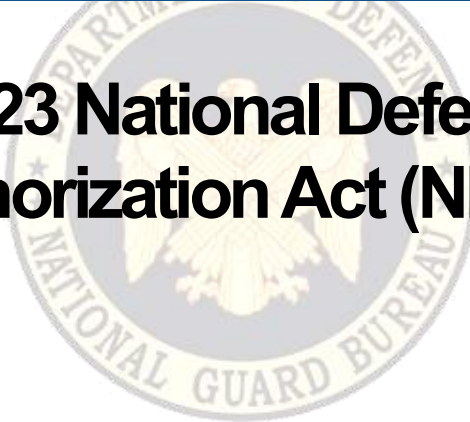




National Guard Bureau
Office of Legislative Liaison



FY23 National Defense Authorization Act (NDAA)



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



As of December 23, 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	

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Executive Summary

This guide provides a short summary of the conference agreement for the Fiscal Year (FY) 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 December 6, 2022, leaders of the House and Senate Armed Services Committee released the FY23 NDAA conference agreement. The agreement provides a total of \$857.9 billion for FY23 national defense activities - \$45 billion above the President's Budget request to address \$12.6 billion for inflation impacts on purchases, \$3.8 billion for inflation impacts on military construction projects, and \$2.5 billion for inflation impacts on fuel purchases. The House approved the FY23 NDAA on December 7, 2022, with a vote of 350 yea / 80 nay. The measure is currently awaiting the Senate to approve before submitting to the President for signature.

Highlights:

- Authorizes 4.6 percent pay raise for both military servicemembers and the DoD civilian workforce.
- 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 (DERP).
- Requires the Secretary of the Air Force and the Secretary of the Army to adjust the effective date of Federal recognition for officers of the National Guard due to delays in the review process.
- Requires the Secretary of Defense to conduct a study on Federal recognition of National Guard commissioned officer and warrant officer promotions.
- Requires the Secretary of the Army to establish gender-neutral physical readiness standards for Army military occupational specialties (MOSs).
- Caps the number of excess leave days that servicemembers can retain to 30 days after September 30, 2026.
- Authorizes transitional health care benefits to members of the National Guard.
- Authorizes \$1.18B for ARNG FSRM, an increase of \$130.3M over the FY23 Budget Request.
- Authorizes \$492M for ANG FSRM, an increase of \$55M over the FY23 Budget Request.
- Authorizes \$83.5M for National Guard Youth Challenge.
- Authorizes \$50M for STARBASE.
- Authorizes \$100.3M for the National Guard Counter-Drug Program.
- Authorizes \$5.9M for National Guard Counter-Drug Schools.

- Authorizes \$60M for Weapon System Sustainment for ANG.
- Authorizes the continuation of the FireGuard program with National Guard personnel.
- Authorizes an increase of \$350.0 million for Air Force Procurement an additional 10 HH-60W helicopters.
- Authorizes an increase of \$350M for Army National Guard MQ-1 Program.
- Authorizes \$50M for National Guard & Reserve Equipment.

Significant Omissions – several high profile provisions initially in the House or Senate version of the NDAA were not included in the final agreement between the Chambers, including:

- Grade elevation of the Vice Chief of the National Guard Bureau.
- Eligibility of Chief of the National Guard Bureau for appointment as Chairman of the Joint Chiefs of Staff.
- Establishment and implementation of Space National Guard.
- Selected Reserve and Ready Reserve order to Active Duty to respond to a significant cyber incident.
- Requirement of consent of the chief executive officer for certain full-time National Guard duty performed in a State, Territory, or the District of Columbia.
- Divestiture of Tactical Control Party.
- Study and report on rate of cancer-related morbidity and mortality associated with Pease ANG Base.
- District Of Columbia National Guard home rule.
- Requirement to maintain fleet of manned intelligence, surveillance, and reconnaissance aircraft (RC-26).

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	\$8,370,624	\$213,237
MILCON	\$297,278	\$468,989	\$171,711	\$635,930	\$338,652	\$813,119	\$515,841

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	-	325,000	11,000
AGR	30,845	30,845	-	30,845	-	30,845	-
Dual Status Technicians	22,294	22,294	-	22,294	-	22,294	-
ADOS	17,000	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	\$7,118,242	\$217,563
MILCON	\$148,883	\$291,843	\$142,960	\$361,519	\$212,636	\$364,103	\$215,220

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	-	108,400	-
AGR	26,630	26,630	-	25,333	1,297	25,333	1,297
Dual Status Technicians	9,892	9,892	-	10,994	1,109	10,994	1,109
ADOS	16,000	16,000	-	16,000	-	16,000	-

BILL TEXT

Procurement

Sec. 121. Requirements Relating to EA-18G Aircraft of the Navy.

Requires the Secretary of the Navy to maintain the EA-18G fleet through fiscal year 2027, and, jointly with the Secretary of the Air Force, submit a report within 180 days of enactment of this Act on a strategy and execution plan to continuously and effectively meet airborne electronic attack

training and combat employment requirements of the joint force. The strategy and execution plan shall, at a minimum, include the establishment or continuation of one or more joint service expeditionary, land-based electronic attack squadrons to equal or exceed the capacity and capability of such squadrons at currently existing basing locations. The plan should comprise integration and utilization of both reserve and active-duty component forces and resources within both military departments.

Sec. 142. Inventory and Other Requirements Relating to Air Refueling Tanker Aircraft.

Sets an air refueling minimum inventory of 466 tanker aircraft for fiscal year 2023 and prevents the Air Force from moving KC-135 aircraft from Primary Mission Aircraft Inventory to Backup Aircraft Inventory in the Air Force Guard and Reserve. Sets the minimum number of air refueling tanker aircraft in PMAI of the Air Force to 400. Prohibits reduction of KC-135 aircraft in PMAI of the Reserve Components by more than 12, the number of KC-135 aircraft designated as PMAI within the reserve components of the Air Force.

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

(1) Deletes the requirements to upgrade all Block 20 aircraft; (2) Adds a requirement that the Secretary of the Air Force submit a report on a realistic strategy and execution plan to conduct formal training for F-22 aircrews that will ensure combat capability, capacity, and availability at all F-22 operational units is not degraded; and (3) Requires the Comptroller General of the United States to provide a briefing and a report to the congressional defense committees that validates and assesses data and information provided to the Comptroller General, by the Secretary of the Air Force and the original equipment manufacturer of the F-22, on the proposed cost estimates and schedules of milestones, events and activities required to upgrade Block 20 F-22 aircraft to a capability configuration comparable to or exceeding the existing or planned configuration of Block 30/35 F-22 aircraft. Requires the Secretary of the Air Force provide a report on plans for basing of F-22 aircraft, as well as the establishment of a formal training unit for such aircraft by not later than April 30, 2023.

Sec. 146. Minimum Inventory of C-130 Aircraft.

Requires the Air Force to maintain a minimum total C-130 aircraft inventory of 271 between the date of enactment of this Act and October 1, 2028. The provision would also prevent the Air Force from reducing the total number of C-130 aircraft assigned to the National Guard.

Sec. 149. Prohibition on Certain Reductions to Inventory of E-3 Airborne Warning and Control System Aircraft.

Prohibits funds to retire, prepare to retire, or place in storage or in backup aircraft inventory any E-3 aircraft if such actions would reduce the total aircraft inventory for such aircraft below 26.

(1) Exception For Acquisition Strategy. —If the Secretary of the Air Force submits to the congressional defense committees an acquisition strategy for the E-7 Wedgetail approved by the Service Acquisition Executive of the Air Force, the prohibition shall not apply to actions taken to reduce the total aircraft inventory for E-3 aircraft to 21 after the date on which the strategy is so submitted.

(2) Exception For Contract Award. —If the Secretary of the Air Force awards a contract for the E-7 Wedgetail aircraft, the prohibition shall not apply to actions taken to reduce the total aircraft inventory for E-3 aircraft to 18 after the date on which such contract is so awarded.

(3) Designation as Primary Training Aircraft Inventory. — The Secretary of the Air Force shall designate two E-3 aircraft as Primary Training Aircraft Inventory.

Sec. 150 Limitation on Divestment of F-15 Aircraft.

Prohibits the divestment of any covered F-15 aircraft beginning on October 1, 2023, until the Secretary of the Air Force provides to the congressional defense committees a report, including certain plans and assessments, not less than 180 days prior to divesting or preparing to divest any F-15 aircraft. Covered F-15 aircraft means (1) F-15C, (2) F-15D, (3) F-15E, and (4) F-15EX aircraft.

Sec. 154. Requirements Study and Strategy for the Combat Search and Rescue Mission of the Air Force.

Requires the Secretary of the Air Force to conduct a study to determine the requirements for the combat search and rescue mission of the Air Force in support of the objectives of the National Defense Strategy and provide a report on the strategy developed NLT July 30, 2023.

Sec. 155. Plan for Transfer of KC-135 Aircraft to the Air National Guard.

Directs the Secretary of the Air Force to develop a plan for the transfer of certain KC-135 aircraft to the Air National Guard and provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on such plan.

Operations and Maintenance

Sec. 313. Consideration Under Defense Environmental Restoration Program for State-Owned Facilities of the National Guard with Proven Exposure of Hazardous Substances and Waste.

Restores the National Guard's access to the Defense Environmental Restoration Program.

Section 321. Amendment to budgeting of Department of Defense relating to extreme weather.

Requires the Department of Defense to include in the annual budget submission a calculation of the annual costs to the Department for assistance provided to the Federal Emergency Management Agency, the National Interagency Fire Center, and other related entities.

Sec. 345. Restriction on Procurement or Purchasing by Department of Defense of Turnout Gear for Firefighters Containing Perfluoroalkyl Substances or Polyfluoroalkyl Substances.

Prohibits the Department of Defense from purchasing firefighting equipment containing per- and polyfluoroalkyl substances if acceptable alternatives are available.

Sec. 347. Report on Critical PFAS Uses; Briefings on Department of Defense Procurement of Certain Items Containing PFOS or PFOA.

Requires the Department of Defense to provide a list of per- or polyfluoroalkyl substances uses it deems essential and provide regular briefings on its efforts to procure perfluorooctane sulfonate and perfluorooctanoic acid-free items.

Sec. 384 - Inclusion in Report on Unfunded Priorities National Guard Responsibilities in Connection With Natural and Man-Made Disasters.

Requires the Chief of the National Guard Bureau to include in the National Guard Bureau unfunded priorities list any unfunded priorities related to non-Federal National Guard responsibilities in connection with natural and man-made disasters.

Sec. 385 - Support for Training of National Guard Personnel on Wildfire Prevention and Response.

Amends section 351 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) to allow the Secretary of the Army and the Secretary of the Air Force, in consultation with the Chief of the National Guard Bureau, to provide support for the training of appropriate personnel of the National Guard on wildfire prevention and response. Also adds the National Interagency Fire Center to the wildfire training consultation list for the National Guard.

Military Personnel Authorizations

Sec. 411. End Strengths for Selected Reserve.

The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve

components as of September 30, 2023, for the ARNG is 325,000 and the ANG is 108,400.

Sec. 412. End Strengths for Reserves on Active Duty in Support of the Reserves.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2023, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components. The ARNG is 30,845 and the ANG is 25,333.

Sec. 413. End Strengths for Military Technicians (Dual Status).

(a) The minimum number of military technicians (dual status) as of the last day of fiscal year 2023 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) is 22,294 for the ARNG and 10,994 for the ANG.
(b) Limitation on Number of Temporary Military Technicians (Dual Status). The number of temporary military technicians (dual-status) employed under the authority of subsection (a) may not exceed 25 percent of the total authorized number specified in such subsection.
(c) Limitation. Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken against the individual or the individual's position.

Sec. 414. Maximum Number of Reserve Personnel Authorized to be on Active Duty for Operational Support.

During fiscal year 2023, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is 17,000 for the ARNG and 16,000 for the ANG.

Military Personnel Policy

Sec. 505. Extension of Time Limitation for Grade Retention While Awaiting Retirement.

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

Amends 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. Inspections of the National Guard

Amends section 105 of title 32, United States Code, to include in the inspections required by this section inspections of whether units and National Guard members comply with Federal law and policies applicable to the National Guard. The language would require the Secretary of the Army and the Secretary of the Air Force to submit a report on the implementation of this requirement not later than 6 months after the date of enactment of this Act.

Sec. 515 - Authority to Waive Requirement that Performance of Active Guard and Reserve Duty at the Request of a Governor May Not Interfere with Certain Duties.

Authorizes 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 section would also require briefings on Performance of Training as Primary Duty and End Strength requirements from the Secretaries concerned. Further, Congress expects the Secretaries concerned to end the practice of assigning Active Guard and Reserve personnel to assignments in which they train regular components of the Armed Forces as their primary duties by the time the authority under this provision expires on October 1, 2024.

Sec. 516. Continued National Guard Support for FireGuard Program.

Requires the Secretary of Defense to continue to support the FireGuard program through September 30, 2029, with National Guard personnel, including California National Guard and Colorado National Guard. Until the date specified sub-section (a), no component (including any analytical responsibility) of the FireGuard program may be transferred from the Department of Defense to another entity. If the Secretary seeks to make such a transfer, the Secretary shall, at least three years before such transfer, provide to the appropriate congressional committees a written report and briefing.

Sec. 517. Enhancement of National Guard Youth Challenge Program.

Authorizes the Secretary of Defense to provide certain additional support to the National Guard Youth Challenge Program in fiscal year 2023.

Sec. 518. Notice to Congress Before Certain Actions Regarding Units of Certain Reserve Components.

Requires the Secretary of a military department to submit a notice to Congress 60 days in advance of any "covered actions" for a "covered unit." Covered actions include deactivations, reassignments, and move of the home station. Covered units include the reserve components of the Armed Forces. The notice to Congress from the Secretary must include an analysis of how the action would improve readiness, a description of the proposed organizational change and how it will impact administration, operational or tactical control responsibilities of the unit, and a cost analysis of the change.

Sec. 519. Independent Study on Federal Recognition Process.

Requires, NLT 60 days after enactment, 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. Also requires the Secretary to submit a report to the congressional defense committees 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. 519b. Briefing on Duties of the Army Interagency Training and Education Center.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Assistant Secretary of Defense for Homeland Defense and Global Security and the Chief of the National Guard Bureau, shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing that includes—

- (1) an organizational plan and an estimate of the annual costs necessary for the Army Interagency Training and Education Center to carry out duties assigned to it by the Chief of the National Guard Bureau; and
- (2) the staffing requirements needed to adequately staff such duties.

Sec. 522. Expansion of Eligibility for Direct Acceptance of Gifts by Members of the Armed Forces and Department of Defense and Coast Guard Employees and Their Families.

Amends section 2601a of title 10, United States Code, to authorize servicemembers whose injury or illness results in enrollment in a Warriors in Transition program to accept gifts from nonprofit organizations, private parties, and other sources outside the Department of Defense or the Department of Homeland Security.

Sec 524. Expansion of Mandatory Characterizations of Administrative Discharges of Certain Members on the Basis of Failure to Receive COVID-19 Vaccine.

Makes permanent the requirement that a servicemember receive an honorable discharge or a general discharge under honorable conditions if discharged on the sole basis that the servicemember failed to obey a lawful order to receive a vaccine for COVID-19. This provision would also authorize the award of an uncharacterized discharge to a servicemember discharged before completing the first 180 continuous days of Active Duty for failure to obey a lawful order to receive a vaccine for COVID-19.

Section 525. Rescission of COVID-19 Vaccination Mandate.

Requires the Secretary of Defense to rescind the mandate that members of the Armed Forces be vaccinated against COVID-19. Does not require reinstatement of personnel who were separated because of their refusal of the vaccine.

Sec. 528. Gender-Neutral Fitness Standards for Army Military Occupational Specialties of the Army.

Requires the Secretary of the Army to (1) establish gender-neutral physical readiness standards that ensure soldiers can perform the duties of their respective MOS and (2) provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives describing the methodology used to determine the standards established.

Sec. 529. Recurring Report Regarding COVID-19 Mandate.

Requires the Secretary of Defense to submit a recurring report to the Committees on Armed Services of the Senate and the House of Representatives on the disposition of servicemember requests for religious and medical exemptions from the mandate to receive a vaccination against COVID-19. The report would be required every 90 days until the Secretary lifts the vaccination requirement or 2 years after the date of enactment of the Act.

Section 533. Report on recruiting efforts of certain Armed Forces.

Directs the Secretary of Defense to report on recruiting personnel, budgets, and candidate waivers across all military branches. The Secretary of Defense would also report an assessment of obstacles that recruiters face across all Armed Forces departments in the field and to report the measures the military departments are taking to mitigate such obstacles. Also eliminates the requirement for the study to be published on the internet.

Sec. 546. Independent Investigation of Sexual Harassment.

Adds sexual harassment as a standalone offense under Article 134 of the Uniform Code of Military Justice, over which special trial counsel would exercise jurisdiction.

Sec. 549 - Review of Titling and Indexing Practices of the Army and Certain Other Organizations.

Requires the Secretary of the Army, not later than 180 days after the date of the enactment of this Act, to review the case file of each member or former member of the Army, the Army Reserve, or the Army National Guard who was titled or indexed in connection with the Guard Recruiting Assistance Program (GRAP), the Army Reserve Recruiting Assistance Program, or any related activity, to determine the appropriateness of the titling or indexing decision that was made with respect to that member or former member.

Sec. 561 - Codification of SkillBridge Program.

Codifies the SkillBridge program by requiring the Secretary of Defense to update Department of Defense Instruction 1322.29, "Job Training, Employment Skills Training, Apprenticeships, and Internships for Eligible Service Members," and to develop a funding plan for it across the Future Years Defense Program.

Sec. 571 - Clarification and expansion of authorization of support for chaplain-led programs for members of the Armed Forces.

Requires the Secretary of Defense to provide an annual briefing on the use of this authority to the Committees on Armed Services of the Senate and the House of Representatives.

Sec. 599. Report on Incidence of Military Suicides by Military Job Code.

Requires the Secretary of Defense to conduct a review and submit a report on the rates of suicides in the Armed Forces, beginning after September 11, 2001, disaggregated by year, military job code, and whether the member was serving on active duty, in the National Guard, or as a Reserve.

Compensation and Other Personnel Benefits

Sec. 604. Air Force Rated Officer Retention Demonstration Program.

Requires the Secretary of the Air Force to establish and carry out a demonstration program to improve the retention of certain rated officers, excluding rated officers with a reserve appointment in the Air National Guard or Air Force Reserve.

Sec. 625 - Travel and Transportation Allowances for Certain Members of the Armed Forces who Attend a Professional Military Education Institution or Training Classes.

Amends section 453 of title 37, United States Code, to authorize the Secretaries of the military departments to grant temporary duty status to certain servicemembers assigned to professional military education institutions or training classes for less than 1 year. This includes servicemembers who have orders to return to the duty station where the member maintains primary residence and the dependents of such member reside.

Sec. 632. Modification of Authority to Allow Members of the Armed Forces to Accumulate Leave in Excess of 60 Days.

Caps excess leave for servicemembers at 30 days and modify the authority of the Secretaries of the military departments to authorize excess leave under subsection (e) of title 10, United States Code, as redesignated in section 631 of this Act. The language authorizes officers above the grade of O-6 to permit servicemembers to retain up to 30 days of excess leave under certain circumstances. The transition period to the new excess leave cap of 30 days would extend to September 30, 2026.

Sec. 633. Convalescent Leave for Members of the Armed Forces.

Adds a new subsection to section 701 of title 10, United States Code, to codify and define convalescent leave for members of the Armed Forces. Clarifies the scope of convalescent leave for members who have given birth.

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.

Amends 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 by Congress or the President and supported by Federal funds.

Sec. 707. Study on Providing Benefits Under TRICARE Reserve Select and TRICARE Dental Program to Members of the Selected Reserve and Dependents Thereof.

Authorizes the Secretary of Defense to conduct a study on the feasibility, potential cost effects to the budget of 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 include all members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, the dependents thereof, and the non-dependent children thereof 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.

Sec. 746 - Reports on composition of medical personnel of each military department and related matters.

Requires the Secretary of Defense to submit an annual report on the composition of the medical personnel of each military department.

Dept. of Defense Organization and Management

Sec. 903. Limitation on use of Funds Until Demonstration of Product to Identify, Task, and Manage Congressional Reporting Requirements.

Limits the obligation and expenditure of certain funds to not more than 90 percent until the Department demonstrates a minimum viable product that will replace the Congressional Hearings and Reporting Requirements Tracking System. While the Department has made recent progress in replacing their outdated system for managing congressionally required reports, these efforts will not begin producing desired results until the Department is able to demonstrate a minimum viable product.

Space Force Matters

Sec. 918. Report on Potential Transition of all Members of the Space Force into a Single Component.

Requires the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House on the proposal of the Air Force to transition the Space Force into a single component NLT March 1, 2023.

General Provisions

Section 1051. Modification of Annual Report on Unfunded Priorities.

Modifies the annual unfunded priorities report to include a risk assessment submitted by the armed forces and combatant commands. This assessment would be required to provide a detailed assessment of the risk reduced in executing the National Defense Strategy (NDS) and National Military Strategy (NMS) if resources are provided for an unfunded priority. The provision also requires the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to provide to the congressional defense committees an unfunded priorities report. The report must prioritize all unfunded priorities submitted by the military services and combatant commands according to the risk reduced in executing the NDS and NMS.

Sec. 1059 - Continuation of Requirement for Annual Report on National Guard and Reserve Component Equipment.

Repeals section 1061(c)(62) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) and reestablishes the requirement in section 10541 of title 10, United States Code, for the annual submission of the National Guard and Reserve Equipment Report.

Sec. 1065 - Justification for Transfer or Elimination of Certain Flying Missions.

Requires the Secretary of Defense to submit a report whenever the Department of Defense proposes to relocate or eliminate any flying mission that involves 50 personnel or more assigned to a unit performing that mission, either with respect to an active or reserve component of a military department.

Sec. 1070. Quarterly Briefings on Department of Defense Support for Civil Authorities to Address the Immigration at the Southwest Border.

Requires the Assistant Secretary of Defense for Homeland Defense 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. The briefings will include the effect of such efforts and support on National Guard readiness.

Civilian Personnel Matters

Sec. 1101. Restricted Reporting Option for Department of Defense Civilian Employees Choosing to Report Experiencing Adult Sexual Assault.

Authorizes 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. 1108. Eligibility of Department of Defense Employees in Time-Limited Appointments to Compete for Permanent Appointments.

Amends 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.

Matters Relating to Foreign Nations

Sec. 1202. Modifications to Reports on Security Cooperation.

Requires the Secretary of Defense to submit an annual report NLT March 31 of each year, that sets forth, on a country-by-country basis, an overview of security cooperation activities carried out by the Department of Defense, to include the number of participating members of the National Guard.

Cyber and Information Operations Matters

Sec. 1512. Budget display for cryptographic modernization activities for certain systems of the Department of Defense.

Requires the Secretary of Defense include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a consolidated cryptographic modernization budget justification display for each Department of Defense system or asset that is protected by cryptography and subject to certification by the National Security Agency.

Sec. 1533. Total Force Generation for the Cyberspace Operations Forces.

Requires the Secretary of Defense to complete a study, no later than 01 June 2024, on the responsibilities of the military services for organizing, training, and presenting the total force to USCYBERCOM. The Principal Cyber Advisor and the Commander of USCYBERCOM will submit

to the Secretary of Defense a recommendation(s) to the future total force generation model for Cyberspace Operations Forces. Also requires 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.

Sec. 1540. Independent Assessment of Civilian Cybersecurity Reserve for Department of Defense.

Requires the Secretary of Defense to seek to enter into an agreement with a nonprofit entity or a federally funded research and development center with expertise in cybersecurity and workforce management for the purpose of conducting an assessment of the feasibility and advisability of creating and maintaining a civilian cybersecurity reserve corps.

Requires the entity or center to consider the results of an evaluation of non-traditional cyber support to the Department of Defense required by section 1730 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283), and would further fence funding authorized to be appropriated for the Office of the Under Secretary of Defense for Policy until such time as that report is submitted to Congress.

Sec. 1557. Review of Definitions Associated with Cyberspace Operations Forces.

Requires the Secretary of Defense to define which forces are or are not considered cyberspace operations forces NLT 120 days after enactment.

Military Construction

Sec. 2601. Authorized Army National Guard Construction and Land Acquisition Projects/4601. Military Construction Funding Table.

These two sections would authorize military construction projects and funding for the Army National Guard for fiscal year 2023. Congress expressed frustration with the Army National Guard in providing accurate, authorizable project locations in the President’s budget submission to Congress. The Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following tables:

State or Territory	Project Title	FY23 Request	Conference 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
Florida/ Camp Blanding	Automated Multipurpose Machine Gun Range	\$0	\$8,500
Florida/ Camp Blanding	Scout Reece Gunnery Range	\$0	\$16,200
Georgia/ Fort Gordon	NG/Reserve Center (P&D)	\$0	\$2,100
Hawaii/ Kalaeloa	NG Readiness Center Addition	\$29,000	\$29,000
Illinois/Chicago	NG Readiness Center Alteration (P&D)	\$0	\$3500
Indiana/ Atlanta	NG Readiness Center	\$20,000	\$20,000
Iowa/ West Des Moines	NG Readiness Center	\$15,000	\$15,000
Louisiana/Abbeville	NG Readiness Center (P&D)	\$0	\$1650

Louisiana/Beauregard	Energy Resilience Conservation Investment Program Project (P&D)	\$0	\$765
Maine/Saco	Southern Maine Readiness Center (P&D)	\$0	\$3000
Maine/Woodville Training Center	Range Complex (P&D)	\$0	\$1400
Michigan/Grayling Airfield	NG Readiness Center	\$16,000	\$16,000
Minnesota/ New Ulm	NG Readiness Center	\$17,000	\$17,000
Missouri/Aviation Classification Repair Activity Depot	Aircraft Maintenance Hangar Addition phase IV (P&D)	\$0	\$5600
Nevada/ Reno	NG Readiness Center Add/Alt	\$18,000	\$18,000
New Hampshire/Concord	NG Wellness Center (P&D)	\$0	\$2,000
New Mexico/ Rio Rancho	Vehicle Maintenance Shop (P&D)	\$0	\$600
New York/ Glen Rd Armory	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 Vic Maintenance Shop	\$15,000	\$15,000
North Carolina/Morrisville	Army Aviation Flight Facility #1 (P&D)	\$0	\$4500
Oregon/ Camp Umatilla	Collective Training Unaccompanied Housing	\$0	\$14,243
Pennsylvania/FIG	EAATS Post Initial Military Training Unaccompanied Housing (P&D)	\$0	\$2700
Pennsylvania/New Castle	NG Readiness Center (P&D)	\$0	\$2360
Puerto Rico/ Camp Santiago	Engineering/Housing Maintenance Shops (DPW)	\$14,500	\$14,500
Puerto Rico	Arroyo Readiness Center	\$0	\$46,602
Puerto Rico	Camp Santiago Joint Maneuver Training Center	\$0	\$136,500
Tennessee/ Smyrna	Army Aviation Support Facility and Readiness Center (P&D)	\$0	\$780
Vermont/Bennington	NG Readiness Center	\$14,800	\$0
Vermont/Ethan Allen Airforce Base	Civil Support Team Facility (P&D)	\$0	\$1300
Vermont/Ethan Allen Airforce Base	Micro Grid System (P&D)	\$0	\$1170
Vermont/Ethan Allen Firing Range	Cantonment Training Area	\$0	\$3500
Vermont/Ethan Allen Firing Range	Castle Trail Bypass (All Season Road) (P&D)	\$0	\$500
West Virginia/ Buckhannon	NG Readiness Center Add/Alt	\$14,000	\$14,000
West Virginia/ Martinsburg	NG Readiness Center (P&D)	\$0	\$1500
Wyoming/ Camp Guernsey	Aviation Operations and Fire Rescue Building	\$0	\$19,500
Wyoming/ Sheridan	NG Vic Maintenance Shop	\$14,800	\$14,800
Unspecified Worldwide	Cost to Complete: FY21 Inflation Effects	\$0	\$63,825
Unspecified Worldwide	Cost to Complete: FY22 Inflation Effects	\$0	\$89,786

Unspecified Worldwide	Cost to Complete: FY23 Inflation Effects	\$0	\$137,339
Unspecified Worldwide	Cost to Complete: FY23 Inflation Effects (P&D)	\$0	\$0
Unspecified Worldwide	Cost to Complete: FY23 Inflation Effects (UMMC)	\$0	\$0
Unspecified Worldwide	Inflation & Market Adjustment Fund	\$0	\$0
Unspecified Worldwide	Planning & Design	\$28,245	\$38,245
Unspecified Worldwide	Unaccompanied Barracks Planning & Design	\$0	\$15,243
Unspecified Worldwide	Minor Military Construction	\$35,933	\$55,933

The Joint Explanatory Statement also noted that the 4601 tables contain additional funding wedges to support rising inflation and market conditions. This additional funding is provided by the service and component, not by individual projects, so specific project location authorization amounts may not total the same amount for the respective projects contained in the 4601 tables.

Sec. 2604. Authorized Air National Guard Construction and Land Acquisition Projects/4601. Military Construction Funding Table.

These two sections would authorize military construction projects and funding for the Air National Guard for fiscal year 2023. The Secretary of the Airforce may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following tables:

State or Territory	Project Title	FY23 Request	Conference Amount
Alabama/ Birmingham International Airport	Security and Services Training Facility	\$7,500	\$0
Alabama/ Montgomery Regional Airport	F-35 Weapons Load Crew Training Facility	\$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
Florida/Jacksonville International Airport	F-35 Munitions Maintenance & Inspection Facility (P&D)	\$0	\$530
Florida/Jacksonville International Airport	F-35 Munitions Storage Area Admin & PAD (P&D)	\$0	\$770
Illinois/Scott Airforce Base	Maintenance Hangar & Shop (P&D)	\$0	\$2500
Indiana/ Fort Wayne International Airport	Munitions Maintenance & Storage Complex	\$12,800	\$12,800
Louisiana/New Orleans	Munitions Administrative Facility (P&D)	\$0	\$1650
Missouri/ Jefferson Barracks Air Guard Station	Combat Arms Training & Maintenance Facility (P&D)	\$0	\$730
Missouri/ Jefferson Barracks Air Guard Station	Consolidated Air Operations Group (157 th)	\$0	\$2,100

	Air Operations Group (P&D)		
Missouri/ Rosecrans Air National Guard Base	Maintenance Hangar (P&D)	\$0	\$3400
Missouri/Rosecrans Air National Guard Base	Parking Apron (P&D)	\$0	\$2000
New Hampshire/Pease Air National Guard Base	Small Arms Range (P&D)	\$0	\$2000
New Jersey/Atlantic City International Airport	ADAL Main Hangar (P&D)	\$0	\$3000
Ohio/Rickenbacker Air National Guard Base	Small Arms Range	\$0	\$8000
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
Vermont/Burlington International Airport	Cyber Operation Squadron Building (P&D)	\$0	\$1,000
West Virginia/ McLaughlin ANGB	C-130J Apron Expansion	\$0	\$10,000
West Virginia/ McLaughlin ANGB	Indoor Small Arms Range (P&D)	\$0	\$640
West Virginia/McLaughlin ANGB	Squadron Operation Building (P&D)	\$0	\$1500
Worldwide Unspecified	Cost to Complete: FY22 Inflation Effects	\$0	\$67,800
Worldwide Unspecified	Cost to Complete: FY23 Inflation Effects	\$0	\$33,900
Worldwide Unspecified	Inflation & Market Adjustment Fund	\$0	\$0
Worldwide Unspecified	Planning & Design	\$28,412	\$40,412
Worldwide Unspecified	Minor Military Construction	\$44,171	\$57,171

There are discrepancies between Sec. 2601, Sec. 4601, and the Joint Explanatory Statement (JES) funding tables for the following projects listed in the above table:

- Arizona, Tucson National Airport (Land Acquisition): Sec. 2601 lists \$11.7M while the JES and Sec. 4601 list \$10M
- Florida, Jacksonville International Airport (F-35 Construct Flight Simulator Facility): Sec. 2601 lists \$30M while the JES and Sec. 4601 list \$22.2M
- Indiana, Fort Wayne International Airport (Munitions Maintenance & Storage Complex): Sec. 2601 lists \$16.5M while the JES and Sec. 4601 list \$12.8M
- Rhode Island, Quonset State Airport (Consolidated Headquarters Medical & Dining Facility): Sec. 2601 lists \$46M while the JES and Sec. 4601 list \$35M
- Tennessee, McGhee-Tyson Airport (KC-135 Maintenance Shops): Sec. 2601 lists \$31M while the JES and Sec. 4601 list \$23.8M
- West Virginia, McLaughlin ANGB (Squadron Operations Building): Sec. 2601 reflects \$12.5M, funding table and JES added together equal \$12,140,

Commented [SJACNN(1): Are we missing a million here?

The Joint Explanatory Statement also noted that the 4601 tables contain additional funding wedges to support rising inflation and market conditions. This additional funding is provided by the service

and component, not by individual projects, so specific project location authorization amounts may not total the same amount for the respective projects contained in the 4601 tables.

Sec. 2606. Authorization of Appropriations, National Guard and Reserve.

Authorizes funds to be appropriated for fiscal years beginning after September 30, 2022, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Sec. 2607. Corrections to Authority to Carry Out Certain Fiscal Year 2022 Projects.

Amends 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. 2608. Extension of Authority to Carry Out Certain Fiscal Year 2018 Projects.

Extends 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. 2874. Prohibition on Joint Use of Homestead Air Reserve Base with Civil Aviation.

Prohibits, on or before September 30, 2026, the Secretary of the Air Force entering into an agreement that would provide for or permit the joint use of Homestead Air Reserve Base, Homestead, Florida, by the Air Force and civil aircraft.

Sec. 2870. Limitation on Use of Funds for Closure of Combat Readiness Training Centers.

Prohibits 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 close, or prepare to close, any combat readiness training center.

Transportation and Infrastructure Matters

Sec. 7305 – Enhanced Catastrophic Incident Index.

Requires the Secretary of Defense to supplement each Federal Interagency Operational Plan to include an annex containing a strategy to ensure the health, safety, and general welfare of the civilian population affected by catastrophic incidents. The strategy would include how the Federal Government should coordinate with non-Federal entities to multiply resources and enhance relief capabilities to include State National Guards.