



FY23 National Defense Authorization Act (NDAA)

Addendum to the Summary of the National Defense Authorization Act for Fiscal Year 2023 Conference Report H.R. 7776

As of January 13, 2022

	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House	June 23, 2022	July 14, 2022	December 06, 2022	December 07, 2022	December 23, 2022
Senate	June 16, 2022	Amendment filed October 11, 2022		December 15, 2022	

Status: This addendum is provided to supplement NGB-LL's initial summary of the National Defense Authorization Act for Fiscal Year 2023 Conference Report H.R. 7776. NGB Staff reviewed the FY23 NDAA upon enactment and highlighted the following sections as having National Guard equity:

Sec. 141. Modification of Inventory Requirements for Aircraft of the Combat Air Forces.

This section reduces the minimum quantity of primary mission A-10 aircraft inventory required to be maintained by the Secretary of the Air Force. This section would also reduce the minimum inventory quantity of total tactical fighter aircraft the Secretary of the Air Force is required to maintain from 1,970 to 1,800 aircraft.

Sec. 145 - Repeal of Air Force E-8C Force Presentation Requirement.

This section allows the Air Force to fully retire the E-8C fleet and allow alternate technologies to fill the E-8C mission. On background, the 2019 NDAA required the Air Force to maintain sufficient E-8C Joint Surveillance and Target Radar System (JSTARS) aircraft for Combatant Commander requirements.

Sec. 147 – Prohibition on Availability of Funds for Retirement of C-40 Aircraft.

This section states, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any C-40 aircraft.

Sec. 152 - Procurement Authority for Digital Mission Operations Platform for the Space Force.

This section authorizes the Secretary of the Air Force to enter into one or more contracts for the procurement of a digital mission operations platform for the Space Force.

Sec. 161 - Increase in Air Force and Navy Use of Used Commercial Dual-Use Parts in Certain Aircraft and Engines.

This section directs the Secretary of the Air Force and the Secretary of the Navy, within 180 days after enactment, to include Federal Aviation Administration-certified parts in supply chain solutions.

Sec. 163 - Assessment and Report on Military Rotary Wing Aircraft Industrial Base.

This section requires the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Secretaries of the Army, Navy, and Air Force, to conduct an assessment of the military rotary wing aircraft industrial base.

Sec. 221 - Target Date for Deployment of 5G Wireless Broadband Infrastructure at all Military Installations.

This section requires not later than July 30, 2023, the Secretary of Defense to, (1) establish a target date by which the Secretary plans to deploy 5G wireless broadband infrastructure at all military installations; and (2) establish metrics, which shall be identical for each of the military Departments, to measure progress toward reaching the target.

Sec. 241 - Study on Costs Associated with Underperforming Software and Information Technology.

This section requires the Secretary of Defense to seek to enter into a contract or other agreement with an eligible entity to conduct an independent study on the challenges associated with the use of software and information technology in the Department of Defense, the effects of such challenges, and potential solutions to such challenges.

Sec. 320 - Establishment of Joint Working Group to Determine Joint Requirements for Future Operational Energy Needs of Department of Defense.

This section requires the Secretary of Defense to establish a joint working group to determine joint requirements for future operational energy needs of the Department of Defense. The Secretary of the Air Force shall serve as the executive agent of the working group.

Sec. 323 - Pilot Program for Development of Electric Vehicle Charging Solutions to Mitigate Grid Stress.

This section requires the Secretary of Defense, in coordination with the Secretaries of the military Departments, and in consultation with the Secretary of Energy, to carry out a pilot program to

develop and test covered infrastructure to mitigate grid stress caused by electric vehicles through the implementation and maintenance on certain military installations of charging stations, microgrids, and other covered infrastructure sufficient to cover the energy demand at such installations.

Sec. 328 - Limitation on Replacement of Non-Tactical Vehicle Fleet of Department of Defense with Electric Vehicles, Advanced Biofuel-Powered Vehicles, or Hydrogen-Powered Vehicles.

This section states, until the date on which the Secretary of Defense submits to the Armed Services Committees the report described in subsection (b), the Secretary may not enter into an indefinite delivery-indefinite quantity delivery order contract to procure and replace the existing non-tactical vehicle fleet of the Department of Defense with electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles.

Sec. 353. Inclusion of Information Regarding Joint Medical Estimates in Readiness Reports.

This section requires a summary of the joint medical estimates prepared by the Joint Staff Surgeon, with a mitigation plan to correct any readiness problem or deficiency and the timeline, cost, and any legislative action required to correct any such problem or deficiency.

Sec. 388 - National Standards for Federal Fire Protection at Military Installations.

This section requires the Department of Defense to comply with national consensus standards developed by the National Fire Protection Association and minimal staffing requirements for structural and aircraft rescue firefighting. This requires the Secretary of the Army to submit a report within 180 days the details each instance in which a military Department deviated from the national consensus standards by installation along with response times and vehicle staffing. The Secretary of the Army shall also submit a feasibility assessment of compliance.

Sec. 390 - Requirements Relating to Reduction of Out-Of-Pocket Costs of Members of the Armed Forces for Uniform Items.

This section requires the Secretary of Defense to take necessary steps to track the expected useful life of uniform items for officers and enlisted members of the Armed Forces and provide the Secretary of Defense to take necessary steps to track the expected useful life of uniform items for officers and enlisted members of the Armed Forces.

Sec. 504 - Authorized Strength After December 31, 2022: General Officers and Flag Officers on Active Duty.

This section amends section 526a of title 10, United States Code, to include United States Space Force general officers in the authorized strength of general and flag officers on Active Duty.

Sec. 509D – Study of Chaplains.

This section requires not later than 180 days of enactment, the Secretary of Defense in consultation with the Secretaries of the military Departments, study the roles and responsibilities of chaplains.

Sec. 512 - Expansion of Eligibility to Serve as an Instructor in The Junior Reserve Officers' Training Corps.

This section authorizes officers and non-commissioned officers that have served for 8 years and received an honorable discharge to serve as JROTC instructors. It also authorizes officers and non-commissioned officers that are in active status, but not yet eligible to receive retired pay, to serve as JROTC instructors.

Sec. 521 - Consideration of Adverse Information by Special Selection Review Boards.

This section authorizes the Secretary concerned to defer showing adverse information on an officer recently selected for promotion, to a special selection board, and instead including it on the officers next regularly scheduled board.

Sec. 523 - Limitation of Extension of Period of Active Duty for a Member Who Accepts a Fellowship, Scholarship, or Grant.

This section implements a 5-year cap on Active Duty service commitments for Doctor of Philosophy programs that fall under section 2603(b) of title 10, United States Code and also strikes "at least" from section 2603 b) of title 10, USC.

Sec. 527 - Notification to Next of Kin Upon the Death of a Member of the Armed Forces: Study; Update; Training; Report.

This section requires not later than 180 days the Secretary of Defense conduct a study on the notification processes of the next of kin upon the death of a member of the Armed Forces, and upon the conclusion of the study, to update the training and education materials accordingly. The amendment would also require the Secretary to provide a report to Congress on the results of this study, by not later than 1 year after the date of enactment of this Act.

Sec. 531 - Treatment of Personally Identifiable Information Regarding Prospective Recruits.

This section authorizes a 3-year pilot program to collect PII on potential recruits and outlines restrictions on usage and ability for recruits to opt-out of having information collected.

Sec. 532 - Revival and Extension of Temporary Authority for Targeted Recruitment Incentives.

This section extends the recruiting incentives for targeted recruitment from 2020 until 2025 and directs the Secretaries of the military Departments to brief the Armed Services Committees on their implementation of this authority not later than December 1, 2023, and annually thereafter until the authority under this provision expires.

Sec. 534 - Review of Marketing and Recruiting of the Department of Defense.

This section requires not later than September 30, 2023, the Comptroller General of the United States, in consultations with experts determined by the Secretary of Defense, to evaluate the marketing and recruiting efforts of the Department of Defense to determine how to use social media and other technology platforms to convey to young people the opportunities and benefits of service in the covered Armed Forces.

Sec. 538 - Review of Certain Personnel Policies of Special Operations Forces.

This section would require the Secretary of Defense to require the military Departments and U.S. Special Operations Command (SOCOM) to complete a review and appropriately update Department of Defense guidance and processes, with respect to the authority of the Commander, SOCOM, to monitor the promotions of special operations forces and coordinate with the military Departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.

Sec. 539 - Support for Members who Perform Duties Regarding Remotely Piloted Aircraft: Study; Report.

This section requires the Secretary of Defense to conduct a study to identify opportunities to provide more support services to, and greater recognition of combat accomplishments of remotely piloted aircraft. The study would analyze personnel manning practices, safety policies, frequency and quality of behavioral health care.

Sec. 539A - Retention and Recruitment of Members of the Army Who Specialize in Air and Missile Defense Systems.

This section requires the Comptroller General to study efforts to recruit and retain Army personnel who specialize in air and missile defense systems and provide a report not later than 18-months after enactment.

Sec. 596 - Pilot Program on Car Sharing on Remote or Isolated Military Installations.

This section requires not later than 180 days after enactment the Secretary of Defense to determine whether it is feasible and advisable to carry out a pilot program to allow car sharing on

remote or isolated military installations. The amendment would also require the Secretary concerned to provide to the congressional defense committees a report on how the Secretary plans to carry out the pilot program and set requirements for the pilot program, if it is determined to be feasible and advisable.

SEC. 601. One-Year Extension of Certain Expiring Bonus and Special Pay Authorities.

This section amends U.S code relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active-duty service, is amended by striking "December 31, 2022" and inserting "December 31, 11 2023."

Sec. 602 - Increase to Maximum Amounts of Certain Bonus and Special Pay Authorities.

This section increases the bonus that can be paid to certain reserve component members to \$75k, up from \$50k and reenlistment bonus to \$50k up from \$30k. It also increases aviation incentive pay and bonuses from \$1k/month to \$1500/month and from \$35k/year to \$50k/year. Additionally, it increases skill incentive pay from \$1k/month to \$1750/month.

Sec. 603 - Cold Weather Duty: Authorization of Assignment or Special Duty Pay; Travel Allowance for Members of the Armed Forces Assigned to Alaska.

This section authorizes the Secretaries of the military departments to pay assignment or special duty pay to servicemembers who perform duties in cold weather locations. It authorizes the Secretary of a military Department to reimburse an eligible member of the armed forces for the cost of airfare for that member to travel to the home of record of the member during the period specified in paragraph 5 of section 352(b) of title 37.

Sec. 611 - Increases in Maximum Allowable Income for Purposes of Eligibility for Basic Needs Allowance.

This section authorizes the Secretary concerned to increase the basic needs allowance entitlement to 200 percent of the Federal poverty guidelines of the Department of Health and Human Services for the location of the member and the number of individuals in the household of the member, based on the member's location, household need, or special circumstance.

Sec. 613 - Temporary Continuation of Rate of Basic Allowance for Housing for Members of the Armed Forces Whose Sole Dependent Dies While Residing with the Member.

This section authorizes the Secretary of Defense to pay members whose sole dependents die the basic housing allowance at the rate the member received at the time of the dependent's death for up to a year or permanent change of station, or permanent change of assignment with movement of personal property and household goods of the member.

Sec. 614 - Basic Allowance for Housing for Members without Dependents when Home Port Change Would Financially Disadvantage Member.

In the case of a member without dependents who is assigned to a unit that undergoes a change of home port or a change of permanent duty station, if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station, the Secretary concerned may waive the requirement to base the member's entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station.

Sec. 616 - Extension of One-Time Uniform Allowance for Officers Who Transfer to the Space Force.

This section extends by 1 year the authorization to pay a uniform allowance to officers who transfer to the Space Force, until September 30, 2023.

Sec. 617 - OCONUS Cost of Living Allowance: Adjustments; Notice to Certain Congressional Committees.

This section allows the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to reduce the cost-of-living allowance for a member of the Armed Forces assigned to a duty station located outside the United States.

Sec. 622 – Expansion of Authority to Reimburse a Member of the Uniformed Services for Spousal Business Costs Arising from a Permanent Change of Station.

This section authorizes reimbursement for select moving expenses to assist military spouse entrepreneurs who want to keep their business when they move and would limit the total reimbursement to \$1,000 in connection with each eligible reassignment.

Sec. 623 - Extension of Authority to Reimburse Members for Spouse Relicensing Costs Pursuant to a Permanent Change of Station.

This section permanently authorizes reimbursement to members for qualified spouse relicensing costs incident to a member's permanent change of station and extends the spouse relicensing authority to December 31, 2029.

Sec. 627 - Pilot Program to Reimburse Members of the Armed Forces for Certain Child Care Costs Incident to a Permanent Change of Station or Assignment.

This section establishes a 5-year pilot program to reimburse members of the Armed Forces for certain childcare costs incident to a permanent change of station or assignment. The provision would also require the Secretary of Defense to submit a report to the Armed Services Committees on the use of the pilot program by January 1, 2027.

Sec. 631 - Technical Amendments to Leave Entitlement and Accumulation.

This section removes a provision to allow members to accumulate 75 days of leave between the period of October 1, 2008 – September, 30 2015 and changes a provision for an enlisted member of the Armed Forces who would lose accumulated leave in excess of 120 days of leave to 90 days of leave may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A member may make an election under this paragraph only once.

Sec. 643 - Survivor Benefit Plan Open Enrollment Period.

This section establishes an open enrollment period for members and former members not currently enrolled in the Survivor Benefit Plan from the date of enactment of the bill until 1 January 2024.

Sec. 662 - Report on Accuracy of Basic Allowance for Housing.

This section requires not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Department in which the Coast Guard is operating, to submit to the Armed Services Committees a report on Basic Allowance Housing.

Sec. 711 - Accountability for Wounded Warriors Undergoing Disability Evaluation.

This section requires not later than April 1, 2023, the Secretary of Defense, in consultation with the Secretaries concerned, to establish a policy to ensure accountability for actions taken under the authorities of the Defense Health Agency and the Armed Forces, respectively, concerning wounded, ill, and injured members of the Armed Forces during the integrated disability evaluation system process.

Sec. 731 - Briefing and Report on Reduction or Realignment of Military Medical Manning and Medical Billets.

This section requires not later than February 1, 2023, the Comptroller to provide a report to the Armed Service Committees on preliminary observations regarding the analyses used to support any reduction or realignment of military medical manning, including any reduction or realignment of medical billets of the military Departments.

Sec. 739 - Standardization of Policies Relating to Service in Armed Forces by Individuals Diagnosed with HBV.

This section requires the Secretary of Defense, in coordination with the Secretaries concerned, as defined in section 101 of title 10, United States Code, to review regulations, establish policies, and issue guidance relating to service members diagnosed with HBV and to identify areas where regulations, policies, and guidance may be standardized across the Armed Forces.

Sec. 741 - Limitation on Reduction of Military Medical Manning End Strength: Certification Requirement and Other Reforms.

This section restricts the Secretary of Defense and the Secretary of the Air Force from reducing or realigning military medical end strength authorizations during the 5-year period from enactment of the bill with some exceptions as outlined. It also requires the Secretary of Defense and Service Secretaries to conduct an assessment of current military medical manning requirements.

Sec. 747 - Report on Effects of Low Recruitment and Retention on Operational Tempo and Physical and Mental Health of Members of the Armed Forces.

This section requires not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military Departments, to submit to the Armed Services Committees a report on the effects of low recruitment and retention on the Armed Forces.

Sec. 749 - Briefing on Suicide Prevention Reforms for Members of the Armed Forces.

This section requires the Secretary of Defense to brief on the feasibility and advisability of implementing reforms related to suicide prevention by eliminating mental health history as a disqualifier for service, requiring comprehensive and in-person annual mental health assessments, requiring behavioral health providers under the TRICARE program to undergo evidence-based and suicide-specific training, requiring leaders training, and mandatory referral to Warriors in Transition programs to those who are eligible.

Sec. 1058 - Extension and Modification of Reporting Requirement Regarding Enhancement of Information Sharing and Coordination of Military Training Between Department of Homeland Security and Department of Defense.

This section extends until December 31, 2024, an annual report required by section 1014 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) on the coordination of operational needs at the international borders of the United States and would add new reporting elements regarding cost estimates and readiness impacts.

Sec. 1066 – Reports on United States Military Force Presence in Europe.

This section requires the Secretary of Defense, not later than 120 days after the date of enactment, to submit a report containing an assessment of United States military force posture and resourcing requirements in Europe.

Sec. 1510 - Integrated Non-Kinetic Force Development.

This section requires the Secretary of Defense to establish forces, capabilities, and information support to enable the delivery of non-kinetic effects that provide increased survivability and effectiveness within defense planning scenario.

Sec. 1511 - Protection of Critical Infrastructure.

This section would allow the President, on determination of an active, systemic, and ongoing campaign of attacks in cyberspace by a foreign power against the Government or the critical infrastructure of the United States, to authorize the Secretary of Defense, acting through the Commander, U.S. Cyber Command, to conduct military cyber activities or operations pursuant to section 394 of title 10, United States Code, in foreign cyberspace to deter, safeguard, or defend against such attacks.

Sec. 2875 - Electrical Charging Capability Construction Requirements Relating to Parking for Federal Government Motor Vehicles.

This section require the Secretary concerned to include information relating to electric vehicle charging as part of the Department of Defense Form 1391 for a military construction project for a facility that includes, or is planned to include, parking for covered motor vehicles.

Sec. 5903 - Incentives for States to Create Sexual Assault Survivors" Bill of Rights.

This section increases formula grants for victim services if the State has incorporated sexual assault victim rights into their state law. Victims' rights must include (at a minimum) elements listed

in section 3772 of title 18, USC. This section would also amend section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621) to reauthorize the Missing Americans Alert Program.

Sec. 8124 - Reserve Component Training at Water Resources Development Projects.

This section states, in carrying out military training activities or otherwise fulfilling military training requirements, units or members of a reserve component of the Armed Forces may perform services and furnish supplies in support of a water resources development project or program of the Corps of Engineers without reimbursement with the exception of those members of the reserve component already employed by the Corps of Engineers on a full-time basis.