



# FY23 Senate National Defense Authorization Act (NDAA)

## Summary of S.4543 The National Defense Authorization Act for Fiscal Year 2023



As of July 20<sup>th</sup>, 2022

	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House	June 23, 2022	July 14, 2022			
Senate	June 16, 2022				

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## Executive Summary

This guide provides a short summary of the Senate Armed Services Fiscal Year 2023 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: <https://www.nationalguard.mil/leadership/joint-staff/personal-staff/legislative-liaison>. 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 June 16, 2022, the Senate Armed Services Committee voted to advance the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023. The bill authorizes a topline of \$857.46 billion for FY23 national defense activities.

### Highlights:

- Provides for a 4.6% pay raise for service members
- Designates one or more EA-18G aircraft units from the Air National Guard or Air Force Reserve to join with the Navy Reserve to establish joint service expeditionary, land-based electronic attack
- Requires Backdating of effective date of rank for reserve officers in the National Guard due to undue delays in Federal recognition
- Restores the National Guard's access to the Defense Environmental Restoration Program
- Authorizes transitional health care benefits to members of the National Guard
- Authorizes \$1.18B for ARNG FSRM, an increase of \$130.4M over the FY23 Budget Request
- Authorizes \$493M for ANG FSRM, an increase of \$56M over the FY23 Budget Request
- Authorizes \$15M for STARBASE
- Authorizes \$100.3M for the National Guard Counter-Drug Program
- Authorizes \$5.9M for National Guard Counter-Drug Schools
- Authorizes \$121.6M for AN/TPQ-53 Radar for ARNG
- Authorizes \$110.8M for Readiness Spare Packages for ANG
- Authorizes \$62.8M for Weapon System Sustainment for ANG
- Authorizes the continuation of the FireGuard program with National Guard personnel

## 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	FY23 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY23 Delta from PB
O&M	\$8,157,237	\$8,273,426	\$116,189	\$8,396,524	\$239,287		
MILCON	\$297,278	\$468,989	\$171,711	\$635,930	\$338,652		

### Army National Guard End Strength

Army National Guard	FY23 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY23 Delta from PB
End Strength	336,000	336,000	-	336,000	-		
AGR	30,845	30,845	-	30,845	-		
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	FY23 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY23 Delta from PB
O&M	\$6,900,679	\$7,007,579	\$106,900	\$7,238,242	\$337,563		
MILCON	\$148,883	\$291,843	\$142,960	\$361,519	\$212,636		

### Air National Guard End Strength

Air National Guard	FY23 PB Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY23 Delta from PB
End Strength	108,400	108,400	-	108,400	-		
AGR	26,630	26,630	-	25,333	1,297		
Dual Status Technicians	9,892	9,892	-	10,994	1,109		
ADOS	16,000	16,000	-	16,000	-		

## BILL TEXT

### Procurement

#### Sec. 129. EA-18G Aircraft.

The committee recommends a provision that would require: (1) The Secretary of the Navy to retain rather than retire the EA-18G aircraft; (2) The Secretary of the Navy to transfer EA-18Gs in

expeditionary electronic attack squadrons to the Navy Reserve Air Forces; (3) The Secretary of the Air Force to designate one or more units from the Air National Guard or Air Force Reserve to join with the Navy Reserve to establish joint service expeditionary, land-based electronic attack squadrons to match the capability of such squadrons currently assigned to Naval Station Whidbey Island, Washington; and (4) The Secretary of the Navy and the Secretary of the Air Force to submit a report on the plan of the Secretaries to implement this section to the congressional defense committees, not later than 120 days after the date of the enactment of this Act.

The committee is disappointed that the Navy would spring a decision to eliminate the expeditionary electronic warfare aircraft squadrons, with little or no coordination with the Air Force or the combatant commanders who rely extensively on these squadrons for electronic warfare support. Establishing joint-service units in the reserve components, modeled on the current operations of the expeditionary EA-18G squadrons, would modernize the reserve components, preserve similar capability to provide land-based electronic warfare capability to the combatant commanders, and save costs.

#### **Sec. 141. Prohibition on Certain Reductions to Inventory of E-3 Airborne Warning and Control System Aircraft.**

The committee recommends a provision that would authorize the Secretary of the Air Force to retire certain E-3 Airborne Warning and Control System (AWACS) aircraft. The committee is concerned that with the proposed Air Force divestment of E-3 AWACS, there will be a significant gap in airborne command and control capability to support the joint force. The committee understands, however, that the current fleet has become prohibitively expensive to maintain. While the Air Force should have had more foresight about the degradation of the E-3 and should have taken steps to correct the situation a decade ago, the committee is encouraged that the Air Force is finally moving to modernize this capability. In the committee's view, however, the Air Force's timeline for fielding a replacement capability is not fast enough to justify divestment of 15 E-3 AWACS immediately without a solid plan to replace that essential capability.

Therefore, the committee recommends a provision that would prohibit the Air Force divesting more than five E-3 AWACS aircraft, until the Air Force achieves the following milestones:

(1) When the Air Force Senior Acquisition Executive approves a detailed acquisition strategy and briefs that strategy to the congressional defense committees, the Secretary could retire five additional aircraft, for a total of 10 aircraft.

(2) When the Air Force signs a contract to purchase an aircraft to replace the E-3 aircraft being retired, and briefs the contracted acquisition plan to the congressional defense committees, the Secretary could retire five additional aircraft, for a total of 15 aircraft.

The provision would not authorize additional E-3 divestments beyond 15 aircraft.

#### **Sec. 142. Modification of Inventory Requirements for Air Refueling Tanker Aircraft.**

The committee recommends a provision that would allow the Air Force to retire 13 KC-135 tankers in addition to the KC-135 retirements permitted in previous legislation.

#### **Sec. 143. Prohibition on Reductions to Inventory of F-22 Block 20 Aircraft.**

The committee recommends a provision that would prohibit the retirement of F-22 Block 20 aircraft and relocation of the F-22 Block 30 until the Secretary of the Air Force submits: (1) A detailed written plan for accomplishing formal training for F-22 aircrew that would avoid any degradation in readiness or reduction in combat capability; and (2) An explanation for the future laydown of the F-22 Block 30 and how that supports the Air Force's mission.

The Air Force has proposed to retire all F-22 Block 20 aircraft in fiscal year 2023. These Block 20 aircraft are now being used in training F-22 aircrews. The committee is concerned the proposed divestment of F-22 Block 20 aircraft may hinder the ability of the Air Force to train F-22 aircrews.

The absence of the F-22 Block 20 aircraft would require that the Air Force divert frontline F-22 aircraft from other missions to support training activities outside the normal duties of combat-coded units. The concern is that this diversion would have a deleterious effect on the combat-coded units, leading to a net reduction in combat capability.

The committee understands that the Air Force subsequently intends to backfill units operating F-22 Block 20 aircraft with F-22 Block 30 aircraft temporarily assigned to other fighter squadrons. The committee is also concerned that the reallocation of Block 30 aircraft may leave squadrons with diminished combat effectiveness, exacerbate aircraft availability concerns, and further complicate aircraft squadron maintenance issues.

## **Operations and Maintenance**

### **Sec. 315. Consideration Under Defense Environmental Restoration Program for State-Owned Facilities of the National Guard with Proven Exposure of Hazardous Substances and Waste.**

The committee recommends a provision that would restore the National Guard's access to the Defense Environmental Restoration Program.

### **Sec. 383. Restriction on Procurement or Purchasing by Department of Defense of Turnout Gear for Firefighters Containing Perfluoroalkyl Substances or Polyfluoroalkyl Substances.**

The committee recommends a provision that would require, with a waiver, the Department of Defense to phase out turnout gear for Federal firefighters containing per- and polyfluoroalkyl substances by the end of 2026.

## **Military Personnel**

### **Sec. 502. Extension of Time Limitation for Grade Retention While Awaiting Retirement.**

The committee recommends a provision that would amend section 601(b)(5) of title 10, United States Code, to authorize general and flag officers in the grade of general or admiral, or lieutenant general or vice admiral, when redeploying after serving at least 1 year in a combat zone or overseas contingency operation, to retain their temporary grade for not more than 90 days while awaiting retirement.

### **Sec. 511. Authority to Waive Requirement That Performance of Active Guard and Reserve Duty at the Request of a Governor May Not Interfere With Certain Duties.**

The committee recommends a provision that would authorize the Secretaries of the Army and Air Force to allow up to 100 members of the National Guard to perform Active Guard and Reserve duty for purposes of performing training of the regular components of the Armed Forces as their primary duty through October 1, 2024. This provision would also require reporting from the Secretaries concerned.

### **Sec. 512 Selected Reserve and Ready Reserve Order to Active Duty to Respond to a Significant Cyber Incident.**

The committee recommends a provision that would amend section 12304 of title 10, United States Code, to authorize the Secretary of Defense to order units and members of the Selected Reserve or Individual Ready Reserve, without the consent of the members, to Active Duty to respond to a significant cyber incident.

### **Sec. 513. Backdating of Effective Date of Rank for Reserve Officers in the National Guard Due to Undue Delays in Federal Recognition.**

The committee recommends a provision that would amend section 14308 of title 10, United States Code, to require the Secretaries of the Army and Air Force to adjust the effective date of Federal recognition for officers of the National Guard whose approved application for Federal recognition is

delayed by more than 100 days from the date the National Guard Bureau determines the officer's Federal recognition application to be completely submitted for further review.

**Sec. 514. Independent Study on Federal Recognition Process.**

The committee recommends a provision that would require the Secretary of Defense to seek to enter into a contract with a federally funded research and development center to conduct a study on Federal recognition of National Guard commissioned officer and warrant officer promotions. This provision would also require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the results of such study, and to continue making annual progress reports on Federal recognition of State National Guard promotions until the average processing time for such a personnel action is reduced to 90 days or fewer.

**Sec. 515. Continued National Guard Support for FireGuard Program.**

The committee recommends a provision that would authorize the Secretary of Defense to continue to support the FireGuard program with National Guard personnel to collect and assess multi-source remote sensing information for interagency partnerships in the detection and monitoring of wildfires across the United States.

**Sec. 516. Inclusion of United States Naval Sea Cadet Corps Among Youth and Charitable Organizations Authorized to Receive Assistance from the National Guard.**

The committee recommends a provision that would amend section 508 of title 32, United States Code, to include the United States Naval Sea Cadet Corps among the list of organizations that are eligible to receive assistance from members and units of the National Guard.

**Sec. 526. Modification to Limitations on Discharge or Release from Active Duty.**

The committee recommends a provision that would amend section 1168 of title 10, United States Code, to clarify that members of the active and reserve components may not be discharged or released from Active Duty until the member's final pay, or a substantial part of that pay, is ready for delivery.

**Sec. 527. Sex-Neutral High Fitness Standards for Army Combat Military Occupational Specialties.**

The committee recommends a provision that would require the Secretary of the Army to establish sex-neutral fitness standards for Army combat military occupational specialties (MOSs) higher than such standards for non-combat MOSs not later than 180 days after the date of the enactment of this Act. The provision would require the Secretary to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives that describes the list of combat MOSs with higher fitness standards and the methodology used to include a certain MOS on the list.

**Sec. 548. Restricted Reporting Option for Department of Defense Civilian Employees Choosing to Report Experiencing Adult Sexual Assault.**

The committee recommends a provision that would add a new section 1599j to title 10, United States Code, to authorize civilian employees of the Department of Defense to make restricted reports of sexual assault for purposes of assisting the employee in obtaining information and access to authorized victim support services provided by the Department.

**Sec. 621. Modification of Authority to Allow Members of the Armed Forces to Accumulate Leave in Excess of 60 Days.**

The committee recommends a provision that would amend subsection 701(f) of title 10, United States Code, to reduce the number of leave days that servicemembers can retain under such subsection from 120 to 90 days after September 30, 2025. This provision would also repeal the

authority of the Secretary of Defense to designate additional qualifying duties for the purposes of accumulating excess leave.

The committee has received extensive evidence that quality of life factors are essential to recruiting, retention, family wellness, suicide prevention, mental health, and the fitness and readiness of servicemembers. The longstanding cap of 60 days for retained accumulated leave is based on a policy preference for military members to use their leave for rest and recuperation rather than to accumulate it over many years in order to take a long period of extended leave. Rest and recuperation cannot be deferred for years without having a negative impact on family readiness.

The committee believes that a generous leave policy is an important benefit for servicemembers and their families. However, if servicemembers are allowed to retain accumulated leave for many years, they may never be able to use it.

The committee therefore encourages the Department of Defense to develop a uniform policy encouraging members to use their leave instead of accumulating leave in sums so large that it becomes impracticable for members to use it.

**Sec. 623. Convalescent Leave for Members of the Armed Forces.**

The committee recommends a provision that would add a new subsection to section 701 of title 10, United States Code, to codify and define convalescent leave for members of the Armed Forces. The provision would also modify subsection (i) of such statute to clarify the scope of convalescent leave for members who have given birth.

The committee commends the Department of Defense (DOD) and the military services for embracing the streamlined and expanded parental leave benefit for military members authorized in the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) in the spirit in which it was intended.

The committee agrees with long-standing DOD and service policies that restrict convalescent leave eligibility to members who are recovering from medical conditions that make them not yet fit for duty. Convalescent leave must be given to members when appropriate, but, aside from the context of a member recovering from childbirth, which is separately addressed in section 701 of title 10, United States Code, such leave should be individually considered and granted on a case-by-case basis in response to a member's specific medical diagnosis. This could include convalescent leave for a member recovering from emotional distress, but such leave should only be given under the advice and guidance of a medical provider, and not as an automatic entitlement based on assumed medical need. Furthermore, convalescent leave has never been used as a catch-all leave status for any servicemember who might need to accompany a family member to a medical appointment, care for a sick family member, or provide other support or assistance to someone else. Such family support is critical and should be embraced and supported by the DOD, but it is outside the scope of convalescent leave.

The committee also notes that the military chain of command has broad latitude to order and authorize members to attend medical appointments and address their health needs while in a duty status. Military members do not accumulate "sick leave" or any such analog to the medical leave often provided to non-military members under the terms of civilian employment. Instead, the military departments have long exercised their authority to order military members to attend medical appointments for themselves and their family members while in an ordinary duty status. Within reasonable limits, setting the time, place, and manner of military duty status is an inherent feature of the chain of command's authority.



Therefore, the committee encourages the Department of Defense to develop a uniform policy that encourages and supports servicemember attendance at family medical appointments, but in an authorized duty status and not under the authority of medical convalescent leave.

**Sec. 631. Air Force Rated Officer Retention Demonstration Program.**

The committee recommends a provision that would require the Secretary of the Air Force to establish and carry out a demonstration program to improve the retention of certain rated officers.

**Health Care Provisions**

**Sec. 702. Health Benefits for Members of the National Guard Following Required Training or Other Duty to Respond to a National Emergency.**

The committee recommends a provision that would amend section 1145(a)(2) of title 10, United States Code, to authorize transitional health care benefits to a member of the National Guard who is separated from full-time duty when called or ordered by the President or the Secretary of Defense under section 502(f) of title 32, United States Code, for a period of active service greater than 30 days, in response to a national emergency declaration and supported by Federal funds.

**Sec. 705. Study on Providing Benefits Under TRICARE Reserve Select and TRICARE Dental Program to Members of the Selected Reserve and Their Dependents.**

The committee recommends a provision that would authorize the Secretary of Defense to conduct a study on the feasibility, potential cost effects to the Department of Defense, changes in out-of-pocket costs to beneficiaries, and effects on other Federal programs of expanding eligibility for TRICARE Reserve Select and the TRICARE Dental Program to all members of the Selected Reserve, their dependents, and non-dependent children under the age of 26. The provision would include the specifications of the study, if conducted, and would authorize the Secretary to use a federally funded research and development center to conduct the study. Additionally, if the Secretary conducts the study, the provision would require the Secretary to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than 1 year after the date of the enactment of this Act, on the methodology and approach of the study. The Secretary would then submit a report on the study results to the same committees not later than 2 years after the date of the enactment of this Act.

**Dept. of Defense Organization and Management**

**Sec. 904. Limitation on use of Funds Until Demonstration of Product to Identify, Task, and Manage Congressional Reporting Requirements.**

The committee recommends a provision that would limit certain funds from obligation or expenditure until the Department of Defense demonstrates a minimum viable product of a modernized software tool for managing congressionally required reports aligned with the processes described in section 908 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

The committee is severely disappointed in the lack of progress made by the Department of Defense (DOD) over 3 years of mutual effort to fix the significant problems in the Department's management of congressionally required reports. The committee notes that it has provided to the DOD detailed report data in a standardized Excel-based format with mutually agreed-upon data elements, including manually generated unique item identifiers for each report. This process, undertaken by the committee at no small effort, enables ingestion by the DOD of congressionally required reports in a matter of minutes with a high level of accuracy.

Despite this effort, the DOD has yet to demonstrate a modernized version of its software system, the Congressional Hearings and Reporting Requirements Tracking System (CHARRTS). This modernized system should significantly streamline assignment, tracking, and management of

reports for the Department of Defense and enable committee users to log in to view report status and manage reports. This simple fix could drastically improve the DOD's management of congressionally required reports, benefitting both the Congress and the Department of Defense.

## **SPACE FORCE MATTERS**

### **Sec. 924. Study of Proposed Space Force Reorganization.**

The committee recommends a provision that would require the Secretary of Defense to seek to enter into a contract with one or more federally funded research and development centers to conduct a study on the proposed reorganization of the Space Force and the establishment of the space component. The Secretary would be required to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such study not later than December 31, 2023.

## **GENERAL PROVISIONS**

### **Sec. 1048. Department of Defense Support for Civil Authorities to Address the Illegal Immigration Crisis at the Southwest Border.**

The committee recommends a provision that would require the Under Secretary of Defense for Policy to provide quarterly briefings through December 31, 2024 to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the Department of Defense's Support of Civil Authorities mission along the southwest border of the United States.

## **Civilian Personnel Matters**

### **Sec. 1101. Eligibility of Department of Defense Employees in Time-Limited Appointments to Compete for Permanent Appointments**

The committee recommends a provision that would amend section 3304 of title 5, United States Code, to authorize certain current and former Department of Defense civilian employees who are, or were, in time-limited appointments to compete for permanent appointments within the Department, under certain conditions.

### **Sec. 1107. Modification of Effective Date of Repeal of Two-Year Probationary Period for Employees.**

The committee recommends a provision that would amend section 1106 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) to extend until December 31, 2024, the sunset of the 2-year probationary period for new employees of the Department of Defense contained in that section.

### **Sec. 1112. Civilian Cybersecurity Reserve Pilot Project.**

The committee recommends a provision that would require the Secretary of the Army to conduct a pilot program establishing a civilian cybersecurity reserve within the Army for the provision of manpower to the cyber operation forces of U.S. Cyber Command, to include the exercise of alternative employment authority, not subject to the Office of Personnel Management, to establish qualification requirements for, recruitment of, and appointment to positions, and classifying positions.

## **Cyberspace Related Matters**

### **Sec. 1601. Matters Concerning Cyber Personnel Requirements.**

The committee recommends a provision that would require the Secretary of Defense to conduct an assessment to determine the overall cyber and information operation civilian and military personnel and education requirements of the Department of Defense. The provision would require a briefing

not later than November 1, 2022, and a report not later than January 1, 2023, to the Committees on Armed Services of the Senate and the House of Representatives on the findings of the assessment required by the provision, an implementation plan to achieve the civilian and military personnel requirements of the Department, such recommendations as the Secretary may have for meeting personnel needs in the cyber and information operation domain, and such legislative or regulatory action as the Secretary considers necessary to meet personnel requirements.

**Sec. 1606. Total Force Generation for the Cyberspace Operations Forces.**

The committee recommends a provision that would require the Under Secretary of Defense for Policy, the Under Secretary of Defense for Personnel and Readiness, the Director of the Joint Staff, and the Secretaries of the military departments, in coordination with the Principal Cyber Advisor of the Department of Defense and the Commander, U.S. Cyber Command (CYBERCOM), to complete a study on the responsibilities of the military services for organizing, training, and presenting forces to CYBERCOM and submit recommendations on a future force generation model for cyberspace operations forces. The provision would also require the Secretary of Defense to establish a new or revised force generation model for the cyberspace operations forces and submit an implementation plan on the new or revised model.

The committee is concerned about continued readiness challenges with cyberspace operations forces, particularly with the Navy contributions to the Cyber Mission Force. The committee believes that the mission of the Cyber Mission Force and Cyberspace Operations Force has evolved significantly, and that it is an appropriate time to use the operational and organizational lessons learned since U.S. Cyber Command was established in 2010 to re-evaluate the responsibilities of the military services for organizing, training, and presenting forces to U.S. Cyber Command.

**MILITARY CONSTRUCTION**

**Sec. 2601. Authorized Army National Guard Construction and Land Acquisition Projects**

The committee recommends a provision that would authorize military construction projects for the Army National Guard for fiscal year 2023. The committee recognizes the Department of Defense's significant unfunded military construction requirements and has included an additional \$116.9 million for many of these projects here. The authorized amounts are listed on an installation-by-installation basis.

State or Territory	Project Title	FY23 Request	Senate Amount
Alaska/ Joint Base Elmendorf-Richardson	Aircraft Maintenance Hangar	\$0	\$63,000
Arkansas/ Camp Robinson	Automated Multipurpose Machine Gun Range	\$0	\$9,500
Delaware/ New Castle	NG Readiness Center	\$16,000	\$16,000
Florida/ Gainesville	NG Readiness Center	\$0	\$21,000
Florida/ Palm Coast	NG Vehicle Maintenance Shop	\$12,000	\$12,000
Hawaii/ Kapolei	NG Readiness Center Addition	\$29,000	\$29,000
Indiana/ Atlanta	NG Readiness Center	\$20,000	\$20,000
Iowa/ West Des Moines	NG Readiness Center	\$15,000	\$15,000
Michigan/Grayling Airfield	NG Readiness Center	\$16,000	\$16,000
Minnesota/ New Ulm	NG Readiness Center	\$17,000	\$17,000
Nevada/ Reno	NG Readiness Center Add/Alt	\$18,000	\$18,000
New York/ Troy	NG Vehicle Maintenance Shop	\$17,000	\$17,000
New York/Lexington Armory	NG Readiness Center Add/Alt (P&D)	\$0	\$3,580
North Carolina/ McLeansville	NG Vehicle Maintenance Shop	\$15,000	\$15,000

Oregon/ Camp Umatilla	Collective Training Unaccompanied Housing	\$0	\$14,243
Puerto Rico/ Camp Santiago	Engineering/Housing Maintenance Shops (DPW)	\$14,500	\$14,500
Tennessee/ Smyrna	Army Aviation Support Facility and Readiness Center (P&D)	\$0	\$780
Vermont/Bennington	NG Readiness Center	\$14,800	\$0
West Virginia/ Buckhannon	NG Readiness Center Add/Alt	\$14,000	\$14,000
Wyoming/ Camp Guernsey	Aviation Operations and Fire Rescue Building	\$0	\$19,500
Wyoming/ Sheridan	NG Vehicle Maintenance Shop	\$14,800	\$14,800
Unspecified Worldwide	Planning & Design	\$28,245	\$32,745
Unspecified Worldwide	Minor Military Construction	\$35,933	\$61,333
Unspecified Worldwide	Cost to Complete: FY22 Inflation Effects	\$0	\$54,610
Unspecified Worldwide	Cost to Complete: FY23 Inflation Effects (P&D)	\$0	\$8,470
Unspecified Worldwide	Cost to Complete: FY23 Inflation Effects (UMMC)	\$0	\$15,210
Unspecified Worldwide	Cost to Complete: FY23 Inflation Effects	\$0	\$65,200
Unspecified Worldwide	Inflation & Market Adjustment Fund	\$0	\$48,459

**Sec. 2604. Authorized Air National Guard Construction and Land Acquisition Projects.**

The committee recommends a provision that would authorize military construction projects for the Air National Guard for fiscal year 2023. The committee recognizes the Department of Defense's significant unfunded military construction requirements and has included an additional \$66.2 million for many of these projects here. The authorized amounts are listed on an installation-by-installation basis.

State or Territory	Project Title	FY23 Request	Senate Amount
Alabama/ Birmingham International Airport	Security and Services Training Facility	\$7,500	\$7,500
Alabama/ Montgomery Regional Airport	F-35 Weapons Load Crew Training	\$0	\$9,200
Arizona/ Morris ANGB	Base Entry Complex	\$0	\$12,000
Arizona/ Tucson International Airport	Land Acquisition	\$10,000	\$10,000
Florida/ Jacksonville International Airport	F-35 Construct Flight Simulator Facility	\$22,200	\$22,200
Indiana/ Fort Wayne International Airport	Munitions Maintenance & Storage Complex	\$12,800	\$12,800
Missouri/ Jefferson Barracks Air Guard Station	Consolidated Air Operations Group (157 <sup>th</sup> Air Operations Group) (P&D)	\$0	\$2,100
Rhode Island/ Quonset State Airport	Consolidated Headquarters Medical & Dining Facility	\$0	\$35,000
Tennessee/ McGhee-Tyson Airport	KC-135 Maintenance Shops	\$23,800	\$23,800
West Virginia/ McLaughlin ANGB	C-130J Apron Expansion	\$0	\$10,000
Worldwide Unspecified	Planning & Design	\$28,412	\$28,412
Worldwide Unspecified	Minor Military Construction	\$44,171	\$44,171

Worldwide Unspecified	Cost to Complete: FY22 Inflation Effects	\$0	\$72,400
Worldwide Unspecified	Cost to Complete: FY23 Inflation Effects	\$0	\$17,700
Worldwide Unspecified	Inflation & Market Adjustment Fund	\$0	\$54,236

**Sec. 2607. Extension of Authority to Carry Out Certain Fiscal Year 2018 Projects.**

The committee recommends a provision that would extend the authorization contained in section 2604 of the Military Construction Authorization Act for Fiscal Year 2018, Division B, Title XVI, of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) for three projects until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

State	Installation or Location	Project	Original Authorized Amount
Indiana	Hulman Regional Airport	Construct Small Arms Range	\$8,000,000
South Dakota	Joe Foss Field	Aircraft Maintenance Shops	\$12,000,000
Wisconsin	Dane County Regional/Airport Truax Field	Construct Small Arms Range	\$8,000,000

**Sec. 2608. Corrections to Authority to Carry Out Certain Fiscal Year 2022 Projects.**

The committee recommends a provision that would amend the authorization contained in section 2601 of the Military Construction Authorization Act for Fiscal Year 2022, Division B, Title XXVI, of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81) for 10 projects.

**Sec. 2822. Land Conveyance, Saint Joseph, Missouri.**

The committee recommends a provision that would grant permissive authority to the Secretary of the Air Force to convey to the City of Saint Joseph, Missouri, approximately 54 acres of land at the Rosecrans Air National Guard Base for the purposes of accommodating the operations and needs of the Rosecrans Memorial Airport as well as development of the parcels and buildings for economic purposes. The committee notes that this permissive authority only takes effect at such time that the Missouri Air National Guard vacates their existing location on the southern end of the airfield at Rosecrans Memorial Airport.

**Report Language / Items of Interest**

**Combat Rescue Helicopter**

The budget request included \$707.0 million in line number 13 of Aircraft Procurement, Air Force (APAF), to buy 10 Combat Rescue Helicopters (HH-60W). The Air Force has announced plans to truncate the HH-60W program with the fiscal year 2023 purchases. That would leave the Air Force roughly 40 helicopters short of its original inventory objective for combat rescue helicopters.

The committee is concerned that the Air Force is ignoring the fact that these aircraft are already high demand/low density assets, and that buying fewer will only exacerbate the situation. Since the Air Force has not provided any analysis that would support the planned reduction in inventory, the committee urges the Department to restore aircraft quantities originally planned.

The committee recommends an increase of \$350.0 million in line number 13 of APAF to buy an additional 10 HH-60W helicopters.

### **Air Force Cryptographic Modernization**

Elsewhere in this report, the committee describes a recommended provision that would require the Department of Defense to provide a separate budget display that provides a transparent aggregation of the status of cryptographic system modernization. To assist in addressing the urgent need to fund the replacement of obsolete cryptography, the committee recommends an increase of \$94.4 million for Air Force cryptographic modernization.

The committee recommends the following increases for cryptographic modernization:

- (1) \$3.9 million in Research, Development, Test, and Evaluation, Air Force (RDAF) for PE 65278F for AC-130J;
- (2) \$2.1 million in line number 63 of Aircraft Procurement, Air Force (APAF) for AC-130J;
- (3) \$4.5 million in RDAF for PE 11126F for B-1B;
- (4) \$5.0 million in RDAF for PE 11113F for B-52;
- (5) \$2.6 million in RDAF for PE 41132F for C-130J;
- (6) \$1.1 million in RDAF for PE 41318F for CV-22;
- (7) \$700.0 thousand in RDAF for PE 32015F for E-4B;
- (8) \$4.8 million in RDAF for 27133F for F-16 Pre Blk;
- (9) \$8.1 million in line number 29 of APAF for F-16 Pre Blk;
- (10) \$2.0 million in RDAF for PE 27133F for F-16 Post Blk;
- (11) \$20.7 million in line number 51 of APAF for KC-135;
- (12) \$4.8 million in RDAF for PE 41218F for KC-135;
- (13) \$6.7 million in line number 49 of APAF for C-130H;
- (14) \$5.9 million in line number 51 of APAF for KC-135 (ROBE B-Kits); and
- (15) \$21.6 million in line number 11 of Procurement, Space Force for National Security Space Systems.

### **Aviation Status Dashboard**

The committee is aware of a capabilities gap within the Army National Guard aviation enterprise related to automation systems that reduce air crew readiness and efficiency. The committee is aware that multiple National Guard Army aviation programs have purchased and deployed the Aviation Status Dashboard platform to successfully mitigate the capabilities gap and increase aviation program readiness and efficiency. The committee is also aware that the Aviation Status Dashboard has greatly reduced manhours and costs associated with the lack of automation. The committee directs the Secretary of the Army to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2023, on the capabilities of the Aviation Status Dashboard being used by current commands and the effectiveness of those capabilities in reducing complexity, increasing readiness, and reducing costs within the Army National Guard aviation programs. This briefing shall also focus on any undue constraints in acquiring or using the system. These constraints include the Risk Management Framework assessments and/or misunderstanding of funding mechanisms within the National Guard Bureau.

### **Degraded Visual Environment Systems—HH-60W**

The Air Force decided to terminate the degraded visual environment system (DVES) for the HH-60G Combat Search and Rescue (CSAR) helicopter fleet, with the promise that the Air Force would address the problem with an accelerated HH-60W Combat Rescue Helicopter program. Now the Air Force has dropped any apparent plans to upgrade the HH-60W fleet with DVES and has decided to truncate the HH-60W procurement program far short of the original inventory objective. The committee already had concerns that the original Air Force plan would have left Air National Guard HH-60Gs operating at greater risk for a number of years. With the announcement of the plan in the budget request to curtail the procurement of the follow-on HH-60W aircraft, Air Force units, both active component and Air National Guard, will be operating legacy aircraft without DVES for the foreseeable future. The committee finds this situation unacceptable, particularly in

view of the Air Force assessment that DVES is a "key safety enhancement for rotary wing aircraft and remains a priority."

Therefore, the committee directs the Secretary of the Air Force to provide the congressional defense committees, not later than February 1, 2023, with a fully developed acquisition plan for procuring DVES upgrades and outfitting the fleet of HH-60W helicopters.

#### **UH-60V Blackhawk Helicopter**

The committee notes that modernization of older model UH-60 Blackhawks through recapitalization and upgrades to the new UH-60V model is crucial to ensuring the continued viability of the Blackhawk fleet. This effort extends the service life of airframes, upgrades cockpits from analog to digital, and increases overall performance.

The committee supports the Army's plan to field UH-60V Blackhawks in all components in order to maintain fleet and mission parity across the Army. Additionally, the committee notes that a substantial increase of UH-60V production capacity is required to achieve on-time fielding and timely divestiture of obsolete airframes from the force.

The committee directs the Secretary of the Army to provide a briefing to the congressional defense committees, not later than February 20, 2023, on UH-60V production and fielding. The briefing shall include an update on production capacity, aircraft delivery timeliness, and intended distribution plans in the context of aviation force structure design updates currently being considered by the Army.

#### **UH-72 Lakota Helicopter Modernization**

The committee recognizes the versatility of UH-72 Lakota aircraft fitted with sophisticated mission equipment packages (MEP) that enable Army National Guard (ARNG) aviation to perform a variety of missions, including counterdrug, search and rescue, disaster relief, border security, and other domestic operations. The committee further recognizes the increased performance and versatility of newer UH-72B aircraft being fielded to select states and the value of upgrades to address obsolescence issues in the earlier UH-72A variant. The committee notes that domestic UH-72 production capability will end in fiscal year 2023, and that updates to address obsolescence issues and modifications such as the MEP would sustain the Lakota workforce and expertise at the production facility while preserving the industrial capability to meet future Army, ARNG, other Government agency or foreign military sales needs.

#### **Additive Manufacturing Implementation Strategy**

The committee recognizes the importance of additive manufacturing advances to help reduce sustainment costs and increase performance of new and existing systems. The committee believes that the Department of Defense (DOD) is making good progress in adapting to and adopting additive manufacturing technologies, and applauds the Department for publishing an Additive Manufacturing Strategy in January 2021, through the DOD's Joint Defense Manufacturing Council. The committee notes that this strategy is helping to promote additive manufacturing expansion, standardization, and training through new policies and collaboration efforts. However, though this strategy exists, it lacks many necessary implementation details to help translate that policy into more concrete action.

Therefore, the committee directs the Under Secretary of Defense for Research and Engineering, in coordination with the Under Secretary of Defense for Acquisition and Sustainment and the service acquisition executives, to provide an implementation strategy for additive manufacturing to the Committees on Armed Services of the Senate and the House of Representatives, not later than November 1, 2023. This implementation strategy shall include:

(1) A roadmap that addresses the workforce skills needed to support the technologies covered by the strategy;

- (2) Proposals for demonstration projects to assess relevant concepts, models, technologies, and engineering barriers;
- (3) Proposals for the application of additive manufacturing for warfighting capabilities;
- (4) Proposals for the application of additive manufacturing to achieve agile, resilient, and integrated logistics and sustainment for distributed operations;
- (5) Proposals for the application of additive manufacturing to establish quality assurance practices for system and technological maintenance;
- (6) Proposals for launching pilot programs in which the Secretary may work with industry and academic institutions to develop and implement additive manufacturing standards and practices;
- (7) Identification of relevant infrastructure, facilities, or tooling within Department of Defense laboratories or test and evaluation facilities that might contribute to such proposals, and other collaborative programs with industry or academia;
- (8) Identification and designation of centers of excellence for additive manufacturing technology within Defense organizations and operational units (such as the Maine Air National Guard 101st Air Refueling Wing) to support increased collaboration and interaction with research organizations, industry, and academia to link operationally relevant user feedback to other research efforts; and
- (9) Identification of potential additive manufacturing technology innovation ecosystems that could support defense mission needs.

#### **Facilities Sustainment, Restoration, and Modernization**

The budget request included \$4.6 billion in Operation and Maintenance, Army (OMA) for SAG 132 Facilities, Sustainment, Restoration, and Modernization; \$1.0 billion in Operation and Maintenance, Army National Guard (OMARNG) for SAG 132 Sustainment, Restoration, and Modernization; \$358.7 million in Operation and Maintenance, Army Reserve (OMAR) for SAG 132 Sustainment, Restoration, and Modernization; \$3.5 billion in Operation and Maintenance, Navy (OMN), for SAG BSM1 Sustainment, Restoration and Modernization; \$44.7 million in Operation and Maintenance, Navy Reserve (OMNR) for SAG BSMR Sustainment, Restoration and Modernization; \$1.2 billion in Operation and Maintenance, Marine Corps (OMMC), for SAG BSM1 for Sustainment, Restoration and Modernization; \$118.3 million in Operation and Maintenance, Marine Corps Reserve (OMMCR) for SAG BSM1 Sustainment, Restoration and Modernization; \$4.0 billion in Operation and Maintenance, Air Force (OMAF), for SAG 011R for Sustainment, Restoration and Modernization; \$437.0 million in Operation and Maintenance, Air National Guard (OMANG) for SAG 11R for Sustainment, Restoration and Modernization; \$133.7 million in Operation and Maintenance, Air Force Reserve (OMAFR) for SAG 11R Sustainment, Restoration and Modernization; and \$235.2 million in Operation and Maintenance, Space Force (OMSF) for SAG 13R Sustainment, Restoration and Modernization.

The committee understands that additional funds would alleviate current challenges in maintaining facilities to better support existing readiness levels, while increased sustainment funding would also prevent disproportionate restoration and modernization backlog growth.

Accordingly, the committee recommends the following increases in facilities sustainment, restoration, and modernization: \$538.9 million in OMA for SAG 132, \$130.3 million in OMARNG for SAG 132, \$46.4 million in OMAR for SAG 132, \$435.0 million in OMN for SAG BSM1, \$25.0 million in OMNR for SAG BSMR, \$559.0 million in OMMC for SAG BSM1, \$4.3 million in OMMCR for SAG BSM1, \$550.4 million in OMAF for SAG 011R, \$56.1 million in OMANG for SAG 11R, \$17.5 million in OMAFR for SAG 11R, and \$38.4 million in OMSF for SAG 13R.

#### **STARBASE**

The budget request included \$48.4 billion for Operation and Maintenance, Defense-wide (OMDW), of which \$139.7 million was for SAG 4GT3 Civil Military Programs. The budget request did not,



however, include any funding under SAG 4GT3 for the Department of Defense Science and Technology Academies Reinforcing Basic Aviation and Space Exploration (STARBASE) program.

The committee notes that the STARBASE program is an effective program that improves the knowledge and skills of students in kindergarten through 12th grade in science, technology, engineering, and mathematics.

Therefore, the committee recommends an increase of \$15.0 million for SAG 4GT3 Civil Military Programs for the STARBASE program.

#### **157th Air Operations Group Facility, Air National Guard**

The committee recognizes that the 157th Air Operations Group (AOG), Missouri Air National Guard, Jefferson Barracks Air National Guard Base, responds to operational requirements within the Headquarters Pacific Air Forces (HQ PACAF) area of responsibility. The committee recognizes further that HQ PACAF may require significant support from the 157th AOG to ensure continuity of command and control of U.S. air forces in the Indo-Pacific region during a wartime contingency. The 157th AOG requires a single facility from which to provide such support, including by enabling efficient cooperation of all personnel within the Intelligence, Combat Operations, and Communications Squadrons and support staff. However, 157th AOG personnel currently function out of three separate facilities, which detracts from mission efficiencies and is inconsistent with AOG functionality. The committee recognizes that without consolidation into a single building, 157th AOG personnel will continue to train in a manner inconsistent with their wartime mission execution and the stove-piping of mission habits driven by separated facilities will continue to detract from combat readiness.

Accordingly, the committee encourages the Air Force to continue its current construction schedule of fiscal year 2024 to ensure the 157th AOG can adequately support HQ PACAF.

#### **C-130J Virtual Reality Engine Maintenance Training**

The committee recognizes the importance of a fleet-wide distribution of virtual reality engine maintenance training assets for the Air Force C-130J fleet to ensure maintainer proficiency and facilitate fleet-wide transition to the C-130J model. Given that this training was initially fielded with squadrons in 2020 but was never completed fleet-wide, the committee is concerned a lack of training availability will hinder unit transitions from older C-130H models. Accordingly, the committee directs the Secretary of the Air Force to provide a briefing to the committee, not later than March 1, 2023, that outlines the Air Force's plan to achieve virtual reality engine maintenance training parity across units by ensuring that training assets are distributed to the remainder of the C-130J fleet.

#### **Flame-Resistant Army Combat Uniforms**

The committee has long supported the operational benefits provided by flame-resistant uniforms for all soldiers. Historically, the Flame-Resistant Army Combat Uniform (FRACU) was three to four times more expensive than the Army Combat Uniform (ACU), and the Army developed a policy to issue the uniforms to deploying soldiers through the Rapid Fielding Initiative. In recent years, the committee understands from industry that innovation has yielded new technologies that can reduce cost without sacrificing protection. For these reasons, the committee encourages the Army to consider making the FRACU an item of issue in the initial clothing bag.

Accordingly, the committee directs the Secretary of the Army to provide a briefing to the committee, not later than March 1, 2023, on the associated costs and feasibility study of replacing the ACU with the new FRACU. The briefing shall include: (1) A potential plan to establish a project stock to be funded over the future years defense program; (2) An outline for a potential health study on the use of flame resistant materials and emerging technology to determine the possibility of a cost-effective flame resistant solution for daily use by soldiers; (3) A review of existing criteria for

determining in what circumstances combat uniforms of the Armed Forces and National Guard are required to be flame-resistant; (4) Potential costs and benefits of FRACUs on operational safety and force protection; and (5) The minimum level of annual procurement by the Defense Logistics Agency necessary to sustain the flame resistant textile industrial base to be prepared to respond to emerging needs of the Armed Forces and National Guard for current and future conflicts.

#### **Modular Airborne Fire Fighting System Basing Criteria for C-130J**

The committee notes that Air National Guard units flying the Modular Airborne Fire Fighting System (MAFFS) mission in the western United States are flying legacy C-130Hs in some of the hottest temperatures, highest elevations, and in the most challenging mountainous environments of any C-130 unit. Upgrading their C-130H fleet with C-130Js would have a substantial impact on readiness and firefighting capabilities, given every year the western U.S. has devastating wildfires and longer distances to travel than any other region in the continental United States. As such, the committee is concerned that the Air Force is not considering MAFFS as part of its basing criteria for C-130J aircraft.

The committee was encouraged during a June 17, 2021, Senate Armed Services Committee hearing on the posture of the Air Force when the then-Acting Air Force Secretary and Air Force Chief of Staff committed that the Air Force would consider using MAFFS as part of its basing criteria moving forward. Specifically, in reference to making MAFFS part of the basing criteria for future rounds of C-130J recapitalization, the Chief of Staff stated, “You have my commitment to have that considered as one of the criteria as we look at forward basing decisions.” The acting Secretary further noted that the point that MAFFS should be part of the criteria was “well taken” and committed that the Air Force would work “to see if there are ways we can give that some consideration going forward.” The committee encourages the Air Force to follow through on this commitment by beginning the process of including the MAFFS mission as part of their basing criteria for the C-130J, and encourages the Air Force to make basing decisions based on location and the missions served in particular regions of the country.

Accordingly, the committee directs the Secretary of the Air Force to provide a briefing to the committee, not later than March 1, 2023, on how the Air Force defines the requirements for MAFFS capable planes and what criteria the Air Force would use in deciding on a base for additional aircraft equipped with MAFFS.

#### **National Guard Contribution to Nuclear Deterrence**

The committee recognizes the important role National Guard units and installations play in supporting nuclear deterrence operations, as well as associated nuclear command, control, and communications and continuity of Government missions. This vital enabling support is provided by limited personnel operating out of select facilities for which equivalent substitutes are not available, and the committee is concerned that potential operational degradation could negatively impact current war plans.

Accordingly, the committee expects the Chief of the National Guard Bureau to strongly consider operational impacts as it prioritizes and allocates resources for sustainment, restoration, and maintenance.

#### **Per- and Polyfluoroalkyl Substances in Groundwater Briefing**

The committee notes that communities in drought stricken regions face unique challenges when per- and polyfluoroalkyl substances (PFAS) are persistent in groundwater aquifers that serve as a primary or secondary source of drinking water. The committee directs the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than December 1, 2022, on the status of remedial investigations related to the release of PFAS in the proximity of groundwater aquifers that serve as a primary or secondary source of drinking water in the United States, which are at or adjacent to military

installations, facilities of the National Guard, or formerly used Defense sites, including communities within an aquifer designated as a sole source aquifer by the Administrator of the Environmental Protection Agency under section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300h-3(e)).

#### **Swift Water Training for the National Guard**

The committee appreciates that the National Guard has a long history in responding to natural disasters. Across the Nation, the Air National Guard and Army National Guard often are the first on the scene in assisting states dealing with wildfires, hurricanes, tornadoes, and floods. The committee understands that flooding is the most common natural disaster in the United States, occurring in 98 percent of the Nation's counties. In particular, quick-rising floods, and the swift waters that can result, are most often caused by heavy rains over a short period, and can happen anywhere. It is known that a significant portion of people who die in swift water incidents are first responders, like the National Guard, and most have never trained on an actual submerged vehicle. Additionally, around the world, emergency services personnel are training in creeks and rivers, which carry bacteria and can reach dangerous temperatures in the winter.

The committee believes that a safe, realistic training environment is essential to protect flood rescue teams, like guardsmen. The committee understands that organizations such as Fayetteville Technical Community College in North Carolina, will maintain an indoor swift water rescue training facility at its Regional Fire and Rescue Training Center. The committee understands the facility will include an 88,000-gallon tank that will allow emergency personnel to train year-round for a wide variety of dangerous swift-water and floodwater rescue scenarios. The committee believes that such facilities can provide better additional training for real-life scenarios in a synthetic training environment.

Accordingly, the committee encourages the National Guard to utilize such facilities to ensure readiness for missions both at home and abroad.

#### **United States Africa Command Combined Maritime Operations**

(AFRICOM) conducts activities under the African Maritime Law Enforcement Partnership (AMLEP) to build maritime security capacity of African security partners and improve management of their maritime environment through combined maritime law enforcement operations. The committee understands that Operation Junction Rain is the operational phase of AMLEP, and uses the United States Coast Guard (USCG) to enhance the maritime security and law enforcement capabilities of African partner nations, including through USCG Law Enforcement Detachments. The committee further understands that in recent years there has been a lack of consensus within the Department of Defense (DOD) about the adequacy of existing authorities to support activities under Operation Junction Rain. The committee believes that building partnership capacity and security force assistance activities like AMLEP and Operation Junction Rain in the AFRICOM area of responsibility are important to supporting DOD objectives. Therefore, the committee directs the Secretary of Defense, not later than December 1, 2022, to provide a briefing to the committee on the adequacy of existing authorities to support the AMLEP program and Operation Junction Rain and to identify any gaps in such authorities.

#### **Air National Guard Tuition Assistance Pilot Program Briefing**

The committee understands that tuition assistance consistently ranks among the top factors that potential recruits consider when deciding whether to join a military service. As the military in general and the reserve component in particular experience significant difficulties meeting recruiting goals, the committee encourages the Department of Defense to utilize all available tuition assistance authorities and funding.

The committee is aware that the Air National Guard conducted a pilot program to provide Federal tuition assistance to some members of the Air National Guard in the Selected Reserve. The

Director of the Air National Guard shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 31, 2023, on the results of this pilot program and any future plans to provide tuition assistance to members of the Air National Guard.

### **Legislative Fellowships**

The Department of Defense (DOD) legislative fellowship program provides select servicemembers and civilian employees first-hand experience with the workings of the Congress and, through the acquisition of additional skills and knowledge, provides the DOD with an understanding of how congressional actions affect the DOD's budget, roles and missions, force structure, programs, military projects, and quality of life. DOD Instruction 1322.06, published October 12, 2016, titled "Fellowships, Legislative Fellowships, Internships, Scholarships, Training-With-Industry (TWI), and Grants Provided to DoD or DoD Personnel for Education and Training," requires assignment of servicemembers and civilians to an immediate utilization tour upon completion of the legislative fellowship program. The Instruction authorizes delay or waiver of this requirement only as needed to meet current mission needs. The committee strongly endorses this program.

The committee is concerned that some legislative fellows may not have been assigned to the required utilization tours upon completion of the legislative fellowship program. Accordingly, the committee directs the Secretary of Defense to submit an annual report, not later than March 1 of each year through calendar year 2028, on the number of servicemembers and civilians from the most recent legislative fellowship cycle who: (1) Are assigned to utilization tours; (2) Are delayed from the required immediate utilization tour; (3) Receive a waiver of the required utilization tour; and (4) Leave military service for a congressional staff position prior to completion of the utilization tour. The report shall include the reasons for delayed utilization tours and a detailed explanation for each waiver of completion of the required utilization tour. The report shall not include personally identifiable information regarding the servicemembers and civilians addressed in the report.

### **National Guard Operational Tempo**

The committee is aware of the high operational tempo that the Air and Army National Guard have been operating under over the past several years. The committee commends the National Guard for its critical role in assisting with COVID-19 relief efforts and other domestic support operations. The committee is concerned, however, that the high operational demands on National Guard members from both Federal and State activations may have taken a toll on recruiting, retention, and the readiness of National Guard members.

The committee therefore directs the Under Secretary of Defense for Personnel and Readiness and the Director of the National Guard Bureau to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 1, 2023, on the following topics: (1) Whether State duty interferes with or negatively impacts recruiting, retention, or quality of life for members of the National Guard; (2) Whether State-specific activations or mobilizations present a barrier to National Guard members earning sufficient credit to earn a qualifying year for retirement; and (3) any policy recommendations to ensure the readiness, fitness, and availability of National Guardsmen to contribute to the national defense.

### **Basic Allowance for Housing for Reserve Component Members Without Dependents on Active Orders Who Must Maintain Two Households**

The committee has heard concerns that some reserve component servicemembers without dependents who are called or ordered to Active Duty for durations between 140 and 365 days have faced financial hardship due to the Department of Defense policy that requires such periods of Active Duty to be a permanent change of station (PCS). Unlike members of the active component who typically PCS to new locations following attendance at instructional courses of this duration, members of the reserve component overwhelmingly return to their homes of record following the completion of a period of active service. Such reserve component members

frequently have to continue to pay their mortgage or lease while they are on Active Duty and also pay for lodging at the location of their military duty. However, because they are given PCS orders, they are only given a single basic allowance for housing (BAH) and do not have sufficient income to pay for two households simultaneously.

Specifically, since the Joint Travel Regulation (JTR) requires all instructional courses in excess of 139 days to be a PCS assignment, the Department of Defense puts reserve component members in the position of having to sell or lease their homes for periods as short as 20 weeks in order to attend instructional courses with durations between 140 and 365 days. This kind of short-term leasing may not be possible in many cases. In addition to financial hardship, this requirement may deter such members from attending such courses due to the financial burden of having to pay for both a lease or mortgage at their primary residence and cover lodging expenses at the location of their military duty.

The committee further notes that the Secretaries concerned are authorized under subsection 403(g) of title 37, United States Code, to authorize certain reserve component members without dependents who are called to Active Duty for a period of more than 30 days to receive both BAH at the location of both their home of record and at the location of their assigned duty, provided that they are not also afforded travel and transportation allowances under subchapter I of chapter 8 of title 37, United States Code, including allowances for the transportation of household goods that would be authorized under a PCS.

The committee encourages the Secretary of Defense to examine policies that would reduce this financial hardship on reserve members with no dependents. The committee further encourages the Secretary of Defense to either develop a uniform policy that streamlines the process for affected reserve component members to elect to receive dual BAH entitlements under subsection 403(g) and waive their travel entitlements and entitlement to transportation of household goods, or to develop policy exceptions in the JTR that would allow such members to attend instructional schools in a temporary duty status for up to 365 days so that they can maintain their home of residence and secure lodging at the location of their military duty using travel and transportation entitlements.

Accordingly, not later than April 1, 2023, the committee directs the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives with an assessment of this issue and the policy solutions the Department is developing to alleviate this financial hardship on affected reserve component members without dependents, along with any relevant recommendations for legislative remedies to this problem.

#### **Army Interagency Training and Education Center**

The committee recognizes that the Army Interagency Training and Education Center (AITEC), a joint activity of the Army and Air National Guard, provides a valuable training capability for homeland defense and civil support, to include:

- (1) Providing the Department of Defense with civilian expertise and experience in critical infrastructure protection; chemical, biological, radiological, and nuclear response; emergency management, control systems cybersecurity, and incident management;
- (2) Providing training and exercise support for the Joint Interagency Training Capability;
- (3) Conducting Mission Assurance, Cybersecurity, Port Security and Resiliency, and other critical infrastructure assessments and training along with counter-improvised explosive device and bombing prevention training to intergovernmental partners and first responders; and
- (4) In partnership with Federal, State, local, territorial, and Tribal response organizations, conducting all-threats, all-hazards mission assurance assessments and all hazards disaster response training and exercise support.

The committee notes AITEC's partnership with the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency in offering mission assurance services to critical infrastructure owners and operators. As cyber incursions continue to proliferate, the committee believes that the AITEC may be well suited to assist across the interagency in addressing cyber threats to critical infrastructure. The committee encourages the Secretary of Defense to assess AITEC's potential for expanded mission capabilities, and if appropriate, provide additional resources and support.

#### **Report on Critical Infrastructure Prioritization**

As threats to critical infrastructure have increased over the past years, including cyber intrusions into every critical infrastructure sector, the committee recognizes the importance of the Department of Defense's (DOD) role in protecting critical infrastructure in the event of an attack necessitating mobilization of either title 32 or title 10, United States Code, forces. However, the committee remains concerned that sufficient contingency planning has not been undertaken to determine the appropriate response and prioritization of critical infrastructure in the event of a physical or cyber event for Defense Continuity and Mission Assurance purposes.

For this reason, the committee directs the Secretary of Defense, in consultation with the Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs, the Joint Staff, the Commander of U.S. Northern Command, the Commander of U.S. Cyber Command, the Chief of the National Guard Bureau, and other offices as the Secretary of Defense determines, to provide a report to the congressional defense committees, not later than March 31, 2023.

The report should provide: (1) A description of the Office of the Secretary of Defense's work relating to Defense Critical Infrastructure; (2) A description of actions necessary for maintaining mission assurance and continuing operations of the Federal Government in accordance with established continuity of government/continuity of operations planning; (3) An assessment of the DOD's guidance for the prioritization and coordination of protection for critical infrastructure within the United States, including from cyber attacks; (4) A description of the DOD efforts to coordinate and maintain awareness of critical infrastructure prioritization across the interagency; and (5) Any other matters that the Secretary of Defense considers appropriate.

#### **Briefing on National Guard Special Operations Forces Irregular Warfare Training**

The committee notes that implementation of the 2022 National Defense Strategy requires the continued development of special operations forces to address destabilizing efforts by malign nations and non-state entities. The committee also notes that combined training and other engagement opportunities with trusted allies and partners, including the annual Ridge Runner Irregular Warfare Training Activity, are important tools for building interoperability and the capabilities necessary to address irregular warfare challenges.

Therefore, the committee directs the Secretary of Defense, in coordination with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Chief of the National Guard Bureau, to provide a classified briefing to the congressional defense committees not later than February 1, 2023, that includes: (1) A description of National Guard Special Operations Forces efforts relating to irregular warfare training provided to foreign nations in the State Partnership Program, including the Ridge Runner Irregular Warfare Training Activity; (2) An assessment of the effectiveness of this training activity in developing interoperability with, and the capabilities of foreign allies and partners; (3) Recommendations for the expansion of this training activity to realistically simulate all domain and full mission profile activities; and (4) Recommendations on any additional staffing or funding for these training activities in future years.

### **Briefing on Manning Options for Operating an Integrated Air and Missile Defense Architecture for Guam**

The committee directs the Secretary of Defense, not later than March 1, 2023, to provide a briefing to the congressional defense committees on available options for manning a future integrated air and missile defense architecture for the defense of Guam against growing missile threats in the Indo-Pacific theater. In addition to the use of Active-Duty military personnel, the committee encourages the Department of Defense to consider a wide range of manning options, including the use of local and rotating National Guard forces, as well as options for reducing manning requirements through the use of increased automation.

### **Plan on State Partnership Program Support for Cyberspace Security Cooperation Activities**

The committee is aware that the Department of Defense State Partnership Program (SPP) supports the security cooperation objectives of the United States and the geographic combatant commands by developing enduring relationships with partner countries and carrying out activities to build partner capacity, improve interoperability, and enhance U.S. access and influence while increasing the readiness of U.S. and partner forces to meet emerging or persistent challenges. The committee is also aware of the growing cyberspace capabilities within the National Guard enterprise that could be utilized to support cyberspace security cooperation activities with U.S. allies and partners through the SPP. The committee believes that these cyberspace security cooperation activities conducted through the SPP should be reviewed to determine the most effective method of utilization.

To that end, not later than January 31, 2023, the committee directs the Under Secretary of Defense for Policy, in coordination with the Chief of the National Guard Bureau, to develop a plan on ways the SPP could be further utilized to support the cyberspace security cooperation activities of the Department of Defense. The plan shall include: (1) Identification and prioritization of additional cyberspace security cooperation activities that could be supported by the National Guard through the SPP; (2) Proposed mechanisms to integrate and coordinate activities for cyberspace security cooperation activities across the SPP partner nations; (3) Consideration of proposed mechanisms for augmenting National Guard cyberspace capabilities from one state to another in support of the SPP; and (4) Any additional authorities, funding, and legislative actions needed to support enhanced cyberspace security cooperation activities through the SPP.

The committee further directs the Under Secretary and Chief to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 1, 2023, on the plan developed and any associated recommendations.

### **Briefing on Cost Benefit of Improving Facilities for or Relocating Fort Douglas Reserve Component**

The committee notes that supporting the National Defense Strategy means that active, guard, and reserve components must all be able to train properly to ensure adequate readiness levels and operate in habitable, safe infrastructure. The committee believes that Department of Defense programs often fund failing infrastructure when other alternatives may be available.

The committee understands that renovation costs, given the current state of the infrastructure at U.S. Army Reserve Center (USARC) Fort Douglas, exceed \$50.0 million and that there are additional challenges with existing configurations. Units stationed at Fort Douglas have not been able to optimize drills due to the physical configuration of the buildings, and the proximity to the University of Utah presents challenges. The committee understands that there are ongoing discussions between the U.S. Army Reserve at Fort Douglas and the Utah National Guard at Camp W. G. Williams for the potential relocation of the Reserve unit to Camp W. G. Williams, which would provide better home station training opportunities, as well as avoid renovation costs for failing facilities. If such an agreement were to occur, there must be adequate cost data for how the arrangement would be established and sustained.

Accordingly, the committee directs the Secretary of the Army to provide a briefing to the committee, not later than December 1, 2022, on the current state of the infrastructure at USARC Fort Douglas, including the cost of renovations to upgrade the infrastructure at USARC Fort Douglas and a cost/benefit analysis of relocating the facilities, operations, and other program requirements of USARC Fort Douglas to Camp W. G. Williams. The briefing shall include, but not be limited to, the cost of renovations to upgrade the infrastructure at USARC Fort Douglas, including: (1) Aging buildings and systems; (2) Electrical and water systems; (3) Americans with Disabilities Act accessibility standards compliance; (4) Perimeter security, if needed; and (5) Water distribution and storm water concerns. The briefing shall also include a cost/benefit analysis of relocating the facilities, operations, and other program requirements of USARC Fort Douglas to Camp W. G. Williams, including the: (1) Cost of new facilities at Camp W. G. Williams; (2) Cost of the land at Camp W. G. Williams; and (3) Cost of moving operations to Camp W. G. Williams.