



BLUF: The House and the Senate have adopted similar versions of S.1605 *National Defense Authorization Act for Fiscal Year 2022*. The text of this bill was a compromised version of H.R.4350 and S.2792, which did not go through normal legislative processes (formal conference negotiation). The House passed their version on 7 December and the Senate passed their version on December 15, 2021. **Next Step:** The President signs this legislation into law.

Bill Text

Joint Explanatory Statement

Defense Authorizations

President's Budget Release	House Committee NDAA (HASC)	Senate Committee NDAA (SASC)	Full House-passed NDAA	Full Senate-passed NDAA	Conference Committee	Signed Into Law
✓	✓	✓	✓	✓	N/A	▲ Current Point

Defense Appropriations

President's Budget Release	House Committee Approps. (HAC-D)	Senate Committee Approps. (SAC-D)	Full House-passed Approps. Bill.	Full Senate-passed Approps. Bill	Conference Committee	Signed Into Law
✓	✓	✓	▲ Current Point			

Summary funding: This bill authorizes \$768.2B discretionary spending for national defense and an additional \$9.8B for defense-related activities outside Armed Services Committee jurisdiction for a total of \$778B total national defense spending topline.

- \$740B for the Department of Defense
- Authorizes funding for all other unfunded requirements as requested by the Chief of the National Guard Bureau and the Commanders of EUCOM, AFRICOM, CENTCOM, NORTHCOM, and SOUTHCOM
- Supports the elimination of the Overseas Contingency Operations funding in the DoD budget
- Authorizes over \$1.1B in new aircraft, equipment and weapon systems for the National Guard and Reserve

Army National Guard

- Authorizes funding for ARNG end strength at 336,000 Soldiers
 - 500 less than FY21 levels
- Authorizes multiyear procurement of AH-64E Apache helicopters
- Authorizes \$1.35B for ARNG M1 Abrams upgrade program

- Authorizes \$841.7M for 33 UH-60Ms and \$166.2 million for 24 UH-60 L and V models for the ARNG
- Authorizes \$605.5M for Joint Light Tactical Vehicles for the Army
- Authorizes unfunded requirements as requested by the Chief of Staff of the Army

Air National Guard

- Authorizes funding for ANG end strength at 108,300 Airmen
 - 200 more than FY21 levels
- Requires the Secretary of Defense to conduct a study to review the overall organization of the reserve component, including the appropriate allocation and use of Space assets in the reserve component, and the consideration of establishing a Space National Guard
- Requires the Secretary of the Air Force to maintain a total active aircraft inventory of 279 C-130 aircraft through FY26, supports transitioning Ohio ANG 179th wing to a Cyber Warfare Wing
- Authorizes \$169.7M for C-130H modifications for the Air Force
- Requires report relating to the reduction of total number of tactical airlift aircraft by the Secretary
- Prohibits the reduction of A-10 aircraft by the Air Force in fiscal year 2022 and modifies a required report on close air support mission effectiveness
- Extension on requiring the Secretary of the Air Force to submit a retirement report only if the Secretary is proposing to decrease the total active inventory or primary mission aircraft inventory below 1,970 or 1,145 respectively
- Authorizes \$1.76B to purchase 17 F-15EX aircraft for the Air Force
- Authorizes \$733.2M for F-16 modifications, including an increase of \$100M for the procurement of additional AESA radar sets across the entire F-16 fleet.
- Authorizes unfunded requirements as requested by the Chief of Staff of the Air Force

Joint-Personnel

- Requests a 2.7 percent military and civilian personnel pay raise
 - .3% less than FY21 levels
 - Consistent with PB Request
- Requires parity in special and incentive pays for members of the reserve and active components
- Extends through December 31, 2022, various expiring bonus and special pay authorities for military personnel, including special pay and bonus authorities for reserve personnel, military healthcare professionals, nuclear officers, and consolidated pay authorities for officer and enlisted personnel

- Authorizes increased funding for man-portable radiological detection systems for National Guard Chemical, Biological, Radiological, Nuclear (CBRN) response teams
- Requires DoD to assess the feasibility of increasing National Guard support to Taiwan
- Limits number of temporary military technicians (dual-status) to not exceed 25 percent of the total authorized number of dual-status technicians
- Prohibits private funds from being used to fund any State's National Guard deployment in another state, except for natural disaster emergencies
- Authorizes unfunded requirements as requested by the Chief, National Guard Bureau

Legislative Provisions

Army National Guard

Sec. 514. Implementation of certain recommendations regarding use of unmanned aircraft systems by the National Guard.

This section requires the Secretary of Defense to implement, not later than September 30, 2022, certain recommendations provided by the Secretary to the congressional defense committees on the use of unmanned aircraft systems by the National Guard.

Sec. 1044. Congressional notification of significant Army force structure changes.

This section requires the Secretary of Defense or Secretary of the Army to notify the congressional defense committees of plans to make significant changes to Army force structure, including the establishment or stationing of new or experimental units of significance.

Air National Guard

Sec. 131. Extension of inventory requirement for Air Force fighter aircraft.

This section extends the requirement to maintain a minimum capacity of Air Force fighter aircraft and requires the Secretary of the Air Force to submit with the budget request the retirement report, only if the Secretary is proposing to decrease the total active inventory or the primary mission aircraft inventory below 1,970 or 1,145, respectively.

Sec. 134. Prohibition on use of funds for retirement of A-10 aircraft.

This section prevents the Secretary of the Air Force from retiring A-10 aircraft during fiscal year 2022 and would add specific information that would be required in the report on the comparison of A-10 and F-35 aircraft in the close air support mission.

Sec. 137. Inventory requirements and limitations relating to certain air refueling tanker aircraft.

This section address KC-135 retirements and limits the Air Force from moving KC-135 from primary mission aircraft inventory to backup aircraft inventory in the Air Force Guard and Reserve.

Sec. 138. Minimum inventory of tactical airlift aircraft.

This section requires the Secretary of the Air Force to retain a minimum of 279 C-130 aircraft through fiscal year 2026.

Sec. 139. Report relating to reduction of total number of tactical airlift aircraft.

This section requires the Secretary of the Air Force to submit a report relating the Air Force's plan to reduce the total number of tactical airlift aircraft.

Sec. 913. Study and report on the role and organization of space assets in the reserve components.

This section requires the Secretary of Defense to conduct a study to review the overall organization of the reserve component, including the appropriate allocation and use of Space assets in the reserve component, and the consideration of establishing a Space National Guard.

Sec. 1045. Prohibition on use of Navy, Marine Corps, and Space Force as posse comitatus.

This section prohibits the use of any part of the Navy, the Marine Corps, or the Space Force as a posse comitatus, except in cases and under circumstances expressly authorized by the Constitution or an Act of Congress.

Sec. 1078. Report on Air Force strategy for acquisition of combat rescue aircraft and equipment.

This section requires the Secretary of the Air Force to submit a strategy for the Department of the Air Force for the acquisition of combat rescue aircraft and equipment that aligns with the stated capability and capacity requirements of the Air Force to meet the national defense strategy of the Department of the Air Force.

Joint

Sec. 230. National Guard participation in microreactor testing and evaluation.

This section allows the Secretary of Defense, in coordination with the Director of the Strategic Capabilities Office and the Chief of the National Guard Bureau, to assemble a collection of National Guard units to participate in the testing and evaluation of a micronuclear reactor program.

Sec. 231. Pilot program on the use of private sector partnerships to promote technology transition.

This section directs the Secretary of Defense to carry out a 5-year pilot program to help foster transition of the Department of Defense's science and technology programs, projects, and activities into full-scale implementation. This provision directs the Secretary to seek to enter into agreements with qualified intermediaries to provide technical assistance to technology producers to better participate in the procurement programs and acquisition processes of the Department. This section also requires a briefing on the Secretary's progress in implementing the program and any related policy issues.

Sec. 311. Inclusion of impacts on military installation resilience in the National Defense Strategy and associated documents.

This section requires the Secretary of Defense and the Secretaries of the military departments to incorporate consideration of the risks related to military installation resilience in certain strategies of the Department of Defense.

Sec. 313. Grants for maintaining or improving military installation resilience.

This section amends current law to allow the Secretary of Defense to make grants, conclude cooperative agreements, and supplement other Federal funds for maintaining or improving military installation resilience.

Sec. 322. Pilot program to test new software to track emissions at certain military installations.

This section requires the Secretary of Defense to conduct a pilot program to evaluate the feasibility and effectiveness of software and emerging technologies and methodologies to track real-time emissions from installations and installation assets.

Sec. 332. Climate Resilience Infrastructure Initiative of the Department of Defense.

This section requires the Secretary of Defense to submit a plan to reduce the greenhouse gas emissions of the Department of Defense, including Department of Defense functions that are performed by contractors, in line with science-based emissions targets.

Sec. 333. Inclusion of information regarding extreme weather and cyber-attacks or disruptions in reports on national technology and industrial base.

This section adds vulnerabilities related to current and projected impacts of climate change and vulnerabilities to cyberattacks and disruptions in an existing annual report on the national technology and industrial base.

Sec. 335. Assessment of climate risks to infrastructure of Department of Defense.

This section directs the Secretaries of the military departments to conduct an assessment of climate risks to infrastructure under their jurisdiction.

Sec. 341. Treatment by Department of Defense of perfluoroalkyl substances and polyfluoroalkyl substances.

This section requires the Secretary of Defense to establish a task force to improve testing for and treatment of per- and polyfluoroalkyl substances by the Department of Defense; require preliminary assessment and site inspection testing to be completed within 2 years to provide a preliminary basis for additional response actions; and provide a status report on testing conducted at all military installations and facilities of the National Guard.

Sec. 342. Extension of transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.

Sec. 343. Temporary moratorium on incineration by Department of Defense of perfluoroalkyl substances, polyfluoroalkyl substances, and aqueous film forming foam.

This section requires the Department of Defense to institute a moratorium on incineration of materials containing or contaminated by perfluoroalkyl substances, polyfluoroalkyl substances, or aqueous film forming foam until the Secretary of Defense certifies that the Department has implemented the Environmental Protection Agency's guidance for disposal.

Sec. 344. Review and guidance relating to prevention and mitigation of spills of aqueous film-forming foam.

Sec. 345. Public disclosure of results of Department of Defense testing of water for perfluoroalkyl or polyfluoroalkyl substances.

Sec. 346. Review of agreements with non-Department entities with respect to prevention and mitigation of spills of aqueous film-forming foam.

This section requires the Secretary of Defense to complete a review of mutual support agreements entered into with non-Department of Defense entities (including state and local entities) that involve fire suppression activities in support of missions of the Department.

Sec. 347. Comptroller General study on Department of Defense procurement of certain items containing certain PFAS substances.

This section directs the Comptroller General of the United States to conduct a study on Department of Defense procurement of certain items containing certain PFAS substances. The amendment would require the Comptroller General to provide a briefing and report on the findings of the study.

Sec. 348. Report on schedule for completion of remediation of perfluoroalkyl substances and polyfluoroalkyl substances.

This section requires the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing a proposed schedule for the completion of remediation of perfluoroalkyl substances and polyfluoroalkyl substances not later than 270 days after the date of the enactment of this Act.

Sec. 349. Report on remediation of perfluoroalkyl substances and polyfluoroalkyl substances at certain military installations.

This section requires the Secretary of Defense to submit a report identifying the status of efforts to remediate per- and polyfluoroalkyl substances at 50 military installations and National Guard locations.

Sec. 361. Inclusion of information regarding borrowed military manpower in readiness reports.

This section requires that semiannual readiness reports to the Congress include information on the extent to which servicemembers are assigned to perform functions previously performed by civilian employees or contractors.

Sec. 411. End strengths for Selected Reserve.

This section authorizes an end strength for the Army National Guard of the United States, 336,000 and the Air National Guard of the United States, 108,300.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

This section authorizes the Army National Guard of the United States at 30,845 and the Air National Guard of the United States at 25,333.

Sec. 413. End strengths for military technicians (dual status).

This section authorizes the Army National Guard of the United States at 22,294 and the Air National Guard of the United States at 10,994. Limits number of temporary military technicians (dual-status) to not exceed 25 percent of the total authorized number specified.

Sec 415. Accounting of reserve component members performing active duty or full-time National Guard duty towards authorized end strengths.

This section authorizes the total number as well as directs the Under Secretary of Defense for Personnel and Readiness to deliver a briefing that includes the following elements: (1) The number of reserve component members who have served on Active Duty and full-time National Guard duty in excess of 1095 days over the previous 1460 days by fiscal year since 2015; 74 (2) A justification for why extended periods of Active Duty and full-time National Guard duty should be excluded from Active-Duty end strength authorizations; (3) An explanation of how the Department of Defense accounts for and tracks cumulative time a member of the reserve component serves on Active Duty and full-time National Guard duty; and (4) Any other matters the Under Secretary considers relevant.

Sec. 512. Prohibition on private funding for interstate deployment of National Guard.

This section prohibits a member of the National Guard from being ordered to cross a State border to perform duty under titles 10 and 32 to be paid for with private funds.

Sec 515. Continued National Guard support for FireGuard program.

This section requires the Secretary of Defense to continue to support the FireGuard program with National Guard personnel to aggregate, analyze, and assess multi-source remote sensing information for interagency partnerships in the initial detection and monitoring of wildfires until September 30, 2026.

Sec. 516. Enhancement of National Guard Youth Challenge Program.

This section authorizes the Secretary of Defense to provide assistance to a National Guard Youth Challenge Program of a State under specified circumstances. This section also eliminates special projects and emergency costs as approved purposes and limit total assistance under this authority to \$5.0 million for fiscal year 2022.

Sec. 517. Report on methods to enhance support from the reserve components in response to catastrophic incidents.

This section requires the Secretary of Defense - in consultation with the Council of Governors and the National Governors Association - to submit to certain congressional committees a report on methods to enhance support from the reserve components in response to catastrophic incidents.

Sec. 518. Study on reapportionment of National Guard force structure based on domestic responses.

This section requires the Secretary of Defense to conduct a study to determine whether to reapportion the force structure of the National Guard based on wartime and domestic response requirements.

Sec. 559. Concurrent use of Department of Defense Tuition Assistance and Montgomery GI Bill-Selected Reserve benefits.

This section amends current law to require the Secretary of Defense to allow a covered individual to use Montgomery GI Bill benefits and Department of Defense tuition assistance benefits concurrently.

Sec. 563. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.

This section would authorize \$10.0 million in operations and maintenance (O&M) spending for the purpose of providing assistance to local educational agencies for the purpose of impact aid for children with severe disabilities.

Sec. 564. Pilot program to establish employment fellowship opportunities for military spouses.

This section authorizes the Secretary of Defense to establish a 3-year pilot program to provide employment support to the spouses of members of the Armed Forces through a paid fellowship with employers across a variety of industries.

Sec. 567. Study on employment of military spouses.

This section directs the Comptroller General of the United States to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on employment discrimination against military spouses by civilian employers.

Sec. 568. Briefing on efforts of commanders of military installations to connect military families with local entities that provide services to military families.

This section directs the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on how and the extent to which commanders of

military installations connect military families with local nonprofit and government entities that provide services to military families.

Sec. 625. Pilot program on direct hire authority for spouses of members of the uniformed services at locations outside the United States.

This section authorizes the Secretary of Defense to conduct a pilot program to appoint certain dependents of members of the uniformed services stationed at a duty station outside of the United States to a competitive position within the Department of Defense. The section also authorizes the Secretary of Defense to renew an appointment made under this authority for 2 additional terms of 2 years each.

Sec. 720. Department of Defense standards for exemptions from mandatory COVID-19 vaccines.

This section requires the Secretary of Defense to establish uniform standards under which servicemembers may be exempted from receiving the COVID-19 vaccine for administrative, medical, or religious reasons.

Sec. 736. Limitation on certain discharges solely on the basis of failure to obey lawful order to receive COVID-19 vaccine.

This section amends current law to provide that a servicemember who declines the COVID-19 vaccine may only receive an honorable discharge but requires that, during the period between August 24, 2021, and 2 years after the date of the enactment of this Act, any discharge of a servicemember, on the sole basis that the member failed to obey a lawful order to receive a vaccine for COVID-19, shall be an honorable discharge, or a general discharge under honorable conditions.

Sec. 902. Clarification of treatment of Office of Local Defense Community Cooperation as a Department of Defense Field Activity.

Sec. 1004. Commission on Planning, Programming, Budgeting, and Execution Reform.

This section establishes a Defense Resource Budgeting and Allocation Commission to develop a consensus on an effective and strategic approach to Department of Defense resource budgeting and allocation, by conducting an examination of the planning, programming, budgeting, and execution methodology of the Department and by considering potential alternatives to such methodology to maximize the ability of the Department to equip itself in a timely manner to respond to current and emerging threats.

Sec. 1008. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

This section extends current authority for 2 years to use Department of Defense counterdrug funds to enable joint task forces that support law enforcement agencies engaged in counterdrug activities to also support law enforcement agencies engaged in counterterrorism or counter-transnational criminal organization activities.

Sec. 1051. Survey on relations between members of the Armed Forces and military communities.

This section requires the Secretary of Defense to conduct a biennial survey related to the relations between members of the armed services and the military communities in which they serve.

Sec. 1063. Extension 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, 2023, an annual report on the coordination of Department of Defense training missions with the Department of Homeland Security (DHS) operational needs at the international borders of the United States and the information provided to the DHS as a result of the coordinated training.

Sec. 1065. Updated review and enhancement of existing authorities for using Air Force and Air National Guard modular airborne fire-fighting systems and other Department of Defense assets to fight wildfires.

This section amends current law to include a new subsection requiring an updated review and enhancement of existing authorities for using Air Force and Air National Guard modular airborne fire-fighting systems and other Department of Defense assets to fight wildfires.

Sec. 1095. Commission on the National Defense Strategy.

This section establishes an independent Commission on the National Defense Strategy to provide a review and assessment of the forthcoming National Defense Strategy. One year after the establishment date, the Commission would transmit a report to the President and the Congress containing the aforementioned review and assessment, and any recommendations, of the Commission.

Sec. 1109. Repeal of crediting amounts received against pay of Federal employee or DC employee serving as a member of the National Guard of the District of Columbia.

This section amends current law to repeal the requirement to offset National Guard pay of members of the District of Columbia (DC) National Guard who are also Federal employees, under certain mobilization authorities unique to members of the DC National Guard.

Sec. 1249. Feasibility briefing on cooperation between the National Guard and Taiwan.

Sec. 1412. Authorization to loan materials in National Defense Stockpile.

This section authorizes the loan of National Defense Stockpile materials to the Department of Energy or the military departments if certain criteria are met.

Sec. 1502. Extension of sunset for pilot program on regional cybersecurity training center for the Army National Guard.

This section extends the authority to conduct a pilot program on a regional cybersecurity training center for the Army National Guard until 2024.

Sec. 1509. Assessment of cyber posture and operational assumptions and development of targeting strategies and supporting capabilities.

This section requires an assessment, by the Commander, U.S. Cyber Command, the Under Secretary of Defense for Policy, and the Under Secretary of Defense for Intelligence and Security of the current and emerging offensive cyber posture of adversaries of the United States and the current operational

assumptions and plans of the military services for offensive cyber operations during potential crises or conflict.

Sec. 1510. Assessing capabilities to counter adversary use of ransomware, capabilities, and infrastructure.

This section requires the Secretary of Defense to conduct a comprehensive assessment of the policy, capacity, and capabilities of the Department of Defense to diminish and defend the United States from ransomware threats.

Sec. 1511. Comparative analysis of cybersecurity capabilities.

This section requires the Principal Cyber Advisor to the Secretary of Defense and the Director of Cost Assessment and Program Evaluation, in consultation with the Chief Information Officers and Principal Cyber Advisors of each of the military departments, to jointly sponsor a comparative analysis, conducted by the Director of the National Security Agency and the Director of the Defense Information Systems Agency, of various tools, applications, and capabilities offered as options on enterprise software agreements for cloud-based productivity and collaboration suites compared to similar tools, applications, and capabilities currently deployed in Department of Defense (DOD) Components or required under the DOD zero trust reference model.

Sec. 1512. Eligibility of owners and operators of critical infrastructure to receive certain Department of Defense support and services.

This section requires the Secretary of Defense to submit a report on the feasibility and advisability of including training or other duty related to cybersecurity operations and missions to protect critical infrastructure in section 502(f)(1) of title 32, United States Code. This section also amends current law to add critical infrastructure as an eligible entity for assistance under such section. The committees specifically noted that the National Guard could play an important role in defending critical infrastructure against cyber-attacks.

Sec.1513. Report on potential Department of Defense support and assistance for increasing the awareness of the Cybersecurity and Infrastructure Security Agency of cyber threats and vulnerabilities affecting critical infrastructure.

Sec. 1532. Study regarding establishment within the Department of Defense of a designated central program office to oversee academic engagement programs relating to establishing cyber talent across the Department.

Sec. 1550. Pilot program on public-private partnerships with internet ecosystem companies to detect and disrupt adversary cyber operations.

This section requires the Secretary of Defense to establish and commence a pilot program to assess the feasibility and advisability of entering into voluntary public-private partnerships with internet ecosystem companies to facilitate actions by such companies to discover and disrupt the use of the platforms, systems, services, and infrastructure of such companies by malicious cyber actors.

Sec. 1668. Next generation interceptors for missile defense of the United States homeland.

This section expresses a sense of Congress that it is in the national security interest of the United States to design, test, and begin deployment of the Next Generation Interceptor (NGI) not later than September 30, 2028.

Sec. 1675. Independent study of roles and responsibilities of Department of Defense components relating to missile defense.

This section would direct the Secretary of Defense to enter into a contract with the National Academy of Public Administration (NAPA) to provide a report that assesses missile defense roles and responsibilities within the Department of Defense (DOD), identifies inefficiencies and opportunities for improvement in organizational relationships, and makes recommendations for improvements. The provision would also direct the Secretary to submit a separate report on the DOD's views on the findings of the NAPA report.

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

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

Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

Sec. 2816. Improvement of Department of Defense child development centers and increased availability of childcare for children of military personnel.

This section requires the military departments to conduct safety inspections at Department of Defense Child Development Centers (CDCs) and develop 10-year facility improvement plans for these centers and includes several reporting requirements.

Sec. 2831. Cooperation with State and local governments in development of master plans for major military installations.

This section requires the commanders of major military installations to consult with State and local communities in the development of installation master plans.

Sec. 6605. National Global War on Terrorism Memorial.

This section requires the Global War on Terrorism Memorial Foundation to establish a National Global War on Terrorism Memorial within the Reserve.