup>th</sup>, 2020

	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House	July 1 <sup>st</sup> , 2020	July 21 <sup>st</sup> , 2020			
Senate	June 11 <sup>th</sup> , 2020	July 23 <sup>rd</sup> , 2020			

## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>- 1 -</b>
<b>ARMY NATIONAL GUARD - AUTHORIZATION OF FUNDING (ALL DOLLARS IN THOUSANDS).....</b>	<b>- 2 -</b>
<b>AIR NATIONAL GUARD - AUTHORIZATION OF FUNDING (ALL DOLLARS IN THOUSANDS).....</b>	<b>- 2 -</b>
<b>BILL TEXT.....</b>	<b>- 3 -</b>
<b>OPERATIONS AND MAINTENANCE.....</b>	<b>- 3 -</b>
<b>MILITARY PERSONNEL.....</b>	<b>- 3 -</b>
<b>HEALTH CARE PROVISIONS.....</b>	<b>- 6 -</b>
<b>DEPT. OF DEFENSE ORGANIZATION AND MANAGEMENT .....</b>	<b>- 6 -</b>
<b>SPACE FORCE MATTERS .....</b>	<b>- 7 -</b>
<b>GENERAL PROVISIONS .....</b>	<b>- 7 -</b>
<b>MATTERS RELATING TO FOREIGN NATIONS.....</b>	<b>- 7 -</b>
<b>OTHER AUTHORIZATIONS.....</b>	<b>- 8 -</b>
<b>STRATEGIC PROGRAMS, CYBER AND INTELLIGENCE .....</b>	<b>- 8 -</b>
<b>MILITARY CONSTRUCTION.....</b>	<b>- 8 -</b>
<b>REPORT LANGUAGE / ITEMS OF INTEREST .....</b>	<b>- 9 -</b>

## Executive Summary

This guide provides a short summary of the Senate Armed Services Fiscal Year 2021 National Defense Authorization Act (NDAA).

To obtain a complete understanding of any particular provision, users are encouraged to review the actual bill text. Bill text and the committee report can be found on NGB-LL's website: [www.nationalguard.mil/ll](http://www.nationalguard.mil/ll). Beyond the legislative provisions, there are a number of directive reports with specific relevance to the National Guard. Readers are encouraged to review this report language for their own situational awareness.

### Status:

On July 23, 2020, the Senate passed S. 4049, the FY21 National Defense Authorization Act. The bill authorizes a topline of \$740.5 billion for FY21 national defense activities.

### Highlights:

- Provides for a 3% pay raise for service members
- Adds the Vice Chief of the National Guard Bureau as an advisor to the Joint Requirements Oversight Counsel
- Directs SECDEF to provide transitional health benefits to National Guard members mobilized under 502(f) for COVID-19 response
- Authorizes Hazardous Duty Incentive Pay for members of the Armed Forces performing duties in response to COVID-19
- Authorizes \$887.2M for ARNG FSRM, an increase of \$11.2M over the FY21 President's Budget Request
- Authorizes \$332.5M for ANG FSRM, an increase of \$8.9M over the FY21 President's Budget Request
- Authorizes \$33.6M for ANG Recruiting and Advertising, a \$15M decrease from the FY21 President's Budget Request
- Authorizes \$15M for STARBASE
- Authorizes \$3M for an ANG Cybersecurity Pilot Program and \$3M for an ARNG Cybersecurity Pilot Program
- Authorizes \$94M for the National Guard Counter-Drug Program
- Authorizes \$5.5M for National Guard Counter-Drug Schools
- Expands eligibility for residence at the Armed Forces Retirement Home to include National Guardsmen
- Prohibits the establishment of a Space National Guard until the Secretary of Defense certifies that a Space National Guard is the organization best suited to discharge in an effective and efficient manner the missions intended to be assigned to the Space National Guard

## National Guard Accounts Overview

**RECOMMENDED FUNDING AUTHORIZATIONS DO NOT EQUAL FINAL FUNDING. FINAL FUNDING LEVELS WILL BE DECIDED BY APPROPRIATIONS BILLS**



### Army National Guard - Authorization of Funding (All Dollars in Thousands)

Army National Guard	FY21 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY21 Delta from PB
O&M	\$7,420,014	\$7,416,336	3,678	\$7,360,062	59,952		
OCO O&M	\$79,792	\$79,792	-	\$79,792	-		
MILCON	\$321,437	\$337,172	15,735	\$371,272	49,835		

### Army National Guard End Strength

Army National Guard	FY21 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY21 Delta from PB
End Strength	336,500	336,500	-	336,500	-		
AGR	30,595	30,595	-	30,595	-		
Dual Status Technicians	22,294	22,294	-	22,294	-		
ADOS	17,000	17,000	-	17,000	-		



### Air National Guard - Authorization of Funding (All Dollars in Thousands)

Air National Guard	FY21 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY21 Delta from PB
O&M	\$6,753,642	\$6,791,335	37,693	\$6,628,490	125,152		
OCO O&M	\$175,642	\$175,642	-	\$175,642	-		
MILCON	\$64,214	\$64,214	-	\$93,714	29,500		

### Air National Guard End Strength

Air National Guard	FY21 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY21 Delta from PB
End Strength	108,100	108,100	-	108,100	-		
AGR	25,333	25,333	-	25,333	-		
Dual Status Technicians	10,994	10,994	-	10,994	-		
ADOS	16,000	16,000	-	16,000	-		

## BILL TEXT

### Operations and Maintenance

#### **Sec. 311. MODIFICATIONS AND TECHNICAL CORRECTIONS TO ENSURE RESTORATION OF CONTAMINATION BY PERFLUOROOCTANE SULFONATE AND PERFLUOROOCTANOIC ACID**

This provision amends authorities related to environmental restoration projects to include facilities where military activities are conducted by the National Guard of a State under Title 32.

### Military Personnel

#### **Sec. 411 END STRENGTH FOR SELECTED RESERVE**

This provision authorizes 336,500 personnel for the Army National Guard and 108,100 personnel for the Air National Guard.

#### **Sec. 412 END STRENGTH FOR RESERVE ON ACTIVE DUTY**

This provision authorizes 30,595 ARNG positions for the Army National Guard and 25,333 positions for the Air National Guard.

#### **Sec. 413 END STRENGTH FOR MILITARY TECHNICIANS (DUAL STATUS)**

This provision authorizes 22,294 dual status technicians for the Army National Guard and 10,994 for the Air National Guard.

#### **Sec. 414 MAXIMUM RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT**

This provision authorizes 17,000 ADOS positions for the Army National Guard and 16,000 for the Air National Guard.

#### **Sec. 415. SEPARATE AUTHORIZATION BY CONGRESS OF MINIMUM END STRENGTHS FOR NON-TEMPORARY MILITARY TECHNICIANS (DUAL STATUS) AND MAXIMUM END STRENGTHS FOR TEMPORARY MILITARY TECHNICIANS (DUAL STATUS).**

This provision authorizes for each fiscal year both the minimum end strength for non-temporary military technicians (dual status) and the maximum end strength for temporary military technicians (dual status) (previous language stated "end strength for military technicians").

#### **Sec 502. TEMPORARY EXPANSION OF AVAILABILITY OF ENHANCED CONSTRUCTIVE SERVICE CREDIT IN A PARTICULAR CAREER FIELD UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.**

This provision provides additional credit for Reserve Officers special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned from FY21 – FY25. Each military department shall submit to the HASC and SASC an annual report no later than 1 Feb 2022 and every four years thereafter. The report will include: (a) manner in which the constructive service credit was calculated (b) number of officers credited (c) description and assessment of the use of constructive service credit in meeting operational needs (d) any other matters of concern.

#### **Sec. 511. EXCLUSION OF CERTAIN RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY FROM LIMITATIONS ON AUTHORIZED STRENGTHS.**

This provision authorizes the Chairman of the Joint Chiefs of Staff to designate up to 15 general and flag officer positions in the unified and specified combatant commands, and up to three general and flag officer positions on the Joint Staff, as positions to be held only by reserve officers

who are in a general or flag officer grade below lieutenant general or vice admiral – positions are considered joint positions.

**Sec. 517. TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS DURING WAR OR NATIONAL EMERGENCY.**

This provision provides certain constraints on the Secretary of a military department's authority to order to Active Duty a retired member who agrees to serve on Active Duty inapplicable during a time of declared war or national emergency. Specifically, this section removes the "limitation" and "expiration of authority" in relation to \ sub section (g): "Exceptions during Period of War or National Emergencies".

**Sec. 518. CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) MATTERS.**

This provision requires the Department of Defense Form DD214 to be designated as the Certificate of Military Service (The current name is Certificate of Release or Discharge from Active Duty). Other technical amendments include: replacing "His" with "Member" and "His Final Pay" with "Member's Final Pay". This provision also standardizes the form across the force for all members of the armed forces including reserve members.

**Sec 519. EVALUATION OF BARRIERS TO MINORITY PARTICIPATION IN CERTAIN UNITS OF THE ARMED FORCES.**

This provision requires the Secretary of Defense to enter into an agreement with a federally funded research and development center to conduct a study on reducing barriers to minority participation in elite units of the Armed Services.

**Sec 523. REPORT ON ABILITY OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES TO PERFORM DUTIES.**

This section requires the Secretary of Defense to conduct a survey of sexual assault response coordinators and sexual assault prevention and response victims' advocates on their experiences in assisting victims of sexual assault by June 30, 2021.

**Sec. 543. REPORT ON STANDARDIZATION AND POTENTIAL MERGER OF LAW ENFORCEMENT TRAINING FOR MILITARY AND CIVILIAN PERSONNEL ACROSS THE DEPARTMENT OF DEFENSE**

This section requires the Secretary of Defense to submit a report on the standardization and potential merger of law enforcement training for military and civilian personnel across the Department of Defense to the Congressional Defense Committees no later than June 8, 2021.

**Sec. 548. DEPARTMENT OF DEFENSE STARBASE PROGRAM**

This section adds the Commonwealth of the Northern Mariana Islands and American Samoa to the Department of Defense STARBASE program.

**Sec. 574. RESTATEMENT AND CLARIFICATION OF AUTHORITY TO REIMBURSE MEMBERS FOR SPOUSE RELICENSING COSTS PURSUANT TO A PERMANENT CHANGE OF STATION.**

This section authorizes the Secretaries of the military departments to reimburse a service member for the qualified relicensing or credentialing costs of his or her spouse.

**Sec. 587. NATIONAL EMERGENCY EXCEPTION FOR TIMING REQUIREMENTS WITH RESPECT TO CERTAIN SURVEYS OF MEMBERS OF THE ARMED FORCES.**

This section authorizes the Secretary of Defense to postpone the conduct of several surveys when conducting these surveys is not practicable due to a war or national emergency declared by the President or the Congress.

**Sec. 588. SUNSET AND TRANSFER OF FUNCTIONS OF THE PHYSICAL DISABILITY BOARD OF REVIEW.**

This section authorizes the Secretary of Defense to sunset the PDBR and to transfer any remaining pending requests for review to the board for the correction of military records.

**Sec. 590. PILOT PROGRAMS ON REMOTE PROVISION BY NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.**

This section authorizes the Secretaries of the Army and Air Force, in consultation with the Chief of the National Guard Bureau, to conduct a pilot program to develop and use a capability within the National Guard through which a National Guard of a State remotely provides State governments and National Guards of other States with cybersecurity technical assistance in training, preparation and response to cyber incidents.

**Sec. 591. PLAN ON PERFORMANCE OF FUNERAL HONORS DETAILS BY MEMBERS OF OTHER ARMED FORCES WHEN MEMBERS OF THE ARMED FORCE OF THE DECEASED ARE UNAVAILABLE.**

This section requires the Secretary of Defense to provide a briefing to Congress on a plan for the performance of funeral honor details when members from the deceased member's service are unavailable.

**Sec. 592. LIMITATION ON IMPLEMENTATION OF THE ARMY COMBAT FITNESS TEST**

This section prohibits the implementation of the ACFT until the Secretary of the Army receives the results of a study determining if the ACFT would adversely impact service members stationed in specific climates and the extent to which the test would affect recruitment and retention.

**Sec. 602. HAZARDOUS DUTY PAY FOR MEMBERS OF THE ARMED FORCES PERFORMING DUTY IN RESPONSE TO THE CORONAVIRUS DISEASE 2019.**

This section requires the military departments to provide hazardous duty pay in the amount of \$150 per month to members of the Armed Forces who performed duties in response to the COVID-19 pandemic.

**Sec. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.**

This section extends to 31 December 2021, various expiring bonuses and special pay authorities, including income replacement payments to Reserve Component members with high mobilizations.

**Sec 612. INCREASE IN SPECIAL AND INCENTIVE PAYS FOR OFFICERS IN HEALTH PROFESSIONS.**

This section authorizes an increase in the maximum amounts of special and incentive pays for military health professions officers.

**Sec. 621. INCLUSION OF DRILL OR TRAINING FOREGONE DUE TO EMERGENCY TRAVEL OR DUTY RESTRICTIONS IN COMPUTATIONS OF ENTITLEMENT TO AND AMOUNTS OF RETIRED PAYFOR NON-REGULAR SERVICE**

This section would authorize the Secretary of Defense to provide points for Reserve retirement purposes if a Reserve service member is prevented from participating in required drills or training during the emergency period beginning on March 1, 2020, which coincides with the COVID-19 pandemic.

**Sec. 622. MODERNIZATION AND CLARIFICATION OF PAYMENT OF CERTAIN RESERVES WHILE ON DUTY.**

This section would modify existing priority payments so that a Reservist, who is entitled to retired or retainer pay and who performs paid reserve duty, would receive compensation for the reserve duty unless the Reservist elects to waive that compensation to receive the retired or retainer pay.

**Sec. 632. APPROVAL OF CERTAIN ACTIVITIES BY RETIRED AND RESERVE MEMBERS OF THE UNIFORMED SERVICES.**

This section would authorize retired members of the uniformed services, members of a reserve component of the Armed Forces not on Active Duty for more than 30 days, and members of the Commissioned Reserve Corps of the Public Health Service to accept payment for speeches, travel, meals, lodging, or registration fees, if approved by the Secretary concerned. The provision would also require that annual reports on approvals for employment or compensation of retired general and flag officers include the following elements: (1) The foreign government involved; (2) The duties to be performed; and (3) The compensation or payment to be provided.

**Health Care Provisions**

**Sec. 704. MENTAL HEALTH RESOURCES FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS DURING THE COVID-19 PANDEMIC.**

This section would require the Secretary of Defense to develop a plan to protect and promote the mental health and well-being of members of the Armed Forces and their dependents.

**Sec. 705. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING UNDER ORDERS IN RESPONSE TO THE CORONAVIRUS (COVID-19).**

This section authorizes the Secretary of Defense to provide to a member of the National Guard separating from active service after serving on full-time National Guard duty pursuant to section 502(f) of title 32, United States Code, the health benefits, if the active service from which the member of the National Guard is separating was in support of the whole of government response to COVID-19.

**Sec. 745. STUDY ON FORCE MIX OPTIONS AND SERVICE MODELS TO ENHANCE READINESS OF MEDICAL FORCE OF THE ARMED FORCES TO PROVIDE COMBAT CASUALTY CARE.**

This section requires the Secretary of Defense to enter into an agreement with a federally funded research center to conduct a study on force mix options and service models to optimize readiness of the medical force to deliver combat casualty care.

**Sec. 746. COMPTROLLER GENERAL STUDY ON DELIVERY OF MENTAL HEALTH SERVICES TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.**

This section requires the Comptroller General of the United States to conduct a study on the delivery of Federal, State, and private mental health services to members of the reserve components.

**Section 747. REVIEW AND REPORT ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES STATIONED AT REMOTE INSTALLATIONS OUTSIDE THE CONTIGUOUS UNITED STATES.**

This section would the Comptroller General of the United States to conduct a review of efforts by the Department of Defense to prevent suicide among servicemembers stationed at remote installations outside the contiguous United States.

**Dept. of Defense Organization and Management**



**Sec. 904. INCLUSION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AS AN ADVISOR TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.**

This section would include the Vice Chief of the National Guard Bureau as an advisor to the Joint Requirements Oversight Council under certain circumstances.

**SPACE FORCE MATTERS**

**Sec. 941. MATTERS RELATING TO RESERVE COMPONENTS FOR THE SPACE FORCE.**

This section would prohibit the establishment of a Space National Guard as a Reserve Component of the Space Force until the Secretary of Defense certifies to the Congressional Defense Committees that a Space National Guard is the organization best suited to discharge in an effective and efficient manner the missions intended to be assigned to the Space National Guard.

**GENERAL PROVISIONS**

**Sec. 1011. CODIFICATION OF AUTHORITY FOR JOINT TASK FORCES OF THE DEPARTMENT OF DEFENSE TO SUPPORT LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM OR COUNTER-TRANSNATIONAL ORGANIZED CRIME ACTIVITIES.**

This section would establish a new section 285 in title 10, United States Code, to codify section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), as most recently amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), which authorizes the expenditure of funds from the drug interdiction and counter-drug activities account to enable joint task forces that support law enforcement agencies conducting counter-drug activities to also provide support to law enforcement agencies conducting counterterrorism or counter-transnational organized crime activities.

The provision would also eliminate the geographic limitations on the use of the authority to better reflect the global nature of the threat.

**Sec. 1049. INCLUSION OF UNITED STATES NAVAL SEA CADETS CORPS AMONG YOUTH AND CHARITABLE ORGANIZATIONS AUTHORIZED TO RECEIVE ASSISTANCE FROM THE NATIONAL GUARD.**

This section would add the United States Navy Sea Cadet Corps to the list of organizations authorized to receive assistance from the National Guard.

**MATTERS RELATING TO FOREIGN NATIONS**

**Sec. 1201. AUTHORITY TO BUILD CAPACITY FOR ADDITIONAL OPERATIONS.**

This section amends 10 USC 333 authorities to include "Cyberspace Operations". NOTE: This is relevant as SPP authorities are sometimes paired with Sec 333 authorities in coordination with Combatant Commands.

**Sec. 1202. AUTHORITY TO BUILD CAPACITY FOR AIR SOVEREIGNTY OPERATIONS.**

This section amends 10 USC 333 authorities to include "Air Sovereignty Operations". NOTE: This is relevant as SPP authorities are sometimes paired with Sec 333 authorities in coordination with Combatant Commands.

**Sec. 1251. PACIFIC DETERRENCE INITIATIVE.**

This section would direct the Secretary of Defense shall carry out an initiative to ensure the effective implementation of the National Defense Strategy with respect to the Indo-Pacific region, to be known as the "Pacific Deterrence Initiative".

## **OTHER AUTHORIZATIONS**

### **Sec. 1413. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCES RETIREMENT HOME**

This section would expand eligibility for residence at the Armed Forces Retirement Home to include National Guardsmen with at least 20 years of service.

## **STRATEGIC PROGRAMS, CYBER AND INTELLIGENCE**

### **Sec. 1625. REVIEW OF REGULATIONS AND PROMULGATION OF GUIDANCE RELATING TO NATIONAL GUARD RESPONSES TO CYBER ATTACKS.**

This section would require the Secretary of Defense to review, and if necessary update, regulations and guidance relevant to the National Guard's responsibilities and available capabilities in cyber incident response.

### **Sec. 1628. EVALUATION OF OPTIONS FOR ESTABLISHING A CYBER RESERVE FORCE.**

This section would require the Secretary of Defense to conduct an evaluation of options for establishing a cyber reserve force.

## **MILITARY CONSTRUCTION**

### **Sec. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.**

Arkansas .....	Fort Smith Air National Guard Base .....	\$2,600,000
Mississippi .....	MTA Camp Shelby .....	\$30,000,000
Tennessee .....	Memphis International Airport .....	\$4,780,000

### **Sec. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS**

Arizona .....	Tucson .....	\$18,100,000
Arkansas .....	Fort Chaffee .....	\$15,000,000
California .....	Bakersfield .....	\$9,300,000
Colorado .....	Peterson Air Force Base .....	\$15,000,000
Indiana .....	Shelbyville .....	\$12,000,000
Kentucky .....	Frankfort .....	\$15,000,000
Mississippi .....	Brandon .....	\$10,400,000
Nebraska .....	North Platte .....	\$9,300,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst .....	\$15,000,000
Ohio .....	Columbus .....	\$15,000,000
Oklahoma .....	Ardmore .....	\$9,800,000
Oregon .....	Hermiston .....	\$25,035,000
Puerto Rico .....	Fort Allen .....	\$37,000,000
South Carolina .....	Joint Base Charleston .....	\$15,000,000
Tennessee .....	McMinnville .....	\$11,200,000
Texas .....	Fort Worth .....	\$13,800,000
Utah .....	Nephi .....	\$12,000,000
Virgin Islands .....	St. Croix .....	\$39,400,000
Wisconsin .....	Appleton .....	\$11,600,000

### **Sec. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Alabama .....	Montgomery Regional Airport .....	\$23,600,000
Guam .....	Joint Region Marianas .....	\$20,000,000

Maryland .....	Joint Base Andrews .....	\$9,400,000
North Dakota .....	Hector International Airport .....	\$17,500,000
Texas .....	Joint Base San Antonio .....	\$10,800,000

**Sec. 2864. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.**

This section would authorize the Secretary of the Army may convey to the State of Arizona not more than 3,000 acres at Camp Navajo, Arizona for the purposes of permitting the State to use the property for training for the Army and Air National Guard.

**MILITARY FAMILY READINESS MATTERS**

**Sec. 5590. PILOT PROGRAMS ON REMOTE PROVISION BY NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.**

This section indicates Section 590 shall have no force or effect and authorizes the Secretaries of the Army and Air Force, in coordination with the Secretary of Homeland Security, and in consultation with the Chief of the National Guard Bureau, to conduct a pilot program to develop and use a capability within the National Guard through which a National Guard of a State remotely provides State governments and National Guards of other States with cybersecurity technical assistance in training, preparation and response to cyber incidents.

**Report Language / Items of Interest**

**F-35 basing requirements**

The National Defense Strategy requires the Department of Defense to posture ready, combat-credible forces forward alongside allies and partners and, if necessary, to fight and win. The Department's Indo-Pacific Strategy—which describes the Indo-Pacific as the Department's priority theater—emphasizes efforts to enhance Joint Force preparedness for the most pressing scenarios, which will occur along our competitors' peripheries, to include a fait accompli scenario. To date, the Air Force has announced the selection of 9 operating locations for the F-35A, including locations in the continental United States, Alaska, and Europe. It has yet to announce plans for any F-35A operating locations forward in the Indo-Pacific region—in other words, locations sufficiently forward to enable immediate response in the most pressing scenarios envisioned in the Department's foundational strategic documents. At present, realizing any potential plan to establish an F-35A operating location forward in the Indo-Pacific region could take nearly a decade. Put another way, nearly half of the Air Force's total procurement quantity of F-35As will be delivered before the first aircraft arrives at an operating location forward in the Department's priority theater.

Therefore, the committee directs the Secretary of the Air Force, in consultation with the Commander, Indo-Pacific Command, not later than December 31, 2020, to provide a briefing to the committee on: the Air Force's current projected timeline to establish an F-35A operating location forward in the Indo-Pacific region; options to place a continuous rotational F-35A force utilizing only Air National Guard assets; options for accelerating that timeline; and an assessment of the merit and feasibility of those options.

**Taser X-26 non-lethal conducted electrical weapon upgrade**

Army personnel, across all components, require access to working non-lethal weapons in every environment in which the Army operates, from domestic bases to forward deployed soldiers. The committee understands that taser X-26 Conducted Electrical Weapons (CEWs) currently fielded across the Army are over 5 years past the recommended lifecycle for these weapons, which could increase the likelihood of failure due to age and deterioration. The committee is also aware that the

Army's current inventory of the taser X-26 weapons may no longer be supported with software updates and, in some cases, hardware parts.

Therefore, the committee directs the Secretary of the Army to submit a briefing to the SASC by September 30, 2020, on the status of currently fielded taser X-26 CEWs and the Army's plan to field future non-lethal capabilities. The briefing shall include details as to whether the Army intends to remove all non-working taser X-26 units, details as to whether the remaining systems should be upgraded or replaced with a newer generation of CEW tasers, and the funding requirements to support these options. In addition, the committee encourages the Chief of the National Guard Bureau to consider acquiring nonlethal taser CEWs to meet the needs of National Guard and Reserve personnel.

#### **National Guard research, development, test and evaluation activities**

The committee notes that National Guard and reserve components consist of personnel that have private sector experience that is directly relevant to National Defense Strategy modernization priorities. For example, these personnel may have relevant experience in medical fields, software, robotics, cybersecurity, and other critical technical disciplines. In other cases, National Guard equipment and installations are commonly used in technological development and experimentation activities. For example, the committee is aware that the Army has taken advantage of facilities at Fort Pickett to conduct critical operational testing and experimentation for the Integrated Visual Augmentation System.

In order to leverage these capabilities further, the committee directs the Secretary of Defense to review and analyze the benefits and feasibility of authorizing National Guard and Reserve members', equipment's, and facilities' participation on a reimbursable basis in research, development, test and evaluation (RDT&E) projects in which their involvement furthers the work because of a member's or unit's availability, qualifications, experience, education, or facilities and equipment. In this review, the Secretary should consider requesting authority to provide reimbursement for these activities from RDT&E accounts, subject to the availability of appropriations. The committee directs the Secretary to brief the congressional defense committees on a recommendation for this proposed policy action no later than February 1, 2021.

#### **Air Force Special Operations Command total force utilization**

The committee believes that the Air Force Special Operations Command (AFSOC) should make every effort to fully utilize the total force to meet aircrew training and operational requirements in platforms like the AC-130J, CV-22, MC-12W, and A-29 in order to meet the requirements of the National Defense Strategy (NDS). The committee notes that AFSOC's 2020 Strategic Guidance document indicated the need to "appropriately structure and resource its training enterprise to ensure full-spectrum readiness across the total force."

Additionally, the committee believes that AFSOC should fully utilize infrastructure and personnel across the total force, to include those of the Air National Guard. Such assets include hanger space, taxiway, and parking space at available installations. Furthermore, the committee believes that AFSOC should fully utilize Active/National Guard associated installations with access to bombing ranges and large-scale military operating areas, low level training routes, and advanced training environments. Therefore, the committee encourages AFSOC to work with the National Guard Bureau to fully utilize the total force in support of AFSOC's strategic objectives and in furtherance of the NDS.

#### **National all-domain warfighting center**

The committee recognizes the critical need for the National Guard, as an essential component of the Joint Force, to conduct all-domain training and exercises in support of the National Defense Strategy (NDS). The committee notes the Joint Staff's development of an all-domain warfighting concept to support the NDS. It also notes that the National Guard Bureau has successfully

sponsored exercise Northern Strike as a Joint National Training Capability accredited exercise to provide readiness-building opportunities for all the military services through joint combined arms training. This exercise occurs at Camp Grayling Joint Maneuver Training Center and the Alpena Combat Readiness Training Center, installations which have already provided opportunities for units from any service, allies, and partners to achieve or sustain proficiency in conducting joint command and control, air, maritime, and ground maneuver integration, and the synchronization of lethal and non-lethal (cyber) fires in a joint, multinational major combat operations environment that is scalable across unit resources levels. It also has multi-modal capabilities to train and exercise joint logistics and sustainment at operationally relevant distances. This training environment addresses training gaps and builds readiness at multiple echelons with the scope and scale required to address emerging challenges of near-peer competitors.

The committee encourages the Secretary of the Army and the Secretary of the Air Force to appropriately resource training and exercise opportunities for the Army and Air National Guards to maintain readiness in an all-domain training environment to the maximum extent feasible.

#### **Comptroller General report on the dual status military technician workforce**

Over the last several years, the military technician workforce has been subject to several major transformation and realignment initiatives. For example, recent National Defense Authorization Acts reduced and eventually eliminated entirely non-dual status military technician position authorizations. Additionally, the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) required the Department of Defense to convert a significant number of dual status military technician positions into full-time Federal civilian positions. Meanwhile, the committee is monitoring current efforts in the Air National Guard to convert large numbers of dual status military technicians into Active Guard Reserve positions. An additional confusing aspect of the military technician workforce is the use and prevalence of temporary military technician positions, which are meant to fill in for vacancies in permanent positions that occur when an employee deploys or is on another long-term military duty. This “temporary” workforce is not subject to any congressional oversight, so its size, structure, and purpose are largely unknown outside of the Department of Defense.

Therefore, the committee directs the Comptroller General of the United States to provide to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 31, 2021, a report on the military technician workforce, with an emphasis on determining how temporary positions align with law, rules, and procedures governing the permanent technician workforce. The report should include the following components:

- (1) The number of temporary technicians utilized by each reserve component in recent fiscal years;
- (2) The justification for utilizing temporary dual status technicians;
- (3) A thorough description of the type of work performed by temporary dual status technicians;
- (4) An explanation of the approval process and any other management controls related to temporary dual status technicians;
- (5) A summary of benefits and employment protections for temporary dual status technicians;
- (6) An assessment of the degree to which the civilian duties of these temporary technicians align with military duties;
- (7) An analysis of the average Federal civilian experience of individuals employed as temporary technicians;
- (8) An analysis of the average Federal civilian experience of individuals employed as dual-status technicians who were converted to Active Guard Reserve positions in the Air National Guard in fiscal year 2019; and
- (9) An assessment of the effect on unit and personnel readiness resulting from the use of temporary positions compared to permanent dual status technicians.

### **State Partnership Program foreign travel expenses**

The committee is aware that a January 14, 2020, report published by the United States Property and Fiscal Office for Hawaii (report no. 19-002) found that, when the Financial Management Regulation Chapter 18 of Volume 12 was repealed by the Department of Defense, it may have resulted in the removal of a positive legal authority for the National Guard State Partnership Program to fund travel and allowances for members of foreign countries under the State Partnership Program.

Therefore, the committee directs the Department to coordinate with the National Guard Bureau to review the issue and provide a report to the committee no later than December 30, 2020, identifying any potential discrepancies discovered and specifying the resolution.

### **Strategic evaluation of the State Partnership Program**

The committee notes that security cooperation is a fundamental element of the National Defense Strategy and that engagement, development, training, and education with partner military forces is crucial to successfully strengthening alliances and attracting new partners. In particular, the committee highlights the effectiveness of the State Partnership Program in cultivating positive relationships with partner forces and enhancing long-term interoperability and notes the efforts made by the Department to improve security cooperation.

The committee believes that global power competition necessitates an effort to expand the competitive space and encourages the Office of the Secretary of Defense and the National Guard Bureau, in consultation with the Department of State, combatant commanders, and adjutants general, to prioritize expansion of partnerships in regions that offer new opportunities for U.S. engagement where it may traditionally have been less present, in alignment with the goals of the National Defense Strategy. The committee is also aware that a strategic evaluation of the State Partnership Program is being conducted by the Department of Defense and expresses its support for an objective analysis with the aim of improving, expanding, and enhancing the program. The committee expresses its support for the effort and encourages the Department to fully share the results with the Committees on Armed Services of the Senate and the House of Representatives and to collaborate with these committees to implement applicable policy recommendations that result from the study.

### **PDI: State Partnership Program**

The committee recognizes the benefit of relationships established through the National Guard State Partnership Program (SPP) and its foreign partners, especially in the Indo-Pacific. These partnerships serve as a basis for enhancing interoperability with U.S. forces, to include, but not limited to, military, medical, humanitarian relief, and disaster assistance activities in support of the National Defense Strategy pillar of Strengthening Alliances and Attracting New Partners. Given the Department's focus on the Indo-Pacific region, the committee believes that the Department should fully fund all SPP partnerships in the Indo-Pacific area of responsibility in coordination with the Commander, U.S. Indo-Pacific Command.

### **F-35 military construction at Donnelly Field**

The committee recognizes the critical importance of fully completing the construction of bed-down facilities prior to the delivery of F-35 aircraft to and the adverse impact on readiness of failing to do so for the 187th Fighter Wing. The committee notes that the fiscal year 2021 budget request for the F-35 bed-down facilities at Dannelly Field does not provide sufficient funding for the required bed-down facility construction. The aircraft are scheduled to be delivered in December 2023, although it is possible that the aircraft could begin arriving as much as 6 months earlier. Failure to fund related military construction projects could have significant adverse impacts on the readiness of the 187th Fighter Wing. For example, the committee understands that, according to the Air National Guard, without the required aircraft maintenance unit building, F-35 maintenance will occur in sufficient, but sub-optimal conditions. Therefore, the committee strongly urges the Department of Defense to

request sufficient funds for the aircraft maintenance unit building to ensure this bed-down occurs on schedule.

**Importance of small arms ranges**

The committee notes the importance of small arms ranges in ensuring the readiness of soldiers, sailors, airmen, and marines. The committee notes the Air Force and Air National Guard requirement to maintain small arms proficiency and recognizes that, in the Reserves and National Guard, servicemembers must often travel great distances to conduct this vitally important training.

Accordingly, the committee encourages the Air National Guard to prioritize small arms ranges, particularly those that have previously been authorized, in their military construction requests to ensure that airmen have the resources they need to effectively train and maintain readiness.

**Maneuver Area Training Equipment Site (MATES)**

The committee recognizes the critical role of the Maneuver Area Training Equipment Site (MATES) at Camp Shelby, Mississippi, in providing needed wheel vehicle maintenance for 1,200 M1 Abrams Tanks and M2 Bradley Infantry Fighting Vehicles. The committee notes that the current MATES facility was constructed in 1983 and currently supports vehicles beyond its intended purpose.

The committee is aware that the current design of the MATES facility limits work area and work throughput and poses potential safety issues. Due to its support for three of the five Armored Brigade Combat Teams within the Army National Guard, the committee recommends continued support to modernize the MATES at Camp Shelby to ensure wheeled-vehicle readiness.