



FY24 House Appropriations Committee Defense Appropriations Act

(Subcommittee Bill Report)



As of June 23, 2023

Bill Status

	Passed in Committee	Passed in Chamber	Final Passage	Signed into Law
House	22 June 2023			
Senate				

Table of Contents

EXECUTIVE SUMMARY	- 2 -
ARMY NATIONAL GUARD PERSONNEL	- 5 -
ARMY NATIONAL GUARD OPERATIONS & MAINTENANCE	- 5 -
AIR NATIONAL GUARD PERSONNEL	- 2 -
AIR NATIONAL GUARD OPERATIONS & MAINTENANCE	- 2 -
GENERAL PROVISIONS	- 3 -
LEGISLATIVE PROVISIONS	- 3 -
ITEMS OF INTEREST	- 5 -

Executive Summary

This guide provides a short summary of the subcommittee markup for the House of Representatives Fiscal Year 2024 Defense Appropriations Act. To obtain a complete understanding of any particular provision, users are encouraged to review the actual legislative language. Bill text and report language can be found on the LL website:

<https://www.nationalguard.mil/leadership/joint-staff/personal-staff/legislative-liaison/>.

Status:

On June 15th, 2023, the House Appropriations Committee Subcommittee on Defense passed the FY24 Defense Appropriations Act. The bill appropriates \$826.5 billion, an increase of \$285.9 million above the President's Budget request, and \$28.7 billion – or 3.6% – over the FY23 enacted level.

Highlights:

- Funds a 5.2% military pay raise
- Funds an end strength of 325,000 for the ARNG and 108,400 for the ANG
- Appropriates \$312M for the ARNG and \$305M for the ANG in NGREA
- \$10.7B for ARNG Personnel, a decrease of \$17.2M from the FY24 request
- \$5.6B for ANG Personnel, a decrease of \$57.8M from the FY24 request
- \$8.6B for ARNG O&M, a decrease of \$70.7M from the FY24 request
- \$7.2B for ANG O&M, a decrease of \$2.9M from the FY24 request
- Provides \$22.2M to State Partnership Program (SPP) activities, and specifically highlights the value of the SPP to achieving National Defense Strategy objectives
- Provides \$23.5M for the Northern Strike exercise.

- Provides \$300M for National Guard Counter-Drug Program, an increase of \$198M from the FY24 request
- Provides \$30M for National Guard Counter-Drug Schools, an increase of \$24M from the FY24 request
- Provides \$84.9M above the request for National Guard Youth Challenge
- Provides \$53M above the request for Starbase
- Provides \$120M for additional modernized ARNG HMMWVs
- Provides \$120M above the request for additional UH-60M Blackhawks for the ARNG
- Provides ANG with \$487.2M for four C-130Js
- Provides ANG with \$96.5M for facility enhancements for future pilot training sites

National Guard Accounts Overview

(All Dollars in Thousands)

Army National Guard	FY24 President's Budget Request	FY24 HAC-D Mark	Delta from Request	FY24 SAC-D Mark	Delta from Request	FY24 Conference
ARNG Personnel	\$10,755,216	\$10,738,016	-\$17,200			
ARNG O&M	\$8,683,104	\$8,612,404	-\$70,700			
NGREA	--	\$312,000	\$312,000			

Air National Guard	FY24 President's Budget Request	FY24 HAC-D Mark	Delta from Request	FY24 SAC-D Mark	Delta from Request	FY24 Conference
ANG Personnel	\$5,664,291	\$5,606,491	-\$57,800			
ANG O&M	\$7,253,694	\$7,250,745	-\$2,949			
NGREA	--	\$305,000	\$305,000			



Army National Guard

Army National Guard Personnel

(All Dollars in Thousands)

ARNG Personnel Appropriation	FY24 President's Budget Request	FY24 HAC-D Mark	Delta from Request	FY24 SAC-D Mark	Delta from Request	FY24 Conference
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	\$2,720,787	\$2,720,787	--			
PAY GROUP F TRAINING (RECRUITS)	\$600,118	\$600,118	--			
PAY GROUP P TRAINING (PIPELINE RECRUITS)	\$60,361	\$60,361	--			
SCHOOL TRAINING	\$591,765	\$591,765	--			
SPECIAL TRAINING	\$819,779	\$837,379¹⁻²	\$17,600			
ADMINISTRATION AND SUPPORT	\$4,941,628	\$4,941,628	--			
THRIFT SAVINGS PLAN MATCHING CONTRIBUTIONS	\$38,840	\$38,840	--			
EDUCATION BENEFITS	\$10,291	\$10,291	--			
TOTAL, BUDGET ACTIVITY 1 (BAC-01)	\$9,783,569	\$9,801,169	\$17,600			
UNDISTRIBUTED ADJUSTMENT	--	-\$34,800³⁻⁴	-\$34,800			
TOTAL, TITLE I, ARNG PERSONNEL	\$9,324,813	\$9,766,369	-\$17,200			
HEALTH CARE CONTRIBUTION (RC)	\$971,647	\$971,647	--			
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	\$10,755,216	\$10,738,016	-\$17,200			

1. Special Training; Program increase – State Partnership Program \$9,100

2. Special Training; Program increase – Northern Strike \$8,500

3. Undistributed Adjustment; Historical unobligated balances -\$27,000

4. Undistributed Adjustment; Diversity, Equity, and Inclusion -\$7,800

Army National Guard Operations & Maintenance

ARNG O&M Appropriation	FY24 President's Budget Request	FY24 HAC-D Mark	Delta from Request	FY24 SAC-D Mark	Delta from Request	FY24 Conference
MANEUVER UNITS	\$925,071	\$938,071¹	\$13,000			
MODULAR SUPPORT BRIGADES	\$201,781	\$201,781	--			
ECHELONS ABOVE BRIGADE	\$840,373	\$833,373²	-\$7,000			
THEATER LEVEL ASSETS	\$107,392	\$105,392³	-\$2,000			
LAND FORCES OPERATIONS SUPPORT	\$62,908	\$62,908	--			
AVIATION ASSETS	\$1,113,908	\$1,102,908⁴	-\$11,000			
FORCE READINESS OPERATIONS SUPPORT	\$832,946	\$827,946⁵	-\$5,000			

LAND FORCES SYSTEMS READINESS	\$50,696	\$50,696	--			
LAND FORCES DEPOT MAINTENANCE	\$231,784	\$231,784	--			
BASE OPERATIONS SUPPORT	\$1,249,066	\$1,244,066⁶	-\$5,000			
FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	\$1,081,561	\$1,081,561	--			
MANAGEMENT AND OPERATIONAL HQ	\$1,468,857	\$1,458,857⁷	-\$10,000			
CYBERSPACE ACTIVITIES – CYBERSPACE OPERATIONS	\$9,566	\$9,566	--			
CYBERSPACE ACTIVITIES – CYBERSECURITY	\$15,710	\$15,710	--			
SERVICEWIDE TRANSPORTATION	\$7,251	\$7,251	--			
ADMINISTRATION	\$66,0251	\$73,025⁸	\$7,000			
SERVICEWIDE COMMUNICATIONS	\$113,366	\$113,366	--			
MANPOWER MANAGEMENT	\$8,663	\$8,663	--			
OTHER PERSONNEL SUPPORT	\$292,426	\$292,426	--			
REAL ESTATE MANAGEMENT	\$3,754	\$3,754	--			
HISTORICAL UNOBLIGATION	--	-\$43,000	-\$43,000			
PROGRAM DECREASE – CIVILIAN WORKFORCE	--	-\$8,000	-\$8,000			
P.L. 115-68 IMPLEMENTATION	--	\$300	\$300			
TOTAL, ARNG O&M	\$8,683,104	\$8,612,404	-\$70,700			

1. Maneuver Units; Program increase – Northern Strike \$13,000
2. Echelons Above Brigade; Unjustified growth -\$7,000
3. Theater Level Assets; Unjustified growth -\$2,000
4. Aviation Assets; Unjustified growth -\$11,000
5. Force Readiness Operations Support; Unjustified growth -\$5,000
6. Base Operations; Unjustified growth -\$5,000
7. Management and Operational Headquarters; Unjustified transfer -\$10,000
8. Administration; Program increase – State Partnership Program - \$7,000



Air National Guard

Air National Guard Personnel

(All Dollars in Thousands)

ANG Personnel Appropriation	FY24 President's Budget Request	FY24 HAC-D Mark	Delta from Request	FY24 SAC-D Mark	Delta from Request	FY24 Conference
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	\$1,125,121	\$1,125,121	--			
PAY GROUP F TRAINING (RECRUITS)	\$106,460	\$106,460	--			
PAY GROUP P TRAINING (PIPELINE RECRUITS)	\$4,405	\$4,405	--			
SCHOOL TRAINING	\$319,496	\$319,496	--			
SPECIAL TRAINING	\$217,458	\$222,258 ¹⁻²	\$4,800			
ADMINISTRATION AND SUPPORT	\$3,475,783	\$3,475,783	--			
THRIFT SAVINGS PLAN MATCHING CONTRIBUTIONS	\$27,540	\$27,540	--			
EDUCATION BENEFITS	\$16,162	\$16,162	--			
TOTAL, BUDGET ACTIVITY 1 (BAC-01)	\$5,292,425	\$5,297,225	\$4,800			
UNDISTRIBUTED ADJUSTMENT	--	-\$62,600 ³⁻⁵	-\$62,600			
Total, Title I National Guard Personnel, Air Force	\$5,292,425	\$5,234,625	-\$57,800			
HEALTH CARE CONTRIBUTION (RC)	\$371,866	\$371,866	--			
Total, National Guard Personnel, Air Force	\$5,664,291	\$5,606,491	-\$57,800			

1. Special Training; Program Increase – State Partnership Program \$2,800

2. Special Training; Program Increase – Northern Strike \$2,000

3. Undistributed Adjustment; Historical unobligated balances -\$26,000

4. Undistributed Adjustment; Projected underexecution -\$33,000

5. Undistributed Adjustment; Diversity, Equity, and Inclusion -\$3,600

Air National Guard Operations & Maintenance

ANG O&M Appropriation	FY24 President's Budget Request	FY24 HAC-D Mark	Delta from Request	FY24 SAC-D Mark	Delta from Request	FY24 Conference
AIRCRAFT OPERATIONS	\$2,498,675	\$2,468,675 ¹	-\$30,000			
MISSION SUPPORT OPERATIONS	\$656,714	\$667,265 ²⁻⁴	\$10,551			
DEPOT MAINTENANCE	\$1,171,901	\$1,173,901 ⁵	\$2,000			
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	\$370,188	\$466,688 ⁶	\$96,500			

CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	\$1,280,003	\$1,262,003⁷	-\$18,000			
BASE OPERATING SUPPORT	\$1,089,579	\$1,094,579⁸	\$5,000			
CYBERSPACE SUSTAINMENT	\$19,708	\$19,708	--			
CYBERSPACE ACTIVITIES	\$49,476	\$49,476	--			
ADMINISTRATION	\$68,417	\$68,417	--			
RECRUITING AND ADVERTISING	\$49,033	\$49,033	--			
HISTORICAL UNOBLIGATION	--	-\$43,000	-\$43,000			
PROGRAM DECREASE – CIVILIAN WORKFORCE	--	-\$26,000	-\$26,000			
TOTAL, O&M, AIR NATIONAL GUARD	\$7,253,694	\$7,250,745	-\$2,949			

1. Aircraft Operations; Unjustified growth -\$30,000

2. Mission Support Operations; Program increase – State Partnership Program \$3,300

3. Mission Support Operations; Program increase – ANG JTAC contractor support \$8,000

4. Mission Support Operations; Unjustified request -\$749

5. Depot Purchase Equipment Maintenance; Program increase – KC-135 \$2,000

6. Facilities Sustainment, Restoration & Modernization; Program increase – facility enhancements for future pilot training sites \$96,500

7. Contractor Logistics Support and System Support; Unjustified growth -\$18,000

8. Base Operations Support; Program Increase – resilience training \$5,000

General Provisions

ACTIVE, RESERVE, and NATIONAL GUARD MILITARY PERSONNEL

In title I of the Act, the Committee recommends a total of \$177,922,024,000 for active, reserve, and National Guard military personnel, a decrease of \$951,942,000 below the budget request due to projected under execution of funds. The Committee recommendation provides full funding necessary to increase basic pay for all military personnel by 5.2 percent, effective January 1, 2024. The Committee recommendation also includes additional targeted funding increases for certain enlisted grades.

National Guard and Reserve Equipment Account

The Committee recommends \$1,000,000,000 for the National Guard and Reserve Equipment Account. Of that amount, \$312,000,000 is for the Army National Guard; \$305,000,000 is for the Air National Guard; \$155,000,000 is for the Army Reserve; \$55,000,000 is for the Navy Reserve; \$18,000,000 is for the Marine Corps Reserve; and \$155,000,000 is for the Air Force Reserve to meet urgent equipment needs in the coming fiscal year. This funding will allow the National Guard and reserve components to procure high priority equipment used by these components for both their military missions and missions in support of State governors. The funding within this account is not to be used to procure equipment designated as high-density critical equipment, major weapon systems, aircraft, and other equipment central to a unit's ability to perform its doctrinal mission. The funding within this account is not to be used to procure equipment purchased by the senior Service, to expand or accelerate current Service procurement plans, to purchase expendable items, or to purchase facilities or equipment for any requirement able to be satisfied elsewhere.

The Committee directs the Secretary of Defense to ensure that the National Guard and Reserve Equipment Account is executed by the Chiefs of the National Guard and reserve components with priority consideration given to the following items: acoustic hailing devices; crash-worthy, ballistically tolerant auxiliary fuel systems for UH-60 helicopters; degraded visual environment systems; improved thermal acoustic blanket; KC-135 aircraft emergency response refuel equipment kits; KC-135 aircrew ground cooling units; land surveying systems; lightweight, rapidly deployable, computer-based artillery call for fire training and simulation; litter

stabilization systems; modular small arms ranges and small arms training simulators and tools; secure enterprise, emergency, and social communication; software defined radios; UH-72A/B mission equipment modernization; and upgraded commercial-off-the-shelf ground mapping for C- 130 aircraft.

Legislative Provisions

Sec. 8044 prohibits the use of funds to reduce authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve, and Air Force Reserve unless such reductions are a direct result of a reduction in military force structure.

Sec. 8046 provides for reimbursement to the National Guard and reserve when members of the National Guard and reserve provide intelligence or counterintelligence support to the combatant commands, defense agencies, and joint intelligence activities.

Sec. 8052 provides conditions for the use of equipment of the National Guard Distance Learning Project, on a space available, reimbursable basis.

Sec. 8053 prohibits funds to retire C-40 aircraft, with certain exceptions.

Sec. 8054 prohibits the use of funds to procure end-items for delivery to military forces for operational training, operational use or inventory requirements.

Sec. 8058 provides for the use of National Guard personnel to support ground-based elements of the National Ballistic Missile Defense System.

Sec. 8060 provides for a waiver by the Chief of the National Guard Bureau or his designee for all or part of consideration in cases of personal property leases of less than one year.

Sec. 8076 prohibits the use of funds from being used to transfer program authority relating to current tactical unmanned aerial vehicles from the Army and requires the Army to retain responsibility for and operational control of the MQ-IC Unmanned Aerial Vehicle.

Sec. 8099 places restrictions on the use of funding for military parades.

Sec. 8134 prohibits the use of funds to integrate an alternative engine on any F-35 aircraft.

Sec. 8138 provides funds to increase pay for certain enlisted grades.

Sec. 8142 prohibits funds to implement, administer, apply, enforce, or carry out measures relating to the Department of Defense diversity, equity, inclusion, and accessibility strategy, certain executive orders, and execute activities that promote or perpetuate divisive concepts related to race or sex.

Sec. 8143 prohibits the use of funds to perform surgical procedures or hormone therapies for the purposes of gender affirming care.

Sec. 8144 prohibits the use of funds to promote, host, facilitate, or support a drag queen story hour for children on United States military installations or for military recruiting programs that feature drag queens.

Sec. 8145 prohibits the use of funds to recruit, hire, or promote any person who has been convicted of charges related to child pornography or other sexual misconduct.

Sec. 8146 prohibits the use of funds for paid leave and travel or related expenses of a federal employee or their dependents for the purposes of obtaining an abortion or abortion-related services.

Sec. 8148 prohibits funds to carry out any program, project, or activity that promotes or advances Critical Race Theory or any concept associated with Critical Race Theory.

Sec. 8149 prohibits the use of funds to label communications by United States persons as misinformation, disinformation, or malinformation or to partner with or fund nonprofits or other organizations that pressure private companies to censor lawful and constitutionally protected speech.

Sec. 8151 prohibits funds to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

Items of Interest

DIVESTMENTS and DECOMMISSIONINGS

The Committee is concerned the Services are reducing personnel, operations, and sustainment for aircraft and ships prior to the congressional approval of corresponding divestment and decommissioning proposals. The Committee notes that over the past several fiscal years, Congress has rejected many of these proposals and has provided increased funding for the costs of keeping these assets in service. The Committee is specifically concerned by these actions as they relate to the Navy Littoral Combat Ships, Air National Guard aircraft, and Air Force Reserve Command aircraft. In the case of the Air National Guard and Air Force Reserve Command, the divestment of aircraft without identified replacement missions increases uncertainty for personnel and local communities. While the Committee understands the phasing required for a divestment or decommissioning action, the Committee expects the Services to not initiate these actions until formally approved by the congressional defense committees.

DEFENSE SECURITY COOPERATION AGENCY PROGRAMS

The Committee also supports training programs for Taiwan, including through the National Guard State Partnership Program or similar programs, as well as strategic evaluations to improve Taiwan's security cooperation programs.

The Committee recommendation also supports institutional capacity building programs for Mexico. The Committee supports the inclusion of Mexico in the National Guard State Partnership Program to enhance Mexico's counterdrug efforts.

The Committee notes that Colombia has a National Guard State Partnership Program with the South Carolina National Guard.

VIRTUAL LANGUAGE TRAINING

The Committee notes that foreign language skills are instrumental in building and maintaining global alliances and partnerships and encourages the National Guard Bureau to continue its virtual language training program. The Committee further directs the Chief of the National Guard Bureau to submit a report to the congressional defense committees, not later than 180 days after the enactment of this Act, that includes the number of Guardsmen receiving virtual language training and level of proficiency achieved, a description of program marketing and sign-up procedures, a listing of classes and languages taught, a comparison of language training offered with current State Partnership Program participants, and funding programmed for National Guard language training through the future years defense program.

TACTICAL AIR CONTROL PARTY DIVESTITURE

The Committee is concerned about the Air Force's potential divestiture of Tactical Air Control Party units from the Air National Guard prior to the completion of an evaluation by the Air Force. Therefore, the Committee directs the Secretary of the Air Force to refrain from taking any action to reduce the number of Tactical Air Control Party units in the Air National Guard until the Air Force, in consultation with the National Guard Bureau, has completed its evaluation.

COMBAT READINESS TRAINING CENTERS

The Committee is concerned about reductions in the fiscal year 2024 President's budget request for operation of the Air National Guard's four combat readiness training centers. The Committee notes the centers' critical role in training airmen through robust joint aerial combat exercises against simulated near-peer threats. The Committee encourages the Secretary of the Air Force to provide adequate and consistent resources for the continuation of such training.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

The Committee recommendation includes \$300,000,000 for the National Guard Counter-Drug Program, of which \$30,000,000 is provided for equipment, including equipment to enhance the National Guard's digital forensics capabilities. The recommendation also includes \$30,000,000 for the National Guard Counterdrug Schools Program.

The Committee directs the Secretary of Defense to provide the following briefings to the House and Senate Appropriations Committees not later than 60 days after the enactment of this Act:

- (1) a briefing on current Administration strategies to counter illicit fentanyl and synthetic opioid production, including the Strategic Implementation Plan to Commercially Disrupt the Illicit Fentanyl Supply Chain, and any Department of Defense activities and programs in support of these strategies; and
- (2) a briefing on the National Guard Governors State Plans Program as it relates to measures to counter the flow of illicit fentanyl and synthetic opioids into the United States, including a description of plans approved and denied by the Department during the previous year.

The Committee directs the Secretary of Defense to provide the following reports to the House and Senate Appropriations Committees not later than 90 days after the enactment of this Act:

- (1) a report on the performance, capacity, and throughput of each of the five counterdrug schools and an analysis of whether the current number of schools is meeting training demands; and
- (2) a report on commercial technologies that are available, in development, or that could be modified to detect or otherwise combat the flow of illicit fentanyl and synthetic opioids into the United States.

COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE INSTRUCTIONS

The Committee directs the Comptroller General of the United States to review Department of Defense Instruction 3000.14, Counterdrug and Counter-Transnational Organized Crime Policy, and Instruction 3100.01B National Guard Counterdrug Support Program, and examine whether such documents unduly limit the ability of the Department of Defense and National Guard Bureau to support counterdrug efforts under the law. The Comptroller General shall submit a report to the congressional defense committees not later than 90 days after the enactment of this Act.