



National Guard Bureau
Office of Legislative Liaison



FY22 House Appropriations Committee Defense Appropriations Act

(Subcommittee Bill Report)



As of July 16th, 2021

Bill Status

	Passed in Committee	Passed in Chamber	Final Passage	Signed into Law
House	13 July 2021			
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 GENERAL PROVISIONS	- 2 -
GENERAL PROVISIONS	- 3 -
LEGISLATIVE PROVISIONS.....	- 4 -
ITEMS OF INTEREST	- 4 -

Executive Summary

This guide provides a short summary of the subcommittee markup for the House of Representatives Fiscal Year 2022 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: www.nationalguard.mil/ll.

Status:

On July 13, 2021 the full House Appropriations Committee passed the FY22 Defense Appropriations Act. The bill appropriates \$705.939 billion, an increase of \$9.978 billion above 2021.

Highlights:

- Funds a 2.7% military pay raise
- Funds an end strength of 336,000 (500 below FY21) for the ARNG and 108,300 (200 above FY21) for the ANG
- Appropriates \$285M each for the ARNG and ANG in NAREA
- \$210M for National Guard Youth Challenge Program, an increase of \$85M from the FY22 PBR
- Adds \$42M for STARBASE (no funding in PBR)
- \$8,988M for ARNG Personnel, a decrease of \$63.3M from the FY22 PBR
- \$4,818M for ANG Personnel, an increase of \$3.3M from the FY22 PBR
- \$7,617M for ARNG O&M, a decrease of \$30M from the FY22 PBR
- \$6,568M for ANG O&M, a decrease of \$5.3M from the FY22 PBR

- \$160,515M for National Guard Counter-Drug Program, an increase of \$63,545M from the FY22 PBR
- Funds \$5.6M for National Guard Counter-Drug Schools
- Prohibits funds from being used to reduce authorized positions for National Guard military technicians
- \$39M for State Partnership Program Activities (\$12.9M for ARNG / \$6.2M for ANG), an increase of \$19.1M from the FY22 PBR
- Designates nine UH/HH-60M Blackhawk helicopters for the National Guard
- Provides \$100M for additional modernized Army National Guard HMMWVs

National Guard Accounts Overview

(All Dollars in Thousands)

Army National Guard	FY22 President's Budget Request	FY22 HAC-D Mark	Delta from Request	FY22 SAC-D Mark	Delta from Request	FY22 Conference
ARNG Personnel	\$9,051,344	\$8,988,044	\$63,300			
ARNG O&M	\$7,647,209	\$7,617,209	\$30,000			
NGREA	--	\$285,000	\$285,000			

Air National Guard	FY22 President's Budget Request	FY22 HAC-D Mark	Delta from Request	FY22 SAC-D Mark	Delta from Request	FY22 Conference
ANG Personnel	\$4,814,974	\$4,818,279	\$3,305			
ANG O&M	\$6,574,020	\$6,568,750	\$5,270			
NGREA	--	\$285,000	\$285,000			



Army National Guard

Army National Guard Personnel

(All Dollars in Thousands)

ARNG Personnel Appropriation	FY22 President's Budget Request	FY22 HAC-D Mark	Delta from Request	FY22 SAC-D Mark	Delta from Request	FY22 Conference
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	\$2,746,281	\$2,746,281	--			
PAY GROUP F TRAINING (RECRUITS)	\$561,111	\$561,111	--			
PAY GROUP P TRAINING (PIPELINE RECRUITS)	\$46,286	\$46,286	--			
SCHOOL TRAINING	\$543,332	\$543,332	--			
SPECIAL TRAINING	\$822,161	\$841,261^{1,2,3}	\$19,100			
ADMINISTRATION AND SUPPORT	\$4,241,094	\$4,241,094	--			
THRIFT SAVINGS PLAN MATCHING CONTRIBUTIONS	\$41,514	\$41,514	--			
EDUCATION BENEFITS	\$49,565	\$49,565	--			
TOTAL, BUDGET ACTIVITY 1 (BAC-01)	\$9,051,344	\$9,070,444	\$19,100			
UNDISTRIBUTED ADJUSTMENT	--	-\$82,400	\$82,400			
TOTAL, TITLE I, ARNG PERSONNEL	\$9,051,344	\$8,988,044	\$63,300			
HEALTH CARE CONTRIBUTION (RC)	\$819,504	\$819,504	--			
TOTAL TRICARE ACCRUAL PAYMENTS	\$819,504	\$819,504	--			
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	\$10,690,352	\$10,627,052	\$63,300			

HAC-D Items

1. Program Increase – State Partnership Program: \$7,900
2. Program Increase - Trauma Training \$1,200
3. Program Increase - Northern Strike \$10,000

Army National Guard Operations & Maintenance

ARNG O&M Appropriation	FY22 President's Budget Request	FY22 HAC-D Mark	Delta from Request	FY22 SAC-D Mark	Delta from Request	FY22 Conference
MANEUVER UNITS	\$799,854	\$812,854¹	13,000			
MODULAR SUPPORT BRIGADES	\$211,561	\$211,561	--			
ECHELONS ABOVE BRIGADE	\$835,709	\$835,709	--			
THEATER LEVEL ASSETS	\$101,179	\$101,179	--			
LAND FORCES OPERATIONS SUPPORT	\$34,436	\$34,436	--			

AVIATION ASSETS	\$1,110,416	\$1,100,416²	\$10,000			
FORCE READINESS OPERATIONS SUPPORT	\$704,827	\$704,827	--			
LAND FORCES SYSTEMS READINESS	\$47,886	\$47,886	--			
LAND FORCES DEPOT MAINTENANCE	\$244,439	\$244,439	--			
BASE OPERATIONS SUPPORT	\$1,097,960	\$1,097,960	--			
FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	\$956,988	\$956,988	--			
MANAGEMENT AND OPERATIONAL HQ	\$1,047,870	\$1,047,870	--			
CYBERSPACE ACTIVITIES – CYBERSPACE OPERATIONS	\$8,071	\$8,071	--			
CYBERSPACE ACTIVITIES – CYBERSECURITY	\$7,828	\$7,828	--			
TOTAL, BUDGET ACTIVITY 1 (BAC-01)	\$7,209,024	\$7,212,024	\$3,000			
SERVICEWIDE TRANSPORTATION	\$8,017	\$8,017	--			
ADMINISTRATION	\$76,993	\$81,993³	\$5,000			
SERVICEWIDE COMMUNICATIONS	\$101,113	\$101,113	--			
MANPOWER MANAGEMENT	\$8,920	\$8,920	--			
OTHER PERSONNEL SUPPORT	\$240,292	\$240,292	--			
REAL ESTATE MANAGEMENT	\$2,850	\$2,850	--			
TOTAL, BUDGET ACTIVITY 4 (BAC-04)	\$438,185	\$443,185	\$5,000			
HISTORICAL UNOBLIGATION	--	-\$40,000	\$40,000			
TRAUMA TRAINING	--	\$2,000	\$2,000			
TOTAL, ARNG O&M	\$7,647,209	\$7,617,209	\$30,000			

HAC-D Items

1. Program Increase - Northern Strike: \$13,000
2. Unjustified Growth - Aviation Assets: -\$10,000
3. Program Increase - State Partnership Program: \$5,000



Air National Guard

Air National Guard Personnel

(All Dollars in Thousands)

ANG Personnel Appropriation	FY22 President's Budget Request	FY22 HAC-D Mark	Delta from Request	FY22 SAC-D Mark	Delta from Request	FY22 Conference
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	\$920,210	\$920,210	--			
PAY GROUP F TRAINING (RECRUITS)	\$110,398	\$110,398	--			
PAY GROUP P TRAINING (PIPELINE RECRUITS)	\$5,822	\$5,822	--			
SCHOOL TRAINING	\$350,965	\$350,965	--			
SPECIAL TRAINING	\$245,388	\$265,988 ^{1,2,3,4}	\$20,600			
ADMINISTRATION AND SUPPORT	\$3,154,646	\$3,154,646	--			
THRIFT SAVINGS PLAN MATCHING CONTRIBUTIONS	\$15,172	\$15,172	--			
EDUCATION BENEFITS	\$12,373	\$12,373	--			
TOTAL, BUDGET ACTIVITY 1 (BAC-01)	\$4,814,974	\$4,835,574	\$20,600			
UNDISTRIBUTED ADJUSTMENT	--	-\$17,295	\$17,295			
Total, Title I National Guard Personnel, Air Force	\$4,814,974	\$4,818,279	\$3,305			
TOTAL, TRICARE ACCRUAL PAYMENTS	\$314,339	\$314,339	--			
Total, National Guard Personnel, Air Force	\$5,129,313	\$5,132,618	\$3,305			

HAC-D Items

1. Program Increase - State Partnership Program \$2,500
2. Program Increase - Critical Skillsets Crosstraining: \$3,000
3. Program Increase - RC-26B: \$12,700
4. Program Increase - Trauma Training: \$2,400

Air National Guard Operations & Maintenance

ANG O&M Appropriation	FY22 President's Budget Request	FY22 HAC-D Mark	Delta from Request	FY22 SAC-D Mark	Delta from Request	FY22 Conference
AIRCRAFT OPERATIONS	\$2,281,432	\$2,291,432 ¹	\$10,000			
MISSION SUPPORT OPERATIONS	\$582,848	\$586,548 ²	\$3,700			
DEPOT MAINTENANCE	\$1,241,318	\$1,241,318	--			
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	\$353,193	\$353,193	--			

CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	\$1,077,654	\$1,077,654	--			
BASE OPERATING SUPPORT	\$908,198	\$927,228³	\$19,030			
CYBERSPACE SUSTAINMENT	\$23,895	\$23,895	--			
CYBERSPACE ACTIVITIES	\$17,263	\$17,263	--			
TOTAL, BUDGET ACTIVITY 1 (BAC-01)	\$6,485,801	\$6,518,531	\$32,730			
ADMINISTRATION	\$46,455	\$46,455	--			
RECRUITING AND ADVERTISING	\$41,764	\$41,764	--			
TOTAL, BUDGET ACTIVITY 4 (BAC-04)	\$88,219	\$88,219				
HISTORICAL UNOBLIGATION	--	-\$40,000	\$40,000			
TRAUMA TRAINING	--	\$2,000	\$2,000			
TOTAL, O&M, AIR NATIONAL GUARD	\$6,574,020	\$6,568,750	\$5,270			

HAC-D Items

1. Program Increase - RC-26B: \$10,000
2. Program Increase – State Partnership Program: \$3,700
3. Program Increase – PFAS Remediation: \$19,030

General Provisions

Drug Interdiction and Counter-Drug Activities

The Committee recommendation includes \$519,097,000 for Counter-Narcotics Support, which supports the counter-narcotics activities of United States Northern Command and United States Southern Command, including the operations of the Joint Interagency Task Force South. The recommendation transfers \$33,696,000* from Counter-Narcotics Support to the National Guard Counter-Drug Program and reduces funding for international programs, which are supported elsewhere in this Act. The Committee notes that the joint explanatory statement accompanying the Department of Defense Appropriations Act, 2021, directed the Secretary of Defense to ensure that international programs requested and supported by this account do not duplicate programs funded under the Defense Security Cooperation Agency in the Operation and Maintenance, Defense-Wide account. The Committee directs that any notification for funds submitted pursuant to 10 U.S.C. 284 indicate whether the notified program could be carried out pursuant to another authority or by another federal agency.

The Committee recommendation includes legislative language requiring the Secretary of Defense to notify the House and Senate Appropriations Committees not fewer than 15 days prior to the transfer of funds between projects. Such projects are those identified in the PB 47 Project Definitions budget exhibit of the fiscal year 2022 budget justification materials and other documentation supporting the budget request.

*The \$33,696,000 is specifically programmed for NGB-J32 and T2S2 and RINGGOLD Programs.

National Guard and Reserve Equipment Account

The Committee recommends \$950,000,000 for the National Guard and Reserve Equipment Account. Of that amount, \$285,000,000 is for the Army National Guard; \$285,000,000 is for the Air National Guard; \$155,000,000 is for the Army Reserve; \$52,500,000 is for the Navy Reserve; \$17,500,000 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; airborne and ground detect and avoid systems; containerized ice making systems; aviation status dashboard; crash-worthy, ballistically tolerant auxiliary fuel systems; counter-UAS systems; gamma radiation protection; helmet-mounted display system; hypervisor-based cross domain access solution; KC-135 aircraft forward area refueling/defueling stations; mobile solar power units; modular small arms ranges and small arms training simulators and tools; radiological screening portals; training systems and simulators; and virtual language training systems.

Legislative Provisions

Sec. 8048 prohibits funds made available in this Act from being used 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. 8050 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. 8057 provides conditions for the use of equipment of the National Guard Distance Learning Project, on a space available, reimbursable basis.

Sec. 8063 provides for the use of National Guard personnel to support ground-based elements of the National Ballistic Missile Defense System.

Sec. 8065 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.

Items of Interest

OVERSEAS CONTINGENCY OPERATIONS (OCO) FUNDING

With regard to Overseas Contingency Operations (OCO) funding, House Report 116-453 stated, "The OCO experiment has been an abject failure and has given the Department a budgetary relief valve that has allowed it to avoid making difficult decisions." The Committee builds upon that statement by not providing any funding for OCO in fiscal year 2022. Instead of separate base and OCO accounts, all activities will be funded in base accounts, including direct war and enduring requirements. This change will increase transparency and accountability, although it necessitates adding amounts in base and OCO accounts enacted in fiscal year 2021 when comparing to recommended levels in base accounts in fiscal year 2022.

TRAUMA TRAINING PROGRAM

The Committee recognizes the valuable support that universities, hospitals, and other military partners provide by offering civilian based emergency response trauma and critical care training including public health, bio-environmental, and biomedical instruction to sustain capabilities of the National Guard Enhanced Response Forces Packages, National Guard Homeland Response Forces, and Army Reserve Consequence Management Response Forces. The Committee encourages the Director of the National Guard Bureau and

the Chiefs of the reserve components to continue pursuing advanced trauma and public health training with these civilian partners in order to maintain unit readiness. The Committee also encourages the development of enhanced medical and critical care preparedness programs.

NATIONAL GUARD YOUTH CHALLENGE

The Committee is disturbed by reports of inconsistent approaches taken by individual states in the execution of the National Guard Youth Challenge program. The Committee notes the last review of the program by the Government Accountability Office was in 2005. Therefore, the Committee directs the Comptroller General to provide a report to the congressional defense committees not later than 180 days after the enactment of this Act that reviews historical trends of the program; the consistency of mission execution by each of the states; details of the guidelines and lesson plans by each of the states; metrics for what is considered a “successful” program and those used to meet that goal; and what, if any, consistent oversight is being accomplished by the National Guard Bureau, the Department of Defense or other department or agency.

C-130J RESERVE COMPONENT BASING

The Committee has provided funding in recent fiscal years to recapitalize Air National Guard (ANG) and Air Force Reserve (AFR) C-130H aircraft with new C-130J aircraft. The Committee has provided this funding on the presumption that the Air Force will utilize its established strategic basing process to determine which units and locations will receive these new aircraft as they are made available. This process was described in a recent report to Congress by the Secretary of the Air Force as deliberate, repeatable, standardized, and transparent. The Committee finds that recent basing actions by the Air Force have weakened the qualities of standardization and transparency in this process. The Committee has operated with the understanding that the Air Force would, at minimum, not announce preferred alternatives for C-130J basing unless all the aircraft required to equip each unit and location in question had been funded by enacted appropriations legislation. However, the November 2020 announcement of the preferred alternative for the location known as Main Operating Base 6 was made prior to funds for aircraft to equip that location being made available. The Air Force has defended that decision as preparatory based on high confidence that the funds would be enacted. However, the timing of the announcement was not necessitated by such considerations and had the effect of prejudicing congressional deliberations on pending legislation. The announcement also contradicted other communications to the Committee regarding the proper timing of C-130J basing decisions.

In order to restore standardization and transparency to the C-130J basing process, the Committee directs the Secretary of the Air Force to submit a report to the House and Senate Appropriations Committees clarifying when it is appropriate to initiate or announce each major decision point in the strategic basing process for C-130J aircraft appropriated for the ANG and AFR, as well as clarifying which offices hold responsibility for such decisions within the Department of the Air Force. This report shall be submitted to the Committees not later than September 30, 2021.

In addition, the Committee is concerned that the strategic basing process does not consider unit readiness and performance metrics for existing Air National Guard and Air Force Reserve C-130H units in the basing criteria. The Committee understands that in some cases a unit’s performance can be affected by the age and condition of its C-130H aircraft but can also be indicative of effective maintenance and management of the fleet, and believes that the Air Force should take unit performance metrics such as mission capable rate into account. Therefore, the Committee directs the Secretary of the Air Force to submit a report on the extent to which unit-controllable readiness and performance factors are, or could be, factored into strategic basing criteria for reserve component C-130J basing. This report shall be submitted to the congressional defense committees not later than 90 days after the enactment of this Act.

SEXUAL ASSAULT PREVENTION AND RESPONSE

The Committee believes that sexual assault and sexual harassment in the military and at the Service academies have reached crisis proportions. The Fort Hood Independent Review Committee Report details the failures of senior leaders to create a safe and professional environment for all servicemembers and the failure at the command level to prevent and punish sexual harassment and assault at the most basic level. While specific to Fort Hood, the report describes deficiencies in command climate that pervade all the Services. The report findings are emblematic of the broader culture in the military where systemic leadership failures have led to a permissive environment, resulting in higher rates of sexual assaults and harassment.

The Committee notes the Independent Review Commission on Sexual Assault and Sexual Harassment recently completed its work and delivered its findings and recommendations to the Secretary of Defense. The Commission's work focused on holding perpetrators accountable, preventing sexual assault before it occurs, improving the military's climate and culture, and victim care and support. The Committee directs the Secretary of Defense, in coordination with the Service Secretaries, to submit a report to the House and Senate Appropriations Committees not later than 30 days after the enactment of this Act on its progress in implementing the Commission's recommendations and provide the funding requirements for each effort.

The Committee recommendation includes \$442,653,000, an increase of \$54,500,000 above the budget request, for sexual assault prevention and response programs. This recommendation includes \$7,500,000 above the request for the Sexual Assault Prevention and Response Office and an additional \$47,000,000 for the Special Victims' Counsel program for transfer to the Services, including the National Guard and reserve components.

MILITARY FAMILIES AND FOOD INSECURITY

The Committee is concerned by the alarming rate of food insecurity faced by military families. While servicemembers and their families may have access to government food assistance, their ability to qualify can vary by program and location, forcing servicemembers to seek charitable food assistance or limit the ability to eat healthy or nutritious food. The coronavirus pandemic and its economic repercussions have only magnified the problem of food insecurity experienced by military families. For National Guard and reserve personnel, the past year of near constant deployments to respond to the pandemic, civil unrest, and natural disasters has exacerbated the problem of food insecurity. Recent data from the United States Census Bureau found hunger among guardsmen and reservists is more than double the national rate. The Committee notes the Secretary of Defense is required to submit a report providing an assessment of the current extent of food insecurity among servicemembers and their dependents as directed by the National Defense Authorization Act for Fiscal Year 2020. The Committee directs the Secretary of Defense to provide the report to the House and Senate Appropriations Committees in conjunction with its submission to the House and Senate Armed Services Committees and to provide a briefing to the House and Senate Appropriations Committees not later than 30 days after the submission of the report.