

Calendar No. _____

118TH CONGRESS
1ST SESSION

S. _____

[Report No. 118-_____]]

To authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. REED, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “National Defense Authorization Act for Fiscal Year
 4 2024”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Report on Army requirements and acquisition strategy for night vision devices.
- Sec. 112. Army plan for ensuring sources of cannon tubes.
- Sec. 113. Strategy for Army tactical wheeled vehicle program.
- Sec. 114. Extension and modification of annual updates to master plans and investment strategies for Army ammunition plants.
- Sec. 115. Report on acquisition strategies of the logistics augmentation program of the Army.

Subtitle C—Navy Programs

- Sec. 121. Reduction in the minimum number of Navy carrier air wings and carrier air wing headquarters required to be maintained.
- Sec. 122. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
- Sec. 123. Multiyear procurement authority for Virginia class submarine program.

Subtitle D—Air Force Programs

- Sec. 131. Limitations and minimum inventory requirement relating to RQ-4 aircraft.
- Sec. 132. Limitation on divestiture of T-1A training aircraft.
- Sec. 133. Modification to minimum inventory requirement for A-10 aircraft.
- Sec. 134. Modification to minimum requirement for total primary mission aircraft inventory of Air Force fighter aircraft.
- Sec. 135. Modification of limitation on divestment of F-15 aircraft.
- Sec. 136. Report on Air Force executive aircraft.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

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- Sec. 141. Pilot program to accelerate the procurement and fielding of innovative technologies.
- Sec. 142. Requirement to develop and implement policies to establish the datalink strategy of the Department of Defense.
- Sec. 143. Report on contract for cybersecurity capabilities and briefing.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Updated guidance on planning for exportability features for future programs.
- Sec. 212. Support to the Defence Innovation Accelerator for the North Atlantic.
- Sec. 213. Modification to personnel management authority to attract experts in science and engineering.
- Sec. 214. Administration of the Advanced Sensors Application Program.
- Sec. 215. Delegation of responsibility for certain research programs.
- Sec. 216. Program of standards and requirements for microelectronics.
- Sec. 217. Clarifying role of partnership intermediaries to promote defense research and education.
- Sec. 218. Competition for technology that detects and watermarks the use of generative artificial intelligence.

Subtitle C—Plans, Reports, and Other Matters

- Sec. 221. Department of Defense prize competitions for business systems modernization.
- Sec. 222. Update to plans and strategies for artificial intelligence.
- Sec. 223. Western regional range complex demonstration.
- Sec. 224. Report on feasibility and advisability of establishing a quantum computing innovation center.
- Sec. 225. Briefing on the impediments to the transition of the Semantic Forensics program to operational use.
- Sec. 226. Annual report on Department of Defense hypersonic capability funding and investment.
- Sec. 227. Limitation on availability of funds for travel for office of Under Secretary of Defense for Personnel and Readiness pending a plan for modernizing Defense Travel System.
- Sec. 228. Annual report on unfunded priorities for research, development, test, and evaluation activities.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

- Sec. 311. Requirement for approval by Under Secretary of Defense for Acquisition and Sustainment of any waiver for a system that does not meet fuel efficiency key performance parameter.

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- Sec. 312. Improvement and codification of Sentinel Landscapes Partnership program authority.
- Sec. 313. Modification of definition of sustainable aviation fuel for purpose of pilot program on use of such fuel.
- Sec. 314. Payment to Environmental Protection Agency of stipulated penalties in connection with Naval Air Station Moffett Field, California.
- Sec. 315. Technical assistance for communities and individuals potentially affected by releases at current and former Department of Defense facilities.

Subtitle C—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

- Sec. 321. Treatment of certain materials contaminated with perfluoroalkyl substances or polyfluoroalkyl substances.
- Sec. 322. Increase 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. 323. Modification of authority for environmental restoration projects at National Guard facilities.
- Sec. 324. Limitation on availability of travel funds until submittal of plan for restoring data sharing on testing of water for perfluoroalkyl or polyfluoroalkyl substances.
- Sec. 325. Dashboard of funding relating to perfluoroalkyl substances and polyfluoroalkyl substances.
- Sec. 326. Report on schedule and cost estimates for completion of testing and remediation of contaminated sites and publication of cleanup information.
- Sec. 327. Modification of timing of report on activities of PFAS Task Force.
- Sec. 328. Government Accountability Office report on testing and remediation of perfluoroalkyl substances and polyfluoroalkyl substances.

Subtitle D—Logistics and Sustainment

- Sec. 331. Assuring Critical Infrastructure Support for Military Contingencies Pilot Program.
- Sec. 332. Strategy and assessment on use of automation and artificial intelligence for shipyard optimization.

Subtitle E—Briefings and Reports

- Sec. 341. Critical infrastructure conditions at military installations.
- Sec. 342. Report on establishing sufficient stabling, pasture, and training area for the Old Guard Caisson Platoon equines.
- Sec. 343. Quarterly briefings on operational status of amphibious warship fleet of Department of the Navy.
- Sec. 344. Briefing on plan for maintaining proficiency in emergency movement of munitions in Joint Region Marianas, Guam.

Subtitle F—Other Matters

- Sec. 351. Continued designation of Secretary of the Navy as executive agent for Naval Small Craft Instruction and Technical Training School.
- Sec. 352. Restriction on retirement of U-28 Aircraft.
- Sec. 353. Tribal liaisons.

- Sec. 354. Limitation on use of funds to expand leased facilities for the Joint Military Information Support Operations Web Operations Center.
- Sec. 355. Modifications to the Contested Logistics Working Group of the Department of Defense.
- Sec. 356. Establishment of Caisson Platoon to support military and State funeral services.
- Sec. 357. Limitation on availability of funds pending 30-year shipbuilding plan that maintains 31 amphibious warships for the Department of the Navy.
- Sec. 358. Modification of rule of construction regarding provision of support and services to non-Department of Defense organizations and activities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. End strength level matters.
- Sec. 403. Extension of additional authority to vary Space Force end strength.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authorized strength: general and flag officers on active duty.
- Sec. 502. Prohibition on appointment or nomination of certain officers who are subject to special selection review boards.
- Sec. 503. Exclusion of officers who are licensed behavioral health providers from limitations on active duty commissioned officer end strengths.
- Sec. 504. Updating authority to authorize promotion transfers between components of the same service or a different service.
- Sec. 505. Effect of failure of selection for promotion.
- Sec. 506. Permanent authority to order retired members to active duty in high-demand, low-density appointments.
- Sec. 507. Waiver authority expansion for the extension of service obligation for Marine Corps cyberspace operations officers.
- Sec. 508. Removal of active duty prohibition for members of the Air Force Reserve Policy Committee.
- Sec. 509. Extension of authority to vary number of Space Force officers considered for promotion to major general.
- Sec. 510. Realignment of Navy spot-promotion quotas.

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- Sec. 511. Modification of limitation on promotion selection board rates.
- Sec. 512. Time in grade requirements.
- Sec. 513. Flexibility in determining terms of appointment for certain senior officer positions.

Subtitle B—Reserve Component Management

- Sec. 521. Alternative promotion authority for reserve officers in designated competitive categories.
- Sec. 522. Selected Reserve and Ready Reserve order to active duty to respond to a significant cyber incident.
- Sec. 523. Mobilization of Selected Reserve for preplanned missions in support of the combatant commands.
- Sec. 524. Alternating selection of officers of the National Guard and the Reserves as deputy commanders of certain combatant commands.
- Sec. 525. Grade of Vice Chief of the National Guard Bureau.

Subtitle C—General Service Authorities and Military Records

- Sec. 531. Modification of limitation on enlistment and induction of persons whose score on the Armed Forces Qualification Test is below a prescribed level.
- Sec. 532. Non-medical counseling services for military families.
- Sec. 533. Primacy of needs of the service in determining individual duty assignments.
- Sec. 534. Requirement to use qualifications, performance, and merit as basis for promotions, assignments, and other personnel actions.
- Sec. 535. Requirement to base treatment in the military on merit and performance.
- Sec. 536. Tiger team for outreach to former members.
- Sec. 537. Diversity, equity, and inclusion personnel grade cap.

Subtitle D—Military Justice and Other Legal Matters

- Sec. 541. Establishment of staggered terms for members of the Military Justice Review Panel.
- Sec. 542. Technical and conforming amendments to the Uniform Code of Military Justice.

Subtitle E—Member Education, Training, Transition

- Sec. 551. Future servicemember preparatory course.
- Sec. 552. Determination of active duty service commitment for recipients of fellowships, grants, and scholarships.
- Sec. 553. Military service academy professional sports pathway report and legislative proposal required.
- Sec. 554. Community college Enlisted Training Corps demonstration program.
- Sec. 555. Language training centers for members of the Armed Forces and civilian employees of the Department of Defense.
- Sec. 556. Limitation on availability of funds for relocation of Army CID special agent training course.
- Sec. 557. Army Physical Fitness Test.
- Sec. 558. Opt-out sharing of information on members retiring or separating from the Armed Forces with community-based organizations and related entities.
- Sec. 559. Establishment of program to promote participation of foreign students in the Senior Reserve Officers' Training Corps.

Sec. 560. Consideration of standardized test scores in military service academy application process.

Subtitle F—Military Family Readiness and Dependents' Education

Sec. 561. Pilot program on recruitment and retention of employees for child development programs.

Sec. 562. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.

Sec. 563. Modifications to assistance to local educational agencies that benefit dependents of members of the Armed Forces with enrollment changes due to base closures, force structure changes, or force relocations.

Sec. 564. Assistance for military spouses to obtain doula certifications.

Subtitle G—Junior Reserve Officers' Training Corps

Sec. 571. Expansion of Junior Reserve Officers' Training Corps.

Sec. 572. JROTC program certification.

Sec. 573. Memorandum of understanding required.

Sec. 574. Junior Reserve Officers' Training Corps instructor compensation.

Sec. 575. Annual report on allegations of sexual misconduct in JROTC programs.

Sec. 576. Comptroller General report on efforts to increase transparency and reporting on sexual violence in the Junior Reserve Officers' Training Corps Program.

Subtitle H—Decorations and Other Awards, Miscellaneous Reports and Other Matters

Sec. 581. Extension of deadline for review of World War I valor medals.

Sec. 582. Prohibition on former members of the Armed Forces accepting post-service employment with certain foreign governments.

Sec. 583. Prohibition on requiring listing of gender or pronouns in official correspondence.

Subtitle I—Enhanced Recruiting Efforts

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Sec. 592. Increased access to potential recruits at secondary schools.

Sec. 593. Increased access to potential recruits at institutions of higher education.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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Sec. 601. Pay of members of reserve components for inactive-duty training to obtain or maintain an aeronautical rating or designation.

Sec. 602. Modification of calculation method for basic allowance for housing to more accurately assess housing costs of junior members of uniformed services.

Sec. 603. Basic allowance for housing for members assigned to vessels undergoing maintenance.

Sec. 604. Dual basic allowance for housing for training for certain members of reserve components.

Sec. 605. Modification of calculation of gross household income for basic needs allowance to address areas of demonstrated need.

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- Sec. 606. Expansion of eligibility for reimbursement of qualified licensure, certification, and business relocation costs incurred by military spouses.
- Sec. 607. Cost-of-living allowance in the continental United States: high cost areas.
- Sec. 608. OCONUS cost-of-living allowance: adjustments.
- Sec. 609. Extension of one-time uniform allowance for officers who transfer to the Space Force.
- Sec. 610. Review of rates of military basic pay.
- Sec. 611. Government Accountability Office study on process for determining cost-of-living allowances for members of the uniformed services assigned to the continental United States, Hawaii, Alaska, and overseas locations.

Subtitle B—Bonus and Incentive Pays

- Sec. 621. Modification of special and incentive pay authorities for members of reserve components.
- Sec. 622. Expansion of continuation pay eligibility.
- Sec. 623. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 624. Requirement to establish remote and austere condition assignment incentive pay program for Air Force.

Subtitle C—Other Matters

- Sec. 631. Modification of requirements for approval of foreign employment by retired and reserve members of uniformed services.
- Sec. 632. Restrictions on retired and reserve members of the Armed Forces receiving employment and compensation indirectly from foreign governments through private entities.

TITLE VII—HEALTH CARE PROVISIONS

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- Sec. 701. Extension of period of eligibility for health benefits under TRICARE Reserve Select for survivors of a member of the Selected Reserve.
- Sec. 702. Authority to provide dental care for dependents located at certain remote or isolated locations.
- Sec. 703. Inclusion of assisted reproductive technology and artificial insemination as required primary and preventive health care services for members of the uniformed services and dependents.
- Sec. 704. Program on treatment of members of the Armed Forces for post-traumatic stress disorder, traumatic brain injuries, and co-occurring disorders related to military sexual trauma.
- Sec. 705. Waiver of cost-sharing for three mental health outpatient visits for certain beneficiaries under the TRICARE program.
- Sec. 706. Expansion of doula care furnished by Department of Defense.

Subtitle B—Health Care Administration

- Sec. 711. Increase in stipend for participants in health professions scholarship and financial assistance programs.
- Sec. 712. Financial relief for civilians treated in military medical treatment facilities.

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- Sec. 713. Department of Defense Overdose Data Act of 2023.
- Sec. 714. Modification of administration of medical malpractice claims by members of the uniformed services.

Subtitle C—Reports and Other Matters

- Sec. 721. Modification of partnership program between United States and Ukraine for military trauma care and research.
- Sec. 722. Requirement that Department of Defense disclose expert reports with respect to medical malpractice claims by members of the uniformed services.
- Sec. 723. Comptroller General study on impact of perinatal mental health conditions of members of the Armed Forces and their dependents on military readiness and retention.
- Sec. 724. Report on mental and behavioral health services provided by Department of Defense.
- Sec. 725. Report on activities of Department of Defense to prevent, intervene, and treat perinatal mental health conditions of members of the Armed Forces and their dependents.
- Sec. 726. Study on family planning and cryopreservation of gametes to improve retention of members of the Armed Forces.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,
AND RELATED MATTERS

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- Sec. 801. Amendments to multiyear procurement authority.
- Sec. 802. Modernizing the Department of Defense requirements process.
- Sec. 803. Head of Contracting Authority for Strategic Capabilities Office.
- Sec. 804. Pilot program for the use of innovative intellectual property strategies.
- Sec. 805. Focused commercial solutions openings opportunities.
- Sec. 806. Study on reducing barriers to acquisition of commercial products and services.
- Sec. 807. Sense of the Senate on independent cost assessment.
- Sec. 808. Emergency acquisition authority for purposes of replenishing United States stockpiles.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Commander initiated rapid contracting actions.
- Sec. 812. Extension and revisions to never contract with the enemy.
- Sec. 813. Enhancement of Department of Defense capabilities to prevent contractor fraud.
- Sec. 814. Modification of approval authority for high dollar other transaction agreements for prototypes.
- Sec. 815. Modifications to Earned Value Management system requirements.
- Sec. 816. Inventory of inflation and escalation indices.
- Sec. 817. Pilot program to incentivize progress payments.
- Sec. 818. Extension of pilot program to accelerate contracting and pricing processes.
- Sec. 819. Preventing conflicts of interest for Department of Defense consultants.
- Sec. 820. Prohibition on requiring defense contractors to provide information relating to greenhouse gas emissions.

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- Sec. 821. Prohibition on contracts for the provision of online tutoring services by entities owned by the People's Republic of China.
- Sec. 822. Modification of truthful cost or pricing data submissions and report.

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- Sec. 831. Defense industrial base advanced capabilities pilot program.
- Sec. 832. Department of Defense notification of certain transactions.
- Sec. 833. Analyses of certain activities for action to address sourcing and industrial capacity.
- Sec. 834. Pilot program on capital assistance to support defense investment in the industrial base.
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- Sec. 841. Amendments to Defense Research and Development Rapid Innovation Program.
- Sec. 842. Department of Defense Mentor-Protégé Program.
- Sec. 843. Consideration of the past performance of affiliate companies of small businesses.
- Sec. 844. Timely payments for Department of Defense small business subcontractors.
- Sec. 845. Extension of Pilot Program for streamlined technology transition from the SBIR and STTR Programs of the Department of Defense.
- Sec. 846. Annual reports regarding the SBIR program of the Department of Defense.
- Sec. 847. Modifications to the Procurement Technical Assistance Program.
- Sec. 848. Extension of pilot program to incentivize contracting with employee-owned businesses.

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- Sec. 861. Limitation on the availability of funds pending a plan for implementing the replacement for the Selected Acquisition Reporting system.
- Sec. 862. Extension of pilot program for distribution support and services for weapons systems contractors.
- Sec. 863. Modification of effective date for expansion on the prohibition on acquiring certain metal products.
- Sec. 864. Foreign sources of specialty metals.
- Sec. 865. University Affiliated Research Center for critical minerals.

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- Sec. 901. Establishment of Office of Strategic Capital.
- Sec. 902. Reinstatement of position of Chief Management Officer of Department of Defense.
- Sec. 903. Modification of responsibilities of Director of Cost Assessment and Program Evaluation.

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- Sec. 904. Roles and responsibilities for components of Office of Secretary of Defense for joint all-domain command and control in support of integrated joint warfighting.
- Sec. 905. Principal Deputy Assistant Secretaries to support Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
- Sec. 906. Modification of cross-functional team to address emerging threat relating to directed energy capabilities.
- Sec. 907. Pilot program on protecting access to critical assets.
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- Sec. 909. Conforming amendments to carry out elimination of position of Chief Management Officer.

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- Sec. 921. Joint Energetics Transition Office.
- Sec. 922. Transition of oversight responsibility for the Defense Technology Security Administration.
- Sec. 923. Integrated and authenticated access to Department of Defense systems for certain congressional staff for oversight purposes.
- Sec. 924. Integration of productivity software suites for scheduling data.
- Sec. 925. Operationalizing audit readiness.
- Sec. 926. Next generation business health metrics.
- Sec. 927. Independent assessment of defense business enterprise architecture.
- Sec. 928. Limitation on establishment of new diversity, equity, and inclusion positions; hiring freeze.

TITLE X—GENERAL PROVISIONS

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- Sec. 1001. General transfer authority.
- Sec. 1002. Annual report on budget prioritization by Secretary of Defense and military departments.
- Sec. 1003. Additional reporting requirements related to unfunded priorities.
- Sec. 1004. Sense of the Senate on need for emergency supplemental appropriations.

Subtitle B—Counterdrug Activities

- Sec. 1011. Disruption of fentanyl trafficking.
- Sec. 1012. Enhanced support for counterdrug activities and activities to counter transnational organized crime.
- Sec. 1013. Modification of support for counterdrug activities and activities to counter transnational organized crime: increase in cap for small scale construction projects.
- Sec. 1014. Building the capacity of armed forces of Mexico to counter the threat posed by transnational criminal organizations.

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- Sec. 1021. Modification of authority to purchase used vessels under the National Defense Sealift Fund.
- Sec. 1022. Amphibious warship force availability.
- Sec. 1023. Prohibition on retirement of certain naval vessels.
- Sec. 1024. Report on the potential for an Army and Navy joint effort for watercraft vessels.

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- Sec. 1031. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1032. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1033. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1034. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Extension of admission to Guam or the Commonwealth of the Northern Mariana Islands for certain nonimmigrant H-2B workers.
- Sec. 1042. Authority to include funding requests for the chemical and biological defense program in budget accounts of military departments.
- Sec. 1043. Unfavorable security clearance eligibility determinations and appeals.
- Sec. 1044. Assistance in support of Department of Defense accounting for missing United States Government personnel.
- Sec. 1045. Implementation of arrangements to build transparency, confidence, and security.
- Sec. 1046. Access to and use of military post offices by United States citizens employed overseas by the North Atlantic Treaty Organization who perform functions in support of military operations of the Armed Forces.
- Sec. 1047. Removal of time limitations of temporary protection and authorization of reimbursement for security services and equipment for former or retired Department of Defense personnel.
- Sec. 1048. Annual Defense POW/MIA Accounting Agency (DPAA) capabilities required to expand accounting for persons missing from designated past conflicts.

Subtitle F—Studies and Reports

- Sec. 1051. Annual report and briefing on implementation of Force Design 2030.
- Sec. 1052. Plan for conversion of Joint Task Force North into Joint Inter-agency Task Force North.
- Sec. 1053. Report on use of tactical fighter aircraft and bomber aircraft for deployments and homeland defense missions.
- Sec. 1054. Modifications of reporting requirements.
- Sec. 1055. Report on equipping certain ground combat units with small unmanned aerial systems.
- Sec. 1056. Comprehensive assessment of Marine Corps Force Design 2030.
- Sec. 1057. Strategy to achieve critical mineral supply chain independence for the Department of Defense.
- Sec. 1058. Quarterly briefing on homeland defense planning.
- Sec. 1059. Special operations force structure.
- Sec. 1060. Briefing on commercial tools employed by the Department of Defense to assess foreign ownership, control, or influence.

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- Sec. 1061. Plan on countering human trafficking.
- Sec. 1062. Briefing and report on use and effectiveness of United States Naval Station, Guantanamo Bay, Cuba.

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- Sec. 1071. Matters related to irregular warfare.
- Sec. 1072. Joint concept for competing implementation updates.
- Sec. 1073. Limitation on certain funding until submission of the Chairman's Risk Assessment and briefing requirement.
- Sec. 1074. Notification of safety and security concerns at certain Department of Defense laboratories.
- Sec. 1075. Assessment and recommendations relating to infrastructure, capacity, resources, and personnel in Guam.
- Sec. 1076. Program and processes relating to foreign acquisition.
- Sec. 1077. Technical and conforming amendments related to the Space Force.
- Sec. 1078. Authority to establish commercial integration cells within certain combatant commands.
- Sec. 1079. Modification on limitation on funding for institutions of higher education hosting Confucius Institutes.
- Sec. 1080. Modification of definition of domestic source for title III of Defense Production Act of 1950.
- Sec. 1081. Comprehensive strategy for talent development and management of Department of Defense computer programming workforce.
- Sec. 1082. Limitation on availability of funds for destruction of landmines.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1102. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1103. Exclusion of positions in nonappropriated fund instrumentalities from limitations on dual pay.
- Sec. 1104. Exception to limitation on number of Senior Executive Service positions for the Department of Defense.
- Sec. 1105. Removal of Washington Headquarters Services direct support from personnel limitation on the Office of the Secretary of Defense.
- Sec. 1106. Consolidation of direct hire authorities for candidates with specified degrees at science and technology reinvention laboratories.
- Sec. 1107. Expansion and extension of direct hire authority for certain personnel of the Department of Defense.
- Sec. 1108. Extension of direct hire authority for the Department of Defense for post-secondary students and recent graduates.
- Sec. 1109. Extension of direct hire authority for domestic industrial base facilities and Major Range and Test Facilities Base.
- Sec. 1110. Authority to employ civilian faculty members at Space Force schools.
- Sec. 1111. Report and sunset relating to inapplicability of certification of executive qualifications by qualification review boards of Office of Personnel Management.
- Sec. 1112. Extension of date of first employment for acquisition of competitive status for employees of Inspectors General for overseas contingency operations.

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- Sec. 1113. Expansion of noncompetitive appointment eligibility to spouses of Department of Defense civilians.
- Sec. 1114. Elimination of Government Accountability Office review requirement relating to Department of Defense personnel authorities.
- Sec. 1115. Amendments to the John S. McCain Strategic Defense Fellows Program.
- Sec. 1116. Civilian Cybersecurity Reserve pilot project.

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- Sec. 1201. Middle East integrated maritime domain awareness and interdiction capability.
- Sec. 1202. Authority to provide mission training through distributed simulation.
- Sec. 1203. Increase in small-scale construction limit and modification of authority to build capacity.
- Sec. 1204. Extension of legal institutional capacity building initiative for foreign defense institutions.
- Sec. 1205. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1206. Extension of authority for Department of Defense support for stabilization activities in national security interest of the United States.
- Sec. 1207. Extension of cross servicing agreements for loan of personnel protection and personnel survivability equipment in coalition operations.
- Sec. 1208. Limitation on availability of funds for International Security Cooperation Program.
- Sec. 1209. Modification of Department of Defense security cooperation workforce development.
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- Sec. 1221. Extension and modification of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1222. Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1223. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1224. Briefing on nuclear capability of Iran.

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- Sec. 1231. Extension and modification of Ukraine Security Assistance Initiative.
- Sec. 1232. Extension and modification of training for Eastern European national security forces in the course of multilateral exercises.

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- Sec. 1233. Extension of prohibition on availability of funds relating to sovereignty of the Russian Federation over internationally recognized territory of Ukraine.
- Sec. 1234. Extension and modification of temporary authorizations related to Ukraine and other matters.
- Sec. 1235. Prioritization for basing, training, and exercises in North Atlantic Treaty Organization member countries.
- Sec. 1236. Study and report on lessons learned regarding information operations and deterrence.
- Sec. 1237. Report on progress on multi-year strategy and plan for Baltic security cooperation.
- Sec. 1238. Sense of the Senate on the North Atlantic Treaty Organization.
- Sec. 1239. Sense of the Senate on Defence Innovation Accelerator for the North Atlantic (DIANA) in the North Atlantic Treaty Organization.
- Sec. 1240. Sense of the Senate regarding the arming of Ukraine.

Subtitle D—Matters Relating to the Indo-Pacific Region

- Sec. 1241. Indo-Pacific Campaigning Initiative.
- Sec. 1242. Training, advising, and institutional capacity-building program for military forces of Taiwan.
- Sec. 1243. Indo-Pacific Maritime Domain Awareness Initiative.
- Sec. 1244. Extension of Pacific Deterrence Initiative.
- Sec. 1245. Extension of authority to transfer funds for Bien Hoa dioxin clean-up.
- Sec. 1246. Extension and modification of pilot program to improve cyber cooperation with foreign military partners in Southeast Asia.
- Sec. 1247. Extension and modification of certain temporary authorizations.
- Sec. 1248. Plan for enhanced security cooperation with Japan.
- Sec. 1249. Plan for improvements to certain operating locations in Indo-Pacific region.
- Sec. 1250. Strategy for improving posture of ground-based theater-range missiles in Indo-Pacific region.
- Sec. 1251. Enhancing major defense partnership with India.
- Sec. 1252. Military cybersecurity cooperation with Taiwan.
- Sec. 1253. Designation of senior official for Department of Defense activities relating to, and implementation plan for, security partnership among Australia, the United Kingdom, and the United States.
- Sec. 1254. Report and notification relating to transfer of operational control on Korean Peninsula.
- Sec. 1255. Report on range of consequences of war with the People's Republic of China.
- Sec. 1256. Study and report on command structure and force posture of United States Armed Forces in Indo-Pacific region.
- Sec. 1257. Studies on defense budget transparency of the People's Republic of China and the United States.
- Sec. 1258. Briefing on provision of security assistance by the People's Republic of China and summary of Department of Defense mitigation activities.
- Sec. 1259. Semiannual briefings on bilateral agreements supporting United States military posture in the Indo-Pacific region.
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- Sec. 1262. Prohibition on use of funds for the Wuhan Institute of Virology.
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- Sec. 1265. Assessment relating to contingency operational plan of United States Indo-Pacific Command.
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- Sec. 1268. Sense of the Senate on defense alliances and partnerships in the Indo-Pacific region.

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- Sec. 1291. Military intelligence collection and analysis partnerships.
- Sec. 1292. Collaboration with partner countries to develop and maintain military-wide transformational strategies for operational energy.
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- Sec. 1296. Modification of authority for certain payments to redress injury and loss.
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- Sec. 1299C. Prohibition on delegation of authority to designate foreign partner forces as eligible for the provision of collective self-defense support by United States Armed Forces.
- Sec. 1299D. Participation by military departments in interoperability programs with military forces of Australia, Canada, New Zealand, and the United Kingdom.
- Sec. 1299E. Cooperation with allies and partners in Middle East on development of integrated regional cybersecurity architecture.
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- Sec. 1299G. Limitation on availability of funds for travel expenses of the Office of the Secretary of Defense.
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- Sec. 1545. Addressing serious deficiencies in electronic protection of systems that operate in the radio frequency spectrum.
- Sec. 1546. Funding limitation on certain unreported programs.
- Sec. 1547. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities.

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- Sec. 1601. Measures to enhance the readiness and effectiveness of the Cyber Mission Force.
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- Sec. 1604. Next generation cyber red teams.
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- Sec. 1606. Authority for countering illegal trafficking by Mexican transnational criminal organizations in cyberspace.
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- Sec. 1616. Management by Department of Defense of mobile applications.
- Sec. 1617. Security enhancements for the nuclear command, control, and communications network.
- Sec. 1618. Guidance regarding securing laboratories of the Armed Forces.
- Sec. 1619. Establishing Identity, Credential, and Access Management initiative as a program of record.
- Sec. 1620. Strategy on cybersecurity resiliency of Department of Defense space enterprise.
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Sec. 2407. Additional authority to carry out certain fiscal year 2022 projects.

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- Sec. 2805. Extensions to the Military Lands Withdrawal Act relating to Barry M. Goldwater range.
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- Sec. 2807. Revision to access and management of Air Force memorial.
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- Sec. 2810. Movement or consolidation of Joint Spectrum Center to Fort Meade, Maryland, or another appropriate location.
- Sec. 2811. Temporary expansion of authority for use of one-step turn-key selection procedures for repair projects.
- Sec. 2812. Modification of temporary increase of amounts in connection with authority to carry out unspecified minor military construction.
- Sec. 2813. Pilot program on replacement of substandard enlisted barracks.
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- Sec. 2825. Oversight of military unaccompanied housing.
- Sec. 2826. Elimination of flexibilities for adequacy or construction standards for military unaccompanied housing.
- Sec. 2827. Design standards for military unaccompanied housing.
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- Sec. 2861. Land conveyance, BG J Sumner Jones Army Reserve Center, Wheeling, West Virginia.
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- Sec. 2871. Authority to conduct energy resilience and conservation projects at installations where non-Department of Defense funded energy projects have occurred.

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- Sec. 2872. Limitation on authority to modify or restrict public access to Greenbury Point Conservation Area at Naval Support Activity Annapolis, Maryland.
- Sec. 2873. Authorization for the Secretary of the Navy to resolve the electrical utility operations at Former Naval Air Station Barbers Point (currently known as “Kalaeloa”), Hawaii.
- Sec. 2874. Clarification of other transaction authority for installation or facility prototyping.
- Sec. 2875. Requirement that Department of Defense include military installation resilience in real property management and installation master planning of Department.
- Sec. 2876. Increase of limitation on fee for architectural and engineering services procured by military departments.
- Sec. 2877. Requirement that all material types be considered for design-bid-build military construction projects.
- Sec. 2878. Continuing education curriculum for members of the military construction planning and design workforce and acquisition workforce of the Department of Defense.
- Sec. 2879. Guidance on Department of Defense-wide standards for access to installations of the Department.
- Sec. 2880. Deployment of existing construction materials.
- Sec. 2881. Technical corrections.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY
AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS

Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B— Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Limitation on use of funds for naval nuclear fuel systems based on low-enriched uranium.
- Sec. 3112. Prohibition on ARIES expansion before realization of 30 pit per year base capability.
- Sec. 3113. Plutonium Modernization Program management.
- Sec. 3114. Pantex explosives manufacturing capability.
- Sec. 3115. Limitation on establishing an enduring bioassurance program within the National Nuclear Security Administration.
- Sec. 3116. Extension of authority on acceptance of contributions for acceleration or removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3117. Modification of reporting requirements for program on vulnerable sites.
- Sec. 3118. Implementation of enhanced mission delivery initiative.
- Sec. 3119. Limitation on use of funds until provision of spend plan for W80-4 ALT weapon development.
- Sec. 3120. Analyses of nuclear programs of foreign countries.

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- Sec. 3121. Enhancing National Nuclear Security Administration supply chain reliability.
- Sec. 3122. Transfer of cybersecurity responsibilities to Administrator for Nuclear Security.
- Sec. 3123. Redesignating duties related to departmental radiological and nuclear incident responses.
- Sec. 3124. Modification of authority to establish certain contracting, program management, scientific, engineering, and technical positions.
- Sec. 3125. Technical amendments to the Atomic Energy Defense Act.
- Sec. 3126. Amendment to period for briefing requirements.
- Sec. 3127. Repeal of reporting requirements for Uranium Capabilities Replacement Project.

Subtitle C—Budget and Financial Management Matters

- Sec. 3131. Updated financial integration policy.

Subtitle D—Other Matters

- Sec. 3141. Integration of technical expertise of Department of Energy into policymaking.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Maritime Administration.

DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 2 **CONTENTS.**

3 (a) DIVISIONS.—This Act is organized into four divi-
 4 sions as follows:

5 (1) Division A—Department of Defense Au-
 6 thorizations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy Na-
 10 tional Security Authorizations and Other Authoriza-
 11 tions.

1 (4) Division D—Funding Tables.

2 (b) TABLE OF CONTENTS.—The table of contents for
3 this Act is as follows:

4 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

5 In this Act, the term “congressional defense commit-
6 tees” has the meaning given that term in section
7 101(a)(16) of title 10, United States Code.

8 **SEC. 4. BUDGETARY EFFECTS OF THIS ACT.**

9 The budgetary effects of this Act, for the purposes
10 of complying with the Statutory Pay-As-You-Go Act of
11 2010, shall be determined by reference to the latest state-
12 ment titled “Budgetary Effects of PAYGO Legislation”
13 for this Act, jointly submitted for printing in the Congres-
14 sional Record by the Chairmen of the House and Senate
15 Budget Committees, provided that such statement has
16 been submitted prior to the vote on passage in the House
17 acting first on the conference report or amendment be-
18 tween the Houses.

1 **DIVISION A—DEPARTMENT OF**
2 **DEFENSE AUTHORIZATIONS**
3 **TITLE I—PROCUREMENT**
4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2024 for procurement for the Army, the Navy
9 and the Marine Corps, the Air Force and the Space Force,
10 and Defense-wide activities, as specified in the funding
11 table in section 4101.

12 **Subtitle B—Army Programs**

13 **SEC. 111. REPORT ON ARMY REQUIREMENTS AND ACQUISITION**
14 **STRATEGY FOR NIGHT VISION DEVICES.**

15 (a) **REPORT REQUIRED.**—Not later than February
16 29, 2024, the Secretary of the Army shall submit to the
17 congressional defense committees a report on night vision
18 devices.

19 (b) **ELEMENTS.**—The report required by subsection
20 (a) shall include the following elements:

21 (1) An identification of the specific capabilities
22 the Army is seeking to achieve in night vision.

23 (2) An identification of the capabilities in night
24 vision required by unit, including the number and
25 type of units for each capability.

1 (3) An identification of the total requirement
2 for night vision devices in the Army, disaggregated
3 by number and type of unit.

4 (4) A description of the acquisition strategy of
5 the Army for achieving the capabilities described in
6 paragraph (1), including a description of each of the
7 following:

8 (A) The acquisition objective for each type
9 of night vision device.

10 (B) The programmed purchase quantities
11 for night vision devices required each year.

12 (C) The contract type of each procurement
13 of night vision devices.

14 (D) The expected date for achieving the
15 capabilities.

16 (E) The industrial base constraints on
17 each type of night vision device.

18 (F) The modernization plan for each type
19 of night vision device.

20 **SEC. 112. ARMY PLAN FOR ENSURING SOURCES OF CAN-**
21 **NON TUBES.**

22 (a) **UPDATED ASSESSMENT.**—The Secretary of the
23 Army shall update the assessment of the Secretary on the
24 sufficiency of the development, production, procurement,

1 and modernization of the defense industrial base for can-
2 non and large caliber weapons tubes.

3 (b) SUBMITTAL TO CONGRESS.—Not later than Feb-
4 ruary 29, 2024, the Secretary shall submit to the Com-
5 mittee on Armed Services of the Senate and the Com-
6 mittee on Armed Services of the House of Representatives
7 an update to the report submitted to Congress in March
8 2022 entitled “Army Plan for Ensuring Sources of Can-
9 non Tubes”.

10 **SEC. 113. STRATEGY FOR ARMY TACTICAL WHEELED VEHI-**
11 **CLE PROGRAM.**

12 (a) STRATEGY REQUIRED.—In the budget justifica-
13 tion materials submitted in support of the budget of the
14 Department of Defense (as submitted with the budget of
15 the President under section 1105(a) of title 31, United
16 States Code) for fiscal year 2025 and every five years
17 thereafter, the Secretary of the Army shall include a re-
18 port on the strategy of the Army for tactical wheeled vehi-
19 cles.

20 (b) REQUIREMENTS FOR STRATEGY.—Each strategy
21 required by subsection (a) shall—

22 (1) align with the applicable national defense
23 strategy under section 113(g) of title 10, United
24 States Code, and applicable policies;

1 (2) be designed so that the force of tactical
2 wheeled vehicles provided under the strategy sup-
3 ports the national security strategy of the United
4 States as set forth in the most recent national secu-
5 rity strategy report of the President under section
6 108 of the National Security Act of 1947 (50 U.S.C.
7 3043); and

8 (3) define capabilities and capacity require-
9 ments across the entire fleet of tactical wheeled vehi-
10 cles, including—

11 (A) light, medium, and heavy tactical
12 wheeled vehicles; and

13 (B) associated trailer and support equip-
14 ment.

15 (c) STRATEGY ELEMENTS.—Each strategy required
16 by subsection (a) shall include the following:

17 (1) A detailed program for the construction of
18 light, medium, and heavy tactical wheeled vehicles
19 for the Army over the next five fiscal years.

20 (2) A description of the necessary force struc-
21 ture and capabilities of tactical wheeled vehicles to
22 meet the requirements of the national security strat-
23 egy described in subsection (b)(2).

24 (3) The estimated levels of annual funding, by
25 vehicle class, in both graphical and tabular form,

1 necessary to carry out the program described in
2 paragraph (1), together with a discussion of the pro-
3 curement strategies on which such estimated levels
4 of annual funding are based.

5 (4) The estimated total cost of construction for
6 each vehicle class used to determine the estimated
7 levels of annual funding described in paragraph (3).

8 (d) CONSIDERATIONS.—In developing each strategy
9 required by subsection (a), the Secretary of the Army shall
10 consider the following objectives and factors:

11 (1) Objectives relating to protection, fleet oper-
12 ations, mission command, mobility, and the indus-
13 trial base.

14 (2) Technological advances that will increase ef-
15 ficiency of and reduce demand for tactical wheeled
16 vehicles.

17 (3) Technological advances that allow for the
18 operation of tactical wheeled vehicles in a variety of
19 climate and geographic conditions.

20 (4) Existing commercial technologies such as
21 vehicle electrification, autonomous capabilities, and
22 predictive maintenance, among others.

23 (5) The capabilities of autonomous equivalents
24 to tactical wheeled vehicles.

1 (e) BRIEFING REQUIREMENTS.—Not later than 15
2 days after each budget submission described in subsection
3 (a), in conjunction with the submission of each strategy
4 required by such subsection, the Secretary of the Army
5 shall provide a briefing to the congressional defense com-
6 mittees that addresses the investment needed for each
7 platform of tactical wheeled vehicle across the future-years
8 defense program.

9 **SEC. 114. EXTENSION AND MODIFICATION OF ANNUAL UP-**
10 **DATES TO MASTER PLANS AND INVESTMENT**
11 **STRATEGIES FOR ARMY AMMUNITION**
12 **PLANTS.**

13 Section 2834(d) of the Military Construction Author-
14 ization Act for Fiscal Year 2022 (division B of Public Law
15 117–81; 135 Stat. 2201) is amended—

16 (1) in the matter preceding paragraph (1), by
17 striking “March 31, 2026” and inserting “March
18 31, 2030”; and

19 (2) by adding at the end the following new
20 paragraph:

21 “(5) A description of any changes made to the
22 master plan based upon current global events, in-
23 cluding pandemics and armed conflicts.”.

1 **SEC. 115. REPORT ON ACQUISITION STRATEGIES OF THE**
2 **LOGISTICS AUGMENTATION PROGRAM OF**
3 **THE ARMY.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of the
6 Army, in conjunction with the Office of the Secretary of
7 Defense and in coordination with the geographic combat-
8 ant commanders, shall submit to the Committee on Armed
9 Services of the Senate and the Committee on Armed Serv-
10 ices of the House of Representatives a report reviewing
11 the proposed recompetete of the operational task orders of
12 the geographic combatant commands under the contract
13 for the logistics augmentation program of the Army that
14 will expire in 2028 (commonly referred to as “LOGCAP
15 V”).

16 (b) ELEMENTS.—The report required by subsection
17 (a) shall include the following:

18 (1) A business case analysis of the cost and
19 operational benefit of recompetete the task orders
20 described in subsection (a).

21 (2) Input from stakeholders, including Army
22 Sustainment Command, the geographic combatant
23 commanders, and Army service component com-
24 manders, on the desirability and operational impacts
25 of the proposed recompetete described in subsection
26 (a).

1 (3) Detailed cost estimates and timelines, in-
2 cluding projected transition costs and timelines for
3 the task orders described in subsection (a).

4 (4) An assessment of the potential impacts re-
5 lated to quality and timing of transitioning to the
6 new logistics augmentation program (commonly re-
7 ferred to as “LOGCAP VI”).

8 (5) An analysis of recompeting the task orders
9 described in subsection (a) compared to transitioning
10 to LOGCAP VI.

11 (6) An overview of potential innovations and ef-
12 ficiencies derived from a competition for LOGCAP
13 VI.

14 (7) An explanation of the benefit of recom-
15 peting the task orders described in subsection (a)
16 compared to an open competition for LOGCAP VI.

17 (8) A breakdown of additional authorities need-
18 ed to move directly to LOGCAP VI.

19 **Subtitle C—Navy Programs**

20 **SEC. 121. REDUCTION IN THE MINIMUM NUMBER OF NAVY**

21 **CARRIER AIR WINGS AND CARRIER AIR WING** 22 **HEADQUARTERS REQUIRED TO BE MAIN-** 23 **TAINED.**

24 Section 8062(e) of title 10, United States Code, is
25 amended—

1 (1) in paragraph (1), by striking “until the ear-
2 lier of” and all that follows and inserting “until the
3 date on which additional operationally deployable
4 aircraft carriers can fully support a 10th carrier air
5 wing;”; and

6 (2) in paragraph (2), by striking “the earlier
7 of” and all that follows through “and (B) of” and
8 inserting “the date referred to in”.

9 **SEC. 122. EXTENSION OF PROHIBITION ON AVAILABILITY**
10 **OF FUNDS FOR NAVY PORT WATERBORNE SE-**
11 **CURITY BARRIERS.**

12 Section 130(a) of the John S. McCain National De-
13 fense Authorization Act for Fiscal Year 2019 (Public Law
14 115–232; 132 Stat. 1665), as most recently amended by
15 section 123(a) of the James M. Inhofe National Defense
16 Authorization Act for Fiscal Year 2023 (Public Law 117–
17 263), is further amended by striking “through 2023” and
18 inserting “through 2024”.

19 **SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
20 **GINIA CLASS SUBMARINE PROGRAM.**

21 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—
22 Subject to section 3501 of title 10, United States Code,
23 the Secretary of the Navy may enter into one or more
24 multiyear contracts for the procurement of 10 Virginia
25 class submarines.

1 (b) AUTHORITY FOR ADVANCE PROCUREMENT AND
2 ECONOMIC ORDER QUANTITY.—The Secretary of the
3 Navy may enter into one or more contracts, beginning in
4 fiscal year 2024, for advance procurement associated with
5 the Virginia class submarines for which authorization to
6 enter into a multiyear procurement contract is provided
7 under subsection (a) and for equipment or subsystems as-
8 sociated with the Virginia class submarine program, in-
9 cluding procurement of—

10 (1) long lead time material; or

11 (2) material or equipment in economic order
12 quantities when cost savings are achievable.

13 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
14 MENTS.—A contract entered into under subsection (a)
15 shall provide that any obligation of the United States to
16 make a payment under the contract for a fiscal year after
17 fiscal year 2025 is subject to the availability of appropria-
18 tions or funds for that purpose for such later fiscal year.

19 (d) LIMITATION ON TERMINATION LIABILITY.—A
20 contract for the construction of Virginia class submarines
21 entered into under subsection (a) shall include a clause
22 that limits the liability of the United States to the con-
23 tractor for any termination of the contract. The maximum
24 liability of the United States under the clause shall be the
25 amount appropriated for the submarines covered by the

1 contract regardless of the amount obligated under the con-
2 tract.

3 **Subtitle D—Air Force Programs**

4 **SEC. 131. LIMITATIONS AND MINIMUM INVENTORY RE-** 5 **QUIREMENT RELATING TO RQ-4 AIRCRAFT.**

6 Section 9062 of title 10, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(1)(1) During the period beginning on the date of
10 the enactment of the National Defense Authorization Act
11 for Fiscal Year 2024 and ending on September 30, 2028,
12 the Secretary of the Air Force may not—

13 “(A) retire an RQ-4 aircraft;

14 “(B) reduce funding for unit personnel or
15 weapon system sustainment activities for RQ-4 air-
16 craft in a manner that presumes future congres-
17 sional authority to divest such aircraft;

18 “(C) keep an RQ-4 aircraft in a status consid-
19 ered excess to the requirements of the possessing
20 command and awaiting disposition instructions
21 (commonly referred to as ‘XJ’ status); or

22 “(D) decrease the total aircraft inventory of
23 RQ-4 aircraft below 10 aircraft.

24 “(2) The prohibition under paragraph (1) shall not
25 apply to individual RQ-4 aircraft that the Secretary of

1 the Air Force determines, on a case-by-case basis, to be
2 no longer mission capable and uneconomical to repair be-
3 cause of aircraft accidents, mishaps, or excessive material
4 degradation and non-airworthiness status of certain air-
5 craft.”.

6 **SEC. 132. LIMITATION ON DIVESTITURE OF T-1A TRAINING**
7 **AIRCRAFT.**

8 No divestiture of any T-1A training aircraft may
9 occur until the Chief of Staff of the Air Force submits
10 to the congressional defense committees a certification
11 of—

12 (1) the fleet-wide implementation of the Under-
13 graduate Pilot Training 2.5 curriculum and the ef-
14 fect of such implementation on the undergraduate
15 pilot training pipeline; and

16 (2) how the divestiture would affect existing
17 programs of the Air Force that accelerate pilot
18 training.

19 **SEC. 133. MODIFICATION TO MINIMUM INVENTORY RE-**
20 **QUIREMENT FOR A-10 AIRCRAFT.**

21 (a) FISCAL YEAR 2017 NDAA.—Section 134(d) of
22 the National Defense Authorization Act for Fiscal Year
23 2017 (Public Law 114-328; 130 Stat. 2038), as amended
24 by section 141(b)(1) of the James M. Inhofe National De-
25 fense Authorization Act for Fiscal Year 2023 (Public Law

1 117–263), is further amended by striking “153 A–10 air-
2 craft” and inserting “135 A–10 aircraft”.

3 (b) FISCAL YEAR 2016 NDAA.—Section 142(b)(2)
4 of the National Defense Authorization Act for Fiscal Year
5 2016 (Public Law 114–92; 129 Stat. 755), as amended
6 by section 141(b)(2) of the James M. Inhofe National De-
7 fense Authorization Act for Fiscal Year 2023 (Public Law
8 117–263), is further amended by striking “153 A–10 air-
9 craft” and inserting “135 A–10 aircraft”.

10 **SEC. 134. MODIFICATION TO MINIMUM REQUIREMENT FOR**
11 **TOTAL PRIMARY MISSION AIRCRAFT INVEN-**
12 **TORY OF AIR FORCE FIGHTER AIRCRAFT.**

13 Section 9062(i)(1) of title 10, United States Code,
14 is amended by striking “1,145 fighter aircraft” and insert-
15 ing “1,112 fighter aircraft”.

16 **SEC. 135. MODIFICATION OF LIMITATION ON DIVESTMENT**
17 **OF F–15 AIRCRAFT.**

18 Section 150 of the James M. Inhofe National Defense
19 Authorization Act for Fiscal Year 2023 (Public Law 117–
20 263; 136 Stat. 2456) is amended—

21 (1) in subsection (b)(1)—

22 (A) in subparagraph (C)(ii), by striking “;
23 and” and inserting a semicolon;

24 (B) in subparagraph (D), by striking the
25 period at the end and inserting “; and”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(E) for each covered F–15 aircraft that
4 the Secretary plans to divest, a description of—

5 “(i) the upgrades and modifications
6 done to the aircraft, including the date of
7 each modification and the value amount of
8 each modification in current year dollars;
9 and

10 “(ii) the estimated remaining service
11 life of—

12 “(I) the aircraft; and

13 “(II) the onboard systems of the
14 aircraft.”; and

15 (2) by redesignating subsection (c) as sub-
16 section (d); and

17 (3) by inserting after subsection (b) the fol-
18 lowing new subsection (c):

19 “(c) UPDATES.—Not later than October 1 of each
20 year through October 1, 2028, the Secretary of the Air
21 Force shall—

22 “(1) update the report required under sub-
23 section (b); and

24 “(2) submit such update to the congressional
25 defense committees.”.

1 **SEC. 136. REPORT ON AIR FORCE EXECUTIVE AIRCRAFT.**

2 (a) IN GENERAL.—Not later than January 1, 2025,
3 the Secretary of the Air Force shall submit to the congres-
4 sional defense committees a report that includes the fol-
5 lowing:

6 (1) An overview of the total missions flown by
7 executive aircraft of the Air Force during the five
8 fiscal years preceding the fiscal year in which the re-
9 port is submitted, disaggregated by fiscal year, in-
10 cluding the mission types and Government agencies
11 supported.

12 (2) An identification of each mission flown by
13 executive aircraft of the Air Force during the five
14 fiscal years preceding the fiscal year in which the re-
15 port is submitted, disaggregated by fiscal year, in-
16 cluding the mission type, overall cost, average flight
17 hour cost, and Government agency supported,
18 disaggregated by wing and by type of aircraft.

19 (3) The projected mission capacity for executive
20 aircraft of the Air Force for the five fiscal years fol-
21 lowing the fiscal year in which the report is sub-
22 mitted, disaggregated by fiscal year, factoring in any
23 planned changes to aircraft inventory.

24 (4) A description of any anomalous conditions
25 that may have impacted the availability, with respect
26 to executive aircraft of the Air Force, of a specific

1 aircraft type or wing during the five fiscal years pre-
2 ceding the fiscal year in which the report is sub-
3 mitted, such as unavailability of a specific aircraft
4 type due to block upgrades or fleetwide maintenance
5 issues.

6 (5) A description of the impact of the capacity
7 of executive aircraft of the Air Force on the overall
8 capacity of the Department of Defense to meet de-
9 mand for executive aircraft.

10 (6) The total outlays of the Department of the
11 Air Force for missions flown by executive aircraft of
12 the Air Force, after factoring in reimbursements re-
13 ceived from Government agencies supported, during
14 the five fiscal years preceding the fiscal year in
15 which the report is submitted, disaggregated by fis-
16 cal year and by account.

17 (7) The projected budgets for the executive air-
18 craft of the Air Force through the future years de-
19 fense program.

20 (8) A narrative description of how the Air
21 Force plans and budgets for missions flown by exec-
22 utive aircraft.

23 (9) Any other information the Secretary con-
24 siders to be important.

1 (b) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex for the purposes of describing classified
4 missions supported by the executive aircraft of the Air
5 Force.

6 **Subtitle E—Defense-wide, Joint,**
7 **and Multiservice Matters**

8 **SEC. 141. PILOT PROGRAM TO ACCELERATE THE PROCURE-**
9 **MENT AND FIELDING OF INNOVATIVE TECH-**
10 **NOLOGIES.**

11 Section 834(b) of the National Defense Authorization
12 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
13 4061 note) is amended by adding at the end the following
14 new paragraph:

15 “(3) The Secretary of Defense may waive the priority
16 established pursuant to paragraph (1) for up to two solici-
17 tations for proposals per fiscal year.”.

18 **SEC. 142. REQUIREMENT TO DEVELOP AND IMPLEMENT**
19 **POLICIES TO ESTABLISH THE DATALINK**
20 **STRATEGY OF THE DEPARTMENT OF DE-**
21 **FENSE.**

22 (a) POLICIES REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall develop and implement policies to establish the

1 unified datalink strategy of the Department of De-
2 fense (in this section referred to as the “strategy”).

3 (2) ELEMENTS.—The policies required by para-
4 graph (1) shall include the following:

5 (A) The designation of an organization
6 that will act as the lead coordinator of datalink
7 activities across the entire Department of De-
8 fense.

9 (B) Prioritization and coordination across
10 services of the strategy within the requirements
11 generation process of the Department.

12 (C) The use of a common standardized
13 datalink network or transport protocol that en-
14 sures interoperability between independently de-
15 veloped datalinks, regardless of physical me-
16 dium used, and ensures mesh routing. The Sec-
17 retary of Defense shall consider the use of a
18 subset of Internet Protocol.

19 (D) A programmatic decoupling of the
20 physical method used to transmit data, the net-
21 work or transport protocols used in the trans-
22 mission and reception of data, and the applica-
23 tions used to process and use data.

24 (E) The coordination of weapon systems
25 executing the same mission types across serv-

1 ices of the strategy, including through the use
2 of a common set of datalink waveforms. The
3 Secretary shall evaluate the use of redundant
4 datalinks for line-of-sight and beyond-line-of-
5 sight information exchange for each weapon
6 systems platform.

7 (F) Coordination between the Department
8 and the intelligence community (as defined in
9 section 3 of the National Security Act of 1947
10 (50 U.S.C. 3003)) to leverage any efficiencies
11 and overlap with existing datalink waveforms of
12 the intelligence community.

13 (G) Methods to support the rapid integra-
14 tion of common datalinks across the force.

15 (H) Support for modularity of specific
16 datalink waveforms to enable rapid integration
17 of future datalinks, including the use of soft-
18 ware defined radios compliant with modular
19 open system architecture and sensor open sys-
20 tem architecture.

21 (b) INFORMATION TO CONGRESS.—Not later than
22 June 1, 2024, the Secretary of Defense shall provide to
23 the congressional defense committees the following:

1 (1) A briefing on the proposed policies required
2 by subsection (a)(1), with timelines for implementa-
3 tion.

4 (2) An estimated timeline of implementations of
5 datalinks.

6 (3) A list of any additional resources and au-
7 thorities required to execute the strategy.

8 (4) A determination of whether a common set
9 of datalinks can and should be implemented across
10 all major weapon systems within the Department of
11 Defense.

12 **SEC. 143. REPORT ON CONTRACT FOR CYBERSECURITY CA-**
13 **PABILITIES AND BRIEFING.**

14 (a) REPORT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the
17 Chief Information Officer of the Department of De-
18 fense shall submit to the congressional defense com-
19 mittees a report on the decision to exercise options
20 on an existing contract to use cybersecurity capabili-
21 ties to protect assets and networks across the De-
22 partment of Defense.

23 (2) ELEMENTS.—The report required by para-
24 graph (1) shall include the following:

1 (A) A description of the potential effects
2 on innovation and competition among cyberse-
3 curity vendors of the decision to exercise the cy-
4 bersecurity options on the contract described in
5 paragraph (1).

6 (B) A description of the risks and benefits
7 associated with an integrated enterprise-wide
8 cybersecurity solution from a single vendor.

9 (C) A description of future plans of the
10 Department of Defense to recompile the acqui-
11 sition of integrated and interoperable cybersecu-
12 rity tools and applications that would allow
13 multiple vendors to compete separately and as
14 teams.

15 (D) A copy of the analysis conducted by
16 the Director of Cost Assessment and Program
17 Evaluation of the Department of the costs and
18 effectiveness of the cybersecurity capabilities
19 covered by the contract described in paragraph
20 (1).

21 (E) A copy of the analysis conducted by
22 the Director of Operational Test and Evalua-
23 tion of the Department of the effectiveness of
24 the cybersecurity capabilities covered by the
25 contract described in paragraph (1) compared

1 to other commercially available products and
2 vendors.

3 (b) BRIEFING.—Not later than 60 days after the date
4 of the enactment of this Act, the Chief Information Officer
5 of the Department of Defense shall brief the congressional
6 defense committees on the plans of the Department to en-
7 sure competition and interoperability in the security and
8 identity and access management product market seg-
9 ments.

10 **TITLE II—RESEARCH, DEVELOP-**
11 **MENT, TEST, AND EVALUA-**
12 **TION**

13 **Subtitle A—Authorization of**
14 **Appropriations**

15 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2024 for the use of the Department of Defense
18 for research, development, test, and evaluation, as speci-
19 fied in the funding table in section 4201.

1 **Subtitle B—Program Require-**
2 **ments, Restrictions, and Limita-**
3 **tions**

4 **SEC. 211. UPDATED GUIDANCE ON PLANNING FOR**
5 **EXPORTABILITY FEATURES FOR FUTURE**
6 **PROGRAMS.**

7 (a) PROGRAM GUIDANCE ON PLANNING FOR
8 EXPORTABILITY FEATURES.—The Under Secretary of
9 Defense for Acquisition and Sustainment shall ensure that
10 program guidance is updated to integrate planning for
11 exportability features called for by section 4067 of title
12 10, United States Code, for the following activities:

13 (1) Major defense acquisition programs
14 (MDAPs) (as defined in section 4201 of title 10,
15 United States Code), which shall include in the ini-
16 tial cost estimates for the programs a requirement
17 to capture potential exportability needs.

18 (2) Middle tier acquisition (MTA) programs de-
19 scribed in section 804(a) of the National Defense
20 Authorization Act for Fiscal Year 2016 (Public Law
21 114–92; 10 U.S.C. 3201 note prec.), which shall in-
22 clude an assessment of potential exportability needs
23 prior to transition from rapid fielding or proto-
24 typing.

1 (b) REVISION OF GUIDANCE FOR PROGRAM PROTEC-
2 TION PLANS.—The Under Secretary shall revise guidance
3 for program protection plans to integrate a requirement
4 to determine exportability for the programs covered by
5 such plans.

6 **SEC. 212. SUPPORT TO THE DEFENCE INNOVATION ACCEL-**
7 **ERATOR FOR THE NORTH ATLANTIC.**

8 (a) AUTHORITY.—To the extent and in such amounts
9 as provided in appropriations Acts for the purposes set
10 forth in this section, the Secretary of Defense may, acting
11 through the Under Secretary of Defense for Research and
12 Engineering, provide funds of not more than \$15,000,000
13 per year to sustain the participation of the United States
14 in the North Atlantic Treaty Organization (NATO)
15 Defence Innovation Accelerator for the North Atlantic
16 (DIANA) Initiative (in this section the “Initiative”).

17 (b) NOTIFICATION.—

18 (1) IN GENERAL.—Not later than 15 days after
19 the date on which the Secretary makes a decision to
20 provide funds pursuant to subsection (a), the Under
21 Secretary shall submit to the congressional defense
22 committees a written notification of such decision.

23 (2) CONTENTS.—Notification submitted pursu-
24 ant to paragraph (1) shall include the following:

1 (A) A detailed breakout of the funding
2 provided.

3 (B) The intended purposes of such funds.

4 (C) The timeframe covered by such funds.

5 (c) STRATEGY.—

6 (1) IN GENERAL.—Not later than July 1, 2024,
7 the Under Secretary shall submit to the congress-
8 sional defense committees a strategy for participa-
9 tion by the United States in the Initiative.

10 (2) CONTENTS.—The strategy submitted pursu-
11 ant to paragraph (1) shall include the following:

12 (A) A description for how the Initiative fits
13 into the innovation ecosystem for the North At-
14 lantic Treaty Organization, as well as how it is
15 synchroized with and will interact with other
16 science, technology, and innovation activities
17 within the Department of Defense.

18 (B) Anticipated funding profile across the
19 future years defense program (FYDP).

20 (C) Identification of key technology focus
21 areas to be addressed each year across the fu-
22 ture years defense program.

23 (D) Anticipated areas for expansion for
24 key nodes or locations for the Initiative, includ-
25 ing how the Initiative will contribute to fos-

1 tering the spread of innovation throughout the
2 United States.

3 (d) ANNUAL REPORT.—Not later than February 1,
4 2024, and February 1 of each year thereafter through
5 2026, the Secretary shall submit to the congressional de-
6 fense committees an annual report for Department sup-
7 ported activities of the Initiative, including the breakdown
8 of funding provided for the previous fiscal year, and key
9 milestones or achievements during that timeframe.

10 (e) SUNSET.—The authority provided by subsection
11 (a) shall terminate on September 30, 2026.

12 **SEC. 213. MODIFICATION TO PERSONNEL MANAGEMENT**
13 **AUTHORITY TO ATTRACT EXPERTS IN**
14 **SCIENCE AND ENGINEERING.**

15 Section 4092(b) of title 10, United States code is
16 amended—

17 (1) in paragraph (1)(B), by striking “of which
18 not more than 5 such positions may be positions of
19 administration or management of the Agency”; and

20 (2) in paragraph (4), by inserting “, including,
21 upon separation, pay the travel, transportation, and
22 relocation expenses to return to the location of ori-
23 gin, at the time of the initial appointment, within
24 the United States” before the period at the end.

1 **SEC. 214. ADMINISTRATION OF THE ADVANCED SENSORS**
2 **APPLICATION PROGRAM.**

3 Section 218 of the James M. Inhofe National Defense
4 Authorization Act for Fiscal Year 2023 (Public Law 117–
5 263) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “The
8 Commander of Naval Air Systems Command
9 and the Director of Air Warfare shall jointly
10 serve” and inserting “The Under Secretary of
11 Defense for Intelligence and Security, acting
12 through the Director of the Air Force Office of
13 Concepts, Development, and Management Of-
14 fice, shall serve”; and

15 (B) in paragraph (2), by striking “The re-
16 source sponsors of the Program shall be respon-
17 sible” and inserting “The resource sponsor, in
18 consultation with the Commander of Naval Air
19 Systems Command, shall be responsible”;

20 (2) in subsection (b), by striking “Only the Sec-
21 retary of the Navy, the Under Secretary of the
22 Navy, and the Commander of Naval Air Systems
23 Command may” and inserting “Only the Under Sec-
24 retary of Defense for Intelligence and Security and
25 the Director of the Air Force Concepts, Develop-
26 ment, and Management Office, in consultation with

1 the Commander of Naval Air Systems Command,
2 may”; and

3 (3) in subsection (d)(3), by striking “exercised
4 by the Commander of Naval Air Systems Command,
5 the Secretary of the Navy, or the Under Secretary
6 of the Navy” and inserting “exercised by the Under
7 Secretary of Defense for Intelligence and Security
8 and the Director of the Air Force Concepts, Devel-
9 opment, and Management Office”.

10 **SEC. 215. DELEGATION OF RESPONSIBILITY FOR CERTAIN**
11 **RESEARCH PROGRAMS.**

12 Section 980(b) of title 10, United States Code, is
13 amended—

14 (1) by inserting “(1)” before “The Secretary”;
15 and

16 (2) by adding to the end the following new
17 paragraph:

18 “(2) The Secretary may delegate the authority pro-
19 vided by paragraph (1) to the Under Secretary of Defense
20 for Research and Engineering.”.

21 **SEC. 216. PROGRAM OF STANDARDS AND REQUIREMENTS**
22 **FOR MICROELECTRONICS.**

23 (a) PROGRAM REQUIRED.—The Secretary of Defense
24 shall establish, not later than 180 days after the date of
25 the enactment of this Act, a program within the National

1 Security Agency to develop and continuously update, as
2 the Secretary determines necessary, standards, commer-
3 cial best practices, and requirements for the design, manu-
4 facture, packaging, test, and distribution of microelec-
5 tronics acquired by the Department of Defense to provide
6 acceptable levels of confidentiality, integrity, and avail-
7 ability for Department commercial-off-the-shelf (COTS)
8 microelectronics, field programmable gate arrays
9 (FPGAs), and custom integrated circuits (CICs).

10 (b) ADVICE AND ASSESSMENT.—The Secretary shall
11 ensure that the program established pursuant to sub-
12 section (a) is advised and assessed by the Government-
13 Industry-Academia Working Group on Microelectronics
14 established under section 220 of the James M. Inhofe Na-
15 tional Defense Authorization Act for Fiscal Year 2023
16 (Public Law 117–263).

17 (c) REQUIREMENTS.—The program established by
18 subsection (a) shall develop—

19 (1) evidence-based assurance processes and
20 techniques that sustain, build on, automate, and
21 scale up the results and accomplishments of the
22 Rapid Assured Microelectronics Prototypes (RAMP),
23 RAMP-Commercial (RAMP-C), and State-of-the-Art
24 Heterogeneous Integrated Packaging (SHIP) pro-
25 grams to enhance the confidentiality, integrity, and

1 availability of microelectronics while minimizing
2 costs and impacts to commercial manufacturing
3 practices;

4 (2) validation methods for such processes and
5 techniques, in coordination with the developmental
6 and operational test and evaluation community, as
7 the Secretary determines necessary;

8 (3) threat models that comprehensively charac-
9 terize the threat to microelectronics confidentiality,
10 integrity, and availability across the entire supply
11 chain, and the design, production, packaging, and
12 deployment cycle to support risk management and
13 risk mitigation, based on the principle of reducing
14 risk to as low a level as reasonably practicable, in-
15 cluding—

16 (A) comparative risk assessments; and

17 (B) balanced and practical investments in
18 assurance based on risks and returns;

19 (4) levels of assurance and associated require-
20 ments for the production and acquisition of commer-
21 cial-off-the-shelf integrated circuits, integrated cir-
22 cuits subject to International Traffic in Arms Regu-
23 lations (ITAR) under subchapter M of chapter I of
24 title 22, Code of Federal Regulations, or successor

1 regulations, and classified integrated circuits using
2 commercial foundry manufacturing process flows;

3 (5) guides for Federal Government program
4 evaluators, program offices, and industry to meet
5 microelectronics assurance requirements; and

6 (6) guidance for the creation of a government
7 organizational structure and plan to support the ac-
8 quisition of fit-for-purpose microelectronics, includ-
9 ing the role of the Defense Microelectronics Activity,
10 the Crane Division of the Naval Surface Warfare
11 Center, and the Joint Federated Assurance Center.

12 (d) MICROELECTRONICS ASSURANCE STANDARD.—
13 The program established pursuant to subsection (a) shall
14 establish a Department microelectronics assurance stand-
15 ard that includes an overarching assurance framework as
16 well as the guides developed under subsection (c)(5), for
17 commercial-off-the-shelf integrated circuits, integrated cir-
18 cuits subject to the International Traffic in Arms Regula-
19 tions under subchapter M of chapter I of title 22, Code
20 of Federal Regulations, or successor regulations, and clas-
21 sified microelectronics developed under subsection (c)(4).

22 (e) MICROELECTRONICS ASSURANCE EXECUTIVE
23 AGENT.—The Secretary shall designate one individual
24 from a military department as the Microelectronics Assur-

1 ance Executive Agent to assist Federal Government pro-
2 gram offices in acquiring fit-for-purpose microelectronics.

3 (f) MANAGEMENT OF RAMP AND SHIP PRO-
4 GRAMS.—Effective on the date of the establishment of the
5 program required by subsection (a), such program shall
6 assume management of the Rapid Assured Microelec-
7 tronics Prototypes, Rapid Assured Microelectronics Proto-
8 types-Commercial (RAMP-C), and State-of-the-Art Het-
9 erogeneous Integrated Packaging programs that were in
10 effect on the day before the date of the enactment of this
11 Act and executed by the Under Secretary of Defense for
12 Research and Engineering.

13 (g) OVERSIGHT.—The Under Secretary of Defense
14 for Research and Engineering shall provide oversight of
15 the planning and execution of the program required by
16 subsection (a).

17 (h) REQUIREMENTS FOR CONTRACTING FOR APPLI-
18 CATION-SPECIFIC INTEGRATED CIRCUITS.—The Secretary
19 shall ensure that, for contracts for application-specific in-
20 tegrated circuits designed by defense industrial base con-
21 tractors—

22 (1) the use of evidence-based assurance proc-
23 esses and techniques are included in the contract
24 data requirements list;

1 (2) commercial best industry practices for con-
2 fidentiality, integrity, and availability are used;

3 (3) a library of certified third-party intellectual
4 property is established for reuse, including reuse of
5 transistor layouts, cells, and macrocells;

6 (4) legal mechanisms are in place for data col-
7 lection and sharing; and

8 (5) automation technology is adopted to achieve
9 efficiency.

10 **SEC. 217. CLARIFYING ROLE OF PARTNERSHIP INTER-**
11 **MEDIARIES TO PROMOTE DEFENSE RE-**
12 **SEARCH AND EDUCATION.**

13 Section 4124(f)(2) of title 10, United States Code,
14 is amended—

15 (1) by striking “that assists” and inserting the
16 following: “that—

17 “(A) assists”;

18 (2) in subparagraph (A), as designated by para-
19 graph (1), by striking the period at the end and in-
20 serting a semicolon; and

21 (3) by adding at the end the following new sub-
22 paragraphs:

23 “(B) facilitates technology transfer from indus-
24 try or academic institutions to the Center; or

1 “(C) assists and facilitates workforce develop-
2 ment in critical technology areas and technology
3 transition to fulfill unmet needs of a Center.”.

4 **SEC. 218. COMPETITION FOR TECHNOLOGY THAT DETECTS**
5 **AND WATERMARKS THE USE OF GENERATIVE**
6 **ARTIFICIAL INTELLIGENCE.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall establish and carry out a prize competition
10 under section 4025 of title 10, United States Code,
11 to evaluate technology, including applications, tools,
12 and models, for the detection and watermarking of
13 generative artificial intelligence (AI)—

14 (A) to facilitate the research, development,
15 testing, evaluation, and competition of secure
16 generative artificial intelligence detection and
17 watermark technologies that can support each
18 Secretary of a military department and the
19 commanders of combatant commands to sup-
20 port warfighting requirements; and

21 (B) to transition such technologies, includ-
22 ing technologies developed from pilot programs,
23 prototype projects, or other research and devel-
24 opment programs, from the prototyping phase
25 to production.

1 (2) PARTICIPATION.—The participants in the
2 competition carried out pursuant to paragraph (1)
3 may include Federally-funded research and develop-
4 ment centers (FFRDCs), the private sector, the de-
5 fense industrial base, academia, government agen-
6 cies, and such other participants as the Secretary
7 considers appropriate.

8 (3) COMMENCEMENT.—The competition will
9 begin within 270 days of passage of this Act.

10 (4) DESIGNATION.—The competition estab-
11 lished and carried out pursuant to paragraph (1)
12 shall be known as the “Generative AI Detection and
13 Watermark Competition”.

14 (b) ADMINISTRATION.—The Under Secretary of De-
15 fense for Research and Engineering shall administer the
16 competition required by subsection (a).

17 (c) FRAMEWORK.—Not later than 120 days after the
18 date of the enactment of this Act, the Secretary shall pro-
19 vide the congressional defense committees a briefing on
20 the framework the Secretary will use to carry out the com-
21 petition required by subsection (a).

22 (d) ANNUAL REPORTS.—Not later than October 1 of
23 each year until the termination of the competition estab-
24 lished and carried out under subsection (a), the Secretary

1 shall submit to the congressional defense committees a re-
2 port on the results of the competition.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “detection” means a technology
5 that can positively identify the presence of genera-
6 tive artificial intelligence in digital content.

7 (2) The term “watermarking” means embed-
8 ding a piece of data onto detected artificial intel-
9 ligence generated digital content, conveying attribu-
10 tion to the source generation.

11 (f) TERMINATION.—The competition established and
12 carried out pursuant to subsection (a) shall terminate on
13 December 31, 2025.

14 **Subtitle C—Plans, Reports, and**
15 **Other Matters**

16 **SEC. 221. DEPARTMENT OF DEFENSE PRIZE COMPETITIONS**
17 **FOR BUSINESS SYSTEMS MODERNIZATION.**

18 (a) IN GENERAL.—Not later than September 30,
19 2028, the Secretary of Defense and the Secretaries of the
20 military departments shall complete one or more prize
21 competitions under section 4025 of title 10, United States
22 Code, in order to support the business systems moderniza-
23 tion goals of the Department of Defense.

24 (b) SCOPE.—

1 (1) IN GENERAL.—Each prize competition car-
2 ried out under subsection (a) shall be structured to
3 complement, and to the degree practicable, accel-
4 erate delivery or expand functionality of business
5 systems capabilities being pursued by the affected
6 Secretary, either currently in operation, in develop-
7 ment, or for broad classes of systems covered by the
8 business enterprise architecture required by section
9 2222(e) of title 10, United States Code.

10 (2) AREAS FOR CONSIDERATION.—In carrying
11 out subsection (a), the Secretary of Defense and the
12 Secretaries of the military departments shall each
13 consider the following:

14 (A) Integration of artificial intelligence or
15 machine learning capabilities.

16 (B) Data analytics or business intelligence,
17 or related visualization capability.

18 (C) Automated updating of business archi-
19 tectures, business systems integration, or docu-
20 mentation related to existing systems or manu-
21 als.

22 (D) Improvements to interfaces or proc-
23 esses for interacting with other non-Department
24 of Defense business systems.

1 (E) Updates or replacements for legacy
2 business systems to improve operational effec-
3 tiveness and efficiency, such as the Mechaniza-
4 tion of Contract Administration Services
5 (MOCAS).

6 (F) Contract writing systems or expanded
7 capability that could be integrated into existing
8 systems.

9 (G) Pay and personnel systems, or ex-
10 panded capability, that could be integrated into
11 existing systems.

12 (H) Other finance and accounting systems,
13 or expanded capability, that could be integrated
14 into existing systems.

15 (I) Systems supporting industrial base and
16 supply chain visibility, analytics, and manage-
17 ment.

18 **SEC. 222. UPDATE TO PLANS AND STRATEGIES FOR ARTIFI-**
19 **CIAL INTELLIGENCE.**

20 (a) IN GENERAL.—The Secretary of Defense shall,
21 in consultation with the Deputy Secretary of Defense—

22 (1) establish and document procedures, includ-
23 ing timelines, for the periodic review of the 2018
24 Department of Defense Artificial Intelligence Strat-
25 egy, or any successor strategy, and associated an-

1 nexes of the military departments to assess the im-
2 plementation of the strategy and whether any revi-
3 sion is necessary;

4 (2) issue Department of Defense-wide guidance
5 that defines outcomes of near-term and long-term
6 strategies and plans relating to—

7 (A) the adoption of artificial intelligence;

8 (B) adoption and enforcement of policies
9 on the ethical use of artificial intelligence sys-
10 tems; and

11 (C) the identification and mitigation of
12 bias in artificial intelligence algorithms;

13 (3) issue Department-wide guidance regard-
14 ing—

15 (A) methods to monitor accountability for
16 artificial intelligence-related activity, including
17 artificial intelligence performance indicators
18 and metrics;

19 (B) means to enforce and update ethics
20 policy and guidelines across all adopted artifi-
21 cial intelligence systems; and

22 (C) means to identify, monitor, and miti-
23 gate bias in artificial intelligence algorithms;

24 (4) develop a strategic plan for the develop-
25 ment, use, and cybersecurity of generative artificial

1 intelligence, including a policy for use of, and de-
2 fense against adversarial use of, generative artificial
3 intelligence;

4 (5) assess technical workforce needs across the
5 future years defense plan to support the continued
6 development of artificial intelligence capabilities, in-
7 cluding recruitment and retention policies and pro-
8 grams;

9 (6) assess the availability and adequacy of the
10 basic artificial intelligence training and education
11 curricula available to the broader Department civil-
12 ian workforce and military personnel to promote ar-
13 tificial intelligence literacy to the nontechnical work-
14 force and senior leadership with responsibilities adja-
15 cent to artificial intelligence technical development;

16 (7) develop and issue a timeline and guidance
17 for the Chief Digital and Artificial Intelligence Offi-
18 cer of the Department and the Secretaries of the
19 military departments to establish a common termi-
20 nology for artificial intelligence-related activities;

21 (8) develop and implement a plan to protect
22 and secure the integrity, availability, and privacy of
23 artificial intelligence systems and models, including
24 large language models, data libraries, data reposi-

1 tories, and algorithms, in training, development, and
2 production environments;

3 (9) develop and implement a plan—

4 (A) to identify commercially available and
5 relevant large language models; and

6 (B) to make those available, as appro-
7 priate, on classified networks;

8 (10) develop a plan to defend the people, orga-
9 nizations, and systems of the Department against
10 adversarial artificial intelligence, including identifica-
11 tion of organizations within the Department that
12 could provide red teams capabilities for operational
13 and developmental needs;

14 (11) develop and implement a policy for use by
15 contracting officials to protect the intellectual prop-
16 erty of commercial entities that provide their artifi-
17 cial intelligence algorithms to a Department reposi-
18 tory established pursuant to section 232 of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 2022 (Public Law 117–81; 10 U.S.C. 4001 note),
21 including policy for how to address data rights in
22 situations in which government and commercial in-
23 tellectual property may be mixed when such artificial
24 intelligence algorithms are deployed in an oper-
25 ational environment;

1 (12) issue guidance and directives for how the
2 Chief Digital and Artificial Intelligence Officer of
3 the Department will exercise authority to access,
4 control, and maintain, on behalf of the Secretary,
5 data collected, acquired, accessed, or utilized by De-
6 partment components consistent with section 1513
7 of the James M. Inhofe National Defense Authoriza-
8 tion Act for Fiscal Year 2023 (Public Law 117–263;
9 10 U.S.C. 4001 note); and

10 (13) clarify guidance on the instances for and
11 role of human intervention and oversight in the exer-
12 cise of artificial intelligence algorithms for use in the
13 generation of offensive or lethal courses of action for
14 tactical operations.

15 (b) DUE DATE FOR PROCEDURES, GUIDANCE,
16 PLANS, ASSESSMENT, AND TIMELINES.—

17 (1) DUE DATE.—The Secretary shall develop
18 the procedures, guidance, plans, assessment, and
19 timelines required under subsection (a) not later
20 than 120 days after the date of enactment of this
21 Act.

22 (2) BRIEFING.—Not later than 150 days after
23 the date of the enactment of this Act, the Secretary
24 shall provide to the congressional defense commit-
25 tees a briefing on the procedures, guidance, plans,

1 assessment, and timelines established, issued, car-
2 ried out, or developed under subsection (a).

3 **SEC. 223. WESTERN REGIONAL RANGE COMPLEX DEM-**
4 **ONSTRATION.**

5 (a) **DEMONSTRATION REQUIRED.**—The Secretary
6 shall carry out a demonstration of a joint multi-domain
7 nonkinetic testing and training environment across mili-
8 tary departments by interconnecting existing ranges and
9 training sites in the western States to improve joint multi-
10 domain nonkinetic training and further testing, research,
11 and development.

12 (b) **USE OF EXISTING RANGES AND CAPABILITIES.**—
13 The demonstration carried out pursuant to subsection (a)
14 shall use existing ranges and range capability, unless ca-
15 pability gaps are identified in the process of planning spe-
16 cific demonstration activities.

17 (c) **ACTIVITIES.**—The demonstration carried out pur-
18 suant to subsection (a) shall include the following:

- 19 (1) Electromagnetic spectrum operations.
- 20 (2) Electromagnetic warfare.
- 21 (3) Operations in the information environment.
- 22 (4) Joint All Domain Command and Control
23 (JADC2).
- 24 (5) Information warfare, including the fol-
25 lowing:

1 (A) Intelligence, surveillance, and recon-
2 naissance.

3 (B) Offensive and defense cyber oper-
4 ations.

5 (C) Electromagnetic warfare.

6 (D) Space operations.

7 (E) Psychological operations.

8 (F) Public affairs.

9 (G) Weather operations.

10 (d) TIMELINE FOR COMPLETION OF INITIAL DEM-
11 ONSTRATION.—In carrying out subsection (a), the Sec-
12 retary shall seek to complete an initial demonstration,
13 interconnecting two or more ranges or testing sites of two
14 or more military departments in the western States, sub-
15 ject to availability of appropriations, not later than one
16 year after the date of the enactment of this Act.

17 (e) BRIEFING.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary shall pro-
19 vide the congressional defense committees a briefing on—

20 (1) a phased implementation plan and design to
21 connect ranges and testing sites in the western
22 States, including the initial demonstration required
23 by subsection (d);

24 (2) how the design architecture of the plan is
25 in alignment with recommendations of the 2020 De-

1 partment of Defense Electromagnetic Spectrum Su-
2 periority Strategy; and

3 (3) how the design architecture will support
4 high-periodicity training, testing, research, and de-
5 velopment.

6 (f) DEFINITION.—In this section:

7 (1) INFORMATION ENVIRONMENT.—The term
8 “information environment” means the aggregate of
9 individuals, organizations, and systems that collect,
10 process, and disseminate, or act on information.

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of Defense.

13 (g) TERMINATION.—This section shall terminate on
14 September 30, 2028.

15 **SEC. 224. REPORT ON FEASIBILITY AND ADVISABILITY OF**
16 **ESTABLISHING A QUANTUM COMPUTING IN-**
17 **NOVATION CENTER.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Secretary of Defense
20 shall, in coordination with the Under Secretary of Defense
21 for Research and Engineering and the Chief Digital and
22 Artificial Intelligence Officer, submit to the congressional
23 defense committees a report on the feasibility and advis-
24 ability of establishing a quantum computing innovation
25 center within the Department of Defense—

1 (1) to identify and pursue the development of
2 quantum computing applications to enhance military
3 operations;

4 (2) to harness the talent and skills of physicists
5 and scientists within the Department to develop
6 quantum computing applications; and

7 (3) to coordinate and synchronize quantum
8 computing research across the Department.

9 (b) ELEMENTS.—The report required under sub-
10 section (a) shall include the following:

11 (1) An assessment of the ongoing activities of
12 the Department that are part of the National Quan-
13 tum Initiative.

14 (2) An evaluation of the plans of the Depart-
15 ment to develop quantum computing, sensing, and
16 networking applications.

17 (3) The level of funding and resources invested
18 by the Department to enable quantum military ap-
19 plications.

20 (4) Any established metrics or performance in-
21 dicators to track the progress of quantum technology
22 developments.

23 (5) The extent to which the Department is
24 partnering with commercial entities engaging in
25 quantum research and development.

1 (6) An evaluation of any plans establishing how
2 commercial advances in quantum technology can be
3 leveraged for military operations.

4 (7) An assessment of the maturity of United
5 States competitor efforts to develop quantum appli-
6 cations for adversarial use.

7 (8) An assessment of any processes to har-
8 monize or coordinate activities across the Depart-
9 ment to develop quantum computing applications.

10 (9) An evaluation of any Department-issued
11 policy guidance regarding quantum computing appli-
12 cations.

13 (10) An evaluation of any Department plans to
14 defend against adversarial use of quantum com-
15 puting applications.

16 **SEC. 225. BRIEFING ON THE IMPEDIMENTS TO THE TRANSI-**
17 **TION OF THE SEMANTIC FORENSICS PRO-**
18 **GRAM TO OPERATIONAL USE.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, the Under Secretary
21 of Defense for Research and Engineering shall, in con-
22 sultation with the Office of General Counsel of the Depart-
23 ment of Defense and the Director of the Defense Ad-
24 vanced Research Projects Agency, provide to the Com-
25 mittee on Armed Services of the Senate and the Com-

1 mittee on Armed Services of the House of Representatives
2 a briefing on the impediments to the transition of the Se-
3 mantic Forensics program to operational use.

4 (b) ELEMENTS.—The briefing provided pursuant to
5 subsection (a) shall include the following:

6 (1) Identification of policy and legal challenges
7 associated with the transition described in subsection
8 (a) and implementation of the Semantic Forensics
9 program, including with respect to the use and oper-
10 ational testing of publicly available information.

11 (2) Identification of other Federal agencies with
12 legal authorities that may be able to resolve the
13 challenges identified pursuant to paragraph (1).

14 (3) Recommendations for legislative or adminis-
15 trative action to mitigate the challenges identified
16 pursuant to paragraph (1).

17 **SEC. 226. ANNUAL REPORT ON DEPARTMENT OF DEFENSE**

18 **HYPERSONIC CAPABILITY FUNDING AND IN-**

19 **VESTMENT.**

20 (a) IN GENERAL.—Not later than March 1 of fiscal
21 year 2024 and March 1 of each of fiscal year thereafter
22 through 2030, the Secretary of Defense shall submit to
23 the congressional defense committees an annual report on
24 funding and investments of the Department of Defense
25 relating to hypersonic capabilities, including with respect

1 to procurement, research, development, operations, and
2 maintenance of offensive and defensive hypersonic weap-
3 ons.

4 (b) REQUIREMENTS.—Each report submitted pursu-
5 ant to subsection (a) shall—

6 (1) include cost data on the vehicles, testing,
7 hypersonic sensors, command and control architec-
8 tures, infrastructure, testing infrastructure, soft-
9 ware, workforce, training, ranges, integration costs,
10 and such other items as the Secretary considers ap-
11 propriate;

12 (2) disaggregate information reported by offen-
13 sive and defensive hypersonic capabilities;

14 (3) for research relating to hypersonic capabili-
15 ties, include the program element and the name of
16 the entity that is conducting the research, a descrip-
17 tion of the purpose of the research, and any Uni-
18 form Resource Locators to weapon programs associ-
19 ated with the research; and

20 (4) to the degree applicable, include all associ-
21 ated hypersonic program elements and line items.

22 (c) FORM.—Each report submitted pursuant to sub-
23 section (a) shall be submitted in unclassified form, but
24 may include a classified annex.

1 **SEC. 227. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **TRAVEL FOR OFFICE OF UNDER SECRETARY**
3 **OF DEFENSE FOR PERSONNEL AND READI-**
4 **NESS PENDING A PLAN FOR MODERNIZING**
5 **DEFENSE TRAVEL SYSTEM.**

6 (a) LIMITATION.—Of the funds authorized to be ap-
7 propriated by this Act for fiscal year 2024 for travel for
8 the office of the Under Secretary of Defense for Personnel
9 and Readiness, not more than 85 percent may be obligated
10 or expended until the Secretary of Defense submits to the
11 Committee on Armed Services of the Senate and the Com-
12 mittee on Armed Services of the House of Representatives
13 supporting justification material underpinning the deci-
14 sion to cease current modernization efforts for the Defense
15 Travel System (DTS), and a plan going forward for mod-
16 ernizing or replacing such system

17 (b) CONTENTS.—The justification material and plan
18 described in subsection (a) shall include the following:

19 (1) The documentation from the Milestone De-
20 cision Authority (MDA) justifying cancellation of the
21 current modernization contract, including—

22 (A) specific metrics used to make that de-
23 termination;

24 (B) a timeline for decisions leading to the
25 final cancellation;

1 (C) notification from the military depart-
2 ments when they were unable to make the de-
3 sired usage rates using the current moderniza-
4 tion prototype;

5 (D) identification of system requirements
6 for audit readiness, as well as interface needs
7 for other enterprise resource planning systems,
8 in the current modernization contract; and

9 (E) alternatives considered prior to can-
10 cellation.

11 (2) An assessment by the Cost Assessment of
12 Program Evaluation office comparing—

13 (A) costs of continuing with the current
14 modernization prototype across the future years
15 defense plan (FYDP); and

16 (B) costs of sustainment of the Defense
17 Travel System across the future years defense
18 plan, factoring potential costs of restarting
19 modernization efforts.

20 (3) A description from the Milestone Decision
21 Authority on what the current plan is for modern-
22 izing the Defense Travel System, including timelines
23 and potential costs.

1 **SEC. 228. ANNUAL REPORT ON UNFUNDED PRIORITIES FOR**
2 **RESEARCH, DEVELOPMENT, TEST, AND EVAL-**
3 **UATION ACTIVITIES.**

4 (a) IN GENERAL.—Chapter 9 of title 10, United
5 States Code, is amended by inserting after section 222d
6 the following new section:

7 **“§ 222e. Unfunded priorities for research, develop-**
8 **ment, test, and evaluation activities**

9 “(a) ANNUAL REPORT.—Not later than 10 days after
10 the date on which the budget of the President for a fiscal
11 year is submitted to Congress pursuant to section 1105
12 of title 31, the Secretary of Defense shall submit to the
13 congressional defense committees a report on the un-
14 funded priorities of the Department of Defense-wide re-
15 search, development, test, and evaluation activities.

16 “(b) CONTENTS.—

17 “(1) IN GENERAL.—Except as provided in sub-
18 section (c), each report submitted under subsection
19 (a) shall specify, for each unfunded priority covered
20 by such report, the following:

21 “(A) A summary description of such pri-
22 ority, including the objectives to be achieved if
23 such priority is funded (whether in whole or in
24 part).

1 “(B) The additional amount of funds rec-
2 ommended in connection with the objectives
3 under subparagraph (A).

4 “(C) Account information with respect to
5 such priority, including the following (as appli-
6 cable):

7 “(i) Line Item Number (LIN) for ap-
8 plicable procurement accounts.

9 “(ii) Program Element (PE) number
10 for applicable research, development, test,
11 and evaluation accounts.

12 “(2) PRIORITIZATION OF PRIORITIES.—The re-
13 port under subsection (a) shall present the unfunded
14 priorities covered by such report in order of urgency
15 of priority.

16 “(c) EXCLUSION OF PRIORITIES COVERED IN OTHER
17 REPORTS.—The report submitted under subsection (a)
18 shall not include unfunded priorities or requirements cov-
19 ered in reports submitted under—

20 “(1) section 222a or 222b; or

21 “(2) section 2806 of the National Defense Au-
22 thorization Act for Fiscal Year 2018 (Public Law
23 115–91; 10 U.S.C. 222a note).

24 “(d) FORM.—Each report submitted pursuant to sub-
25 section (a) shall be submitted in classified format, but the

1 Secretary may also submit an unclassified version as the
2 Secretary considers appropriate.

3 “(e) UNFUNDED PRIORITY DEFINED.—In this sec-
4 tion, the term ‘unfunded priority’, in the case of a fiscal
5 year, means a program, activity, or mission requirement,
6 that—

7 “(1) is not funded in the budget of the Presi-
8 dent for the fiscal year as submitted to Congress
9 pursuant to section 1105 of title 31; and

10 “(2) would have been recommended for funding
11 through that budget if—

12 “(A) additional resources had been avail-
13 able for the budget to fund the program, activ-
14 ity, or mission requirement; or

15 “(B) the program, activity, or mission re-
16 quirement has emerged since the budget was
17 formulated.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 9 of such title is amended by
20 inserting after the item relating to section 222d the fol-
21 lowing new item:

“222e. Annual report on unfunded priorities for research, development, test, and
evaluation activities.”.

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Subtitle A—Authorization of**
4 **Appropriations**

5 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2024 for the use of the Armed Forces and other
8 activities and agencies of the Department of Defense for
9 expenses, not otherwise provided for, for operation and
10 maintenance, as specified in the funding table in section
11 4301.

12 **Subtitle B—Energy and**
13 **Environment**

14 **SEC. 311. REQUIREMENT FOR APPROVAL BY UNDER SEC-**
15 **RETARY OF DEFENSE FOR ACQUISITION AND**
16 **SUSTAINMENT OF ANY WAIVER FOR A SYS-**
17 **TEM THAT DOES NOT MEET FUEL EFFI-**
18 **CIENCY KEY PERFORMANCE PARAMETER.**

19 Section 332(b) of the Duncan Hunter National De-
20 fense Authorization Act for Fiscal Year 2009 (Public Law
21 110–417; 10 U.S.C. 2911 note) is amended—

22 (1) by striking “The Secretary of Defense” and
23 inserting the following:

24 “(1) IN GENERAL.—The Secretary of Defense”;

25 and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) WAIVER OF FUEL EFFICIENCY KEY PER-
4 FORMANCE PARAMETER.—

5 “(A) IN GENERAL.—The fuel efficiency key
6 performance parameter implemented under
7 paragraph (1) may be waived for a system only
8 if such waiver is approved by the Under Sec-
9 retary of Defense for Acquisition and
10 Sustainment.

11 “(B) NONDELEGATION.—The waiver au-
12 thority under subparagraph (A) may not be del-
13 egated.”.

14 **SEC. 312. IMPROVEMENT AND CODIFICATION OF SENTINEL**
15 **LANDSCAPES PARTNERSHIP PROGRAM AU-**
16 **THORITY.**

17 (a) CODIFICATION OF EXISTING STATUTE.—Section
18 317 of the National Defense Authorization Act for Fiscal
19 Year 2018 (Public Law 115–91; 10 U.S.C. 2684a note)
20 is amended—

21 (1) by transferring such section to appear after
22 section 2692 of title 10, United States Code;

23 (2) by redesignating such section as section
24 2693; and

1 (3) by amending the section heading to read as
2 follows:

3 **“§ 2693. Sentinel Landscapes Partnership”.**

4 (b) IMPROVEMENTS TO SENTINEL LANDSCAPES
5 PARTNERSHIP PROGRAM.—Section 2693 of title 10,
6 United States Code, as transferred and redesignated by
7 subsection (a), is further amended—

8 (1) in subsection (a), by striking “and the Sec-
9 retary of the Interior” and inserting “, the Secretary
10 of the Interior, and the heads of other Federal de-
11 partments and agencies that elect to become full
12 partners”;

13 (2) in subsection (b), by striking “and the Sec-
14 retary of the Interior, may, as the Secretaries” and
15 inserting “the Secretary of the Interior, and the
16 heads of other Federal departments and agencies
17 that elect to become full partners may, as they”;

18 (3) by amending subsection (c) to read as fol-
19 lows:

20 “(c) COORDINATION OF ACTIVITIES.—The Secre-
21 taries and the heads of Federal departments and agencies,
22 in carrying out this section, may coordinate actions be-
23 tween their departments and agencies and with other Fed-
24 eral, State, interstate, and local agencies, Indian Tribes,
25 and private entities to more efficiently work together for

1 the mutual benefit of conservation, resilience, working
2 lands, and national defense, and to encourage owners and
3 managers of land to engage in voluntary land manage-
4 ment, resilience, and conservation activities that con-
5 tribute to the sustainment of military installations, State-
6 owned National Guard installations, and associated air-
7 space.”;

8 (4) in subsection (d)—

9 (A) by striking the first sentence and in-
10 sserting “The Secretaries and the heads of Fed-
11 eral departments and agencies, in carrying out
12 this section, may give to any eligible owner or
13 manager of land within a designated sentinel
14 landscape priority consideration for participa-
15 tion in any easement, grant, or assistance pro-
16 grams administered by that Secretary or
17 head.”; and

18 (B) in the second sentence, by striking “el-
19 igible landowner or agricultural producer” and
20 inserting “eligible owner or manager of land”;
21 and

22 (5) by redesignating subsection (f) as sub-
23 section (g);

24 (6) by inserting after subsection (e) the fol-
25 lowing new subsection (f):

1 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to require an owner or manager
3 of land, including a private landowner or agricultural pro-
4 ducer, to participate in any land management, resilience,
5 or conservation activity under this section.”;

6 (7) in subsection (g), as redesigned by para-
7 graph (5)—

8 (A) in paragraph (1), by striking “ section
9 670(1) of title 16, United States Code” and in-
10 sserting “ section 100(1) of the Sikes Act (16
11 U.S.C. 670(1))”;

12 (B) in paragraph (2), by striking “section
13 670(3) of title 16, United States Code” and in-
14 sserting “section 100(3) of the Sikes Act (16
15 U.S.C. 670(3))”; and

16 (C) in paragraph (3), by amending sub-
17 paragraph (B) to read as follows:

18 “(B) the publicly and privately owned
19 lands that serve to protect and support the
20 rural economy, the natural environment, out-
21 door recreation, and the national defense mis-
22 sions of a military installation or State-owned
23 National Guard installation.”.

24 (c) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 159 of title 10, United States

1 Code, is amended by inserting after the item relating to
2 section 2692 the following new item:

“2693. Sentinel Landscapes Partnership.”.

3 **SEC. 313. MODIFICATION OF DEFINITION OF SUSTAINABLE**
4 **AVIATION FUEL FOR PURPOSE OF PILOT**
5 **PROGRAM ON USE OF SUCH FUEL.**

6 Section 324(g) of the James M. Inhofe National De-
7 fence Authorization Act for Fiscal Year 2023 (Public Law
8 117–263) is amended—

9 (1) by striking paragraph (2);

10 (2) by redesignating paragraph (1) as para-
11 graph (2);

12 (3) by inserting before paragraph (2), as redes-
13 igned by paragraph (2) of this section, the fol-
14 lowing new paragraph:

15 “(1) The term ‘applicable material’ means—

16 “(A) monoglycerides, diglycerides, and
17 triglycerides;

18 “(B) free fatty acids; or

19 “(C) fatty acid esters.”; and

20 (4) by adding at the end the following new
21 paragraphs:

22 “(3) The term ‘biomass’ has the meaning given
23 that term in section 45K(c)(3) of the Internal Rev-
24 enue Code of 1986.

1 “(4) The term ‘lifecycle greenhouse gas emis-
2 sions reduction percentage’ means, with respect to
3 any sustainable aviation fuel, the percentage reduc-
4 tion in lifecycle greenhouse gas emissions achieved
5 by such fuel as compared with petroleum-based avia-
6 tion fuel, as determined in accordance with—

7 “(A) the most recent Carbon Offsetting
8 and Reduction Scheme for International Avia-
9 tion that has been adopted, as of the date of
10 the enactment of the National Defense Author-
11 ization Act for Fiscal Year 2024, by the Inter-
12 national Civil Aviation Organization with the
13 agreement of the United States; or

14 “(B) the most recent determinations, as of
15 the date of the enactment of the National De-
16 fense Authorization Act for Fiscal Year 2024,
17 under the Greenhouse gases, Regulated Emis-
18 sions, and Energy use in Transportation
19 (GREET) model developed by Argonne Na-
20 tional Laboratory.

21 “(5) The term ‘sustainable aviation fuel’ means
22 liquid fuel, the portion of which is not kerosene,
23 that—

24 “(A) meets the requirements of—

1 “(i) ASTM International Standard
2 D7566; or

3 “(ii) the Fischer Tropsch provisions of
4 ASTM International Standard D1655,
5 Annex A1;

6 “(B) is not derived from coprocessing an
7 applicable material (or materials derived from
8 an applicable material) with a feedstock that is
9 not biomass;

10 “(C) is not derived from palm fatty acid
11 distillates or petroleum; and

12 “(D) has been certified pursuant to a
13 scheme or model under paragraph (4) as having
14 a lifecycle greenhouse gas emissions reduction
15 percentage of not less than 50 percent.”.

16 **SEC. 314. PAYMENT TO ENVIRONMENTAL PROTECTION**
17 **AGENCY OF STIPULATED PENALTIES IN CON-**
18 **NECTION WITH NAVAL AIR STATION**
19 **MOFFETT FIELD, CALIFORNIA.**

20 (a) **AUTHORITY TO TRANSFER FUNDS.—**

21 (1) **TRANSFER AMOUNT.—**

22 (A) **IN GENERAL.—**The Secretary of the
23 Navy may transfer an amount not to exceed
24 \$438,250 to the Hazardous Substance Super-
25 fund established under section 9507 of the In-

1 ternal Revenue Code of 1986, in accordance
2 with section 2703(f) of title 10, United States
3 Code.

4 (B) INAPPLICABILITY OF LIMITATION.—
5 Any transfer under subparagraph (A) shall be
6 made without regard to section 2215 of title 10,
7 United States Code.

8 (2) SOURCE OF FUNDS.—Any transfer under
9 paragraph (1)(A) shall be made using funds author-
10 ized to be appropriated by this Act or otherwise
11 made available for fiscal year 2024 for the Depart-
12 ment of Defense Base Closure Account established
13 under section 2906(a) of the Defense Base Closure
14 and Realignment Act of 1990 (Public Law 101–510;
15 10 U.S.C. 2687 note).

16 (b) PURPOSE OF TRANSFER.—Any transfer under
17 subsection (a)(1)(A) shall be for the purpose of satisfying
18 a stipulated penalty assessed by the Environmental Pro-
19 tection Agency on May 4, 2018, regarding former Naval
20 Air Station, Moffett Field, California, under the Federal
21 Facility Agreement for Naval Air Station, Moffett Field,
22 which was entered into between the Navy and the Environ-
23 mental Protection Agency in 1990 pursuant to section 120
24 of the Comprehensive Environmental Response, Com-
25 pensation, and Liability Act of 1980 (42 U.S.C. 9620).

1 (c) ACCEPTANCE OF PAYMENT.—If the Secretary of
2 the Navy makes a transfer under subsection (a)(1)(A), the
3 Administrator of the Environmental Protection Agency
4 shall accept the amount transferred as payment in full of
5 the penalty described in subsection (b).

6 **SEC. 315. TECHNICAL ASSISTANCE FOR COMMUNITIES AND**
7 **INDIVIDUALS POTENTIALLY AFFECTED BY**
8 **RELEASES AT CURRENT AND FORMER DE-**
9 **PARTMENT OF DEFENSE FACILITIES.**

10 (a) TECHNICAL ASSISTANCE FOR NAVIGATION OF
11 RESPONSE ACTIONS.—

12 (1) IN GENERAL.—Beginning not later than
13 180 days after the date of the enactment of this Act,
14 and subject to such amounts as are provided in ap-
15 propriations Acts, the Secretary of Defense, acting
16 through the Director of the Office of Local Defense
17 Community Cooperation, shall furnish technical as-
18 sistance services described in paragraph (3) through
19 the Technical Assistance for Public Participation
20 (TAPP) Program of the Department of Defense to
21 communities, or individuals who are members there-
22 of, that have been affected by a release of a pollut-
23 ant affirmatively determined to have originated from
24 a facility under the jurisdiction of, or formerly used
25 by or under the jurisdiction of, the Department.

1 (2) IMPLEMENTATION.—The Secretary, acting
2 through the Director of the Office of Local Defense
3 Community Cooperation, may furnish technical as-
4 sistance services pursuant to paragraph (1) through
5 a Federal interagency agreement, a private service
6 provider, or a cooperative agreement entered into
7 with a nonprofit organization.

8 (3) SERVICES PROVIDED.—The technical assist-
9 ance services described in this paragraph are serv-
10 ices to improve public participation in, or assist in
11 the navigation of, environmental response efforts, in-
12 cluding—

13 (A) the provision of advice and guidance to
14 a community or individual specified in para-
15 graph (1) regarding additional technical assist-
16 ance with respect to which such community or
17 individual may be eligible (including pursuant
18 to subsection (b));

19 (B) the interpretation of site-related docu-
20 ments;

21 (C) the interpretation of health-related in-
22 formation;

23 (D) assistance with the preparation of pub-
24 lic comments; and

1 (E) the development of outreach materials
2 to improve public participation.

3 (b) GRANTS FOR TECHNICAL ASSISTANCE.—

4 (1) AUTHORITY.—Beginning not later than 180
5 days after the date of the enactment of this Act, and
6 subject to such amounts as are provided in appro-
7 priations Acts, the Secretary of Defense, acting
8 through the Director of the Office of Local Defense
9 Community Cooperation, shall administer a grant
10 program under which the Director may award a
11 grant to a community, or individuals who are mem-
12 bers thereof, that have been affected by a release of
13 a pollutant affirmatively determined to have origi-
14 nated from a facility under the jurisdiction of, or
15 formerly used by or under the jurisdiction of, the
16 Department of Defense.

17 (2) USE OF AMOUNTS.—Funds provided under
18 a grant awarded pursuant to paragraph (1) in con-
19 nection with a release of a pollutant at a facility
20 may be used by the grant recipient only to obtain
21 technical assistance and services for public participa-
22 tion in various stages of the processes of response,
23 remediation, and removal actions at the facility, in-
24 cluding—

1 (A) interpreting the nature of the release,
2 including monitoring and testing plans and re-
3 ports associated with site assessment and char-
4 acterization at the facility;

5 (B) interpreting documents, plans, pro-
6 posed actions, and final decisions related to—

7 (i) an interim remedial action;

8 (ii) a remedial investigation or feasi-
9 bility study;

10 (iii) a record of decision;

11 (iv) a remedial design;

12 (v) the selection and construction of
13 remedial action;

14 (vi) operation and maintenance; and

15 (vii) a five-year review at the facility.

16 (C) a removal action at such facility; and

17 (D) services specified under subsection
18 (a)(3).

19 (c) PROHIBITION ON USE OF AMOUNTS.—None of
20 the amounts made available under this section may be
21 used for the purpose of conducting—

22 (1) lobbying activities; or

23 (2) legal challenges of final decisions of the De-
24 partment of Defense.

1 **Subtitle C—Treatment of**
2 **Perfluoroalkyl Substances and**
3 **Polyfluoroalkyl Substances**

4 **SEC. 321. TREATMENT OF CERTAIN MATERIALS CONTAMI-**
5 **NATED WITH PERFLUOROALKYL SUB-**
6 **STANCES OR POLYFLUOROALKYL SUB-**
7 **STANCES.**

8 (a) IN GENERAL.—The Secretary of Defense may
9 treat covered materials, including soils that have been con-
10 taminated with PFAS, until the date on which the Sec-
11 retary adopts the final rule required under section 343(b)
12 of the National Defense Authorization Act for Fiscal Year
13 2022 (Public Law 117–81; 10 U.S.C. 2701 note) if the
14 treatment of such materials occurs through the use of re-
15 mediation or disposal technology approved by the relevant
16 Federal regulatory agency.

17 (b) DEFINITIONS.—In this section, the terms “cov-
18 ered material” and “PFAS” have the meanings given
19 those terms in section 343(e) of the National Defense Au-
20 thorization Act for Fiscal Year 2022 (Public Law 117–
21 81; 10 U.S.C. 2701 note).

1 **SEC. 322. INCREASE OF TRANSFER AUTHORITY FOR FUND-**
2 **ING OF STUDY AND ASSESSMENT ON HEALTH**
3 **IMPLICATIONS OF PER- AND**
4 **POLYFLUOROALKYL SUBSTANCES CONTAMI-**
5 **NATION IN DRINKING WATER BY AGENCY**
6 **FOR TOXIC SUBSTANCES AND DISEASE REG-**
7 **ISTRY.**

8 Section 316(a)(2)(B) of the National Defense Au-
9 thorization Act for Fiscal Year 2018 (Public Law 115-
10 91; 131 Stat. 1350), as amended by section 315(a) of the
11 John S. McCain National Defense Authorization Act for
12 Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1713),
13 section 321 of the National Defense Authorization Act for
14 Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1307),
15 section 337 of the William M. (Mac) Thornberry National
16 Defense Authorization Act for Fiscal Year 2021 (Public
17 Law 116-283; 134 Stat. 3533), section 342 of the Na-
18 tional Defense Authorization Act for Fiscal Year 2022
19 (Public Law 117-81; 135 Stat. 1643), and section 342
20 of the James M. Inhofe National Defense Authorization
21 Act for Fiscal Year 2023 (Public Law 117-263), is fur-
22 ther amended by adding at the end the following new
23 clause:

24 “(iv) Without regard to section 2215 of
25 title 10, United States Code, the Secretary of
26 Defense may transfer not more than

1 \$5,000,000 during fiscal year 2024 to the Sec-
2 retary of Health and Human Services to pay
3 for the study and assessment required by this
4 section.”.

5 **SEC. 323. MODIFICATION OF AUTHORITY FOR ENVIRON-**
6 **MENTAL RESTORATION PROJECTS AT NA-**
7 **TIONAL GUARD FACILITIES.**

8 (a) CLARIFICATION OF DEFINITION OF NATIONAL
9 GUARD FACILITIES.—Paragraph (4) of section 2700 of
10 title 10, United States Code, is amended—

11 (1) by striking “State-owned”;

12 (2) by striking “owned and operated by a State
13 when such land is”; and

14 (3) by striking “even though such land is not
15 under the jurisdiction of the Department of De-
16 fense.” and inserting “without regard to—”

17 “(A) the owner or operator of the facility;

18 or

19 “(B) whether the facility is under the ju-
20 risdiction of the Department of Defense or a
21 military department.”.

22 (b) INCLUSION UNDER DEFENSE ENVIRONMENTAL
23 RESTORATION PROGRAM.—Section 2701(a)(1) of such
24 title is amended by striking “State-owned”.

1 (c) RESPONSE ACTIONS AT NATIONAL GUARD FA-
2 CILITIES.—Section 2701(c)(1)(D) of such title is amended
3 by striking “State-owned”.

4 (d) SERVICES OF OTHER ENTITIES.—Section
5 2701(d)(1) of such title is amended, in the second sen-
6 tence, by inserting “or at a National Guard facility” be-
7 fore the period at the end.

8 (e) ENVIRONMENTAL RESTORATION ACCOUNTS.—
9 Section 2703(g)(1) of such title is amended by inserting
10 “, a National Guard facility,” after “Department of De-
11 fense”.

12 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) REPEAL.—Section 2707 of such title is
14 amended by striking subsection (e).

15 (2) REFERENCE UPDATE.—Section 345(f)(1) of
16 the National Defense Authorization Act for Fiscal
17 Year 2022 (Public Law 117–81; 10 U.S.C. 2715
18 note) is amended by striking “facility where military
19 activities are conducted by the National Guard of a
20 State pursuant to section 2707(e) of title 10, United
21 States Code” and inserting “National Guard facility,
22 as such term is defined in section 2700 of title 10,
23 United States Code”.

1 **SEC. 324. LIMITATION ON AVAILABILITY OF TRAVEL FUNDS**
2 **UNTIL SUBMITTAL OF PLAN FOR RESTORING**
3 **DATA SHARING ON TESTING OF WATER FOR**
4 **PERFLUOROALKYL OR POLYFLUOROALKYL**
5 **SUBSTANCES.**

6 (a) IN GENERAL.—Of the funds authorized to be ap-
7 propriated by this Act for operation and maintenance, de-
8 fense-wide, for travel for the Office of the Under Secretary
9 of Defense for Acquisition and Sustainment, not more
10 than 85 percent may be obligated or expended until the
11 Under Secretary of Defense for Acquisition and
12 Sustainment submits to the congressional defense commit-
13 tees a plan to restore data sharing pertaining to the test-
14 ing of water for perfluoroalkyl or polyfluoroalkyl sub-
15 stances, as required under section 345 of the National De-
16 fense Authorization Act for Fiscal Year 2022 (Public Law
17 117–81; 10 U.S.C. 2715 note), which shall include the fol-
18 lowing:

19 (1) A plan to restore data sharing with each
20 relevant State agency tasked with regulation of envi-
21 ronmental contamination by perfluoroalkyl or
22 polyfluoroalkyl substances in each State or territory
23 of the United States.

24 (2) A plan to restore data sharing with restora-
25 tion advisory boards established under section
26 2705(d) of title 10, United States Code.

1 (3) Information on the geographic specificity of
2 the data to be provided under paragraphs (1) and
3 (2) and a timeline for the implementation of the
4 plans under such paragraphs.

5 (b) INABILITY TO MEET TRANSPARENCY REQUIRE-
6 MENTS.—If the Under Secretary of Defense for Acquisi-
7 tion and Sustainment determines that they are unable to
8 meet the requirements under subsection (a), the Under
9 Secretary shall brief the congressional defense committees
10 on the rationale for why the restoration of data sharing
11 required under such subsection is not possible, including
12 a description of any legislative action required to restore
13 such data sharing.

14 **SEC. 325. DASHBOARD OF FUNDING RELATING TO**
15 **PERFLUOROALKYL SUBSTANCES AND**
16 **POLYFLUOROALKYL SUBSTANCES.**

17 The Secretary of Defense shall include with the sub-
18 mission to Congress by the President of the annual budget
19 of the Department of Defense for a fiscal year under sec-
20 tion 1105(a) of title 31, United States Code, a separate
21 budget justification document that consolidates all infor-
22 mation pertaining to activities of the Department of De-
23 fense relating to perfluoroalkyl substances and
24 polyfluoroalkyl substances, including funding for and de-
25 scriptions of—

- 1 (1) research and development efforts;
- 2 (2) testing;
- 3 (3) remediation;
- 4 (4) contaminant disposal; and
- 5 (5) community outreach.

6 **SEC. 326. REPORT ON SCHEDULE AND COST ESTIMATES**
7 **FOR COMPLETION OF TESTING AND REMEDI-**
8 **ATION OF CONTAMINATED SITES AND PUBLI-**
9 **CATION OF CLEANUP INFORMATION.**

10 (a) REPORT.—

11 (1) IN GENERAL.—Not later than 270 days
12 after the date of the enactment of this Act, and once
13 every two years thereafter through December 31,
14 2029, the Secretary of Defense shall submit to the
15 Committees on Armed Services of the Senate and
16 the House of Representatives a report detailing—

17 (A) a proposed schedule for the completion
18 of testing and remediation activities, including
19 remediation of perfluoroalkyl substances and
20 polyfluoroalkyl substances, at military installa-
21 tions, facilities of the National Guard, and for-
22 merly used defense sites in the United States
23 where the Secretary obligated funding for envi-
24 ronmental restoration activities in fiscal year
25 2022;

1 (B) detailed cost estimates to complete
2 such activities, if such estimates are available;
3 and

4 (C) if such estimates are not available, es-
5 timated costs to complete such activities based
6 on historical costs of remediation for—

7 (i) sites remediated under the Defense
8 Environmental Restoration Program under
9 section 2701 of title 10, United States
10 Code;

11 (ii) other Federally-funded sites; or

12 (iii) privately-funded sites.

13 (2) INCLUSION OF REMEDIAL INVESTIGATIONS
14 AND FEASIBILITY STUDIES.—The schedule and cost
15 estimates required under paragraph (1) shall include
16 a schedule and estimated costs for the completion of
17 remedial investigations and feasibility studies at all
18 sites covered under such paragraph for which such
19 investigations and studies are anticipated or
20 planned.

21 (3) MILITARY INSTALLATION DEFINED.—In
22 this subsection, the term “military installation” has
23 the meaning given such term in section 2801(e)(4)
24 of title 10, United States Code.

1 (b) PUBLICATION OF INFORMATION.—Beginning not
2 later than one year after the date of the enactment of this
3 Act, the Secretary of Defense shall publish on the publicly
4 available website established under section 331(b) of the
5 National Defense Authorization Act for Fiscal Year 2020
6 (Public Law 116–92; 10 U.S.C. 2701 note) timely and
7 regularly updated information on the status of cleanup at
8 sites for which the Secretary has obligated amounts for
9 environmental restoration activities.

10 **SEC. 327. MODIFICATION OF TIMING OF REPORT ON AC-**
11 **TIVITIES OF PFAS TASK FORCE.**

12 Section 2714(f) of title 10, United States Code, is
13 amended by striking “and quarterly thereafter,” and in-
14 serting “and annually thereafter through 2029,”.

15 **SEC. 328. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
16 **ON TESTING AND REMEDIATION OF**
17 **PERFLUOROALKYL SUBSTANCES AND**
18 **POLYFLUOROALKYL SUBSTANCES.**

19 Not later than one year after the date of the enact-
20 ment of this Act, and not later than five years thereafter,
21 the Comptroller General of the United States shall submit
22 to the congressional defense committees a report assessing
23 the state of ongoing testing and remediation by the De-
24 partment of Defense of current or former military installa-

1 tions contaminated with perfluoroalkyl substances or
2 polyfluoroalkyl substances, including—

3 (1) assessments of the thoroughness, pace, and
4 cost-effectiveness of efforts of the Department to
5 conduct testing and remediation relating to those
6 substances;

7 (2) recommendations to improve those efforts;
8 and

9 (3) such other matters as the Comptroller Gen-
10 eral determines appropriate.

11 **Subtitle D—Logistics and** 12 **Sustainment**

13 **SEC. 331. ASSURING CRITICAL INFRASTRUCTURE SUPPORT** 14 **FOR MILITARY CONTINGENCIES PILOT PRO-** 15 **GRAM.**

16 (a) ESTABLISHMENT OF PILOT PROGRAM.—Not
17 later than 60 days after the date of the enactment of this
18 Act, the Secretary of Defense shall establish a pilot pro-
19 gram to be known as the “Assuring Critical Infrastructure
20 Support for Military Contingencies Pilot Program”.

21 (b) SELECTION OF INSTALLATIONS.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of the enactment of this Act, the Secretary
24 of Defense, acting through the Assistant Secretary
25 of Defense for Homeland Defense and Hemispheric

1 Affairs, shall select not fewer than four geographi-
2 cally diverse military installations at which to carry
3 out the pilot program under subsection (a).

4 (2) PRIORITIZATION.—

5 (A) IN GENERAL.—In selecting military in-
6 stallations under paragraph (1), the Secretary
7 of Defense shall give priority to any military in-
8 stallation that is a key component of not fewer
9 than two Contingency Plans (CONPLANS) or
10 Operational Plans (OPLANS), with priority
11 given to such plans in the area of responsibility
12 of the United States Indo-Pacific Command or
13 the United States European Command.

14 (B) ADDITIONAL PRIORITY.—If two or
15 more military installations are given equal pri-
16 ority under subparagraph (A), priority for selec-
17 tion under paragraph (1) shall be given to the
18 military installations that are—

19 (i) connected to national-level infra-
20 structure;

21 (ii) located near a commercial port; or

22 (iii) located near a national financial
23 hub.

24 (c) ACTIVITIES.—In carrying out the pilot program
25 under subsection (a), the Secretary of Defense, acting

1 through the Assistant Secretary of Defense for Homeland
2 Defense and Hemispheric Affairs, shall—

3 (1) without duplicating or disrupting existing
4 cyber exercise activities under the National Cyber
5 Exercise Program under section 2220B of the
6 Homeland Security Act of 2002 (6 U.S.C. 665h),
7 conduct cyber resiliency and reconstitution stress
8 test scenarios through tabletop exercises and, if pos-
9 sible, live exercises—

10 (A) to assess how to prioritize restoration
11 of power, water, and telecommunications for a
12 military installation in the event of a significant
13 cyberattack on regional critical infrastructure
14 that has similar impacts on State and local in-
15 frastructure; and

16 (B) to determine the recovery process
17 needed to ensure the military installation can
18 function and support an overseas contingency
19 operation or a homeland defense mission, as ap-
20 propriate;

21 (2) map dependencies of power, water, and tele-
22 communications at the military installation and the
23 connections to distribution and generation outside
24 the military installation;

1 (3) recommend priorities for the order of recovery
2 for the military installation in the event of a significant
3 cyberattack, considering both the requirements
4 needed for operations of the military installation and the potential
5 participation of personnel at the military installation in an overseas
6 contingency operation or a homeland defense mission; and

8 (4) create a lessons-learned database from the
9 exercises conducted under paragraph (1) across all
10 installations participating in the pilot program to
11 share with the appropriate committees of Congress.

12 (d) COORDINATION WITH RELATED PROGRAMS.—
13 The Secretary of Defense, acting through the Assistant
14 Secretary of Defense for Homeland Defense and Hemispheric
15 Affairs, shall ensure that activities under subsection
16 (c) are coordinated with—

17 (1) private entities that operate power, water,
18 and telecommunications for a military installation
19 participating in the pilot program under subsection
20 (a);

21 (2) relevant military and civilian personnel; and

22 (3) any other entity that the Assistant Secretary
23 of Defense for Homeland Defense and Hemispheric
24 Affairs determines is relevant to the execution
25 of activities under subsection (c).

1 (e) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall submit to the Assistant to the President for Home-
4 land Security, the National Cyber Director, the head of
5 any other relevant Sector Risk Management Agency, the
6 Committees on Armed Services of the Senate and the
7 House of Representatives, and, if appropriate, relevant
8 private sector owners and operators of critical infrastruc-
9 ture a report on the activities carried out under pilot pro-
10 gram under subsection (a), including a description of any
11 operational challenges identified.

12 (f) DEFINITIONS.—In this section:

13 (1) CRITICAL INFRASTRUCTURE.—The term
14 “critical infrastructure” has the meaning given that
15 term in the Critical Infrastructures Protection Act
16 of 2001 (42 U.S.C. 5195c).

17 (2) SECTOR RISK MANAGEMENT AGENCY.—The
18 term “Sector Risk Management Agency” has the
19 meaning given that term in section 2200 of the
20 Homeland Security Act of 2002 (6 U.S.C. 650).

21 **SEC. 332. STRATEGY AND ASSESSMENT ON USE OF AUTO-**
22 **MATION AND ARTIFICIAL INTELLIGENCE FOR**
23 **SHIPYARD OPTIMIZATION.**

24 (a) STRATEGY.—The Secretary of Navy, in coordina-
25 tion with the Shipyard Infrastructure Optimization Pro-

1 gram, shall develop and implement a strategy to leverage
2 commercial best practices used in shipyards to make oper-
3 ations more efficient and demonstrate a digital mainte-
4 nance artificial intelligence platform that analyzes data on
5 the maintenance and health of shipboard assets of the
6 Navy at shipyards, which shall improve readiness of the
7 Armed Forces, predict and diagnose issues before they
8 occur, and lower maintenance costs.

9 (b) ASSESSMENT.—The Secretary of Navy shall as-
10 sess the costs of maintenance delays on shipboard assets
11 of the Navy and assess the potential cost savings of adopt-
12 ing artificial intelligence predictive maintenance tech-
13 nology techniques that help determine the condition of in-
14 service equipment to estimate when maintenance should
15 be performed rather than waiting until failure or end of
16 life, including—

17 (1) an analysis of maintenance delays and costs
18 due to unplanned and unpredicted maintenance
19 issues;

20 (2) an evaluation of opportunities to dem-
21 onstrate commercial best practices at shipyards, in-
22 cluding artificial intelligence technologies to ensure
23 timely predictions for maintainers and planners at
24 shipyards by connecting datasets, executing models,
25 and providing outputs in near real-time;

1 (3) an identification of shipyard assets of the
2 Navy with sufficient data available to enable near-
3 term demonstrations of artificial intelligence pre-
4 dictive maintenance and an estimate of resources
5 needed within the Navy to accelerate the demonstra-
6 tion of predictive artificial intelligence capabilities
7 with respect to those assets; and

8 (4) an identification of any policy or technical
9 challenges to implementing artificial intelligence or
10 machine learning for purposes of carrying out the
11 Shipyard Infrastructure Optimization Program.

12 (c) BRIEFING TO COMMITTEE.—Not later than 180
13 days after the date of the enactment of this Act, the Sec-
14 retary of Navy shall provide to the congressional defense
15 committees a briefing on—

16 (1) the strategy developed by the Secretary
17 under subsection (a);

18 (2) the results of the assessment under sub-
19 section (b); and

20 (3) a plan to execute any measures pursuant to
21 such assessment.

1 **Subtitle E—Briefings and Reports**

2 **SEC. 341. CRITICAL INFRASTRUCTURE CONDITIONS AT** 3 **MILITARY INSTALLATIONS.**

4 (a) PLAN.—Not later than one year after the date
5 of the enactment of this Act, the Secretary of Defense,
6 in coordination with the head of each military department,
7 shall submit to the Committees on Armed Services of the
8 Senate and the House of Representatives a plan to imple-
9 ment a standardized system to measure and report on the
10 condition and performance of, level of investment in, and
11 any applicable risks to critical infrastructure systems
12 owned by the Federal Government that—

13 (1) have not been privatized pursuant to a con-
14 veyance under section 2688 of title 10, United
15 States Code; and

16 (2) are located on a military installation.

17 (b) REPORT.—

18 (1) IN GENERAL.—Beginning on February 1 of
19 the year immediately following the date on which the
20 plan under subsection (a) is submitted, and annually
21 thereafter, the Secretary of Defense, in coordination
22 with the head of each military department, shall
23 submit to the Committees on Armed Services of the
24 Senate and the House of Representatives a consoli-
25 dated report on the condition of critical infrastruc-

1 ture systems owned by the Federal Government at
2 military installations.

3 (2) ELEMENTS.—Each report required by para-
4 graph (1) shall include the following:

5 (A) Installation-level critical infrastructure
6 system data for each critical infrastructure sys-
7 tem owned by the Federal Government located
8 at a military installation that includes the fol-
9 lowing for each such system:

10 (i) All instances of noncompliance
11 with any applicable Federal or State law
12 (including regulations) with which the sys-
13 tem has been required to comply during
14 the preceding five-year period, including
15 information on any prior or current con-
16 sent order or equivalent compliance agree-
17 ment with any regulatory agency.

18 (ii) The year of original installation of
19 major critical infrastructure system compo-
20 nents, including treatment facilities, pump
21 stations, and storage tanks.

22 (iii) The average age of distribution
23 system piping and wiring.

24 (iv) The rate of system recapitaliza-
25 tion, represented as an annual percentage

1 replacement rate of all critical infrastruc-
2 ture system assets.

3 (v) The percentage of key system
4 operational components inspected, and de-
5 termined through actual testing to be fully
6 operational, during the preceding one-year
7 period, including fire hydrants, valves, and
8 backflow preventors.

9 (vi) The absolute number, and a nor-
10 malized measure for comparative purposes,
11 of all unplanned system outages during the
12 preceding one-year period.

13 (vii) The absolute duration, and a
14 normalized measure for comparative pur-
15 poses, of all unplanned system outages
16 during the preceding one-year period.

17 (viii) The absolute number, and a nor-
18 malized measure for comparative purposes,
19 of all critical infrastructure system main
20 breaks and leaks during the preceding one-
21 year period.

22 (B) A standardized risk assessment for
23 each military installation, identifying the cur-
24 rent and projected level of risk related to the
25 following:

1 (i) The ability to maintain compliance
2 with all current and known future regu-
3 latory agency regulations and standards
4 and all applicable regulations and policies
5 of the Department of Defense and the
6 military departments related to critical in-
7 frastructure, and the ability to operate sys-
8 tems in accordance with accepted industry
9 standards.

10 (ii) The ability to maintain a con-
11 sistent and compliant supply of water for
12 current and projected future installation
13 needs based on current and projected
14 source water availability and quality, in-
15 cluding an assessment of source water con-
16 tamination risks.

17 (iii) The ability to withstand severe
18 weather events, including drought, flood-
19 ing, and temperature fluctuations.

20 (iv) The ability for utility industrial
21 controls systems to maintain compliance
22 with current and future cybersecurity
23 standards and regulations.

1 **SEC. 342. REPORT ON ESTABLISHING SUFFICIENT STA-**
2 **BLING, PASTURE, AND TRAINING AREA FOR**
3 **THE OLD GUARD CAISSON PLATOON**
4 **EQUINES.**

5 (a) IN GENERAL.—Not later than March 1, 2024, the
6 Secretary of the Army shall submit to the congressional
7 defense committees a report containing the results of a
8 study to address the feasibility and advisability of estab-
9 lishing sufficient stabling, pasture, and training area for
10 the equines in the Caisson Platoon of the 3rd United
11 States Infantry (commonly known as the “Old Guard”).

12 (b) INCLUSION OF RECOMMENDATIONS.—The report
13 required under subsection (a) shall include—

14 (1) any recommendations determined necessary
15 and appropriate by the Secretary—

16 (A) to implement the plan required under
17 section 391(b) of the James M. Inhofe National
18 Defense Authorization Act for Fiscal Year 2023
19 (Public Law 117–263; 136 Stat. 2549); and

20 (B) to ensure proper animal facility sanita-
21 tion for the equines in the Caisson Platoon of
22 the 3rd United States Infantry; and

23 (2) plans for the housing and care of such
24 equines.

25 (c) LOCATIONS.—

1 (1) REVIEW OF MILITARY CONSTRUCTION AU-
2 THORIZATION.—The report required under sub-
3 section (a) shall include a review of all physical loca-
4 tions under consideration as stabling, pasture, or
5 training area described in such subsection for any
6 withdrawals or projects that would require individual
7 military construction authorization.

8 (2) CONSIDERATION.—In considering locations
9 for stabling, pasture, or training area under sub-
10 section (a), the Secretary of the Army shall consider
11 all viable options within a reasonable distance to Ar-
12 lington National Cemetery.

13 (d) ELEMENTS.—The report required under sub-
14 section (a) shall include, for each location under consider-
15 ation as stabling, pasture, or training area described in
16 such subsection—

17 (1) a brief environmental assessment of the lo-
18 cation;

19 (2) estimated costs for preparing the location
20 for construction;

21 (3) a narrative of how the location will be bene-
22 ficial and conducive the health of the equines in the
23 Caisson Platoon of the 3rd United States Infantry;

24 (4) a narrative of how, if necessary, the location
25 can be expanded; and

1 (5) a narrative of how the location will affect
2 community access to outdoor recreation.

3 **SEC. 343. QUARTERLY BRIEFINGS ON OPERATIONAL STA-**
4 **TUS OF AMPHIBIOUS WARSHIP FLEET OF DE-**
5 **PARTMENT OF THE NAVY.**

6 (a) IN GENERAL.—Not later than October 1, 2023,
7 and quarterly thereafter until September 30, 2024, the
8 Secretary of the Navy shall provide to the Committees on
9 Armed Services of the Senate and the House of Represent-
10 atives a briefing on the operational status of the amphib-
11 ious warship fleet of the Department of the Navy.

12 (b) ELEMENTS.—Each briefing under subsection (a)
13 shall include, with respect to each amphibious warship, the
14 following:

15 (1) Average quarterly Operational Availability
16 (AO).

17 (2) Number of days underway as follows:

18 (A) Training for the purpose of supporting
19 Mission Essential Tasks (in this section re-
20 ferred to as “MET”) of the Marine Corps, in-
21 cluding unit level well-deck or flight-deck oper-
22 ations training and Amphibious Ready Group
23 and Marine Expeditionary Unit integrated
24 training.

1 (B) Deployed, which shall not include
2 scheduled or unscheduled in port maintenance.

3 (3) Expected completion date for in-work and
4 scheduled and unscheduled maintenance.

5 (4) An update on any delays in completion of
6 scheduled and unscheduled maintenance and cas-
7 ualty reports impacting the following:

8 (A) Scheduled unit level well-deck and
9 flight-deck operations training of the Marine
10 Corps.

11 (B) MET certifications of the Marine
12 Corps, including mobility, communications, am-
13 phibious well-deck operations, aviation oper-
14 ations, and warfare training.

15 (C) Composition and deployment dates of
16 scheduled and deployed Amphibious Ready
17 Groups and Marine Expeditionary Units.

18 (c) DEFINITIONS.—In this section:

19 (1) AMPHIBIOUS WARSHIP.—The term “am-
20 phibious warship” means a ship that is classified as
21 an amphibious assault ship (general purpose)
22 (LHA), an amphibious assault ship (multi-purpose)
23 (LHD), an amphibious transport dock (LPD), or a
24 dock landing ship (LSD) that is included in the Bat-
25 tle Force Inventory in accordance with instruction

1 5030.8D of the Secretary of the Navy, or successor
2 instruction.

3 (2) AMPHIBIOUS READY GROUP; MARINE EXPE-
4 DITIONARY UNIT.—The terms “Amphibious Ready
5 Group” and “Marine Expeditionary Unit” means a
6 group or unit, as the case may be, that consists of
7 a minimum of—

8 (A) three amphibious assault ships (gen-
9 eral purpose) (LHA) or amphibious assault
10 ships (multi-purpose) (LHD); and

11 (B) one amphibious transport dock (LPD)
12 Flight I.

13 **SEC. 344. BRIEFING ON PLAN FOR MAINTAINING PRO-**
14 **FICIENCY IN EMERGENCY MOVEMENT OF MU-**
15 **NITIONS IN JOINT REGION MARIANAS, GUAM.**

16 Not later than 90 days after the date of the enact-
17 ment of this Act, the Secretary of the Navy and the Sec-
18 retary of the Air Force shall brief the congressional de-
19 fense committees on a plan for maintaining the proficiency
20 of the Navy and the Air Force, respectively, in executing
21 the emergency movement of munitions stored in weapons
22 storage areas in Joint Region Marianas, Guam, onto air-
23 craft and naval vessels, including plans to regularly exer-
24 cise such capabilities.

1 **Subtitle F—Other Matters**

2 **SEC. 351. CONTINUED DESIGNATION OF SECRETARY OF**
3 **THE NAVY AS EXECUTIVE AGENT FOR NAVAL**
4 **SMALL CRAFT INSTRUCTION AND TECHNICAL**
5 **TRAINING SCHOOL.**

6 The Secretary of the Navy shall continue, through
7 fiscal year 2024—

8 (1) to perform the responsibilities of the De-
9 partment of Defense executive agent for the Naval
10 Small Craft Instruction and Technical Training
11 School pursuant to section 352(b) of title 10, United
12 States Code; and

13 (2) in coordination with the Commander of the
14 United States Special Operations Command, to pro-
15 vide such support, as necessary, for the continued
16 operation of such school.

17 **SEC. 352. RESTRICTION ON RETIREMENT OF U-28 AIR-**
18 **CRAFT.**

19 None of the funds authorized to be appropriated by
20 this Act may be used to retire U-28 aircraft until the Sec-
21 retary of Defense certifies to the congressional defense
22 committees that the future-years defense program sub-
23 mitted to Congress under section 221 of title 10, United
24 States Code, with respect to the United States Special Op-
25 erations Command provides for intelligence, surveillance,

1 and reconnaissance capacity and capability that is equal
2 to or greater than such capacity and capability provided
3 by the current fleet of U-28 aircraft for such Command.

4 **SEC. 353. TRIBAL LIAISONS.**

5 (a) IN GENERAL.—The Secretary of Defense shall
6 ensure that each installation of the Department of De-
7 fense that has an Indian Tribe, Native Hawaiian organiza-
8 tion, or Tribal interests in the area surrounding the instal-
9 lation, including if an Indian Tribe or Native Hawaiian
10 organization is historically or culturally affiliated with the
11 land or water managed or directly impacted by the instal-
12 lation, has a dedicated Tribal liaison located at the instal-
13 lation.

14 (b) DEFINITIONS.—In this section:

15 (1) INDIAN TRIBE.—The term “Indian Tribe”
16 has the meaning given that term in section 4(e) of
17 the Indian Self-Determination and Education Assist-
18 ance Act (25 U.S.C. 5304(e)).

19 (2) NATIVE HAWAIIAN ORGANIZATION.—The
20 term “Native Hawaiian organization” has the mean-
21 ing given that term in section 6207 of the Elemen-
22 tary and Secondary Education Act of 1965 (20
23 U.S.C. 7517).

1 **SEC. 354. LIMITATION ON USE OF FUNDS TO EXPAND**
2 **LEASED FACILITIES FOR THE JOINT MILI-**
3 **TARY INFORMATION SUPPORT OPERATIONS**
4 **WEB OPERATIONS CENTER.**

5 None of the amounts authorized by this Act for oper-
6 ation and maintenance, Defense-wide to expand leased fa-
7 cilities for the Joint Military Information Support Oper-
8 ations Web Operations Center may be obligated or ex-
9 pended until the Secretary of Defense, acting through the
10 Assistant Secretary of Defense for Special Operations and
11 Low-Intensity Conflict and the Commander of the United
12 States Special Operations Command, submits to the con-
13 gressional defense committees a validated manpower study
14 for such center that includes the following:

15 (1) Validated estimates of the number of per-
16 sonnel from the United States Special Operations
17 Command and the other combatant commands that
18 will be housed in leased facilities of such center.

19 (2) An explanation of how such estimates are
20 aligned with and support the priorities established
21 by the national defense strategy under 113(g) of
22 title 10, United States Code.

23 **SEC. 355. MODIFICATIONS TO THE CONTESTED LOGISTICS**
24 **WORKING GROUP OF THE DEPARTMENT OF**
25 **DEFENSE.**

26 (a) EXPANSION OF WORKING GROUP.—

1 (1) IN GENERAL.—Paragraph (3) of section
2 2926(d) of title 10, United States Code, is amended
3 by adding at the end the following new subpara-
4 graph:

5 “(D) A representative appointed by the Sec-
6 retary of Defense from each of the following:

7 “(i) The Defense Logistics Agency.

8 “(ii) The Strategic Capabilities Office.

9 “(iii) The Defense Advanced Research
10 Projects Agency.

11 “(iv) The Office of the Under Secretary of
12 Defense for Research and Engineering.”.

13 (2) TIMING.—Not later than 60 days after the
14 date of the enactment of this Act, the Secretary of
15 Defense shall appoint the additional members of the
16 working group required under paragraph (3)(D) of
17 such section, as added by paragraph (1) of this sub-
18 section.

19 (b) MEETINGS.—Such section is further amended by
20 adding at the end the following new paragraph:

21 “(6) The working group under paragraph (1) shall
22 meet not less frequently than quarterly.”.

23 (c) REPORTS.—Such section is further amended by
24 adding at the end the following new paragraph:

1 “(7) Not later than February 1 of each year, the
2 working group under paragraph (1) shall submit to the
3 congressional defense committees a report that contains
4 a description of any shortfalls in personnel, equipment, in-
5 frastructure, energy and storage, or capabilities required
6 to support the operational plans of the Department of De-
7 fense.”.

8 **SEC. 356. ESTABLISHMENT OF CAISSON PLATOON TO SUP-**
9 **PORT MILITARY AND STATE FUNERAL SERV-**
10 **ICES.**

11 (a) IN GENERAL.—There is established in the De-
12 partment of the Army an equine unit, to be known as the
13 Caisson Platoon, assigned to the 3rd Infantry Regiment
14 of the Army, for the purposes of conducting military and
15 State funerals and for other purposes.

16 (b) PROHIBITION ON ELIMINATION.—The Secretary
17 of the Army may not eliminate the Caisson Platoon of the
18 3rd Infantry Regiment of the Army established under sub-
19 section (a).

20 (c) BRIEFING.—

21 (1) IN GENERAL.—Not later than 60 days after
22 the date of the enactment of this Act, and not less
23 frequently than every 180 days thereafter until
24 March 31, 2027, the Secretary of the Army shall
25 provide to the congressional defense committees a

1 briefing on the health, welfare, and sustainment of
2 military working equids.

3 (2) ELEMENTS.—The briefing required by
4 paragraph (1) shall include the following:

5 (A) An assessment of the ability of the
6 Caisson Platoon of the 3rd Infantry Regiment
7 of the Army to support military funeral oper-
8 ations within Arlington National Cemetery, in-
9 cluding milestones associated with achieving full
10 operational capability for the Caisson Platoon.

11 (B) An update on the plan of the task
12 force of the Army on military working equids to
13 promote, support, and sustain animal health
14 and welfare.

15 (C) An update on the plan of such task
16 force to ensure that support by the Caisson
17 Platoon of Arlington National Cemetery and
18 State funerals is never suspended again.

19 **SEC. 357. LIMITATION ON AVAILABILITY OF FUNDS PEND-**
20 **ING 30-YEAR SHIPBUILDING PLAN THAT**
21 **MAINTAINS 31 AMPHIBIOUS WARSHIPS FOR**
22 **THE DEPARTMENT OF THE NAVY.**

23 (a) LIMITATION.—Of the funds authorized to be ap-
24 propriated by this Act or otherwise made available for fis-
25 cal year 2024 for Administration and Servicewide Activi-

1 ties, Operation and Maintenance, Navy, not more than 50
2 percent may be obligated or expended until the date on
3 which the Secretary of the Navy submits to the congress-
4 sional defense committees a 30-year shipbuilding plan that
5 meets the statutory requirement in section 8062(b) of title
6 10, United States Code, to maintain 31 amphibious war-
7 ships.

8 (b) AMPHIBIOUS WARSHIP DEFINED.—In this sec-
9 tion, the term “amphibious warship” means a ship that
10 is classified as an amphibious assault ship (general pur-
11 pose) (LHA), an amphibious assault ship (multi-purpose)
12 (LHD), an amphibious transport dock (LPD), or a dock
13 landing ship (LSD) that is included in the Battle Force
14 Inventory in accordance with instruction 5030.8D of the
15 Secretary of the Navy, or successor instruction.

16 **SEC. 358. MODIFICATION OF RULE OF CONSTRUCTION RE-**
17 **GARDING PROVISION OF SUPPORT AND**
18 **SERVICES TO NON-DEPARTMENT OF DE-**
19 **FENSE ORGANIZATIONS AND ACTIVITIES.**

20 Section 2012(i) of title 10, United States Code, is
21 amended—

22 (1) by redesignating paragraphs (1) and (2) as
23 subparagraphs (A) and (B), respectively;

24 (2) in the matter preceding subparagraph (A),
25 as redesignated by paragraph (1), by striking

1 “Nothing in this section” and inserting “(1) Noth-
2 ing in this section”;

3 (3) in subparagraph (A), as so redesignated, by
4 inserting “, except as provided in paragraph (2),”
5 before “for response”; and

6 (4) by adding at the end the following new
7 paragraph:

8 “(2) Funds available to the Secretary of a military
9 department for operation and maintenance for the Innova-
10 tive Readiness Training program may be expended under
11 this section, upon approval by the Secretary concerned,
12 to assist in demolition, clearing of roads, infrastructure
13 improvements, and construction to restore an area after
14 a natural disaster.”.

15 **TITLE IV—MILITARY**
16 **PERSONNEL AUTHORIZATIONS**
17 **Subtitle A—Active Forces**

18 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

19 The Armed Forces are authorized strengths for active
20 duty personnel as of September 30, 2024, as follows:

- 21 (1) The Army, 452,000.
- 22 (2) The Navy, 342,000.
- 23 (3) The Marine Corps, 172,300.
- 24 (4) The Air Force, 320,000.
- 25 (5) The Space Force, 9,400.

1 **SEC. 402. END STRENGTH LEVEL MATTERS.**

2 Section 115 of title 10, United States Code, is
3 amended—

4 (1) in subsection (f)(2), by striking “not more
5 than 2 percent” and inserting “not more than 3 per-
6 cent”; and

7 (2) in subsection (g)(1), by striking subpara-
8 graphs (A) and (B) and inserting the following new
9 subparagraphs:

10 “(A) vary the end strength pursuant to
11 subsection (a)(1)(A) for a fiscal year for the
12 armed force or forces under the jurisdiction of
13 that Secretary by a number not equal to more
14 than 2 percent of such authorized end strength;

15 “(B) vary the end strength pursuant to
16 subsection (a)(1)(B) for a fiscal year for the
17 armed force or forces under the jurisdiction of
18 that Secretary by a number not equal to more
19 than 2 percent of such authorized end strength;
20 and

21 “(C) vary the end strength pursuant to
22 subsection (a)(2) for a fiscal year for the Se-
23 lected Reserve of the reserve component of the
24 armed force or forces under the jurisdiction of
25 that Secretary by a number equal to not more

1 than 2 percent of such authorized end
2 strength.”.

3 **SEC. 403. EXTENSION OF ADDITIONAL AUTHORITY TO VARY**
4 **SPACE FORCE END STRENGTH.**

5 Section 403(b) of the James M. Inhofe National De-
6 fense Authorization Act for Fiscal Year 2023 (Public Law
7 117–263) is amended by striking “December 31, 2023”
8 and inserting “October 1, 2025”.

9 **Subtitle B—Reserve Forces**

10 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

11 (a) IN GENERAL.—The Armed Forces are authorized
12 strengths for Selected Reserve personnel of the reserve
13 components as of September 30, 2024, as follows:

14 (1) The Army National Guard of the United
15 States, 325,000.

16 (2) The Army Reserve, 174,800.

17 (3) The Navy Reserve, 57,200.

18 (4) The Marine Corps Reserve, 33,600.

19 (5) The Air National Guard of the United
20 States, 105,000.

21 (6) The Air Force Reserve, 69,600.

22 (7) The Coast Guard Reserve, 7,000.

23 (b) END STRENGTH REDUCTIONS.—The end
24 strengths prescribed by subsection (a) for the Selected Re-

1 serve of any reserve component shall be proportionately
2 reduced by—

3 (1) the total authorized strength of units orga-
4 nized to serve as units of the Selected Reserve of
5 such component which are on active duty (other
6 than for training) at the end of the fiscal year; and

7 (2) the total number of individual members not
8 in units organized to serve as units of the Selected
9 Reserve of such component who are on active duty
10 (other than for training or for unsatisfactory partici-
11 pation in training) without their consent at the end
12 of the fiscal year.

13 (c) END STRENGTH INCREASES.—Whenever units or
14 individual members of the Selected Reserve for any reserve
15 component are released from active duty during any fiscal
16 year, the end strength prescribed for such fiscal year for
17 the Selected Reserve of such reserve component shall be
18 increased proportionately by the total authorized strengths
19 of such units and by the total number of such individual
20 members.

21 **SEC. 412 . END STRENGTHS FOR RESERVES ON ACTIVE**
22 **DUTY IN SUPPORT OF THE RESERVES.**

23 Within the end strengths prescribed in section
24 411(a), the reserve components of the Armed Forces are
25 authorized, as of September 30, 2024, the following num-

1 ber of Reserves to be serving on full-time active duty or
2 full-time duty, in the case of members of the National
3 Guard, for the purpose of organizing, administering, re-
4 cruiting, instructing, or training the reserve components:

5 (1) The Army National Guard of the United
6 States, 30,845.

7 (2) The Army Reserve, 16,511.

8 (3) The Navy Reserve, 10,327.

9 (4) The Marine Corps Reserve, 2,355.

10 (5) The Air National Guard of the United
11 States, 25,333.

12 (6) The Air Force Reserve, 6,003.

13 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
14 **(DUAL STATUS).**

15 (a) IN GENERAL.—The minimum number of military
16 technicians (dual status) as of the last day of fiscal year
17 2024 for the reserve components of the Army and the Air
18 Force (notwithstanding section 129 of title 10, United
19 States Code) shall be the following:

20 (1) For the Army National Guard of the United
21 States, 22,294.

22 (2) For the Army Reserve, 7,990.

23 (3) For the Air National Guard of the United
24 States, 10,994.

25 (4) For the Air Force Reserve, 7,111.

1 (b) LIMITATION ON NUMBER OF TEMPORARY MILI-
2 TARY TECHNICIANS (DUAL STATUS).—The number of
3 temporary military technicians (dual status) employed
4 under the authority of subsection (a) may not exceed 25
5 percent of the total authorized number specified in such
6 subsection.

7 (c) LIMITATION.—Under no circumstances may a
8 military technician (dual status) employed under the au-
9 thority of this section be coerced by a State into accepting
10 an offer of realignment or conversion to any other military
11 status, including as a member of the Active, Guard, and
12 Reserve program of a reserve component. If a military
13 technician (dual status) declines to participate in such re-
14 alignment or conversion, no further action will be taken
15 against the individual or the individual's position.

16 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
17 **THORIZED TO BE ON ACTIVE DUTY FOR**
18 **OPERATIONAL SUPPORT.**

19 During fiscal year 2024, the maximum number of
20 members of the reserve components of the Armed Forces
21 who may be serving at any time on full-time operational
22 support duty under section 115(b) of title 10, United
23 States Code, is the following:

24 (1) The Army National Guard of the United
25 States, 17,000.

1 (2) The Army Reserve, 13,000.

2 (3) The Navy Reserve, 6,200.

3 (4) The Marine Corps Reserve, 3,000.

4 (5) The Air National Guard of the United
5 States, 16,000.

6 (6) The Air Force Reserve, 14,000.

7 **Subtitle C—Authorization of**
8 **Appropriations**

9 **SEC. 421. MILITARY PERSONNEL.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
11 are hereby authorized to be appropriated for fiscal year
12 2024 for the use of the Armed Forces and other activities
13 and agencies of the Department of Defense for expenses,
14 not otherwise provided for, for military personnel, as spec-
15 ified in the funding table in section 4401.

16 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
17 thorization of appropriations in subsection (a) supersedes
18 any other authorization of appropriations (definite or in-
19 definite) for such purpose for fiscal year 2024.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel**
4 **Policy**

5 **SEC. 501. AUTHORIZED STRENGTH: GENERAL AND FLAG**
6 **OFFICERS ON ACTIVE DUTY.**

7 (a) REPEAL OF OBSOLETE AUTHORITY; REDESIGNA-
8 TION.—Chapter 32 of title 10, United States Code, is
9 amended—

10 (1) by repealing section 526;

11 (2) by redesignating section 526a as section
12 526;

13 (3) in the table of sections for such chapter, by
14 striking the item relating to section 526a; and

15 (4) in the section heading for section 526, as
16 redesignated by paragraph (2), by striking “**after**
17 **December 31, 2022**”.

18 (b) INCREASED AUTHORIZED STRENGTH.—Section
19 526 of title 10, United States Code, as redesignated and
20 amended by subsection (a), is further amended—

21 (1) in subsection (a)—

22 (A) by striking “after December 31,
23 2022,”;

24 (B) in paragraph (1), by striking “218”
25 and inserting “219”;

1 (C) in paragraph (2), by striking “149”
2 and inserting “150”;

3 (D) in paragraph (3), by striking “170”
4 and inserting “171”; and

5 (E) in paragraph (4), by striking “62” and
6 inserting “64”; and

7 (2) by redesignating the second subsection des-
8 ignated as subsection (i) as subsection (j).

9 (c) REPEAL OF EXCLUSION OF OFFICERS SERVING
10 AS LEAD SPECIAL TRIAL COUNSEL FROM LIMITATIONS
11 ON AUTHORIZED STRENGTHS.—Section 506 of the James
12 M. Inhofe National Defense Authorization Act for Fiscal
13 Year 2023 is hereby repealed.

14 **SEC. 502. PROHIBITION ON APPOINTMENT OR NOMINATION**
15 **OF CERTAIN OFFICERS WHO ARE SUBJECT**
16 **TO SPECIAL SELECTION REVIEW BOARDS.**

17 (a) OFFICERS ON ACTIVE-DUTY LIST.—

18 Section 628a(a)(2)(B) of title 10, United States
19 Code, is amended to read as follows:

20 “(B) shall not be forwarded for appointment or
21 nomination to the Secretary of Defense, the Presi-
22 dent, or the Senate, as applicable.”.

23 (b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—

24 Section 14502a(a)(2)(B) of title 10, United
25 States Code, is amended to read as follows:

1 “(B) shall not be forwarded for appointment or
2 nomination to the Secretary of Defense, the Presi-
3 dent, or the Senate, as applicable.”.

4 **SEC. 503. EXCLUSION OF OFFICERS WHO ARE LICENSED**
5 **BEHAVIORAL HEALTH PROVIDERS FROM**
6 **LIMITATIONS ON ACTIVE DUTY COMMIS-**
7 **SIONED OFFICER END STRENGTHS.**

8 Section 523(b) of title 10, United States Code, is
9 amended by adding at the end the following new para-
10 graph:

11 “(10) Officers who are licensed behavioral
12 health providers, including clinical psychologists, so-
13 cial workers, and mental health nurse practi-
14 tioners.”.

15 **SEC. 504. UPDATING AUTHORITY TO AUTHORIZE PRO-**
16 **MOTION TRANSFERS BETWEEN COMPONENTS**
17 **OF THE SAME SERVICE OR A DIFFERENT**
18 **SERVICE.**

19 (a) WARRANT OFFICERS TRANSFERRED BETWEEN
20 COMPONENTS WITHIN THE SAME OR A DIFFERENT UNI-
21 FORMED SERVICE.—Section 578 of title 10, United States
22 Code, is amended by adding at the end the following new
23 subsection:

24 “(g) Notwithstanding subsection (d), and subject to
25 regulations prescribed by the Secretary of Defense, in the

1 case of a warrant officer who is selected for promotion
2 by a selection board convened under this chapter, and
3 prior to the placement of the warrant officer's name on
4 the applicable promotion list is approved for transfer to
5 a new component within the same or a different uniformed
6 service, the Secretary concerned may place the warrant
7 officer's name on a corresponding promotion list of the
8 new component without regard to the warrant officer's
9 competitive category. A warrant officer's promotion under
10 this subsection shall be made pursuant to section 12242
11 of this title.”.

12 (b) OFFICERS TRANSFERRED TO RESERVE ACTIVE
13 STATUS LIST.—

14 (1) IN GENERAL.—Section 624 of such title is
15 amended by adding at the end the following new
16 subsections:

17 “(e) Notwithstanding subsection (a)(2), in the case
18 of an officer who is selected for promotion by a selection
19 board convened under this chapter, and prior to the place-
20 ment of the officer's name on the applicable promotion
21 list is approved for transfer to the reserve active status
22 list of the same or a different uniformed service, the Sec-
23 retary concerned may place the officer's name on a cor-
24 responding promotion list on the reserve active-status list
25 without regard to the officer's competitive category. An

1 officer's promotion under this subsection shall be made
2 pursuant to section 14308 of this title.

3 “(f) Notwithstanding subsection (a)(3), in the case
4 of an officer who is placed on an all-fully-qualified-officers
5 list, and is subsequently approved for transfer to the re-
6 serve active status list, the Secretary concerned may place
7 the officer's name on an appropriate all-fully-qualified-of-
8 ficers list on the reserve active status list. An officer's pro-
9 motion under this subsection shall be made pursuant to
10 section 14308 of this title.”.

11 (2) DATE OF RANK.—Section 14308(c) of such
12 title is amended—

13 (A) by redesignating paragraph (3) as
14 paragraph (4); and

15 (B) by inserting after paragraph (2) the
16 following new paragraph:

17 “(3) The Secretary concerned may adjust the date
18 of rank of an officer whose name is placed on a reserve
19 active status promotion list pursuant to subsection (e) or
20 (f) of section 624 of this title.”.

21 **SEC. 505. EFFECT OF FAILURE OF SELECTION FOR PRO-**
22 **MOTION.**

23 (a) EFFECT OF FAILURE OF SELECTION FOR PRO-
24 MOTION: CAPTAINS AND MAJORS OF THE ARMY, AIR
25 FORCE, MARINE CORPS, AND SPACE FORCE AND LIEU-

1 TENANTS AND LIEUTENANT COMMANDERS OF THE
2 NAVY.—

3 (1) IN GENERAL.—Section 632 of title 10,
4 United States Code, is amended—

5 (A) in the section heading, by striking
6 **“and Marine Corps”** and inserting **“Ma-**
7 **rine Corps, and Space Force”**;

8 (B) in subsection (a)(1), by striking
9 “President approves the report of the board
10 which considered him for the second time” and
11 inserting “Secretary concerned releases the pro-
12 motion results of the board which considered
13 the officer for the second time to the public”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 36 of title 10,
16 United States Code, is amended by striking the item
17 relating to section 632 and inserting the following
18 new item:

“632. Effect of failure of selection for promotion: captains and majors of the
Army, Air Force, Marine Corps, and Space Force and lieuten-
ants and lieutenant commanders of the Navy.”.

19 (b) RETIREMENT OF REGULAR OFFICERS OF THE
20 NAVY FOR LENGTH OF SERVICE OR FAILURE OF SELEC-
21 TION FOR PROMOTION.—Section 8372(a)(2)(A) of title
22 10, United States Code, is amended by striking “President
23 approves the report of the board which considered him for
24 the second time” and inserting “Secretary concerned re-

1 leases the promotion results of the board which considered
2 the officer for the second time to the public”.

3 **SEC. 506. PERMANENT AUTHORITY TO ORDER RETIRED**
4 **MEMBERS TO ACTIVE DUTY IN HIGH-DE-**
5 **MAND, LOW-DENSITY APPOINTMENTS.**

6 (a) IN GENERAL.—Section 688a of title 10, United
7 States Code, is amended—

8 (1) in the section heading, by striking “**Re-**
9 **tired aviators: temporary authority**” and
10 inserting “**Authority**”;

11 (2) by striking subsection (f);

12 (3) by redesignating subsections (g) and (h) as
13 subsections (f) and (g), respectively; and

14 (4) in subsection (f), as redesignated by para-
15 graph (3), by striking “limitations in subsections (c)
16 and (f)” and inserting “limitation in subsection (c)”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 39 of title 10, United States
19 Code, is amended by striking the item relating to section
20 688a and inserting the following new item:

“688a. Authority to order to active duty in high-demand, low-density assign-
ments.”.

1 **SEC. 507. WAIVER AUTHORITY EXPANSION FOR THE EXTEN-**
2 **SION OF SERVICE OBLIGATION FOR MARINE**
3 **CORPS CYBERSPACE OPERATIONS OFFICERS.**

4 (a) **REQUIRED SERVICE.**—Section 651(c) of title 10,
5 United States Code, is amended—

6 (1) in paragraph (1), by inserting “or in the
7 case of an unrestricted officer designated within a
8 cyberspace occupational specialty” before the period
9 at the end; and

10 (2) in paragraph (2)—

11 (A) in subparagraph (A), by striking “;
12 or” and inserting a semicolon;

13 (B) in subparagraph (B), by striking the
14 period and inserting “; or”; and

15 (C) by adding at the end the following new
16 subparagraph:

17 “(C) in the case of an unrestricted officer who
18 has been designated with a cyberspace occupational
19 specialty, the period of obligated service specified in
20 such contract or agreement.”.

21 (b) **MINIMUM SERVICE REQUIREMENT FOR CERTAIN**
22 **CYBERSPACE OCCUPATIONAL SPECIALTIES.**—

23 (1) **IN GENERAL.**—Chapter 37 of title 10,
24 United States Code, is amended by inserting after
25 section 653 the new following section:

1 **“§ 654. Minimum service requirement for certain**
2 **cyberspace occupational specialties**

3 “(a) CYBERSPACE OPERATIONS OFFICER.—The min-
4 imum service obligation for any member who successfully
5 completes training in the armed forces in direct accession
6 to the cyberspace operations officer occupational specialty
7 of the Marine Corps shall be 8 years.

8 “(b) SERVICE OBLIGATION DEFINED.—In this sec-
9 tion, the term ‘service obligation’ means the period of ac-
10 tive duty or, in the case of a member of a reserve compo-
11 nent who completed cyberspace operations training in an
12 active duty for training status as a member of a reserve
13 component, the period of service in an active status in the
14 Selected Reserve, required to be served after completion
15 of cyberspace operations training.”.

16 (2) TABLE OF SECTIONS AMENDMENT.—The
17 table of sections at the beginning of such chapter 37
18 is amended by inserting after the item relating to
19 section 653 the following new item:

“654. Minimum service requirement for certain cyberspace occupational special-
ties.”.

20 **SEC. 508. REMOVAL OF ACTIVE DUTY PROHIBITION FOR**
21 **MEMBERS OF THE AIR FORCE RESERVE POL-**
22 **ICY COMMITTEE.**

23 Section 10305 of title 10, United States Code, is
24 amended__

1 (1) in subsection (b), by striking “not on active
2 duty” both places it appears; and

3 (2) in subsection (c)—

4 (A) by inserting “of the reserve compo-
5 nents” after “among the members”; and

6 (B) by striking “not on active duty”.

7 **SEC. 509. EXTENSION OF AUTHORITY TO VARY NUMBER OF**
8 **SPACE FORCE OFFICERS CONSIDERED FOR**
9 **PROMOTION TO MAJOR GENERAL.**

10 Subsection (b) of section 503 of the National Defense
11 Authorization Act for Fiscal Year 2022 (Public Law 117–
12 81; 135 Stat. 1680) is amended by striking “shall termi-
13 nate on December 31, 2022” and inserting “shall termi-
14 nate on December 31, 2024”.

15 **SEC. 510. REALIGNMENT OF NAVY SPOT-PROMOTION**
16 **QUOTAS.**

17 Section 605(g)(4)(B) of title 10, United States Code,
18 is amended by striking “325” and inserting “425”.

19 **SEC. 511. MODIFICATION OF LIMITATION ON PROMOTION**
20 **SELECTION BOARD RATES.**

21 Section 616 of title 10, United States Code, is
22 amended—

23 (1) in subsection (d)—

1 (A) by striking “The number” and insert-
2 ing “(1) Except as provided in paragraph (2),
3 the number”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(2) If a promotion zone established under section
7 623 of this title includes less than 50 officers and is estab-
8 lished with respect to promotions to a grade below the
9 grade of colonel or Navy captain, the Secretary concerned
10 may authorize selection boards convened under section
11 611(a) of this title to recommend for promotion a number
12 equal to not more than 100 percent of the number of offi-
13 cers included in such promotion zone.”; and

14 (2) in subsection (e), by striking “unless he”
15 and inserting “unless the officer”.

16 **SEC. 512. TIME IN GRADE REQUIREMENTS.**

17 Section 1305 of title 10, United States Code, is
18 amended—

19 (1) in subsection (a)(3), by inserting “or a Ma-
20 rine Corps Marine Gunner warrant officer in such
21 grade,” after “chief warrant officer, W-5,”;

22 (2) in subsection (b), by striking “when he”
23 and inserting “when the warrant officer”; and

24 (3) in subsection (c)—

1 (A) by striking “as he” and inserting “as
2 the Secretary concerned”; and

3 (B) by striking “after he” and inserting
4 “after the warrant officer”.

5 **SEC. 513. FLEXIBILITY IN DETERMINING TERMS OF AP-**
6 **POINTMENT FOR CERTAIN SENIOR OFFICER**
7 **POSITIONS.**

8 (a) IN GENERAL.—Chapter 35 of title 10, United
9 States Code, is amended by inserting after section 601 the
10 following new section:

11 **“§ 602. Flexibility in determining terms of appoint-**
12 **ment for certain senior officer positions**

13 “The Secretary of Defense may extend or reduce the
14 duration of an appointment made under section 152, 154,
15 7033, 8033, 8043, 9033, and 9082 of this title by up to
16 six months if the Secretary determines that such an exten-
17 sion or reduction is necessary either in the interests of
18 national defense, or to ensure an appropriate staggering
19 of terms of senior military leadership.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 35 of title 10, United States
22 Code, is amended by inserting after the item relating to
23 section 601 the following new item:

“602. Flexibility in determining terms of appointment for certain senior officer
positions.”.

1 **Subtitle B—Reserve Component**
 2 **Management**

3 **SEC. 521. ALTERNATIVE PROMOTION AUTHORITY FOR RE-**
 4 **SERVE OFFICERS IN DESIGNATED COMPETI-**
 5 **TIVE CATEGORIES.**

6 (a) IN GENERAL.—Part III of subtitle E of title 10,
 7 United States Code, is amended by adding at the end the
 8 following new chapter:

9 **“CHAPTER 1413—ALTERNATIVE PRO-**
 10 **MOTION AUTHORITY FOR OFFICERS**
 11 **IN DESIGNATED COMPETITIVE CAT-**
 12 **EGORIES**

“Sec.

“15101. Officers in designated competitive categories.

“15102. Selection for promotion.

“15103. Eligibility for consideration for promotion.

“15104. Opportunities for consideration for promotion.

“15105. Promotions.

“15106. Failure of selection for promotion.

“15107. Retirement: retirement for years of service; selective early retirement.

“15108. Continuation on the Reserve Active-Status List.

“15109. Other administrative authorities.

“15110. Regulations.

13 **“§ 15101. Officers in designated competitive cat-**
 14 **egories**

15 “(a) AUTHORITY TO DESIGNATE COMPETITIVE CAT-
 16 EGORIES OF OFFICERS.—Each Secretary of a military de-
 17 partment may designate one or more competitive cat-
 18 egories for promotion of officers under section 14005 of
 19 this title that are under the jurisdiction of such Secretary
 20 as a competitive category of officers whose promotion, re-

1 tirement, and continuation on the reserve active-status list
2 shall be subject to the provisions of this chapter.

3 “(b) LIMITATION ON EXERCISE OF AUTHORITY.—

4 The Secretary of a military department may not designate
5 a competitive category of officers for purposes of this
6 chapter until 60 days after the date on which the Sec-
7 retary submits to the Committees on Armed Services of
8 the Senate and the House of Representatives a report on
9 the designation of the competitive category. The report on
10 the designation of a competitive category shall set forth
11 the following:

12 “(1) A detailed description of officer require-
13 ments for officers within the competitive category.

14 “(2) An explanation of the number of opportu-
15 nities for consideration for promotion to each par-
16 ticular grade, and an estimate of promotion timing,
17 within the competitive category.

18 “(3) An estimate of the size of the promotion
19 zone for each grade within the competitive category.

20 “(4) A description of any other matters the
21 Secretary considered in determining to designate the
22 competitive category for purposes of this chapter.

23 **“§ 15102. Selection for promotion**

24 “(a) IN GENERAL.—Except as provided in this sec-
25 tion, the selection for promotion of officers in any competi-

1 tive category of officers designated for purposes of this
2 chapter shall be governed by the provisions under chapter
3 1403 of this title.

4 “(b) NO RECOMMENDATION FOR PROMOTION OF OF-
5 FICERS BELOW PROMOTION ZONE.—Section 14301(d) of
6 this title shall not apply to the selection for promotion of
7 officers described in subsection (a).

8 “(c) RECOMMENDATION FOR OFFICERS TO BE EX-
9 CLUDED FROM FUTURE CONSIDERATION FOR PRO-
10 MOTION.—In making recommendations pursuant to chap-
11 ter 1403 of this title for purposes of the administration
12 of this chapter, a selection board convened under section
13 14101(a) of this title may recommend that an officer con-
14 sidered by the board be excluded from future consideration
15 for promotion under this chapter.

16 **“§ 15103. Eligibility for consideration for promotion**

17 “(a) IN GENERAL.—Except as provided by this sec-
18 tion, eligibility for promotion of officers in any competitive
19 category of officers designated for purposes of this chapter
20 shall be governed by the provisions of sections 14301,
21 14303, and 14304 of this title.

22 “(b) INAPPLICABILITY OF CERTAIN TIME-IN-GRADE
23 REQUIREMENTS.—Sections 14303 and 14304 of this title
24 shall not apply to the promotion of officers described in
25 subsection (a).

1 “(c) INAPPLICABILITY TO OFFICERS ABOVE AND
2 BELOW PROMOTION ZONE.—The following provisions of
3 this title shall not apply to the promotion of officers de-
4 scribed in subsection (a):

5 “(1) The reference in section 14301(b) to an
6 officer above the promotion zone.

7 “(2) Section 14301(d).

8 “(d) INELIGIBILITY OF CERTAIN OFFICERS.—The
9 following officers are not eligible for promotion under this
10 chapter:

11 “(1) An officer described in section 14301(c) of
12 this title.

13 “(2) An officer not included within the pro-
14 motion zone.

15 “(3) An officer who has failed of promotion to
16 a higher grade the maximum number of times speci-
17 fied for opportunities for promotion for such grade
18 within the competitive category concerned pursuant
19 to section 15104 of this title.

20 “(4) An officer recommended by a selection
21 board to be removed from consideration for pro-
22 motion in accordance with section 15102(c) of this
23 title.

1 **“§ 15104. Opportunities for consideration for pro-**
2 **motion**

3 “(a) SPECIFICATION OF NUMBER OF OPPORTUNI-
4 TIES FOR CONSIDERATION FOR PROMOTION.—In desig-
5 nating a competitive category of officers pursuant to sec-
6 tion 15101 of this title, the Secretary of a military depart-
7 ment shall specify the number of opportunities for consid-
8 eration for promotion to be afforded officers of the armed
9 force concerned within the category for promotion to each
10 grade above the grade of first lieutenant or lieutenant
11 (junior grade), as applicable.

12 “(b) LIMITED AUTHORITY OF SECRETARY OF MILI-
13 TARY DEPARTMENT TO MODIFY NUMBER OF OPPORTUNI-
14 TIES.—The Secretary of a military department may mod-
15 ify the number of opportunities for consideration for pro-
16 motion to be afforded officers of an armed force within
17 a competitive category for promotion to a particular grade,
18 as previously specified by the Secretary pursuant sub-
19 section (a) of this subsection, not more frequently than
20 once every five years.

21 “(c) DISCRETIONARY AUTHORITY OF SECRETARY OF
22 DEFENSE TO MODIFY NUMBER OF OPPORTUNITIES.—
23 The Secretary of Defense may modify the number of op-
24 portunities for consideration for promotion to be afforded
25 officers of an armed force within a competitive category
26 for promotion to a particular grade, as previously specified

1 or modified pursuant to any provision of this section, at
2 the discretion of the Secretary.

3 “(d) LIMITATION ON NUMBER OF OPPORTUNITIES
4 SPECIFIED.—The number of opportunities for consider-
5 ation for promotion to be afforded officers of an armed
6 force within a competitive category for promotion to a par-
7 ticular grade, as specified or modified pursuant to any
8 provision of this section, may not exceed five opportuni-
9 ties.

10 “(e) EFFECT OF CERTAIN REDUCTION IN NUMBER
11 OF OPPORTUNITIES SPECIFIED.—If, by reason of a reduc-
12 tion in the number of opportunities for consideration for
13 promotion under this section, an officer would no longer
14 have one or more opportunities for consideration for pro-
15 motion that were available to the officer before the reduc-
16 tion, the officer shall be afforded one additional oppor-
17 tunity for consideration for promotion after the reduction.

18 **“§ 15105. Promotions**

19 “Sections 14307 through 14317 of this title shall
20 apply in promotions of officers in competitive categories
21 of officers designated for purposes of this chapter.

22 **“§ 15106. Failure of selection for promotion**

23 “(a) IN GENERAL.—Except as provided in this sec-
24 tion, sections 14501 through 14513 of this title shall apply

1 to promotions of officers in competitive categories of offi-
2 cers designated for purposes of this chapter.

3 “(b) INAPPLICABILITY OF FAILURE OF SELECTION
4 FOR PROMOTION TO OFFICERS ABOVE PROMOTION
5 ZONE.—The reference in section 14501 of this title to an
6 officer above the promotion zone shall not apply in the
7 promotion of officers described in subsection (a).

8 “(c) SPECIAL SELECTION BOARD MATTERS.—The
9 reference in section 14502(a)(1) of this title to a person
10 above the promotion zone shall not apply in the promotion
11 of officers described in subsection (a).

12 “(d) EFFECT OF FAILURE OF SELECTION.—In the
13 administration of this chapter pursuant to subsection
14 (a)—

15 “(1) an officer described in subsection (a) shall
16 not be deemed to have failed twice of selection for
17 promotion for purposes of section 14502(b) of this
18 title until the officer has failed selection of pro-
19 motion to the next higher grade the maximum num-
20 ber of times specified for opportunities for pro-
21 motion to such grade within the competitive category
22 concerned pursuant to section 15104 of this title;
23 and

24 “(2) any reference in sections 14504 through
25 14506 of this title to an officer who has failed of se-

1 lection for promotion to the next higher grade for
2 the second time shall be deemed to refer instead to
3 an officer described in subsection (a) who has failed
4 of selection for promotion to the next higher grade
5 for the maximum number of times specified for op-
6 portunities for promotion to such grade within the
7 competitive category concerned pursuant to such
8 section 15104.

9 **“§ 15107. Retirement: retirement for years of service;**
10 **selective early retirement**

11 “(a) RETIREMENT FOR YEARS OF SERVICE.—Sec-
12 tions 14507 through 14515 of this title shall apply to the
13 retirement of officers in competitive categories of officers
14 designated for purposes of this chapter.

15 “(b) SELECTIVE EARLY RETIREMENT.—Section
16 14101(b) of this title shall apply to the retirement of offi-
17 cers described in subsection (a).

18 **“§ 15108. Continuation on the Reserve Active-Status**
19 **List**

20 “Sections 14701 through 14703 of this title shall
21 apply in continuation or retention on a reserve active-sta-
22 tus list of officers designated for purposes of this chapter.

1 **“§ 15109. Other administrative authorities**

2 “(a) IN GENERAL.—The following provisions of this
3 title shall apply to officers in competitive categories of offi-
4 cers designated for purposes of this chapter:

5 “(1) Section 14518, relating to continuation of
6 officers to complete disciplinary action.

7 “(2) Section 14519, relating to deferment of re-
8 tirement or separation for medical reasons.

9 “(3) Section 14704, relating to the selective
10 early removal from the reserve active-status list.

11 “(4) Section 14705, relating to the selective
12 early retirement of reserve general and flag officers
13 of the Navy and Marine Corps.

14 **“§ 15110. Regulations**

15 “The Secretary of Defense shall prescribe regulations
16 regarding the administration of this chapter. The elements
17 of such regulations shall include mechanisms to clarify the
18 manner in which provisions of other chapters of this part
19 of the title shall be used in the administration of this chap-
20 ter in accordance with the provisions of this chapter.”.

21 (b) TABLE OF CHAPTERS AMENDMENT.—The table
22 of chapters at the beginning of part III of subtitle E of
23 title 10, United States Code, is amended by adding at the
24 end the following new item:

“1413. Alternative promotion authority for officers in designated com-
petitive categories 15101”.

1 **SEC. 522. SELECTED RESERVE AND READY RESERVE**
2 **ORDER TO ACTIVE DUTY TO RESPOND TO A**
3 **SIGNIFICANT CYBER INCIDENT.**

4 Section 12304 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a), by striking “for any
7 named operational mission”;

8 (2) by redesignating subsections (e) through (j)
9 as subsections (d) through (k), respectively;

10 (3) by inserting after subsection (b) the fol-
11 lowing new subsection:

12 “(c) SIGNIFICANT CYBER INCIDENTS.—The Sec-
13 retary of Defense and the Secretary of the Department
14 in which the Coast Guard is operating may, without the
15 consent of the member affected, order any unit, and any
16 member not assigned to a unit organized to serve as a
17 unit, of the Selected Reserve or Individual Ready Reserve
18 to active duty for a continuous period of not more than
19 365 days when the Secretary of Defense or, with respect
20 to the Coast Guard, the Secretary of the Department in
21 which the Coast Guard is operating determines it is nec-
22 essary to augment the active forces for the respective re-
23 sponses from the Department of Defense or the Depart-
24 ment of Homeland Security to a covered incident.”;

1 (4) in paragraph (1) of subsection (d), as redesi-
2 gnated by paragraph (2) of this section, by insert-
3 ing “or subsection (c)” after “subsection (b)”;

4 (5) in subsection (h) (as so redesignated)—

5 (A) by redesignating paragraphs (1) and
6 (2) as subparagraphs (A) and (B), respectively;

7 (B) by striking “Whenever any” and in-
8 serting “(1) Whenever any”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(2) Whenever any unit of the Selected Reserve or
12 any member of the Selected Reserve not assigned to a unit
13 organized to serve as a unit, or any member of the Indi-
14 vidual Ready Reserve, is ordered to active duty under au-
15 thority of subsection (c), the service of all units or mem-
16 bers so ordered to active duty may be terminated by—

17 “(A) order of the Secretary of Defense or the
18 Secretary of the Department in which the Coast
19 Guard is operating; or

20 “(B) law.”; and

21 (6) in subsection (k) (as so redesignated)—

22 (A) by redesignating paragraph (2) as
23 paragraph (3); and

24 (B) by inserting after paragraph (1) the
25 following new paragraph:

1 “(2) The term ‘covered incident’ means—

2 “(A) a cyber incident involving a Depart-
3 ment of Defense information system, or a
4 breach of a Department of Defense system that
5 involves personally identifiable information, that
6 the Secretary of Defense determines is likely to
7 result in demonstrable harm to the national se-
8 curity interests, foreign relations, or the econ-
9 omy of the United States, or to the public con-
10 fidence, civil liberties, or public health and safe-
11 ty of the people of the United States;

12 “(B) a cyber incident involving a Depart-
13 ment of Homeland Security information system
14 or a breach of a Department of Homeland Se-
15 curity system that involves personally identifi-
16 able information that the Secretary of Home-
17 land Security determines is likely to result in
18 demonstrable harm to the national security in-
19 terests, foreign relations, or the economy of the
20 United States or to the public confidence, civil
21 liberties, or public health and safety of the peo-
22 ple of the United States;

23 “(C) a cyber incident or collection of re-
24 lated cyber incidents that the President deter-
25 mines is likely to result in demonstrable harm

1 to the national security interests, foreign rela-
2 tions, or economy of the United States or to the
3 public confidence, civil liberties, or public health
4 and safety of the people of the United States;
5 or

6 “(D) a significant incident declared pursu-
7 ant to section 2233 of the Homeland Security
8 Act of 2002 (6 U.S.C. 677b).”.

9 **SEC. 523. MOBILIZATION OF SELECTED RESERVE FOR**
10 **PREPLANNED MISSIONS IN SUPPORT OF THE**
11 **COMBATANT COMMANDS.**

12 Section 12304b(b)(1) of title 10, United States Code,
13 is amended—

14 (1) by redesignating subparagraphs (A) and
15 (B) as clauses (i) and (ii), respectively;

16 (2) by striking “Units” and inserting “(A) Ex-
17 cept as provided under subparagraph (B), units”;
18 and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(B) In the event the President’s budget is de-
22 livered later than April 1st in the year prior to the
23 year of the mobilization of one or more units under
24 this section, the Secretary concerned may submit to

1 Congress the information required under subpara-
2 graph (A) in a separate notice.”.

3 **SEC. 524. ALTERNATING SELECTION OF OFFICERS OF THE**
4 **NATIONAL GUARD AND THE RESERVES AS**
5 **DEPUTY COMMANDERS OF CERTAIN COM-**
6 **BATANT COMMANDS.**

7 Section 164(e)(4) of title 10, United States Code, is
8 amended—

9 (1) by inserting “(A)” before “At least one dep-
10 uty commander”; and

11 (2) by adding at the end the following new sub-
12 paragraphs:

13 “(B) In carrying out the requirement in subpara-
14 graph (A) pertaining to the selection of an officer of the
15 reserve component, the Secretary of Defense shall alter-
16 nate between selecting an officer of the National Guard
17 and an officer of the Reserves no less frequently than
18 every two terms.

19 “(C) The Secretary of Defense may waive the re-
20 quirement under subparagraph (B) regarding the alter-
21 nating selection of reserve component officers if the Sec-
22 retary of Defense determines that such action is in the
23 national interest.”.

1 **SEC. 525. GRADE OF VICE CHIEF OF THE NATIONAL GUARD**
2 **BUREAU.**

3 Section 10505 of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(c) GRADE AND EXCLUSION FROM GENERAL AND
7 FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Vice
8 Chief of the National Guard Bureau shall be appointed
9 to serve in the grade of general.

10 “(2) The Secretary of Defense shall designate, pursu-
11 ant to subsection (b) of section 526a of this title, the posi-
12 tion of Vice Chief of the National Guard Bureau as one
13 of the general officer and flag officer positions to be ex-
14 cluded from the limitations in subsection (a) of such sec-
15 tion.”.

16 **Subtitle C—General Service**
17 **Authorities and Military Records**

18 **SEC. 531. MODIFICATION OF LIMITATION ON ENLISTMENT**
19 **AND INDUCTION OF PERSONS WHOSE SCORE**
20 **ON THE ARMED FORCES QUALIFICATION**
21 **TEST IS BELOW A PRESCRIBED LEVEL.**

22 Section 520(a) of title 10, United States Code, is
23 amended—

24 (1) by striking “The number of persons” and
25 inserting “(1) The number of persons”;

1 (2) by striking “may not exceed 20 percent”
2 and inserting “may not exceed 4 percent”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(2) Upon the request of the Secretary concerned,
6 the Secretary of Defense may authorize an armed force
7 to increase the limitation specified in paragraph (1) to not
8 exceed 20 percent of the total number of persons originally
9 enlisted or inducted to serve on active duty (other than
10 active duty for training) in such armed forces during such
11 fiscal year. The Secretary of Defense shall notify the Com-
12 mittees on Armed Services of the Senate and the House
13 of Representatives not later than 30 days after using such
14 authority.”.

15 **SEC. 532. NON-MEDICAL COUNSELING SERVICES FOR MILI-**
16 **TARY FAMILIES.**

17 Section 1781 of title 10, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(d) NON-MEDICAL COUNSELING SERVICES.—(1) In
21 carrying out its duties under subsection (b), the Office
22 may coordinate programs and activities to provide non-
23 medical counseling services to military families through
24 the Department of Defense Military and Family Life
25 Counseling Program.

1 “(2) A mental health care professional described in
2 paragraph (3) may provide non-medical counseling serv-
3 ices at any location in a State, the District of Columbia,
4 or a territory or possession of the United States, without
5 regard to where the professional or recipient of such serv-
6 ices is located or delivery of such services is provided (in-
7 cluding face-to-face and telehealth), if the provision of
8 such services is within the scope of the authorized Federal
9 duties of the professional.

10 “(3) A non-medical mental health professional de-
11 scribed in this subsection is a person who is—

12 “(A) a currently licensed mental health care
13 provider who holds a license that is—

14 “(i) issued by a State, the District of Co-
15 lumbia, or a territory or possession of the
16 United States; and

17 “(ii) recognized by the Secretary of De-
18 fense as an appropriate license for the provision
19 of non-medical counseling services;

20 “(B) a member of the armed forces, a civilian
21 employee of the Department of Defense, or a con-
22 tractor designated by the Secretary; and

23 “(C) performing authorized duties for the De-
24 partment of Defense under a program or activity re-
25 ferred to in paragraph (1).

1 “(4) The authority under this subsection shall termi-
2 nate three years after the date of the enactment of this
3 subsection.

4 “(5) In this subsection, the term ‘non-medical coun-
5 seling services’ means mental health care services that are
6 non-clinical, short-term and solution focused, and address
7 topics related to personal growth, development, and posi-
8 tive functioning.”.

9 **SEC. 533. PRIMACY OF NEEDS OF THE SERVICE IN DETER-**
10 **MINING INDIVIDUAL DUTY ASSIGNMENTS.**

11 (a) IN GENERAL.—Chapter 39 of title 10, United
12 States Code, is amended by inserting after section 674 the
13 following new section:

14 **“§ 675. Primacy of needs of the service in deter-**
15 **mining individual duty assignments**

16 “(a) IN GENERAL.—The Secretaries of the military
17 departments shall make duty assignments of individual
18 members based on the needs of the military services.

19 “(b) ASSIGNMENTS BASED ON SERVICE NEEDS.—A
20 servicemember’s opinion on State laws shall not take pre-
21 edence over the needs of the military services in deter-
22 mining individual duty assignments.

23 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed as prohibiting the Secretaries of
25 the military departments from considering the general

1 preferences of members of the armed forces in making de-
2 terminations about individual duty assignments.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 674 the following new
6 item:

“675. Primacy of needs of the service in determining individual duty assign-
ments.”.

7 **SEC. 534. REQUIREMENT TO USE QUALIFICATIONS, PER-**
8 **FORMANCE, AND MERIT AS BASIS FOR PRO-**
9 **MOTIONS, ASSIGNMENTS, AND OTHER PER-**
10 **SONNEL ACTIONS.**

11 The Secretary of Defense shall ensure that all pro-
12 motions, assignments, and other personnel actions of the
13 Armed Forces are based primarily on qualifications, per-
14 formance, and merit.

15 **SEC. 535. REQUIREMENT TO BASE TREATMENT IN THE**
16 **MILITARY ON MERIT AND PERFORMANCE.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) The United States Armed Forces is the
20 greatest civil rights program in the history of the
21 world.

22 (2) Former Chairman of the Joint Chiefs Gen-
23 eral Colin Powell wrote that “the military [has]

1 given African-Americans more equal opportunity
2 than any other institution in American society”.

3 (3) Today’s Armed Forces is the most diverse
4 large public institution in the country, and brings to-
5 gether Americans from every background in the
6 service of defending the country.

7 (4) Military readiness depends on the guarantee
8 of equal opportunity, without the promise of an
9 equal outcome, because warfare is a competitive en-
10 deavor and the nation’s enemies must know that the
11 United States Armed Forces is led by the best,
12 brightest, and bravest Americans.

13 (5) The tenets of critical race theory are anti-
14 thetical to the merit-based, all-volunteer, military
15 that has served the country with great distinction
16 for the last 50 years.

17 (b) DEFINITION OF EQUITY.—For the purposes of
18 any Department of Defense Diversity, Equity, and Inclu-
19 sion directive, program, policy, or instruction, the term
20 “equity” is defined as “the right of all persons to have
21 the opportunity to participate in, and benefit from, pro-
22 grams, and activities for which they are qualified”.

23 (c) PROHIBITIONS.—

24 (1) DIRECTIVES.—The Department of Defense
25 shall not direct or otherwise compel any member of

1 the Armed Forces, military dependent, or civilian
2 employee of the Department of Defense to person-
3 ally affirm, adopt, or adhere to the tenet that any
4 sex, race, ethnicity, religion or national origin is in-
5 herently superior or inferior.

6 (2) TRAINING AND INSTRUCTION.—No organi-
7 zation or institution under the authority of the Sec-
8 retary of Defense may provide courses, training, or
9 any other type of instruction that directs, compels,
10 or otherwise suggests that members of the Armed
11 Forces, military dependents, or civilian employees of
12 the Department of Defense should affirm, adopt, or
13 adhere to the tenet described in paragraph (1).

14 (3) DISTINCTIONS AND CLASSIFICATIONS.—

15 (A) IN GENERAL.—No organization or in-
16 stitution under the authority of the Secretary of
17 Defense shall make a distinction or classifica-
18 tion of members of the Armed Forces, military
19 dependents, or civilian employees of the Depart-
20 ment of Defense based on account of race, eth-
21 nicity, or national origin.

22 (B) RULE OF CONSTRUCTION.—Nothing in
23 this paragraph shall be construed to prohibit
24 the required collection or reporting of demo-

1 graphic information by the Department of De-
2 fense.

3 (d) MERIT REQUIREMENT.—All Department of De-
4 fense personnel actions, including accessions, promotions,
5 assignments and training, shall be based exclusively on in-
6 dividual merit and demonstrated performance.

7 **SEC. 536. TIGER TEAM FOR OUTREACH TO FORMER MEM-**
8 **BERS.**

9 (a) ESTABLISHMENT OF TIGER TEAM.—

10 (1) IN GENERAL.—Not later than 60 days after
11 the date of the enactment of this Act, the Secretary
12 of Defense shall establish a team (commonly known
13 as a “tiger team” and referred to in this section as
14 the “Tiger Team”) responsible for conducting out-
15 reach to build awareness among former members of
16 the Armed Forces of the process established pursu-
17 ant to section 527 of the National Defense Author-
18 ization Act for Fiscal Year 2020 (Public Law 116–
19 92; 10 U.S.C. 1552 note) for the review of discharge
20 characterizations by appropriate discharge boards.
21 The Tiger Team shall consist of appropriate per-
22 sonnel of the Department of Defense assigned to the
23 Tiger Team by the Secretary for purposes of this
24 section.

1 (2) TIGER TEAM LEADER.—One of the persons
2 assigned to the Tiger Team under paragraph (1)
3 shall be a senior-level officer or employee of the De-
4 partment who shall serve as the lead official of the
5 Tiger Team (in this section referred to as the “Tiger
6 Team Leader”) and who shall be accountable for the
7 activities of the Tiger Team under this section.

8 (3) REPORT ON COMPOSITION.—Not later than
9 90 days after the date of the enactment of this Act,
10 the Secretary shall submit to Congress a report set-
11 ting forth the names of the personnel of the Depart-
12 ment assigned to the Tiger Team pursuant to this
13 subsection, including the positions to which assigned.
14 The report shall specify the name of the individual
15 assigned as Tiger Team Leader.

16 (b) DUTIES.—

17 (1) IN GENERAL.—The Tiger Team shall con-
18 duct outreach to build awareness among veterans of
19 the process established pursuant to section 527 of
20 the National Defense Authorization Act for Fiscal
21 Year 2020 for the review of discharge characteriza-
22 tions by appropriate discharge boards.

23 (2) COLLABORATION.—In conducting activities
24 under this subsection, the Tiger Team Leader shall
25 identify appropriate external stakeholders with

1 whom the Tiger Team shall work to carry out such
2 activities. Such stakeholders shall include represent-
3 atives of veterans service organizations and such
4 other stakeholders as the Tiger Team Leader con-
5 siders appropriate.

6 (3) INITIAL REPORT.—Not later than 210 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall submit to Congress the fol-
9 lowing:

10 (A) A plan setting forth the following:

11 (i) A description of the manner in
12 which the Secretary, working through the
13 Tiger Team and in collaboration with ex-
14 ternal stakeholders described in paragraph
15 (2), shall identify individuals who meet the
16 criteria in section 527(b) of the National
17 Defense Authorization Act for Fiscal Year
18 2020 for review of discharge characteriza-
19 tion.

20 (ii) A description of the manner in
21 which the Secretary, working through the
22 Tiger Team and in collaboration with the
23 external stakeholders, shall improve out-
24 reach to individuals who meet the criteria
25 in section 527(b) of the National Defense

1 Authorization Act for Fiscal Year 2020 for
2 review of discharge characterization, in-
3 cluding through—

4 (I) obtaining contact information
5 on such individuals; and

6 (II) contacting such individuals
7 on the process established pursuant to
8 section 527 of the National Defense
9 Authorization Act for Fiscal Year
10 2020 for the review of discharge char-
11 acterizations.

12 (B) A description of the manner in which
13 the work described in clauses (i) and (ii) of sub-
14 paragraph (A) will be carried out, including an
15 allocation of the work among the Tiger Team
16 and the external stakeholders.

17 (C) A schedule for the implementation,
18 carrying out, and completion of the plan re-
19 quired under subparagraph (A).

20 (D) A description of the additional fund-
21 ing, personnel, or other resources of the De-
22 partment required to carry out the plan re-
23 quired under subparagraph (A), including any
24 modification of applicable statutory or adminis-
25 trative authorities.

1 (4) IMPLEMENTATION OF PLAN.—

2 (A) IN GENERAL.—The Secretary shall im-
3 plement and carry out the plan submitted under
4 subparagraph (A) of paragraph (3) in accord-
5 ance with the schedule submitted under sub-
6 paragraph (C) of that paragraph.

7 (B) UPDATES.—Not less frequently than
8 once every 90 days after the submittal of the
9 report under paragraph (3), the Tiger Team
10 shall submit to Congress an update on the car-
11 rying out of the plan submitted under subpara-
12 graph (A) of that paragraph.

13 (5) FINAL REPORT.—Not later than 3 years
14 after the date of the enactment of this Act, the
15 Tiger Team shall submit to the Committees on
16 Armed Services of the Senate and the House of Rep-
17 resentatives a final report on the activities of the
18 Tiger Team under this subsection. The report shall
19 set forth the following:

20 (A) The number of individuals discharged
21 under Don't Ask, Don't Tell or a similar policy
22 prior to the enactment of Don't Ask, Don't
23 Tell.

24 (B) The number of individuals described in
25 subparagraph (A) who availed themselves of a

1 review of discharge characterization (whether
2 through discharge review or correction of mili-
3 tary records) through a process established
4 prior to the enactment of this Act.

5 (C) The number of individuals contacted
6 through outreach conducted pursuant to this
7 section.

8 (D) The number of individuals described in
9 subparagraph (A) who availed themselves of a
10 review of discharge characterization through the
11 process established pursuant to section 527 of
12 the National Defense Authorization Act for Fis-
13 cal Year 2020.

14 (E) The number of individuals described in
15 subparagraph (D) whose review of discharge
16 characterization resulted in a change of charac-
17 terization to honorable discharge.

18 (F) The total number of individuals de-
19 scribed in subparagraph (A), including individ-
20 uals also covered by subparagraph (E), whose
21 review of discharge characterization since Sep-
22 tember 20, 2011 (the date of repeal of Don't
23 Ask, Don't Tell), resulted in a change of char-
24 acterization to honorable discharge.

1 (6) **TERMINATION.**—On the date that is 60
2 days after the date on which the final report re-
3 quired by paragraph (5) is submitted, the Secretary
4 shall terminate the Tiger Team.

5 (c) **ADDITIONAL REPORTS.**—

6 (1) **REVIEW.**—The Secretary of Defense shall
7 conduct a review of the consistency and uniformity
8 of the reviews conducted pursuant to section 527 of
9 the National Defense Authorization Act for Fiscal
10 Year 2020.

11 (2) **REPORTS.**—Not later than 270 days after
12 the date of the enactment of this Act, and each year
13 thereafter for a four-year period, the Secretary shall
14 submit to Congress a report on the reviews under
15 paragraph (1). Such reports shall include any com-
16 ments or recommendations for continued actions.

17 (d) **DON'T ASK, DON'T TELL DEFINED.**—In this sec-
18 tion, the term “Don't Ask, Don't Tell” means section 654
19 of title 10, United States Code, as in effect before such
20 section was repealed pursuant to the Don't Ask, Don't
21 Tell Repeal Act of 2010 (Public Law 111–321).

22 **SEC. 537. DIVERSITY, EQUITY, AND INCLUSION PERSONNEL**
23 **GRADE CAP.**

24 (a) **IN GENERAL.**—The Secretary concerned may not
25 appoint to, or otherwise employ in, any position with sole

1 duties as described in subsection (b) a military or civilian
2 employee paid annual pay at a rate that exceeds the equiv-
3 alent of the rate payable for GS–10, not adjusted for local-
4 ity.

5 (b) COVERED DUTIES.—The duties referred to in
6 subsection (a) are as follows:

7 (1) Developing, refining, and implementing di-
8 versity, equity, and inclusion policy.

9 (2) Leading working groups and councils to de-
10 veloping diversity, equity, and inclusion goals and
11 objectives to measure performance and outcomes.

12 (3) Creating and implementing diversity, equity,
13 and inclusion education, training courses, and work-
14 shops for military and civilian personnel.

15 (c) APPLICABILITY TO CURRENT EMPLOYEES.—Any
16 military or civilian employee appointed to a position with
17 duties described in subsection (b) who is paid annual pay
18 at a rate that exceeds the amount allowed under sub-
19 section (a) shall be reassigned to another position not later
20 than 180 days after the date of the enactment of this Act.

1 **Subtitle D—Military Justice and**
2 **Other Legal Matters**

3 **SEC. 541. ESTABLISHMENT OF STAGGERED TERMS FOR**
4 **MEMBERS OF THE MILITARY JUSTICE RE-**
5 **VIEW PANEL.**

6 (a) APPOINTMENT TO STAGGERED TERMS.—Sub-
7 section (b) of section 946 of title 10, United States Code
8 (article 146 of the Uniform Code of Military Justice), is
9 amended by adding at the end the following new para-
10 graph:

11 “(4) ESTABLISHMENT OF STAGGERED
12 TERMS.—Notwithstanding subsection (e), members
13 of the Panel appointed to serve on the Panel to fill
14 vacancies that exist due to terms of appointment ex-
15 piring during the period beginning on August 1,
16 2030, and ending on August 31, 2030, shall be ap-
17 pointed to terms as follows:

18 “(A) Three members designated by the
19 Secretary of Defense shall serve a term of two
20 years.

21 “(B) Three members designated by the
22 Secretary of Defense shall serve a term of four
23 years.

1 “(C) Three members designated by the
2 Secretary of Defense shall serve a term of six
3 years.

4 “(D) Four members designated by the Sec-
5 retary of Defense shall serve a term of eight
6 years.”.

7 (b) TERM; VACANCIES.—Subsection (e) of such sec-
8 tion is amended to read as follows:

9 “(e) TERM; VACANCIES.—

10 “(1) TERM.—Subject to subsection (b)(4) and
11 paragraphs (2) and (3) of this subsection, each
12 member shall be appointed for a term of eight years,
13 and no member may serve more than one term.

14 “(2) VACANCY.—Any vacancy in the Panel shall
15 be filled in the same manner as the original appoint-
16 ment. A member appointed to fill a vacancy in the
17 Panel that occurs before the expiration of the term
18 of appointment of the predecessor of such member
19 shall be appointed for the remainder of the term of
20 such predecessor.

21 “(3) AVAILABILITY OF REAPPOINTMENT FOR
22 CERTAIN MEMBERS.—Notwithstanding paragraph
23 (1), a member of the Panel may be appointed to a
24 single additional term if—

1 “(A) the appointment of the member is to
2 fill a vacancy described in subsection (b)(4); or

3 “(B) the member was initially appointed
4 to—

5 “(i) a term of four years or less in ac-
6 cordance with subsection (b)(4); or

7 “(ii) fill a vacancy that occurs before
8 the expiration of the term of the prede-
9 cessor of such member and for which the
10 remainder of the term of such predecessor
11 is four years or less.”.

12 **SEC. 542. TECHNICAL AND CONFORMING AMENDMENTS TO**
13 **THE UNIFORM CODE OF MILITARY JUSTICE.**

14 (a) **TECHNICAL AMENDMENT RELATING TO GUILTY**
15 **PLEAS FOR MURDER.**—Section 918 of title 10, United
16 States Code (article 118 of the Uniform Code of Military
17 Justice), is amended—

18 (1) by striking “he” both places it appears and
19 inserting “such person”; and

20 (2) in the matter following paragraph (4), by
21 striking the period and inserting “, unless such per-
22 son is otherwise sentenced in accordance with a plea
23 agreement entered into between the parties under
24 section 853a (article 53a).”.

1 (b) TECHNICAL AMENDMENTS RELATING TO THE
2 MILITARY JUSTICE REFORMS IN THE NATIONAL DE-
3 FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022.—

4 (1) ARTICLE 16.—Subsection (c)(2)(A) of sec-
5 tion 816 of title 10, United States Code (article 16
6 of the Uniform Code of Military Justice), is amend-
7 ed by striking “by the convening authority”.

8 (2) ARTICLE 25.—Section 825 of title 10,
9 United States Code (article 25 of the Uniform Code
10 of Military Justice), is amended—

11 (A) in subsection (d)—

12 (i) in paragraph (1), by striking
13 “may, after the findings are announced
14 and before any matter is presented in the
15 sentencing phase, request, orally on the
16 record or in writing, sentencing by the
17 members” and inserting “shall be sen-
18 tenced by the military judge”; and

19 (ii) by amending paragraph (2) to
20 read as follows:

21 “(2) In a capital case, if the accused is con-
22 victed of an offense for which the court-martial may
23 sentence the accused to death, the accused shall be
24 sentenced in accordance with section 853(c) of this
25 title (article 53(c)).”;

1 (B) in subsection (e)—

2 (i) in paragraph (1), by striking
3 “him” and inserting “the member being
4 tried”; and

5 (ii) in paragraph (2)—

6 (I) in the first sentence, by strik-
7 ing “his opinion” and inserting “the
8 opinion of the convening authority”;
9 and

10 (II) in the second sentence, by
11 striking “he” and inserting “the mem-
12 ber”; and

13 (C) in subsection (f)—

14 (i) by striking “his authority” and in-
15 serting “the authority of the convening au-
16 thority”; and

17 (ii) by striking “his staff judge advo-
18 cate or legal officer” and inserting “the
19 staff judge advocate or legal officer of the
20 convening authority”.

21 (c) AUTHORITY OF SPECIAL TRIAL COUNSEL WITH
22 RESPECT TO CERTAIN OFFENSES OCCURRING BEFORE
23 EFFECTIVE DATE OF MILITARY JUSTICE REFORMS EN-
24 ACTED IN THE NATIONAL DEFENSE AUTHORIZATION ACT
25 FOR FISCAL YEAR 2022.—

1 (1) AUTHORITY.—Section 824a of title 10,
2 United States Code, as added by section 531 of the
3 National Defense Authorization Act for Fiscal Year
4 2022 (Public Law 117–81), is amended by adding at
5 the end the following new subsection:

6 “(d) SPECIAL TRIAL COUNSEL AUTHORITY OVER
7 CERTAIN OTHER OFFENSES.—

8 “(1) OFFENSES OCCURRING BEFORE EFFEC-
9 TIVE DATE.—A special trial counsel may, at the sole
10 and exclusive discretion of the special trial counsel,
11 exercise authority over the following offenses:

12 “(A) An offense under section 917a (arti-
13 cle 117a), 918 (article 118), section 919 (article
14 119), section 920 (article 120), section 920b
15 (article 120b), section 920c (article 120c), sec-
16 tion 928b (article 128b), or the standalone of-
17 fense of child pornography punishable under
18 section 934 (article 134) of this title that oc-
19 curred on or before December 27, 2023.

20 “(B) An offense under section 925 (article
21 125), section 930 (article 130), or section 932
22 (article 132) of this title that occurred on or
23 after January 1, 2019, and before December
24 28, 2023.

1 “(C) An offense under section 920a (arti-
2 cle 120a) of this title, an offense under section
3 925 (article 125) of this title alleging an act of
4 nonconsensual sodomy, or the standalone of-
5 fense of kidnapping punishable under section
6 934 (article 134) of this title that occurred be-
7 fore January 1, 2019.

8 “(D) A conspiracy to commit an offense
9 specified in subparagraph (A), (B), or (C) as
10 punishable under section 881 of this title (arti-
11 cle 81).

12 “(E) A solicitation to commit an offense
13 specified in subparagraph (A), (B), or (C) as
14 punishable under section 882 of this title (arti-
15 cle 82).

16 “(F) An attempt to commit an offense
17 specified in subparagraph (A), (B), (C), (D), or
18 (E) as punishable under section 880 of this title
19 (article 80).

20 “(2) EFFECT OF EXERCISE OF AUTHORITY.—

21 “(A) TREATMENT AS COVERED OF-
22 FENSE.—If a special trial counsel exercises au-
23 thority over an offense pursuant to paragraph
24 (1), the offense over which the special trial

1 counsel exercises authority shall be considered a
2 covered offense for purposes of this chapter.

3 “(B) KNOWN OR RELATED OFFENSES.—If
4 a special trial counsel exercises authority over
5 an offense pursuant to paragraph (1), the spe-
6 cial trial counsel may exercise the authority of
7 the special trial counsel under subparagraph
8 (B) of subsection (c)(2) with respect to other
9 offenses described in that subparagraph without
10 regard to the date on which the other offenses
11 occur.”.

12 (2) CONFORMING AMENDMENT TO EFFECTIVE
13 DATE.—Section 539C(a) of the National Defense
14 Authorization Act for Fiscal Year 2022 (10 U.S.C.
15 801 note; Public Law 117–81) is amended by strik-
16 ing “and shall” and inserting “and, except as pro-
17 vided in section 824a(d) of title 10, United States
18 Code (article 24a of the Uniform Code of Military
19 Justice), shall”.

20 (d) CLARIFICATION OF APPLICABILITY OF DOMESTIC
21 VIOLENCE AND STALKING TO DATING PARTNERS.—

22 (1) ARTICLE 128B; DOMESTIC VIOLENCE.—Sec-
23 tion 928b of title 10, United States Code (article
24 128b of the Uniform Code of Military Justice), is
25 amended—

1 (A) in the matter preceding paragraph (1),
2 by striking “Any person” and inserting “(A) IN
3 GENERAL.—Any person”;

4 (B) in subsection (a), as designated by
5 paragraph (1) of this section, by inserting “a
6 dating partner,” after “an intimate partner,”
7 each place it appears; and

8 (C) by adding at the end the following new
9 subsection:

10 “(b) DEFINITIONS.—In this section (article), the
11 terms ‘dating partner’, ‘immediate family’, and ‘intimate
12 partner’ have the meaning given such terms in section 930
13 of this title (article 130 of the Uniform Code of Military
14 Justice).”.

15 (2) ARTICLE 130; STALKING.—Section 930 of
16 such title (article 130 of the Uniform Code of Mili-
17 tary Justice) is amended—

18 (A) in subsection (a), by striking “or to his
19 or her intimate partner” each place it appears
20 and inserting “to his or her intimate partner,
21 or to his or her dating partner”; and

22 (B) in subsection (b)—

23 (i) by redesignating paragraphs (3)
24 through (5) as paragraphs (4) through (6),
25 respectively; and

1 (ii) by inserting after paragraph (2)
2 the following new paragraph:

3 “(3) The term ‘dating partner’, in the case of
4 a specific person, means a person who is or has been
5 in a social relationship of a romantic or intimate na-
6 ture with such specific person based on a consider-
7 ation of—

8 “(A) the length of the relationship;

9 “(B) the type of relationship;

10 “(C) the frequency of interaction between
11 the persons involved in the relationship; and

12 “(D) the extent of physical intimacy or
13 sexual contact between the persons involved in
14 the relationship.”.

15 (e) EFFECTIVE DATE.—The amendments made by
16 subsection (b) and subsection (c)(1) shall take effect im-
17 mediately after the coming into effect of the amendments
18 made by part 1 of subtitle D of title V of the National
19 Defense Authorization Act for Fiscal Year 2022 (Public
20 Law 117–81) as provided in section 539C of that Act (10
21 U.S.C. 801 note).

1 **Subtitle E—Member Education,**
2 **Training, Transition**

3 **SEC. 551. FUTURE SERVICEMEMBER PREPARATORY**
4 **COURSE.**

5 (a) **REQUIREMENT.**—If the number of nonprior serv-
6 ice enlisted personnel covered under section 520 of title
7 10, United States Code, exceeds 10 percent of the total
8 number of persons originally enlisted in an Armed Force
9 during a fiscal year, the Secretary concerned shall estab-
10 lish a future servicemember preparatory course within the
11 Armed Force concerned.

12 (b) **PURPOSE.**—The course established under sub-
13 section (a) shall be designed to improve the physical and
14 aptitude qualifications of military recruits.

15 (c) **CRITERIA.**—Each course established under this
16 section shall comply with the following requirements:

17 (1) **ENROLLMENT.**—All nonprior service en-
18 listed persons whose score on the Armed Forces
19 Qualification Test is at or above the twentieth per-
20 centile and below the thirty-first percentile must be
21 enrolled in the course prior to attending initial basic
22 training.

23 (2) **GRADUATION REQUIREMENT.**—Prior to at-
24 tending initial basic training, all enlisted persons at-
25 tending the course established under this section

1 must achieve a score that exceeds the thirty-first
2 percentile of the Armed Forces Qualification Test.

3 (3) EFFECT OF COURSE FAILURE.—Any en-
4 listed person who fails to achieve course graduation
5 requirements within 180 days of enlistment shall be
6 separated under regulations prescribed by the Sec-
7 retary concerned.

8 **SEC. 552. DETERMINATION OF ACTIVE DUTY SERVICE COM-**
9 **MITMENT FOR RECIPIENTS OF FELLOW-**
10 **SHIPS, GRANTS, AND SCHOLARSHIPS.**

11 Section 2603(b) of title 10, United States Code, is
12 amended by striking “at least three times the length of
13 the period of the education or training.” and inserting
14 “determined by the Secretary concerned. Notwithstanding
15 sections 2004(c), 2004a(f), and 2004b(e) of this title, the
16 service obligation required under this subsection may run
17 concurrently with any service obligations incurred under
18 chapter 101 of this title in accordance with regulations
19 established by the Secretary concerned.”.

20 **SEC. 553. MILITARY SERVICE ACADEMY PROFESSIONAL**
21 **SPORTS PATHWAY REPORT AND LEGISLA-**
22 **TIVE PROPOSAL REQUIRED.**

23 (a) LEGISLATIVE PROPOSAL.—Not later than March
24 1, 2024, the Secretary of Defense shall submit to the
25 Committees on Armed Services of the Senate and the

1 House of Representatives a report including the following
2 elements:

3 (1) A legislative proposal that would—

4 (A) update and clarify the legislative
5 framework related to the ability of military
6 service academy graduates to pursue employ-
7 ment as a professional athlete prior to serving
8 at least 5 years on active duty; and

9 (B) retain the existing requirement that all
10 military service academy graduates must serve
11 for 2 years on active duty before affiliating with
12 the reserves to pursue employment as a profes-
13 sional athlete.

14 (2) A description of amendments to current law
15 that would be necessary to implement the legislative
16 proposal described under paragraph (1).

17 (b) REPORT REQUIRED.—Not later than March 1,
18 2024, and annually thereafter, the Secretary of Defense
19 shall provide to the Committees on Armed Services of the
20 Senate and the House of Representatives a report that
21 includes the following information:

22 (1) The name, military service, and sport of
23 each military service graduate released or deferred
24 from active service in order to participate in profes-
25 sional sports.

1 (2) A description of the sports career progress
2 of each participant, such as drafted, signed, re-
3 leased, or returned to military service.

4 (3) A summary by participant of marketing
5 strategy and recruiting related activities conducted.

6 (4) A description by participant of the assess-
7 ments conducted by the military services to deter-
8 mine the recruiting value associated with approved
9 releases from active duty.

10 (5) The current status of each participant, in-
11 cluding, as appropriate, affiliated franchise.

12 **SEC. 554. COMMUNITY COLLEGE ENLISTED TRAINING**
13 **CORPS DEMONSTRATION PROGRAM.**

14 (a) DEMONSTRATION PROGRAM.—

15 (1) IN GENERAL.—Not later than August 1,
16 2025, the Secretary concerned shall establish within
17 each military department an Enlisted Training
18 Corps demonstration program for the purpose of in-
19 troducing students to the military, and preparing se-
20 lected students for enlisted service in the Army,
21 Navy, Air Force, Marine Corps, or Space Force.

22 (2) LOCATION.—Demonstration programs es-
23 tablished under this section shall be located at a
24 community or junior college. No program may be es-
25 tablished at a military college or military junior col-

1 lege as defined for purposes of section 2107a of title
2 10, United States Code.

3 (b) ELIGIBILITY FOR MEMBERSHIP.—To be eligible
4 for membership in a program under this section, a person
5 must be a student at an institution where a unit of the
6 Enlisted Training Corps is located.

7 (c) INSTRUCTORS.—The Secretary concerned may as-
8 sign as an instructor for a unit established under this sec-
9 tion an individual eligible to serve as an instructor under
10 section 2111 or section 2031 of title 10, United States
11 Code. Instructors who are not currently members on active
12 duty shall be paid in a manner consistent with section
13 2031 of title 10, United States Code.

14 (d) FINANCIAL ASSISTANCE.—The Secretary of the
15 military department concerned may provide financial as-
16 sistance to persons enrolled in a unit of the Enlisted
17 Training Corps in exchange for an agreement in writing
18 that the person enlist in the active component of the mili-
19 tary department concerned upon graduation or
20 disenrollment from the community college. Financial as-
21 sistance provided under this subsection may include tui-
22 tion, living expenses, stipend, or other payment.

23 (e) CURRICULUM.—The Secretary concerned shall
24 ensure that any programs created under this section in-
25 clude as part of the curriculum the following:

1 (1) An introduction to the benefits of military
2 service.

3 (2) Military history.

4 (3) Military customs and courtesies.

5 (4) Physical fitness requirements.

6 (5) Instruction on ethical behavior and decision-
7 making.

8 (f) REPORTING REQUIREMENT.—Not later than one
9 year after the date of the enactment of this Act, and annu-
10 ally thereafter until the date specified by subsection (g),
11 the Secretary of Defense shall submit to the Committees
12 on Armed Services of the Senate and the House of Rep-
13 resentatives a report on the status of the demonstration
14 program required by this section.

15 (g) SUNSET.—The requirements of this provision
16 shall sunset on September 30, 2030.

17 **SEC. 555. LANGUAGE TRAINING CENTERS FOR MEMBERS**
18 **OF THE ARMED FORCES AND CIVILIAN EM-**
19 **PLOYEES OF THE DEPARTMENT OF DEFENSE.**

20 Section 529 of the National Defense Authorization
21 Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C.
22 2001 note prec.) is amended—

23 (1) in subsection (a), by striking “may carry
24 out a program” and inserting “shall carry out a pro-
25 gram”;

1 (2) by redesignating subsection (e) as sub-
2 section (f);

3 (3) by inserting after subsection (d) the fol-
4 lowing new subsection:

5 “(e) CONTRACT AUTHORITY.—The Secretary of De-
6 fense may enter into one or more contracts, cooperative
7 agreements, or grants with private national organizations
8 having an expertise in foreign languages, area studies, and
9 other international fields, for the awarding of grants to
10 accredited universities, senior military colleges, or other
11 similar institutions of higher education to establish and
12 maintain language training centers authorized by sub-
13 section (a).”; and

14 (4) in subsection (f), as redesignated by para-
15 graph (2)—

16 (A) by striking “one year after the date of
17 the establishment of the program authorized by
18 subsection (a)” and inserting “180 days after
19 the date of the enactment of the National De-
20 fense Authorization Act for Fiscal Year 2024”;

21 (B) by striking “report on the program”
22 and inserting “report on the Language Train-
23 ing Center program”;

24 (C) by redesignating paragraph (4) as
25 paragraph (5);

1 (D) by inserting after paragraph (3) the
2 following new paragraph:

3 “(4) An assessment of the resources required to
4 carry out the Language Training Center program by
5 year through fiscal year 2027.”; and

6 (E) in paragraph (5), as redesignated by
7 subparagraph (C), by striking “A recommenda-
8 tion whether the program should be continued
9 and, if so, recommendations as to any modifica-
10 tions of the program” and inserting “Rec-
11 ommendations as to any modifications to the
12 Language Training Center program”.

13 **SEC. 556. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
14 **LOCATION OF ARMY CID SPECIAL AGENT**
15 **TRAINING COURSE.**

16 (a) LIMITATION.—None of the funds authorized to
17 be appropriated by this Act for fiscal year 2024 for the
18 Army to relocate an Army CID special agent training
19 course may be obligated or expended until—

20 (1) the Secretary of the Army submits to the
21 Committees on Armed Services of the Senate and
22 the House of Representatives a separate report on
23 any plans of the Secretary to relocate an Army CID
24 special agent training course, including an expla-

1 nation of the business case for any transfer of train-
2 ing personnel proposed as part of such plan; and

3 (2) the Secretary provides to the Committees on
4 Armed Services of the Senate and the House of Rep-
5 resentatives a briefing on the contents of the report
6 specified in paragraph (1).

7 (b) DEFINITIONS.—In this section:

8 (1) The term “relocate”, when used with re-
9 spect to an Army CID special agent training course,
10 means the transfer of such course to a location dif-
11 ferent than the location used for such course as of
12 the date of the enactment of this Act.

13 (2) The term “Army CID special agent training
14 course” means a training course provided to mem-
15 bers of the Army to prepare such members for serv-
16 ice as special agents in the Army Criminal Investiga-
17 tion Division.

18 **SEC. 557. ARMY PHYSICAL FITNESS TEST.**

19 (a) IN GENERAL.—The physical fitness test of record
20 for the United States Army in compliance with Depart-
21 ment of Defense Instruction 1308.03, or any successor
22 regulation, is the Army Physical Fitness Test according
23 to the grading and evaluation scale as it existed on Janu-
24 ary 1, 2020. This test shall be the baseline test of physical
25 fitness for members of the Army and administered at least

1 annually, except when operational requirements or contin-
2 gency operations would make such test administration im-
3 practicable.

4 (b) UPDATES AND MODIFICATIONS.—Notwith-
5 standing subsection (a), the Army may update, replace,
6 or modify the events and scoring standards in the Army
7 Physical Fitness Test as the needs of the Army require
8 after a robust pilot and testing period of at least 24
9 months. Such modifications shall not take effect until the
10 date that is one year after the Secretary of the Army has
11 provided a briefing on the planned changes to the Commit-
12 tees on Armed Services of the Senate and the House of
13 Representatives.

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion prohibits the Army from using the Army Combat Fit-
16 ness Test, or any other physical assessment the Army may
17 develop, as a supplemental tool to assess physical fitness
18 for all or parts of the force. Army Commanders may also
19 require higher standards than the Army-wide grading
20 scale for promotions, awards, schools and similar actions.
21 Such supplemental assessment shall not constitute the
22 baseline physical fitness assessment of record for the
23 Army unless it is incorporated into the Army Physical Fit-
24 ness Test using the procedure described in subsection (b).

1 **SEC. 558. OPT-OUT SHARING OF INFORMATION ON MEM-**
2 **BERS RETIRING OR SEPARATING FROM THE**
3 **ARMED FORCES WITH COMMUNITY-BASED**
4 **ORGANIZATIONS AND RELATED ENTITIES.**

5 Section 570F of the National Defense Authorization
6 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
7 1142 note) is amended—

8 (1) in subsection (c)—

9 (A) by striking “out the form to indicate
10 an email address” and inserting the following:

11 “out the form to indicate—

12 “(1) an email address; and”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(2) if the individual would like to opt-out of
16 the transmittal of the individual’s information to
17 and through a State veterans agency as described in
18 subsection (a).”; and

19 (2) by amending subsection (d) to read as fol-
20 lows:

21 “(d) OPT-OUT OF INFORMATION SHARING.—Infor-
22 mation on an individual shall be transmitted to and
23 through a State veterans agency as described in subsection
24 (a) unless the individual indicates pursuant to subsection
25 (c)(2) that the individual would like to opt out of such
26 transmittal.”.

1 **SEC. 559. ESTABLISHMENT OF PROGRAM TO PROMOTE**
2 **PARTICIPATION OF FOREIGN STUDENTS IN**
3 **THE SENIOR RESERVE OFFICERS' TRAINING**
4 **CORPS.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—Not later than January 1,
7 2025, the Secretary of Defense shall establish a pro-
8 gram using the authority provided under section
9 2103(b) of title 10, United States Code, to promote
10 the participation of foreign students in the Senior
11 Reserve Officers' Training Corps (in this section re-
12 ferred to as the “Program”).

13 (2) ORGANIZATION.—The Secretary of Defense,
14 in consultation with the Director of the Defense Se-
15 curity Cooperation Agency, the Secretaries of the
16 military departments, the commanders of the com-
17 batant commands, the participant institutions in the
18 Senior Reserve Officers' Training Corps program,
19 and any other individual the Secretary of Defense
20 considers appropriate, shall be responsible for, and
21 shall oversee, the Program.

22 (b) OBJECTIVE.—The objective of the Program is to
23 promote the readiness and interoperability of the United
24 States Armed Forces and the military forces of partner
25 countries by providing a high-quality, cost effective mili-
26 tary-based educational experience for foreign students in

1 furtherance of the military-to-military program objectives
2 of the Department of Defense and to enhance the edu-
3 cational experience and preparation of future United
4 States military leaders through increased, extended inter-
5 action with highly qualified potential foreign military lead-
6 ers.

7 (c) ACTIVITIES.—

8 (1) IN GENERAL.—Under the Program, the
9 Secretary of Defense shall—

10 (A) identify to the military services' Senior
11 Reserve Officers' Training Corps program the
12 foreign students who, based on criteria estab-
13 lished by the Secretary, the Secretary rec-
14ommends be considered for admission under the
15 Program;

16 (B) coordinate with partner countries to
17 evaluate interest in and promote awareness of
18 the Program;

19 (C) establish a mechanism for tracking an
20 alumni network of foreign students who partici-
21 pate in the Program; and

22 (D) to the extent practicable, work with
23 the participant institutions in the Senior Re-
24 serve Officers' Training Corps program and

1 partner countries to identify academic institu-
2 tions and programs that—

3 (i) have specialized academic pro-
4 grams in areas of study of interest to par-
5 ticipating countries; or

6 (ii) have high participation from or
7 significant diaspora populations from par-
8 ticipating countries.

9 (d) STRATEGY.—

10 (1) IN GENERAL.—Not later than September
11 30, 2024, the Secretary of Defense shall submit to
12 the Committee on Armed Services of the Senate and
13 the Committee on Armed Services of the House of
14 Representatives a strategy for the implementation of
15 the Program.

16 (2) ELEMENTS.—The strategy required by
17 paragraph (1) shall include the following elements:

18 (A) A governance structure for the Pro-
19 gram, including—

20 (i) the officials tasked to oversee the
21 Program;

22 (ii) the format of the governing body
23 of the Program;

1 (iii) the functions and duties of such
2 governing body with respect to establishing
3 and maintaining the Program; and

4 (iv) mechanisms for coordinating with
5 partner countries whose students are se-
6 lected to participate in the Program.

7 (B) A list of additional authorities, appro-
8 priations, or other congressional support nec-
9 essary to ensure the success of the Program.

10 (C) A description of targeted partner coun-
11 tries and participant institutions in the Senior
12 Reserve Officers' Training Corps for the first
13 three fiscal years of the Program, including a
14 rationale for selecting such initial partners.

15 (D) A description of opportunities and po-
16 tential timelines for future Program expansion,
17 as appropriate.

18 (E) A description of the mechanism for
19 tracking the alumni network of participants of
20 the Program.

21 (F) Any other information the Secretary of
22 Defense considers appropriate.

23 (e) REPORT.—

24 (1) IN GENERAL.—Not later than September
25 20, 2025, and annually thereafter, the Secretary of

1 Defense shall submit to the congressional defense
2 committees (as defined in section 101 of title 10,
3 United States Code) a report on the Program.

4 (2) ELEMENTS.—Each report required by para-
5 graph (1) shall include the following elements:

6 (A) A narrative summary of activities con-
7 ducted as part of the Program during the pre-
8 ceding fiscal year.

9 (B) An overview of participant Senior Re-
10 serve Officers' Training Corps programs, indi-
11 viduals, and countries, to include a description
12 of the areas of study entered into by the stu-
13 dents participating in the Program.

14 (C) A description of opportunities and po-
15 tential timelines for future Program expansion,
16 as appropriate.

17 (D) Any other information the Secretary of
18 Defense considers appropriate.

19 (f) LIMITATION ON AUTHORITY.—The Secretary of
20 Defense may not use the authority provided under this
21 section to pay for tuition or room and board for foreign
22 students who participate in the Program.

23 (g) TERMINATION.—The Program shall terminate on
24 December 31, 2029.

1 **SEC. 560. CONSIDERATION OF STANDARDIZED TEST**
2 **SCORES IN MILITARY SERVICE ACADEMY AP-**
3 **PLICATION PROCESS.**

4 The Secretary of Defense shall ensure that the
5 United States Military Academy, the United States Naval
6 Academy, and the United States Air Force Academy re-
7 quire the submission and consideration of standardized
8 test scores as part of the their application processes.

9 **Subtitle F—Military Family Readi-**
10 **ness and Dependents' Education**

11 **SEC. 561. PILOT PROGRAM ON RECRUITMENT AND RETEN-**
12 **TION OF EMPLOYEES FOR CHILD DEVELOP-**
13 **MENT PROGRAMS.**

14 (a) IN GENERAL.—The Secretary of Defense may de-
15 velop and implement a pilot program to assess the effec-
16 tiveness of increasing compensation for employees of child
17 development programs on military installations in improv-
18 ing the ability of such programs to recruit and retain such
19 employees.

20 (b) COMPENSATION.—If the Secretary implements
21 the pilot program authorized by subsection (a), the Sec-
22 retary shall provide for the payment of compensation to
23 employees of child development programs under the pilot
24 program at a fair and competitive wage in keeping with
25 market conditions.

26 (c) SELECTION OF LOCATIONS.—

1 (1) IN GENERAL.—If the Secretary implements
2 the pilot program authorized by subsection (a), the
3 Secretary shall select not fewer than five military in-
4 stallations for purposes of carrying out the pilot pro-
5 gram.

6 (2) CONSIDERATIONS.—In selecting military in-
7 stallations under paragraph (1), the Secretary shall
8 consider military installations with child development
9 programs—

10 (A) with a shortage of qualified employees;

11 or

12 (B) subject to other conditions identified
13 by the Secretary that affect the ability of the
14 programs to operate at full capacity.

15 (d) REGULATIONS.—The Secretary may prescribe
16 such regulations as are necessary to carry out this section.

17 (e) DURATION OF PILOT PROGRAM.—If the Sec-
18 retary implements the pilot program authorized by sub-
19 section (a), the pilot program shall—

20 (1) commence on the date on which the Sec-
21 retary prescribes regulations under subsection (d);
22 and

23 (2) terminate on the date that is 3 years after
24 the date described in paragraph (1).

25 (f) BRIEFINGS REQUIRED.—

1 (1) INITIAL BRIEFING.—If the Secretary imple-
2 ments the pilot program authorized by subsection
3 (a), the Secretary shall, when the pilot program
4 commences in accordance with subsection (e)(1),
5 brief the Committees on Armed Services of the Sen-
6 ate and the House of Representatives on—

7 (A) the military installations selected
8 under subsection (c) for purposes of carrying
9 out the pilot program; and

10 (B) the data that informed those selec-
11 tions.

12 (2) FINAL BRIEFING.—If the Secretary imple-
13 ments the pilot program authorized by subsection
14 (a), the Secretary shall, not later than 180 days be-
15 fore the pilot program terminates in accordance with
16 subsection (e)(2), brief the Committees on Armed
17 Services of the Senate and the House of Representa-
18 tives on the outcomes and findings of the pilot pro-
19 gram, including—

20 (A) data collected and analyses conducted
21 under the pilot program with respect to the re-
22 lationship between increased compensation for
23 employees of child development programs and
24 improved recruitment or retention of those em-
25 ployees; and

1 (B) any recommendations with respect to
2 increases in compensation for employees of
3 child development programs across the Depart-
4 ment of Defense as a result of the pilot pro-
5 gram.

6 (g) CHILD DEVELOPMENT PROGRAM DEFINED.—In
7 this section, the term “child development program” means
8 a program to provide child care services for children, be-
9 tween birth through 12 years of age, of members of the
10 Armed Forces and civilian employees of the Department
11 of Defense.

12 **SEC. 562. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL**
13 **AGENCIES THAT BENEFIT DEPENDENTS OF**
14 **MILITARY AND CIVILIAN PERSONNEL.**

15 (a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL
16 EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS
17 OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT
18 OF DEFENSE CIVILIAN EMPLOYEES.—

19 (1) ASSISTANCE TO SCHOOLS WITH SIGNIFI-
20 CANT NUMBERS OF MILITARY DEPENDENT STU-
21 DENTS.—Of the amount authorized to be appro-
22 priated for fiscal year 2024 by section 301 and
23 available for operation and maintenance for Defense-
24 wide activities as specified in the funding table in
25 section 4301, \$50,000,000 shall be available only for

1 the purpose of providing assistance to local edu-
2 cational agencies under subsection (a) of section 572
3 of the National Defense Authorization Act for Fiscal
4 Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

5 (2) LOCAL EDUCATIONAL AGENCY DEFINED.—

6 In this subsection, the term “local educational agen-
7 cy” has the meaning given that term in section
8 7013(9) of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 7713(9)).

10 (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-
11 ABILITIES.—

12 (1) IN GENERAL.—Of the amount authorized to
13 be appropriated for fiscal year 2024 pursuant to sec-
14 tion 301 and available for operation and mainte-
15 nance for Defense-wide activities as specified in the
16 funding table in section 4301, \$10,000,000 shall be
17 available for payments under section 363 of the
18 Floyd D. Spence National Defense Authorization
19 Act for Fiscal Year 2001 (as enacted into law by
20 Public Law 106–398; 114 Stat. 1654A–77; 20
21 U.S.C. 7703a).

22 (2) ADDITIONAL AMOUNT.—Of the amount au-
23 thorized to be appropriated for fiscal year 2024 pur-
24 suant to section 301 and available for operation and
25 maintenance for Defense-wide activities as specified

1 in the funding table in section 4301, \$20,000,000
2 shall be available for use by the Secretary of Defense
3 to make payments to local educational agencies de-
4 termined by the Secretary to have higher concentra-
5 tions of military children with severe disabilities.

6 (3) REPORT.—Not later than March 31, 2024,
7 the Secretary shall brief the Committees on Armed
8 Services of the Senate and the House of Representa-
9 tives on the Department’s evaluation of each local
10 educational agency with higher concentrations of
11 military children with severe disabilities and subse-
12 quent determination of the amounts of impact aid
13 each such agency shall receive.

14 **SEC. 563. MODIFICATIONS TO ASSISTANCE TO LOCAL EDU-**
15 **CATIONAL AGENCIES THAT BENEFIT DE-**
16 **PENDENTS OF MEMBERS OF THE ARMED**
17 **FORCES WITH ENROLLMENT CHANGES DUE**
18 **TO BASE CLOSURES, FORCE STRUCTURE**
19 **CHANGES, OR FORCE RELOCATIONS.**

20 (a) IN GENERAL.—Section 575 of the James M.
21 Inhofe National Defense Authorization Act for Fiscal Year
22 2023 (20 U.S.C. 7703d) is amended—

23 (1) in subsection (a)—

24 (A) by striking “year, the local educational
25 agency” and all that follows through “(as deter-

1 mined” and inserting “year, the local edu-
2 cational agency had (as determined”;

3 (B) by striking paragraph (2);

4 (C) by redesignating subparagraphs (A)
5 and (B) as paragraphs (1) and (2), respectively,
6 and by moving such paragraphs, as so redesign-
7 ated, two ems to the left; and

8 (D) in paragraph (2), as redesignated by
9 subparagraph (C), by striking “; or” and insert-
10 ing a period;

11 (2) in subsection (f)—

12 (A) by striking “The Secretary of De-
13 fense” and inserting the following:

14 “(1) IN GENERAL.—The Secretary of Defense,
15 acting through the Director of the Office of Local
16 Defense Community Cooperation,”; and

17 (B) by adding at the end the following:

18 “(2) METHOD OF DISBURSEMENT.—The Direc-
19 tor shall make disbursements under paragraph (1)
20 using existing authorities of the Office.”;

21 (3) by striking subsection (h); and

22 (4) by redesignating subsections (i) and (j) as
23 subsections (h) and (i), respectively.

24 (b) BRIEFING REQUIRED.—Not later than March 1,
25 2024, the Director of the Office of Local Defense Commu-

1 nity Cooperation shall brief the Committees of the Armed
2 Services of the Senate and the House of Representatives
3 on—

4 (1) any additional authorities that would be
5 helpful to the Office in its efforts to better support
6 local educational agencies; and

7 (2) any actions taken to implement the rec-
8 ommendations outlined in the March 2008 report
9 entitled “Update to the Report on Assistance to
10 Local Educational Agencies for Defense Dependents
11 Education” and required by section 574(c) of the
12 John Warner National Defense Authorization Act
13 for Fiscal Year 2007 (Public Law 109–364; 120
14 Stat. 2227) (as in effect on the date of the enact-
15 ment of that Act).

16 **SEC. 564. ASSISTANCE FOR MILITARY SPOUSES TO OBTAIN**
17 **DOULA CERTIFICATIONS.**

18 Section 1784a of title 10, United States Code, is
19 amended by adding at the end the following new sub-
20 section:

21 “(f) DOULA CERTIFICATIONS.—In carrying out the
22 programs authorized by subsection (a), the Secretary shall
23 provide assistance to the spouse of a member of the armed
24 forces described in subsection (b) in obtaining a doula cer-
25 tification provided by an organization that receives reim-

1 bursement under the extramedical maternal health pro-
2 videns demonstration project required by section 746 of
3 the William M. (Mac) Thornberry National Defense Au-
4 thorization Act for Fiscal Year 2021 (Public Law 116-
5 283; 10 U.S.C. 1073 note).”.

6 **Subtitle G—Junior Reserve**
7 **Officers’ Training Corps**

8 **SEC. 571. EXPANSION OF JUNIOR RESERVE OFFICERS’**
9 **TRAINING CORPS.**

10 Section 2031 of title 10, United States Code, is
11 amended—

12 (1) in subsection (a)(1)—

13 (A) by striking “The President shall pro-
14 mulgate” and inserting “The Secretary of De-
15 fense shall promulgate”; and

16 (B) by striking “maintained, and shall pro-
17 vide” and all that follows through the period at
18 the end and inserting “maintained.”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(g)(1) The Secretary of Defense shall establish and
22 support not less than 3,400, and not more than 4,000,
23 units of the Junior Reserve Officers’ Training Corps.

24 “(2) The requirement under paragraph (1) shall not
25 apply—

1 “(A) if the Secretary fails to receive an ade-
2 quate number of requests for Junior Reserve Offi-
3 cer’s Training Corps units by public and private sec-
4 ondary educational institutions; and

5 “(B) during a time of national emergency when
6 the Secretaries of the military departments deter-
7 mine that funding must be allocated elsewhere.”.

8 **SEC. 572. JROTC PROGRAM CERTIFICATION.**

9 Section 2031 of title 10, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(i)(1) The Secretary of Defense may suspend or
13 place on probation a Junior Reserve Officers’ Training
14 Corps unit that fails to comply with provisions of the
15 standardized memorandum of understanding required
16 pursuant to subsection (b).

17 “(2) Not later than one year after the date of the
18 enactment of this subsection, and annually thereafter for
19 four years, the Secretary of Defense shall submit to the
20 Committee on Armed Services of the Senate and the Com-
21 mittee on Armed Services of the House of Representatives
22 a report including information on units suspended or
23 placed on probation pursuant to this subsection and a jus-
24 tification for the reinstatement of any such unit.

1 “(3) A unit may be placed on probation for a period
2 of up to three years for failing to comply with the provi-
3 sions of the standardized memorandum of understanding
4 or any other requirement in this section. A unit may be
5 suspended if, after the three-year probationary period,
6 such unit remains out of compliance with the requirements
7 of this section, and the Secretary of the military depart-
8 ment concerned determines that such suspension is nec-
9 essary to mitigate program deficiencies or to protect the
10 safety of program participants.”.

11 **SEC. 573. MEMORANDUM OF UNDERSTANDING REQUIRED.**

12 Section 2031(b) of title 10, United States Code, is
13 amended—

14 (1) by redesignating paragraphs (1) through
15 (5) as subparagraphs (A) through (E);

16 (2) by inserting “(1)” after “(b)”;

17 (3) in subparagraph (A), as redesignated by
18 paragraph (1)—

19 (A) by striking “(A)” and inserting “(i)”;

20 and

21 (B) by striking “(B)” and inserting “(ii)”;

22 (4) by amending subparagraph (E), as so redesi-
23 gnated, to read as follows: “the unit meets such
24 other requirements as the Secretary of the military
25 department concerned proscribes in the memo-

1 random of understanding required under this sub-
2 section.”; and

3 (5) by adding at the end the following new
4 paragraph:

5 “(2) The Secretary of Defense shall issue regulations
6 establishing a standardized memorandum of under-
7 standing to be signed by the Secretary of the military de-
8 partment concerned and each institution operating a unit
9 under this section. The memorandum shall address the fol-
10 lowing matters:

11 “(A) A requirement for institutions to notify
12 the appropriate armed force of allegations of mis-
13 conduct against an instructor receiving retired or
14 other pay from such armed force, including proce-
15 dures that would require such institutions to report
16 allegations of sexual misconduct, including harass-
17 ment, against an instructor, within 48 hours of
18 learning of such allegations;

19 “(B) Processes by which the military depart-
20 ments certify instructors, including the conduct of
21 appropriate background checks by the military serv-
22 ice and the institution concerned.

23 “(C) Processes by which the military service
24 will conduct oversight of their certified instructors,

1 including the requirement to recertify instructors not
2 less often than once every five years.

3 “(D) Processes by which such institution’s pro-
4 gram will be inspected by the military department
5 concerned prior to establishment of a new unit, or
6 not less often than once every four years in the case
7 of units existing as of January 1, 2024, staggered
8 as the Secretary determines appropriate.

9 “(E) A requirement that each institution cer-
10 tifies it—

11 “(i) has created a process for students to
12 report violations of their rights under title IX
13 of the Education Amendments of 1972 (20
14 U.S.C. 1681 et seq.), as applicable, and title VI
15 of the Civil Rights Act of 1964 (42 U.S.C.
16 2000d et seq.), including the rights of students
17 to not be subject to discrimination or subject to
18 retaliation for reporting a violation of those
19 laws, if such laws apply to the institution;

20 “(ii) has implemented policies ensuring
21 students and instructors are notified of those
22 rights, as well as the process for reporting vio-
23 lations of those rights, including information on
24 available mandatory reporters, if such laws
25 apply to the institution;

1 “(iii) has implemented annual training to
2 inform students of methods to prevent, respond
3 to, and report sexual assault and harassment;

4 “(iv) agrees to report all allegations of vio-
5 lations described under this subparagraph to
6 the military department concerned and, if sub-
7 ject to the jurisdiction of the Department of
8 Education, the Department of Education’s Of-
9 fice of Civil Rights not less often than annually;

10 “(v) has developed processes to ensure that
11 each student enrolled in a unit under this sec-
12 tion has done so voluntarily; and

13 “(vi) agrees to provide the data necessary
14 to compile the report required under subsection
15 (j).”.

16 **SEC. 574. JUNIOR RESERVE OFFICERS’ TRAINING CORPS**
17 **INSTRUCTOR COMPENSATION.**

18 Section 2031 of title 10, United States Code, is
19 amended—

20 (1) by amending subsection (d) to read as fol-
21 lows:

22 “(d)(1) Instead of, or in addition to, detailing officers
23 and noncommissioned officers on active duty under sub-
24 section (c)(1), the Secretary of the military department

1 concerned may authorize qualified institutions to employ,
2 as administrators and instructors in the program—

3 “(A) retired officers and noncommissioned offi-
4 cers whose qualifications are approved by the Sec-
5 retary and the institution concerned and who re-
6 quest such employment;

7 “(B) officers and noncommissioned officers who
8 are separated with an honorable discharge within the
9 past 5 years with at least 8 years of service and are
10 approved by the Secretary and the institution con-
11 cerned and who request such employment; or

12 “(C) officers and noncommissioned officers who
13 are active participating members of the selected re-
14 serve at the time of application, for purposes of sec-
15 tion 101(d) of this title, and have not yet reached
16 retirement eligibility and are approved by the Sec-
17 retary and the institution concerned and who re-
18 quest such employment.

19 “(2) Employment under this subsection shall be sub-
20 ject to the following conditions:

21 “(A) The Secretary concerned shall pay to the
22 institution an amount equal to one-half of the De-
23 partment’s prescribed JROTC Standardized Instruc-
24 tor Pay Scale (JSIPS) amount paid to the member
25 by the institution for any period.

1 “(B) The Secretary concerned may pay to the
2 institution more than one-half of the amount paid to
3 the member by the institution if (as determined by
4 the Secretary)—

5 “(i) the institution is in an educationally
6 and economically deprived area; and

7 “(ii) the Secretary determines that such
8 action is in the national interest.

9 “(C) Payments by the Secretary concerned
10 under this subsection shall be made from funds ap-
11 propriated for that purpose.

12 “(D) The Secretary concerned may require suc-
13 cessful applicants to transfer to the Individual
14 Ready Reserve (IRR).”;

15 (2) by striking subsections (e) and (f); and

16 (3) by redesignating subsections (g) and (h) as
17 subsections (e) and (f), respectively.

18 **SEC. 575. ANNUAL REPORT ON ALLEGATIONS OF SEXUAL**

19 **MISCONDUCT IN JROTC PROGRAMS.**

20 Section 2031 of title 10, United States Code, as
21 amended by section 572 of this Act, is further amended
22 by adding at the end the following new subsection:

23 “(j)(1) Not later than March 31, 2024, and annually
24 thereafter through March 31, 2029, the Secretary of De-
25 fense shall submit to Committees on Armed Services of

1 the Senate and the House of Representatives a report on
2 allegations of sexual misconduct, sexual harassment, and
3 sex discrimination in JROTC programs during the pre-
4 ceding year.

5 “(2) Each report required under paragraph (1) shall
6 set forth the following:

7 “(A) The number of reported allegations of vio-
8 lations under title IX of the Education Amendments
9 of 1972 (20 U.S.C. 1681 et seq.) in school-affiliated
10 JROTC programs, including—

11 “(i) the number of such reported allega-
12 tions that were investigated;

13 “(ii) the outcome of those investigations;
14 and

15 “(iii) the number of such reported allega-
16 tions by State, the District of Columbia, or
17 overseas location where these reports occurred.

18 “(B) The number of reports that the Depart-
19 ment of Defense or military services have received
20 during the reporting period involving allegations of
21 acts of violence, including sexual abuse or harass-
22 ment, by instructors against students in the JROTC
23 program, including—

24 “(i) the offense involved;

25 “(ii) the military service involved;

1 “(iii) the number of instructors and num-
2 ber of allegations they each received;

3 “(iv) the number of reports of sexual mis-
4 conduct and harassment that have been inves-
5 tigated;

6 “(v) the number of reports or investiga-
7 tions that have led to the removal of instructors
8 from JROTC programs; and

9 “(vi) the number of such reported allega-
10 tions by State, the District of Columbia, or
11 overseas location where these reports occurred.

12 “(C) Any steps the Department of Defense has
13 taken to mitigate sexual misconduct and harassment
14 in JROTC programs during the preceding year.

15 “(3) Each report required under paragraph (1) shall
16 be submitted in unclassified form and may not be marked
17 as controlled unclassified information.

18 “(4) The Secretary shall annually report to the Com-
19 mittees on Armed Services of the Senate and the House
20 of Representatives regarding compliance with this sub-
21 section by the JROTC program, including an up-to-date
22 report on the Secretary’s monitoring of such compliance.

23 “(5) The Secretary may seek the advice and counsel
24 of the Attorney General and the Secretary of Health and
25 Human Services concerning the development and dissemi-

1 nation to the JROTC program of best practices informa-
2 tion about preventing and responding to incidents of do-
3 mestic violence, dating violence, sexual assault, and stalk-
4 ing, including elements of institutional policies that have
5 proven successful based on evidence-based outcome meas-
6 urements.

7 “(6) No officer, employee, or agent of an institution
8 participating in any program under this chapter shall re-
9 taliate, intimidate, threaten, coerce, or otherwise discrimi-
10 nate against any individual for exercising their rights or
11 responsibilities under any provision of this subsection.”.

12 **SEC. 576. COMPTROLLER GENERAL REPORT ON EFFORTS**
13 **TO INCREASE TRANSPARENCY AND REPORT-**
14 **ING ON SEXUAL VIOLENCE IN THE JUNIOR**
15 **RESERVE OFFICERS’ TRAINING CORPS PRO-**
16 **GRAM.**

17 (a) IN GENERAL.—Not later than one year after the
18 date of the enactment of this Act, the Comptroller General
19 of the United States shall submit to the appropriate con-
20 gressional committees a report on efforts to increase
21 transparency and reporting on sexual violence in the Jun-
22 ior Reserve Officers’ Training Corps Program.

23 (b) ELEMENTS.—The report required under sub-
24 section (a) shall include a description of the following:

1 (1) The implementation of section 2031 of title
2 10, United States Code, as amended by sections
3 572, 573, and 575 of this Act.

4 (2) The adequacy of the Department of De-
5 fense’s vetting process for Junior Reserve Officers’
6 Training Corps instructors.

7 (3) The Department of Defense and the De-
8 partment of Education’s oversight of compliance of
9 units with respect to title IX of the Education
10 Amendments of 1972 (20 U.S.C. 1681 et seq.) and
11 title VI of the Civil Rights Act of 1964 (42 U.S.C.
12 2000d et seq.).

13 (4) Any changes in the numbers of sexual har-
14 assment, assault, or stalking incidents reported to
15 institutions or law enforcement agencies.

16 (5) The sufficiency of military department unit
17 inspections.

18 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means the Committee on Armed Serv-
21 ices of the Senate and the House of Representatives.

1 **Subtitle H—Decorations and Other**
2 **Awards, Miscellaneous Reports**
3 **and Other Matters**

4 **SEC. 581. EXTENSION OF DEADLINE FOR REVIEW OF**
5 **WORLD WAR I VALOR MEDALS.**

6 Section 584(f) of the National Defense Authorization
7 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
8 7271 note) is amended by striking “six years after the
9 date of the enactment of this Act” and inserting “Decem-
10 ber 31, 2028”.

11 **SEC. 582. PROHIBITION ON FORMER MEMBERS OF THE**
12 **ARMED FORCES ACCEPTING POST-SERVICE**
13 **EMPLOYMENT WITH CERTAIN FOREIGN GOV-**
14 **ERNMENTS.**

15 (a) IN GENERAL.—Chapter 49 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 989. Prohibition on former members of the armed**
19 **forces accepting post-service employment**
20 **with certain foreign governments**

21 “(a) IN GENERAL.—Except as provided by subsection
22 (b), a covered individual may not occupy a covered post-
23 service position.

24 “(b) TEMPORARY WAIVER.—

1 “(1) IN GENERAL.—The Secretary of Defense
2 shall establish a process under which a covered indi-
3 vidual may be granted a temporary waiver of the
4 prohibition under subsection (a) if—

5 “(A) the individual, or a Federal agency on
6 behalf of, and with the consent of, the indi-
7 vidual, submits to the Secretary a written appli-
8 cation for a waiver in such form and manner as
9 the Secretary determines appropriate; and

10 “(B) the Secretary determines that the
11 waiver is necessary to advance the national se-
12 curity interests of the United States.

13 “(2) PERIOD OF WAIVER.—A waiver issued
14 under paragraph (1) shall apply for a period not ex-
15 ceeding 5 years. The Secretary may renew such a
16 waiver.

17 “(3) REVOCATION.—The Secretary may revoke
18 a waiver issued under paragraph (1) to a covered in-
19 dividual with respect to a covered-post service posi-
20 tion if the Secretary determines that the employ-
21 ment of the individual in the covered-post service po-
22 sition poses a threat to national security.

23 “(4) NOTIFICATION.—

24 “(A) IN GENERAL.—Not later than 30
25 days after the date on which the Secretary

1 issues a waiver under paragraph (1) or revokes
2 a waiver under paragraph (3), the Secretary
3 shall submit to the Committees on Armed Serv-
4 ices of the Senate and the House of Represent-
5 atives written notification of the waiver or rev-
6 ocation, as the case may be.

7 “(B) ELEMENTS.—A notification required
8 by subparagraph (A) shall include the following:

9 “(i) With respect to a waiver issued to
10 a covered individual—

11 “(I) the details of the applica-
12 tion, including the position held by the
13 individual in the armed forces;

14 “(II) the nature of the post-serv-
15 ice position of the individual;

16 “(III) a description of the na-
17 tional security interests that will be
18 advanced by reason of issuing such a
19 waiver; and

20 “(IV) the specific reasons why
21 the Secretary determines that issuing
22 the waiver will advance such interests.

23 “(ii) With respect to a revocation of a
24 waiver issued to a covered individual—

1 “(I) the details of the waiver, in-
2 cluding any renewals of the waiver,
3 and the dates of such waiver and re-
4 newals; and

5 “(II) the specific reasons why the
6 Secretary determined that the revoca-
7 tion is warranted.

8 “(c) CERTIFICATION OF PROHIBITION.—In imple-
9 menting the prohibition under subsection (a), the Sec-
10 retary shall establish a process under which each member
11 of the armed forces is, before the member retires or is
12 otherwise separated from the armed forces—

13 “(1) informed in writing of the prohibition, and
14 the penalties for violations of the prohibition; and

15 “(2) is required to certify that the member un-
16 derstands the prohibition and those penalties.

17 “(d) PENALTIES.—In the case of a covered individual
18 who knowingly and willfully fails to comply with the prohi-
19 bition under subsection (a), the Secretary shall, as applica-
20 ble—

21 “(1) withhold any pay, allowances, or benefits
22 that would otherwise be provided to the individual by
23 the Department of Defense; and

24 “(2) revoke any security clearance of the indi-
25 vidual.

1 “(e) ANNUAL REPORTS.—

2 “(1) REQUIREMENT.—Not later than March
3 31, 2024, and annually thereafter, the Secretary
4 shall submit to the congressional defense committees
5 a report on covered post-service employment occur-
6 ring during the year covered by the report.

7 “(2) ELEMENTS.—Each report required by
8 paragraph (1) shall include the following:

9 “(A) The number of former covered indi-
10 viduals who occupy a covered post-service posi-
11 tion, broken down by—

12 “(i) the name of the employer;

13 “(ii) the foreign government, includ-
14 ing by the specific foreign individual, agen-
15 cy, or entity, for whom the covered post-
16 service employment is being performed;
17 and

18 “(iii) the nature of the services pro-
19 vided as part of the covered post-service
20 employment.

21 “(B) An assessment by the Secretary of
22 whether—

23 “(i) the Department of Defense main-
24 tains adequate systems and processes for
25 ensuring that former members of the

1 armed forces are submitting required re-
2 ports relating to their employment by for-
3 eign governments;

4 “(ii) all covered individuals who oc-
5 cupy a covered post-service position are in
6 compliance with this section;

7 “(iii) the services provided by the cov-
8 ered individuals who occupy a covered
9 post-service position pose a current or fu-
10 ture threat to the national security of the
11 United States; and

12 “(iv) there is any credible information
13 or reporting that any covered individual
14 who occupies a covered post-service posi-
15 tion has engaged in activities that violate
16 Federal law.

17 “(3) FORM OF REPORT.—Each report required
18 by paragraph (1) shall be submitted in unclassified
19 form, but may include a classified annex.

20 “(f) NOTIFICATIONS OF DETERMINATIONS OF CER-
21 TAIN THREATS.—

22 “(1) REQUIREMENT.—In addition to the annual
23 reports under subsection (d), if the Secretary deter-
24 mines that the services provided by a covered indi-
25 vidual who occupies a covered post-service position

1 pose a threat described in clause (iii) of paragraph
2 (2)(B) of that subsection, or include activities de-
3 scribed in clause (iv) of such paragraph, the Sec-
4 retary shall notify the congressional defense commit-
5 tees of that determination by not later than 30 days
6 after making the determination.

7 “(2) ELEMENTS.—A notification required by
8 paragraph (1) shall include the following:

9 “(A) The name of the covered individual.

10 “(B) The name of the employer.

11 “(C) The foreign government, including
12 the specific foreign individual, agency, or entity,
13 for whom the covered post-service employment
14 is being performed.

15 “(D) As applicable, a description of the
16 risk to national security and the activities that
17 may violate Federal law.

18 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion may be construed to indemnify or shield covered indi-
20 viduals from prosecution under any relevant provision of
21 title 18.

22 “(h) DEFINITIONS.—In this section:

23 “(1) COVERED INDIVIDUAL.—The term ‘cov-
24 ered individual’ means an individual who has retired

1 or otherwise separated from an active or reserve
2 component of the Armed Forces.

3 “(2) COVERED POST-SERVICE EMPLOYMENT.—

4 The term ‘covered post-service employment’ means
5 direct or indirect employment by, representation of,
6 or any provision of advice or services relating to na-
7 tional security, intelligence, the military, or internal
8 security to—

9 “(A) the government of—

10 “(i) a country of concern (as defined
11 in section 1(m) of the State Department
12 Basic Authorities Act of 1956 (22 U.S.C.
13 2651a(m))); or

14 “(ii) a country the Secretary of De-
15 fense determines acts as a proxy or pass-
16 through for services for a country of con-
17 cern; or

18 “(B) any company, entity, or other person
19 the activities of which are directly or indirectly
20 supervised, directed, controlled, financed, or
21 subsidized, in whole or in major part, by a gov-
22 ernment described in subparagraph (A).

23 “(3) COVERED POST-SERVICE POSITION.—The
24 term ‘covered post-service position’ means a position
25 of employment described in paragraph (2).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 49 of such title is amended
3 by adding at the end the following new item:

“989. Prohibition on former members of the armed forces accepting post-service
employment with certain foreign governments.”.

4 (c) CONFORMING AMENDMENT.—Section 908 of title
5 37, United States Code, is amended by adding at the end
6 the following new subsection:

7 “(f) PROHIBITION ON FORMER MEMBERS OF ARMED
8 FORCES ACCEPTING EMPLOYMENT WITH CERTAIN FOR-
9 EIGN GOVERNMENTS.—For a provision of law prohibiting
10 former members of the armed forces from accepting post-
11 service employment with certain foreign governments, see
12 section 989 of title 10.”.

13 **SEC. 583. PROHIBITION ON REQUIRING LISTING OF GEN-**
14 **DER OR PRONOUNS IN OFFICIAL COR-**
15 **RESPONDENCE.**

16 The Department of Defense is prohibited from re-
17 quiring members of the Armed Forces or civilian employ-
18 ees of the Department of Defense to list their gender or
19 pronouns in official correspondence, whether such cor-
20 respondence is written or electronic.

1 **Subtitle I—Enhanced Recruiting**
2 **Efforts**

3 **SEC. 591. SHORT TITLE.**

4 This subtitle may be cited as the “Military Service
5 Promotion Act of 2023”.

6 **SEC. 592. INCREASED ACCESS TO POTENTIAL RECRUITS AT**
7 **SECONDARY SCHOOLS.**

8 Section 503(c) of title 10, United States Code, is
9 amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (A)—

12 (i) in clause (i), by striking “; and”
13 and inserting a semicolon;

14 (ii) by redesignating clause (ii) as
15 clause (iii);

16 (iii) by inserting after clause (i) the
17 following new clause:

18 “(ii) shall provide to military recruiters access
19 to career fairs or similar events upon a request made
20 by military recruiters for military recruiting pur-
21 poses; and”; and

22 (iv) in clause (iii), as redesignated by
23 subparagraph (B), by inserting “, not later
24 than 60 days after receiving such request,”
25 after “provide”; and

1 (B) in subparagraph (B), by striking “sub-
2 paragraph (A)(ii)” and inserting “subparagraph
3 (A)(iii)”;

4 (2) by redesignating paragraph (6) as para-
5 graph (7); and

6 (3) by inserting after paragraph (5) the fol-
7 lowing new paragraph:

8 “(6) The Secretary of Defense shall submit an annual
9 report to Congress not later than February 1 each cal-
10 endar year, detailing each notification of denial of recruit-
11 ing access issued under paragraph (3).”.

12 **SEC. 593. INCREASED ACCESS TO POTENTIAL RECRUITS AT**
13 **INSTITUTIONS OF HIGHER EDUCATION.**

14 Section 983(b) of title 10, United States Code, is
15 amended—

16 (1) in paragraph (1), by striking “; or” and in-
17 serting a semicolon;

18 (2) in paragraph (2)—

19 (A) by striking “to the following informa-
20 tion pertaining” and inserting “, with respect”;

21 (B) by striking “institution):” and insert-
22 ing “institution)—”;

23 (C) in subparagraph (A)—

24 (i) by striking “Names” and inserting
25 “names”; and

1 (ii) by striking “telephone listings.”
2 and inserting “telephone listings, which in-
3 formation shall be made available not later
4 than the 60th day following the date of a
5 request; and”; and

6 (D) in subparagraph (B), by striking
7 “Date” and inserting “date”.

8 **TITLE VI—COMPENSATION AND**
9 **OTHER PERSONNEL BENEFITS**
10 **Subtitle A—Pay and Allowances**

11 **SEC. 601. PAY OF MEMBERS OF RESERVE COMPONENTS**
12 **FOR INACTIVE-DUTY TRAINING TO OBTAIN**
13 **OR MAINTAIN AN AERONAUTICAL RATING OR**
14 **DESIGNATION.**

15 (a) IN GENERAL.—Chapter 3 of title 37, United
16 States Code, is amended by inserting after section 206 the
17 following new section:

18 **“§ 206a. Pay of members of reserve components for**
19 **inactive-duty training to obtain or main-**
20 **tain an aeronautical rating or designa-**
21 **tion**

22 “Under regulations prescribed by the Secretary con-
23 cerned, a member of the National Guard or a member of
24 a reserve component of a uniformed service who is receiv-
25 ing aviation incentive pay under section 334(a) of this title

1 and is entitled to compensation under section 206 of this
2 title is entitled to such compensation for a number of peri-
3 ods of inactive-duty training each month sufficient for the
4 member to obtain or maintain an aeronautical rating or
5 designation.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 3 of such title is amended by
8 inserting after the item relating to section 206 the fol-
9 lowing new item:

“206a. Pay of members of reserve components for inactive-duty training to ob-
tain or maintain an aeronautical rating or designation.”.

10 **SEC. 602. MODIFICATION OF CALCULATION METHOD FOR**
11 **BASIC ALLOWANCE FOR HOUSING TO MORE**
12 **ACCURATELY ASSESS HOUSING COSTS OF**
13 **JUNIOR MEMBERS OF UNIFORMED SERVICES.**

14 Section 403(b)(5) of title 37, United States Code, is
15 amended, in the second sentence, by striking “and shall
16 be based on the following:” and all that follows through
17 “determined in subparagraph (A)”.

18 **SEC. 603. BASIC ALLOWANCE FOR HOUSING FOR MEMBERS**
19 **ASSIGNED TO VESSELS UNDERGOING MAIN-**
20 **TENANCE.**

21 Section 403(f)(2) of title 37, United States Code, is
22 amended—

1 (1) in subparagraph (A), by striking “subpara-
2 graphs (B) and (C)” and inserting “subparagraphs
3 (B), (C), and (D)”; and

4 (2) by adding at the end the following new sub-
5 paragraph:

6 “(D)(i) Under regulations prescribed by the Sec-
7 retary concerned, the Secretary may authorize the pay-
8 ment of a basic allowance for housing to a member of a
9 uniformed service without dependents who is serving in
10 a pay grade below E-6 and has orders to a naval vessel
11 during a shipyard availability or maintenance period.

12 “(ii) In prescribing regulations under clause (i), the
13 Secretary concerned shall consider the availability of quar-
14 ters for members serving in pay grades below E-6 before
15 authorizing the payment of a basic allowance for housing
16 for such members.”.

17 **SEC. 604. DUAL BASIC ALLOWANCE FOR HOUSING FOR**
18 **TRAINING FOR CERTAIN MEMBERS OF RE-**
19 **SERVE COMPONENTS.**

20 Section 403(g)(3) of title 37, United States Code, is
21 amended—

22 (1) by striking “Paragraphs” and inserting
23 “(A) Except as provided by subparagraph (B), para-
24 graphs”; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(B) Paragraphs (1) and (2) shall apply with respect
4 to a member of a reserve component without dependents
5 who is called or ordered to active duty to attend training
6 for a period of 140 days or more but fewer than 365 days
7 and for whom transportation of household goods is author-
8 ized under section 453(c) of this title as part of the call
9 or order to active duty.”.

10 **SEC. 605. MODIFICATION OF CALCULATION OF GROSS**
11 **HOUSEHOLD INCOME FOR BASIC NEEDS AL-**
12 **LOWANCE TO ADDRESS AREAS OF DEM-**
13 **ONSTRATED NEED.**

14 (a) IN GENERAL.—Section 402b(k)(1)(B) of title 37,
15 United States Code, is amended by inserting “or that oth-
16 erwise has a demonstrated need” after “high cost of liv-
17 ing”.

18 (b) IMPLEMENTATION GUIDANCE.—The Secretary of
19 Defense shall revise the guidance issued with respect to
20 implementation of the basic needs allowance under section
21 402b of title 37, United States Code, to reflect the amend-
22 ment made by subsection (a).

1 **SEC. 606. EXPANSION OF ELIGIBILITY FOR REIMBURSE-**
2 **MENT OF QUALIFIED LICENSURE, CERTIFI-**
3 **CATION, AND BUSINESS RELOCATION COSTS**
4 **INCURRED BY MILITARY SPOUSES.**

5 Section 453(g)(1) of title 37, United States Code, is
6 amended—

7 (1) in subparagraph (A)—

8 (A) by striking “member is reassigned”

9 and inserting the following: “member is—

10 “(i) reassigned”;

11 (B) by striking “; and” and inserting “;

12 or”; and

13 (C) by adding at the end the following new

14 clause:

15 “(ii) transferred from a regular component

16 of a uniformed service into the Selected Reserve

17 of the Ready Reserve of a uniformed service, if

18 the member is authorized a final move from the

19 last duty station to the new jurisdiction or geo-

20 graphic area; and”;

21 (2) in subparagraph (B), by inserting “or

22 transfer” after “reassignment”.

23 **SEC. 607. COST-OF-LIVING ALLOWANCE IN THE CONTI-**
24 **NENTAL UNITED STATES: HIGH COST AREAS.**

25 Section 403b(e) of title 37, United States Code, is
26 amended—

1 (1) in the second sentence, by striking “8 per-
2 cent” and inserting “5 percent”; and

3 (2) in the third sentence, by striking “shall pre-
4 scribe” and inserting “may prescribe”.

5 **SEC. 608. OCONUS COST-OF-LIVING ALLOWANCE: ADJUST-**
6 **MENTS.**

7 Section 617 of the James M. Inhofe National Defense
8 Authorization Act for Fiscal Year 2023 (Public Law 117–
9 263) is amended—

10 (1) in the section heading, by striking “; **NO-**
11 **TICE TO CERTAIN CONGRESSIONAL COMMIT-**
12 **TEES**”; and

13 (2) by striking subsections (a), (b), and (c) and
14 inserting the following:

15 “(a) **IN GENERAL.**—Subject to subsections (b) and
16 (c), the Secretary of Defense may announce reductions in
17 the cost-of-living allowance for a member of the uniformed
18 services assigned to a duty station located outside the con-
19 tinental United States—

20 “(1) not more than two times per year; or

21 “(2) in connection with a permanent change of
22 station for such member.

23 “(b) **LIMITATION ON SIZE OF REDUCTIONS.**—The
24 Secretary may not make a reduction under subsection (a)
25 in the allowance described in that subsection by an

1 amount that exceeds 10 percent of the amount of the al-
2 lowance before the reduction.

3 “(c) TREATMENT OF REDUCTIONS RELATING TO
4 FOREIGN CURRENCY EXCHANGE RATES.—The limita-
5 tions under subsections (a) and (b) shall not apply to re-
6 ductions in the allowance described in subsection (a) relat-
7 ing to changes in foreign currency exchange rates.

8 “(d) IMPLEMENTATION OF REDUCTIONS.—The Sec-
9 retary may phase in the reductions described in subsection
10 (a).

11 “(e) INCREASES.—The Secretary may increase the
12 allowance described in subsection (a) for a member of the
13 uniformed services at any time.”.

14 **SEC. 609. EXTENSION OF ONE-TIME UNIFORM ALLOWANCE**
15 **FOR OFFICERS WHO TRANSFER TO THE**
16 **SPACE FORCE.**

17 Section 606(d)(1) of the William M. (Mac) Thorn-
18 berry National Defense Authorization Act for Fiscal Year
19 2021 (Public Law 116–283; 37 U.S.C. 416 note) is
20 amended by striking “September 30, 2023” and inserting
21 “September 30, 2025”.

22 **SEC. 610. REVIEW OF RATES OF MILITARY BASIC PAY.**

23 (a) IN GENERAL.—The Secretary of Defense shall
24 conduct a review of the rates of monthly basic pay author-
25 ized for members of the uniformed services to determine

1 if the current basic pay table adequately compensates jun-
2 ior enlisted personnel in pay grades E-1 through E-4.

3 (b) FACTORS FOR REVIEW.—In conducting the re-
4 view required by subsection (a), the Secretary shall con-
5 duct the following:

6 (1) An assessment of the adequacy of the rates
7 of monthly basic pay for members of the uniformed
8 services in light of current and predicted recruiting
9 difficulties.

10 (2) An analysis of how such basic pay, when
11 combined with other elements of regular compensa-
12 tion for members of the uniformed services, com-
13 pares with private sector wages for potential recruits
14 to the uniformed services.

15 (3) An assessment of how sustained periods of
16 cost inflation affect pay for the uniformed services
17 and comparable private sector wages.

18 (4) An historical analysis of how percentage dif-
19 ferences between junior enlisted basic pay, senior en-
20 listed basic pay, junior officer basic pay, and senior
21 officer basic pay, have changed since the rates of
22 basic pay for members of the uniformed services
23 were authorized by section 601 of the John Warner
24 National Defense Authorization Act for Fiscal Year
25 2007 (Public Law 109-364; 37 U.S.C. 1009 note).

1 (c) REPORT AND LEGISLATIVE PROPOSAL RE-
2 QUIRED.—Not later than March 1, 2024, the Secretary
3 of Defense shall submit to the Committees on Armed Serv-
4 ices of the Senate and the House of Representatives—

5 (1) a report on the results of the review re-
6 quired by subsection (a); and

7 (2) a comprehensive legislative proposal for the
8 rates of basic pay for members of the uniformed
9 services.

10 **SEC. 611. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
11 **ON PROCESS FOR DETERMINING COST-OF-**
12 **LIVING ALLOWANCES FOR MEMBERS OF THE**
13 **UNIFORMED SERVICES ASSIGNED TO THE**
14 **CONTINENTAL UNITED STATES, HAWAII,**
15 **ALASKA, AND OVERSEAS LOCATIONS.**

16 (a) IN GENERAL.—The Comptroller General of the
17 United States shall conduct a study on the process for
18 determining cost-of-living allowances for members of the
19 uniformed services stationed in the continental United
20 States, Hawaii, Alaska, and at overseas locations.

21 (b) ELEMENTS.—In conducting the study required by
22 subsection (a), the Comptroller General shall assess—

23 (1) the fairness and equity of the process for
24 determining cost-of-living allowances described in

1 subsection (a) and methods for improving that proc-
2 ess;

3 (2) the advantages and disadvantages of aver-
4 aging the results of continental United States Living
5 Pattern Surveys and Retail Price Schedules without
6 regard to the geographic concentration of members
7 of the uniformed services within the continental
8 United States when determining the baseline cost of
9 living for the continental United States;

10 (3) if additional out-of-pocket expenses, includ-
11 ing the costs for a member of the uniformed services
12 to travel to and from the home of record of the
13 member from the assigned duty station of the mem-
14 ber, should be included in the calculations of the De-
15 partment of Defense for determining overseas cost-
16 of-living allowances to better equalize the true costs
17 of living for members stationed outside the conti-
18 nental United States with such costs for members
19 stationed inside the continental United States; and

20 (4) the process by which the Department of De-
21 fense conducts Living Pattern Surveys and develops
22 Retail Price Schedules.

23 (c) REPORT REQUIRED.—Not later than one year
24 after the date of the enactment of this Act, the Comp-
25 troller General shall submit to the Committees on Armed

1 Services of the Senate and the House of Representatives
2 a report—

3 (1) setting forth the results of the study re-
4 quired by subsection (a); and

5 (2) making any recommendations the Comp-
6 troller General considers appropriate based on those
7 results, including any recommendations for changes
8 to section 403b or 405 of title 37, United States
9 Code.

10 **Subtitle B—Bonus and Incentive** 11 **Pays**

12 **SEC. 621. MODIFICATION OF SPECIAL AND INCENTIVE PAY**

13 **AUTHORITIES FOR MEMBERS OF RESERVE** 14 **COMPONENTS.**

15 (a) IN GENERAL.—Section 357 of title 37, United
16 States Code, is amended—

17 (1) by striking “incentive pay” and inserting
18 “special or incentive pay”; and

19 (2) by striking the period at the end and insert-
20 ing the following: “if the Secretary concerned is pay-
21 ing the member of the reserve component the special
22 or incentive pay for the purpose of—

23 “(1) maintaining a skill certification or pro-
24 ficiency identical to a skill certification or proficiency
25 required of the member in the regular component; or

1 “(2) compensating the member of the reserve
2 component for exposure to hazards or risks identical
3 to hazards or risks to which the member in the reg-
4 ular component was exposed.”.

5 (b) CONFORMING AND CLERICAL AMENDMENTS.—

6 (1) CONFORMING AMENDMENT.—The section
7 heading for section 357 of title 37, United States
8 Code, is amended by striking “**Incentive**” and in-
9 serting “**Special and incentive**”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions for chapter 5 of such title is amended by strik-
12 ing the item relating to section 357 and inserting
13 the following new item:

“357. Special and incentive pay authorities for members of the reserve compo-
 nents of the armed forces.”.

14 (c) MODIFICATION OF IMPLEMENTATION DETER-
15 MINATION.—Section 602(d) of the National Defense Au-
16 thorization Act for Fiscal Year 2022 (Public Law 117–
17 81; 37 U.S.C. 357 note) is amended—

18 (1) by redesignating paragraphs (1) and (2) as
19 subparagraphs (A) and (B), respectively, and by
20 moving such subparagraphs, as so redesignated, two
21 ems to the right;

22 (2) by striking “The Secretary may” and in-
23 serting the following:

24 “(1) IN GENERAL.—The Secretary shall”;

1 (3) in subparagraph (A), as redesignated by
2 paragraph (1), by striking “subsection (b)” and in-
3 sserting “subsection (c)”; and

4 (4) by adding at the end the following new
5 paragraph:

6 “(2) EVALUATION OF TYPES OF SPECIAL AND
7 INCENTIVE PAY.—In making the determination and
8 certification described in paragraph (1)(B), the Sec-
9 retary shall evaluate each type or category of special
10 and incentive pay separately and may make the de-
11 termination and certification based on the effect on
12 an Armed Force concerned of a particular type or
13 category of special or incentive pay.”.

14 **SEC. 622. EXPANSION OF CONTINUATION PAY ELIGIBILITY.**

15 (a) CONTINUATION PAY: FULL TSP MEMBERS WITH
16 8 TO 12 YEARS OF SERVICE.—Section 356 of title 37,
17 United States Code, is amended—

18 (1) in the section heading, by striking “**8**” and
19 inserting “**7**”; and

20 (2) in subsections (a)(1) and (d), by striking
21 “8” and inserting “7”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 5 of such title is amended by
24 striking the item relating to section 356 and inserting the
25 following new item:

“356. Continuation pay: full TSP members with 7 to 12 years of service.”.

1 **SEC. 623. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
2 **BONUS AND SPECIAL PAY AUTHORITIES.**

3 (a) AUTHORITIES RELATING TO RESERVE
4 FORCES.—Section 910(g) of title 37, United States Code,
5 relating to income replacement payments for reserve com-
6 ponent members experiencing extended and frequent mo-
7 bilization for active duty service, is amended by striking
8 “December 31, 2023” and inserting “December 31,
9 2024”.

10 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
11 CARE PROFESSIONALS.—The following sections of title
12 10, United States Code, are amended by striking “Decem-
13 ber 31, 2023” and inserting “December 31, 2024”:

14 (1) Section 2130a(a)(1), relating to nurse offi-
15 cer candidate accession program.

16 (2) Section 16302(d), relating to repayment of
17 education loans for certain health professionals who
18 serve in the Selected Reserve.

19 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-
20 CERS.—Section 333(i) of title 37, United States Code, is
21 amended by striking “December 31, 2023” and inserting
22 “December 31, 2024”.

23 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
24 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
25 THORITIES.—The following sections of title 37, United

1 States Code, are amended by striking “December 31,
2 2023” and inserting “December 31, 2024”:

3 (1) Section 331(h), relating to general bonus
4 authority for enlisted members.

5 (2) Section 332(g), relating to general bonus
6 authority for officers.

7 (3) Section 334(i), relating to special aviation
8 incentive pay and bonus authorities for officers.

9 (4) Section 335(k), relating to special bonus
10 and incentive pay authorities for officers in health
11 professions.

12 (5) Section 336(g), relating to contracting
13 bonus for cadets and midshipmen enrolled in the
14 Senior Reserve Officers’ Training Corps.

15 (6) Section 351(h), relating to hazardous duty
16 pay.

17 (7) Section 352(g), relating to assignment pay
18 or special duty pay.

19 (8) Section 353(i), relating to skill incentive
20 pay or proficiency bonus.

21 (9) Section 355(h), relating to retention incen-
22 tives for members qualified in critical military skills
23 or assigned to high priority units.

24 (e) AUTHORITIES TO PROVIDE TEMPORARY IN-
25 CREASE IN RATES OF BASIC ALLOWANCE FOR HOUS-

1 ING.—Section 403(b) of title 37, United States Code, is
2 amended—

3 (1) in paragraph (7)(E), relating to temporary
4 increases in rates of basic allowance for areas cov-
5 ered by a major disaster declaration or containing
6 an installation experiencing a sudden influx of mili-
7 tary personnel, by striking “December 31, 2023”
8 and inserting “December 31, 2024”; and

9 (2) in paragraph (8)(C), relating to temporary
10 adjustments in rates of basic allowance for housing
11 for localities where actual housing costs differ from
12 current rates of basic allowance for housing by more
13 than 20 percent, by striking “September 30, 2023”
14 and inserting “December 31, 2024”.

15 **SEC. 624. REQUIREMENT TO ESTABLISH REMOTE AND AUS-**
16 **TERE CONDITION ASSIGNMENT INCENTIVE**
17 **PAY PROGRAM FOR AIR FORCE.**

18 The Secretary of the Air Force shall—

19 (1) evaluate the Remote and Austere Condition
20 Assignment Incentive Pay program of the Army; and

21 (2) not later than October 1, 2025, establish a
22 similar program for the Air Force, unless the Sec-
23 retary can certify to Congress that there are no
24 critically manned units at any Air Force installation
25 in Alaska.

1 **Subtitle C—Other Matters**

2 **SEC. 631. MODIFICATION OF REQUIREMENTS FOR AP-**
3 **PROVAL OF FOREIGN EMPLOYMENT BY RE-**
4 **TIRED AND RESERVE MEMBERS OF UNI-**
5 **FORMED SERVICES.**

6 Section 908 of title 37, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) by striking “A person” and inserting
10 “(1) A person”;

11 (B) by inserting “after determining that
12 such approval is not contrary to the national in-
13 terests of the United States” after “approve the
14 employment”; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(2) The Secretary of a military department may del-
18 egate the determination of the Secretary required by para-
19 graph (1) only to an official of the military department
20 at or above the level of an Assistant Secretary or, in the
21 event of a vacancy in the position of such an official, a
22 civilian official performing the duties of that position.”;
23 and

24 (2) in subsection (d)—

25 (A) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “an officer” and in-
3 sserting “a person”; and

4 (ii) by striking subparagraphs (B) and
5 (C) and inserting the following new sub-
6 paragraphs:

7 “(B) A description of the duties, if any, the
8 person is to perform and the compensation the per-
9 son is to receive for such duties, as reflected in the
10 person’s application for approval of the employment
11 or compensation or payment or award.

12 “(C) The position the person held or holds in
13 the armed forces, including the rank of the person
14 and the armed force in which the person served.

15 “(D) Any other information the Secretaries of
16 the military departments consider relevant, except
17 that such information may not include the person’s
18 date of birth, Social Security number, home address,
19 phone number, or any other personal identifier other
20 than the name and rank of the person and the
21 armed force in which the person served.”; and

22 (B) by adding at the end the following new
23 paragraph:

24 “(3) Not later than 60 days after the date on which
25 a report required by paragraph (1) is submitted, the Sec-

1 retirees of the military departments shall make the report,
2 and all contents of the report, available on a publicly ac-
3 cessible internet website.”.

4 **SEC. 632. RESTRICTIONS ON RETIRED AND RESERVE MEM-**
5 **BERS OF THE ARMED FORCES RECEIVING**
6 **EMPLOYMENT AND COMPENSATION INDI-**
7 **RECTLY FROM FOREIGN GOVERNMENTS**
8 **THROUGH PRIVATE ENTITIES.**

9 Section 908(a) of title 37, United States Code, is
10 amended—

11 (1) by redesignating paragraphs (1), (2), and
12 (3) as subparagraphs (A), (B), and (C), respectively,
13 and by moving such subparagraphs, as so redesign-
14 ated, 2 ems to the right;

15 (2) by striking “Subject to” and inserting the
16 following:

17 “(1) IN GENERAL.—Subject to”;

18 (3) in subparagraph (C), as redesignated, by
19 striking “Commissioned Reserve Corps” and insert-
20 ing “Ready Reserve Corps”; and

21 (4) by adding at the end the following new
22 paragraph:

23 “(2) APPLICATION TO PRIVATE ENTITIES.—

24 “(A) IN GENERAL.—The acceptance by a
25 person described in subparagraph (B) of em-

1 employment (and compensation related to that em-
2 ployment) or payments or awards for work per-
3 formed for a foreign government through a pri-
4 vate entity shall be subject to the provisions of
5 this section to the same extent and in the same
6 manner as such provisions apply to employment
7 (and compensation related to that employment)
8 and payments and awards described in para-
9 graph (1).

10 “(B) PERSONS DESCRIBED.—A person de-
11 scribed in this subparagraph is—

12 “(i) a retired member of the Army,
13 Navy, Air Force, Marine Corps, or Space
14 Force; or

15 “(ii) a member of a reserve compo-
16 nent of an armed force specified in clause
17 (i), except a member serving on active duty
18 under a call or order to active duty for a
19 period in excess of 30 days.”.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—TRICARE and Other**
4 **Health Care Benefits**

5 **SEC. 701. EXTENSION OF PERIOD OF ELIGIBILITY FOR**
6 **HEALTH BENEFITS UNDER TRICARE RE-**
7 **SERVE SELECT FOR SURVIVORS OF A MEM-**
8 **BER OF THE SELECTED RESERVE.**

9 (a) IN GENERAL.— Section 1076d(e) of title 10,
10 United States Code, is amended by striking “six months”
11 and inserting “three years”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall take effect on October 1, 2025.

14 **SEC. 702. AUTHORITY TO PROVIDE DENTAL CARE FOR DE-**
15 **PENDENTS LOCATED AT CERTAIN REMOTE**
16 **OR ISOLATED LOCATIONS.**

17 Section 1077(c) of title 10, United States Code, is
18 amended—

19 (1) in paragraph (1), by striking “paragraph
20 (2)” and inserting “paragraphs (2) and (3)”; and

21 (2) by adding at the end the following new
22 paragraph:

23 “(3)(A) Dependents who reside within a specified ge-
24 ographic area and are covered by a dental plan established
25 under section 1076a may receive dental care in a dental

1 treatment facility of the uniformed services on a space
2 available basis if the Secretary of Defense determines
3 that—

4 “(i) civilian dental care within the specified geo-
5 graphic area is inadequate or is not sufficiently
6 available; and

7 “(ii) adequate resources exist to provide space
8 available dental care to the dependents at the facil-
9 ity.

10 “(B) Care under subparagraph (A) shall be provided
11 on a reimbursable basis.”.

12 **SEC. 703. INCLUSION OF ASSISTED REPRODUCTIVE TECH-**
13 **NOLOGY AND ARTIFICIAL INSEMINATION AS**
14 **REQUIRED PRIMARY AND PREVENTIVE**
15 **HEALTH CARE SERVICES FOR MEMBERS OF**
16 **THE UNIFORMED SERVICES AND DEPEND-**
17 **ENTS.**

18 (a) MEMBERS OF THE UNIFORMED SERVICES.—Sec-
19 tion 1074d of title 10, United States Code, is amended—

20 (1) in subsection (a)(2)—

21 (A) by striking “entitled to preventive”
22 and inserting “entitled to—
23 “(A) preventive”;

24 (B) in subparagraph (A), as designated by
25 subparagraph (A) of this paragraph, by striking

1 the period at the end and inserting “; and”;
2 and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(B) for male members of the uniformed serv-
6 ices (excluding former members of the uniformed
7 services), services relating to infertility described in
8 subsection (b)(4).”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(c) INFERTILITY SERVICES INCLUDED FOR MEM-
12 BERS OF THE UNIFORMED SERVICES.—Services relating
13 to infertility required to be provided under subsections
14 (a)(2)(B) and (b)(4) for members of the uniformed serv-
15 ices (excluding former members of the uniformed services)
16 shall include the following:

17 “(1) Treatments or procedures using assisted
18 reproductive technology (as defined in section 8 of
19 the Fertility Clinic Success Rate and Certification
20 Act of 1992 (42 U.S.C. 263a–7(1)), excluding in
21 vitro fertilization).

22 “(2) The provision of artificial insemination, in-
23 cluding intrauterine insemination, without regard to
24 coital conception.”.

1 (b) DEPENDENTS.—Section 1077(a) of such title is
2 amended by adding at the end the following new para-
3 graph:

4 “(19) Services relating to infertility, including
5 the services specified in section 1074d(c) of this
6 title, except that the services specified in such sec-
7 tion may be provided only to a dependent of a mem-
8 ber of the uniformed services (excluding any depend-
9 ent of a former member of the uniformed services).”.

10 (c) EXCLUSION FROM CONTRACTS FOR FORMER
11 MEMBERS AND THEIR DEPENDENTS.—Section 1086 of
12 such title is amended—

13 (1) in subsection (c), in the matter preceding
14 paragraph (1), by striking “subsection (d)” and in-
15 serting “subsections (d) and (j)”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(j) A plan contracted for under subsection (a) may
19 not include coverage for services under section
20 1077(a)(19) of this title for former members of the uni-
21 formed services or dependents of former members of the
22 uniformed services.”.

23 (d) APPLICATION.—The amendments made by this
24 section shall apply to services provided on or after January
25 1, 2025.

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion or the amendments made by this section shall be con-
3 strued provide new benefits to or alter existing benefits
4 for former members of the uniformed services or the de-
5 pendants of former members of the uniformed services.

6 **SEC. 704. PROGRAM ON TREATMENT OF MEMBERS OF THE**
7 **ARMED FORCES FOR POST-TRAUMATIC**
8 **STRESS DISORDER, TRAUMATIC BRAIN INJU-**
9 **RIES, AND CO-OCCURRING DISORDERS RE-**
10 **LATED TO MILITARY SEXUAL TRAUMA.**

11 (a) ESTABLISHMENT OF PROGRAM.—

12 (1) IN GENERAL.—Chapter 55 of title 10,
13 United States Code, is amended by inserting after
14 section 1074o the following new section:

15 **“§ 1074p. Program on treatment of members of the**
16 **armed forces for post-traumatic stress**
17 **disorder, traumatic brain injuries, and**
18 **co-occurring disorders related to military**
19 **sexual trauma**

20 “(a) IN GENERAL.—The Secretary of Defense shall
21 carry out a program to provide intensive outpatient pro-
22 grams to treat members of the Armed Forces suffering
23 from post-traumatic stress disorder, traumatic brain inju-
24 ries, and co-occurring disorders related to military sexual

1 trauma, including treatment for substance abuse, depres-
2 sion, and other issues related to such conditions.

3 “(b) DISCHARGE THROUGH PARTNERSHIPS.—The
4 Secretary shall carry out the program under subsection
5 (a) through partnerships with public, private, and non-
6 profit health care organizations, universities, and institu-
7 tions that—

8 “(1) provide health care to members of the
9 armed forces;

10 “(2) provide evidence-based treatment for psy-
11 chological and neurological conditions that are com-
12 mon among members of the armed forces, including
13 post-traumatic stress disorder, traumatic brain in-
14 jury, substance abuse, and depression;

15 “(3) provide health care, support, and other
16 benefits to family members of members of the armed
17 forces; and

18 “(4) provide health care under the TRICARE
19 program.

20 “(c) PROGRAM ACTIVITIES.—Each organization, uni-
21 versity, or institution that participates in a partnership
22 under the program under subsection (a) shall—

23 “(1) carry out intensive outpatient programs of
24 short duration to treat members of the armed forces
25 suffering from post-traumatic stress disorder, trau-

1 matic brain injuries, and co-occurring disorders re-
2 lated to military sexual trauma, including treatment
3 for substance abuse, depression, and other issues re-
4 lated to such conditions;

5 “(2) use evidence-based and evidence-informed
6 treatment strategies in carrying out such programs;

7 “(3) share clinical and outreach best practices
8 with other organizations, universities, and institu-
9 tions participating in the program under subsection
10 (a); and

11 “(4) annually assess outcomes for members of
12 the armed forces individually and among the organi-
13 zations, universities, and institutions participating in
14 the program under subsection (a) with respect to the
15 treatment of conditions described in paragraph
16 (1).”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of such chapter is amended
19 by inserting after the item relating to section 1074o
20 the following new item:

 “1074p. Program on treatment of members of the armed forces for post-trau-
 matic stress disorder, traumatic brain injuries, and co-occur-
 ring disorders related to military sexual trauma.”.

21 (b) REPORTS.—

22 (1) INITIAL REPORT.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to the Committees on

1 Armed Services of the Senate and the House of Rep-
2 resentatives a report on the program under section
3 1074p of title 10, United States Code, as added by
4 subsection (a), which shall include a description of
5 the program and such other matters on the program
6 as the Secretary considers appropriate.

7 (2) ADDITIONAL REPORT.—Not later than two
8 years after commencement of implementation of the
9 program under section 1074p of title 10, United
10 States Code, as added by subsection (a), the Sec-
11 retary shall submit to the Committees on Armed
12 Services of the Senate and the House of Representa-
13 tives a report on the program, which shall include
14 the following:

15 (A) A description of the program, includ-
16 ing the partnerships under the program as de-
17 scribed in subsection (b) of such section, as so
18 added.

19 (B) An assessment of the effectiveness of
20 the program and the activities under the pro-
21 gram.

22 (C) Such recommendations for legislative
23 or administrative action as the Secretary con-
24 siders appropriate in light of the program.

25 (c) CONFORMING REPEAL.—

1 (1) IN GENERAL.—Section 702 of the John S.
2 McCain National Defense Authorization Act for Fis-
3 cal Year 2019 (Public Law 115–232; 10 U.S.C.
4 1092 note) is repealed.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents at the beginning of the John S. McCain Na-
7 tional Defense Authorization Act for Fiscal Year
8 2019 (Public Law 115–232) is amended by striking
9 the item relating to section 702.

10 **SEC. 705. WAIVER OF COST-SHARING FOR THREE MENTAL**
11 **HEALTH OUTPATIENT VISITS FOR CERTAIN**
12 **BENEFICIARIES UNDER THE TRICARE PRO-**
13 **GRAM.**

14 (a) TRICARE SELECT.—Section 1075(e) of title 10,
15 United States Code, is amended by adding at the end the
16 following new paragraph:

17 “(4)(A) Consistent with other provisions of this
18 chapter and subject to requirements to be prescribed
19 by the Secretary, the Secretary may waive cost-shar-
20 ing requirements for the first three outpatient men-
21 tal health visits each year of any of the following
22 beneficiaries:

23 “(i) Beneficiaries in the active-duty family
24 member category.

1 “(ii) Beneficiaries covered by section
2 1110b of this title.

3 “(B) This paragraph shall terminate on the
4 date that is five years after the date of the enact-
5 ment of the National Defense Authorization Act for
6 Fiscal Year 2024.”.

7 (b) TRICARE PRIME.—Section 1075a(a) of such
8 title is amended by adding at the end the following new
9 paragraph:

10 “(4)(A) Consistent with other provisions of this
11 chapter and subject to requirements to be prescribed
12 by the Secretary, the Secretary may waive cost-shar-
13 ing requirements for the first three outpatient men-
14 tal health visits each year of a beneficiary in the ac-
15 tive-duty family member category (as described in
16 section 1075(b)(1)(A) of this title).

17 “(B) This paragraph shall terminate on the
18 date that is five years after the date of the enact-
19 ment of the National Defense Authorization Act for
20 Fiscal Year 2024.”.

21 **SEC. 706. EXPANSION OF DOULA CARE FURNISHED BY DE-**
22 **PARTMENT OF DEFENSE.**

23 (a) EXPANSION OF EXTRAMEDICAL MATERNAL
24 HEALTH PROVIDERS DEMONSTRATION PROJECT.—Sec-
25 tion 746 of the William M. (Mac) Thornberry National

1 Defense Authorization Act for Fiscal Year 2021 (Public
2 Law 116–283; 10 U.S.C. 1073 note) is amended—

3 (1) by redesignating subsections (e) through (h)
4 as subsections (f) through (i), respectively; and

5 (2) by inserting after subsection (d) the fol-
6 lowing new subsection (e):

7 “(e) COVERAGE OF DOULA CARE.—Not later than 90
8 days after the date of the enactment of the National De-
9 fense Authorization Act for Fiscal Year 2024, the Sec-
10 retary shall ensure that the demonstration project includes
11 coverage of labor doula care, or reimbursement for such
12 care, for all beneficiaries under the TRICARE program,
13 including access—

14 (1) by members of the Armed Forces on active
15 duty;

16 (2) by beneficiaries outside the continental
17 United States; and

18 (3) at military medical treatment facilities.”.

19 (b) HIRING OF DOULAS.—The hiring authority for
20 each military medical treatment facility may hire a team
21 of doulas to work in coordination with lactation support
22 personnel or labor and delivery units at such facility.

1 **Subtitle B—Health Care**
2 **Administration**

3 **SEC. 711. INCREASE IN STIPEND FOR PARTICIPANTS IN**
4 **HEALTH PROFESSIONS SCHOLARSHIP AND**
5 **FINANCIAL ASSISTANCE PROGRAMS.**

6 Section 2121(d) of title 10, United States Code, is
7 amended, in the matter preceding paragraph (1), by strik-
8 ing “\$30,000” and inserting “\$50,000”.

9 **SEC. 712. FINANCIAL RELIEF FOR CIVILIANS TREATED IN**
10 **MILITARY MEDICAL TREATMENT FACILITIES.**

11 (a) **INTERIM FINAL RULE REQUIRED.**—The Sec-
12 retary of Defense shall issue an interim final rule to imple-
13 ment as soon as possible after the date of the enactment
14 of this Act section 1079b of title 10, United States Code.

15 (b) **TREATMENT OF CLAIMS.**—

16 (1) **IN GENERAL.**—Except as provided in para-
17 graph (2), the Secretary shall hold in abeyance any
18 claims under section 1079b of title 10, United
19 States Code, until the interim final rule required
20 under subsection (a) is in effect.

21 (2) **EXCEPTION.**—Paragraph (1) does not apply
22 to—

23 (A) claims to third-party payers; or

24 (B) administrative support provided to the
25 Secretary by another Federal agency to assist

1 the Secretary in the administration of section
2 1079b of title 10, United States Code.

3 **SEC. 713. DEPARTMENT OF DEFENSE OVERDOSE DATA ACT**
4 **OF 2023.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Department of Defense Overdose Data Act of 2023”.

7 (b) **ANNUAL REPORT ON MILITARY OVERDOSES.**—

8 (1) **IN GENERAL.**—Not later than 1 year after
9 the date of the enactment of this Act, and annually
10 thereafter, the Secretary of Defense shall submit to
11 the appropriate congressional committees a report
12 on the number of annual overdoses among
13 servicemembers.

14 (2) **CONTENTS.**—The report required by para-
15 graph (1) shall include the following:

16 (A) The total number of servicemembers
17 who suffered a fatal or nonfatal overdose during
18 the previous calendar year, including—

19 (i) demographic information, including
20 gender, race, age, military department,
21 military rank, pay grade, and station;

22 (ii) the location of the fatal overdose,
23 including whether the overdose was on a
24 military base; and

1 (iii) a list of the substances involved
2 in the fatal overdose.

3 (B) Of the servicemembers identified in
4 subparagraph (A)—

5 (i) the number of servicemembers who
6 received mental health or substance use
7 disorder services prior to a fatal or
8 nonfatal overdose, including a description
9 of whether such services were received
10 from a private sector provider;

11 (ii) the number of servicemembers
12 with comorbid mental health diagnoses;

13 (iii) the number of servicemembers
14 who had been prescribed opioids,
15 benzodiazepines, or stimulants;

16 (iv) the number of servicemembers
17 who had been categorized as high-risk and
18 prescribed or provided naloxone prior to a
19 fatal or nonfatal overdose;

20 (v) the number of servicemembers who
21 had a positive drug test prior to the fatal
22 overdose, including any substance identi-
23 fied in such test;

24 (vi) the number of servicemembers re-
25 ferred to, including by self-referral, or en-

1 gaged in medical treatment, including
2 medication treatment for opioid use dis-
3 order;

4 (vii) with respect to each servicemem-
5 ber identified in clause (vi), whether the
6 servicemember was referred after a positive
7 drug test and the source of such referral;
8 and

9 (viii) the number of fatal overdoses
10 and intentional overdoses.

11 (C) An analysis of discernable patterns in
12 fatal and nonfatal overdoses of servicemembers.

13 (D) A description of existing or anticipated
14 response efforts to fatal and nonfatal overdoses
15 at military bases that have rates of fatal
16 overdoses that exceed the average rate of fatal
17 overdoses in the United States.

18 (E) An assessment of the availability of
19 substance use disorder treatment for
20 servicemembers.

21 (F) The number of medical facilities of, or
22 affiliated with, the Department of Defense that
23 have opioid treatment programs.

24 (G) A description of punitive measures
25 taken by the Secretary of Defense in response

1 to substance misuse, substance use disorder, or
2 overdose by servicemembers.

3 (3) PRIVACY.—

4 (A) IN GENERAL.—Nothing in this sub-
5 section shall be construed to authorize the dis-
6 closure by the Secretary of Defense of person-
7 ally identifiable information of servicemembers
8 or military family members, including
9 anonymized personal information that could be
10 used to re-identify servicemembers or military
11 family members.

12 (B) APPLICATION OF HIPAA.—In carrying
13 out this subsection, the Secretary of Defense
14 shall take steps to protect the privacy of
15 servicemembers and military family members
16 pursuant to regulations promulgated under sec-
17 tion 264(c) of the Health Insurance Portability
18 and Accountability Act of 1996 (42 U.S.C.
19 1320d–2 note; Public Law 104–191).

20 (c) STANDARDS FOR THE USE OF MATERIALS TO
21 PREVENT OVERDOSE AND SUBSTANCE USE DISORDER.—

22 Not later than 1 year after the date of the enactment of
23 this Act, the Secretary of Defense shall establish stand-
24 ards for the distribution of, and training for the use of,
25 naloxone or other medication for overdose reversal, opioid

1 disposal materials, fentanyl test strips, and other mate-
2 rials to prevent or reverse overdoses, substance use dis-
3 order, or impacts related to substance misuse.

4 (d) SUNSET.—This section shall terminate on the
5 date that is 5 years after the date of the enactment of
6 this Act.

7 (e) DEFINITIONS.—In this section:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Armed Services of
12 the Senate; and

13 (B) the Committee on Armed Services of
14 the House of Representatives.

15 (2) MILITARY FAMILY MEMBER.—The term
16 “military family member” means a family member
17 of a servicemember, including the spouse, parent, de-
18 pendent, or child of a servicemember, or anyone who
19 has legal responsibility for the child of a service-
20 member.

21 (3) SERVICEMEMBER.—The term “servicemem-
22 ber” means—

23 (A) a member of the Armed Forces; or

24 (B) a member of the National Guard.

1 **SEC. 714. MODIFICATION OF ADMINISTRATION OF MEDICAL**
2 **MALPRACTICE CLAIMS BY MEMBERS OF THE**
3 **UNIFORMED SERVICES.**

4 (a) IN GENERAL.—Section 2733a of title 10, United
5 States Code, is amended—

6 (1) in subsection (a), by striking “subsection
7 (f)” and inserting “subsection (j)”;

8 (2) in subsection (b)(6), by striking “subsection
9 (f)” and inserting “subsection (j)”;

10 (3) in subsection (d)(1), by striking “subsection
11 (f)” and inserting “subsection (j)”;

12 (4) by redesignating subsections (f) through (i)
13 as subsections (j) through (m), respectively; and

14 (5) by inserting after subsection (e) the fol-
15 lowing new subsections:

16 “(f) EXPERT MEDICAL OPINIONS.—(1) The Sec-
17 retary of Defense may not use an expert medical opinion
18 from an individual in determining whether to allow, settle,
19 and pay a claim under this section unless the individual
20 is a board-certified physician.

21 “(2) No claim under this section may be denied on
22 medical grounds until the Secretary obtains an expert
23 medical opinion on the medical malpractice alleged under
24 such claim from an individual who—

1 “(A) is not a member of the uniformed services
2 or a civilian employee of the Department of Defense;
3 and

4 “(B) does not have a business, medical, or per-
5 sonal relationship with the claimant.

6 “(3) If a claim under this section is denied, the Sec-
7 retary shall provide to the claimant information regarding
8 the identity and qualifications of any individual who pro-
9 vided an expert medical opinion upon which such denial
10 is based.

11 “(g) JUSTIFICATION OF DENIAL.—If a claim under
12 this section is denied, the Secretary of Defense shall pro-
13 vide the claimant with detailed reasoning justifying the de-
14 nial of the claim, including—

15 “(1) copies of any written reports prepared by
16 any expert upon which the denial is based; and

17 “(2) all records and documents relied upon in
18 preparing such written reports.

19 “(h) APPEALS.—(1) Any appeal from the denial of
20 a claim under this section shall be considered by a third-
21 party review board jointly established by the Chief Judge
22 of the United States Court of Appeals for the Armed
23 Forces and the Secretary of Defense.

24 “(2) The third-party review board established under
25 paragraph (1) shall consist of not more than five members,

1 all of whom who possess sufficient legal or medical back-
2 ground, or both.

3 “(3) A claimant under this section that seeks an ap-
4 peal under paragraph (1) may submit the appeal directly
5 to the third-party review board established under such
6 paragraph.

7 “(4) In considering an appeal from the denial of a
8 claim under this section, the third-party review board es-
9 tablished under paragraph (1) shall, at the request of the
10 claimant, allow for a hearing on the merits of the appeal
11 in an adversarial nature.

12 “(5) The Secretary of Defense shall provide to a
13 claimant seeking an appeal under paragraph (1) a copy
14 of any response to the appeal that is submitted on behalf
15 of the Department of Defense.

16 “(6) The third-party review board established under
17 paragraph (1) shall not consist of any member of the uni-
18 formed services or civilian employee of the Department of
19 Defense.

20 “(i) TREATMENT OF NON-ECONOMIC DAMAGES.—(1)
21 Any non-economic damages provided to a member of the
22 uniformed services under this section may not be offset
23 by compensation provided or expected to be provided by
24 the Department of Defense or the Department of Veterans
25 Affairs.

1 “(2)(A) The Secretary of Defense shall establish a
2 cap on non-economic damages to be provided with respect
3 to a claim under this section.

4 “(B)(i) The cap established under subparagraph (A)
5 shall be determined by calculating the average of non-econ-
6 omic damage caps for medical malpractice claims appli-
7 cable in California, Texas, North Carolina, and Virginia.

8 “(ii) If a State specified in clause (i) provides a dif-
9 ferent cap for cases involving death and cases not involv-
10 ing death, the cap for cases not involving death shall be
11 used.

12 “(C) The cap established under paragraph (1) shall
13 be recalculated not less frequently than once every three
14 years.”.

15 (b) APPOINTMENT OF MEMBERS.—Not later than
16 180 days after the date of the enactment of this Act, the
17 Chief Judge of the United States Court of Appeals for
18 the Armed Forces and the Secretary of Defense shall
19 jointly appoint members to the board established under
20 subsection (h)(1) of section 2733a of title 10, United
21 States Code, as added by subsection (a)(5).

22 (c) REPORT.—Not later than 180 days after the es-
23 tablishment of the board required under subsection (h)(1)
24 of section 2733a of title 10, United States Code, as added
25 by subsection (a)(5), the Secretary of Defense shall submit

1 to the Committees on Armed Services of the Senate and
2 the House of Representatives a report indicating—

3 (1) the membership of the board;

4 (2) the qualifying background of each member
5 of the board; and

6 (3) a statement indicating the independence of
7 each member of the board from the Department of
8 Defense.

9 **Subtitle C—Reports and Other**
10 **Matters**

11 **SEC. 721. MODIFICATION OF PARTNERSHIP PROGRAM BE-**
12 **TWEEN UNITED STATES AND UKRAINE FOR**
13 **MILITARY TRAUMA CARE AND RESEARCH.**

14 Section 736 of the James M. Inhofe National Defense
15 Authorization Act for Fiscal Year 2023 (Public Law 117–
16 263) is amended—

17 (1) by redesignating paragraphs (7) through
18 (9) as paragraphs (8) through (10), respectively;
19 and

20 (2) by inserting after paragraph (6) the fol-
21 lowing new paragraph (7):

22 “(7) The provision of training and support to
23 Ukraine for the treatment of individuals with ex-
24 tremity trauma, amputations, post-traumatic stress
25 disorder, traumatic brain injuries, and any other

1 mental health conditions associated with post-trau-
2 matic stress disorder or traumatic brain injuries, in-
3 cluding—

4 “(A) the exchange of subject matter exper-
5 tise;

6 “(B) training and support relating to ad-
7 vanced clinical skills development; and

8 “(C) training and support relating to clin-
9 ical case management support.”.

10 **SEC. 722. REQUIREMENT THAT DEPARTMENT OF DEFENSE**
11 **DISCLOSE EXPERT REPORTS WITH RESPECT**
12 **TO MEDICAL MALPRACTICE CLAIMS BY MEM-**
13 **BERS OF THE UNIFORMED SERVICES.**

14 Section 2733a of title 10, United States Code, as
15 amended by section 714, is further amended—

16 (1) by redesignating subsections (l) and (m) as
17 subsections (m) and (n), respectively; and

18 (2) by inserting after subsection (k) the fol-
19 lowing new subsection (l):

20 “(l) DISCLOSURE BY DEPARTMENT OF DEFENSE.—

21 (1) The Secretary of Defense shall disclose to a claimant
22 under this section a copy of all written reports, other than
23 medical quality assurance records (as defined in section
24 1102(j) of this title), prepared by a medical expert of the

1 Department of Defense or any medical expert consulted
2 by the Department with respect to the claim.

3 “(2) Any disclosure under paragraph (1) with respect
4 to an expert described in such paragraph shall include the
5 following:

6 “(A) The records and documents considered by
7 the expert.

8 “(B) A description of the bases and reasons for
9 the opinion of the expert.

10 “(C) The opinion or opinions of the expert re-
11 garding standard of care.

12 “(D) The opinion or opinions of the expert re-
13 garding causation.

14 “(E) A description of any disagreement by the
15 expert with any opinion or opinions of the expert of
16 the claimant.

17 “(3) Any disclosure under paragraph (1) with respect
18 to an expert described in such paragraph shall not include
19 an identification of the expert.

20 “(4) If an expert described in paragraph (1) does not
21 prepare a written report, the Secretary shall disclose the
22 information required under this section to the claimant in
23 writing.”.

1 **SEC. 723. COMPTROLLER GENERAL STUDY ON IMPACT OF**
2 **PERINATAL MENTAL HEALTH CONDITIONS**
3 **OF MEMBERS OF THE ARMED FORCES AND**
4 **THEIR DEPENDENTS ON MILITARY READI-**
5 **NESS AND RETENTION.**

6 (a) STUDY.—

7 (1) IN GENERAL.—The Comptroller General of
8 the United States shall conduct a study on perinatal
9 mental health conditions among members of the
10 Armed Forces and dependents of such members dur-
11 ing the five-year period preceding the date of the en-
12 actment of this Act.

13 (2) ELEMENTS.—The study required under
14 paragraph (1) shall include the following:

15 (A) An assessment of beneficiaries under
16 the TRICARE program, including members of
17 the Armed Forces and dependents of such
18 members, who attempted suicide or died by sui-
19 cide or substance use overdose during the
20 perinatal period.

21 (B) An assessment of members of the
22 Armed Forces discharged from active duty due
23 to a mental health condition within two years
24 after the perinatal period.

25 (C) An assessment of beneficiaries under
26 the TRICARE program, including members of

1 the Armed Forces and dependents of such
2 members, diagnosed with a perinatal mental
3 health condition who were relocated during the
4 perinatal period.

5 (D) An assessment of the effects of reten-
6 tion and promotion policies of the Department
7 of Defense relating to perinatal mental health
8 conditions on members of the Armed Forces
9 seeking and accessing screening, referral, and
10 treatment.

11 (E) The number of members of the Armed
12 Forces who were separated from the Armed
13 Forces or did not receive a promotion due to a
14 diagnosed perinatal mental health condition.

15 (F) An assessment of whether policies of
16 the Department can be modified to provide
17 clear standards for retention and pathways for
18 promotion of members of the Armed Forces di-
19 agnosed with a perinatal mental health condi-
20 tion.

21 (G) An assessment of resources needed to
22 integrate behavioral health specialists into all
23 obstetric care practices, pediatric practices, and
24 women's clinics.

1 (H) A disaggregated demographic assess-
2 ment of the population included in the study
3 with respect to race, ethnicity, sex, age, family
4 status (including dual service and single parent
5 families), military occupation, military service,
6 and rank, as applicable.

7 (b) REPORT.—Not later than one year after the date
8 of the enactment of this Act, the Comptroller General shall
9 submit to the Committees on Armed Services of the Sen-
10 ate and the House of Representatives a report on the find-
11 ings of the study conducted under subsection (a), includ-
12 ing—

13 (1) recommendations for actions to be taken by
14 the Secretary of Defense to improve mental health
15 among members of the Armed Forces and depend-
16 ents of such members during the perinatal period;

17 (2) recommendations for legislative or adminis-
18 trative action to mitigate the effects of retention and
19 promotion policies of the Department of Defense on
20 members of the Armed Forces seeking and accessing
21 mental health care during the perinatal period; and

22 (3) such other recommendations as the Comp-
23 troller General determines appropriate.

24 (c) DEFINITIONS.—In this section:

1 (1) DEPENDENT; TRICARE PROGRAM.—The
2 terms “dependent” and “TRICARE program” have
3 the meanings given those terms in section 1072 of
4 title 10, United States Code.

5 (2) PERINATAL MENTAL HEALTH CONDITION.—
6 The term “perinatal mental health condition” means
7 a mental health disorder that onsets during the
8 perinatal period.

9 (3) PERINATAL PERIOD.—The term “perinatal
10 period” means the period during pregnancy and the
11 one-year period following childbirth, still birth, or
12 miscarriage.

13 **SEC. 724. REPORT ON MENTAL AND BEHAVIORAL HEALTH**
14 **SERVICES PROVIDED BY DEPARTMENT OF**
15 **DEFENSE.**

16 Not later than 90 days after the date of the enact-
17 ment of this Act, the Director of the Defense Health
18 Agency shall submit to the Committees on Armed Services
19 of the Senate and the House of Representatives a report
20 that contains the following:

21 (1) The current wait times for members of the
22 Armed Forces, including members of the Selected
23 Reserve of the Ready Reserve of a reserve compo-
24 nent of the Armed Forces who are enrolled in
25 TRICARE Reserve Select under section 1076d of

1 title 10, United States Code, to receive mental and
2 behavioral health services, disaggregated by State.

3 (2) An assessment of the number of additional
4 mental and behavioral health care providers needed
5 for the Department of Defense to meet established
6 metrics associated with access to mental and behav-
7 ioral health services.

8 (3) An explanation of the credentialing stand-
9 ards for mental and behavioral health care providers
10 of the Department, including a comparison of those
11 standards to the standards for other Federal and
12 private sector health care providers.

13 **SEC. 725. REPORT ON ACTIVITIES OF DEPARTMENT OF DE-**
14 **FENSE TO PREVENT, INTERVENE, AND TREAT**
15 **PERINATAL MENTAL HEALTH CONDITIONS**
16 **OF MEMBERS OF THE ARMED FORCES AND**
17 **THEIR DEPENDENTS.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of the enactment of this Act, the Secretary of Defense
20 shall submit to the Committees on Armed Services of the
21 Senate and the House of Representatives a report on the
22 activities of the Department of Defense to address the
23 mental health of pregnant and postpartum members of the
24 Armed Forces and dependents of such members.

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include the following

3 (1) An identification of the military medical
4 treatment facilities at which the Secretary offers
5 members of the Armed Forces and their dependents
6 evidence-based programs during the perinatal period
7 that are proven to prevent perinatal mental health
8 conditions.

9 (2) An assessment of such programs offered at
10 such facilities, including an assessment of—

11 (A) the types of programs;

12 (B) the number and location of programs;

13 (C) the number of members of the Armed
14 Forces and their dependents who have partici-
15 pated in such programs, disaggregated by
16 Armed Force, military occupation, sex, age,
17 race, and ethnicity, when applicable; and

18 (D) whether such programs are delivered
19 in-person or virtually and the frequency of the
20 availability of such programs;

21 (3) The number of behavioral health specialists
22 for pregnant and postpartum members of the Armed
23 Forces and dependents integrated into obstetric care
24 practices, pediatrics, and women's clinics at military
25 medical treatment facilities.

1 (4) An assessment of the implementation of, or
2 plans to implement, a pilot program to provide a re-
3 productive behavioral health consultation service by
4 the Secretary as outlined in the White House Blue-
5 print for Addressing the Maternal Health Crisis,
6 dated June 2022, including—

7 (A) the number of providers the pilot pro-
8 gram has served or plans to serve,
9 disaggregated by provider type, specialty, and
10 location;

11 (B) the number and type of trainings pro-
12 viders received or will receive through the con-
13 sultation line on evidence-based practices to
14 prevent, screen, refer, and treat perinatal men-
15 tal health conditions;

16 (C) the locations that have had or will have
17 access to the pilot program;

18 (D) the types of expertise services that the
19 consultation line provides or will provide; and

20 (E) methods currently used or that will be
21 used to promote the availability of the consulta-
22 tion line to providers.

23 (5) Any recommendations for legislative or ad-
24 ministrative action to improve prevention, interven-
25 tion, and treatment of perinatal mental health condi-

1 tions for members of the Armed Forces and their
2 dependents.

3 (c) DEFINITIONS.—In this section:

4 (1) DEPENDENT.—The term “dependent” has
5 the meaning given that term in section 1072(2) of
6 title 10, United States Code.

7 (2) PERINATAL MENTAL HEALTH CONDITION.—
8 The term “perinatal mental health condition” means
9 a mental health disorder that occurs during preg-
10 nancy or within one year following childbirth, still-
11 birth, or miscarriage.

12 **SEC. 726. STUDY ON FAMILY PLANNING AND**
13 **CRYOPRESERVATION OF GAMETES TO IM-**
14 **PROVE RETENTION OF MEMBERS OF THE**
15 **ARMED FORCES.**

16 (a) IN GENERAL.—The Secretary of Defense shall
17 conduct a study on—

18 (1) the number of members of the Armed
19 Forces who elect to leave the Armed Forces for fam-
20 ily planning reasons, disaggregated by gender, age,
21 and military occupational specialty;

22 (2) whether the option of cryopreservation of
23 gametes would lead to greater retention of members
24 of the Armed Forces;

1 (3) methods for the Department of Defense to
2 offer cryopreservation of gametes for the purposes of
3 retention of members of the Armed Forces;

4 (4) the cost to the Department of offering
5 cryopreservation of gametes to active duty members
6 of the Armed Forces; and

7 (5) such other matters relating to family plan-
8 ning and cryopreservation of gametes for members
9 of the Armed Forces as the Secretary considers rel-
10 evant.

11 (b) BRIEFING.—Not later than April 1, 2024, the
12 Secretary shall brief the Committees on Armed Services
13 of the Senate and the House of Representatives on the
14 results of the study conducted under subsection (a).

15 **TITLE VIII—ACQUISITION POL-**
16 **ICY, ACQUISITION MANAGE-**
17 **MENT, AND RELATED MAT-**
18 **TERS**

19 **Subtitle A—Acquisition Policy and**
20 **Management**

21 **SEC. 801. AMENDMENTS TO MULTIYEAR PROCUREMENT**
22 **AUTHORITY.**

23 Section 3501 of title 10, United States Code, is
24 amended—

25 (1) in subsection (a)(1)—

1 (A) by striking “will result in significant
2 savings” and inserting the following: “will re-
3 sult in—

4 “(A) significant savings”; and

5 (B) by striking “annual contracts.” and in-
6 serting the following: “annual contracts; or

7 “(B) necessary industrial base stability not
8 otherwise achievable through annual con-
9 tracts.”; and

10 (2) by striking “\$500,000,000” each place it
11 appears and inserting “\$1,000,000,000”.

12 **SEC. 802. MODERNIZING THE DEPARTMENT OF DEFENSE**
13 **REQUIREMENTS PROCESS.**

14 (a) MODERNIZING THE DEPARTMENT OF DEFENSE
15 REQUIREMENTS PROCESS.—Not later than October 1,
16 2025, the Secretary of Defense, acting through the Vice
17 Chairman of the Joint Chiefs of Staff, in cooperation with
18 the Secretaries of the military departments and the com-
19 manders of the combatant commands, and in coordination
20 with the Under Secretary of Defense for Acquisition and
21 Sustainment, shall develop and implement a streamlined
22 Department of Defense requirements process, to include
23 modernizing the Joint Capabilities Integration and Devel-
24 opment System, in order to improve alignment between
25 modern warfare concepts, technologies, and system devel-

1 opment and reduce the time to delivery of needed capabili-
2 ties to Department users.

3 (b) REFORM ELEMENTS.—The modernization activi-
4 ties conducted under subsection (a) shall include the fol-
5 lowing elements:

6 (1) Streamlining requirements documents, re-
7 views, and approval processes, especially for pro-
8 grams below the major defense acquisition program
9 threshold described in section 4201 of title 10,
10 United States Code.

11 (2) Revisiting requirements management prac-
12 tices from a first principles perspective based on
13 mission outcomes and assessed threats, enabling a
14 more iterative and collaborative approach with the
15 services to shape requirements and technology driven
16 opportunities.

17 (3) Developing a capability needs and require-
18 ments framework and pathways that are aligned to
19 the Department's Adaptive Acquisition Framework
20 pathways, and better aligned and integrated with the
21 Department's science and technology processes.

22 (4) Enabling the military departments to de-
23 velop an enduring set of requirements according to
24 a set of capability portfolios to provide a structure
25 across acquisition programs and research, which

1 shall be articulated in a concise model and document
2 with a set of mission impact measures that capa-
3 bility deliveries will seek to continuously improve.

4 (5) Establishing a process to rapidly validate
5 the military utility of commercial solutions to meet
6 capability needs or opportunities in lieu of the tradi-
7 tional program-centric requirements definition.

8 (6) Retiring and replacing the Department of
9 Defense Architecture Framework with a new struc-
10 ture focused on enabling interoperability through ap-
11 plication program interfaces, enterprise architectures
12 and platforms, and government and commercial
13 standards.

14 (7) Ensuring that requirements processes for
15 software, artificial intelligence, data, and related ca-
16 pability areas enable a rapid, dynamic, and iterative
17 approach than traditional hardware systems.

18 (c) ELEMENTS.—The implementation of streamlined
19 requirements shall include the following elements:

20 (1) Collaboration with industry, traditional and
21 non-traditional defense companies, and the science
22 and technology community to capture their inputs
23 and feedback on shaping the Department's require-
24 ments processes to ensure it effectively harnesses the
25 innovation ecosystem.

1 (2) Development of a formal career path, train-
2 ing, and structure for requirements management
3 professionals and chief architects.

4 (3) Publication of new policies, guidance, and
5 templates for the operational, requirements, and ac-
6 quisition workforce in online digital formats instead
7 of large policy documents.

8 (d) INTERIM REPORT.—Not later than October 1,
9 2024, the Secretary of Defense shall submit to the con-
10 gressional defense committees an interim report on the
11 modernization conducted by the Secretary under sub-
12 section (a), including—

13 (1) a description of the modernization efforts;

14 (2) the Department of Defense’s plans to imple-
15 ment, communicate, and continuously improve the
16 modernization of the Department’s requirements
17 processes and structure; and

18 (3) any additional recommendations for legisla-
19 tion that the Secretary determines appropriate.

20 (e) FINAL REPORT.—Not later than October 1, 2025,
21 the Secretary of Defense shall submit to the Secretary of
22 Defense and the congressional defense committees a final
23 report describing activities carried out pursuant to sub-
24 sections (b) and (c).

1 **SEC. 803. HEAD OF CONTRACTING AUTHORITY FOR STRA-**
2 **TEGIC CAPABILITIES OFFICE.**

3 (a) **AUTHORITY.**—The Director of the Strategic Ca-
4 pabilities Office shall have the authority to conduct acqui-
5 sition activities within the Strategic Capabilities Office.

6 (b) **ACQUISITION EXECUTIVE.**—

7 (1) **IN GENERAL.**—The staff of the Director
8 shall include an acquisition executive, who shall be
9 responsible for the overall supervision of acquisition
10 matters for the Strategic Capabilities Office. The ac-
11 quisition executive shall have the authority—

12 (A) to negotiate memoranda of agreement
13 with the military departments and Department
14 of Defense components to carry out the acquisi-
15 tion of equipment, capabilities, and services on
16 behalf of the Office;

17 (B) to supervise the acquisition of equip-
18 ment, capabilities, and services on behalf of the
19 Office;

20 (C) to represent the Office in discussions
21 with the military departments regarding acqui-
22 sition programs for which the Office is a cus-
23 tomer; and

24 (D) to work with the military departments
25 to ensure that the Office is appropriately rep-
26 resented in any joint working group or inte-

1 grated product team regarding acquisition pro-
2 grams for which the Office is a customer.

3 (2) DELIVERY OF ACQUISITION SOLUTIONS.—

4 The acquisition executive of the Strategic Capabili-
5 ties Office shall be—

6 (A) responsible to the Director for rapidly
7 delivering acquisition solutions to meet vali-
8 dated cyber operations-peculiar requirements;

9 (B) subordinate to the defense acquisition
10 executive in matters of acquisition;

11 (C) subject to the same oversight as the
12 service acquisition executives; and

13 (D) included on the distribution list for ac-
14 quisition directives and instructions of the De-
15 partment of Defense.

16 (c) IMPLEMENTATION PLAN REQUIRED.—The au-
17 thority granted in subsection (a) shall become effective 30
18 days after the date on which the Secretary of Defense pro-
19 vides to the congressional defense committees a plan for
20 implementation of those authorities under subsection (a).

21 The plan shall include the following:

22 (1) Summaries of the components to be nego-
23 tiated in the memoranda of agreement with the mili-
24 tary departments and other Department of Defense
25 components to carry out the development, acquisi-

1 tion, and sustainment of equipment, capabilities, and
2 services described in subsection (b)(1).

3 (2) Negotiation and approval timelines for
4 memorandum of agreement.

5 (3) A plan for oversight of the acquisition execu-
6 tive established under subsection (b).

7 (4) An assessment of the acquisition workforce
8 needs of the Strategic Capabilities Office to support
9 the authority provided under subsection (a) until
10 2028.

11 (5) Other matters as appropriate.

12 (d) ANNUAL END-OF-YEAR ASSESSMENT.—Each
13 year, the Under Secretary of Defense for Acquisition and
14 Sustainment shall review and assess the acquisition activi-
15 ties of the Strategic Capabilities Office, including con-
16 tracting and acquisition documentation, for the previous
17 fiscal year and provide any recommendations or feedback
18 to the acquisition executive of the Strategic Capabilities
19 Office.

20 (e) SUNSET.—

21 (1) IN GENERAL.—The authority provided
22 under this section shall terminate on September 30,
23 2028.

24 (2) LIMITATION ON DURATION OF ACQUISI-
25 TIONS.—The authority under this section does not

1 include major defense acquisition programs, major
2 automated information system programs, or acquisi-
3 tions of foundational infrastructure or software ar-
4 chitectures the duration of which is expected to last
5 more than five years.

6 **SEC. 804. PILOT PROGRAM FOR THE USE OF INNOVATIVE**
7 **INTELLECTUAL PROPERTY STRATEGIES.**

8 (a) IN GENERAL.—As soon as practicable, the Sec-
9 retary of each military department shall designate one ac-
10 quisition program within their service and the Under Sec-
11 retary of Defense for Acquisition and Sustainment shall
12 designate one acquisition program within the Department
13 of Defense Agencies and Field Activities for the use of
14 innovative intellectual property strategies in order to ac-
15 quire the necessary technical data rights required for the
16 operations and maintenance of that system.

17 (b) BRIEFING REQUIREMENT.—Not later than 180
18 days after the date of the enactment of this Act, the Under
19 Secretary of Defense for Acquisition and Sustainment, in
20 coordination with the Secretaries of the military depart-
21 ments, shall provide a briefing to the Committees on
22 Armed Services of the Senate and the House of Represent-
23 atives with a detailed plan to implement the requirements
24 of this section.

1 (c) ANNUAL REPORT.—Upon selection of the pro-
2 grams to be covered by this section and until the termi-
3 nation of this authority, the Under Secretary of Defense
4 for Acquisition and Sustainment, in coordination with the
5 Secretaries of the military departments, shall provide an
6 annual report to the Committees on Armed Services of the
7 Senate and the House of Representatives on the effective-
8 ness of the pilot program in acquiring the data necessary
9 to support timely, cost-effective maintenance and
10 sustainment of the system and any recommendations for
11 the applicability of lessons learned from this pilot program
12 to future acquisition programs.

13 (d) DEFINITIONS.—In this section:

14 (1) DEPARTMENT OF DEFENSE AGENCIES AND
15 FIELD ACTIVITIES.—The terms “Department of De-
16 fense Agency” and “Department of Defense Field
17 Activity” have the meanings given those terms in
18 section 101 of title 10, United States Code.

19 (2) INNOVATIVE INTELLECTUAL PROPERTY
20 STRATEGIES.—The term “innovative intellectual
21 property strategies” includes the following:

22 (A) The use of an escrow account to verify
23 and hold intellectual property data.

24 (B) The use of royalties or licenses.

1 (C) Other innovative strategies to acquire
2 the necessary level of intellectual property and
3 data rights to support the operations, mainte-
4 nance, installation, and training (OMIT) of the
5 selected program.

6 (e) SUNSET.—The authority to initiate a program
7 under this section shall terminate on December 31, 2028.

8 **SEC. 805. FOCUSED COMMERCIAL SOLUTIONS OPENINGS**
9 **OPPORTUNITIES.**

10 (a) REQUIREMENT.—The Secretary of Defense, in
11 coordination with the service acquisition executives of each
12 military department, shall create not less than three new
13 commercial solutions opening (CSO) opportunities pursu-
14 ant to section 3458 of title 10, United States Code, each
15 fiscal year. Each such CSO opportunities shall be dedi-
16 cated to addressing the mission needs and integrated pri-
17 ority lists of a single geographic combatant command.

18 (b) EXECUTION.—In creating the CSO opportunities
19 required under subsection (a), the Secretary of Defense
20 shall—

21 (1) assign the responsibility for issuing a CSO
22 to a single military department, with a program ex-
23 ecutive officer from that military department as-
24 signed as lead; and

1 unless a justification of non-commerciality is deter-
2 mined.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port on the findings of the study conducted under sub-
7 section (a). The report shall include specific findings with
8 relevant data and proposed recommendations, including
9 for any necessary and desirable modifications to applicable
10 statute for any changes the Department seeks to make
11 regarding paragraphs (1) through (3) of subsection (a).

12 **SEC. 807. SENSE OF THE SENATE ON INDEPENDENT COST**
13 **ASSESSMENT.**

14 It is the sense of the Senate that—

15 (1) to implement the National Defense Strat-
16 egy, the Department of Defense requires thoughtful
17 and thorough analysis to ensure efficient and effec-
18 tive use of each taxpayer dollar to inform tradeoff
19 analysis that delivers the optimum portfolio of mili-
20 tary capabilities;

21 (2) the Secretary of Defense requires timely, in-
22 sightful, and unbiased analysis on cost estimation
23 for major defense acquisition programs; and

1 (3) the Office of the Director of Cost Assess-
2 ment and Program Evaluation supports implementa-
3 tion of the National Defense Strategy by—

4 (A) providing insight into the costs of
5 major defense acquisition programs and other
6 technology development initiatives that enables
7 responsible budgeting and proactive manage-
8 ment decisions so that the Department can con-
9 trol cost, drive efficiency, and achieve savings;

10 (B) ensuring that the cost estimation
11 workforce of the Department of Defense is
12 using the most modern and realistic cost esti-
13 mation methodologies, tools, and tradecraft, in-
14 cluding the collection and distribution of data
15 through the Cost Assessment Data Enterprise;
16 and

17 (C) providing timely review and oversight
18 of cost estimates performed by the defense
19 agencies and military departments.

20 **SEC. 808. EMERGENCY ACQUISITION AUTHORITY FOR PUR-**
21 **POSES OF REPLENISHING UNITED STATES**
22 **STOCKPILES.**

23 Section 3601(a)(1) of title 10, United States Code,
24 is amended—

1 (1) in subparagraph (A)(iv), by striking “; or”
2 and inserting a semicolon;

3 (2) in subparagraph (B), by striking the period
4 at the end and inserting “; or”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(C) for purposes of—

8 “(i) replenishing United States stock-
9 piles with like defense articles when those
10 stockpiles are diminished as a result of the
11 United States providing defense articles in
12 response to an armed attack by a country
13 of concern (as that term is defined in sec-
14 tion 1(m) of the State Department Basic
15 Authorities Act of 1956 (22 U.S.C.
16 2651a(m)) against—

17 “(I) a United States ally (as that
18 term is defined in section 201(d) of
19 the Act of December 2, 1942, entitled,
20 ‘To provide benefits for the injury,
21 disability, death, or enemy detention
22 of employees of contractors with the
23 United States, and for other purposes’
24 (56 Stat. 1028, chapter 668; 42
25 U.S.C. 1711(d)); or

1 “(II) a United States partner; or
2 “(ii) contracting for the movement or
3 delivery of defense articles transferred to
4 such ally or partner through the Presi-
5 dent’s drawdown authorities in connection
6 with such response,
7 provided that the United States is not a party
8 to the hostilities.”.

9 **Subtitle B—Amendments to Gen-**
10 **eral Contracting Authorities,**
11 **Procedures, and Limitations**

12 **SEC. 811. COMMANDER INITIATED RAPID CONTRACTING**
13 **ACTIONS.**

14 (a) IN GENERAL.—The commander of a combatant
15 command, upon providing a written determination to a
16 supporting head (or heads) of contracting activity (HCA),
17 may request emergency, rapid contracting response using
18 special authorities described in subsection (b)—

19 (1) in support of a contingency operation (as
20 defined in section 101(a) of title 10, United States
21 Code);

22 (2) to facilitate the defense against or recovery
23 from cyber, nuclear, biological, chemical, or radio-
24 logical attack against the United States;

1 (3) in support of a humanitarian or peace-
2 keeping operation (as the term is defined in section
3 3015(2) of title 10, United States Code); and

4 (4) for purposes of protecting the national secu-
5 rity interests of the United States during directed
6 operations that fall below the level of armed conflict.

7 (b) APPLICABILITY.—In carrying out subsection (a),
8 the HCA may utilize the following authorities to rapidly
9 respond to time-sensitive or unplanned emergency situa-
10 tions:

11 (1) For actions taken under subsection (a) in
12 the case of a contract to be awarded and performed,
13 or purchase to be made, in the United States, sim-
14 plified procedures for a single contracting action
15 may be used up to \$15,000.

16 (2) For actions taken under subsection (a) in
17 the case of a contract to be awarded and performed,
18 or purchase to be made, outside the United States,
19 simplified procedures for a single contracting action
20 may be used up to \$25,000.

21 (3) For purposes of section 3205(a)(2) of title
22 10, United States Code, the applicable threshold is
23 deemed to be \$10,000,000.

24 (4) The property or service being procured may
25 be treated as a commercial product or a commercial

1 service for the purpose of carrying out the procure-
2 ment.

3 (c) DETERMINATION.—A written determination re-
4 quired under subsection (a) may be used to cover more
5 than one requested action, and may be directed to more
6 than one HCA, and shall include:

7 (1) The rationale for initiating the request in
8 accordance with paragraphs (1) through (4) of such
9 subsection.

10 (2) A description of the actions being requested
11 of the HCA.

12 (3) A declaration that funds are available for
13 such requested contracting support.

14 (d) SUNSET.—The authority under subsection (a)
15 shall terminate on September 30, 2028.

16 (e) ANNUAL REPORT.—Not later than January 15,
17 2025, and annually thereafter for four years, the Chair-
18 man of the Joint Chiefs of Staff, in coordination with the
19 Under Secretary of Defense for Acquisition and
20 Sustainment, shall provide a report to the congressional
21 defense committees on the use of the authority under this
22 section for the previous fiscal year. The report shall in-
23 clude a summary of each instance of the authority being
24 used, including—

1 (1) the combatant command initiating the ac-
2 tion or actions;

3 (2) the supporting HCA or HCAs; and

4 (3) the specific actions requested, including the
5 contract performer and value of contracting action.

6 **SEC. 812. EXTENSION AND REVISIONS TO NEVER CON-**
7 **TRACT WITH THE ENEMY.**

8 (a) IN GENERAL.—Section 841 of the Carl Levin and
9 Howard P. “Buck” McKeon National Defense Authoriza-
10 tion Act for Fiscal Year 2015 (Public Law 113–291; 10
11 U.S.C. 4871 note prec.) is amended—

12 (1) by striking the section heading and insert-
13 ing “**THREAT MITIGATION IN COMMERCIAL**
14 **SUPPORT TO OPERATIONS**”;

15 (2) in subsection (a)—

16 (A) by striking the subsection heading and
17 inserting “PROGRAM ESTABLISHED”;

18 (B) by striking “and in consultation with
19 the Secretary of State” and all that follows
20 through the period at the end and inserting
21 “and the Secretary of State, establish a pro-
22 gram to enable combatant commanders to iden-
23 tify and manage risks introduced by covered
24 persons and entities providing commercial sup-
25 port to military operations. The Secretary of

1 Defense shall publish policy establishing this
2 program with responsibilities for program exe-
3 cution and oversight and procedures for use of
4 available intelligence, security, and law enforce-
5 ment information to identify threats and em-
6 ployment of a range of strategies, including the
7 covered procurement actions described in this
8 section, to manage risks posed by covered per-
9 sons and entities that are engaged in covered
10 activities.”;

11 (3) by amending subsection (b) to read as fol-
12 lows:

13 “(b) AUTHORITY.—

14 “(1) IDENTIFICATION.—The combatant com-
15 mander shall identify covered persons or entities en-
16 gaged in covered activities through the program es-
17 tablished under subsection (a). Upon identification
18 of a covered person or entity, combatant com-
19 manders, or their designated deputies, shall notify
20 and provide rationale for such an identification to
21 the Under Secretary of Defense for Acquisition and
22 Sustainment, the Under Secretary of Defense for In-
23 telligence and Security, and the Under Secretary of
24 Defense for Policy.

25 “(2) COVERED PROCUREMENT ACTIONS.—

1 “(A) IN GENERAL.—The head of a con-
2 tracting activity may exercise a covered pro-
3 curement action on a covered persons or entity.

4 “(B) LIMITATION ON COVERED PROCURE-
5 MENT ACTIONS.—The head of a contracting ac-
6 tivity may exercise a covered procurement ac-
7 tion only after receiving a notification and rec-
8 ommendation from the Under Secretary of De-
9 fense for Acquisition and Sustainment, based
10 on a risk assessment by the identifying combat-
11 ant commander, that states that—

12 “(i) the person or entity identified by
13 the combatant commander meets the cri-
14 teria for a covered person or entity and
15 was or is actively engaged in one or more
16 covered activities; and

17 “(ii) less intrusive measures are not
18 reasonably available to manage the risk.”;

19 (4) by amending subsection (c) to read as fol-
20 lows:

21 “(c) NOTIFICATION TO COVERED PERSON OR ENTI-
22 TY.—

23 “(1) ADVANCE NOTICE.—Contracting activities
24 shall notify covered persons and entities through

1 covered solicitations and contracts, grants, or coop-
2 erative agreements of the following matters:

3 “(A) The program established under sub-
4 section (a).

5 “(B) The authorities established under
6 subsection (b).

7 “(C) The responsibilities of covered per-
8 sons or entities to exercise due diligence to miti-
9 gate their engagement in covered activities.

10 “(2) NOTICE OF COVERED PROCUREMENT AC-
11 TIONS.—

12 “(A) IN GENERAL.—Upon exercising a
13 covered procurement action, the head of a con-
14 tracting activity shall notify the covered person
15 or entity of the action. The covered person or
16 entity shall be permitted the opportunity to
17 challenge the covered procurement action by re-
18 questing an administrative review of the action
19 under the procedures of the Department of De-
20 fense not later than 30 days after receipt of no-
21 tice of the action.

22 “(B) LIMITATION ON DISCLOSURE OF IN-
23 FORMATION.—Full disclosure of information to
24 a covered person or entity justifying an identi-
25 fication made under subsection (b)(1) or a cov-

1 ered procurement action need not be provided
2 when such a disclosure would compromise na-
3 tional security or would pose an unacceptable
4 threat to personnel of the United States or
5 partners and allies.

6 “(C) PROTECTION OF CLASSIFIED INFOR-
7 MATION.—Classified information relied upon to
8 exercise a covered procurement action may not
9 be disclosed to a covered person or entity, or to
10 their representatives, unless a protective order
11 issued by a court of competent jurisdiction es-
12 tablished under article I or article III of the
13 Constitution of the United States specifically
14 addresses the conditions under which such clas-
15 sified information may be disclosed.”;

16 (5) by amending subsection (d) to read as fol-
17 lows:

18 “(d) COVERED PROCUREMENT ACTION REPORT-
19 ING.—All covered procurement actions shall be reported
20 to the Under Secretary of Defense for Acquisition and
21 Sustainment and reported in the Federal Awardee Per-
22 formance and Integrity Information System (FAPIIS) or
23 other formal systems or record. Exclusions shall also be
24 reported in the System for Award Management (SAM).”;

1 (6) by amending subsection (e) to read as fol-
2 lows:

3 “(e) ANNUAL REVIEW.—The Secretary of Defense,
4 in coordination with the Director of National Intelligence
5 and the Secretary of State, shall, on an annual basis, re-
6 view the lists of persons and entities having been subject
7 to a covered procurement action under subsection (b)(2)
8 to determine whether or not such persons and entities con-
9 tinue to warrant use of the covered procurement action.”;

10 (7) by amending subsection (f) to read as fol-
11 lows:

12 “(f) WAIVER.—The Secretary of Defense, in conjunc-
13 tion with the Secretary of State, may grant a waiver for
14 actions taken under subsection (b) if it is in the best inter-
15 est of national security.”;

16 (8) by amending subsection (g) to read as fol-
17 lows:

18 “(g) DELEGATION OF AUTHORITY.—The authority
19 provided by subsection (b) to make a determination to use
20 a covered procurement action, in whole or in part, may
21 not be delegated below the level of head of contracting ac-
22 tivity, or equivalent official for purposes of grants or coop-
23 erative agreements.”;

24 (9) by amending subsection (h) to read as fol-
25 lows:

1 “(h) UPDATING REGULATIONS.—The Federal Acqui-
2 sition Regulation and the Defense Federal Acquisition
3 Regulation Supplement shall be revised to implement the
4 provisions of this subtitle.”;

5 (10) in subsection (i)—

6 (A) in paragraph (1)—

7 (i) by striking “Director of the Office
8 of Management and Budget” and inserting
9 “Secretary of Defense”;

10 (ii) by striking “appropriate commit-
11 tees of Congress” and inserting “congres-
12 sional defense committees”;

13 (iii) in subparagraph (A)—

14 (I) by striking “an executive
15 agency exercised the authority to ter-
16minate, void, or restrict a contract,
17grant, and cooperative agreement pur-
18suant to subsection (c), based on a
19notification under subsection (b)” and
20inserting “a head of contracting activ-
21ity exercised a covered procurement
22action”;

23 (II) in clause (i) by striking “ex-
24ecutive agency” and inserting “head
25of contracting activity”;

1 (III) in clause (ii), by striking
2 “the action taken” and inserting “ex-
3 ercising the covered procurement ac-
4 tion”;

5 (IV) in clause (iii), by striking
6 “voided or terminated” and inserting
7 “subject to the covered procurement
8 action”; and

9 (V) in clause (iv)—

10 (aa) by striking “executive
11 agency in force” and inserting
12 “Department of Defense has”
13 and

14 (bb) by striking “concerned
15 at the time the contract, grant,
16 or cooperative agreement was ter-
17 minated or voided” and replacing
18 with “at the time of exercise of
19 the covered procurement action”;
20 and

21 (iv) in subparagraph (B)—

22 (I) by striking “an executive
23 agency did not exercise the authority
24 to terminate, void, or restrict a con-
25 tract, grant, and cooperative agree-

1 ment pursuant to subsection (c),
2 based on a notification under sub-
3 section (b)” and inserting “a head of
4 contracting activity did not exercise a
5 covered procurement action following
6 an identification from a combatant
7 commander”;

8 (II) in clause (i), by striking “ex-
9 ecutive agency” and inserting “head
10 of contracting activity”; and

11 (III) in clause (ii), by inserting
12 “covered procurement” before “ac-
13 tion”; and

14 (B) in paragraph (2), by striking “Direc-
15 tor” and inserting “Secretary of Defense”;

16 (11) by striking subsection (j) and (m) and re-
17 designating subsections (k), (l), and (n) as sub-
18 sections (j), (k), and (l), respectively;

19 (12) in subsection (k), as redesignated by para-
20 graph (11), by striking “Except as provided in sub-
21 section (l), the” and inserting “The”; and

22 (13) in subsection (l), as so redesignated, by
23 striking “December 31, 2025” and inserting “De-
24 cember 31, 2033”.

1 (2) by inserting before paragraph (2), as redese-
2 gnated by paragraph (1) of this section, the fol-
3 lowing new paragraph:

4 “(1) COVERED ACTIVITIES.—The term ‘covered
5 activities’ means activities where a covered person or
6 entity is—

7 “(A) engaging in acts of violence against
8 personnel of the United States or partners and
9 allies;

10 “(B) providing financing, logistics, train-
11 ing, or intelligence to a person described in sub-
12 paragraph (A);

13 “(C) engaging in foreign intelligence activi-
14 ties against the United States or partners and
15 allies;

16 “(D) engaging in transnational organized
17 crime or criminal activities; or

18 “(E) engaging in other activities that
19 present a direct or indirect risk to United
20 States or partner and allied missions and
21 forces.”;

22 (3) in paragraph (2), as so redesignated, by
23 striking “with an estimated value in excess of
24 \$50,000 that is performed outside the United
25 States, including its territories and possessions, in

1 support” and all that follows through the period at
2 the end and inserting “that is performed outside the
3 United States, including its territories and posses-
4 sions.”;

5 (4) by amending paragraph (3), as so redesign-
6 nated, to read as follows:

7 “(3) COVERED PERSON OR ENTITY.—The term
8 ‘covered person or entity’ means any person, cor-
9 poration, company, limited liability company, limited
10 partnership, business trust, business association, or
11 other similar entity outside of the United States or
12 any foreign reporting company in accordance with
13 section 5336(a)(11)(A)(ii) of title 31, United States
14 Code, that is responding to a covered solicitation or
15 performing work on a covered contract, grant, or co-
16 operative agreement.”; and

17 (5) by inserting after paragraph (3), as so re-
18 designated, the following new paragraphs:

19 “(4) COVERED PROCUREMENT ACTION.—The
20 term ‘covered procurement action’ means an action
21 taken by a head of contracting activity to—

22 “(A) exclude a person or commercial entity
23 from award with or without an existing con-
24 tract, grant, or cooperative agreement;

1 “(B) terminate an existing contract, grant,
2 or cooperative agreement for default; or

3 “(C) void in whole or in part an existing
4 contract, grant, or cooperative agreement.

5 “(5) COVERED SOLICITATION.—The term ‘cov-
6 ered solicitation’ means any Department of Defense
7 solicitation for work for which the place of perform-
8 ance is outside of the United States.”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect not later than 180 days after
11 the enactment of this Act, and shall apply to covered so-
12 licitations issued and covered contracts, grants, or cooper-
13 ative agreements (as that term is defined in section 843
14 of the Carl Levin and Howard P. “Buck” McKeon Na-
15 tional Defense Authorization Act for Fiscal Year 2015,
16 as amended by subsection (e)) awarded on or after such
17 date, and to task and delivery orders that have been issued
18 on or after such date pursuant to covered contracts,
19 grants, or cooperative agreements that are awarded be-
20 fore, on, or after such date.

1 **SEC. 813. ENHANCEMENT OF DEPARTMENT OF DEFENSE**
2 **CAPABILITIES TO PREVENT CONTRACTOR**
3 **FRAUD.**

4 (a) WITHHOLDING OF CONTRACTUAL PAYMENTS.—
5 Subsection (a) of section 4651 of title 10, United States
6 Code, is amended—

7 (1) in paragraph (1), by striking “; and” and
8 inserting a semicolon;

9 (2) in paragraph (2)—

10 (A) by striking “clause (1)” and inserting
11 “paragraph (1)”; and

12 (B) by striking “at least three, but not
13 more than 10, as determined by the Secretary
14 or his designee, times the cost incurred by the
15 contractor in giving gratuities to the officer, of-
16 ficial, or employee concerned.” and inserting
17 “of up to 10 percent of the total contract award
18 amount;”;

19 (3) by inserting after paragraph (2) the fol-
20 lowing new paragraphs:

21 “(3) with respect to a contract that could have
22 been terminated under paragraph (1) but for the
23 completion of performance of the contract, the
24 United States is entitled to exemplary damages as
25 set forth in paragraph (2); and

1 “(4) the Secretary of Defense or the Secretary
2 of a military department may, after providing notice
3 to the contractor and pending the determination
4 concerning exemplary damages referred to in para-
5 graph (2), withhold from payments otherwise due to
6 the contractor under any contract between the con-
7 tractor and the United States an amount not to ex-
8 ceed 10 percent of the total contract award
9 amount.”; and

10 (4) in the matter following paragraph (4), as
11 added by paragraph (3) of this subsection, by strik-
12 ing “clause (1)” and inserting “paragraph (1)”.

13 (b) BURDEN OF PROOF.—Paragraph (1) of section
14 4651(a) of title 10, United States Code, as amended by
15 subsection (a) of this section, is further amended by in-
16 serting “and by a preponderance of the evidence” after
17 “after notice and hearing”.

18 **SEC. 814. MODIFICATION OF APPROVAL AUTHORITY FOR**
19 **HIGH DOLLAR OTHER TRANSACTION AGREE-**
20 **MENTS FOR PROTOTYPES.**

21 (a) AMENDMENTS RELATING TO AUTHORITY.—Sec-
22 tion 4022(a)(2)(C)(i)(I) of title 10, United States Code,
23 is amended by inserting after “subsection (d)” the fol-
24 lowing: “were met for the prior transaction for the proto-
25 type project that provided for the award of the follow-on

1 production contract or transaction, and the requirements
2 of subsection (f)”.

3 (b) AMENDMENT RELATING TO APPROPRIATE USE
4 OF AUTHORITY.—Section 4022(d) of such title is amended
5 by adding at the end the following new paragraph:

6 “(3) The requirements of this subsection do not apply
7 to follow-on production contracts or transactions under
8 subsection (f).”.

9 **SEC. 815. MODIFICATIONS TO EARNED VALUE MANAGE-**
10 **MENT SYSTEM REQUIREMENTS.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of the enactment of this Act, the Under Secretary
13 for Acquisition and Sustainment shall update appropriate
14 policies related to Earned Value Management (EVM) as
15 follows:

16 (1) Update subpart 234.2 of the Defense Fed-
17 eral Acquisition Regulation Supplement (DFARS) to
18 exempt all software contracts and subcontracts from
19 EVM requirements.

20 (2) Update sections 234.201, 234.203,
21 252.234–7001, and 252.242–7002 of the DFARS—

22 (A) to increase contract value thresholds
23 associated with requiring EVM on cost or in-
24 centive contracts from \$20,000,000 to
25 \$50,000,000; and

1 (B) to increase the contract value thresh-
2 old for the contractor to use an EVM System
3 from \$50,000,000 to \$100,000,000.

4 (b) IMPLEMENTATION.—If the Under Secretary of
5 Defense for Acquisition and Sustainment is unable to up-
6 date the regulations specified in subsection (a) before the
7 deadline specified in such subsection, the Under Secretary
8 of Defense for Acquisition and Sustainment shall pro-
9 viding to the Committee on Armed Services of the Senate
10 and the Committee on Armed Services of the House of
11 Representatives a briefing explaining the timeline for im-
12 plementation.

13 **SEC. 816. INVENTORY OF INFLATION AND ESCALATION IN-**
14 **DICES.**

15 (a) INVENTORY REQUIRED.—

16 (1) IN GENERAL.—Not later than September
17 30, 2024, the Under Secretary of Defense for Acqui-
18 sition and Sustainment, in coordination with the
19 Service Acquisition Executives, shall conduct an in-
20 ventory of inflation and escalation indices currently
21 used for contracting and pricing purposes across the
22 Department and make the inventory available as a
23 resource for all government and industry contracting
24 and pricing professionals.

1 (2) ELEMENTS.—The inventory required under
2 paragraph (1)—

3 (A) shall include indices used for products
4 and indices used for services, including accessi-
5 bility instructions;

6 (B) may include relevant indices derived
7 from or leveraged by commercial, academic, or
8 nongovernmental sources; and

9 (C) shall separately identify indices for
10 which the Department of Defense purchases ac-
11 cess.

12 (b) ASSESSMENT.—As part of the inventory required
13 under subsection (a), the Under Secretary of Defense for
14 Acquisition and Sustainment shall also conduct an assess-
15 ment of the available inflation and escalation indices in
16 order to determine—

17 (1) gaps in any available indices where identi-
18 fication or development of new indices may be nec-
19 essary; and

20 (2) in instances where there are multiple indices
21 being used—

22 (A) whether consolidation on a single index
23 or smaller subset of indices is possible or advis-
24 able; and

1 (B) whether commercial, academic, or non-
2 governmental indices have any comparative ben-
3 efit or advantage over governmental sources.

4 (c) PERIODIC UPDATES.—The Under Secretary of
5 Defense for Acquisition and Sustainment shall periodi-
6 cally, and not less than once every 5 years, review and
7 update the inventory required under subsection (a).

8 (d) GUIDANCE.—Not later than March 30, 2025, the
9 Under Secretary of Defense for Acquisition and
10 Sustainment, in coordination with the Service Acquisition
11 Executives, shall issue guidance providing for the con-
12 sistent application and maintenance of data included in
13 the inventory required under subsection (a) for use by gov-
14 ernment contracting and pricing personnel.

15 **SEC. 817. PILOT PROGRAM TO INCENTIVIZE PROGRESS**
16 **PAYMENTS.**

17 (a) PILOT PROGRAM.—The Under Secretary of De-
18 fense for Acquisition and Sustainment shall establish and
19 implement a pilot program to incentivize large business
20 concerns awarded Department of Defense contracts to
21 qualify for progress payments up to 10 percentage points
22 higher than the standard progress payment rate.

23 (b) INCENTIVES.—The Under Secretary for Acquisi-
24 tion and Sustainment shall establish clear and measurable
25 criteria to provide for the payment to contractors of higher

1 progress payments as described in subsection (a), includ-
2 ing meeting one or more of the following criteria:

3 (1) Adherence to delivery dates for contract end
4 items and contract data requirement lists or compli-
5 ance with the performance milestone schedule during
6 the preceding fiscal year.

7 (2) The lack of any open level III or IV correc-
8 tive action requests.

9 (3) Acceptability of the contractor's business
10 systems without significant deficiencies.

11 (4) Meeting small business subcontracting goals
12 during the preceding fiscal year.

13 (c) REPORT.—The Under Secretary for Acquisition
14 and Sustainment shall submit to the Committees on
15 Armed Services of the Senate and House of Representa-
16 tives an annual report on the implementation of the pilot
17 program established under subsection (a), including a
18 comprehensive list of contractors and the contracts that
19 received the increased progress payments.

20 (d) DEFINITIONS.—In this section:

21 (1) STANDARD PROGRESS PAYMENT RATE.—
22 The term “standard progress payment rate” refers
23 to the rate of progress payments provided for under
24 section 3804 of title 10, United States Code, and
25 payable in accordance with the applicable provisions

1 of the Federal Acquisition Regulation and the De-
2 fense Federal Acquisition Regulation Supplement.

3 (2) LARGE BUSINESS CONCERNS.—The term
4 “large business concerns” means a business concern
5 that exceeds the small business size code standards
6 established by the Small Business Administration as
7 set forth in part 121 of title 13, Code of Federal
8 Regulations.

9 (e) SUNSET.—The authority to carry out the pilot
10 program established under subsection (a) shall terminate
11 on January 1, 2026.

12 **SEC. 818. EXTENSION OF PILOT PROGRAM TO ACCELERATE**
13 **CONTRACTING AND PRICING PROCESSES.**

14 Section 890 of the John S. McCain National Defense
15 Authorization Act for Fiscal Year 2019 (Public Law 115–
16 232), as most recently amended by section 818 of the
17 James M. Inhofe National Defense Authorization Act for
18 Fiscal Year 2023, is further amended in subsection (c)
19 by striking “January 2, 2024” and inserting “January 2,
20 2028”.

21 **SEC. 819. PREVENTING CONFLICTS OF INTEREST FOR DE-**
22 **PARTMENT OF DEFENSE CONSULTANTS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Secretary of Defense
25 shall amend the Defense Federal Acquisition Regulation—

1 (1) to require any entity that provides the serv-
2 ices described in North American Industry Classi-
3 fication System (NAICS) code 5416, prior to enter-
4 ing into the Department of Defense contract, to cer-
5 tify that—

6 (A) neither the entity nor any of its sub-
7 sidiaries or affiliates hold a contract with one or
8 more covered foreign entities; or

9 (B) the entity maintains a Conflict of In-
10 terest Mitigation Surveillance Plan described
11 under subsection (b) that is auditable by con-
12 tract oversight entities; and

13 (2) to restrict Department of Defense contracts
14 from being awarded to an entity that provides the
15 services described under the NAICS code 5416, if
16 the entity or any of its subsidiaries or affiliates are
17 determined, based on the self-certification required
18 under paragraph (1) or other information, to be a
19 contractor of, or otherwise providing services to, a
20 covered foreign entity unless such contractor main-
21 tains an enforceable Conflict of Interest Mitigation
22 Surveillance Plan.

23 (b) CONFLICT OF INTEREST MITIGATION SURVEIL-
24 LANCE PLAN.—Contractors that are unable to certify
25 under subsection (a)(1)(A) that neither they nor any of

1 their subsidiaries or affiliates hold a contract with one or
2 more covered foreign entities shall maintain a Conflict of
3 Interest Mitigation Surveillance Plan that is updated an-
4 nually and shall be provided to applicable contract over-
5 sight entities upon request. The plan shall include—

6 (1) identification of the contracts with the cov-
7 ered foreign entity (or entities) including the specific
8 entity, the dollar value of the contract, and the spe-
9 cific personnel working on the contract;

10 (2) mitigation measures being taken to prevent
11 conflicts of interest (corporately as well as for indi-
12 viduals working on the contract) that might arise by
13 also supporting Department of Defense contracts;
14 and

15 (3) notification procedures to the contract over-
16 sight entities within 15 days of determining an un-
17 mitigated conflict of interest has arisen.

18 (c) WAIVER.—The Secretary of Defense, or designee,
19 shall have the authority to waive conflicts of interest re-
20 strictions under subsection (a) on a case-by-case basis as
21 may be necessary to continue contracting for certain na-
22 tional security requirements. The Secretary of Defense
23 may not delegate such authority to an official below the
24 level of a Presidentially appointed, Senate-confirmed offi-
25 cial.

1 (d) WAIVER NOTIFICATION.—Not later than 30 days
2 after issuing a waiver under subsection (c) of this section,
3 the Secretary of Defense shall provide a written notifica-
4 tion to the Committee on Armed Services of the Senate
5 and the Committee on Armed Services of the House of
6 Representatives regarding the use of such waiver author-
7 ity. The notification shall include—

8 (1) the specific justification for providing the
9 waiver;

10 (2) the covered foreign entity with which the
11 waiver recipient is working which gives rise to the
12 conflict of interest;

13 (3) the number of bidders on a contract on
14 which the waiver was required;

15 (4) the number of bidders on a contract for
16 which a waiver would not have been required to have
17 been issued; and

18 (5) the total dollar value of the contract.

19 (e) DEFINITIONS.—In this section:

20 (1) COVERED FOREIGN ENTITY.—The term
21 “covered foreign entity” means any of the following:

22 (A) The Government of the People’s Re-
23 public of China, any Chinese state-owned entity,
24 or other entity under the ownership, or control,
25 directly or indirectly, of the Government of the

1 People’s Republic of China or the Chinese Com-
2 munist Party that is engaged in one or more
3 national security industries.

4 (B) The Government of the Russian Fed-
5 eration, any Russian state-owned entity, or any
6 entity sanctioned by the Secretary of the Treas-
7 ury under Executive Order 13662 titled “Block-
8 ing Property of Additional Persons Contrib-
9 uting to the Situation in Ukraine”(79 Fed.
10 Reg. 16169).

11 (C) The government or any state-owned
12 entity of any country if the Secretary of State
13 determines that such government has repeat-
14 edly provided support for acts of international
15 terrorism pursuant to—

16 (i) section 1754(c)(1)(A) of the Ex-
17 port Control Reform Act of 2018 (50
18 U.S.C. 4318(c)(1)(A));

19 (ii) section 620A of the Foreign As-
20 sistance Act of 1961 (22 U.S.C. 2371);

21 (iii) section 40 of the Arms Export
22 Control Act (22 U.S.C. 2780); or

23 (iv) any other provision of law.

1 (D) Any entity included on any of the fol-
2 lowing lists maintained by the Department of
3 Commerce:

4 (i) The Entity List set forth in Sup-
5 plement No. 4 to part 744 of the Export
6 Administration Regulations.

7 (ii) The Denied Persons List as de-
8 scribed in section 764.3(a)(2) of the Ex-
9 port Administration Regulations.

10 (iii) The Unverified List set forth in
11 Supplement No. 6 to part 744 of the Ex-
12 port Administration Regulations.

13 (iv) The Military End User List set
14 forth in Supplement No. 7 to part 744 of
15 the Export Administration Regulations.

16 (2) CONTRACT OVERSIGHT ENTITIES.—The
17 term “contract oversight entities” means any of the
18 following:

19 (A) The contracting officer.

20 (B) The contracting officer representative.

21 (C) The Defense Contract Management
22 Agency.

23 (D) The Defense Contract Audit Agency.

1 (E) The Office of Inspector General (OIG)
2 of the Department of Defense or any subcompo-
3 nent of OIG.

4 (F) The Government Accountability Office.

5 **SEC. 820. PROHIBITION ON REQUIRING DEFENSE CON-**
6 **TRACTORS TO PROVIDE INFORMATION RE-**
7 **LATING TO GREENHOUSE GAS EMISSIONS.**

8 (a) DEFINITIONS.—In this section:

9 (1) GREENHOUSE GAS.—The term “greenhouse
10 gas” means—

11 (A) carbon dioxide;

12 (B) methane;

13 (C) nitrous oxide;

14 (D) nitrogen trifluoride;

15 (E) hydrofluorocarbons;

16 (F) perfluorocarbons; or

17 (G) sulfur hexafluoride.

18 (2) GREENHOUSE GAS INVENTORY.—The term
19 “greenhouse gas inventory” means a quantified list
20 of an entity’s annual greenhouse gas emissions.

21 (3) NONTRADITIONAL DEFENSE CON-
22 TRACTOR.—The term “nontraditional defense con-
23 tractor” has the meaning given the term in section
24 3014 of title 10, United States Code.

1 (b) PROHIBITION ON DISCLOSURE REQUIRE-
2 MENTS.—

3 (1) NONTRADITIONAL DEFENSE CONTRAC-
4 TORS.—The Secretary of Defense may not require
5 any nontraditional defense contractor recipient of a
6 defense contract to provide a greenhouse gas inven-
7 tory or to provide any other report on greenhouse
8 gas emissions.

9 (2) OTHER THAN NONTRADITIONAL DEFENSE
10 CONTRACTORS.—During the two-year period begin-
11 ning on the date of the enactment of this Act, the
12 Secretary of Defense may not require any other than
13 nontraditional defense contractor recipient of a de-
14 fense contract to provide a greenhouse gas inventory
15 or to provide any other report on greenhouse gas
16 emissions.

17 **SEC. 821. PROHIBITION ON CONTRACTS FOR THE PROVI-**
18 **SION OF ONLINE TUTORING SERVICES BY EN-**
19 **TITIES OWNED BY THE PEOPLE'S REPUBLIC**
20 **OF CHINA.**

21 (a) IN GENERAL.—The Secretary of Defense may
22 not, on or after the date of the enactment of this Act,
23 enter into or renew a contract for the provision of online
24 tutoring services by an entity owned or controlled by the
25 Government of the People's Republic of China.

1 (b) WAIVER.—

2 (1) IN GENERAL.—The Secretary may waive
3 the prohibition under subsection (a).

4 (2) NONDELEGATION.—The Secretary may not
5 delegate the authority to issue a waiver under para-
6 graph (1).

7 **SEC. 822. MODIFICATION OF TRUTHFUL COST OR PRICING**
8 **DATA SUBMISSIONS AND REPORT.**

9 Section 3705(b)(2)(B) of title 10, United States
10 Code, is amended by striking “should-cost analysis.” and
11 all that follows through “past performance.” and inserting
12 “should-cost analysis and shall identify such offerors that
13 incur a delay greater than 200 days in submitting such
14 cost or pricing data. The Secretary of Defense shall in-
15 clude a public notation on such offerors.”.

16 **Subtitle C—Industrial Base**
17 **Matters**

18 **SEC. 831. DEFENSE INDUSTRIAL BASE ADVANCED CAPA-**
19 **BILITIES PILOT PROGRAM.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—The Under Secretary of De-
22 fense for Acquisition and Sustainment shall carry
23 out a pilot program through a public-private part-
24 nership to accelerate the scaling, production, and ac-
25 quisition of advanced defense capabilities determined

1 by the Under Secretary to be critical to the national
2 security by creating incentives for investment in do-
3 mestic small businesses or nontraditional businesses
4 to create a robust and resilient defense industrial
5 base.

6 (2) GOALS.—The goals of the public-private
7 partnership pilot program are as follows:

8 (A) To bolster the defense industrial base
9 through acquisition and deployment of ad-
10 vanced capabilities necessary to field Depart-
11 ment of Defense modernization programs and
12 priorities.

13 (B) To strengthen domestic defense supply
14 chain resilience and capacity by investing in in-
15 novative defense companies.

16 (C) To leverage private equity capital to
17 accelerate domestic defense scaling, production,
18 and manufacturing.

19 (b) PUBLIC-PRIVATE PARTNERSHIPS.—

20 (1) IN GENERAL.—In carrying out subsection
21 (a), the Under Secretary shall enter into one or
22 more public-private partnerships, consistent with the
23 phased implementation provided for in subsection
24 (e), with for-profit persons using the criteria set
25 forth in paragraph (2).

1 (2) CRITERIA.—The Under Secretary shall es-
2 tablish criteria for entering into one or more public-
3 private partnerships and shall submit to the congress-
4 sional defense committees such criteria, which shall
5 not take effect for the purposes of entering into any
6 agreement until 30 days after submission.

7 (3) OPERATING AGREEMENT.—The Under Sec-
8 retary and a person or persons with whom the
9 Under Secretary enters a partnership under para-
10 graph (1) shall enter into an operating agreement
11 that sets forth the roles, responsibilities, authorities,
12 reporting requirements, term, and governance frame-
13 work for the partnership and its operations. Such
14 operating agreements may not take effect until 30
15 days after they have been submitted to the congress-
16 sional defense committees.

17 (c) INVESTMENT OF EQUITY.—

18 (1) IN GENERAL.—Pursuant to public-private
19 partnerships entered into under subsection (b), a
20 person or persons with whom the Under Secretary
21 has entered into a partnership may invest equity in
22 domestic small businesses or nontraditional busi-
23 nesses consistent with subsection (a), with invest-
24 ments selected based on technical merit, economic
25 value, and the Department's modernization prior-

1 ities. The partnership shall require investment in not
2 less than 10 businesses, with no business rep-
3 resenting greater than 20 percent of total invest-
4 ment and no capability area exceeding 40 percent of
5 total investment

6 (2) AUTHORITIES.—A person or persons de-
7 scribed in paragraph (1) shall have sole authority to
8 operate, manage, and invest.

9 (d) LOAN GUARANTEE.—

10 (1) IN GENERAL.—Pursuant to the authority
11 established under [section ____] the Under Sec-
12 retary shall provide an up to 80 percent loan guar-
13 antee, pursuant to the public-private partnerships
14 entered into under subsection (b), with investment of
15 equity that qualifies under subsection (c) and con-
16 sistent with the goals set forth under subsection
17 (a)(2).

18 (2) PILOT PROGRAM AUTHORITY.—The tem-
19 porary loan guarantee authority described under
20 paragraph (1) is exclusively for the public-private
21 partnerships authorized under this section and may
22 not be utilized for other programs or purposes.

23 (3) SUBJECT TO OPERATING AGREEMENT.—
24 The loan guarantee under paragraph (1) shall be

1 subject to the operating agreement entered into
2 under subsection (b)(3).

3 (4) USE OF FUNDS.—Obligations incurred by
4 the Under Secretary under this paragraph shall be
5 subject to the availability of funds provided in ad-
6 vance specifically for the purpose of such loan guar-
7 antees.

8 (e) PHASED IMPLEMENTATION SCHEDULE AND RE-
9 QUIRED REPORTS AND BRIEFINGS.—The program estab-
10 lished under subsection (a) shall be carried out in two
11 phases as follows:

12 (1) PHASE 1.—

13 (A) IN GENERAL.—Phase 1 shall consist of
14 an initial pilot program with one public-private
15 partnership, consistent with subsection (b), to
16 assess the feasibility and advisability of expand-
17 ing the scope of the program. The Under Sec-
18 retary shall begin implementation of phase 1
19 not later than 180 days after the date of the
20 enactment of this Act.

21 (B) IMPLEMENTATION SCHEDULE AND
22 FRAMEWORK.—Not later than 90 days after the
23 date of the enactment of this Act, the Secretary
24 shall submit an implementation plan to the con-

1 gressional defense committees on the design of
2 phase 1. The plan shall include—

3 (i) an overview of, and the activities
4 undertaken, to execute the public-private
5 partnership;

6 (ii) a description of the advanced ca-
7 pabilities and defense industrial base areas
8 under consideration for investment;

9 (iii) an overview of the operating
10 agreement described in subsection (b)(3);
11 and

12 (iv) implementation milestones and
13 metrics.

14 (C) REPORT AND BRIEFING REQUIRED.—

15 Not later than 27 months after the date of the
16 enactment of this Act, the Secretary shall pro-
17 vide to the congressional defense committees a
18 report and briefing on the implementation of
19 this section and the feasibility and advisability
20 of expanding the scope of the pilot program.
21 The report and briefing shall include, at min-
22 imum—

23 (i) an overview of program perform-
24 ance, and implementation and execution
25 milestones and outcomes;

- 1 (ii) an overview of progress in—
2 (I) achieving new products in
3 production aligned with Department
4 of Defense needs;
5 (II) scaling businesses aligned to
6 targeted industrial base and capability
7 areas;
8 (III) generating defense indus-
9 trial base job growth;
10 (IV) increasing supply chain re-
11 silience and capacity; and
12 (V) enhancing competition on ad-
13 vanced capability programs;
- 14 (iii) an accounting of activities under-
15 taken and outline of the opportunities and
16 benefits of expanding the scope of the pilot
17 program; and
18 (iv) a recommendation by the Sec-
19 retary regarding the feasibility and desir-
20 ability of expanding the pilot program.

21 (2) PHASE 2.—

- 22 (A) IN GENERAL.—Not later than 30
23 months after the date of the enactment of this
24 Act, the Secretary may expand the scope of the
25 phase 1 pilot program with the ability to in-

1 crease to not more than three public-private
2 partnerships, consistent with subsection (b).

3 (B) REPORT AND BRIEFING REQUIRED.—

4 Not later than five years after the date of the
5 enactment of this Act, the Secretary shall pro-
6 vide to the congressional defense committees a
7 report and briefing on the outcomes of the pilot
8 program under subsection (a), including the ele-
9 ments described in paragraph (1)(C), and the
10 feasibility and advisability of making the pro-
11 gram permanent.

12 (f) TERMINATION.—The authority to enter into an
13 agreement to carry out the pilot program under subsection
14 (a) shall terminate on the date that is five years after the
15 date of the enactment of this Act.

16 (g) DEFINITIONS.—In this section:

17 (1) DOMESTIC BUSINESS.—The term “domestic
18 business” has the meaning given the term “U.S.
19 business” in section 800.252 of title 31, Code of
20 Federal Regulations, or successor regulation.

21 (2) DOMESTIC SMALL BUSINESSES OR NON-
22 TRADITIONAL BUSINESSES.—The term “domestic
23 small businesses or nontraditional businesses”
24 means—

1 (A) a small business that is a domestic
2 business; or

3 (B) a nontraditional business that is a do-
4 mestic business.

5 (3) NONTRADITIONAL BUSINESS.—The term
6 “nontraditional business” has the meaning given the
7 term “nontraditional defense contractor” in section
8 3014 of title 10, United States Code.

9 (4) SMALL BUSINESS.—The term “small busi-
10 ness” has the meaning given the term “small busi-
11 ness concern” in section 3 of the Small Business Act
12 (15 U.S.C. 632).

13 **SEC. 832. DEPARTMENT OF DEFENSE NOTIFICATION OF**
14 **CERTAIN TRANSACTIONS.**

15 (a) IN GENERAL.—The parties to a covered trans-
16 action required to file the notification and provide supple-
17 mentary information to the Department of Justice or the
18 Federal Trade Commission under section 7A of the Clay-
19 ton Act (15 U.S.C. 18a) shall concurrently provide such
20 information to the Department of Defense during the
21 waiting period under section 7A of the Clayton Act (15
22 U.S.C. 18a).

23 (b) DEFINITIONS.—In this section:

24 (1) COVERED TRANSACTION.—The term “cov-
25 ered transaction” means an actual or proposed

1 merger, acquisition, joint venture, strategic alliance,
2 or investment—

3 (A) for which the parties are required to
4 file a notification under section 7A of the Clay-
5 ton Act (15 U.S.C. 18a); and

6 (B) any party to which is, owns, or con-
7 trols a major defense supplier.

8 (2) MAJOR DEFENSE SUPPLIER.—The term
9 “major defense supplier” means—

10 (A) a current prime contractor of a major
11 defense acquisition program as defined in chap-
12 ter 201 of title 10, United States Code;

13 (B) a current prime contractor of a middle
14 tier acquisition as defined pursuant to section
15 804 of the National Defense Authorization Act
16 for Fiscal Year 2016 (Public Law 114–92; 129
17 Stat. 882);

18 (C) a current prime contractor of a soft-
19 ware acquisition program described under sec-
20 tion 800 of the National Defense Authorization
21 Act for Fiscal Year 2020 (Public Law 116–92;
22 133 Stat. 1478);

23 (D) a current prime contractor of a de-
24 fense business system as defined in section
25 2222 of title 10, United States Code; or

1 (E) a current prime contractor of a service
2 contract with the Department of Defense, as
3 defined in part 237 of the Defense Federal Ac-
4 quisition Regulation Supplement, above the
5 simplified acquisition threshold.

6 **SEC. 833. ANALYSES OF CERTAIN ACTIVITIES FOR ACTION**
7 **TO ADDRESS SOURCING AND INDUSTRIAL CA-**
8 **PACITY.**

9 (a) ANALYSIS REQUIRED.—

10 (1) IN GENERAL.—The Secretary of Defense,
11 acting through the Under Secretary of Defense for
12 Acquisition and Sustainment and other appropriate
13 officials, shall review the items under subsection (c)
14 to determine and develop appropriate actions, con-
15 sistent with the policies, programs, and activities re-
16 quired under subpart I of part V of subtitle A of
17 title 10, United States Code, chapter 83 of title 41,
18 United States Code, and the Defense Production Act
19 of 1950 (50 U.S.C. 4501 et seq.), including—

20 (A) restricting procurement, with appro-
21 priate waivers for cost, emergency require-
22 ments, and non-availability of suppliers, includ-
23 ing restricting procurement to—

24 (i) suppliers in the United States;

1 (ii) suppliers in the national tech-
2 nology and industrial base (as defined in
3 section 4801 of title 10, United States
4 Code);

5 (iii) suppliers in other allied nations;
6 or

7 (iv) other suppliers;

8 (B) increasing investment through use of
9 research and development or procurement ac-
10 tivities and acquisition authorities to—

11 (i) expand production capacity;

12 (ii) diversify sources of supply; or

13 (iii) promote alternative approaches
14 for addressing military requirements;

15 (C) prohibiting procurement from selected
16 sources or nations;

17 (D) taking a combination of actions de-
18 scribed under subparagraphs (A), (B), and (C);

19 or

20 (E) taking no action.

21 (2) CONSIDERATIONS.—The analyses conducted
22 pursuant to paragraph (1) shall consider national se-
23 curity, economic, and treaty implications, as well as
24 impacts on current and potential suppliers of goods
25 and services.

1 (b) REPORTING ON ANALYSES, RECOMMENDATIONS,
2 AND ACTIONS.—

3 (1) BRIEFING REQUIRED.—Not later than Jan-
4 uary 15, 2025, the Secretary of Defense shall sub-
5 mit to the congressional defense committees, in writ-
6 ing—

7 (A) a summary of the findings of the anal-
8 yses undertaken for each item pursuant to sub-
9 section (a);

10 (B) relevant recommendations resulting
11 from the analyses; and

12 (C) descriptions of specific activities under-
13 taken as a result of the analyses, including
14 schedule and resources allocated for any
15 planned actions.

16 (2) REPORTING.—The Secretary of Defense
17 shall include the analyses conducted under sub-
18 section (a), and any relevant recommendations and
19 descriptions of activities resulting from such anal-
20 yses, as appropriate, in each of the following during
21 the 2025 calendar year:

22 (A) The annual report or quarterly brief-
23 ings to Congress required under section 4814 of
24 title 10, United States Code.

1 (B) The annual report on unfunded prior-
2 ities of the national technology and industrial
3 base required under section 4815 of such title.

4 (C) Department of Defense technology and
5 industrial base policy guidance prescribed under
6 section 4811(c) of such title.

7 (D) Activities to modernize acquisition
8 processes to ensure the integrity of the indus-
9 trial base pursuant to section 4819 of such
10 title.

11 (E) Defense memoranda of understanding
12 and related agreements considered in accord-
13 ance with section 4851 of such title.

14 (F) Industrial base or acquisition policy
15 changes.

16 (G) Legislative proposals for changes to
17 relevant statutes which the Department shall
18 consider, develop, and submit to the Commit-
19 tees on Armed Services of the Senate and the
20 House of Representatives not less frequently
21 than once per fiscal year.

22 (H) Other actions as the Secretary of De-
23 fense determines appropriate.

1 (c) LIST OF GOODS AND SERVICES FOR ANALYSES,
2 RECOMMENDATIONS, AND ACTIONS.—The items described
3 in this subsection are the following:

4 (1) Traveling Wave Tubes and Traveling Wave
5 Tube Amplifiers.

6 **SEC. 834. PILOT PROGRAM ON CAPITAL ASSISTANCE TO**
7 **SUPPORT DEFENSE INVESTMENT IN THE IN-**
8 **DUSTRIAL BASE.**

9 (a) IN GENERAL.—The Secretary of Defense may
10 carry out a pilot program under this section to use capital
11 assistance to support the duties and elements of sections
12 901 and 907.

13 (b) ELIGIBILITY AND APPLICATION PROCESS.—

14 (1) IN GENERAL.—An eligible entity seeking
15 capital assistance for an eligible investment under
16 this section shall submit to the Secretary of Defense
17 an application at such time, in such manner, and
18 containing such information as the Secretary may
19 require.

20 (2) SELECTION OF INVESTMENTS.—The Sec-
21 retary shall establish criteria for selecting among eli-
22 gible investments for which applications are sub-
23 mitted under subsection (c)(2). The criteria shall in-
24 clude—

1 (A) the extent to which an investment sup-
2 ports the national security of the United States;

3 (B) the likelihood that capital assistance
4 provided for an investment would enable the in-
5 vestment to proceed sooner than the investment
6 would otherwise be able to proceed; and

7 (C) the creditworthiness of an investment.

8 (c) CAPITAL ASSISTANCE.—

9 (1) LOANS AND LOAN GUARANTEES.—

10 (A) IN GENERAL.—The Secretary may
11 provide loans or loan guarantees to finance or
12 refinance the costs of an eligible investment se-
13 lected pursuant to subsection (b)(2).

14 (B) ADMINISTRATION OF LOANS.—

15 (i) INTEREST RATE.—

16 (I) IN GENERAL.—Except as pro-
17 vided under subclause (II), the inter-
18 est rate on a loan provided under sub-
19 paragraph (A) shall be not less than
20 the yield on marketable United States
21 Treasury securities of a similar matu-
22 rity to the maturity of the loan on the
23 date of execution of the loan agree-
24 ment.

1 (II) EXCEPTION.—The Secretary
2 may waive the requirement under sub-
3 clause (I) with respect to an invest-
4 ment if the investment is determined
5 by the Secretary of Defense to be vital
6 to the national security of the United
7 States.

8 (III) CRITERIA.—The Secretary
9 shall establish separate and distinct
10 criteria for interest rates for loan
11 guarantees with private sector lending
12 institutions.

13 (ii) FINAL MATURITY DATE.—The
14 final maturity date of a loan provided
15 under subparagraph (A) shall be not later
16 than 50 years after the date of substantial
17 completion of the investment for which the
18 loan was provided.

19 (iii) PREPAYMENT.—A loan provided
20 under subparagraph (A) may be paid ear-
21 lier than is provided for under the loan
22 agreement without a penalty.

23 (iv) NONSUBORDINATION.—

24 (I) IN GENERAL.—A loan pro-
25 vided under subparagraph (A) shall

1 not be subordinated to the claims of
2 any holder of investment obligations
3 in the event of bankruptcy, insolvency,
4 or liquidation of the obligor.

5 (II) EXCEPTION.—The Secretary
6 may waive the requirement under sub-
7 clause (I) with respect to the invest-
8 ment in order to mitigate risks to loan
9 repayment.

10 (v) SALE OF LOANS.—The Secretary
11 may sell to another entity or reoffer into
12 the capital markets a loan provided under
13 subparagraph (A) if the Secretary deter-
14 mines that the sale or reoffering can be
15 made on favorable terms.

16 (vi) LOAN GUARANTEES.—Any loan
17 guarantee provided under subparagraph
18 (A) shall specify the percentage of the
19 principal amount guaranteed. If the Sec-
20 retary determines that the holder of a loan
21 guaranteed by the Department of Defense
22 defaults on the loan, the Secretary shall
23 pay the holder as specified in the loan
24 guarantee agreement.

1 (vii) INVESTMENT-GRADE RATING.—

2 The Secretary shall establish a credit rat-
3 ing system to ensure a reasonable reassur-
4 ance of repayment. The system may in-
5 clude use of existing credit rating agencies
6 where appropriate.

7 (viii) TERMS AND CONDITIONS.—

8 Loans and loan guarantees provided under
9 subparagraph (A) shall be subject to such
10 other terms and conditions and contain
11 such other covenants, representations, war-
12 ranties, and requirements (including re-
13 quirements for audits) as the Secretary de-
14 termines appropriate.

15 (ix) APPLICABILITY OF FEDERAL
16 CREDIT REFORM ACT OF 1990.—Loans and
17 loan guarantees provided under subpara-
18 graph (A) shall be subject to the require-
19 ments of the Federal Credit Reform Act of
20 1990 (2 U.S.C. 661 et seq.).

21 (2) EQUITY INVESTMENTS.—

22 (A) IN GENERAL.—The Secretary may, as
23 a minority investor, support an eligible invest-
24 ment selected pursuant to subsection (b)(2)
25 with funds or use other mechanisms for the

1 purpose of purchasing, and may make and fund
2 commitments to purchase, invest in, make
3 pledges in respect of, or otherwise acquire, eq-
4 uity or quasi-equity securities (such as war-
5 rants), or shares or financial interests of the el-
6 igible entity receiving support for the eligible in-
7 vestment, including as a limited partner or
8 other investor in investment funds, upon such
9 terms and conditions as the Secretary may de-
10 termine.

11 (B) SALES AND LIQUIDATION OF POSI-
12 TION.—The Secretary shall seek to sell and liq-
13 uidate any support for an investment provided
14 under subparagraph (A) as soon as commer-
15 cially feasible, commensurate with other similar
16 investors in the investment and taking into con-
17 sideration the national security interests of the
18 United States.

19 (3) TECHNICAL ASSISTANCE.—Subjection to
20 Appropriations acts, the Secretary may provide tech-
21 nical assistance with respect to developing and fi-
22 nancing investments to eligible entities seeking cap-
23 ital assistance for eligible investments and eligible
24 entities receiving capital assistance under this sec-
25 tion.

1 (4) TERMS AND CONDITIONS.—

2 (A) AMOUNT OF CAPITAL ASSISTANCE.—

3 The Secretary shall provide to an eligible in-
4 vestment selected pursuant to subsection (b)(2)
5 the amount of assistance necessary to carry out
6 the investment.

7 (B) USE OF UNITED STATES DOLLARS.—

8 All financial transactions conducted under this
9 section shall be conducted in United States dol-
10 lars.

11 (d) ESTABLISHMENT OF ACCOUNTS.—

12 (1) CREDIT PROGRAM ACCOUNT.—

13 (A) ESTABLISHMENT.—There is estab-
14 lished in the Treasury of the United States a
15 Department of Defense Credit Program Ac-
16 count to execute loans and loan guarantees in
17 accordance with section 502 of the Federal
18 Credit Reform Act of 1990 (2 U.S.C. 661a).

19 (B) FUNDING.—The Credit Program Ac-
20 count shall consist of amounts appropriated
21 pursuant to the authorization of appropriations
22 and fees collected pursuant to subparagraph
23 (C).

24 (C) FEE AUTHORITY.—The Secretary may
25 charge and collect fees for providing capital as-

1 sistance in amounts to be determined by the
2 Secretary. The Secretary shall establish the
3 amount of such fees in regulations at an
4 amount sufficient to cover but not exceed the
5 administrative costs to the Office of providing
6 capital assistance.

7 (2) EQUITY ACCOUNT.—

8 (A) ESTABLISHMENT.—There is estab-
9 lished in the Treasury of the United States a
10 Department of Defense Strategic Capital Eq-
11 uity Account.

12 (B) FUNDING.—The Strategic Capital Eq-
13 uity Account shall consist of all amounts appro-
14 priated pursuant to the authorization of appro-
15 priations.

16 (3) USE OF FUNDS.—Subject to appropriations
17 Acts, the Secretary is authorized to pay, from the
18 Department of Defense Credit Program Account or
19 the Department of Defense Strategic Capital Equity
20 Account—

21 (A) the cost, as defined in section 502 of
22 the Federal Credit Reform Act of 1990 (2
23 U.S.C. 661a), of loans and loan guarantees and
24 other capital assistance;

1 (B) administrative expenses associated
2 with activities under this section;

3 (C) project-specific transaction costs;

4 (D) the cost of providing support author-
5 ized by this section; and

6 (E) the costs of equity investments.

7 (e) REGULATIONS.—The Secretary of Defense shall
8 prescribe such regulations as are necessary to carry out
9 this section. The Secretary may not exercise the authori-
10 ties available under this section until such time as these
11 regulations have been issued and adopted by the Depart-
12 ment.

13 (f) ANNUAL REPORT.—Not later than the first Mon-
14 day in February of a fiscal year, the Secretary of Defense
15 shall submit to the congressional defense committees an
16 annual report describing activities carried out pursuant to
17 this section in the preceding fiscal year and the goals of
18 the Department of Defense in accordance with this section
19 for the next fiscal year.

20 (g) NOTIFICATION REQUIREMENT.—The Secretary
21 of Defense shall notify the congressional defense commit-
22 tees not later than 30 days after a use of loans, loan guar-
23 antees, equity investments, insurance, or reinsurance
24 under this section.

1 (h) SUNSET.—The authorities provided under this
2 section shall expire on October 1, 2028.

3 (i) DEFINITIONS.—In this section:

4 (1) CAPITAL ASSISTANCE.—The term “capital
5 assistance” means loans, loan guarantees, equity in-
6 vestments, insurance and reinsurance, or technical
7 assistance provided under subsection (c).

8 (2) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means—

10 (A) an individual;

11 (B) a corporation, including a limited li-
12 ability corporation;

13 (C) a partnership, including a public-pri-
14 vate, limited, or general partnership;

15 (D) a joint venture, including a strategic
16 alliance;

17 (E) a trust;

18 (F) a State of the United States, including
19 a political subdivision or any other instrumen-
20 tality of a State;

21 (G) a Tribal government or consortium of
22 Tribal governments;

23 (H) any other governmental entity or pub-
24 lic agency in the United States, including a spe-

1 cial purpose district or public authority, includ-
2 ing a port authority; or

3 (I) a multi-State or multi-jurisdictional
4 group of public entities within the United
5 States.

6 (3) ELIGIBLE INVESTMENT.—The term “eligi-
7 ble investment” means an investment that facilitates
8 the efforts of the Office—

9 (A) to identify, accelerate, and sustain the
10 establishment, research, development, construc-
11 tion, procurement, leasing, consolidation, alter-
12 ation, improvement, or repair of tangible and
13 intangible assets vital to national security; or

14 (B) to protect vital tangible and intangible
15 assets from theft, acquisition, and transfer by
16 adversaries of the United States.

17 (4) OBLIGOR.—The term “obligor” means a
18 party that is primarily liable for payment of the
19 principal of or interest on a loan.

20 **SEC. 835. REQUIREMENT TO BUY CERTAIN SATELLITE COM-**
21 **PONENTS FROM NATIONAL TECHNOLOGY**
22 **AND INDUSTRIAL BASE.**

23 (a) IN GENERAL.—Section 4864(a) of title 10,
24 United States Code, is amended by adding at the end the
25 following new paragraph:

1 “(6) TRAVELING-WAVE TUBE AND TRAVELING
2 WAVE TUBE AMPLIFIERS.—A traveling-wave tube
3 and traveling wave tube amplifier, that meets estab-
4 lished technical and reliability requirements, used in
5 a satellite weighing more than 400 pounds whose
6 principle purpose is to support the national security,
7 defense, or intelligence needs of the United States
8 Government.”.

9 (b) EXCEPTION.—Paragraph (6) of section 4864(a)
10 of title 10, United States Code, as added by subsection
11 (a), shall not apply with respect to programs that received
12 Milestone A approval (as defined in section 2431a of such
13 title) before October 1, 2022.

14 (c) CLARIFICATION OF DELEGATION AUTHORITY.—
15 Subject to subsection (i) of section 4864 of title 10, United
16 States Code, the Secretary of Defense may delegate to a
17 service acquisition executive the authority to make a waiv-
18 er under subsection (d) of such section with respect to the
19 limitation under subsection (a)(6) of such section, as
20 added by subsection (a) of this section.

21 **Subtitle D—Small Business Matters**

22 **SEC. 841. AMENDMENTS TO DEFENSE RESEARCH AND DE-** 23 **VELOPMENT RAPID INNOVATION PROGRAM.**

24 Section 4061 of title 10, United States Code, is
25 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) by inserting “to enable and assist
4 small businesses” after “merit-based pro-
5 gram”;

6 (ii) by striking “fielding of tech-
7 nologies” and inserting “commercialization
8 of various technologies, including critical
9 technologies”; and

10 (iii) by inserting “capabilities devel-
11 oped through competitively awarded proto-
12 type agreements” after “defense labora-
13 tories,”; and

14 (B) in paragraph (2), by inserting “sup-
15 port full-scale integration,” after “evaluation
16 outcomes,”;

17 (2) in subsection (b)—

18 (A) in paragraph (1), by inserting “pri-
19 marily major defense acquisition programs, but
20 also other” after “candidate proposals in sup-
21 port of”; and

22 (B) in paragraph (2), by striking “by each
23 military department” and inserting “by each
24 component small business office of each military
25 department”; and

1 (3) in subsection (d)(2), by striking
2 “\$3,000,000” and inserting “\$6,000,000”.

3 **SEC. 842. DEPARTMENT OF DEFENSE MENTOR-PROTÉGÉ**
4 **PROGRAM.**

5 Section 4902(e) of title 10, United States Code, is
6 amended—

7 (1) in paragraph (1), by redesignating subpara-
8 graphs (A) through (D) as clauses (i) through (iv),
9 respectively;

10 (2) by redesignating paragraphs (1) and (2) as
11 subparagraphs (A) and (B), respectively;

12 (3) by striking “Before providing assistance”
13 and inserting “(1) Before providing assistance”; and

14 (4) by adding at the end the following new
15 paragraph:

16 “(2) An agreement under this subsection may be a
17 contract, cooperative agreement, or a partnership inter-
18 mediary agreement.”.

19 **SEC. 843. CONSIDERATION OF THE PAST PERFORMANCE OF**
20 **AFFILIATE COMPANIES OF SMALL BUSI-**
21 **NESSES.**

22 Not later than July 1, 2024, the Secretary of Defense
23 shall amend section 215.305 of the Defense Federal Ac-
24 quisition Supplement (or any successor regulation) to re-
25 quire that when small business concerns bid on Depart-

1 ment of Defense contracts, the past performance evalua-
2 tion and source selection processes shall consider, if rel-
3 evant, the past performance information of affiliate com-
4 panies of the small business concerns.

5 **SEC. 844. TIMELY PAYMENTS FOR DEPARTMENT OF DE-**
6 **ENSE SMALL BUSINESS SUBCONTRACTORS.**

7 (a) REDUCTION IN TIME FOR CONTRACTOR EXPLA-
8 NATION AND PAST PERFORMANCE CONSIDERATION OF
9 UNJUSTIFIED WITHHOLDING OF PAYMENTS TO DEPART-
10 MENT OF DEFENSE SMALL BUSINESS SUBCONTRAC-
11 TORS.—Section 8(d)(13)(B)(i) of the Small Business Act
12 (15 U.S.C. 637(d)(13)(B)(i)) is amended by inserting “,
13 or, for a covered contract awarded by the Department of
14 Defense, more than 30 days past due,” after “90 days
15 past due”.

16 (b) CLARIFICATION THAT CONTRACTING OFFICERS
17 OF THE DEPARTMENT OF DEFENSE ARE AUTHORIZED TO
18 ENTER OR MODIFY PAST PERFORMANCE INFORMATION
19 RELATED TO UNJUSTIFIED NON-PAYMENT OR REDUCED
20 PAYMENT BEFORE OR AFTER CONTRACT CLOSE-OUT.—
21 Section 8(d)(13)(C) of the Small Business Act (15 U.S.C.
22 637(d)(13)(C)) is amended—

23 (1) by striking “A contracting officer” and in-
24 serting the following:

1 “(i) IN GENERAL.—A contracting offi-
2 cer”; and

3 (2) by adding at the end the following:

4 “(ii) PAST PERFORMANCE INFORMA-
5 TION FOR DOD CONTRACTS.—The con-
6 tracting officer for a covered contract
7 awarded by the Department of Defense
8 may enter or modify past performance in-
9 formation of the prime contractor in con-
10 nection with the unjustified failure to make
11 a full or timely payment to a subcontractor
12 before or after close-out of the covered con-
13 tract.”.

14 (c) DUTY OF COOPERATION TO CORRECT AND MITI-
15 GATE UNJUSTIFIED FAILURE BY DEPARTMENT OF DE-
16 FENSE PRIME CONTRACTORS TO MAKE FULL OR TIMELY
17 PAYMENTS TO SUBCONTRACTORS.—Section 8(d)(13) of
18 the Small Business Act (15 U.S.C. 637(d)(13)) is amend-
19 ed—

20 (1) by redesignating subparagraph (E) as sub-
21 paragraph (F);

22 (2) by inserting after subparagraph (D) the fol-
23 lowing:

24 “(E) COOPERATION ON DOD CON-
25 TRACTS.—

1 “(i) IN GENERAL.—If a contracting
2 officer of the Department of Defense de-
3 termines, with respect to a prime contrac-
4 tor’s past performance, that there was an
5 unjustified failure by the prime contractor
6 on a covered contract awarded by the De-
7 partment of Defense to make a full or
8 timely payment to a subcontractor covered
9 by subparagraph (B) or (C), such prime
10 contractor is required to cooperate with the
11 contracting officer, who shall consult with
12 the Director of Small Business Programs
13 or Director of Small and Disadvantaged
14 Business Utilization acting pursuant to
15 section 15(k)(6) and other representatives
16 of the Department of Defense, with re-
17 gards to correcting and mitigating such
18 unjustified failure to make a full or timely
19 payment to the subcontractor.

20 “(ii) PERIOD.—The duty of coopera-
21 tion under this subparagraph continues
22 until the subcontractor is made whole or
23 the contracting officer’s determination is
24 no longer effective, and regardless of per-

1 formance or close-out status of the covered
2 contract.”; and

3 (3) in subparagraph (D), by striking “subpara-
4 graph (E)” and inserting “subparagraph (F)”.

5 (d) APPLICABILITY.—The amendments made by this
6 section shall apply to any covered contract (as defined in
7 section 8(d)(13)(A) of the Small Business Act (15 U.S.C.
8 637(d)(13)(A)) that is entered into or modified by the De-
9 partment of Defense on or after the date of enactment
10 of this Act.

11 **SEC. 845. EXTENSION OF PILOT PROGRAM FOR STREAM-**
12 **LINED TECHNOLOGY TRANSITION FROM THE**
13 **SBIR AND STTR PROGRAMS OF THE DEPART-**
14 **MENT OF DEFENSE.**

15 Section 1710(e) of the National Defense Authoriza-
16 tion Act for Fiscal Year 2018 (Public Law 115–91) is
17 amended by striking “September 30, 2023” and inserting
18 “September 30, 2028”.

19 **SEC. 846. ANNUAL REPORTS REGARDING THE SBIR PRO-**
20 **GRAM OF THE DEPARTMENT OF DEFENSE.**

21 Section 279(a) of the William M. (Mac) Thornberry
22 National Defense Authorization Act for Fiscal Year 2021
23 (Public Law 116–283; 134 Stat. 3507) is amended by
24 striking “each fiscal years 2021, 2022, and 2023” and
25 replacing with “each fiscal year through fiscal year 2028”.

1 **SEC. 847. MODIFICATIONS TO THE PROCUREMENT TECH-**
2 **NICAL ASSISTANCE PROGRAM.**

3 (a) DEFINITIONS.—Section 4951 of title 10, United
4 States Code, is amended—

5 (1) in paragraph (1)(C), by striking “private,
6 nonprofit organization” and inserting “nonprofit or-
7 ganization”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(5) The term ‘business entity’ means a cor-
11 poration, association, partnership, limited liability
12 company, limited liability partnership, consortia,
13 not-for-profit, or other legal entity.”.

14 (b) COOPERATIVE AGREEMENTS.—Section 4954 of
15 title 10, United States Code, is amended—

16 (1) in subsection (b)—

17 (A) by redesignating paragraphs (1) and
18 (2) as subparagraphs (A) and (B);

19 (B) by inserting “(1)” before “Under”;
20 and

21 (C) by adding at the end the following new
22 paragraph:

23 “(2) The Secretary shall have the ability to waive or
24 modify the percentages specified in paragraph (1), on a
25 case-by-case basis, if the Secretary determines that it
26 would be in the best interest of the program.”;

1 (2) by striking subsection (c) and redesignating
2 subsections (d), (e), and (f) as subsections (e), (f),
3 and (h); and

4 (3) by inserting after subsection (f), as redesignated by paragraph (2), the following new subsection:
5
6

7 “(g) WAIVER OF GOVERNMENT COST SHARE RESTRICTION.—If the Secretary of Defense determines it to
8 be in the best interests of the Federal Government, the
9 Secretary may waive the restrictions on the percentage of
10 Secretary may waive the restrictions on the percentage of
11 eligible costs covered by the program under section (b).
12 The Secretary shall submit to the congressional defense
13 committees a written justification for such determination.”
14

15 (c) AUTHORITY TO PROVIDE CERTAIN TYPES OF
16 TECHNICAL ASSISTANCE.—Section 4958(c) of title 10,
17 United States Code, is amended—

18 (1) in paragraph (1), by striking “; and” and
19 inserting a semicolon;

20 (2) in paragraph (2), by striking the period at
21 the end and inserting “; and”; and

22 (3) by adding at the end the following new
23 paragraphs:

24 “(3) under clause 252.204-7012 of the Defense
25 Acquisition Regulation Supplement, or any successor

1 regulation, and on compliance with those require-
2 ments (and any successor requirements); and

3 “(4) under section 847 of the National Defense
4 Authorization Act for Fiscal Year 2020 (Public Law
5 116–92; 133 Stat. 1505), and on compliance with
6 those requirements (and any such successor require-
7 ments).”.

8 **SEC. 848. EXTENSION OF PILOT PROGRAM TO INCENTIVIZE**
9 **CONTRACTING WITH EMPLOYEE-OWNED**
10 **BUSINESSES.**

11 Section 874 of the National Defense Authorization
12 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
13 3204 note) is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (1), by inserting “and
16 prescribe regulations” after “establish a pilot
17 program”; and

18 (B) in paragraph (3), by striking “A quali-
19 fied” and inserting “Each contract held by a
20 qualified”;

21 (2) in subsection (c)(2), by striking “expended
22 on subcontracts, subject to such necessary and rea-
23 sonable waivers” and inserting the following: “ex-
24 pended on subcontracts, except—

1 “(A) to the extent subcontracted amounts
2 exceeding 50 percent are subcontracted to other
3 qualified businesses wholly-owned through an
4 Employee Stock Ownership Plan;

5 “(B) in the case of contracts for products,
6 to the extent subcontracted amounts exceeding
7 50 percent are for materials not available from
8 another qualified business wholly-owned
9 through an Employee Stock Ownership Plan; or

10 “(C) pursuant to such necessary and rea-
11 sonable waivers”; and

12 (3) in subsection (e), by striking “five years
13 after” and inserting “eight years after”.

14 **Subtitle E—Other Matters**

15 **SEC. 861. LIMITATION ON THE AVAILABILITY OF FUNDS**

16 **PENDING A PLAN FOR IMPLEMENTING THE** 17 **REPLACEMENT FOR THE SELECTED ACQUI-** 18 **SITION REPORTING SYSTEM.**

19 Of the funds authorized to be appropriated by this
20 Act for Operation and Maintenance, Defense-Wide, for
21 travel for the Office of the Under Secretary of Defense
22 for Acquisition and Sustainment, not more than 85 per-
23 cent may be obligated or expended until the Secretary of
24 Defense submits to the congressional defense committees
25 a plan for implementing the replacement for the Selected

1 Acquisition Reporting system as required by section 809
2 of the James M. Inhofe National Defense Authorization
3 Act for Fiscal Year 2023 (Public Law 117–263), includ-
4 ing—

5 (1) a timeline and process for implementing the
6 requirements of such section 809;

7 (2) a timeline and process for implementing
8 quarterly reporting versus annually for the replace-
9 ment system, including identification of policy, pro-
10 cedural, or technical challenges to implementing that
11 reporting periodicity;

12 (3) a timeline and process for providing access
13 to the replacement reporting system to congressional
14 staff; and

15 (4) a timeline and process for providing access
16 to the replacement reporting system to the Govern-
17 ment Accountability Office, the public, and other rel-
18 evant stakeholders.

19 **SEC. 862. EXTENSION OF PILOT PROGRAM FOR DISTRIBUTION SUPPORT AND SERVICES FOR WEAPONS**
20 **SYSTEMS CONTRACTORS.**
21

22 Section 883 of the National Defense Authorization
23 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
24 4292 note prec.) is amended—

1 (1) in subsection (a), by striking “seven-year
2 pilot program” and inserting “eight-year pilot pro-
3 gram”; and

4 (2) in subsection (g), by striking “seven years”
5 and inserting “eight years”.

6 **SEC. 863. MODIFICATION OF EFFECTIVE DATE FOR EXPAN-**
7 **SION ON THE PROHIBITION ON ACQUIRING**
8 **CERTAIN METAL PRODUCTS.**

9 Section 844(b) of the William M. (Mac) Thornberry
10 National Defense Authorization Act for Fiscal Year 2021
11 (Public Law 116–283; 134 Stat. 3766) is amended by
12 striking “5 years” and inserting “6 years”.

13 **SEC. 864. FOREIGN SOURCES OF SPECIALTY METALS.**

14 Section 4863(d) of title 10, United States Code, is
15 amended—

16 (1) in paragraph (1), by redesignating subpara-
17 graphs (A) and (B) as clauses (i) and (ii), respec-
18 tively;

19 (2) by redesignating paragraphs (1) and (2) as
20 subparagraphs (A) and (B), respectively;

21 (3) by inserting “(1)” before “Subsection
22 (a)(1)”; and

23 (4) by adding at the end the following new
24 paragraph:

1 “(2) Any specialty metal procured as mill product or
2 incorporated into a component other than an end item
3 pursuant to this subsection shall be melted or produced—

4 “(A) in the United States;

5 “(B) in the country from which the mill product
6 or component is procured; or

7 “(C) in another country covered under para-
8 graph (1)(A)(ii).”.

9 **SEC. 865. UNIVERSITY AFFILIATED RESEARCH CENTER**
10 **FOR CRITICAL MINERALS.**

11 (a) **PLAN TO ESTABLISH A UNIVERSITY AFFILIATED**
12 **RESEARCH CENTER FOR CRITICAL MINERALS.—**

13 (1) **IN GENERAL.—**The Secretary of Defense, in
14 consultation with the Under Secretary of Defense
15 for Research and Engineering, shall develop a plan
16 to establish a new University Affiliated Research
17 Center (UARC), or to expand a current relevant
18 UARC or consortia of universities, for the purposes
19 of contributing to the capacity of the Department to
20 conduct research, development, engineering or work-
21 force expansion related to critical minerals for na-
22 tional security needs. The plan should focus on insti-
23 tutional capacity at a mining school or schools with
24 expertise in engineering, applied research, commer-

1 cial and workforce development activities related to
2 critical minerals.

3 (2) ELEMENTS.—The plan required by para-
4 graph (1) shall include the following:

5 (A) An assessment of the engineering, ap-
6 plied research, commercialization, and work-
7 force development capabilities relating to crit-
8 ical minerals of mining schools, including an as-
9 sessment of the workforce and physical research
10 infrastructure of such schools.

11 (B) An assessment of the ability of mining
12 schools—

13 (i) to participate in defense-related
14 engineering, applied research, commer-
15 cialization, and workforce development ac-
16 tivities relating to critical minerals;

17 (ii) to effectively compete for defense-
18 related engineering, applied research, com-
19 mercialization, and workforce development
20 contracts and grants; and

21 (iii) to support the mission of the
22 Under Secretary to extend the capabilities
23 of current war fighting systems, develop
24 breakthrough capabilities, hedge against an
25 uncertain future through a set of scientific

1 and engineering options, and counter stra-
2 tegic surprise.

3 (C) An assessment of the activities and in-
4 vestments necessary—

5 (i) to augment facilities or educational
6 programming at mining schools or a con-
7 sortium of mining schools—

8 (I) to support the mission of the
9 Under Secretary;

10 (II) to access, secure, and con-
11 duct research relating to sensitive or
12 classified information; and

13 (III) to respond quickly to
14 emerging engineering, applied re-
15 search, commercialization, and work-
16 force needs relating to critical min-
17 erals.

18 (ii) to increase the participation of
19 mining schools in defense-related engineer-
20 ing, applied research, commercialization,
21 and workforce development activities; and

22 (iii) to increase the ability of mining
23 schools to effectively compete for defense-
24 related engineering, applied research, com-

1 mercialization, and workforce development
2 contracts and grants.

3 (D) Recommendations identifying actions
4 that may be taken by the Secretary, the Under
5 Secretary, Congress, mining schools, and other
6 organizations to increase the participation of
7 mining schools in defense-related engineering,
8 applied research, commercialization, and work-
9 force development activities, contracts, and
10 grants.

11 (E) The specific goals, incentives, and
12 metrics developed by the Secretary under sub-
13 paragraph (D) to increase and measure the ca-
14 pacity of mining schools to address the engi-
15 neering, applied research, commercialization,
16 and workforce development needs of the De-
17 partment of Defense.

18 (3) CONSULTATIONS.—In developing the plan
19 required by paragraph (1), the Secretary and the
20 Under Secretary shall consult with such other public
21 and private sector organizations as the Secretary
22 and the Under Secretary determine appropriate.

23 (4) REPORT REQUIRED.—Not later than one
24 year after the date of the enactment of this Act, the
25 Secretary shall—

1 (A) submit to the congressional defense
2 committees a report that includes the plan de-
3 veloped under paragraph (1); and

4 (B) make the plan available on a publicly
5 accessible website of the Department of De-
6 fense.

7 (b) ACTIVITIES TO SUPPORT THE ENGINEERING, AP-
8 PLIED RESEARCH, COMMERCIALIZATION, AND WORK-
9 FORCE DEVELOPMENT CAPACITY OF MINING SCHOOLS.—

10 (1) IN GENERAL.—Subject to the availability of
11 appropriations, the Under Secretary may establish a
12 program to award contracts, grants, or other agree-
13 ments on a competitive basis, and to perform other
14 appropriate activities, for the purposes described in
15 paragraph (2).

16 (2) PURPOSES.—The purposes described in this
17 paragraph are the following:

18 (A) Developing the capability, including
19 workforce and research infrastructure, for min-
20 ing schools to more effectively compete for Fed-
21 eral engineering, applied research, commer-
22 cialization, and workforce development funding
23 opportunities.

24 (B) Improving the capability of mining
25 schools to recruit and retain research faculty,

1 and to participate in appropriate personnel ex-
2 change programs and educational and career
3 development activities.

4 (C) Any other purposes the Under Sec-
5 retary determines appropriate for enhancing the
6 defense-related engineering, applied research,
7 commercialization, and development capabilities
8 of mining schools.

9 (c) INCREASING PARTNERSHIPS FOR MINING
10 SCHOOLS WITH NATIONAL SECURITY RESEARCH AND
11 ENGINEERING ORGANIZATIONS.—

12 (1) IN GENERAL.—Chapter 305 of title 10,
13 United States Code, is amended by adding at the
14 end the following new section:

15 **“§ 4145. Research and educational programs and ac-**
16 **tivities: critical minerals**

17 **“(a) PROGRAM ESTABLISHED.—**

18 **“(1) IN GENERAL.—**The Secretary of Defense,
19 acting through the Under Secretary of Defense for
20 Research and Engineering and the Secretary of each
21 military department, shall carry out a program to
22 provide assistance to covered educational institutions
23 to assist the Department of Defense in defense-re-
24 lated critical minerals engineering, applied research,

1 commercialization, and workforce development ac-
2 tivities.

3 “(2) LIMITATION ON DELEGATION.—The Sec-
4 retary of Defense may not delegate or transfer to an
5 individual outside the Office of the Secretary of De-
6 fense the authority regarding the programming or
7 budgeting of the program established by this section
8 that is carried out by the Under Secretary of De-
9 fense for Research and Engineering.

10 “(b) PROGRAM OBJECTIVE.—The objective of the
11 program established by subsection (a)(1) is to enhance de-
12 fense-related critical minerals research and education at
13 covered educational institutions. Such objective shall be
14 accomplished through initiatives designed to—

15 “(1) enhance the critical minerals research and
16 educational capabilities of such institutions in areas
17 of importance to national defense, as determined by
18 the Secretary;

19 “(2) encourage the participation of such institu-
20 tions in the research, development, testing, and eval-
21 uation programs and activities of the Department of
22 Defense relating to critical minerals;

23 “(3) increase the number of graduates from
24 such institutions engaged in critical minerals-related
25 disciplines important to the national security func-

1 tions of the Department of Defense, as determined
2 by the Secretary; and

3 “(4) encourage research and educational col-
4 laborations between such institutions and other in-
5 stitutions of higher education, Government defense
6 organizations, and the defense industry relating to
7 critical minerals.

8 “(c) ASSISTANCE PROVIDED.—Under the program
9 established under subsection (a)(1), the Secretary of De-
10 fense may provide covered educational institutions with
11 funding or technical assistance, including any of the fol-
12 lowing:

13 “(1) Support for research, development, testing,
14 evaluation, or educational enhancements in areas im-
15 portant to national defense through the competitive
16 awarding of grants, cooperative agreements, con-
17 tracts, scholarships, fellowships, or the acquisition of
18 research equipment or instrumentation.

19 “(2) Support to assist in the attraction and re-
20 tention of faculty in scientific disciplines important
21 to the national security functions of the Department
22 of Defense.

23 “(3) Establishing partnerships between such in-
24 stitutions and defense laboratories, Government de-
25 fense organizations, the defense industry, and other

1 institutions of higher education in research, develop-
2 ment, testing, and evaluation in areas important to
3 the national security functions of the Department of
4 Defense.

5 “(4) Other such non-monetary assistance as the
6 Secretary finds appropriate to enhance defense-re-
7 lated research, development, testing, and evaluation
8 activities at such institutions.

9 “(d) INCENTIVES.—

10 “(1) IN GENERAL.—The Secretary of Defense
11 may develop incentives to encourage critical min-
12 erals-related research and educational collaborations
13 between covered educational institutions and other
14 institutions of higher education.

15 “(2) GOALS.—The Secretary of Defense shall
16 establish goals and incentives to encourage Federally
17 funded research and development centers, science
18 and technology reinvention laboratories, and Univer-
19 sity Affiliated Research Centers funded by the De-
20 partment of Defense—

21 “(A) to assess the capacity of covered edu-
22 cational institutions to address the critical min-
23 erals research and development needs of the
24 Department through partnerships and collabo-
25 rations; and

1 “(B) if appropriate, to enter into partner-
2 ships and collaborations with such institutions.

3 “(e) CRITERIA FOR FUNDING.—The Secretary of De-
4 fense may establish procedures under which the Secretary
5 may limit funding under this section to institutions that
6 have not otherwise received a significant amount of fund-
7 ing from the Department of Defense for research, develop-
8 ment, testing, and evaluation programs supporting the na-
9 tional security functions of the Department.

10 “(f) DEFINITION OF COVERED EDUCATIONAL INSTI-
11 TUTION.—

12 “(1) IN GENERAL.—In this section, the term
13 ‘covered educational institution’ means—

14 “(A) a mining, metallurgical, geological, or
15 mineral engineering program—

16 “(i) accredited by the Accreditation
17 Board for Engineering and Technology,
18 Inc.; and

19 “(ii) located at an institution of high-
20 er education; or

21 “(B) an institution of higher learning or
22 community college with a geology or engineer-
23 ing program or department that has experience
24 in mining research or work with the mining in-
25 dustry.

1 “(2) INSTITUTION OF HIGHER EDUCATION.—
2 For purposes of paragraph (1), the term ‘institution
3 of higher education’ has the meaning given that
4 term in section 101 of the Higher Education Act of
5 1965 (20 U.S.C. 1001).”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 305 of such title
8 is amended by adding at the end the following new
9 item:

 “4145. Research and educational programs and activities: critical minerals.”.

10 (d) MINING SCHOOL DEFINED.—

11 (1) IN GENERAL.—In this section, the term
12 “mining school” means—

13 (A) a mining, metallurgical, geological, or
14 mineral engineering program—

15 (i) accredited by the Accreditation
16 Board for Engineering and Technology,
17 Inc.; and

18 (ii) located at an institution of higher
19 education; or

20 (B) an institution of higher learning or
21 community college with a geology or engineer-
22 ing program or department that has experience
23 in mining research or work with the mining in-
24 dustry.

1 (2) INSTITUTION OF HIGHER EDUCATION.—For
2 purposes of paragraph (1), the term “institution of
3 higher education” has the meaning given that term
4 in section 101 of the Higher Education Act of 1965
5 (20 U.S.C. 1001).

6 **TITLE IX—DEPARTMENT OF DE-**
7 **FENSE ORGANIZATION AND**
8 **MANAGEMENT**

9 **Subtitle A—Office of the Secretary**
10 **of Defense and Related Matters**

11 **SEC. 901. ESTABLISHMENT OF OFFICE OF STRATEGIC CAP-**
12 **ITAL.**

13 (a) IN GENERAL.—Chapter 4 of title 10, United
14 States Code, is amended by adding at the end the fol-
15 lowing new section:

16 **“§ 148. Office of Strategic Capital**

17 “(a) ESTABLISHMENT.—There is in the Office of the
18 Secretary of Defense an office to be known as the Office
19 of Strategic Capital (in this section referred to as the ‘Of-
20 fice’).

21 “(b) DIRECTOR.—The Office shall be headed by a Di-
22 rector (in this section referred to as the ‘Director’), who
23 shall be appointed by the Secretary from among employees
24 of the Department of Defense in Senior Executive Service
25 positions (as defined in section 3132 of title 5).

1 “(c) DUTIES.—The Office shall—

2 “(1) develop, integrate, and implement proven
3 capital strategies of partners of the Department of
4 Defense to shape and scale investment in critical
5 technologies and assets;

6 “(2) identify and prioritize promising critical
7 technologies and assets for the Department in need
8 of capital assistance; and

9 “(3) fund investments in such technologies and
10 assets, including supply chain technologies not al-
11 ways supported through direct investment.

12 “(d) APPLICATIONS.—An eligible entity seeking cap-
13 ital assistance for an eligible investment shall submit to
14 the Director an application at such time, in such manner,
15 and containing such information as the Director may re-
16 quire.

17 “(e) SELECTION OF INVESTMENTS.—

18 “(1) IN GENERAL.—The Director shall establish
19 criteria for selecting among eligible investments for
20 which applications are submitted under subsection
21 (d). Such criteria shall include—

22 “(A) the extent to which an investment is
23 significant to the national security of the
24 United States;

1 “(B) the likelihood that capital assistance
2 provided for an investment would enable the in-
3 vestment to proceed sooner than the investment
4 would otherwise be able to proceed; and

5 “(C) the creditworthiness of an investment.

6 “(2) NOTICE AND WAIT REQUIREMENT.—The
7 criteria established under paragraph (1) shall not
8 apply until—

9 “(A) the Secretary of Defense submits the
10 criteria to the congressional defense commit-
11 tees; and

12 “(B) a period of 30 days has elapsed after
13 such submission.

14 “(f) NOTIFICATION.—Not less than 30 days before
15 exercising the authority provided by section 834 of the Na-
16 tional Defense Authorization Act for Fiscal Year 2024,
17 the Director, in coordination with the Under Secretary of
18 Defense for Acquisition and Sustainment and the Under
19 Secretary of Defense for Research and Engineering, shall
20 notify the congressional defense committees of the purpose
21 and terms of any capital assistance proposed to be pro-
22 vided under that section. Such notification may be made
23 in classified form, if necessary.

24 “(g) STRATEGIC CAPITAL ADVISORY BOARD.—The
25 Secretary of Defense shall establish a Strategic Capital

1 Advisory Board to advise the Director with respect to ac-
2 tivities carried out under this section.

3 “(h) REGULATIONS.—The Secretary shall prescribe
4 such regulations as are necessary to carry out this section,
5 including regulations to ensure internal and external co-
6 ordination to avoid duplication of effort, reduce ineffi-
7 ciency, and ensure policy coherence across the Depart-
8 ment.

9 “(i) EFFECTIVE DATE.—The authorities made avail-
10 able under this section may not be exercised until the date
11 that is 30 days after the regulations required by sub-
12 section (i) have been—

13 “(1) prescribed and adopted by the Depart-
14 ment; and

15 “(2) submitted to the congressional defense
16 committees.

17 “(j) ANNUAL REPORT.—Not later than December 31
18 of each year, the Director shall submit to the congres-
19 sional defense committees a report that—

20 “(1) describes the activities of the Office during
21 the most recent fiscal year ending before submission
22 of the report, including—

23 “(A) an identification of entities that re-
24 ceived capital assistance from the Office during
25 that fiscal year;

1 “(B) a description of the status of the fi-
2 nancial obligations of those entities as a result
3 of receiving such assistance; and

4 “(C) any success stories as a result of such
5 assistance;

6 “(2) assesses the status of the finances of the
7 Office as of the end of that fiscal year; and

8 “(3) describes the goals of the Office for the
9 fiscal year that begins after submission of the re-
10 port.

11 “(k) DEFINITIONS.—In this section:

12 “(1) CAPITAL ASSISTANCE.—The term ‘capital
13 assistance’ means loans, loan guarantees, equity in-
14 vestments, or technical assistance provided under
15 section 834.

16 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’ means—

18 “(A) an individual;

19 “(B) a corporation;

20 “(C) a partnership, including a public-pri-
21 vate partnership;

22 “(D) a joint venture;

23 “(E) a trust;

24 “(F) a State, including a political subdivi-
25 sion or any other instrumentality of a State;

1 “(G) a Tribal government or consortium of
2 Tribal governments;

3 “(H) any other governmental entity or
4 public agency in the United States, including a
5 special purpose district or public authority, in-
6 cluding a port authority; or

7 “(I) a multi-State or multi-jurisdictional
8 group of public entities.

9 “(3) ELIGIBLE INVESTMENT.—The term ‘eligi-
10 ble investment’ means an investment that facilitates
11 the efforts of the Office—

12 “(A) to identify, accelerate, and sustain
13 the establishment, research, development, con-
14 struction, procurement, leasing, consolidation,
15 alteration, improvement, or repair of tangible
16 and intangible assets vital to United States na-
17 tional security; or

18 “(B) to protect tangible and intangible as-
19 sets vital to United States national security
20 from theft, acquisition, and transfer by coun-
21 tries that are adversaries of the United
22 States.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 4 of such title is amended by
25 adding at the end the following new item:

“148. Office of Strategic Capital.”.

1 **SEC. 902. REINSTATEMENT OF POSITION OF CHIEF MAN-**
2 **AGEMENT OFFICER OF DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) REINSTATEMENT OF POSITION.—

5 (1) IN GENERAL.—Chapter 4 of title 10, United
6 States Code, is amended by inserting after the item
7 relating to section 132 the following new item:

8 **“§ 132a. Chief Management Officer**

9 “(a) APPOINTMENT AND QUALIFICATIONS.—(1)
10 There is a Chief Management Officer of the Department
11 of Defense, appointed from civilian life by the President,
12 by and with the advice and consent of the Senate.

13 “(2) The Chief Management Officer shall be ap-
14 pointed from among persons who have an extensive man-
15 agement or business background and experience with man-
16 aging large or complex organizations. A person may not
17 be appointed as Chief Management Officer within seven
18 years after relief from active duty as a commissioned offi-
19 cer of a regular component of an armed force.

20 “(b) RESPONSIBILITIES.—Subject to the authority,
21 direction, and control of the Secretary of Defense and the
22 Deputy Secretary of Defense, the Chief Management Offi-
23 cer shall perform such duties and exercise such powers as
24 the Secretary or the Deputy Secretary may prescribe, in-
25 cluding the following:

1 “(1) Serving as the chief management officer of
2 the Department of Defense with the mission of man-
3 aging enterprise business operations and shared
4 services of the Department of Defense.

5 “(2) Serving as the principal advisor to the Sec-
6 retary and the Deputy Secretary on establishing
7 policies for, and directing, all enterprise business op-
8 erations of the Department, including planning and
9 processes, business transformation, and performance
10 measurement and management activities and pro-
11 grams, including the allocation of resources for en-
12 terprise business operations and unifying business
13 management efforts across the Department.

14 “(3) Exercising authority, direction, and control
15 over the Defense Agencies and Department of De-
16 fense Field Activities providing shared business serv-
17 ices for the Department.

18 “(4) Authority to direct the Secretaries of the
19 military departments and the heads of all other ele-
20 ments of the Department with regard to matters for
21 which the Chief Management Officer has responsi-
22 bility under this section.

23 “(5) Serving as the official with principal re-
24 sponsibility in the Department for minimizing the
25 duplication of efforts, maximizing efficiency and ef-

1 fectiveness, and establishing metrics for performance
2 among and for all organizations and elements of the
3 Department.

4 “(c) BUDGET AUTHORITY.—(1)(A) Beginning in fis-
5 cal year 2025, the Secretary of Defense, acting through
6 the Under Secretary of Defense (Comptroller), shall re-
7 quire the head of each Defense Agency and Department
8 of Defense Field Activity (other than such agencies and
9 activities that are under the direction of the Director of
10 National Intelligence or are elements of the intelligence
11 community) to transmit the proposed budget of such
12 Agency or Activity for enterprise business operations for
13 a fiscal year, and for the period covered by the future-
14 years defense program submitted to Congress under sec-
15 tion 221 of this title for that fiscal year, to the Chief Man-
16 agement Officer for review under subparagraph (B) at the
17 same time the proposed budget is submitted to the Under
18 Secretary of Defense (Comptroller).

19 “(B) The Chief Management Officer shall review
20 each proposed budget transmitted under subparagraph
21 (A) and, not later than January 31 of the year preceding
22 the fiscal year for which the budget is proposed, shall sub-
23 mit to the Secretary a report containing the comments of
24 the Chief Management Officer with respect to all such pro-
25 posed budgets, together with the certification of the Chief

1 Management Officer regarding whether each such pro-
2 posed budget achieves the required level of efficiency and
3 effectiveness for enterprise business operations, consistent
4 with guidance for budget review established by the Chief
5 Management Officer.

6 “(C) Not later than March 31 each year, the Sec-
7 retary shall submit to Congress a report that includes the
8 following:

9 “(i) Each proposed budget for the enterprise
10 business operations of a Defense Agency or Depart-
11 ment of Defense Field Activity that was transmitted
12 to the Chief Management Officer under subpara-
13 graph (A).

14 “(ii) Identification of each proposed budget con-
15 tained in the most recent report submitted under
16 subparagraph (B) that the Chief Management Offi-
17 cer did not certify as achieving the required level of
18 efficiency and effectiveness for enterprise business
19 operations.

20 “(iii) A discussion of the actions that the Sec-
21 retary proposes to take, together with any rec-
22 ommended legislation that the Secretary considers
23 appropriate, to address inadequate levels of effi-
24 ciency and effectiveness for enterprise business oper-

1 ations achieved by the proposed budgets identified in
2 the report.

3 “(iv) Any additional comments that the Sec-
4 retary considers appropriate regarding inadequate
5 levels of efficiency and effectiveness for enterprise
6 business operations achieved by the proposed budg-
7 ets.

8 “(2) Nothing in this subsection shall be construed to
9 modify or interfere with the budget-related responsibilities
10 of the Director of National Intelligence.

11 “(d) PRECEDENCE.—The Chief Management Officer
12 takes precedence in the Department of Defense after the
13 Secretary of Defense and the Deputy Secretary of De-
14 fense.

15 “(e) ENTERPRISE BUSINESS OPERATION DE-
16 FINED.—In this section, the term ‘enterprise business op-
17 erations’ means those activities that constitute the cross-
18 cutting business operations used by multiple components
19 of the Department of Defense, but not those activities that
20 are directly tied to a single military department or Depart-
21 ment of Defense component. The term includes business-
22 support functions designated by the Secretary of Defense
23 or the Deputy Secretary of Defense for purposes of this
24 section, such as aspects of financial management,
25 healthcare, acquisition and procurement, supply chain and

1 logistics, certain information technology, real property,
2 and human resources operations.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 4 of such title is
5 amended by inserting after the item relating to sec-
6 tion 132 the following new item:

“132a. Chief Management Officer.”.

7 (b) MANAGEMENT AND OVERSIGHT OF DEFENSE
8 BUSINESS SYSTEMS.—Section 2222 of such title is
9 amended—

10 (1) in subsection (c)(2), by striking “the Chief
11 Information Officer of the Department of Defense”
12 and inserting “the Chief Management Officer of the
13 Department of Defense”;

14 (2) in subsection (e)—

15 (A) in paragraph (1), by striking “the
16 Chief Information Officer” and inserting “the
17 Chief Management Officer”; and

18 (B) in paragraph (6)—

19 (i) in subparagraph (A), in the matter
20 preceding clause (i)—

21 (I) in the first sentence, by strik-
22 ing “The Chief Information Officer of
23 the Department of Defense, in coordi-
24 nation with the Chief Data and Artifi-
25 cial Intelligence Officer,” and insert-

1 ing “The Chief Management Officer
2 of the Department of Defense”; and

3 (II) in the second sentence, by
4 striking “the Chief Information Offi-
5 cer shall” and inserting “the Chief
6 Management Officer shall”;

7 (ii) in subparagraph (B), in the mat-
8 ter preceding clause (i), by striking “The
9 Chief Information Officer” and inserting
10 “The Chief Management Officer”;

11 (3) in subsection (f)(1), in the second sentence,
12 by inserting “the Chief Management Officer and”
13 after “chaired by”;

14 (4) in subsection (g)(2), by striking “the Chief
15 Information Officer of the Department of Defense”
16 each place it appears and inserting “the Chief Man-
17 agement Officer of the Department of Defense”; and

18 (5) in subsection (i)(5)(B), by striking “the
19 Chief Information Officer” and inserting “the Chief
20 Management Officer”.

21 (c) CONFORMING AMENDMENT.—Section 131(b) of
22 title 10, United States Code, is amended by inserting after
23 paragraph (1) the following new paragraph (2):

24 “(2) The Chief Management Officer of the De-
25 partment of Defense.”.

1 (d) GUIDANCE REQUIRED.—Not later than 30 days
2 after the date of the enactment of this Act, the Secretary
3 of Defense shall—

4 (1) issue guidance to clearly delineate the au-
5 thorities and responsibilities of the Chief Manage-
6 ment Officer of the Department of Defense; and

7 (2) provide a charter for the position of the
8 Chief Management Officer to fully vest the authority
9 of the Chief Management Officer within the Depart-
10 ment of Defense.

11 (e) REPORT ON EFFECT OF LAPSE IN MANAGEMENT
12 OVERSIGHT ON DEFENSE BUSINESS SYSTEMS.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Dep-
15 uty Secretary of Defense shall submit to the con-
16 gressional defense committees a report on the effect
17 on defense business systems of the abolishment of
18 the position of Chief Management Officer and the
19 failure to reassign the responsibilities of the Chief
20 Management Officer with respect to defense business
21 systems for two years.

22 (2) DEFENSE BUSINESS SYSTEM DEFINED.—In
23 this subsection, the term “defense business system”
24 has the meaning given that term in section 2222(i)
25 of title 10, United States Code.

1 **SEC. 903. MODIFICATION OF RESPONSIBILITIES OF DIREC-**
2 **TOR OF COST ASSESSMENT AND PROGRAM**
3 **EVALUATION.**

4 (a) **IN GENERAL.**—Subsection (d) of section 139a of
5 title 10, United States Code, is amended—

6 (1) in paragraph (5)—

7 (A) by striking “, ensuring” and inserting
8 “and ensuring”; and

9 (B) by striking “, and assessing” and all
10 that follows through “economy”; and

11 (2) in paragraph (8), by inserting after “de-
12 fense resources” the following: “, including the
13 standardization of analytical methodologies and the
14 establishment and maintenance of a centralized
15 knowledge repository of physical attributes or other
16 data for modeling and simulation purposes”.

17 (b) **ANNUAL REPORTS.**—Such section is amended by
18 adding at the end the following new subsection:

19 “(e) **ANNUAL REPORTS.**—

20 “(1) **IN GENERAL.**—Not later than February 1,
21 2024, and annually thereafter, the Director shall
22 submit to the congressional defense committees a re-
23 port on activities to conduct strategic and oper-
24 ational analysis under paragraphs (2), (3), (6), (7),
25 and (8) of subsection (d) that includes—

1 “(A) a review of strategic portfolio reviews
2 completed in the fiscal year preceding submis-
3 sion of the report and a description of such re-
4 views planned for the fiscal year that begins
5 after submission of the report;

6 “(B) a review of analyses of alternatives
7 completed in the fiscal year preceding submis-
8 sion of the report and a description of such
9 analyses planned for the fiscal year that begins
10 after submission of the report; and

11 “(C) a review of defense program projec-
12 tions completed in the fiscal year preceding sub-
13 mission of the report and a description of such
14 projections planned for the fiscal year that be-
15 gins after submission of the report.

16 “(2) FORM.—Each report required by para-
17 graph (1) shall be submitted in classified form, but
18 shall include an unclassified summary.

19 “(3) BRIEFINGS.—Not later than 15 days after
20 submission of each report required by paragraph (1),
21 the Director shall brief the congressional defense
22 committees on the contents of the report.”.

23 (c) PROGRAM EVALUATION COMPETITIVE ANALYSIS
24 CELL.—Such section is further amended by adding after

1 subsection (e), as added by subsection (b), the following
2 new subsection:

3 “(f) PROGRAM EVALUATION COMPETITIVE ANALYSIS
4 CELL.—

5 “(1) IN GENERAL.—Not later than June 1,
6 2024, the Secretary of Defense shall—

7 “(A) establish a team, to be known as the
8 ‘Program Evaluation Competitive Analysis
9 Cell’, to critically assess the analytical meth-
10 odologies, assumptions, and data used in key
11 strategic and operational analyses conducted by
12 the Director; and

13 “(B) ensure that the team has a sufficient
14 number of personnel to carry out the duties of
15 the team.

16 “(2) INDEPENDENCE.—The Program Evalua-
17 tion Competitive Analysis Cell shall be independent
18 of the Director and shall report only to the Sec-
19 retary of Defense.”.

20 (d) PILOT PROGRAM ON ALTERNATIVE ANALYSIS.—

21 (1) IN GENERAL.—The Director of Cost Assess-
22 ment and Program Evaluation shall establish a pilot
23 program on alternative analysis.

24 (2) STRUCTURE.—The Director shall establish,
25 under the pilot program established under para-

1 graph (1), three analytical groups, focused on pro-
2 grammatic analysis in the following:

3 (A) Year 1 of the future-years defense pro-
4 gram under section 221 of title 10, United
5 States Code.

6 (B) Years 2 through 5 of the future-years
7 defense program.

8 (C) Years outside the future-years defense
9 program.

10 (3) REQUIREMENTS.—The pilot program estab-
11 lished under paragraph (1) shall run at least one
12 strategic portfolio review or equivalent analytical ef-
13 fort per year.

14 (e) ESTABLISHMENT OF ANALYSIS WORKING
15 GROUP.—

16 (1) IN GENERAL.—Not later than May 1, 2024,
17 the Secretary of Defense shall—

18 (A) establish the Analysis Working Group
19 in the Department of Defense; and

20 (B) ensure that the Analysis Working
21 Group possesses sufficient full-time equivalent
22 support personnel to carry out the duties of the
23 Group.

1 (2) MEMBERSHIP.—The Analysis Working
2 Group shall be composed of representatives of the
3 following components of the Department of Defense:

4 (A) The Office of the Director of Cost As-
5 sessment and Program Evaluation.

6 (B) The Directorate for Joint Force Devel-
7 opment (J7) of the Joint Staff.

8 (C) The Directorate for Force Structure,
9 Resources, and Assessment (J8) of the Joint
10 Staff.

11 (D) The Office of the Secretary of Defense
12 for Policy.

13 (E) The Chief Data and Artificial Intel-
14 ligence Office.

15 (F) The Office of the Chief Information
16 Officer.

17 (G) The United States Indo-Pacific Com-
18 mand.

19 (H) The United States European Com-
20 mand.

21 (3) DUTIES.—The Analysis Working Group
22 shall—

23 (A) establish clear priorities and standards
24 to focus analysts on decision support;

1 (B) improve transparency of methodolo-
2 gies, tools, and tradecraft across the analytic
3 community, including testing and validation for
4 new or emerging methodologies, tools, and
5 tradecraft;

6 (C) improve quality of and expand access
7 to data, including evaluation of new data sets,
8 or application of existing data sets in new or
9 novel ways;

10 (D) evolve the methodologies, tools, and
11 tradecraft methods and tools used in strategic
12 analysis;

13 (E) resolve classified access and infrastruc-
14 ture challenges;

15 (F) foster a workforce and organizations
16 that are innovative, creative, and provide high-
17 quality strategic decision support; and

18 (G) conduct such other tasks as the Sec-
19 retary of Defense considers appropriate.

20 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to interfere with the requirements
22 of the Chiefs of Staff of the Armed Forces to establish
23 military requirements, performance requirements, and
24 joint performance requirements, or the requirement of the
25 Joint Requirements Oversight Council to validate such re-

1 requirements under section 181 of title 10, United States
2 Code.

3 **SEC. 904. ROLES AND RESPONSIBILITIES FOR COMPO-**
4 **NENTS OF OFFICE OF SECRETARY OF DE-**
5 **FENSE FOR JOINT ALL-DOMAIN COMMAND**
6 **AND CONTROL IN SUPPORT OF INTEGRATED**
7 **JOINT WARFIGHTING.**

8 (a) IN GENERAL.—The Secretary of Defense shall es-
9 tablish the roles and responsibilities of components of the
10 Office of the Secretary of Defense for development and
11 delivery to combatant commands of capabilities that are
12 essential to integrated joint warfighting capabilities, as
13 follows:

14 (1) The Deputy Chief Technology Officer for
15 Mission Capabilities of the Office of the Under Sec-
16 retary of Defense for Research and Engineering
17 shall be responsible for—

18 (A) identifying new technology and oper-
19 ational concepts for experimentation and proto-
20 typing for delivery to the Joint Force to ad-
21 dress key operational challenges;

22 (B) providing technical support for the
23 Joint Force in exploring and analyzing new ca-
24 pabilities, operational concepts, and systems-of-

1 systems composition, including through ad-
2 vanced modeling and simulation; and

3 (C) executing associated experimentation,
4 through the Rapid Defense Experimentation
5 Reserve (RDER) or another mechanism.

6 (2) The Executive Director for Acquisition, In-
7 tegration, and Interoperability of the Office of the
8 Under Secretary of Defense for Acquisition and
9 Sustainment shall be responsible for—

10 (A) enabling the acquisition of cross-do-
11 main, joint, and cross-system kill chains and
12 mission capabilities, including resourcing of
13 modifications necessary for integration and
14 interoperability among kill chain and mission
15 components; and

16 (B) ensuring the effectiveness of cross-do-
17 main, joint, and cross-system kill chains and
18 mission capabilities through analysis and test-
19 ing.

20 (3) The Chief Digital and Artificial Intelligence
21 Officer shall be responsible for creating and oper-
22 ating a factory-based approach for software develop-
23 ment that allows for iterative, secure, and contin-
24 uous deployment of developmental, prototype, and
25 operational tools and capabilities from multiple ven-

1 dors to test networks and operational networks for
2 combatant commanders to—

3 (A) gain operational awareness, make deci-
4 sions, and take actions;

5 (B) integrate relevant data sources to sup-
6 port target selection, target prioritization, and
7 weapon-target pairing; and

8 (C) prosecute targets through military
9 service and combat support agency networks,
10 tools, and systems.

11 (b) COORDINATION.—The officials referred to in
12 paragraphs (1), (2), and (3) of subsection (a) shall coordi-
13 nate and align their plans and activities to implement sub-
14 section (a) among themselves and with the combatant
15 commanders.

16 (c) INITIAL PRIORITIZATION.—In developing an ini-
17 tial set of capabilities described in subsection (a), the offi-
18 cials referred to in paragraphs (1), (2), and (3) of that
19 subsection shall prioritize the requirements of the United
20 States Indo-Pacific Command.

21 (d) BRIEFINGS REQUIRED.—Not later than 90 days
22 after the date of the enactment of this Act, and every 180
23 days thereafter through December 31, 2026, the officials
24 referred to in paragraphs (1), (2), and (3) of subsection
25 (a) shall provide briefings to the congressional defense

1 committees on their plans and activities to implement sub-
2 section (a).

3 (e) REPORT REQUIRED.—Not later than March 1,
4 2024, the Chief Data and Artificial Intelligence Officer,
5 in consultation with the Deputy Chief Technology Officer
6 for Mission Capabilities of the Office of the Under Sec-
7 retary of Defense for Research and Engineering and the
8 Executive Director for Acquisition, Integration, and Inter-
9 operability of the Office of the Under Secretary of Defense
10 for Acquisition and Sustainment, shall submit to the con-
11 gressional defense committees a report that includes—

12 (1) a plan and associated timelines for deploy-
13 ing and demonstrating a joint data integration layer
14 prototype in the United States Indo-Pacific Com-
15 mand area of operations;

16 (2) a plan and associated timelines for
17 transitioning such a prototype, upon its successful
18 demonstration, to fielding as soon as practicable
19 given the urgent need for a joint all-domain com-
20 mand and control (commonly referred to as
21 “JADC2”) capability;

22 (3) a plan and associated timelines for reaching
23 initial operational capability for a joint data integra-
24 tion layer within the United States Indo-Pacific
25 Command area of operations;

1 (4) a plan and associated timelines for scaling
2 that capability to future areas of operation across
3 the combatant commands;

4 (5) an assessment of the required type and
5 number of personnel at the United States Indo-Pa-
6 cific Command to enable sustained growth in
7 JADC2 capabilities; and

8 (6) a plan and associated timelines for—

9 (A) identifying specific critical effects
10 chains necessary to overcome anti-access and
11 area denial capabilities and offensive military
12 operations of foreign adversaries; and

13 (B) creating, demonstrating, deploying,
14 and sustaining such chains.

15 **SEC. 905. PRINCIPAL DEPUTY ASSISTANT SECRETARIES TO**
16 **SUPPORT ASSISTANT SECRETARY OF DE-**
17 **FENSE FOR SPECIAL OPERATIONS AND LOW**
18 **INTENSITY CONFLICT.**

19 The Secretary of Defense may appoint two Principal
20 Deputy Assistant Secretaries to report to the Assistant
21 Secretary of Defense for Special Operations and Low In-
22 tensity Conflict—

23 (1) one of whom may be assigned to support
24 the Assistant Secretary in the discharge of respon-

1 sibilities specified in clause (i) of section
2 138(b)(2)(A) of title 10, United States Code; and
3 (2) one of whom may be assigned to support
4 the Assistant Secretary in the discharge of respon-
5 sibilities specified in clause (ii) of that section.

6 **SEC. 906. MODIFICATION OF CROSS-FUNCTIONAL TEAM TO**
7 **ADDRESS EMERGING THREAT RELATING TO**
8 **DIRECTED ENERGY CAPABILITIES.**

9 Section 910 of the National Defense Authorization
10 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
11 111 note) is amended—

12 (1) in the section heading, by striking “**ANOM-**
13 **ALOUS HEALTH INCIDENTS**” and inserting “**DI-**
14 **RECTED ENERGY CAPABILITIES**”;

15 (2) in subsection (a), by striking “anomalous
16 health incidents (as defined by the Secretary)” and
17 inserting “emerging directed energy capabilities, in-
18 cluding such capabilities that could plausibly result
19 in anomalous health incidents (as defined by the
20 Secretary),”;

21 (3) in subsection (b)—

22 (A) in the matter preceding paragraph (1),
23 by inserting “to assist the Secretary of De-
24 fense” after “shall be”;

1 (B) by amending paragraph (1) to read as
2 follows:

3 “(1) to address the threat posed by emerging
4 directed energy capabilities, such as anti-personnel
5 weapons, including the detection and mitigation of,
6 and development of countermeasures for, such capa-
7 bilities;”;

8 (C) by redesignating paragraphs (2) and
9 (3) as paragraphs (3) and (4), respectively;

10 (D) by inserting after paragraph (1) the
11 following new paragraph (2):

12 “(2) to conduct necessary investigation and ac-
13 tivities to understand the causation, attribution,
14 mitigation, identification, and treatment for anoma-
15 lous health incidents;” and

16 (E) in paragraph (4), as redesignated by
17 subparagraph (C), by striking “any other ef-
18 forts regarding such incidents” and inserting
19 “with any other efforts regarding emerging di-
20 rected energy capabilities, hazards of electro-
21 magnetic radiation to personnel, and anomalous
22 health incidents”;

23 (4) in subsection (d), by striking “in consulta-
24 tion with the Director of National Intelligence and”;
25 and

1 (5) in subsection (e)(2)—

2 (A) by striking “March 1, 2026” and in-
3 serting “March 1, 2028”; and

4 (B) by striking “anomalous health inci-
5 dents” and inserting “emerging directed energy
6 capabilities, including such capabilities that
7 could plausibly result in anomalous health inci-
8 dents”.

9 **SEC. 907. PILOT PROGRAM ON PROTECTING ACCESS TO**
10 **CRITICAL ASSETS.**

11 (a) IN GENERAL.—The Secretary of Defense shall es-
12 tablish a pilot program within the Office of the Under Sec-
13 retary of Defense for Acquisition and Sustainment under
14 which the Under Secretary will conduct and coordinate as-
15 sessments, support industrial base decision-making, and
16 provide mitigation measures to counter adversarial capital
17 flows into industries or businesses of interest to the De-
18 partment of Defense intended to undermine or deny—

19 (1) the access of the United States to key capa-
20 bilities; or

21 (2) the ability of the United States to place
22 such capabilities in physical locations necessary for
23 national security functions.

24 (b) ELEMENTS.—

1 (1) IN GENERAL.—Under the pilot program re-
2 quired by subsection (a), the Under Secretary may
3 perform the following tasks:

4 (A) Conduct coordinated and integrated
5 analysis of adversarial capital flows into indus-
6 tries or businesses of interest to the Depart-
7 ment of Defense.

8 (B) Support coordination and outreach
9 with technology scouting and acquisition ele-
10 ments of the Department to support the invest-
11 ment decision-making of those elements and
12 consideration of how to counteract entities em-
13 ploying adversarial capital flows against indus-
14 tries or businesses described in subparagraph
15 (A), including the employment of relevant au-
16 thorities vested in other components of the De-
17 partment and the Federal Government.

18 (C) Identify, accelerate, and sustain the es-
19 tablishment, research, development, construc-
20 tion, procurement, leasing, consolidation, alter-
21 ation, improvement, modernization, and repair
22 of tangible and intangible assets vital to the na-
23 tional security of the United States.

24 (D) Protect tangible and intangible assets
25 vital to the national security of the United

1 States from theft, acquisition, and transfer by
2 adversaries or strategic competitors of the
3 United States.

4 (E) Provide capital assistance to entities
5 engaged in investments that facilitate the ef-
6 forts of the Under Secretary under subpara-
7 graphs (C) and (D) utilizing existing authorities
8 available to the Department, such as the au-
9 thority provided under section 834.

10 (F) Experiment, prototype, test, or vali-
11 date Government-developed or commercially de-
12 veloped analytical tools, processes, and
13 tradecraft to improve the due diligence and in-
14 vestment analysis processes for the Depart-
15 ment.

16 (2) USE OF CERTAIN FINANCIAL INSTRU-
17 MENTS.—The Under Secretary may perform the
18 tasks described in paragraph (1) using the authori-
19 ties provided by section 834.

20 (c) COORDINATION.—In establishing the pilot pro-
21 gram required by subsection (a), the Secretary shall co-
22 ordinate the activities being carried out under the pilot
23 program with the following entities:

24 (1) The Air Force Office of Concepts, Develop-
25 ment, and Management.

1 (2) The Air Force Office of Commercial and
2 Economic Analysis.

3 (3) The Special Operations Command.

4 (4) The Defense Innovation Unit.

5 (5) The Office of Strategic Capital established
6 under section 148 of title 10, United States Code,
7 as added by section 901.

8 (6) Such other entities as the Secretary con-
9 siders appropriate.

10 (d) REGULATIONS.—The Secretary of Defense shall
11 prescribe such regulations as are necessary to carry out
12 this section.

13 (e) EFFECTIVE DATE.—The Secretary may not carry
14 out activities or exercise authorities under this section
15 until the date that is 30 days after the date on which the
16 Secretary submits to the congressional defense committees
17 the regulations required by subsection (d).

18 (f) BRIEFING REQUIRED.—Not later than 90 days
19 after the date of the enactment of this Act, the Under
20 Secretary shall provide a briefing to the congressional de-
21 fense committees that details implementation of the pilot
22 program required by subsection (a).

23 (g) TERMINATION.—The pilot program required by
24 subsection (a) shall terminate on September 30, 2028.

25 (h) DEFINITIONS.—In this section:

1 (1) ADVERSARIAL CAPITAL FLOW.—The term
2 “adversarial capital flow” means an investment by—

3 (A) the government of a country that is an
4 adversary of the United States; or

5 (B) an entity organized under the laws of,
6 or otherwise subject to the jurisdiction of, such
7 a country.

8 (2) CAPITAL ASSISTANCE.—The term “capital
9 assistance” has the meaning given that term in sec-
10 tion 834.

11 **SEC. 908. EXTENSION OF MISSION MANAGEMENT PILOT**
12 **PROGRAM.**

13 Section 871 of the National Defense Authorization
14 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
15 191 note) is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by striking “IN GENERAL.—Ex-
19 cept” and inserting the following: “IN
20 GENERAL.—

21 “(A) SELECTION.—Except”; and

22 (ii) by adding at the end the following
23 new subparagraph:

24 “(B) DELEGATION OF OVERSIGHT AND
25 MANAGEMENT.—The Deputy Secretary of De-

1 fense may delegate one or more mission man-
2 agers to oversee the selected missions and pro-
3 vide management around mission outcomes.”;
4 and

5 (B) by adding at the end the following new
6 paragraph:

7 “(4) IDENTIFICATION OF FUNDING.—For each
8 mission selected under paragraph (1), the Deputy
9 Secretary of Defense shall identify funding sources
10 in detail in defense budget materials for budgets
11 submitted to Congress pursuant to section 1105 of
12 title 31, United States Code, with selected missions
13 and solution detailed in materials for each budgetary
14 item associated with a selected mission.”;

15 (2) in subsection (c)(2)—

16 (A) in subparagraph (E), by striking “;
17 and” and inserting a semicolon;

18 (B) by redesignating subparagraph (F) as
19 subparagraph (G); and

20 (C) by inserting after subparagraph (E)
21 the following new subparagraph:

22 “(F) assist the Deputy Secretary of De-
23 fense in the identification of funding that could
24 contribute to the mission, including through ex-

1 isting authorized methods to realign, repro-
2 gram, or transfer funds; and”;

3 (3) in subsection (f)(1)(A), by striking “every
4 six months thereafter until the date that is five
5 years after the date of the enactment of this Act”
6 and inserting “annually thereafter until September
7 30, 2031”; and

8 (4) in subsection (h), by striking “terminate on
9 the date that is five years after the date of the en-
10 actment of this Act” and inserting “terminate on
11 September 30, 2031”.

12 **SEC. 909. CONFORMING AMENDMENTS TO CARRY OUT**
13 **ELIMINATION OF POSITION OF CHIEF MAN-**
14 **AGEMENT OFFICER.**

15 (a) REMOVAL OF REFERENCES TO CHIEF MANAGE-
16 MENT OFFICER IN PROVISIONS OF LAW RELATING TO
17 PRECEDENCE.—Chapter 4 of title 10, United States Code,
18 is amended—

19 (1) in section 133a(c)—

20 (A) in paragraph (1), by striking “, the
21 Deputy Secretary of Defense, and the Chief
22 Management Officer of the Department of De-
23 fense” and inserting “and the Deputy Secretary
24 of Defense”; and

1 (B) in paragraph (2), by striking “the
2 Chief Management Officer,”;

3 (2) in section 133b(c)—

4 (A) in paragraph (1), by striking “the
5 Chief Management Officer of the Department
6 of Defense,”; and

7 (B) in paragraph (2), by striking “the
8 Chief Management Officer,”;

9 (3) in section 137a(d), by striking “the Chief
10 Management Officer of the Department of De-
11 fense,”; and

12 (4) in section 138(d), by striking “the Chief
13 Management Officer of the Department of De-
14 fense,”.

15 (b) ASSIGNMENT OF PERIODIC REVIEW OF DEFENSE
16 AGENCIES AND DEPARTMENT OF DEFENSE FIELD AC-
17 TIVITIES TO SECRETARY OF DEFENSE.—Section 192(c)
18 of such title is amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (A), in the first sen-
21 tence, by striking “the Chief Management Offi-
22 cer of the Department of Defense” and insert-
23 ing “the Secretary of Defense”; and

1 (B) in subparagraphs (B) and (C), by
2 striking “the Chief Management Officer” and
3 inserting “the Secretary”; and

4 (2) in paragraph (2), by striking “the Chief
5 Management Officer” each place it appears and in-
6 serting “the Secretary”.

7 (c) ASSIGNMENT OF RESPONSIBILITY FOR FINAN-
8 CIAL IMPROVEMENT AND AUDIT REMEDIATION TO
9 UNDER SECRETARY OF DEFENSE (COMPTROLLER).—
10 Section 240b of such title is amended—

11 (1) in subsection (a)(1), by striking “The Chief
12 Management Officer of the Department of Defense
13 shall, in consultation with the Under Secretary of
14 Defense (Comptroller),” and inserting “The Under
15 Secretary of Defense (Comptroller) shall, in con-
16 sultation with the Performance Improvement Officer
17 of the Department of Defense,”; and

18 (2) in subsection (b)(1)(C)(ii), by striking “the
19 Chief Management Officer” and inserting “the Per-
20 formance Improvement Officer”.

21 (d) REMOVAL OF CHIEF MANAGEMENT OFFICER AS
22 RECIPIENT OF REPORTS OF AUDITS BY EXTERNAL AUDI-
23 TORS.—Section 240d(d)(1)(A) of such title is amended by
24 striking “and the Chief Management Officer of the De-
25 partment of Defense”.

1 (e) CONFORMING AMENDMENTS TO PROVISIONS OF
2 LAW RELATED TO FREEDOM OF INFORMATION ACT EX-
3 EMPTIONS.—Such title is further amended—

4 (1) in section 130e—

5 (A) by striking subsection (d);

6 (B) by redesignating subsections (e) and
7 (f) as subsections (d) and (e), respectively; and

8 (C) in subsection (d), as so redesignated—

9 (i) in the first sentence, by striking “,
10 or the Secretary’s designee,”; and

11 (ii) in the second sentence, by striking
12 “, through the Office of the Director of
13 Administration and Management”; and

14 (2) in section 2254a—

15 (A) by striking subsection (e);

16 (B) by redesignating subsection (d) as sub-
17 section (e); and

18 (C) in subsection (e), as so redesignated—

19 (i) in the first sentence, by striking “,
20 or the Secretary’s designee,”; and

21 (ii) in the second sentence, by striking
22 “, through the Office of the Director of
23 Administration and Management”.

24 (f) REMOVAL OF CHIEF MANAGEMENT OFFICER AS
25 REQUIRED COORDINATOR ON DEFENSE RESALE MAT-

1 TERS.—Section 631(a) of the National Defense Authoriza-
2 tion Act for Fiscal Year 2020 (Public Law 116–92; 10
3 U.S.C. 2481 note) is amended by striking “, in coordina-
4 tion with the Chief Management Officer of the Depart-
5 ment of Defense,”.

6 **Subtitle B—Other Department of**
7 **Defense Organization and Man-**
8 **agement Matters**

9 **SEC. 921. JOINT ENERGETICS TRANSITION OFFICE.**

10 (a) IN GENERAL.—The Secretary of Defense shall re-
11 align roles, responsibilities, and resources as necessary to
12 establish a Joint Energetics Transition Office (in this sec-
13 tion referred to as the “Office”).

14 (b) RESPONSIBILITIES.—The Office shall—

15 (1) develop and periodically update an energetic
16 materials strategic plan and investment strategy to
17 guide current and future investments in new and
18 legacy energetic materials and technologies, includ-
19 ing by—

20 (A) developing or supporting the develop-
21 ment of strategies and roadmaps, under the fu-
22 ture-years defense program under section 221
23 of title 10, United States Code, and the pro-
24 gram objective memorandum process, for ener-
25 getic materials and technologies; and

1 (B) initiating special studies or analyses to
2 inform the program objective memorandum
3 process;

4 (2) coordinate and synchronize existing re-
5 search, development, test, and evaluation efforts in
6 energetic materials across the Department of De-
7 fense to identify promising new energetic materials
8 and technologies—

9 (A) to mature, integrate, prototype, and
10 demonstrate novel energetic materials and tech-
11 nologies, including classification and character-
12 ization testing of new materials and manufac-
13 turing technologies;

14 (B) to expedite testing, evaluation, and ac-
15 quisition of energetic materials and technologies
16 to meet the emergent needs of the Department,
17 including the rapid integration of promising
18 new materials and other promising energetic
19 compounds into existing and planned weapons
20 platforms; and

21 (C) to identify existing or establish new
22 prototyping demonstration venues to integrate
23 advanced technologies that speed the matura-
24 tion and deployment of future energetic mate-
25 rials;

1 (3) oversee a process to expedite the qualifica-
2 tion process for energetic materials, from discovery
3 through integration into weapon systems, and rec-
4 ommend changes to laws, regulations, and policies
5 that present barriers that extend timelines for that
6 process; and

7 (4) carry out such other responsibilities relating
8 to energetic materials as the Secretary shall specify.

9 (c) REPORT REQUIRED.—The Deputy Secretary of
10 Defense shall submit to the congressional defense commit-
11 tees—

12 (1) not later than 60 days after the date of the
13 enactment of this Act, a report on the status of the
14 establishment of the Office under subsection (a); and

15 (2) not later than one year after such date of
16 enactment, a report on the measures taken to pro-
17 vide the Office with the staff and resources nec-
18 essary for the Office to carry out its responsibilities
19 under subsection (b).

20 **SEC. 922. TRANSITION OF OVERSIGHT RESPONSIBILITY**
21 **FOR THE DEFENSE TECHNOLOGY SECURITY**
22 **ADMINISTRATION.**

23 (a) PLAN REQUIRED.—Not later than 90 days after
24 the date of the enactment of this Act, the Secretary of
25 Defense shall develop a transition plan to realign the De-

1 fense Technology Security Administration under the au-
2 thority, direction, and control of the Assistant Secretary
3 of Defense for Industrial Base Policy.

4 (b) SUBMISSION OF PLAN.—Not later than 7 days
5 after the date on which the Secretary completes develop-
6 ment of the plan required by subsection (a), the Secretary
7 shall submit the plan to the congressional defense commit-
8 tees.

9 (c) IMPLEMENTATION OF PLAN.—Not later than 180
10 days after the date on which the Secretary completes de-
11 velopment of the plan required by subsection (a), the Sec-
12 retary shall realign the Defense Technology Security Ad-
13 ministration under the authority, direction, and control of
14 the Assistant Secretary of Defense for Industrial Base
15 Policy.

16 **SEC. 923. INTEGRATED AND AUTHENTICATED ACCESS TO**
17 **DEPARTMENT OF DEFENSE SYSTEMS FOR**
18 **CERTAIN CONGRESSIONAL STAFF FOR OVER-**
19 **SIGHT PURPOSES.**

20 Section 1046(a) of the James M. Inhofe National De-
21 fense Authorization Act for Fiscal Year 2023 (Public Law
22 117–263) is amended—

23 (1) in paragraph (1)(B), by striking “; and”
24 and inserting a semicolon;

1 (2) in paragraph (2), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(3) to the extent feasible, be integrated with
6 software used by the Department of Defense Park-
7 ing Management Office to validate parking re-
8 quests.”.

9 **SEC. 924. INTEGRATION OF PRODUCTIVITY SOFTWARE**
10 **SUITES FOR SCHEDULING DATA.**

11 The Secretary of Defense shall ensure that the De-
12 partment of Defense is capable of scheduling congressional
13 engagements in a digitally interoperable manner by not
14 later than February 25, 2024, either through—

15 (1) integrating the productivity software suite
16 of the Department of Defense with the productivity
17 software suite of the congressional defense commit-
18 tees; or

19 (2) enabling the automated transmission of
20 scheduling data through another software solution.

21 **SEC. 925. OPERATIONALIZING AUDIT READINESS.**

22 (a) METRICS REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Defense, in
24 coordination with the Secretaries of the military de-
25 partments, shall develop a set of command audit

1 metrics that link existing audit readiness goals and
2 metrics for the financial management community
3 with unit leadership goals and metrics to provide
4 operationally relevant performance measures for use
5 by unit commanders.

6 (2) LEVERAGING SUPPORT.—In developing the
7 metrics required by paragraph (1), the Secretary
8 may leverage support from an existing federally
9 funded research and development center or univer-
10 sity-affiliated research center.

11 (3) DEADLINE.—An initial set of metrics shall
12 be developed and implemented under paragraph (1)
13 not later than April 30, 2025.

14 (b) TRAINING.—

15 (1) IN GENERAL.—The President of the De-
16 fense Acquisition University shall develop training
17 curricula to support the workforce of the Depart-
18 ment of Defense in understanding, implementing,
19 and utilizing the metrics developed under subsection
20 (a) in the day-to-day performance of their command
21 and leadership duties.

22 (2) DEADLINE.—An initial training curriculum
23 shall be developed and implemented under para-
24 graph (1) not later than April 30, 2025.

25 (c) LEADER PERFORMANCE ASSESSMENTS.—

1 (1) IN GENERAL.—The Secretary of Defense, in
2 coordination with the Secretaries of the military de-
3 partments, shall evaluate means by which the
4 metrics developed under subsection (a) can be used
5 in the performance evaluation of unit commanders.

6 (2) BRIEFING REQUIRED.—Not later than Sep-
7 tember 30, 2024, the Secretary shall provide a brief-
8 ing to the Committees on Armed Services of the
9 Senate and the House of Representatives on the
10 evaluation conducted under paragraph (1). The
11 briefing shall include the following elements:

12 (A) Identification of the appropriate com-
13 mand echelon at which to assess unit leader
14 performance using the metrics developed under
15 subsection (a).

16 (B) Evaluations of available measures to
17 reward superior or above average performance
18 with respect to such metrics.

19 (C) Assessment of the potential value, and
20 challenges, to integrating such measures into
21 the annual performance evaluations for des-
22 ignated unit leaders.

23 (D) Any other issues the Secretary con-
24 siders appropriate.

1 **SEC. 926. NEXT GENERATION BUSINESS HEALTH METRICS.**

2 (a) METRICS REQUIRED.—The Secretary of Defense,
3 acting through the Director of Administration and Man-
4 agement and in coordination with the Secretaries of the
5 military departments, shall develop an updated set of busi-
6 ness health metrics to inform decision-making by senior
7 leaders of the Department of Defense.

8 (b) ELEMENTS.—In developing the metrics required
9 by subsection (a), the Director shall—

10 (1) using the current literature on performance
11 measurement, determine what additional new
12 metrics should be implemented, or current metrics
13 should be adapted, to reduce output-based measures
14 and emphasize objective, measurable indicators
15 aligned to enduring strategic goals of the Depart-
16 ment of Defense;

17 (2) assess the current business processes of the
18 Department and provide recommendations to align
19 the metrics with available data sources to determine
20 what gaps might exist in such processes;

21 (3) ensure that data can be collected automati-
22 cally and, on a long-term basis, in a manner that
23 provides for longitudinal analysis;

24 (4) link the metrics with the Strategic Manage-
25 ment Plan and other performance documents guid-
26 ing the Department;

1 (5) identify any shortfalls in resources, data,
2 training, policy, or law that could be an impediment
3 to implementing the metrics;

4 (6) revise leading and lagging indicators associ-
5 ated with each such metric to provide a benchmark
6 against which to assess progress;

7 (7) improve visualization of and comprehension
8 for the use of the metrics in data-driven decision-
9 making, including adoption of new policies and
10 training as needed;

11 (8) incorporate the ability to aggregate and
12 disaggregate data to provide the ability to focus on
13 functional, component-level metrics; and

14 (9) increase standardization of the use and col-
15 lection of business health metrics across the Depart-
16 ment.

17 (c) **ADDITIONAL SUPPORT.**—In developing the
18 metrics required by subsection (a), the Director may lever-
19 age support from an existing federally funded research
20 and development center or university-affiliated research
21 center.

22 (d) **BRIEFING REQUIRED.**—Not later than January
23 30, 2025, the Director shall brief the Committees on
24 Armed Services of the Senate and the House of Represent-

1 atives on the development of the metrics required by sub-
2 section (a).

3 **SEC. 927. INDEPENDENT ASSESSMENT OF DEFENSE BUSI-**
4 **NESS ENTERPRISE ARCHITECTURE.**

5 (a) IN GENERAL.—The Secretary of Defense shall se-
6 lect a federally funded research and development center
7 or a university affiliated research center to conduct an
8 independent assessment of the defense business enterprise
9 architecture developed under section 2222(e) of title 10,
10 United States Code.

11 (b) ELEMENTS.—The assessment required by sub-
12 section (a) shall include the following elements:

13 (1) An assessment of the effectiveness of the
14 defense business enterprise architecture as of the
15 date of the enactment of this Act in providing an
16 adequate and useful framework for planning, man-
17 aging, and integrating the business systems of the
18 Department of Defense.

19 (2) A comparison of the defense business enter-
20 prise architecture with similar models in use by
21 other government agencies in the United States, for-
22 eign governments, and major commercial entities, in-
23 cluding an assessment of any lessons from such
24 models that might be applied to the defense business
25 enterprise architecture.

1 (3) An assessment of the adequacy of the de-
2 fense business enterprise architecture in informing
3 business process reengineering and being sufficiently
4 responsive to changes in business processes over
5 time.

6 (4) An identification of any shortfalls or imple-
7 mentation challenges in the utility of the defense
8 business enterprise architecture.

9 (5) Recommendations for replacement of the
10 existing defense business enterprise architecture or
11 for modifications to the existing architecture to
12 make that architecture and the process for updating
13 that architecture more effective and responsive to
14 the business process needs of the Department.

15 (c) INTERIM BRIEFING.—Not later than April 1,
16 2024, the Secretary shall brief the Committees on Armed
17 Services of the Senate and the House of Representatives
18 on the status of the assessment required by subsection (a).

19 (d) FINAL REPORT.—Not later than January 30,
20 2025, the Secretary shall submit to the Committees on
21 Armed Services of the Senate and the House of Represent-
22 atives a report on the results of the assessment required
23 by subsection (a).

1 **SEC. 928. LIMITATION ON ESTABLISHMENT OF NEW DIVER-**
2 **SITY, EQUITY, AND INCLUSION POSITIONS;**
3 **HIRING FREEZE.**

4 (a) IN GENERAL.—During the period described in
5 subsection (b), the Secretary of Defense may not—

6 (1) establish any new positions within the De-
7 partment of Defense with responsibility for matters
8 relating to diversity, equity, and inclusion; or

9 (2) fill any vacancies in positions in the Depart-
10 ment with responsibility for such matters.

11 (b) PERIOD DESCRIBED.—The period described in
12 this subsection is the period—

13 (1) beginning on the date of the enactment of
14 this Act; and

15 (2) ending on the date on which the Comp-
16 troller General of the United States submits to Con-
17 gress the review of the Department of Defense diver-
18 sity, equity, and inclusion workforce required by the
19 report of the Committee on Armed Services of the
20 Senate accompanying the National Defense Author-
21 ization Act for Fiscal Year 2024.

22 **TITLE X—GENERAL PROVISIONS**
23 **Subtitle A—Financial Matters**

24 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

25 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

1 (1) **AUTHORITY.**—Upon determination by the
2 Secretary of Defense that such action is necessary in
3 the national interest, the Secretary may transfer
4 amounts of authorizations made available to the De-
5 partment of Defense in this division for fiscal year
6 2024 between any such authorizations for that fiscal
7 year (or any subdivisions thereof). Amounts of au-
8 thorizations so transferred shall be merged with and
9 be available for the same purposes as the authoriza-
10 tion to which transferred.

11 (2) **LIMITATION.**—Except as provided in para-
12 graph (3), the total amount of authorizations that
13 the Secretary may transfer under the authority of
14 this section may not exceed \$6,000,000,000.

15 (3) **EXCEPTION FOR TRANSFERS BETWEEN**
16 **MILITARY PERSONNEL AUTHORIZATIONS.**—A trans-
17 fer of funds between military personnel authoriza-
18 tions under title IV shall not be counted toward the
19 dollar limitation in paragraph (2).

20 (b) **LIMITATIONS.**—The authority provided by sub-
21 section (a) to transfer authorizations—

22 (1) may only be used to provide authority for
23 items that have a higher priority than the items
24 from which authority is transferred; and

1 (2) may not be used to provide authority for an
2 item that has been denied authorization by Con-
3 gress.

4 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
5 transfer made from one account to another under the au-
6 thority of this section shall be deemed to increase the
7 amount authorized for the account to which the amount
8 is transferred by an amount equal to the amount trans-
9 ferred.

10 (d) NOTICE TO CONGRESS.—The Secretary shall
11 promptly notify Congress of each transfer made under
12 subsection (a).

13 **SEC. 1002. ANNUAL REPORT ON BUDGET PRIORITIZATION**
14 **BY SECRETARY OF DEFENSE AND MILITARY**
15 **DEPARTMENTS.**

16 (a) IN GENERAL.—Chapter 9 of title 10, United
17 States Code, is amended by inserting after section 222d
18 the following new section:

19 **“§ 222e. Programs, projects, and activities that were**
20 **internally reduced or eliminated in the**
21 **submission of the President’s budget: an-**
22 **nual report**

23 “(a) IN GENERAL.—The Secretary of Defense, acting
24 through the Secretaries of the military departments and
25 the officers of Department of Defense agencies and offices

1 not under the control of a Secretary of a military depart-
2 ment, shall submit to the congressional defense commit-
3 tees each year, not later than 15 days after the submission
4 of the budget of the President for the fiscal year beginning
5 in such year under section 1105(a) of title 31, a report
6 that includes organized tabulations of programs, projects,
7 and activities the total obligational authority for which
8 was reduced or eliminated in the current budget year pro-
9 posal compared to the prior-year projection for the current
10 year.

11 “(b) ELEMENTS.—The tabulations required under
12 subsection (a) shall include, for each program, project, or
13 activity that was internally reduced or eliminated, the fol-
14 lowing elements:

15 “(1) Whether the program, project, or activity
16 was eliminated or reduced and which fiscal year it
17 was eliminated or reduced in.

18 “(2) Appropriations sub-account.

19 “(3) The appropriate program element, line
20 item number, or sub-activity group.

21 “(4) Program, project, or activity name.

22 “(5) Prior year enacted appropriation.

23 “(6) Prior year projected current year budget.

24 “(7) Current year budget request.

1 “(8) If applicable, the amount reduced or saved
2 by the current year elimination or reduction over the
3 future years defense plan.

4 “(9) The rationale for reduction or elimination.

5 “(c) FORM.—The report required under subsection
6 (a) shall be submitted in machine readable, electronic
7 form.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 9 of such title is amended by
10 inserting after the item relating to section 222d the fol-
11 lowing new item:

 “222e. Programs, projects, and activities that were internally reduced or elimi-
 nated in the submission of the President’s budget: annual re-
 port.”.

12 **SEC. 1003. ADDITIONAL REPORTING REQUIREMENTS RE-**
13 **LATED TO UNFUNDED PRIORITIES.**

14 Section 222a(e)(1) of title 10, United States Code,
15 is amended by adding at the end the following new sub-
16 paragraph:

17 “(E) For each priority—

18 “(i) the requirement that will be ad-
19 dressed which is not in the base budget re-
20 quest;

21 “(ii) the reason why the priority was
22 not included in the base budget request;

23 “(iii) a description of previous funding
24 to address the requirement;

1 “(iv) an assessment of the impact of
2 the priority on the future years defense
3 plan.”.

4 **SEC. 1004. SENSE OF THE SENATE ON NEED FOR EMER-**
5 **GENCY SUPPLEMENTAL APPROPRIATIONS.**

6 It is the sense of the Senate that—

7 (1) section 101 of the Fiscal Responsibility Act
8 of 2023 (Public Law 118–5) imposes limits on dis-
9 cretionary spending in the defense and nondefense
10 categories;

11 (2) if those spending limits for either category
12 are breached, then across-the-board sequestration
13 cuts are triggered on that category to eliminate the
14 breach;

15 (3) the enactment of authorization and appro-
16 priations legislation for the Department of Defense
17 will provide inherent cost savings that continuing
18 resolutions do not provide;

19 (4) there are growing national security concerns
20 that require additional funds beyond the revised se-
21 curity spending limit, to include continued support
22 to the Ukrainian armed forces, additional munitions
23 production, additional large surface combatants,
24 shipbuilding industrial base modernization invest-
25 ments, submarine industrial base and supply chain

1 management, additional production of wheeled and
2 tracked combat vehicles, and emergent capabilities
3 and exercises in the United States Indo-Pacific Com-
4 mand;

5 (5) as the Senate Majority Leader Chuck Schu-
6 mer stated on June 1, 2023, “This debt ceiling deal
7 does nothing to limit the Senate’s ability to appro-
8 priate emergency/supplemental funds to ensure our
9 military capabilities are sufficient to deter China,
10 Russia, and our other adversaries and respond to
11 ongoing and growing national security threats, in-
12 cluding Russia’s ongoing war of aggression against
13 Ukraine, our ongoing competition with China and its
14 growing threat to Taiwan, Iranian threats to Amer-
15 ican interests and those of our partners in the Mid-
16 dle East, or any other emerging security crisis; nor
17 does this debt ceiling deal limit the Senate’s ability
18 to appropriate emergency/supplemental funds to re-
19 spond to various national issues, such as disaster re-
20 lief, or combating the fentanyl crisis, or other issues
21 of national importance.”; and

22 (6) the President should expeditiously send
23 emergency funding requests to the Senate for con-
24 sideration so that those needs can receive sufficient
25 and additional funds.

1 **Subtitle B—Counterdrug Activities**

2 **SEC. 1011. DISRUPTION OF FENTANYL TRAFFICKING.**

3 (a) SENSE OF SENATE.—It is the sense of the Senate
4 that—

5 (1) fentanyl trafficking across the borders of
6 the United States, and the consequences of that
7 trafficking, constitute an unprecedented, nontradi-
8 tional, and long-term threat to the national security
9 of the United States;

10 (2) transnational criminal organizations have
11 established effective control over significant areas
12 within Mexico, which has enabled the development of
13 fentanyl production and trafficking infrastructure;

14 (3) combating fentanyl trafficking demands—

15 (A) improved interagency command, con-
16 trol, communications, and intelligence sharing
17 to enhance the effectiveness of the interdiction
18 of fentanyl at the borders of the United States;
19 and

20 (B) whole-of-government solutions com-
21 prised of an integrated and synchronized inter-
22 agency organizational construct committed to
23 dismantling the process of trafficking fentanyl
24 from chemical precursor to production to deliv-

1 ery in the United States and enabling partner
2 nations to do the same;

3 (4) it is within the national security interest of
4 the United States for Federal, State, and local law
5 enforcement agencies, the Department of Defense,
6 the Department of State, other counter-drug agen-
7 cies, and stakeholders to effectively communicate
8 and that the failure of effective communication af-
9 fects the prevention, interdiction, and prosecution of
10 fentanyl trafficking and distribution into and within
11 the United States; and

12 (5) the United States must partner with Mexico
13 and Canada to combat fentanyl trafficking through
14 institution building, the dismantling of cartels, and
15 seizures of fentanyl in Mexico, Canada, and intra-
16 state transit zones.

17 (b) DEVELOPMENT OF STRATEGY TO COUNTER
18 FENTANYL TRAFFICKING AND REPORT.—

19 (1) STRATEGY.—

20 (A) IN GENERAL.—Not later than 120
21 days after the date of the enactment of this
22 Act, the Secretary of Defense, in coordination
23 with other Federal agencies as the Secretary
24 considers appropriate, shall develop and submit
25 to the appropriate congressional committees a

1 strategy to use existing authorities, including
2 the authorities under section 124 of title 10,
3 United States Code, as appropriate, to target,
4 disrupt, or degrade threats to the national secu-
5 rity of the United States caused or exacerbated
6 by fentanyl trafficking.

7 (B) CONTENTS.—The strategy required by
8 subparagraph (A) shall outline how the Sec-
9 retary of Defense will—

10 (i) leverage existing authorities re-
11 garding counterdrug and counter-
12 transnational organized crime activities
13 with a counter-fentanyl nexus to detect
14 and monitor activities related to fentanyl
15 trafficking;

16 (ii) support operations to counter
17 fentanyl trafficking carried out by other
18 Federal agencies, State, Tribal, and local
19 law enforcement agencies, or foreign secu-
20 rity forces;

21 (iii) coordinate efforts of the Depart-
22 ment of Defense for the detection and
23 monitoring of aerial, maritime, and surface
24 traffic suspected of carrying fentanyl
25 bound for the United States, including ef-

1 forts to unify the use of technology, sur-
2 veillance, and related resources across air,
3 land, and maritime domains to counter
4 fentanyl trafficking, including with respect
5 to data collection, data processing, and in-
6 tegrating sensors across such domains;

7 (iv) provide military-unique capabili-
8 ties to support activities by the United
9 States Government and foreign security
10 forces to detect and monitor the trafficking
11 of fentanyl and precursor chemicals used
12 in fentanyl production, consistent with sec-
13 tion 284(b)(10) of title 10, United States
14 Code;

15 (v) leverage existing counterdrug and
16 counter-transnational organized crime pro-
17 grams of the Department to counter
18 fentanyl trafficking;

19 (vi) assess existing training programs
20 of the Department and provide training for
21 Federal, State, Tribal, and local law en-
22 forcement agencies conducted by special
23 operations forces to counter fentanyl traf-
24 ficking, consistent with section 284(b) of
25 title 10, United States Code;

1 (vii) engage with foreign security
2 forces to ensure the counterdrug and
3 counter-transnational organized crime pro-
4 grams of the Department—

5 (I) support efforts to counter
6 fentanyl trafficking; and

7 (II) build capacity to interdict
8 fentanyl in foreign countries, includ-
9 ing programs to train security forces
10 in partner countries to counter
11 fentanyl trafficking, including coun-
12 tering illicit flows of fentanyl precur-
13 sors, consistent with sections 284(c)
14 and 333 of title 10, United States
15 Code;

16 (viii) use the North American Defense
17 Ministerial and the bilateral defense work-
18 ing groups and bilateral military coopera-
19 tion round tables with Canada and Mexico
20 to increase domain awareness to detect and
21 monitor fentanyl trafficking; and

22 (ix) evaluate existing policies, proce-
23 dures, processes, and resources that affect
24 the ability of the Department to counter
25 fentanyl trafficking consistent with existing

1 counterdrug and counter-transnational or-
2 ganized crime authorities.

3 (C) FORM.—The strategy required by sub-
4 paragraph (A) shall be submitted in unclassi-
5 fied form, but may include a classified annex.

6 (D) BRIEFING.—Not later than 45 days
7 after the submission of the strategy required by
8 subparagraph (A), the Secretary shall provide
9 to the appropriate congressional committees a
10 briefing on the strategy and plans for its imple-
11 mentation.

12 (2) REPORT ON LAW ENFORCEMENT REIM-
13 BURSEMENT.—The Secretary of Defense shall sub-
14 mit to the appropriate congressional committees a
15 report on—

16 (A) any goods or services provided under
17 section 1535 of title 31, United States Code
18 (commonly known as the “Economy Act”), dur-
19 ing the period beginning on January 1, 2010,
20 and ending on the date on which the report is
21 submitted, by the Department of Defense to
22 Federal civilian law enforcement agencies for
23 counterdrug and counter-transnational orga-
24 nized crime operations on the southern border
25 of the United States; and

1 (B) any payments made for such goods or
2 services under such section during such period.

3 (c) COOPERATION WITH MEXICO.—

4 (1) IN GENERAL.—The Secretary of Defense
5 shall seek to enhance cooperation with defense offi-
6 cials of the Government of Mexico to target, disrupt,
7 and degrade transnational criminal organizations
8 within Mexico that traffic fentanyl.

9 (2) REPORT ON ENHANCED SECURITY CO-
10 OPERATION.—

11 (A) IN GENERAL.—Not later than 180
12 days after the date of the enactment of this
13 Act, the Secretary of Defense shall submit to
14 the appropriate congressional committees a re-
15 port on efforts to enhance cooperation with de-
16 fense officials of the Government of Mexico
17 specified in paragraph (1).

18 (B) CONTENTS.—The report required by
19 subparagraph (A) shall include—

20 (i) an assessment of the impact of the
21 efforts to enhance cooperation described in
22 paragraph (1) on targeting, disrupting,
23 and degrading fentanyl trafficking;

1 (ii) a description of limitations on
2 such efforts, including limitations imposed
3 by the Government of Mexico;

4 (iii) recommendations by the Sec-
5 retary on actions to further improve co-
6 operation with defense officials of the Gov-
7 ernment of Mexico;

8 (iv) recommendations by the Secretary
9 on actions of the Department of Defense
10 to further improve the capabilities of the
11 Government of Mexico to target, disrupt,
12 and degrade fentanyl trafficking; and

13 (v) any other matter the Secretary
14 considers relevant.

15 (C) FORM.—The report required by sub-
16 paragraph (A) may be submitted in unclassified
17 form but shall include a classified annex.

18 (d) DEFINITIONS.—In this section:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Armed Services of
23 the Senate; and

24 (B) the Committee on Armed Services of
25 the House of Representatives.

1 (2) FENTANYL.—The term “fentanyl” means
2 fentanyl and any fentanyl-related substance.

3 (3) FENTANYL-RELATED SUBSTANCE.—The
4 term “fentanyl-related substance”—

5 (A) means any substance that is struc-
6 turally related to fentanyl by 1 or more modi-
7 fications of—

8 (i) replacement of the phenyl portion
9 of the phenethyl group by any monocycle,
10 whether or not further substituted in or on
11 the monocycle;

12 (ii) substitution in or on the phenethyl
13 group with alkyl, alkenyl, alkoxy, hydroxyl, halo,
14 haloalkyl, amino, or nitro groups;

15 (iii) substitution in or on the piper-
16 idine ring with alkyl, alkenyl, alkoxy, ester,
17 ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

18 (iv) replacement of the aniline ring
19 with any aromatic monocycle whether or
20 not further substituted in or on the aro-
21 matic monocycle; and

22 (v) replacement of the N-propionyl
23 group with another acyl group; and
24
25

1 (B) does not include a substance described
2 in subparagraph (A) that is—

3 (i) controlled by action of the Attor-
4 ney General pursuant to section 201 of the
5 Controlled Substances Act (21 U.S.C.
6 811);

7 (ii) expressly listed in Schedule I of
8 section 202(c) of that Act (21 U.S.C. 812)
9 or another schedule by a statutory provi-
10 sion; or

11 (iii) removed from Schedule I, or re-
12 scheduled to another schedule, pursuant to
13 section 201(k) of that Act (21 U.S.C.
14 811(k)).

15 (4) ILLEGAL MEANS.—The term “illegal
16 means” includes the trafficking of money, human
17 trafficking, illicit financial flows, illegal trade in nat-
18 ural resources and wildlife, trade in illegal drugs and
19 weapons, and other forms of illegal means deter-
20 mined by the Secretary of Defense.

21 (5) SECURITY COOPERATION PROGRAM.—The
22 term “security cooperation program” has the mean-
23 ing given that term in section 301 of title 10, United
24 States Code.

1 (6) TRANSNATIONAL CRIMINAL ORGANIZA-
2 TION.—

3 (A) IN GENERAL.—The term
4 “transnational criminal organization” means a
5 group, network, and associated individuals who
6 operate transnationally for the purpose of ob-
7 taining power, influence, or monetary or com-
8 mercial gain, wholly or in part by illegal means,
9 while advancing their activities through a pat-
10 tern of crime, corruption, or violence and pro-
11 tecting their illegal activities through a
12 transnational organizational structure and the
13 exploitation of public corruption or
14 transnational logistics, financial, or communica-
15 tion mechanisms.

16 (B) ADDITIONAL ORGANIZATIONS.—The
17 term “transnational criminal organization” in-
18 cludes any transnational criminal organization
19 identified in the most recent Drug Threat As-
20 sessment of the Drug Enforcement Agency.

21 **SEC. 1012. ENHANCED SUPPORT FOR COUNTERDRUG AC-**
22 **TIVITIES AND ACTIVITIES TO COUNTER**
23 **TRANSNATIONAL ORGANIZED CRIME.**

24 Section 284(b)(9) of title 10, United States Code, is
25 amended by striking “linguist and intelligence analysis”

1 and inserting “linguist, intelligence analysis, and plan-
2 ning”.

3 **SEC. 1013. MODIFICATION OF SUPPORT FOR**
4 **COUNTERDRUG ACTIVITIES AND ACTIVITIES**
5 **TO COUNTER TRANSNATIONAL ORGANIZED**
6 **CRIME: INCREASE IN CAP FOR SMALL SCALE**
7 **CONSTRUCTION PROJECTS.**

8 Section 284(i)(3) of title 10, United States Code, is
9 amended by striking “\$750,000” and inserting
10 “\$1,500,000”.

11 **SEC. 1014. BUILDING THE CAPACITY OF ARMED FORCES OF**
12 **MEXICO TO COUNTER THE THREAT POSED BY**
13 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

14 (a) PILOT PROGRAM.—Not later than 180 days after
15 the date of the enactment of this Act, the Secretary of
16 Defense, in coordination with the Secretary of State, shall
17 establish a pilot program to assess the feasibility and ad-
18 visability of building the capacity of armed forces of Mex-
19 ico in the United States on goals, jointly agreed to by the
20 Governments of the United States and Mexico, to counter
21 the threat posed by transnational criminal organizations,
22 including through—

23 (1) operations designed, at least in part, by the
24 United States, to counter that threat; and

1 (2) in consultation with the appropriate civilian
2 government agencies specializing in countering
3 transnational criminal organizations—

4 (A) joint network analysis;

5 (B) counter threat financing;

6 (C) counter illicit trafficking (including
7 narcotics, weapons, and human trafficking, and
8 illicit trafficking in natural resources); and

9 (D) assessments of key nodes of activity of
10 transnational criminal organizations.

11 (b) PLAN.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Defense shall submit to the appropriate
15 congressional committees a plan for implementing
16 the pilot program required by subsection (a) over a
17 period of five years, including the costs of admin-
18 istering the program during such period.

19 (2) DEFINITION OF APPROPRIATE CONGRES-
20 SIONAL COMMITTEES.—In this subsection, the term
21 “appropriate congressional committees” means—

22 (A) the Committee on Armed Services, the
23 Committee on Foreign Relations, and the Com-
24 mittee on Appropriations of the Senate; and

1 (B) the Committee on Armed Services, the
2 Committee on Foreign Affairs, and the Com-
3 mittee on Appropriations of the House of Rep-
4 resentatives.

5 **Subtitle C—Naval Vessels**

6 **SEC. 1021. MODIFICATION OF AUTHORITY TO PURCHASE** 7 **USED VESSELS UNDER THE NATIONAL DE-** 8 **FENSE SEALIFT FUND.**

9 Section 2218(f)(3) of title 10, United States Code,
10 is amended—

11 (1) by striking subparagraphs (C), (E) and (G);
12 and

13 (2) by redesignating subparagraphs (D) and
14 (F) as subparagraphs (C) and (D), respectively.

15 **SEC. 1022. AMPHIBIOUS WARSHIP FORCE AVAILABILITY.**

16 Section 8062 of title 10, United States Code, is
17 amended—

18 (1) in subsection (e)—

19 (A) in paragraph (2), by striking “and” at
20 the end;

21 (B) in paragraph (3), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (C) by adding at the end the following new
24 paragraph:

1 “(4) the Navy adjusts scheduled maintenance
2 and repair actions to maintain a minimum of 24 am-
3 phibious warfare ships operationally available for
4 worldwide deployment.”; and

5 (2) by redesignating the second subsection (g)
6 (defining amphibious warfare ship) as subsection
7 (h).

8 **SEC. 1023. PROHIBITION ON RETIREMENT OF CERTAIN**
9 **NAVAL VESSELS.**

10 None of the funds authorized to be appropriated by
11 this Act for fiscal year 2024 may be obligated or expended
12 to retire, prepare to retire, or place in storage any of the
13 following naval vessels:

14 (1) USS Germantown (LSD 42).

15 (2) USS Gunston Hall (LSD 44).

16 (3) USS Tortuga (LSD 46).

17 (4) USS Shiloh (CG 67).

18 **SEC. 1024. REPORT ON THE POTENTIAL FOR AN ARMY AND**
19 **NAVY JOINT EFFORT FOR WATERCRAFT VES-**
20 **SELS.**

21 (a) REPORT REQUIRED.—Not later than February
22 29, 2024, the Secretary of the Navy, in coordination with
23 the Secretary of the Army, shall submit to the congres-
24 sional defense committees a report on the feasibility of
25 conducting a joint Army and Navy effort to develop and

1 field a family of watercraft vessels to support the imple-
2 mentation of the Marine Corps concept of expeditionary
3 advanced base operations and Army operations in mari-
4 time environments.

5 (b) ELEMENTS.—The report required by subsection
6 (a) shall include an assessment of whether a shared base
7 platform could meet requirements of the Department of
8 the Navy and the Department of the Army, and, if so,
9 an assessment of the benefits and challenges of procuring
10 a technical data package to allow simultaneous construc-
11 tion of such platform by multiple builders and using block
12 buy authorities.

13 **Subtitle D—Counterterrorism**

14 **SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS** 15 **TO CLOSE OR RELINQUISH CONTROL OF** 16 **UNITED STATES NAVAL STATION, GUANTA-** 17 **NAMO BAY, CUBA.**

18 Section 1036 of the National Defense Authorization
19 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
20 1551), as most recently amended by section 1034 of the
21 James M. Inhofe National Defense Authorization Act for
22 Fiscal Year 2023 (Public Law 117–236), is further
23 amended by striking “2023” and inserting “2024”.

1 **SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS**
2 **FOR TRANSFER OR RELEASE OF INDIVID-**
3 **UALS DETAINED AT UNITED STATES NAVAL**
4 **STATION, GUANTANAMO BAY, CUBA, TO THE**
5 **UNITED STATES.**

6 Section 1033 of the John S. McCain National De-
7 fense Authorization Act for Fiscal Year 2019 (Public Law
8 115–232; 132 Stat. 1953), as most recently amended by
9 section 1031 of the James M. Inhofe National Defense
10 Authorization Act for Fiscal Year 2023 (Public Law 117–
11 236), is further amended by striking “December 31,
12 2023” and inserting “December 31, 2024”.

13 **SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS**
14 **TO CONSTRUCT OR MODIFY FACILITIES IN**
15 **THE UNITED STATES TO HOUSE DETAINEES**
16 **TRANSFERRED FROM UNITED STATES NAVAL**
17 **STATION, GUANTANAMO BAY, CUBA.**

18 Section 1034(a) of the John S. McCain National De-
19 fense Authorization Act for Fiscal Year 2019 (Public Law
20 115–232; 132 Stat. 1954), as most recently amended by
21 section 1032 of the James M. Inhofe National Defense
22 Authorization Act for Fiscal Year 2023 (Public Law 117–
23 236), is further amended by striking “December 31,
24 2023” and inserting “December 31, 2024”.

1 **SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS**
2 **FOR TRANSFER OR RELEASE OF INDIVID-**
3 **UALS DETAINED AT UNITED STATES NAVAL**
4 **STATION, GUANTANAMO BAY, CUBA, TO CER-**
5 **TAIN COUNTRIES.**

6 Section 1035 of the John S. McCain National De-
7 fense Authorization Act for Fiscal Year 2019 (Public Law
8 115–232; 132 Stat. 1954), as most recently amended by
9 section 1033 of the James M. Inhofe National Defense
10 Authorization Act for Fiscal Year 2023 (Public Law 117–
11 236), is further amended by striking “December 31,
12 2023” and inserting “December 31, 2024”.

13 **Subtitle E—Miscellaneous**
14 **Authorities and Limitations**

15 **SEC. 1041. EXTENSION OF ADMISSION TO GUAM OR THE**
16 **COMMONWEALTH OF THE NORTHERN MAR-**
17 **IANA ISLANDS FOR CERTAIN NONIMMIGRANT**
18 **H-2B WORKERS.**

19 Section 6(b)(1)(B) of the Joint Resolution entitled
20 “A Joint Resolution to approve the ‘Covenant to Establish
21 a Commonwealth of the Northern Mariana Islands in Po-
22 litical Union with the United States of America’, and for
23 other purposes”, approved March 24, 1976 (48 U.S.C.
24 1806(b)(1)(B)), is amended, in the matter preceding
25 clause (i), by striking “December 31, 2023” and inserting
26 “December 31, 2029”.

1 **SEC. 1042. AUTHORITY TO INCLUDE FUNDING REQUESTS**
2 **FOR THE CHEMICAL AND BIOLOGICAL DE-**
3 **FENSE PROGRAM IN BUDGET ACCOUNTS OF**
4 **MILITARY DEPARTMENTS.**

5 Section 1701(d)(2) of the National Defense Author-
6 ization Act for Fiscal Year 1994 (50 U.S.C. 1522(d)(2))
7 is amended by striking “may not be included in the budget
8 accounts” and inserting “may be included in the budget
9 accounts”.

10 **SEC. 1043. UNFAVORABLE SECURITY CLEARANCE ELIGI-**
11 **BILITY DETERMINATIONS AND APPEALS.**

12 (a) ADMINISTRATIVE DUE PROCESS PROCEDURES
13 FOR COVERED INDIVIDUALS SEEKING OR HAVING AC-
14 CESS TO CLASSIFIED INFORMATION OR SENSITIVE COM-
15 PARTMENT INFORMATION.—

16 (1) IN GENERAL.—Each head of a component
17 of the Department of Defense shall provide to each
18 covered individual described in paragraph (2) of
19 such component seeking or having access to classi-
20 fied information or sensitive compartment informa-
21 tion with administrative due process procedures de-
22 scribed in paragraph (3) through the Defense Office
23 of Hearings and Appeals.

24 (2) COVERED INDIVIDUAL DESCRIBED.—A cov-
25 ered individual described in this paragraph is a
26 member of the Armed Forces, a civilian employee

1 employed by a component of the Department of De-
2 fense, or a contractor employee described in Depart-
3 ment of Defense Manual 5220.22, Volume 2 (relat-
4 ing to National Industrial Security Program: Indus-
5 trial Security Procedures for Government Activities),
6 or successor manual.

7 (3) ADMINISTRATIVE DUE PROCESS PROCE-
8 DURES DESCRIBED.—The administrative due process
9 procedures described in this paragraph are the ad-
10 ministrative due process procedures described in De-
11 partment of Defense Directive 5220.6 (relating to
12 Defense Industrial Personnel Security Clearance Re-
13 view Program), or successor directive, and Executive
14 Order 10865 (50 U.S.C. 3161 note; relating to safe-
15 guarding classified information within industry).

16 (b) HEARINGS, APPEALS, AND FINAL DENIALS AND
17 REVOCATIONS OF SECURITY CLEARANCE ELIGIBILITY.—
18 In order to simplify, centralize, and unify the administra-
19 tive processes for unfavorable security clearance eligibility
20 determinations for covered individuals described in sub-
21 section (a)(2), the Secretary of Defense shall ensure that
22 all hearings, appeals, and final denials and revocations of
23 security clearance eligibility are performed by the Defense
24 Office of Hearings and Appeals with administrative due
25 process procedures.

1 (c) UPDATES TO DEPARTMENT OF DEFENSE MANU-
2 ALS.—The Secretary of Defense shall update Department
3 of Defense Manual 5200.02 (relating to procedures for
4 Department of Defense Personnel Security Program) and
5 Department of Defense Manual 5220.22, Volume 2 (relat-
6 ing to National Industrial Security Program: Industrial
7 Security Procedures for Government Activities) to con-
8 form with the requirements of subsections (a) and (b).

9 (d) AUTHORITY OF DIRECTOR OF DEFENSE OFFICE
10 OF HEARINGS AND APPEALS TO RENDER ELIGIBILITY
11 DETERMINATIONS FOR ACCESS TO CLASSIFIED INFORMA-
12 TION AND SENSITIVE COMPARTMENTED INFORMATION.—
13 The Director of the Defense Office of Hearings and Ap-
14 peals may render eligibility determinations for access to
15 classified information and sensitive compartmented infor-
16 mation pursuant to procedures and guidelines that the Di-
17 rector shall issue in consultation with the Director of Na-
18 tional Intelligence.

19 (e) DISSEMINATION OF SECURITY RELEVANT INFOR-
20 MATION.—

21 (1) REQUEST FOR SHARING REQUIRED.—In a
22 case in which a contractor or civilian employee of the
23 Federal Government holding an active security clear-
24 ance is seeking to transfer that clearance for a new
25 position in the Department of Defense and in which

1 an agency or department of the Federal Government
2 possesses security relevant information about that
3 clearance holder that is related to eligibility for ac-
4 cess to classified information and makes known the
5 existence of such security relevant information in the
6 commonly accessible security clearance databases of
7 the Federal Government, but without taking any ac-
8 tion to suspend or revoke that clearance holder's se-
9 curity clearance, the Department of Defense compo-
10 nent considering the transfer of a clearance shall
11 promptly make a request to receive the security rel-
12 evant information from the agency or department in
13 possession of such information.

14 (2) FAILURE TO SHARE.—In a case in which an
15 agency or department of the Federal Government re-
16 ceives a request to share security relevant informa-
17 tion about a clearance holder pursuant to paragraph
18 (1) but fails to do so within 30 days of the date on
19 which the request is made, such failure shall trigger
20 procedural and substantive due process rights, estab-
21 lished for the purposes of carrying out this section,
22 for the clearance holder to challenge the security rel-
23 evant information as if the information were the
24 equivalent of a suspension, denial, or revocation of
25 the underlying clearance.

1 (f) PROTECTIONS.—Members of the Armed Forces
2 and civilian employees of the Department of Defense may
3 not be suspended without pay because a security clearance
4 is suspended or revoked prior to the conclusion of any ap-
5 peal process to enable such members and employee to sup-
6 port themselves during an appeal process and to support
7 themselves without resigning from Government employ-
8 ment and thereby losing standing to appeal the suspension
9 or revocation of access to classified information.

10 (g) EFFECTIVE DATE; APPLICABILITY.—

11 (1) EFFECTIVE DATE.—This section shall take
12 effect on the earlier of—

13 (A) the date on which the General Counsel
14 of the Department of Defense certifies to the
15 Committee on Armed Services of the Senate
16 and the Committee on Armed Services of the
17 House of Representatives that the Defense Of-
18 fice of Hearings and Appeals is prepared for
19 the provisions of this section to take effect; or

20 (B) September 30, 2024.

21 (2) APPLICABILITY.—This section shall apply
22 to revocations of eligibility to access classified infor-
23 mation or sensitive compartmented information that
24 occur on or after the date on which this section
25 takes effect pursuant to paragraph (1).

1 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to diminish or otherwise affect the
3 authority of the head of a component of the Department
4 to suspend access to classified information or a special ac-
5 cess program, including sensitive compartmented informa-
6 tion, in exigent circumstances, should the head determine
7 that continued access of a covered individual is incon-
8 sistent with protecting the national security of the United
9 States.

10 **SEC. 1044. ASSISTANCE IN SUPPORT OF DEPARTMENT OF**
11 **DEFENSE ACCOUNTING FOR MISSING UNITED**
12 **STATES GOVERNMENT PERSONNEL.**

13 (a) IN GENERAL.—Section 408 of title 10, United
14 States Code, is amended—

15 (1) in the section heading, by striking “**Equip-**
16 **ment and training of foreign personnel to**
17 **assist in**” and inserting “**Assistance in sup-**
18 **port of**”;

19 (2) in subsection (b), by adding at the end the
20 following new paragraph:

21 “(5) Funds.”;

22 (3) by striking subsections (d) and (f);

23 (4) by redesignating subsection (e) as sub-
24 section (d); and

1 (5) by adding at the end the following new sub-
2 section:

3 “(e) ANNUAL REPORT.—Not later than December 31
4 of each year, the Secretary of Defense shall submit to the
5 congressional defense committees a report on the assist-
6 ance provided under this section during the preceding fis-
7 cal year.”.

8 (b) TABLE OF SECTIONS AMENDMENT.—The table of
9 sections at the beginning of chapter 20 of title 10, United
10 States Code, is amended by striking the item relating to
11 section 408 and inserting the following new item:

“408. Assistance in support of Department of Defense accounting for missing
United States Government personnel.”.

12 **SEC. 1045. IMPLEMENTATION OF ARRANGEMENTS TO**
13 **BUILD TRANSPARENCY, CONFIDENCE, AND**
14 **SECURITY.**

15 Section 2241 of title 10, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(d) IMPLEMENTATION OF VIENNA DOCUMENT
19 2011.—Amounts appropriated for operation and mainte-
20 nance may be used by the Secretary of Defense for travel,
21 transportation, and subsistence expenses for meetings and
22 demonstrations hosted by the Department of Defense for
23 the implementation of the Vienna Document 2011 on Con-
24 fidence and Security-Building Measures.”.

1 **SEC. 1046. ACCESS TO AND USE OF MILITARY POST OF-**
2 **FICES BY UNITED STATES CITIZENS EM-**
3 **PLOYED OVERSEAS BY THE NORTH ATLANTIC**
4 **TREATY ORGANIZATION WHO PERFORM**
5 **FUNCTIONS IN SUPPORT OF MILITARY OPER-**
6 **ATIONS OF THE ARMED FORCES.**

7 (a) REQUIREMENT TO AUTHORIZE USE OF POST OF-
8 FICE.—Section 406 of title 39, United States Code, is
9 amended by striking “may authorize the use” and insert-
10 ing “shall authorize the use”.

11 (b) BRIEFING REQUIREMENT.—Not later than
12 March 1, 2024, the Secretary of Defense shall brief the
13 Committees on Armed Services of the Senate and House
14 of Representatives on the revision of the Financial Man-
15 agement Regulation to authorize individuals under sub-
16 paragraph (A) of section 406(c)(1) of title 39, United
17 States Code, as amended by subsection (a), to utilize the
18 authority provided under such subparagraph. If there is
19 a determination that this authority is not feasible for a
20 legal or financial reason, the Secretary shall include the
21 background for those determinations in the briefing.

1 **SEC. 1047. REMOVAL OF TIME LIMITATIONS OF TEM-**
2 **PORARY PROTECTION AND AUTHORIZATION**
3 **OF REIMBURSEMENT FOR SECURITY SERV-**
4 **ICES AND EQUIPMENT FOR FORMER OR RE-**
5 **TIRED DEPARTMENT OF DEFENSE PER-**
6 **SONNEL.**

7 (a) REMOVAL OF TIME LIMITATIONS.—Section
8 714(b) of title 10, United States Code, is amended—

9 (1) by redesignating paragraph (6) as para-
10 graph (7);

11 (2) in paragraph (5)—

12 (A) by redesignating subparagraph (C) as
13 paragraph (6) and moving such paragraph, as
14 so redesignated, two ems to the left; and

15 (B) by striking “DURATION OF PROTEC-
16 TION.—” and all that follows through the pe-
17 riod at the end of subparagraph (B) and insert-
18 ing “DURATION OF PROTECTION.—The Sec-
19 retary of Defense shall require periodic reviews,
20 not less than once every six months, of the du-
21 ration of protection provided to individuals
22 under this subsection.”;

23 (3) in subparagraph (A) of paragraph (7), as
24 redesignated by paragraph (1) of this subsection, by
25 striking “and of each determination under para-

1 graph (5)(B) to extend such protection and secu-
2 rity”.

3 (b) AUTHORIZATION OF REIMBURSEMENT OR ACQUI-
4 SITION OF SECURITY SERVICES.—Section 714 of title 10,
5 United States Code, is further amended by adding at the
6 end the following new subsection:

7 “(e) REIMBURSEMENT.—The Secretary of Defense
8 may reimburse a former or retired official who faces seri-
9 ous and credible threats arising from duties performed
10 while employed by the Department for security services
11 and equipment procured at the personal expense of the
12 official, not to exceed an aggregate of \$15,000,000 in any
13 fiscal year for all former and retired officials authorized
14 by the Secretary of Defense for such reimbursement.”.

15 **SEC. 1048. ANNUAL DEFENSE POW/MIA ACCOUNTING AGEN-**
16 **CY (DPAA) CAPABILITIES REQUIRED TO EX-**
17 **PAND ACCOUNTING FOR PERSONS MISSING**
18 **FROM DESIGNATED PAST CONFLICTS.**

19 (a) IN GENERAL.—Not later than March 1, 2024,
20 and annually thereafter, the Defense POW/MIA Account-
21 ing Agency (DPAA) shall post on a publicly available
22 internet website a list of capabilities required to expand
23 accounting for persons missing from designated past con-
24 flicts and provide a briefing to Congress on those capabili-
25 ties.

1 (b) AUTHORITY TO ENTER INTO AGREEMENTS.—
2 The Defense POW/MIA Accounting Agency may enter
3 into agreements with universities or research organiza-
4 tions to provide additional capabilities for specialized mis-
5 sions or research requirements.

6 **Subtitle F—Studies and Reports**

7 **SEC. 1051. ANNUAL REPORT AND BRIEFING ON IMPLEMEN-** 8 **TATION OF FORCE DESIGN 2030.**

9 (a) IN GENERAL.—Not later than March 31, 2024,
10 and annually thereafter through March 31, 2030, the
11 Commandant of the Marine Corps shall submit to the con-
12 gressional defense committees a report detailing the pro-
13 grammatic choices made to implement Force Design 2030,
14 including both new developmental and fielded capabilities,
15 as well as capabilities and capacity divested to accelerate
16 implementation of Force Design 2030.

17 (b) BRIEFING REQUIREMENT.—Not later than Sep-
18 tember 30, 2024, and annually thereafter through Sep-
19 tember 30, 2030, the Commandant of the Marine Corps
20 shall provide a briefing on the elements described under
21 subsection (c).

22 (c) ELEMENTS.—The report required under sub-
23 section (a) and briefing required under subsection (b) shall
24 include the following elements:

1 (1) An assessment of changes in the National
2 Defense Strategy, Defense Planning Guidance, Joint
3 Warfighting Concept (and associated Concept Re-
4 quired Capabilities), and other planning processes
5 that informed Force Design 2030.

6 (2) An inventory and assessment of Force De-
7 sign-related exercises and experimentation beginning
8 in fiscal year 2020, including which capabilities were
9 involved and the extent to which such exercises and
10 experiments validated or militated against proposed
11 capability investments.

12 (3) An inventory of divestments of capability or
13 capacity, whether force structure or equipment,
14 starting in fiscal year 2020, including—

15 (A) a timeline of the progress of each di-
16 vestment;

17 (B) the type of force structure or equip-
18 ment divested or reduced;

19 (C) the percentage of force structure or
20 equipment divested or reduced, including any
21 equipment entered into inventory management
22 or another form of storage;

23 (D) the rationale and context behind such
24 divestment;

1 (E) an identification of whether such di-
2 vestment affects the Marine Corps' ability to
3 meet the requirements of Global Force Manage-
4 ment process and the operational plans, includ-
5 ing an explanation of how the Marine Corps
6 plans to mitigate the loss of such capability or
7 capacity if the divestment affects the Marine
8 Corps' ability to meet the requirements of the
9 Global Force Management process and the
10 operational plans, including through new invest-
11 ments, additional joint planning and training,
12 or other methods; and

13 (F) an assessment of the Marine Corps' re-
14 cruitment and retention actual and projected
15 percentages starting in fiscal year 2020.

16 (4) An inventory of extant or planned invest-
17 ments as a part of Force Design 2030,
18 disaggregated by integrated air and missile defense,
19 littoral mobility and maneuver, sea denial, and re-
20 connaissance and counter-reconnaissance forces, in-
21 cluding—

22 (A) capability name;

23 (B) capability purpose and context;

24 (C) capability being replaced (or not appli-
25 cable);

- 1 (D) date of initial operational capability;
2 (E) date of full operational capability;
3 (F) deliveries of units by year; and
4 (G) approved acquisition objective or simi-
5 lar inventory objective.

6 (5) A description of the amphibious warfare
7 ship and maritime mobility requirements the Marine
8 Corps submitted to the Department of the Navy in
9 support of the Marine Corps organization and con-
10 cepts under Force Design 2030 and its statutory re-
11 quirements, including a detailed statement of the
12 planning assumptions about readiness of amphibious
13 warfare ships and maritime mobility platforms that
14 were used in developing the requirements.

15 (6) An assessment of how the capability invest-
16 ments described in paragraph (4) contribute to joint
17 force efficacy in new ways, including through sup-
18 port of other military services.

19 (7) An assessment of the ability of the Marine
20 Corps to generate required force elements for the
21 Immediate Ready Force and the Contingency Ready
22 Force over the previous two fiscal years and the ex-
23 pected ability to generate forces for the next two fis-
24 cal years.

1 (8) An assessment of Marine Corps force struc-
2 ture and the readiness of Marine Expeditionary
3 Units compared to availability of amphibious ships
4 comprising an Amphibious Ready Group over the
5 previous two fiscal years and the expected avail-
6 ability for the next two fiscal years.

7 (9) An assessment by the Marine Corps of its
8 compliance with the statutory organization pre-
9 scribed in section 8063 of title 10, United States
10 Code, that “[t]he Marine Corps, within the Depart-
11 ment of the Navy, shall be so organized as to include
12 not less than three combat divisions and three air
13 wings, and such other land combat, aviation, and
14 other services as may be organic therein”.

15 (10) An assessment by the Marine Corps of its
16 compliance with the statutory functions prescribed
17 in section 8063 of title 10, United States Code, that
18 “[t]he Marine Corps shall be organized, trained, and
19 equipped to provide fleet marine forces of combined
20 arms, together with supporting air components, for
21 service with the fleet in the seizure or defense of ad-
22 vanced naval bases and for the conduct of such land
23 operations as may be essential to the prosecution of
24 a naval campaign”.

1 **SEC. 1052. PLAN FOR CONVERSION OF JOINT TASK FORCE**
2 **NORTH INTO JOINT INTERAGENCY TASK**
3 **FORCE NORTH.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of De-
6 fense, in consultation with the head of any relevant Fed-
7 eral department or agency and acting through the Under
8 Secretary of Defense for Policy, shall submit to the con-
9 gressional defense committees a plan for converting the
10 Joint Task Force North of the United States Northern
11 Command into a joint interagency task force to be known
12 as the “Joint Interagency Task Force North”.

13 (b) ELEMENTS.—The plan required by subsection (a)
14 shall include the following:

15 (1) A description of the mission of the Joint
16 Interagency Task Force North.

17 (2) A detailed description of the resources of
18 the Department of Defense, including personnel, fa-
19 cilities, and operating costs, necessary to convert the
20 Joint Task Force North into a joint interagency
21 task force.

22 (3) An identification of—

23 (A) each relevant department and agency
24 of the United States Government the participa-
25 tion in the Joint Interagency Task Force North
26 of which is necessary in order to enable the

1 Joint Interagency Task Force North to effec-
2 tively carry out its mission; and

3 (B) the interagency arrangements nec-
4 essary to ensure effective participation by each
5 such department and agency.

6 (4) An identification of each international liai-
7 son necessary for the Joint Interagency Task Force
8 North to effectively carry out its mission.

9 (5) A description of the bilateral and multilat-
10 eral agreements with foreign partners and regional
11 and international organizations that would support
12 the implementation of the mission of the Joint Inter-
13 agency Task Force North.

14 (6) A description of the relationship between
15 the Joint Interagency Task Force North and the
16 Joint Interagency Task Force South of the United
17 States Southern Command.

18 (7) A description of the relationship between
19 the Joint Interagency Task Force North and the rel-
20 evant security forces of the Government of Mexico
21 and the Government of the Bahamas.

22 (8) A recommendation on whether the Joint
23 Interagency Task Force North should be an endur-
24 ing entity and a discussion of the circumstances
25 under which the mission of the Joint Interagency

1 Task Force North would transition to one or more
2 entities within the United States Government other
3 than the United States Northern Command.

4 (9) Any recommendations for additional legal
5 authority needed for the Joint Interagency Task
6 Force North to effectively carry out its mission.

7 (c) FORM.—The plan required by subsection (a) shall
8 be submitted in unclassified form but may include a classi-
9 fied annex.

10 (d) INTERIM BRIEFING.—Not later than 60 days
11 after the date of the enactment of this Act, the Secretary
12 shall provide a briefing to the congressional defense com-
13 mittees on progress made in developing the plan required
14 by subsection (a).

15 **SEC. 1053. REPORT ON USE OF TACTICAL FIGHTER AIR-**
16 **CRAFT AND BOMBER AIRCRAFT FOR DEPLOY-**
17 **MENTS AND HOMELAND DEFENSE MISSIONS.**

18 (a) IN GENERAL.—Not later than May 1, 2024, the
19 Secretary of Defense shall submit to the congressional de-
20 fense committees a report including the results of a study
21 on the use of tactical fighter aircraft and bomber aircraft
22 for deployments and homeland defense missions.

23 (b) SCOPE.—The study conducted pursuant to sub-
24 section (a) shall—

1 (1) review both deployment and exercise re-
2 quirements for tactical fighter aircraft and bomber
3 aircraft levied by each geographic combatant com-
4 mand;

5 (2) assess deployable forces currently available
6 to fulfill each of those requirements, and whether
7 those forces are adequate to meet the global require-
8 ments;

9 (3) review any relevant tactical fighter forces or
10 bomber forces that are not considered deployable or
11 available to meet combatant command requirements,
12 and consider whether that status can or should
13 change;

14 (4) assess whether adequate consideration has
15 been put into fighter coverage of the homeland dur-
16 ing these deployments, in particular within the Alas-
17 ka Area of Responsibility and the Hawaii Area of
18 Responsibility; and

19 (5) assess Air Force and Navy active duty, Air
20 National Guard, and reserve land-based tactical
21 fighter units that could be considered for inclusion
22 into homeland defense mission requirements.

1 **SEC. 1054. MODIFICATIONS OF REPORTING REQUIRE-**
2 **MENTS.**

3 (a) CONSOLIDATED BUDGET QUARTERLY REPORT
4 ON USE OF FUNDS.—Section 381(b) of title 10, United
5 States Code, is amended—

6 (1) in the subsection heading, by striking
7 “QUARTERLY REPORT” and inserting “SEMIANNUAL
8 REPORT”;

9 (2) by striking “calendar quarter” and insert-
10 ing “calendar half”; and

11 (3) by striking “such calendar quarter” and in-
12 serting “such calendar half”.

13 (b) MONTHLY COUNTERTERRORISM OPERATIONS
14 BRIEFING.—

15 (1) IN GENERAL.—Section 485 of title 10,
16 United States Code, is amended—

17 (A) in the section heading, by striking
18 “**Monthly**” and inserting “**Quarterly**”; and

19 (B) in subsection (a), by striking “month-
20 ly” and inserting “quarterly”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 23 of such title is
23 amended by striking the item relating to section 485
24 and inserting the following new item:

“485. Quarterly counterterrorism operations briefings.”.

1 (c) NATIONAL SECURITY STRATEGY FOR THE NA-
2 TIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section
3 4811(a) of title 10, United States Code, is amended by
4 striking “The Secretary shall submit such strategy to Con-
5 gress not later than 180 days after the date of submission
6 of the national security strategy report required under sec-
7 tion 108 of the National Security Act of 1947 (50 U.S.C.
8 3043).” and inserting “The Secretary shall submit such
9 strategy to Congress as an integrated part of the report
10 submitted under section 4814 of this title.”.

11 (d) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE
12 REPORT AND QUARTERLY BRIEFING.—

13 (1) IN GENERAL.—Section 4814 of title 10,
14 United States Code, is amended—

15 (A) by amending the section heading to
16 read as follows:

17 “§ 4814. **National Technology and Industrial Base: bi-**
18 **ennial report**”;

19 (B) by striking “(a) ANNUAL REPORT.—”;

20 (C) by striking “March 1 of each year”
21 and inserting “March 1 of each odd-numbered
22 year”; and

23 (D) by striking subsection (b).

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of chapter 382 of such title

1 is amended by striking the item relating to section
2 4814 and inserting the following:

“4814. National Technology and Industrial Base: biennial report.”.

3 (3) CONFORMING AMENDMENT.—Section
4 858(b)(2) of the James M. Inhofe National Defense
5 Authorization Act for Fiscal Year 2023 (Public Law
6 117–263) is amended by striking subparagraph (A).
7 (e) ANNUAL MILITARY CYBERSPACE OPERATIONS
8 REPORT.—Section 1644 of the National Defense Author-
9 ization Act for Fiscal Year 2020 (10 U.S.C. 394 note;
10 Public Law 116–92) is amended—

11 (1) in subsection (a) in the matter preceding
12 paragraph (1) in the first sentence—

13 (A) by inserting “effects” after “all named
14 military cyberspace”; and

15 (B) by striking “, operations, cyber effects
16 enabling operations, and cyber operations con-
17 ducted as defensive operations” and inserting
18 “conducted for either offensive or defensive pur-
19 poses”; and

20 (2) in subsection (c), by inserting “or cyber ef-
21 fects operations for which Congress has otherwise
22 been provided notice” before the period.

23 (f) INDEPENDENT STUDIES REGARDING POTENTIAL
24 COST SAVINGS WITH RESPECT TO THE NUCLEAR SECU-
25 RITY ENTERPRISE AND FORCE STRUCTURE.—Section

1 1753 of the National Defense Authorization Act for Fiscal
2 Year 2020 (Public Law 116–92, 133 Stat. 1852) is hereby
3 repealed.

4 (g) EXTENSION AND MODIFICATION OF AUTHORITY
5 TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPO-
6 SITION.—Section 1231(d) of the John S. McCain National
7 Defense Authorization Act for Fiscal Year 2019 (Public
8 Law 115–232) is amended—

9 (1) in the subsection heading, by striking
10 “QUARTERLY” and inserting “SEMIANNUAL”; and

11 (2) in paragraph (1)—

12 (A) in the matter preceding subparagraph
13 (A), by striking “quarterly” and inserting
14 “semiannual”; and

15 (B) in subparagraph (A), by striking “90-
16 day” and inserting “180-day”.

17 (h) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
18 ANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND
19 SYRIA.—Section 1233(e) of the John S. McCain National
20 Defense Authorization Act for Fiscal Year 2019 (Public
21 Law 115–232) is amended—

22 (1) in the heading, by striking “QUARTERLY”
23 and inserting “SEMIANNUAL”; and

1 (2) in paragraph (1) in the second sentence of
2 the matter preceding subparagraph (A), by striking
3 “quarterly” and inserting “semiannual”.

4 (i) THEFT, LOSS, OR RELEASE OF BIOLOGICAL SE-
5 LECT AGENTS OR TOXINS INVOLVING DEPARTMENT OF
6 DEFENSE.—Section 1067(a) of the National Defense Au-
7 thorization Act for Fiscal Year 2017 (Public Law 114–
8 328; 50 U.S.C. 1528(a)) is amended to read as follows:

9 “(a) NOTIFICATION.—(1) Subject to paragraph (2),
10 not later than 45 days after a covered report of any theft,
11 loss, or release of a biological select agent or toxin involv-
12 ing the Department of Defense is filed with the Centers
13 for Disease Control and Prevention or the Animal and
14 Plant Health Inspection Service, the Secretary of Defense,
15 acting through the Assistant Secretary of Defense for Nu-
16 clear, Chemical, and Biological Defense Programs, shall
17 provide to the congressional defense committees notice of
18 such theft, loss, or release.

19 “(2) The Secretary shall provide to the congressional
20 defense committees notice of a release under paragraph
21 (1) only if the Secretary, acting through the Assistant Sec-
22 retary, determines that the release is outside the barriers
23 of secondary containment into the ambient air or environ-
24 ment or is causing occupational exposure that presents a
25 threat to public safety.

1 “(3) In this subsection, the term ‘covered report’
2 means a report filed under any of the following (or any
3 successor regulations):

4 “(A) Section 331.19 of title 7, Code of Federal
5 Regulations.

6 “(B) Section 121.19 of title 9, Code of Federal
7 Regulations.

8 “(C) Section 73.19 of title 42, Code of Federal
9 Regulations.”.

10 (j) DEPARTMENT OF DEFENSE SECURITY COOPERA-
11 TION WORKFORCE DEVELOPMENT.—Section 1250(b) of
12 the National Defense Authorization Act for Fiscal Year
13 2017 (Public Law 114–328; 130 Stat. 2529) is amend-
14 ed—

15 (1) in paragraph (1), by striking “each year”
16 and inserting “every other year”; and

17 (2) in paragraph (2) in the matter preceding
18 subparagraph (A), by striking “for the fiscal year”
19 and inserting “for the fiscal years”.

20 (k) AUDIT OF DEPARTMENT OF DEFENSE FINAN-
21 CIAL STATEMENTS.—Section 240a of title 10, United
22 States Code, is amended—

23 (1) by striking “(A) ANNUAL AUDIT RE-
24 QUIRED.—”; and

25 (2) by striking subsection (b).

1 (l) FINANCIAL IMPROVEMENT AND AUDIT REMEDI-
2 ATION PLAN.—Section 240b(b) of title 10, United States
3 Code, is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (A), by striking
6 “June 30, 2019, and annually thereafter” and
7 inserting “July 31 each year”;

8 (B) in subparagraph (B)—

9 (i) by striking clauses (vii) through
10 (x); and

11 (ii) by redesignating clauses (xi), (xii),
12 and (xiii) as clauses (vii), (viii), and (ix),
13 respectively; and

14 (C) by striking subparagraph (C); and

15 (2) in paragraph (2)—

16 (A) in subparagraph (A)—

17 (i) by striking “June 30” and insert-
18 ing “July 31”; and

19 (ii) by striking the second sentence;
20 and

21 (B) in subparagraph (b)—

22 (i) by striking “June 30” and insert-
23 ing “July 31”; and

24 (ii) by striking the second sentence.

1 (m) ANNUAL REPORTS ON FUNDING.—Section
2 1009(c) of the National Defense Authorization Act for
3 Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 240b
4 note) is amended by striking “five days” and inserting “10
5 days”.

6 **SEC. 1055. REPORT ON EQUIPPING CERTAIN GROUND COM-**
7 **BAT UNITS WITH SMALL UNMANNED AERIAL**
8 **SYSTEMS.**

9 (a) REPORT REQUIRED.—Not later than one year
10 after the date of the enactment of this Act, the Secretary
11 of Defense shall, in consultation with the Secretaries of
12 the military departments, submit to the congressional de-
13 fense committees a report on equipping platoon-sized
14 ground combat formations with covered small unmanned
15 aerial systems.

16 (b) ELEMENTS.—The report submitted pursuant to
17 subsection (a) shall address the following:

18 (1) The use of covered small unmanned aerial
19 systems in the Ukraine conflict and best practices
20 learned.

21 (2) The potential use of covered small un-
22 manned aerial systems to augment small unit tactics
23 and lethality in the ground combat forces.

24 (3) Procurement challenges, legal restrictions,
25 training shortfalls, operational limitations, or other

1 impediments to fielding covered small unmanned
2 aerial systems at the platoon level.

3 (4) A plan to equip platoon-sized ground com-
4 bat formations in the close combat force with cov-
5 ered small unmanned aerial systems at a basis of
6 issue deemed appropriate by the relevant secretary,
7 including a proposed timeline and fielding strategy.

8 (5) A plan to equip such other ground combat
9 units with covered small unmanned aerial systems as
10 deemed appropriate by the relevant secretaries.

11 (6) An assessment of appropriate mission allo-
12 cation between Group 3 unmanned aerial systems,
13 Group 1 unmanned aerial systems, and covered
14 small unmanned aerial systems.

15 (c) DEFINITION OF COVERED SMALL UNMANNED
16 AERIAL SYSTEM.—In this section, the term “covered
17 small unmanned aerial system” means a lightweight, low-
18 cost, and commercially available unmanned aerial system
19 or drone able to be quickly deployed for—

20 (1) intelligence, surveillance, target acquisition,
21 and reconnaissance;

22 (2) conducting offensive strikes; or

23 (3) other functions as deemed appropriate by
24 the relevant secretaries.

1 **SEC. 1056. COMPREHENSIVE ASSESSMENT OF MARINE**
2 **CORPS FORCE DESIGN 2030.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall enter into a contract with a Federally Funded Re-
6 search and Development Center to conduct an inde-
7 pendent review, assessment, and analysis of the Marine
8 Corps modernization initiatives. The required report shall
9 be submitted to the congressional defense committees in
10 written report form not later than one year after entering
11 into the contract.

12 (b) ELEMENTS.—The report required under sub-
13 section (a) shall include the following elements:

14 (1) An assessment of changes in the National
15 Defense Strategy, Defense Planning Guidance, the
16 Joint Warfighting Concept, and other strategic doc-
17 uments and concepts that informed Force Design
18 modernization requirements.

19 (2) An assessment of how the Marine Corps,
20 consistent with authorized end strength, can be
21 structured, organized, trained, equipped, and pos-
22 tured to meet the challenges of future competition,
23 crisis, and conflict to include discussion of multiple
24 structural options as relevant and the tradeoffs be-
25 tween different options.

1 (3) An assessment of the ability of the defense
2 innovation base and defense industrial base to de-
3 velop and produce the technologies required to im-
4 plement the Marine Corps' published Force Design
5 modernization plan on a timeline and at production
6 rates sufficient to sustain military operations.

7 (4) An assessment of forward infrastructure
8 and the extent to which installations are
9 operationalized to deter, compete, and prevail during
10 conflict in support of the Marine Corps moderniza-
11 tion.

12 (5) An assessment of whether the Marine Corps
13 is in compliance with the statutory organization and
14 functions prescribed in section 8063 of title 10,
15 United States Code.

16 (6) An assessment of the current retention and
17 recruiting environment and the ability of the Marine
18 Corps to sustain manpower requirements necessary
19 for operational requirements levied by title 10, in
20 light of the published Force Design plan.

21 (7) The extent to which the modernization ini-
22 tiatives within the Marine Corps are nested within
23 applicable joint warfighting concepts.

1 (8) An assessment of whether the Marine
2 Corps' modernization is consistent with the strategy
3 of integrated deterrence.

4 (9) An assessment of the ability of the Marine
5 Corps to generate required force elements for the
6 Immediate Ready Force and the Contingency Ready
7 Force, based on current and planned end strength
8 and structure.

9 (10) The extent to which the Marine Corps'
10 published plan for modernized capabilities can be in-
11 tegrated across the Joint Force, to include
12 warfighting concepts at the combatant command
13 level.

14 (11) The extent to which the Marine Corps'
15 modernization efforts currently meet the require-
16 ments of combatant commanders' current plans and
17 global force management operations, to include a de-
18 scription of what mechanisms exist to ensure geo-
19 graphic combatant requirements inform Marine
20 Corps modernization efforts.

21 (12) The extent to which modeling and simula-
22 tion, experimentation, wargaming, and other analytic
23 methods support the changes incorporated into the
24 Marine Corps' modernization initiatives, to include

1 underlying assumptions and outcomes of such anal-
2 yses.

3 (13) An inventory of extant or planned invest-
4 ments as part of the Marine Corps' modernization
5 efforts, disaggregated by the following capability
6 areas and including actual or projected dates of Ini-
7 tial Operational Capability and Full Operational Ca-
8 pability:

9 (A) Command and Control.

10 (B) Information.

11 (C) Intelligence.

12 (D) Fires.

13 (E) Movement and Maneuver.

14 (F) Protection.

15 (G) Sustainment.

16 (14) An inventory of divestments of capability
17 or capacity, whether force structure or equipment,
18 starting in fiscal year 2020, including—

19 (A) a timeline of the progress of each di-
20 vestment;

21 (B) the type of force structure or equip-
22 ment divested or reduced;

23 (C) the percentage of force structure of
24 equipment divested or reduced, including any

1 equipment entered into inventory management
2 or other form of storage;

3 (D) the rationale and context behind such
4 divestment; and

5 (E) an identification of whether such di-
6 vestment affects the Marine Corps' ability to
7 meet the requirements of Global Force Manage-
8 ment process and the operational plans.

9 (15) An assessment of how observations regard-
10 ing the invasion and defense of Ukraine affect the
11 feasibility, advisability, and suitability of the Marine
12 Corps' published modernization plans.

13 (c) CLASSIFICATION OF REPORT.—The report re-
14 quired under subsection (a) shall be submitted in unclassi-
15 fied form, but may include a classified appendix to the
16 extent required to ensure that the report is accurate and
17 complete.

18 **SEC. 1057. STRATEGY TO ACHIEVE CRITICAL MINERAL SUP-**
19 **PLY CHAIN INDEPENDENCE FOR THE DE-**
20 **PARTMENT OF DEFENSE.**

21 (a) STRATEGY REQUIRED.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the
24 Under Secretary of Defense for Acquisition and
25 Sustainment shall submit to the appropriate commit-

1 tees of Congress a strategy to develop supply chains
2 for the Department of Defense that are not depend-
3 ent on mining or processing of critical minerals in
4 or by covered countries, prioritizing production and
5 processing in the United States, in order to achieve
6 critical mineral supply chain independence from cov-
7 ered countries for the Department by 2035.

8 (2) ELEMENTS.—The strategy required by
9 paragraph (1) shall—

10 (A) identify and assess significant
11 vulnerabilities in the supply chains of contrac-
12 tors and subcontractors of the Department of
13 Defense involving critical minerals that are
14 mined or processed in or by covered countries;

15 (B) identify and recommend changes to
16 the acquisition laws, regulations, and policies of
17 the Department of Defense to ensure contrac-
18 tors and subcontractors of the Department use
19 supply chains involving critical minerals that
20 are not mined or processed in or by covered
21 countries to the greatest extent practicable,
22 prioritizing production and processing in the
23 United States;

24 (C) evaluate the utility and desirability of
25 using authorities provided by the Defense Pro-

1 duction Act of 1950 (50 U.S.C. 4501 et seq.)
2 to expand supply chains and processing capac-
3 ity for critical minerals in the United States;

4 (D) evaluate the utility and desirability of
5 expanding authorities provided by the Defense
6 Production Act of 1950 to be used to expand
7 supply chains and processing capacity for crit-
8 ical minerals by countries that are allies or
9 partners of the United States;

10 (E) evaluate the utility and desirability of
11 leveraging the process for acquiring shortfall
12 materials for the National Defense Stockpile
13 under the Strategic and Critical Materials
14 Stock Piling Act (50 U.S.C. 98 et seq.) to ex-
15 pand supply chains and processing capacity for
16 critical minerals in the United States and in
17 countries that are allies or partners of the
18 United States;

19 (F) identify areas of potential engagement
20 and partnership with the governments of coun-
21 tries that are allies or partners of the United
22 States to jointly reduce dependence on critical
23 minerals mined or processed in or by covered
24 countries;

1 (G) identify and recommend other policy
2 changes that may be needed to achieve critical
3 mineral supply chain independence from cov-
4 ered countries for the Department;

5 (H) identify and recommend measures to
6 streamline authorities and policies with respect
7 to critical minerals and supply chains for crit-
8 ical minerals; and

9 (I) prioritize the recommendations made in
10 the strategy to achieve critical mineral supply
11 chain independence from covered countries for
12 the Department, prioritizing production and
13 processing in the United States, and taking into
14 consideration economic costs and varying de-
15 grees of vulnerability posed to the national se-
16 curity of the United States by reliance on dif-
17 ferent types of critical minerals.

18 (3) FORM OF STRATEGY.—The strategy re-
19 quired by paragraph (1) shall be submitted in classi-
20 fied form but shall include an unclassified summary.

21 (b) DEFINITIONS.—In this section:

22 (1) APPROPRIATE COMMITTEES OF CON-
23 GRESS.—The term “appropriate committees of Con-
24 gress” means—

1 (A) the Committee on Armed Services of
2 the Senate; and

3 (B) the Committee on Armed Services of
4 the House of Representatives.

5 (2) COVERED COUNTRY.—The term “covered
6 country” means—

7 (A) a covered nation, as defined in section
8 4872, title 10, United States Code; and

9 (B) any other country determined by the
10 Secretary of Defense to be a geostrategic com-
11 petitor or adversary of the United States for
12 purposes of this Act.

13 (3) CRITICAL MINERAL.—The term “critical
14 mineral” means a critical mineral (as defined in sec-
15 tion 7002(a) of the Energy Act of 2020 (30 U.S.C.
16 1606(a))) that the Secretary of Defense determines
17 to be important to the national security of the
18 United States for purposes of this Act.

19 (4) SHORTFALL MATERIAL.—The term “short-
20 fall material” means materials determined to be in
21 shortfall in the most recent report on stockpile re-
22 quirements submitted to Congress under subsection
23 (a) of section 14 of the Strategic and Critical Mate-
24 rials Stock Piling Act (50 U.S.C. 98h–5) and in-

1 cluded in the most recent briefing required by sub-
2 section (f) of that section.

3 **SEC. 1058. QUARTERLY BRIEFING ON HOMELAND DEFENSE**
4 **PLANNING.**

5 (a) IN GENERAL.—Not later than February 1, 2024,
6 and every 90 days thereafter through February 1, 2026,
7 the Secretary of Defense shall provide a briefing to the
8 congressional defense committees on efforts to bolster
9 homeland defense, which is the top priority under the
10 2022 National Defense Strategy.

11 (b) CONTENTS.—Each briefing required by sub-
12 section (a) shall include the following:

13 (1) A summary of any update made to the
14 homeland defense planning guidance of the Depart-
15 ment of Defense during the preceding quarter.

16 (2) An update on the latest threats to the
17 homeland posed by the Government of the People’s
18 Republic of China, the Government of the Russian
19 Federation, the Government of the Democratic Peo-
20 ple’s Republic of Korea, the Government of Iran,
21 and any other adversary.

22 (3) A description of actions taken by the De-
23 partment during the preceding quarter to mitigate
24 such threats.

1 (4) An assessment of threats to the homeland
2 in the event of a conflict with any adversary referred
3 to in paragraph (2).

4 (5) A description of actions taken by the De-
5 partment during the preceding quarter to bolster
6 homeland defense in the event of such a conflict.

7 (6) An update on coordination by the Depart-
8 ment with Federal, State, and Tribal agencies to
9 bolster homeland defense.

10 (7) Any other matter the Secretary considers
11 relevant.

12 **SEC. 1059. SPECIAL OPERATIONS FORCE STRUCTURE.**

13 (a) SENSE OF SENATE.—It is the sense of the Senate
14 that—

15 (1) special operations forces have a vital and in-
16 creasing role to play in strategic competition in addi-
17 tion to conducting counterterrorism operations and
18 responding to crises;

19 (2) the demand for special operations forces
20 and related capabilities by combatant commanders
21 continues to exceed supply;

22 (3) special operations forces cannot be mass
23 produced during a crisis;

1 (4) most special operations require non-special
2 operations forces support, including engineers, tech-
3 nicians, intelligence analysts, and logisticians;

4 (5) reductions to special operations forces, in-
5 cluding critical enablers, would dramatically and
6 negatively impact available options for combatant
7 commanders to engage in strategic competition,
8 carry out counterterrorism operations, and respond
9 to crises; and

10 (6) the Secretary of Defense should not con-
11 sider any reductions to special operations force
12 structure until after the completion of a comprehen-
13 sive analysis of special operations force structure
14 and a determination that any planned changes would
15 not have a negative impact on the ability of combat-
16 ant commanders to support strategic competition,
17 counter terrorism, and respond to crises.

18 (b) REPORT.—Not later than March 1, 2024, the
19 Secretary of Defense shall submit to the congressional de-
20 fense committees a report assessing the optimal force
21 structure for special operations forces that includes the
22 following elements:

23 (1) A description of the role of special oper-
24 ations forces in implementing the most recent na-

1 tional defense strategy under section 113(g) of title
2 10, United States Code.

3 (2) A description of ongoing special operations
4 activities, as described in section 167(k) of title 10,
5 United States Code.

6 (3) An assessment of potential future national
7 security threats to the United States across the
8 spectrum of competition and conflict.

9 (4) A description of ongoing counterterrorism
10 and contingency operations of the United States.

11 (5) A detailed accounting of the demand for
12 special operations forces by geographic combatant
13 command.

14 (6) A description of the role of emerging tech-
15 nology on special operations forces.

16 (7) An assessment of current and projected ca-
17 pabilities of other United States Armed Forces that
18 could affect force structure capability and capacity
19 requirements of special operations forces.

20 (8) An assessment of the size, composition, and
21 organizational structure of the military services' spe-
22 cial operations command headquarters and subordi-
23 nate headquarters elements.

1 (9) An assessment of the readiness of special
2 operations forces for assigned missions and future
3 conflicts.

4 (10) An assessment of the adequacy of special
5 operations force structure for meeting the goals of
6 the National Military Strategy under section 153(b)
7 of title 10, United States Code.

8 (11) A description of the role of special oper-
9 ations forces in supporting the Joint Concept for
10 Competing.

11 (12) Any other matters deemed relevant by the
12 Secretary.

13 **SEC. 1060. BRIEFING ON COMMERCIAL TOOLS EMPLOYED**
14 **BY THE DEPARTMENT OF DEFENSE TO AS-**
15 **SESS FOREIGN OWNERSHIP, CONTROL, OR IN-**
16 **FLUENCE.**

17 (a) **IN GENERAL.**—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of Defense
19 shall submit to the congressional defense committees a re-
20 port on countering industrial espionage.

21 (b) **ELEMENTS.**—The request required under sub-
22 section (a) shall include the following elements:

23 (1) A description of commercial and organically
24 developed tools employed by the Department of De-
25 fense to—

1 (A) assess the risks of foreign malign own-
2 ership, control, or influence within the defense
3 industrial base;

4 (B) mitigate vulnerability associated with,
5 but no limited to, the People's Republic of Chi-
6 na's, the Russian Federation's, Iran's, or North
7 Korea's foreign ownership, control, or influence
8 of any part of the acquisition supply chain; and

9 (C) vet program personnel to identify tech-
10 nologies and program components most at risk
11 for industrial espionage.

12 (2) A description of specific commercial solu-
13 tions the Department is currently leveraging to as-
14 sess and mitigate these risks.

15 **SEC. 1061. PLAN ON COUNTERING HUMAN TRAFFICKING.**

16 (a) PLAN.—Not later than 120 days after the date
17 of enactment of this Act, the Secretary of Defense shall
18 submit a plan to the congressional defense committees for
19 coordinating with defense partners in North America and
20 South America and supporting interagency departments
21 and agencies, as appropriate, in countering human traf-
22 ficking operations, including human trafficking by
23 transnational criminal organizations.

24 (b) ELEMENTS OF PLAN.—The plan under sub-
25 section (a) shall include—

1 (1) a description of the threat to United States
2 security from human trafficking operations;

3 (2) a description of the authorities of the De-
4 partment of Defense for the purposes specified in
5 subsection (a);

6 (3) a description of any current or proposed
7 Department of Defense programs or activities to co-
8 ordinate with defense partners or provide support to
9 interagency departments and agencies as described
10 in subsection (a); and

11 (4) any recommendations of the Secretary of
12 Defense for additional authorities for the purposes
13 of countering human trafficking, including by
14 transnational criminal organizations.

15 (c) BRIEFING.—Not later than 180 days after the
16 submission of the plan required under subsection (a), the
17 Secretary of Defense shall brief the congressional defense
18 committees regarding the authorities, programs, and ac-
19 tivities of the Department of Defense to counter human
20 trafficking operations.

21 **SEC. 1062. BRIEFING AND REPORT ON USE AND EFFECTIVE-**
22 **NESS OF UNITED STATES NAVAL STATION,**
23 **GUANTANAMO BAY, CUBA.**

24 (a) IN GENERAL.—Not later than April 30, 2024, the
25 Secretary of Defense shall provide to the Committee on

1 Armed Services of the Senate and the Committee on
2 Armed Services of the House of Representatives a briefing
3 and report on whether United States Naval Station, Guan-
4 tanamo Bay, Cuba, is being used effectively to defend the
5 national security interests of the United States.

6 (b) ELEMENTS.—The briefing and report required by
7 subsection (a) shall—

8 (1) consider—

9 (A) the presence and activities in Cuba of
10 the militaries of foreign governments, such as
11 the Russian Federation and the People’s Re-
12 public of China; and

13 (B) to what extent the presence and activi-
14 ties of those militaries could compromise the
15 national security of the United States or of
16 United States allies and partners; and

17 (2) discuss—

18 (A) options for dealing with the presence
19 and activities of those militaries in Cuba; and

20 (B) how different use by the United States
21 of United States Naval Station, Guantanamo
22 Bay, might mitigate risk.

1 **Subtitle G—Other Matters**

2 **SEC. 1071. MATTERS RELATED TO IRREGULAR WARFARE.**

3 (a) **AFFIRMING THE AUTHORITY OF THE SECRETARY**
4 **OF DEFENSE TO CONDUCT IRREGULAR WARFARE.**—Con-
5 gress affirms that the Secretary of Defense is authorized
6 to conduct irregular warfare operations, including clandes-
7 tine irregular warfare operations, to defend the United
8 States, allies of the United States, and interests of the
9 United States.

10 (b) **DEFINITION REQUIRED.**—Not later than 90 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall, for the purposes of joint doctrine, define
13 the term “irregular warfare”.

14 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
15 tion shall be construed to constitute a specific statutory
16 authorization for any of the following:

17 (1) The conduct of a covert action, as such
18 term is defined in section 503(e) of the National Se-
19 curity Act of 1947 (50 U.S.C. 3093(e)).

20 (2) The introduction of United States Armed
21 Forces, within the meaning of the War Powers Reso-
22 lution (Public Law 93–148; 50 U.S.C. 1541 et seq.),
23 into hostilities or into situations wherein hostilities
24 are clearly indicated by the circumstances.

1 **SEC. 1072. JOINT CONCEPT FOR COMPETING IMPLEMENTA-**
2 **TION UPDATES.**

3 (a) IMPLEMENTATION UPDATE AND BRIEFINGS RE-
4 QUIRED.—Not later than March 1, 2024, and every 180
5 days thereafter through March 1, 2026, the Chairman of
6 the Joint Chiefs of Staff shall provide the congressional
7 defense committees with a written update with accom-
8 panying briefing on the implementation of the Joint Con-
9 cept for Competing, released on February 10, 2023.

10 (b) ELEMENTS.—At a minimum, the written updates
11 and briefings required by subsection (a) shall include—

12 (1) a detailed description of the Joint Staff’s
13 efforts to develop integrated competitive strategies to
14 address the challenges posed by specific adversaries,
15 including those designed to—

16 (A) deter aggression;

17 (B) prepare for armed conflict, if nec-
18 essary;

19 (C) counter the competitive strategies of
20 adversaries; and

21 (D) support the efforts of interagency, al-
22 lies and foreign partners, and interorganiza-
23 tional partners;

24 (2) an identification of relevant updates to joint
25 doctrine and professional military education;

1 (3) an update on the Joint Concept for
2 Competing's concept required capabilities;

3 (4) an explanation of the integration of the
4 Joint Concept for Competing with other ongoing and
5 future joint force development and design efforts;

6 (5) a description of efforts to operationalize the
7 Joint Concept for Competing through a structured
8 approach, including to provide strategic guidance
9 and direction, identify and optimize Joint Force
10 interdependencies with interagency and allied part-
11 ners, and inform and guide joint force development
12 and design processes;

13 (6) an articulation of concept-required capabili-
14 ties that are necessary for joint force development
15 and design in support of the Joint Concept for Com-
16 peting;

17 (7) a description of efforts to coordinate and
18 synchronize Department of Defense activities with
19 those of other interagency and foreign partners for
20 the purpose of integrated campaigning;

21 (8) an identification of any recommendations to
22 better integrate the role of the Joint Force, as iden-
23 tified by the Joint Concept for Competing, with na-
24 tional security efforts of other interagency and for-
25 eign partners;

1 (9) an identification of any changes to authori-
2 ties and resources necessary to fully implement the
3 Joint Concept for Competing; and

4 (10) a description of any other matters deemed
5 relevant by the Chairman of the Joint Chiefs of
6 Staff.

7 **SEC. 1073. LIMITATION ON CERTAIN FUNDING UNTIL SUB-**
8 **MISSION OF THE CHAIRMAN'S RISK ASSESS-**
9 **MENT AND BRIEFING REQUIREMENT.**

10 (a) OFFICE OF THE CHAIRMAN OF THE JOINT
11 CHIEFS OF STAFF.—Of the amounts authorized to be ap-
12 propriated by this Act for fiscal year 2024 for operation
13 and maintenance, Defense-wide, and available for the Of-
14 fice of the Chairman of the Joint Chiefs of Staff, not more
15 than 50 percent may be obligated or expended until the
16 date that is 15 days after the date on which the following
17 reports are submitted to the Committees on Armed Serv-
18 ices of the Senate and the House of Representatives:

19 (1) The 2021 risk assessment mandated by
20 paragraph (2) of subsection (b) of section 153 of
21 title 10, United States Code, and required to be de-
22 livered pursuant to paragraph (3) of such subsection
23 by not later than February 15, 2021.

24 (2) The 2023 risk assessment mandated by
25 paragraph (2) of subsection (b) of section 153 of

1 title 10, United States Code, and required to be de-
2 livered pursuant to paragraph (3) of such subsection
3 by not later than February 15, 2023.

4 (b) OFFICE OF THE SECRETARY OF DEFENSE.—Of
5 the amounts authorized to be appropriated by this Act for
6 fiscal year 2024 for operation and maintenance, Defense-
7 wide, and available for the Office of the Secretary of De-
8 fense, not more than 50 percent may be obligated or ex-
9 pended until the date that is 15 days after the date on
10 which the Secretary submits to the Committees on Armed
11 Services of the Senate and the House of Representatives:

12 (1) The risk mitigation plan required to be sub-
13 mitted as part of the assessment described under
14 subsection (a)(1), if applicable.

15 (2) The risk mitigation plan required to be sub-
16 mitted as part of the assessment described under
17 subsection (a)(2), if applicable.

18 (c) BRIEFING REQUIREMENT.—Section 153 of title
19 10, United States Code, is amended by adding at the end
20 the following new subsection:

21 “(d) BRIEFING REQUIREMENT.—(1) Not later than
22 15 days after the submission of the risk assessment re-
23 quired under subsection (b)(2) or March 1 of each year,
24 whichever is earlier, the Chairman shall provide to the
25 Committees on Armed Services of the Senate and the

1 House of Representatives a briefing on the activities of
2 the Chairman under this section.

3 “(2) The briefing shall include—

4 “(A) a detailed review of the risk assessment
5 required under paragraph (2) of subsection (b), in-
6 cluding how it addresses the elements required in
7 subparagraph (B) of such paragraph;

8 “(B) an analysis of how the risk assessment in-
9 forms, and supports, other Joint Staff assessments,
10 including joint capability development assessments,
11 joint force development assessments, comprehensive
12 joint readiness assessments, and global military inte-
13 gration assessments; and

14 “(C) if the risk assessment is not delivered at
15 the time of the briefing, a timeline for when the risk
16 assessment will be submitted to the Committees on
17 Armed Services of the Senate and the House of Rep-
18 resentatives.”.

19 **SEC. 1074. NOTIFICATION OF SAFETY AND SECURITY CON-**
20 **CERNS AT CERTAIN DEPARTMENT OF DE-**
21 **FENSE LABORATORIES.**

22 (a) IN GENERAL.—The Secretary of Defense shall
23 notify the congressional defense committees within 7 days
24 after ceasing operations at any Department of Defense

1 laboratory or facility rated at biosafety level (BSL)-3 or
2 higher for safety or security reasons.

3 (b) CONTENT.—The notification required under sub-
4 section (a) shall include—

5 (1) the reason why operations have ceased at
6 the laboratory or facility;

7 (2) whether appropriate notification to other
8 Federal agencies has occurred;

9 (3) a description of the actions taken to deter-
10 mine the root cause of the cessation; and

11 (4) a description of the actions taken to restore
12 operations at the laboratory or facility.

13 **SEC. 1075. ASSESSMENT AND RECOMMENDATIONS RELAT-**
14 **ING TO INFRASTRUCTURE, CAPACITY, RE-**
15 **SOURCES, AND PERSONNEL IN GUAM.**

16 (a) ASSESSMENT.—The Secretary of Defense, in co-
17 ordination with the Commander of United States Indo-
18 Pacific Command, shall assess the capacity of existing in-
19 frastructure, resources, and personnel available in Guam
20 to meet Indo-Pacific Command strategic objectives.

21 (b) ELEMENTS.—The assessment under subsection
22 (a) shall include the following elements:

23 (1) An appraisal of the potential role Guam
24 could play as a key logistics and operational hub for

1 the United States military in the Indo-Pacific re-
2 gion.

3 (2) An assessment of whether current infra-
4 structure, capacity, resources, and personnel in
5 Guam is sufficient to meet the expected demands
6 during relevant operations and contingency sce-
7 narios.

8 (3) An assessment of the adequacy of civilian
9 infrastructure in Guam for supporting the require-
10 ments of United States Indo-Pacific Command, in-
11 cluding the resilience of such infrastructure in the
12 event of a natural disaster and the vulnerability of
13 such infrastructure to cyber threats.

14 (4) Recommendations to improve current infra-
15 structure, capacity, resources, and personnel in
16 Guam, to include the need for recruiting and reten-
17 tion programs, such as cost-of-living adjustments,
18 initiatives for dealing with any shortages of civilian
19 employees, and programs to improve quality-of-life
20 for personnel assigned to Guam.

21 (5) An assessment of the implementation of
22 Joint Task Force Micronesia, including the Com-
23 mander's assessment of requirements for funding,
24 resources, and personnel as compared to what has

1 been programmed in the fiscal year 2024 Future
2 Years Defense Program.

3 (6) Timeline and estimated costs by location
4 and project to support both existing and future roles
5 in the region.

6 (7) Any other matters determined relevant by
7 the Secretary.

8 (c) REPORT.—Not later than March 1, 2024, the
9 Secretary of Defense shall submit to the congressional de-
10 fense committees a report including the results of the as-
11 sessment required under subsection (a).

12 **SEC. 1076. PROGRAM AND PROCESSES RELATING TO FOR-**
13 **EIGN ACQUISITION.**

14 (a) PILOT PROGRAM FOR COMBATANT COMMAND
15 USE OF DEFENSE ACQUISITION WORKFORCE DEVELOP-
16 MENT ACCOUNT.—Each geographic combatant command
17 may use amounts from the Defense Acquisition Workforce
18 Development Account established under section 1705 of
19 title 10, United States Code, to hire not more than two
20 acquisition specialists or contracting officers to advise the
21 combatant command on foreign arms transfer processes,
22 including the foreign military sales and direct commercial
23 sales processes, for the purpose of facilitating the effective
24 implementation of such processes.

25 (b) INDUSTRY DAY.—

1 (1) IN GENERAL.—Not later than March 1,
2 2024, and not less frequently than annually there-
3 after, the Secretary of Defense shall conduct an in-
4 dustry day—

5 (A) to raise awareness and understanding
6 among officials of foreign governments, em-
7 bassy personnel, and industry representatives
8 with respect to the role of the Department of
9 Defense in implementing the foreign military
10 sales and direct commercial sales processes; and

11 (B) to raise awareness—

12 (i) within the United States private
13 sector with respect to—

14 (I) foreign demand for United
15 States weapon systems; and

16 (II) potential foreign industry
17 partnering opportunities; and

18 (ii) among officials of foreign govern-
19 ments and embassy personal with respect
20 to potential United States material solu-
21 tions for capability needs.

22 (2) FORMAT.—In conducting each industry day
23 under paragraph (1), the Secretary of Defense, to
24 the extent practicable, shall seek to maximize par-
25 ticipation by representatives of the commercial de-

1 fense industry and government officials while mini-
2 mizing cost, by—

3 (A) convening the industry day at the un-
4 classified security level;

5 (B) making the industry day publicly ac-
6 cessible through teleconference or other virtual
7 means; and

8 (C) disseminating any supporting materials
9 by posting the materials on a publicly accessible
10 internet website.

11 (c) SENIOR-LEVEL INDUSTRY ADVISORY GROUP.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Defense, in coordination with representa-
15 tives of the commercial defense industry, shall estab-
16 lish a senior-level industry advisory group, modeled
17 on the Defense Trade Advisory Group of the De-
18 partment of State and the Industry Trade Advisory
19 Committees of the Department of Commerce, for the
20 purpose of focusing on the role of the Department
21 of Defense in the foreign military sales process.

22 (2) BRIEFING.—Not later than 90 days after
23 the date of the enactment of this Act, the Secretary
24 of Defense shall provide a briefing to the Commit-
25 tees on Armed Services of the Senate and the House

1 of Representatives on plans to establish the group
2 described in paragraph (1).

3 (d) DEPARTMENT OF DEFENSE POINTS OF CONTACT
4 FOR FOREIGN MILITARY SALES.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, the Under
7 Secretary of Defense for Acquisition and
8 Sustainment and the Secretary of each military de-
9 partment shall each establish a single point of con-
10 tact—

11 (A) to coordinate information and outreach
12 on Department of Defense implementation of
13 the foreign military sales process; and

14 (B) to respond to inquiries from represent-
15 atives of the commercial defense industry and
16 partner countries.

17 (2) POINTS OF CONTACT.—The Under Sec-
18 retary of Defense for Acquisition and Sustainment
19 and the Secretary of each military department shall
20 each ensure that the contact information for the cor-
21 responding point of contact established under para-
22 graph (1) is—

23 (A) publicized at each industry day con-
24 ducted under subsection (b); and

1 (B) disseminated among the members of
2 the advisory group established under subsection
3 (f).

4 (e) COMBATANT COMMAND NEEDS FOR
5 EXPORTABILITY.—Not later than July 1 each year until
6 2030, the commander of each geographic combatant com-
7 mand shall provide to the Under Secretary of Defense for
8 Acquisition and Sustainment a list of systems relating to
9 research and development or sustainment that would ben-
10 efit from investment for exportability features in support
11 of the security cooperation objectives of the commander.

12 (f) SUNSET.—This section shall cease to have effect
13 on December 31, 2028.

14 **SEC. 1077. TECHNICAL AND CONFORMING AMENDMENTS**
15 **RELATED TO THE SPACE FORCE.**

16 (a) APPOINTMENT OF CHAIRMAN; GRADE AND
17 RANK.—Section 152(c) of title 10, United States Code,
18 is amended by striking “or, in the case of an officer of
19 the Space Force, the equivalent grade,”.

20 (b) JOINT REQUIREMENTS OVERSIGHT COUNCIL.—
21 Section 181(c)(1)(F) of such title is amended by striking
22 “in the grade equivalent to the grade of general in the
23 Army, Air Force, or Marine Corps, or admiral in the
24 Navy” and inserting “in the grade of general”.

1 (c) ORIGINAL APPOINTMENTS OF COMMISSIONED
2 OFFICERS.—Section 531(a) of such title is amended—

3 (1) in paragraph (1), by striking “and Regular
4 Marine Corps in the grades of ensign, lieutenant
5 (junior grade), and lieutenant in the Regular Navy,
6 and in the equivalent grades in the Regular Space
7 Force” and inserting “Regular Marine Corps, and
8 Regular Space Force, and in the grades of ensign,
9 lieutenant (junior grade), and lieutenant in the Reg-
10 ular Navy”; and

11 (2) in paragraph (2), by striking “and Regular
12 Marine Corps in the grades of lieutenant com-
13 mander, commander, and captain in the Regular
14 Navy, and in the equivalent grades in the Regular
15 Space Force” and inserting “Regular Marine Corps,
16 and Regular Space Force, and in the grades of lieu-
17 tenant commander, commander, and captain in the
18 Regular Navy”.

19 (d) SERVICE CREDIT UPON ORIGINAL APPOINTMENT
20 AS A COMMISSIONED OFFICER.—Section 533(b)(2) of
21 such title is amended—

22 (1) by striking “, or Marine Corps, captain in
23 the Navy, or an equivalent grade in the Space
24 Force” and inserting “Marine Corps, or Space Force
25 or captain in the Navy”.

1 (e) POSITIONS OF IMPORTANCE AND RESPONSI-
2 BILITY.—Section 601(e) of such title is amended—

3 (1) by striking “or Marine Corps” and inserting
4 “Marine Corps, or Space Force, or”; and

5 (2) by striking “or the commensurate grades in
6 the Space Force,”.

7 (f) CONVENING OF SELECTION BOARDS.—Section
8 611(a) of such title is amended by striking “or Marine
9 Corps” and inserting “Marine Corps, or Space Force”.

10 (g) INFORMATION FURNISHED TO SELECTION
11 BOARDS.—Section 615(a)(3) of such title is amended—

12 (1) in subparagraph (B)(i), by striking “, in the
13 case of the Navy, lieutenant, or in the case of the
14 Space Force, the equivalent grade” and inserting
15 “or, in the case of the Navy, lieutenant”; and

16 (2) in subparagraph (D), by striking “in the
17 case of the Navy, rear admiral, or, in the case of the
18 Space Force, the equivalent grade” and inserting
19 “or, in the case of the Navy, rear admiral”.

20 (h) SPECIAL SELECTION REVIEW BOARDS.—Section
21 628a(a)(1)(A) of such title is amended by striking “, rear
22 admiral in the Navy, or an equivalent grade in the Space
23 Force” and inserting “or rear admiral in the Navy”.

24 (i) RANK: COMMISSIONED OFFICERS OF THE ARMED
25 FORCES.—Section 741(a) of such title is amended in the

1 table by striking “and Marine Corps” and inserting “Ma-
2 rine Corps, and Space Force”.

3 (j) REGULAR COMMISSIONED OFFICERS.—Section
4 1370 of such title is amended—

5 (1) in subsection (a)(2), by striking “rear admiral in the Navy, or the equivalent grade in the Space
6 Force” both places it appears and inserting “or rear
7 admiral in the Navy”;

8 (2) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) in the matter preceding subparagraph (A), by striking “or Marine Corps,
11 lieutenant in the Navy, or the equivalent
12 grade in the Space Force” and inserting
13 “Marine Corps, or Space Force, or lieutenant
14 in the Navy”; and

15 (ii) in subparagraph (B), by striking
16 “or Marine Corps, rear admiral in the
17 Navy, or an equivalent grade in the Space
18 Force” and inserting “Marine Corps, or
19 Space Force, or rear admiral in the Navy”;

20 (B) in paragraph (4), by striking “or Marine
21 Corps, captain in the Navy, or the equivalent
22 grade in the Space Force” and inserting
23
24

1 “Marine Corps, or Space Force, or captain in
2 the Navy”;

3 (C) in paragraph (5)—

4 (i) in subparagraph (A), by striking
5 “or Marine Corps, lieutenant commander
6 in the Navy, or the equivalent grade in the
7 Space Force” and inserting “Marine
8 Corps, or Space Force, or lieutenant com-
9 mander in the Navy”;

10 (ii) in subparagraph (B), by striking
11 “or Marine Corps, commander or captain
12 in the Navy, or an equivalent grade in the
13 Space Force” and inserting “Marine
14 Corps, or Space Force, or commander or
15 captain in the Navy”; and

16 (iii) in subparagraph (C), by striking
17 “or Marine Corps, rear admiral (lower
18 half) or rear admiral in the Navy” and in-
19 serting “Marine Corps, or Space Corps, or
20 rear admiral (lower half) or rear admiral
21 in the Navy”; and

22 (D) in paragraph (6), by striking “, or an
23 equivalent grade in the Space Force,”;

24 (3) in subsection (c)(1), by striking “or Marine
25 Corps, vice admiral or admiral in the Navy, or an

1 equivalent grade in the Space Force” and inserting
2 “Marine Corps, or Space Force, or vice admiral or
3 admiral in the Navy”;

4 (4) in subsection (d)—

5 (A) in paragraph (1), by striking “or Ma-
6 rine Corps, rear admiral in the Navy, or an
7 equivalent grade in the Space Force” and in-
8 serting “Marine Corps, or Space Force, or rear
9 admiral in the Navy”; and

10 (B) in paragraph (3), by striking “or Ma-
11 rine Corps, captain in the Navy, or the equiva-
12 lent grade in the Space Force” and inserting
13 “Marine Corps, or Space Force, or captain in
14 the Navy”;

15 (5) in subsection (e)(2), by striking “or Marine
16 Corps, vice admiral or admiral in the Navy, or an
17 equivalent grade in the Space Force” and inserting
18 “Marine Corps, or Space Force, or vice admiral or
19 admiral in the Navy”;

20 (6) in subsection (f)—

21 (A) in paragraph (3)—

22 (i) in subparagraph (A), by striking
23 “or Marine Corps, rear admiral in the
24 Navy, or the equivalent grade in the Space
25 Force” and inserting “Marine Corps, or

1 Space Force, or rear admiral in the Navy”;

2 and

3 (ii) in subparagraph (B), by striking

4 “or Marine Corps, vice admiral or admiral

5 in the Navy, or an equivalent grade in the

6 Space Force” and inserting “Marine

7 Corps, or Space Force, or vice admiral or

8 admiral in the Navy”; and

9 (B) in paragraph (6)—

10 (i) in subparagraph (A), by striking

11 “or Marine Corps, rear admiral in the

12 Navy, or the equivalent grade in the Space

13 Force” and inserting “, Marine Corps, or

14 Space Force, or rear admiral in the Navy”;

15 and

16 (ii) in subparagraph (B), by striking

17 “or Marine Corps, vice admiral or admiral

18 in the Navy, or an equivalent grade in the

19 Space Force” and inserting “Marine

20 Corps, or Space Force, or vice admiral or

21 admiral in the Navy”; and

22 (7) in subsection (g), by striking “or Marine

23 Corps, rear admiral in the Navy, or an equivalent

24 grade in the Space Force” and inserting “Marine

1 Corps, or Space Force, or rear admiral in the
2 Navy”.

3 (k) OFFICERS ENTITLED TO RETIRED PAY FOR
4 NON-REGULAR SERVICE.—Section 1370a of such title is
5 amended—

6 (1) in subsection (d)(1), by striking “or Marine
7 Corps” both places it appears and inserting “Marine
8 Corps, or Space Force”; and

9 (2) in subsection (h), by striking “or Marine
10 Corps” and inserting “Marine Corps, or Space
11 Force”.

12 (l) RETIRED BASE PAY.—Section 1406(i)(3)(B)(v) of
13 such title is amended by striking “The senior enlisted ad-
14 visor of the Space Force” and inserting “Chief Master
15 Sergeant of the Space Force”.

16 (m) FINANCIAL ASSISTANCE PROGRAM FOR SPE-
17 CIALLY SELECTED MEMBERS.—Section 2107 of such title
18 is amended—

19 (1) in subsection (a)—

20 (A) by striking “, as a” and inserting “or
21 as a”; and

22 (B) by striking “or Marine Corps, or as an
23 officer in the equivalent grade in the Space
24 Force” and inserting “Marine Corps, or Space
25 Force”; and

1 (2) in subsection (d), by striking “lieutenant,
2 ensign, or an equivalent grade in the Space Force,”
3 and inserting “lieutenant or ensign,”.

4 (n) DESIGNATION OF SPACE SYSTEMS COMMAND AS
5 A FIELD COMMAND OF THE UNITED STATES SPACE
6 FORCE.—Section 9016(b)(6)(B)(iv)(II) of title 10, United
7 States Code, is amended by striking “Space and Missile
8 Systems Center” and inserting “Space Systems Com-
9 mand”.

10 (o) CHIEF OF SPACE OPERATIONS.—Section 9082 of
11 such title is amended—

12 (1) in subsection (a), by striking “, flag, or
13 equivalent” both places it appears; and

14 (2) in subsection (b), by striking “grade in the
15 Space Force equivalent to the grade of general in
16 the Army, Air Force, and Marine Corps, or admiral
17 in the Navy” and inserting “grade of general”.

18 (p) DISTINGUISHED FLYING CROSS.—Section
19 9279(a) of such title is amended—

20 (1) by adding “or Space Force” after “Air
21 Force”; and

22 (2) by adding “or space” after “aerial”.

23 (q) AIRMAN’S MEDAL.—Section 9280(a)(1) of such
24 title is amended by adding “or Space Force” after “Air
25 Force”.

1 (r) RETIRED GRADE OF COMMISSIONED OFFI-
2 CERS.—Section 9341 of such title is amended—

3 (1) in subsection (a)(2), by striking “or the
4 Space Force”; and

5 (2) in subsection (b), by striking “or Reserve”.

6 (s) UNITED STATES AIR FORCE INSTITUTE OF
7 TECHNOLOGY: ADMINISTRATION.—Section
8 9414b(a)(2)(B) of such title is amended by striking “or
9 the equivalent grade in the Space Force”.

10 (t) AIR FORCE ACADEMY PERMANENT PROFESSORS;
11 DIRECTOR OF ADMISSIONS.—Section 9436 of such title
12 is amended—

13 (1) in subsection (a)—

14 (A) in the first sentence, by striking “in
15 the Air Force or the equivalent grade in the
16 Space Force”;

17 (B) in the second sentence—

18 (i) by inserting “or Regular Space
19 Force” after “Regular Air Force”; and

20 (ii) by striking “and a permanent pro-
21 fessor appointed from the Regular Space
22 Force has the grade equivalent to the
23 grade of colonel in the Regular Air Force”;
24 and

1 (C) in the third sentence, by striking “in
2 the Air Force or the equivalent grade in the
3 Space Force”; and

4 (2) in subsection (b)—

5 (A) in the first sentence, by striking “in
6 the Air Force or the equivalent grade in the
7 Space Force” both places it appears; and

8 (B) in the second sentence—

9 (i) by inserting “or Regular Space
10 Force” after “Regular Air Force”; and

11 (ii) by striking “and a permanent pro-
12 fessor appointed from the Regular Space
13 Force has the grade equivalent to the
14 grade of colonel in the Regular Air Force”.

15 (u) CADETS: DEGREE AND COMMISSION ON GRADUA-
16 TION.—Section 9453(b) of such title is amended by strik-
17 ing “in the equivalent grade in”.

18 (v) BASIC PAY RATES FOR ENLISTED MEMBERS.—
19 Footnote 2 of the table titled “ENLISTED MEMBERS”
20 in section 601(c) of the John Warner National Defense
21 Authorization Act for Fiscal Year 2007 (Public Law 109–
22 364; 37 U.S.C. 1009 note) is amended by striking “the
23 senior enlisted advisor of the Space Force” and inserting
24 “Chief Master Sergeant of the Space Force”.

1 (w) PAY OF SENIOR ENLISTED MEMBERS.—Section
2 210(c)(5) of title 37, United States Code, is amended by
3 striking “the senior enlisted advisor of the Space Force”
4 and inserting “the Chief Master Sergeant of the Space
5 Force”.

6 (x) PERSONAL MONEY ALLOWANCE.—Section 414(b)
7 of title 37, United States Code, is amended by striking
8 “the senior enlisted advisor of the Space Force” and in-
9 serting “the Chief Master Sergeant of the Space Force”.

10 **SEC. 1078. AUTHORITY TO ESTABLISH COMMERCIAL INTE-**
11 **GRATION CELLS WITHIN CERTAIN COMBAT-**
12 **ANT COMMANDS.**

13 (a) IN GENERAL.—The Commander of the United
14 States Africa Command, the Commander of the United
15 States European Command, the Commander of the United
16 States Indo-Pacific Command, the Commander of the
17 United States Northern Command, and the Commander
18 of the United States Southern Command may each estab-
19 lish—

20 (1) a commercial integration cell within their
21 respective combatant command for the purpose of
22 closely integrating public and private entities with
23 capabilities relevant to the area of operation of such
24 combatant command; and

1 (2) a chief technology officer position within
2 their respective combatant command, who may—

3 (A) oversee such commercial integration
4 cell; and

5 (B) report directly to the commander of
6 the applicable combatant command.

7 (b) REQUIREMENTS AND AUTHORITIES.—In estab-
8 lishing the commercial integration cells under subsection
9 (a)(1), each commander described in that paragraph
10 may—

11 (1) make the applicable commercial integration
12 cell available to commercial entities with existing
13 Government contracts up to the Top Secret/Sensitive
14 Compartmented Information clearance level;

15 (2) ensure that such commercial integration cell
16 is an information-sharing partnership rather than a
17 service contract;

18 (3) in the case of a solution identified within
19 the commercial integration cell that requires re-
20 sources, work within existing resources or processes
21 to request such resources; and

22 (4) integrate lessons learned from the commer-
23 cial integration cells of the United States Space
24 Command and the United States Central Command.

1 (c) BRIEFING.—Not later than 90 days after the date
2 of the enactment of this Act, the Commander of the
3 United States Africa Command, the Commander of the
4 United States European Command, the Commander of the
5 United States Indo-Pacific Command, the Commander of
6 the United States Northern Command, and the Com-
7 mander of the United States Southern Command shall
8 each provide to the Committees on Armed Services of the
9 Senate and the House of Representatives—

10 (1) a briefing on whether a commercial integra-
11 tion cell was implemented and any related progress,
12 including any challenges to implementation;

13 (2) in the case of a commander of a combatant
14 command who chooses not to use the authority pro-
15 vided in this section to establish a commercial inte-
16 gration cell or a chief technology officer—

17 (A) an explanation for not using such au-
18 thority; and

19 (B) a description of the manner in which
20 such commander is otherwise addressing the
21 need to integrate commercial solutions; and

22 (3) in the case of a combatant command that
23 has an official performing a role similar to the role
24 described for a chief technology officer under sub-

1 section (a)(2), a detailed description of the role per-
2 formed by such official.

3 **SEC. 1079. MODIFICATION ON LIMITATION ON FUNDING**
4 **FOR INSTITUTIONS OF HIGHER EDUCATION**
5 **HOSTING CONFUCIUS INSTITUTES.**

6 Section 1062 of the William M. (“Mac”) Thornberry
7 National Defense Authorization Act for Fiscal Year 2021
8 (Public Law 116–283; 10 U.S.C. 2241 note) is amended
9 by striking subsection (b).

10 **SEC. 1080. MODIFICATION OF DEFINITION OF DOMESTIC**
11 **SOURCE FOR TITLE III OF DEFENSE PRODUC-**
12 **TION ACT OF 1950.**

13 (a) IN GENERAL.—Section 702(7) of such Act (50
14 U.S.C. 4552(7)) is amended—

15 (1) by redesignating subparagraphs (A) and
16 (B) as clauses (i) and (ii), respectively, and by mov-
17 ing such clauses, as so redesignated, two ems to the
18 right;

19 (2) by striking “The term” and inserting the
20 following:

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), the term”;

23 (3) in clause (ii), as redesignated by paragraph
24 (1), by striking “subparagraph (A)” and inserting
25 “clause (i)”; and

1 (4) by adding at the end the following new sub-
2 paragraph (B):

3 “(B) DOMESTIC SOURCE FOR TITLE III.—

4 “(i) IN GENERAL.—For purposes of
5 title III, the term ‘domestic source’ means
6 a business concern that—

7 “(I) performs substantially all of
8 the research and development, engi-
9 neering, manufacturing, and produc-
10 tion activities required of such busi-
11 ness concern under a contract with
12 the United States relating to a critical
13 component or a critical technology
14 item in—

15 “(aa) the United States or
16 Canada; or

17 “(bb) subject to clause (ii),
18 Australia or the United King-
19 dom; and

20 “(II) procures from business con-
21 cerns described in subclause (I) sub-
22 stantially all of any components or as-
23 sembles required under a contract
24 with the United States relating to a

1 critical component or critical tech-
2 nology item.

3 “(ii) LIMITATIONS ON USE OF BUSI-
4 NESS CONCERNS IN AUSTRALIA AND
5 UNITED KINGDOM.—

6 “(I) IN GENERAL.—A business
7 concern described in clause (i)(I)(bb)
8 may be treated as a domestic source
9 only for purposes of the exercise of
10 authorities under title III relating to
11 national defense matters that cannot
12 be fully addressed with business con-
13 cerns described in clause (i)(I)(aa).

14 “(II) NATIONAL DEFENSE MAT-
15 TERS.—For purposes of subclause (I),
16 a national defense matter is a matter
17 relating to the development or produc-
18 tion of—

19 “(aa) a defense article, as
20 defined in section 301 of title 10,
21 United States Code; or

22 “(bb) a material critical to
23 national defense or national secu-
24 rity, as defined in section 10(f) of
25 the Strategic and Critical Mate-

1 “(B) a description of the financial terms of
2 any related financial transaction.

3 “(2) ADDITIONAL ELEMENTS RELATING TO
4 BUSINESS CONCERNS IN THE UNITED KINGDOM OR
5 AUSTRALIA.—Each report and briefing required by
6 subsection (a) with respect to an action described in
7 paragraph (2) of that subsection shall include, in ad-
8 dition to the elements under paragraph (1)—

9 “(A) a certification that business concerns
10 in the United States or Canada were not avail-
11 able with respect to the action; and

12 “(B) an analysis of why such business con-
13 cerns were not available.

14 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term ‘appropriate congres-
16 sional committees’ means—

17 “(1) the Committee on Banking, Housing, and
18 Urban Affairs of the Senate and the Committee on
19 Financial Services of the House of Representatives;
20 and

21 “(2) in the case of an action described in sub-
22 section (a) involving strategic and critical materials
23 relating to national defense matters (as described in
24 section 702(7)(B)(ii)(II)), the Committee on Energy
25 and Natural Resources of the Senate and the Com-

1 mittee on Natural Resources of the House of Rep-
2 resentatives.”.

3 **SEC. 1081. COMPREHENSIVE STRATEGY FOR TALENT DE-**
4 **VELOPMENT AND MANAGEMENT OF DEPART-**
5 **MENT OF DEFENSE COMPUTER PROGRAM-**
6 **MING WORKFORCE.**

7 (a) POLICY.—It shall be a policy of the Armed
8 Forces, including the reserve components, to establish ap-
9 propriate and effective talent development and manage-
10 ment policies and practices that allow for the military de-
11 partments to present an adaptable, qualified workforce
12 training and education standard with respect to computer
13 programming skill needs for the workforce of the Depart-
14 ment of Defense, including technical and nontechnical
15 skills related to artificial intelligence and software coding.

16 (b) STRATEGY REQUIRED.—

17 (1) IN GENERAL.—The Secretary of Defense, in
18 consultation with the Secretaries of each military de-
19 partment and the Chairman of the Joint Chiefs of
20 Staff, shall develop a strategy to achieve the policy
21 set forth in subsection (a).

22 (2) ELEMENTS.—The strategy required by
23 paragraph (1) shall include—

24 (A) the development, funding, and execu-
25 tion of a coherent approach and transparent

1 strategy across digital platforms and applica-
2 tions that enable development and presentation
3 of forces with appropriate programmatic over-
4 sight for both active and reserve component
5 workforces;

6 (B) the evaluation of the potential need for
7 career field occupational codes or other service-
8 specific talent management mechanisms aligned
9 with the work roles related to computer pro-
10 gramming, artificial intelligence and machine
11 learning competency, and software engineering
12 under the Department of Defense Cyber Work-
13 force Framework to allow for the military de-
14 partments to identify, assess, track, manage,
15 and assign personnel with computer program-
16 ming, coding, and artificial intelligence skills
17 through established mechanisms, under the
18 policies of the military departments with respect
19 to career field management, including—

20 (i) development, modification, or re-
21 validation of a career field or separate oc-
22 cupational code for computer programming
23 occupational areas aligned with such work
24 roles; and

1 (ii) development, modification, or re-
2 validation of a unique special skills or ex-
3 perience designator or qualification,
4 tracked independently of a career field, for
5 computer programming occupational areas
6 aligned with such work roles;

7 (C) the evaluation of current talent man-
8 agement processes to incorporate equivalency
9 assessment as part of the qualification standard
10 to accommodate experiences, training, or skills
11 developed as a result of other work experience
12 or training opportunities, including potentially
13 from civilian occupations or commercially-avail-
14 able training courses

15 (D) assessment of members of the Armed
16 Forces who have completed the qualification
17 process of the military department concerned or
18 who qualify based on existing skills and training
19 across computer programming occupational
20 areas; and

21 (E) maintaining data on, and longitudinal
22 tracking of, members of the Armed Forces de-
23 scribed in subparagraph (D).

24 (c) RESPONSIBILITIES.—The Secretary of each mili-
25 tary department, in consultation with the Assistant Sec-

1 retary of the military department for Manpower and Re-
2 serve Affairs, the Chief Information Officer of the Depart-
3 ment of Defense, and the Chief Digital and Artificial In-
4 telligence Officer of the Office of the Secretary of Defense,
5 shall—

6 (1) be responsible for development and imple-
7 mentation of the policy set forth in subsection (a)
8 and strategy required by subsection (b); and

9 (2) carry out that responsibility through an of-
10 ficer or employee of the military department as-
11 signed by the Secretary for that purpose.

12 (d) DUTIES.—In developing and providing for the im-
13 plementation of the policy set forth in subsection (a) and
14 strategy required by subsection (b), the Secretary of each
15 military department, in consultation with the Assistant
16 Secretary of the military department for Manpower and
17 Reserve Affairs, the Chief Information Officer of the mili-
18 tary department, the Chief Information Officer of the De-
19 partment of Defense, and the Chief Digital and Artificial
20 Intelligence Officer of the Office of the Secretary of De-
21 fense, shall establish and update relevant policies and
22 practices to enable the talent development and manage-
23 ment to provide a workforce capable of conducting com-
24 puter programming, software coding, and artificial intel-

1 ligence activities, including by meeting related manning,
2 systems, training, and other related funding requirements.

3 (e) STRATEGY AND IMPLEMENTATION PLANS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of each military department shall submit to
7 the Committees on Armed Services of the Senate
8 and the House of Representatives the strategy re-
9 quired by subsection (b).

10 (2) IMPLEMENTATION PLANS REQUIRED.—Not
11 later than one year after the date of the enactment
12 of this Act, the Secretary of each military depart-
13 ment shall submit to the Committees on Armed
14 Services of the Senate and the House of Representa-
15 tives a implementation plan for the strategy required
16 by subsection (b), including identification of resource
17 needs and areas where current internal policy or
18 legal statutes may need to be updated.

19 (f) DEFINITIONS.—In this section:

20 (1) COMPUTER PROGRAMMING OCCUPATIONAL
21 AREA.—The term “computer programming occupa-
22 tional area” means a technical or nontechnical occu-
23 pational position that supports computer program-
24 ming, coding, or artificial intelligence operations and
25 development, including the following positions:

- 1 (A) Data scientists.
- 2 (B) Data engineers.
- 3 (C) Data analysts.
- 4 (D) Software developers.
- 5 (E) Machine learning engineers.
- 6 (F) Program managers.
- 7 (G) Acquisition professionals.

8 (2) DIGITAL PLATFORM OR APPLICATION.—The
9 term “digital platform or application” means an on-
10 line integrated personnel management system or
11 human capital solution.

12 (3) QUALIFICATION PROCESS.—The term
13 “qualification process”—

14 (A) means the process, modeled on a
15 streamlined version of the process for obtaining
16 joint qualifications, for training and verifying
17 members of the Armed Forces to receive career
18 field or occupational codes associated with com-
19 puter programming occupational areas; and

20 (B) may include—

21 (i) experiences, education, and train-
22 ing received as a part of military service,
23 including fellowships, talent exchanges, po-
24 sitions within government, and educational
25 courses; and

1 (ii) in the case of members of the re-
2 serve components, experiences, education,
3 and training received in their civilian occu-
4 pations.

5 (4) STANDARD.—The term “standard” means
6 the defined, reviewed, and published standard for oc-
7 cupational series or career fields that provides a
8 measurable standard by which the military depart-
9 ments can assess the ability to meet their oper-
10 ational planning and steady-state force presentation
11 requirements during the global force management
12 process.

13 **SEC. 1082. LIMITATION ON AVAILABILITY OF FUNDS FOR**
14 **DESTRUCTION OF LANDMINES.**

15 (a) LIMITATION.—Except as provided in subsection
16 (b), none of the funds authorized to be appropriated by
17 this Act or otherwise made available for fiscal year 2024
18 for the Department of Defense may be obligated or ex-
19 pended for the destruction of anti-personnel landmine mu-
20 nitions before the date on which the Secretary of Defense
21 submits the report required by subsection (c).

22 (b) EXCEPTION FOR SAFETY.—Subsection (a) shall
23 not apply to any anti-personnel landmine munitions that
24 the Secretary of Defense determines are unsafe or could

1 pose a safety risk to the United States Armed Forces if
2 not demilitarized or destroyed.

3 (c) REPORT REQUIRED.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this Act, the Sec-
6 retary of Defense shall submit to the congressional
7 defense committees a report that includes each of
8 the following:

9 (A) A description of the policy of the De-
10 partment of Defense regarding the use of anti-
11 personnel landmines, including methods for
12 commanders to seek waivers to use such muni-
13 tions.

14 (B) Projections covering the period of 10
15 years following the date of the report of—

16 (i) the inventory levels for all anti-per-
17 sonnel landmine munitions, taking into ac-
18 count future production of anti-personnel
19 landmine munitions, any plans for demili-
20 tarization of such munitions, the age of the
21 munitions, storage and safety consider-
22 ations, and any other factors that are ex-
23 pected to impact the size of the inventory;

24 (ii) the cost to achieve the inventory
25 levels projected in clause (i), including the

1 cost for potential demilitarization or dis-
2 posal of such munitions; and

3 (iii) the cost to develop and produce
4 new anti-personnel landmine munitions the
5 Secretary determines are necessary to meet
6 the demands of operational plans.

7 (C) An assessment by the Chairman of the
8 Joint Chiefs of Staff of the effects of the inven-
9 tory levels projected under subparagraph (B)(i)
10 on operational plans.

11 (D) Any inputs by the Chairman and the
12 commanders of the combatant commands to a
13 policy process that resulted in a change in land-
14 mine policy during the calendar year preceding
15 the date of the enactment of this Act.

16 (E) Any other matters that the Secretary
17 determines appropriate for inclusion in the re-
18 port.

19 (2) FORM OF REPORT.—The report required by
20 paragraph (1) shall be submitted in unclassified
21 form, but may include a classified annex.

22 (d) BRIEFING REQUIRED.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the Sec-
25 retary of Defense shall provide to the congressional

1 defense committees a briefing on the status, as of
2 the date of the briefing, of research and development
3 into operational alternatives to anti-personnel land-
4 mine munitions.

5 (2) FORM OF BRIEFING.—The briefing required
6 by paragraph (1) may contain classified information.

7 (e) ANTI-PERSONNEL LANDMINE MUNITIONS DE-
8 FINED.—In this section, the term “anti-personnel land-
9 mine munitions” includes anti-personnel landmines and
10 submunitions, as defined by the Convention on the Prohi-
11 bition of the Use, Stockpiling, Production and Transfer
12 of Anti-Personnel Mines and on their Destruction, con-
13 cluded at Oslo September 18, 1997, as determined by the
14 Secretary.

15 **TITLE XI—CIVILIAN PERSONNEL**
16 **MATTERS**

17 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
18 **ANNUAL LIMITATION ON PREMIUM PAY AND**
19 **AGGREGATE LIMITATION ON PAY FOR FED-**
20 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
21 **SEAS.**

22 Subsection (a) of section 1101 of the Duncan Hunter
23 National Defense Authorization Act for Fiscal Year 2009
24 (Public Law 110–417; 122 Stat. 4615), as most recently
25 amended by section 1102 of the James M. Inhofe National

1 Defense Authorization Act for Fiscal Year 2023 (Public
2 Law 117–263), is further amended by striking “through
3 2023” and inserting “through 2024”.

4 **SEC. 1102. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
5 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
6 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
7 **FICIAL DUTY IN A COMBAT ZONE.**

8 Paragraph (2) of section 1603(a) of the Emergency
9 Supplemental Appropriations Act for Defense, the Global
10 War on Terror, and Hurricane Recovery, 2006 (Public
11 Law 109–234; 120 Stat. 443), as added by section 1102
12 of the Duncan Hunter National Defense Authorization
13 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
14 4616) and as most recently amended by section 1103 of
15 the James M. Inhofe National Defense Authorization Act
16 for Fiscal Year 2023 (Public Law 117–263), is further
17 amended by striking “2024” and inserting “2025”.

18 **SEC. 1103. EXCLUSION OF POSITIONS IN NON-**
19 **APPROPRIATED FUND INSTRUMENTALITIES**
20 **FROM LIMITATIONS ON DUAL PAY.**

21 Section 5531(2) of title 5, United States Code, is
22 amended by striking “Government corporation and” and
23 inserting “Government corporation, but excluding”.

1 **SEC. 1104. EXCEPTION TO LIMITATION ON NUMBER OF SEN-**
2 **IOR EXECUTIVE SERVICE POSITIONS FOR**
3 **THE DEPARTMENT OF DEFENSE.**

4 Section 1109(a) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2017 (Public Law 114–328; 130
6 Stat. 2449; 5 U.S.C. 3133 note) is amended by adding
7 at the end the following new paragraph:

8 “(3) EXCEPTION.—The limitation under this
9 subsection shall not apply to positions described in
10 this subsection that are fully funded through
11 amounts appropriated to an agency other than the
12 Department of Defense.”.

13 **SEC. 1105. REMOVAL OF WASHINGTON HEADQUARTERS**
14 **SERVICES DIRECT SUPPORT FROM PER-**
15 **SONNEL LIMITATION ON THE OFFICE OF THE**
16 **SECRETARY OF DEFENSE.**

17 Section 143(b) of title 10, United States Code, is
18 amended by striking “(including Direct Support Activities
19 of that Office and the Washington Headquarters Services
20 of the Department of Defense)”.

21 **SEC. 1106. CONSOLIDATION OF DIRECT HIRE AUTHORITIES**
22 **FOR CANDIDATES WITH SPECIFIED DEGREES**
23 **AT SCIENCE AND TECHNOLOGY REINVEN-**
24 **TION LABORATORIES.**

25 Section 4091 of title 10, United States Code, is
26 amended—

1 (1) in subsection (a)(1), by striking “bachelor’s
2 degree” and inserting “bachelor’s or advanced de-
3 gree”;

4 (2) in subsection (c)—

5 (A) in the subsection heading, by striking
6 “CALENDAR YEAR” and inserting “FISCAL
7 YEAR” ;

8 (B) in the matter preceding paragraph (1),
9 by striking “calendar year” and inserting “fis-
10 cal year”;

11 (C) in paragraph (1), by striking “6 per-
12 cent” and inserting “11 percent”; and

13 (D) in paragraphs (1), (2), and (3), by
14 striking “the fiscal year last ending before the
15 start of such calendar year” and inserting “the
16 preceding fiscal year”;

17 (3) by striking subsection (f); and

18 (4) by redesignating subsection (g) as sub-
19 section (f).

20 **SEC. 1107. EXPANSION AND EXTENSION OF DIRECT HIRE**
21 **AUTHORITY FOR CERTAIN PERSONNEL OF**
22 **THE DEPARTMENT OF DEFENSE.**

23 Section 9905 of title 5, United States Code, is
24 amended—

1 (1) in subsection (a), by adding at the end the
2 following new paragraphs:

3 “(12) Any position in support of aircraft oper-
4 ations for which the Secretary determines there is a
5 critical hiring need and shortage of candidates.

6 “(13) Any position in support of the safety of
7 the public, law enforcement, or first response for
8 which the Secretary determines there is a critical
9 hiring need and shortage of candidates.

10 “(14) Any position in support of the Office of
11 the Inspector General of the Department relating to
12 oversight of the conflict in Ukraine for which the
13 Secretary determines there is a critical hiring need
14 and shortage of candidates.”; and

15 (2) in subsection (b)(1), by striking “September
16 30, 2025” and inserting “September 30, 2030”.

17 **SEC. 1108. EXTENSION OF DIRECT HIRE AUTHORITY FOR**
18 **THE DEPARTMENT OF DEFENSE FOR POST-**
19 **SECONDARY STUDENTS AND RECENT GRAD-**
20 **UATES.**

21 Section 1106(d) of the National Defense Authoriza-
22 tion Act for Fiscal Year 2017 (10 U.S.C. 1580 note prec.)
23 is amended by striking “September 30, 2025” and insert-
24 ing “September 30, 2030”.

1 **SEC. 1109. EXTENSION OF DIRECT HIRE AUTHORITY FOR**
2 **DOMESTIC INDUSTRIAL BASE FACILITIES**
3 **AND MAJOR RANGE AND TEST FACILITIES**
4 **BASE.**

5 Section 1125(a) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2017 (10 U.S.C. 1580 note prec.;
7 Public Law 114–328) is amended by striking “through
8 2025,” and inserting “through 2028,”.

9 **SEC. 1110. AUTHORITY TO EMPLOY CIVILIAN FACULTY**
10 **MEMBERS AT SPACE FORCE SCHOOLS.**

11 (a) IN GENERAL.—Section 9371 of title 10, United
12 States Code, is amended—

13 (1) in the section heading, by inserting “**and**
14 **Space Delta 13**” after “**Air University**”

15 (2) in subsection (a), by inserting “or of the
16 Space Delta 13” after “Air University”; and

17 (3) in subsection (c)—

18 (A) in paragraphs (1), by inserting “or of
19 the Space Delta 13” after “Air University”;
20 and

21 (B) in paragraph (2), by inserting “or of
22 the Space Delta 13” after “Air University”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 947 of such title is amended

1 by striking the item relating to section 9371 and inserting
2 the following new item:

“9371. Air University and Space Delta 13: civilian faculty members.”.

3 **SEC. 1111. REPORT AND SUNSET RELATING TO INAPPLICA-**
4 **BILITY OF CERTIFICATION OF EXECUTIVE**
5 **QUALIFICATIONS BY QUALIFICATION REVIEW**
6 **BOARDS OF OFFICE OF PERSONNEL MANAGE-**
7 **MENT.**

8 Section 1109 of the John S. McCain National De-
9 fense Authorization Act for Fiscal Year 2019 (5 U.S.C.
10 3393 note) is amended—

11 (1) in subsection (d)—

12 (A) in paragraph (1), in the matter pre-
13 ceding subparagraph (A), by striking “para-
14 graph (3)” and inserting “paragraph (4)”;

15 (B) in paragraph (2), in the matter pre-
16 ceding subparagraph (A), by striking “para-
17 graph (3)” and inserting “paragraph (4)”;

18 (C) by redesignating paragraph (3) as
19 paragraph (4); and

20 (D) by inserting after paragraph (2) the
21 following new paragraph (3):

22 “(3) ADDITIONAL REPORT.—Not later than De-
23 cember 1, 2024, the Secretary shall submit to the
24 committees of Congress specified in paragraph (4)
25 and the Comptroller General of the United States a

1 report on the use of the authority provided in this
2 section. The report shall include the following:

3 “(A) The number and type of appoint-
4 ments made under this section between August
5 13, 2018, and the date of the report.

6 “(B) Data on and an assessment of wheth-
7 er appointments under the authority in this sec-
8 tion reduced the time to hire when compared
9 with the time to hire under the review system
10 of the Office of Personnel Management in use
11 as of the date of the report.

12 “(C) An assessment of the utility of the
13 appointment authority and process under this
14 section.

15 “(D) An assessment of whether the ap-
16 pointments made under this section resulted in
17 higher quality new executives for the Senior Ex-
18 ecutive Service of the Department when com-
19 pared with the executives produced in the De-
20 partment under the review system in use be-
21 tween August 13, 2013, and August 13, 2018.

22 “(E) Any recommendation for the improve-
23 ment of the selection and qualification process
24 for the Senior Executive Service of the Depart-
25 ment that the Secretary considers necessary in

1 order to attract and hire highly qualified can-
2 didates for service in that Senior Executive
3 Service.”; and

4 (2) in subsection (e), by striking “August 13,
5 2023” and inserting “September 30, 2025”.

6 **SEC. 1112. EXTENSION OF DATE OF FIRST EMPLOYMENT**
7 **FOR ACQUISITION OF COMPETITIVE STATUS**
8 **FOR EMPLOYEES OF INSPECTORS GENERAL**
9 **FOR OVERSEAS CONTINGENCY OPERATIONS.**

10 Section 419(d)(5)(B) of title 5, United States Code,
11 is amended by striking “2 years” and inserting “5 years”.

12 **SEC. 1113. EXPANSION OF NONCOMPETITIVE APPOINT-**
13 **MENT ELIGIBILITY TO SPOUSES OF DEPART-**
14 **MENT OF DEFENSE CIVILIANS.**

15 (a) IN GENERAL.—Section 3330d of title 5, United
16 States Code, is amended—

17 (1) in the section heading, by inserting “**and**
18 **Department of Defense civilian**” after
19 “**military**”;

20 (2) in subsection (a), by adding at the end the
21 following:

22 “(4) The term ‘spouse of an employee of the
23 Department of Defense’ means an individual who is
24 married to an employee of the Department of De-
25 fense who is transferred in the interest of the Gov-

1 ernment from one official station within the Depart-
2 ment to another within the Department (that is out-
3 side of normal commuting distance) for permanent
4 duty.”; and

5 (3) in subsection (b)—

6 (A) in paragraph (1), by striking “or” at
7 the end;

8 (B) in paragraph (2), by striking the pe-
9 riod at the end and inserting “; or”; and

10 (C) by adding at the end the following:

11 “(3) a spouse of an employee of the Depart-
12 ment of Defense.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—

14 The table of sections for subchapter I of chapter 33 of
15 title 5, United States Code, is amended by striking the
16 item relating to section 3330d and inserting the following:

“3330d. Appointment of military and Department of Defense civilian spouses.”.

17 (c) OPM LIMITATION AND REPORTS.—

18 (1) RELOCATING SPOUSES.—With respect to
19 the noncompetitive appointment of a relocating
20 spouse of an employee of the Department of Defense
21 under paragraph (3) of section 3330d(b) of title 5,
22 United States Code, as added by subsection (a), the
23 Director of the Office of Personnel Management
24 shall—

1 (A) monitor the number of those appoint-
2 ments;

3 (B) require the head of each agency with
4 the authority to make those appointments
5 under that provision to submit to the Director
6 an annual report on those appointments, includ-
7 ing information on the number of individuals so
8 appointed, the types of positions filled, and the
9 effectiveness of the authority for those appoint-
10 ments; and

11 (C) not later than 18 months after the
12 date of enactment of this Act, submit to the
13 Committee on Homeland Security and Govern-
14 mental Affairs of the Senate and the Committee
15 on Oversight and Accountability of the House
16 of Representatives a report on the use and ef-
17 fectiveness of the authority described in sub-
18 paragraph (B).

19 (2) NON-RELOCATING SPOUSES.—With respect
20 to the noncompetitive appointment of a spouse of an
21 employee of the Department of Defense other than
22 a relocating spouse described in paragraph (1), the
23 Director of the Office of Personnel Management—

24 (A) shall treat the spouse as a relocating
25 spouse under paragraph (1); and

1 (B) may limit the number of those ap-
2 pointments.

3 (d) SUNSET.—Effective on December 31, 2028—

4 (1) the authority provided by this section, and
5 the amendments made by this section, shall expire;
6 and

7 (2) the provisions of section 3330d of title 5,
8 United States Code, amended or repealed by this
9 section are restored or revived as if this section had
10 not been enacted.

11 **SEC. 1114. ELIMINATION OF GOVERNMENT ACCOUNT-**
12 **ABILITY OFFICE REVIEW REQUIREMENT RE-**
13 **LATING TO DEPARTMENT OF DEFENSE PER-**
14 **SONNEL AUTHORITIES.**

15 Section 9902(h) of title 5, United States Code, is
16 amended—

17 (1) in paragraph (1)(B), by striking “and the
18 Comptroller General,”;

19 (2) by striking paragraph (2); and

20 (3) by redesignating paragraph (3) as para-
21 graph (2).

22 **SEC. 1115. AMENDMENTS TO THE JOHN S. MCCAIN STRA-**
23 **TEGIC DEFENSE FELLOWS PROGRAM.**

24 (a) SELECTION OF PARTICIPANTS.—Subsection
25 (d)(2) of section 932 of the John S. McCain National De-

1 fense Authorization Act for Fiscal Year 2019 (10 U.S.C.
2 1580 note prec.; Public Law 115–232) is amended to read
3 as follows:

4 “(2) GEOGRAPHICAL REPRESENTATION.—Out
5 of the total number of individuals selected to partici-
6 pate in the fellows program in any year, not more
7 than 20 percent may be from any of the following
8 geographic regions:

9 “(A) The Northeast United States.

10 “(B) The Southeast United States.

11 “(C) The Midwest United States.

12 “(D) The Southwest United States.

13 “(E) The Western United States.

14 “(F) Alaska, Hawaii, United States terri-
15 tories, and areas outside the United States.”.

16 (b) APPOINTMENT AND CAREER DEVELOPMENT.—

17 Such section is further amended—

18 (1) in subsection (d)(3)—

19 (A) by striking “assigned” and inserting
20 “appointed”; and

21 (B) by striking “assignment” and inserting
22 “appointment”; and

23 (2) by amending subsections (e) and (f) to read
24 as follows:

1 “(e) APPOINTMENT DURING PARTICIPATION IN FEL-
2 LWS PROGRAM.—

3 “(1) IN GENERAL.—The Secretary of Defense
4 shall appoint each individual who participates in the
5 fellows program to an excepted service position in an
6 element of the Department.

7 “(2) PLACEMENT OPPORTUNITIES.—Each year,
8 the head of each element of the Department shall
9 submit to the Secretary an identification of place-
10 ment opportunities for participants in the fellows
11 program. Such placement opportunities shall provide
12 for leadership development and potential commence-
13 ment of a career track toward a position of senior
14 leadership in the Department.

15 “(3) QUALIFICATION REQUIREMENTS.—The
16 Secretary, in coordination with the heads of ele-
17 ments of the Department, shall establish qualifica-
18 tion requirements for the appointment of partici-
19 pants under paragraph (1).

20 “(4) MATCHING QUALIFICATIONS, SKILLS, AND
21 REQUIREMENTS.—In making appointments under
22 paragraph (1), the Secretary shall seek to best
23 match the qualifications and skills of the partici-
24 pants with the requirements for positions available
25 for appointment.

1 “(5) TERM.—The term of each appointment
2 under the fellows program shall be one year, but the
3 Secretary may extend a term of appointment up to
4 one additional year.

5 “(6) GRADE.—The Secretary shall appoint an
6 individual under paragraph (1) to a position at the
7 level of GS–10, GS–11, or GS–12 of the General
8 Schedule based on the directly related qualifications,
9 skills, and professional experience of the individual.

10 “(7) EDUCATION LOAN REPAYMENT.—To the
11 extent that funds are provided in advance in appro-
12 priations Acts, the Secretary may repay a loan of a
13 participant in the fellows program if the loan is de-
14 scribed by subparagraph (A), (B), or (C) of section
15 16301(a)(1) of title 10, United States Code. Any re-
16 payment of a loan under this paragraph may require
17 a minimum service agreement, as determined by the
18 Secretary.

19 “(8) ELEMENT OF THE DEPARTMENT DE-
20 FINED.—In this subsection, the term ‘element of the
21 Department’ means an element of the Department
22 specified in section 111(b) of title 10, United States
23 Code.

24 “(f) CAREER DEVELOPMENT.—

1 “(1) IN GENERAL.—The Secretary of Defense
2 shall ensure that participants in the fellows pro-
3 gram—

4 “(A) receive career development opportuni-
5 ties and support appropriate for the commence-
6 ment of a career track within the Department
7 leading toward a future position of senior lead-
8 ership within the Department, including ongo-
9 ing mentorship support through appropriate
10 personnel from entities within the Department;
11 and

12 “(B) are provided appropriate employment
13 opportunities for excepted service positions in
14 the Department upon successful completion of
15 the fellows program.

16 “(2) PUBLICATION OF SELECTION.—The Sec-
17 retary shall publish, on an internet website of the
18 Department available to the public, the names of the
19 individuals selected to participate in the fellows pro-
20 gram.”.

21 **SEC. 1116. CIVILIAN CYBERSECURITY RESERVE PILOT**
22 **PROJECT.**

23 (a) DEFINITION.—In this section, the term “tem-
24 porary position” means a position in the competitive or
25 excepted service for a period of 180 days or less.

1 (b) PILOT PROJECT.—

2 (1) IN GENERAL.—The Secretary of the Army
3 shall carry out a pilot project to establish a Civilian
4 Cybersecurity Reserve.

5 (2) PURPOSE.—The purpose of the Civilian Cy-
6 bersecurity Reserve is to enable the Army to provide
7 manpower to the United States Cyber Command to
8 effectively—

9 (A) preempt, defeat, deter, or respond to
10 malicious cyber activity;

11 (B) conduct cyberspace operations;

12 (C) secure information and systems of the
13 Department of Defense against malicious cyber
14 activity; and

15 (D) assist in solving cyber workforce-re-
16 lated challenges.

17 (3) HIRING AUTHORITY.—In carrying out this
18 section, the Secretary may use any authority other-
19 wise available to the Secretary for the recruitment,
20 employment, and retention of civilian personnel with-
21 in the Department, including authority under section
22 1599f of title 10, United States Code.

23 (4) EMPLOYMENT PROTECTIONS.—The Sec-
24 retary of Labor shall prescribe such regulations as
25 necessary to ensure the reemployment, continuation

1 of benefits, and non-discrimination in reemployment
2 of individuals appointed under this section, provided
3 that such regulations shall include, at a minimum,
4 those rights and obligations set forth under chapter
5 43 of title 38, United States Code.

6 (5) STATUS IN RESERVE.—During the period
7 beginning on the date on which an individual is re-
8 cruited to serve in the Civilian Cybersecurity Reserve
9 and ending on the date on which the individual is
10 appointed under this section, and during any period
11 in between any such appointments, the individual
12 shall not be considered a Federal employee.

13 (c) ELIGIBILITY; APPLICATION AND SELECTION.—

14 (1) IN GENERAL.—Under the pilot project re-
15 quired under subsection (b)(1), the Secretary of the
16 Army shall establish criteria for—

17 (A) individuals to be eligible for the Civil-
18 ian Cybersecurity Reserve; and

19 (B) the application and selection processes
20 for the Civilian Cybersecurity Reserve.

21 (2) REQUIREMENTS FOR INDIVIDUALS.—The
22 criteria established under paragraph (1)(A) with re-
23 spect to an individual shall include—

24 (A) if the individual has previously served
25 as a member of the Civilian Cybersecurity Re-

1 serve, that the previous appointment ended not
2 less than 60 days before the individual may be
3 appointed for a subsequent temporary position
4 in the Civilian Cybersecurity Reserve; and

5 (B) cybersecurity expertise.

6 (3) **PRESCREENING.**—The Secretary shall—

7 (A) conduct a prescreening of each indi-
8 vidual prior to appointment under this section
9 for any topic or product that would create a
10 conflict of interest; and

11 (B) require each individual appointed
12 under this section to notify the Secretary if a
13 potential conflict of interest arises during the
14 appointment.

15 (4) **AGREEMENT REQUIRED.**—An individual
16 may become a member of the Civilian Cybersecurity
17 Reserve only if the individual enters into an agree-
18 ment with the Secretary to become such a member,
19 which shall set forth the rights and obligations of
20 the individual and the Army.

21 (5) **EXCEPTION FOR CONTINUING MILITARY**
22 **SERVICE COMMITMENTS.**—A member of the Selected
23 Reserve under section 10143 of title 10, United
24 States Code, may not be a member of the Civilian
25 Cybersecurity Reserve.

1 (6) PROHIBITION.—Any individual who is an
2 employee of the executive branch may not be re-
3 cruited or appointed to serve in the Civilian Cyberse-
4 curity Reserve.

5 (d) SECURITY CLEARANCES.—

6 (1) IN GENERAL.—The Secretary of the Army
7 shall ensure that all members of the Civilian Cyber-
8 security Reserve undergo the appropriate personnel
9 vetting and adjudication commensurate with the du-
10 ties of the position, including a determination of eli-
11 gibility for access to classified information where a
12 security clearance is necessary, according to applica-
13 ble policy and authorities.

14 (2) COST OF SPONSORING CLEARANCES.—If a
15 member of the Civilian Cybersecurity Reserve re-
16 quires a security clearance in order to carry out the
17 duties of the member, the Army shall be responsible
18 for the cost of sponsoring the security clearance of
19 the member.

20 (e) IMPLEMENTATION PLAN.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date on which the Secretary of Defense
23 submits to the Committee on Armed Services of the
24 Senate and the Committee on Armed Services of the
25 House of Representatives the report required under

1 section 1540(d)(2) of the James M. Inhofe National
2 Defense Authorization Act for Fiscal Year 2023
3 (Public Law 117–263) on the feasibility and advis-
4 ability of creating and maintaining a civilian cyber-
5 security reserve corps, the Secretary of the Army
6 shall—

7 (A) submit to the congressional defense
8 committees an implementation plan for the pilot
9 project required under subsection (b)(1); and

10 (B) provide to the congressional defense
11 committees a briefing on the implementation
12 plan.

13 (2) PROHIBITION.—The Secretary of the Army
14 may not take any action to begin implementation of
15 the pilot project required under subsection (b)(1)
16 until the Secretary fulfills the requirements under
17 paragraph (1).

18 (f) PROJECT GUIDANCE.—Not later than two years
19 after the date of the enactment of this Act, the Secretary
20 of the Army shall, in consultation with the Office of Per-
21 sonnel Management and the Office of Government Ethics,
22 issue guidance establishing and implementing the pilot
23 project required under subsection (b)(1).

24 (g) BRIEFINGS AND REPORT.—

1 (1) BRIEFINGS.—Not later than one year after
2 the date on which the guidance required under sub-
3 section (f) is issued, and every year thereafter until
4 the date on which the pilot project required under
5 subsection (b)(1) terminates under subsection (i),
6 the Secretary of the Army shall provide to the con-
7 gressional defense committees a briefing on activities
8 carried out under the pilot project, including—

9 (A) participation in the Civilian Cybersecu-
10 rity Reserve, including the number of partici-
11 pants, the diversity of participants, and any
12 barriers to recruitment or retention of mem-
13 bers;

14 (B) an evaluation of the ethical require-
15 ments of the pilot project;

16 (C) whether the Civilian Cybersecurity Re-
17 serve has been effective in providing additional
18 capacity to the Army; and

19 (D) an evaluation of the eligibility require-
20 ments for the pilot project.

21 (2) REPORT.—Not earlier than 180 days and
22 not later than 90 days before the date on which the
23 pilot project required under subsection (b)(1) termi-
24 nates under subsection (i), the Secretary shall sub-
25 mit to the congressional defense committees a report

1 and provide a briefing on recommendations relating
2 to the pilot project, including recommendations
3 for—

4 (A) whether the pilot project should be
5 modified, extended in duration, or established
6 as a permanent program, and if so, an appro-
7 priate scope for the program;

8 (B) how to attract participants, ensure a
9 diversity of participants, and address any bar-
10 riers to recruitment or retention of members of
11 the Civilian Cybersecurity Reserve;

12 (C) the ethical requirements of the pilot
13 project and the effectiveness of mitigation ef-
14 forts to address any conflict of interest con-
15 cerns; and

16 (D) an evaluation of the eligibility require-
17 ments for the pilot project.

18 (h) EVALUATION.—Not later than three years after
19 the pilot project required under subsection (b)(1) is estab-
20 lished, the Comptroller General of the United States
21 shall—

22 (1) conduct a study evaluating the pilot project;

23 and

24 (2) submit to Congress—

1 (A) a report on the results of the study;
2 and

3 (B) a recommendation with respect to
4 whether the pilot project should be modified.

5 (i) SUNSET.—The pilot project required under sub-
6 section (b)(1) shall terminate on the date that is four
7 years after the date on which the pilot project is estab-
8 lished.

9 **TITLE XII—MATTERS RELATING**
10 **TO FOREIGN NATIONS**
11 **Subtitle A—Assistance and**
12 **Training**

13 **SEC. 1201. MIDDLE EAST INTEGRATED MARITIME DOMAIN**
14 **AWARENESS AND INTERDICTION CAPA-**
15 **BILITY.**

16 (a) IN GENERAL.—The Secretary of Defense, using
17 existing authorities, shall seek to build upon the incorpora-
18 tion of Israel into the area of responsibility of the United
19 States Central Command to develop a Middle East inte-
20 grated maritime domain awareness and interdiction capa-
21 bility for the purpose of protecting the people, infrastruc-
22 ture, and territory of such countries from—

23 (1) manned and unmanned naval systems, un-
24 dersea warfare capabilities, and anti-ship missiles of
25 Iran and groups affiliated with Iran; and

1 (2) violent extremist organizations, criminal
2 networks, and piracy activities that threaten lawful
3 commerce in the waterways within the area of re-
4 sponsibility of the United States Naval Forces Cen-
5 tral Command.

6 (b) STRATEGY.—

7 (1) IN GENERAL.—Not later than 60 days after
8 the date of the enactment of this Act, the Secretary
9 of Defense, in coordination with the Secretary of
10 State, shall submit to the appropriate committees of
11 Congress a strategy for the cooperation described in
12 subsection (a).

13 (2) MATTERS TO BE INCLUDED.—The strategy
14 required by paragraph (1) shall include the fol-
15 lowing:

16 (A) An assessment of the threats posed to
17 ally or partner countries in the Middle East
18 by—

19 (i) manned and unmanned naval sys-
20 tems, undersea warfare capabilities, and
21 anti-ship missiles of Iran and groups affili-
22 ated with Iran; and

23 (ii) violent extremist organizations,
24 criminal networks, and piracy activities
25 that threaten lawful commerce in the wa-

1 terways within the area of responsibility of
2 the United States Naval Forces Central
3 Command.

4 (B) A description of existing multilateral
5 maritime partnerships currently led by the
6 United States Naval Forces Central Command,
7 including the Combined Maritime Forces (in-
8 cluding its associated Task Forces 150, 151,
9 152, and 153), the International Maritime Se-
10 curity Construct, and the Navy's Task Force
11 59, and a discussion of the role of such partner-
12 ships in building an integrated maritime secu-
13 rity capability.

14 (C) A description of progress made in ad-
15 vancing the integration of Israel into the exist-
16 ing multilateral maritime partnerships de-
17 scribed in subparagraph (B).

18 (D) A description of efforts among coun-
19 tries in the Middle East to coordinate intel-
20 ligence, reconnaissance, and surveillance capa-
21 bilities and indicators and warnings with re-
22 spect to the threats described in subparagraph
23 (A), and a description of any impediment to op-
24 timizing such efforts.

1 (E) A description of the current Depart-
2 ment of Defense systems that, in coordination
3 with ally and partner countries in the Middle
4 East—

5 (i) provide awareness of and defend
6 against such threats; and

7 (ii) address current capability gaps.

8 (F) An explanation of the manner in which
9 an integrated maritime domain awareness and
10 interdiction architecture would improve collec-
11 tive security in the Middle East.

12 (G) A description of existing and planned
13 efforts to engage ally and partner countries in
14 the Middle East in establishing such an archi-
15 tecture.

16 (H) An identification of the elements of
17 such an architecture that may be acquired and
18 operated by ally and partner countries in the
19 Middle East, and a list of such elements for
20 each such ally and partner.

21 (I) An identification of the elements of
22 such an architecture that may only be provided
23 and operated by members of the United States
24 Armed Forces.

1 (J) An identification of any challenge to
2 optimizing such an architecture in the Middle
3 East.

4 (K) An assessment of progress and key
5 challenges in the implementation of the strategy
6 required by paragraph (1) using the metrics
7 identified in accordance with paragraph (3).

8 (L) Recommendations for improvements in
9 the implementation of such strategy based on
10 such metrics.

11 (M) An assessment of any capabilities or
12 lessons from the Navy's Task Force 59 that
13 may be leveraged to support an integrated mar-
14itime domain awareness and interdiction capa-
15 bility in the Middle East.

16 (N) Any other matter the Secretary of De-
17 fense considers relevant.

18 (3) METRICS.—The Secretary of Defense shall
19 identify metrics to assess progress in the implemen-
20 tation of the strategy required by paragraph (1).

21 (4) FORMAT.—The strategy required by para-
22 graph (1) shall be submitted in unclassified form but
23 may include a classified annex.

24 (c) FEASIBILITY STUDY.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall conduct a study on the feasibility and advis-
3 ability of establishing an integrated maritime do-
4 main awareness and interdiction capability to pro-
5 tect the people, infrastructure, and territory of ally
6 and partner countries in the Middle East from—

7 (A) manned and unmanned naval systems,
8 undersea warfare capabilities, and anti-ship
9 missiles of Iran and groups affiliated with Iran;
10 and

11 (B) violent extremist organizations, crimi-
12 nal networks, and piracy activities that threaten
13 lawful commerce in the waterways of the Middle
14 East.

15 (2) ELEMENTS.—The study required by para-
16 graph (1) shall include—

17 (A) an assessment of funds that could be
18 contributed by ally and partner countries of the
19 United States; and

20 (B) a cost estimate of establishing such an
21 integrated maritime domain awareness and
22 interdiction capability.

23 (3) REPORT.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of
25 Defense shall submit to the appropriate committees

1 of Congress a report on the results of the study con-
2 ducted under paragraph (1).

3 (d) PROTECTION OF SENSITIVE INFORMATION.—Any
4 activity carried out under this section shall be conducted
5 in a manner that appropriately protects sensitive informa-
6 tion and the national security interests of the United
7 States.

8 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
9 FINED.—In this section, the term “appropriate commit-
10 tees of Congress” means—

11 (1) the Committee on Armed Services, the
12 Committee on Appropriations, and the Committee on
13 Foreign Relations of the Senate; and

14 (2) the Committee on Armed Services, the
15 Committee on Appropriations, and the Committee on
16 Foreign Affairs of the House of Representatives.

17 **SEC. 1202. AUTHORITY TO PROVIDE MISSION TRAINING**
18 **THROUGH DISTRIBUTED SIMULATION.**

19 (a) AUTHORITY FOR TRAINING AND DISTRIBUTION.—To enhance the interoperability and integration
20 TION.—To enhance the interoperability and integration
21 between the United States Armed Forces and the military
22 forces of friendly foreign countries, the Secretary of De-
23 fense, with the concurrence of the Secretary of State, is
24 authorized—

1 (1) to provide to military personnel of a friendly
2 foreign government persistent advanced networked
3 training and exercise activities (in this section re-
4 ferred to as “mission training through distributed
5 simulation”); and

6 (2) to provide information technology, including
7 hardware and computer software developed for mis-
8 sion training through distributed simulation activi-
9 ties.

10 (b) SCOPE OF MISSION TRAINING.—Mission training
11 through distributed simulation provided under subsection
12 (a) may include advanced distributed network training
13 events and computer-assisted exercises.

14 (c) APPLICABILITY OF EXPORT CONTROL AUTHORI-
15 TIES.—The provision of mission training through distrib-
16 uted simulation and information technology under this
17 section shall be subject to the Arms Export Control Act
18 (22 U.S.C. 2751 et seq.) and any other export control au-
19 thority under law relating to the transfer of military tech-
20 nology to foreign countries.

21 (d) GUIDANCE ON USE OF AUTHORITY.—Not later
22 than 60 days after the date of the enactment of this Act,
23 the Secretary of Defense shall develop and issue guidance
24 on the procedures for the use of the authority provided
25 in this section.

1 (e) REPORT.—

2 (1) IN GENERAL.—Not later than 120 days
3 after the date of the enactment of this Act, the Sec-
4 retary of Defense shall submit to the appropriate
5 committees of Congress a report on the use of mis-
6 sion training through distributed simulation by mili-
7 tary personnel of friendly foreign countries.

8 (2) ELEMENTS.—The report required by para-
9 graph (1) shall include the following:

10 (A) A description of ongoing mission train-
11 ing through distributed simulation activities be-
12 tween the United States Armed Forces and the
13 military forces of friendly foreign countries.

14 (B) A description of the current capabili-
15 ties of the military forces of friendly foreign
16 countries to support mission training through
17 distributed simulation activities with the United
18 States Armed Forces.

19 (C) A description of the manner in which
20 the Department intends to use mission training
21 through distributed simulation activities to sup-
22 port implementation of the National Defense
23 Strategy, including in areas of responsibility of
24 the United States European Command and the
25 United States Indo-Pacific Command.

1 (D) Any recommendation of the Secretary
2 of Defense for legislative proposals or policy
3 guidance regarding the use of mission training
4 through distributed simulation activities.

5 (3) APPROPRIATE COMMITTEES OF CONGRESS
6 DEFINED.—In this subsection, the term “appro-
7 priate committees of Congress” means—

8 (A) the Committee on Armed Services, the
9 Committee on Appropriations, and the Com-
10 mittee on Foreign Relations of the Senate; and

11 (B) the Committee on Armed Services, the
12 Committee on Appropriations, and the Com-
13 mittee on Foreign Affairs of the House of Rep-
14 resentatives.

15 (f) SUNSET.—The authority provided in this section
16 shall terminate on December 31, 2025.

17 **SEC. 1203. INCREASE IN SMALL-SCALE CONSTRUCTION**
18 **LIMIT AND MODIFICATION OF AUTHORITY TO**
19 **BUILD CAPACITY.**

20 (a) DEFINITION OF SMALL-SCALE CONSTRUCTION.—
21 Section 301(8) of title 10, United States Code, is amended
22 by striking “\$1,500,000” and inserting “\$2,000,000”.

23 (b) MODIFICATION OF AUTHORITY TO BUILD CAPAC-
24 ITY.—

1 (1) IN GENERAL.—Subsection (a) of section
2 333 of title 10, United States Code, is amended—

3 (A) in paragraph (3), by inserting “or
4 other counter-illicit trafficking operations” be-
5 fore the period at the end; and

6 (B) by adding at the end the following new
7 paragraph:

8 “(10) Foreign internal defense operations.”.

9 (2) INCREASE IN THRESHOLD FOR SMALL-
10 SCALE CONSTRUCTION PROJECTS REQUIRING ADDI-
11 TIONAL DOCUMENTATION.—Subsection (e)(8) of
12 such section is amended by striking “\$750,000” and
13 inserting “\$1,000,000”.

14 (3) EQUIPMENT DISPOSITION.—Such section is
15 further amended by adding at the end the following
16 new subsection:

17 “(h) EQUIPMENT DISPOSITION.—The Secretary of
18 Defense may treat as stocks of the Department of De-
19 fense—

20 “(1) equipment procured to carry out a pro-
21 gram pursuant to subsection (a) that has not yet
22 been transferred to a foreign country and is no
23 longer needed to support such program or any other
24 program carried out pursuant to such subsection;
25 and

1 “(2) equipment that has been transferred to a
2 foreign country to carry out a program pursuant to
3 subsection (a) and is returned by the foreign country
4 to the United States.”.

5 (4) INTERNATIONAL AGREEMENTS.—Such sec-
6 tion is further amended by adding at the end the fol-
7 lowing new subsection:

8 “(i) INTERNATIONAL AGREEMENTS.—

9 “(1) IN GENERAL.—The Secretary of Defense,
10 with the concurrence of the Secretary of State,
11 may—

12 “(A) allow a foreign country to provide
13 sole-source direction for assistance in support of
14 a program carried out pursuant to subsection
15 (a); and

16 “(B) enter into an agreement with a for-
17 eign country to provide such sole-source direc-
18 tion.

19 “(2) NOTIFICATION.—Not later than 72 hours
20 after the Secretary of Defense enters into an agree-
21 ment under paragraph (1), the Secretary shall sub-
22 mit to the congressional defense committees a writ-
23 ten notification that includes the following:

24 “(A) A description of the parameters of
25 the agreement, including types of support, ob-

1 jectives, and duration of support and coopera-
2 tion under the agreement.

3 “(B) A description and justification of any
4 anticipated use of sole-source direction pursu-
5 ant to such agreement.

6 “(C) A determination as to whether the
7 anticipated costs to incurred under the agree-
8 ment are fair and reasonable.

9 “(D) A certification that the agreement is
10 in the national security interests of the United
11 States.

12 “(E) Any other matter relating to the
13 agreement, as determined by the Secretary of
14 Defense.”.

15 (5) FOREIGN INTERNAL DEFENSE DEFINED.—
16 Such section is further amended by adding at the
17 end of the following new subsection:

18 “(j) FOREIGN INTERNAL DEFENSE DEFINED.—In
19 this section, the term ‘foreign internal defense’ has the
20 meaning given such term in the publication of the Chair-
21 man of the Joint Chiefs of Staff entitled ‘Joint Publication
22 3–22 Foreign Internal Defense’ issued on August 17,
23 2018 and validated on February 2, 2021.”.

1 **SEC. 1204. EXTENSION OF LEGAL INSTITUTIONAL CAPAC-**
2 **ITY BUILDING INITIATIVE FOR FOREIGN DE-**
3 **FENSE INSTITUTIONS.**

4 Section 1210(e) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
6 Stat. 1626) is amended by striking “December 31, 2024”
7 and inserting “December 31, 2028”.

8 **SEC. 1205. EXTENSION AND MODIFICATION OF AUTHORITY**
9 **FOR REIMBURSEMENT OF CERTAIN COALI-**
10 **TION NATIONS FOR SUPPORT PROVIDED TO**
11 **UNITED STATES MILITARY OPERATIONS.**

12 (a) **EXTENSION.**—Subsection (a) of section 1233 of
13 the National Defense Authorization Act for Fiscal Year
14 2008 (Public Law 110–181; 122 Stat. 393) is amended
15 by striking “beginning on October 1, 2022, and ending
16 on December 31, 2023” and inserting “beginning on Octo-
17 ber 1, 2023, and ending on December 31, 2024”.

18 (b) **MODIFICATION TO LIMITATION.**—Subsection
19 (d)(1) of such section is amended—

20 (1) by striking “beginning on October 1, 2022,
21 and ending on December 31, 2023” and inserting
22 “beginning on October 1, 2023, and ending on De-
23 cember 31, 2024”; and

24 (2) by striking “\$30,000,000” and inserting
25 “\$15,000,000”.

1 **SEC. 1206. EXTENSION OF AUTHORITY FOR DEPARTMENT**
2 **OF DEFENSE SUPPORT FOR STABILIZATION**
3 **ACTIVITIES IN NATIONAL SECURITY INTER-**
4 **EST OF THE UNITED STATES.**

5 Section 1210A(h) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
7 Stat. 1626) is amended by striking “December 31, 2023”
8 and inserting “December 31, 2025”.

9 **SEC. 1207. EXTENSION OF CROSS SERVICING AGREEMENTS**
10 **FOR LOAN OF PERSONNEL PROTECTION AND**
11 **PERSONNEL SURVIVABILITY EQUIPMENT IN**
12 **COALITION OPERATIONS.**

13 Section 1207(f) of the Carl Levin and Howard P.
14 “Buck” McKeon National Defense Authorization Act for
15 Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2342
16 note) is amended by striking “December 31, 2024” and
17 inserting “December 31, 2029”.

18 **SEC. 1208. LIMITATION ON AVAILABILITY OF FUNDS FOR**
19 **INTERNATIONAL SECURITY COOPERATION**
20 **PROGRAM.**

21 Of the funds authorized to be appropriated by this
22 Act for fiscal year 2024 for operation and maintenance,
23 Defense-wide, and available for the Defense Security Co-
24 operation Agency for the International Security Coopera-
25 tion Program, not more than 75 percent may be obligated
26 or expended until the Secretary of Defense submits the

1 security cooperation strategy for each covered combatant
2 command required by section 1206 of the National De-
3 fense Authorization Act for Fiscal Year 2022 (Public Law
4 117–81; 135 Stat. 1960).

5 **SEC. 1209. MODIFICATION OF DEPARTMENT OF DEFENSE**
6 **SECURITY COOPERATION WORKFORCE DE-**
7 **VELOPMENT.**

8 Section 384 of title 10, United States Code, is
9 amended—

10 (1) in subsection (d)—

11 (A) by striking “The Program” and insert-
12 ing the following:

13 “(1) IN GENERAL.—The Program”; and

14 (B) by adding at the end the following new
15 paragraphs:

16 “(2) MANAGING ENTITY.—

17 “(A) DESIGNATION.—The Secretary of De-
18 fense, acting through the Under Secretary of
19 Defense for Policy and the Director of the De-
20 fense Security Cooperation Agency, shall des-
21 ignate an entity within the Department of De-
22 fense to serve as the lead entity for managing
23 the implementation of the Program.

24 “(B) DUTIES.—The entity designated
25 under subparagraph (A) shall carry out the

1 management and implementation of the Pro-
2 gram, consistent with objectives formulated by
3 the Secretary of Defense, which shall include
4 the following:

5 “(i) Providing for comprehensive
6 tracking of and accounting for all Depart-
7 ment of Defense employees engaged in the
8 security cooperation enterprise.

9 “(ii) Providing training requirements
10 specified at the requisite proficiency levels
11 for each position.

12 “(C) REPORTING.—The Secretary of De-
13 fense shall ensure that, not less frequently than
14 annually, each military department, combatant
15 command, defense agency, and any other entity
16 involved in managing the security cooperation
17 workforce submits to the entity designated
18 under subparagraph (A) a report containing in-
19 formation necessary for the management and
20 career development of the security cooperation
21 workforce, as determined by the Director of the
22 Defense Security Cooperation Agency.

23 “(3) SECURITY COOPERATION WORKFORCE
24 MANAGEMENT INFORMATION SYSTEM.—The Sec-
25 retary of Defense, acting through the Director of the

1 Defense Security Cooperation Agency, shall pre-
2 scribe regulations to ensure that each military de-
3 partment, combatant command, and defense agency
4 provides standardized information and data to the
5 Secretary on persons serving in positions within the
6 security cooperation workforce.”;

7 (2) in subsection (e), by adding at the end the
8 following new paragraph:

9 “(4) UPDATED GUIDANCE.—

10 “(A) IN GENERAL.—Not later than 270
11 days after the date of the enactment of this
12 paragraph, and biannually thereafter through
13 fiscal year 2028, the Secretary of Defense, in
14 coordination with the Secretary of State, shall
15 issue updated guidance for the execution and
16 administration of the Program.

17 “(B) SCOPE.—The updated guidance re-
18 quired by subparagraph (A) shall—

19 “(i) fulfill each requirement set forth
20 in paragraph (3), as appropriate; and

21 “(ii) include an identification of the
22 manner in which the Department of De-
23 fense shall ensure that personnel assigned
24 to security cooperation offices within em-
25 bassies of the United States are trained

1 and managed to a level of proficiency that
2 is at least equal to the level of proficiency
3 provided to the attaché workforce by the
4 Defense Attaché Service.”;

5 (3) by redesignating subsections (f) through (h)
6 as subsections (h) through (j), respectively; and

7 (4) by inserting after subsection (e) the fol-
8 lowing new subsections (f) and (g):

9 “(f) FOREIGN MILITARY SALES CENTER OF EXCEL-
10 LENCE.—

11 “(1) ESTABLISHMENT.—The Secretary of De-
12 fense shall direct an existing schoolhouse within the
13 Department of Defense to serve as a Foreign Mi-
14 litary Sales Center of Excellence to improve the train-
15 ing and education of personnel engaged in foreign
16 military sales planning and execution.

17 “(2) OBJECTIVES.—The objectives of the For-
18 eign Military Sales Center of Excellence shall in-
19 clude—

20 “(A) conducting research on and pro-
21 moting best practices for ensuring that foreign
22 military sales are timely and effective; and

23 “(B) enhancing existing curricula for the
24 purpose of ensuring that the foreign military

1 sales workforce is fully trained and prepared to
2 execute the foreign military sales program.

3 “(g) DEFENSE SECURITY COOPERATION UNIVER-
4 SITY.—

5 “(1) CHARTER.—The Secretary of Defense
6 shall develop and promulgate a charter for the oper-
7 ation of the Defense Security Cooperation Univer-
8 sity.

9 “(2) MISSION.—The charter required by para-
10 graph (1) shall set forth the mission, and associated
11 structures and organizations, of the Defense Secu-
12 rity Cooperation University, which shall include—

13 “(A) management and implementation of
14 international military training and education se-
15 curity cooperation programs and authorities ex-
16 ecuted by the Department of Defense;

17 “(B) management and provision of institu-
18 tional capacity-building services executed by the
19 Department of Defense; and

20 “(C) advancement of the profession of se-
21 curity cooperation through research, data collec-
22 tion, analysis, publication, and learning.

23 “(3) COOPERATIVE RESEARCH AND DEVELOP-
24 MENT ARRANGEMENTS.—

1 “(A) IN GENERAL.—In engaging in re-
2 search and development projects pursuant to
3 subsection (a) of section 4001 of this title by a
4 contract, cooperative agreement, or grant pur-
5 suant to subsection (b)(1) of such section, the
6 Secretary of Defense may enter into such con-
7 tract or cooperative agreement, or award such
8 grant, through the Defense Security Coopera-
9 tion University.

10 “(B) TREATMENT AS GOVERNMENT-OPER-
11 ATED FEDERAL LABORATORY.—The Defense
12 Security Cooperation University shall be consid-
13 ered a Government-operated Federal laboratory
14 for purposes of section 12 of the Stevenson-
15 Wydler Technology Innovation Act of 1980 (15
16 U.S.C. 3710a).

17 “(4) ACCEPTANCE OF RESEARCH GRANTS.—

18 “(A) IN GENERAL.—The Secretary of De-
19 fense, through the Under Secretary of Defense
20 for Policy, may authorize the President of the
21 Defense Security Cooperation University to ac-
22 cept qualifying research grants. Any such grant
23 may only be accepted if the work under the
24 grant is to be carried out by a professor or in-
25 structor of the Defense Security Cooperation

1 University for a scientific, literary, or edu-
2 cational purpose.

3 “(B) QUALIFYING GRANTS.—A qualifying
4 research grant under this paragraph is a grant
5 that is awarded on a competitive basis by an
6 entity described in subparagraph (C) for a re-
7 search project with a scientific, literary, or edu-
8 cational purpose.

9 “(C) ENTITIES FROM WHICH GRANTS MAY
10 BE ACCEPTED.—A grant may be accepted
11 under this paragraph only from a corporation,
12 fund, foundation, educational institution, or
13 similar entity that is organized and operated
14 primarily for scientific, literary, or educational
15 purposes.

16 “(D) ADMINISTRATION OF GRANT
17 FUNDS.—The Director of the Defense Security
18 Cooperation Agency shall establish an account
19 for administering funds received as research
20 grants under this section. The President of the
21 Defense Security Cooperation University shall
22 use the funds in the account in accordance with
23 applicable provisions of the regulations and the
24 terms and condition of the grants received.

1 “(E) RELATED EXPENSES.—Subject to
2 such limitations as may be provided in appro-
3 priations Acts, appropriations available for the
4 Defense Security Cooperation University may
5 be used to pay expenses incurred by the De-
6 fense Security Cooperation University in apply-
7 ing for, and otherwise pursuing, the award of
8 qualifying research grants.

9 “(F) REGULATIONS.—The Secretary of
10 Defense, through the Under Secretary of De-
11 fense for Policy, shall prescribe regulations for
12 the administration of this section.”.

13 **SEC. 1210. MODIFICATION OF AUTHORITY TO PROVIDE**
14 **SUPPORT TO CERTAIN GOVERNMENTS FOR**
15 **BORDER SECURITY OPERATIONS.**

16 Section 1226(a)(1) of the National Defense Author-
17 ization Act for Fiscal Year 2016 (22 U.S.C. 2151 note)
18 is amended by adding at the end the following:

19 “(G) To the Government of Tajikistan for
20 purposes of supporting and enhancing efforts of
21 the armed forces of Tajikistan to increase secu-
22 rity and sustain increased security along the
23 border of Tajikistan and Afghanistan.

24 “(H) To the Government of Uzbekistan for
25 purposes of supporting and enhancing efforts of

1 the armed forces of Uzbekistan to increase se-
2 curity and sustain increased security along the
3 border of Uzbekistan and Afghanistan.

4 “(I) To the Government of Turkmenistan
5 for purposes of supporting and enhancing ef-
6 forts of the armed forces of Turkmenistan to
7 increase security and sustain increased security
8 along the border of Turkmenistan and Afghani-
9 stan.”.

10 **SEC. 1211. MODIFICATION OF DEFENSE OPERATIONAL RE-**
11 **SILIENCE INTERNATIONAL COOPERATION**
12 **PILOT PROGRAM.**

13 Section 1212 of the James M. Inhofe National De-
14 fense Authorization Act for Fiscal Year 2023 (Public Law
15 117–236; 136 Stat. 2834; 10 U.S.C. 311 note) is amend-
16 ed—

17 (1) in subsection (a), by striking “military
18 forces” and inserting “national security forces”;

19 (2) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking
22 “military-to-military relationships” and in-
23 sserting “relationships with the national se-
24 curity forces of partner countries”; and

1 (ii) in subparagraph (C), by striking
2 “military forces” and inserting “national
3 security forces”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(4) SUSTAINMENT AND NON-LETHAL ASSIST-
7 ANCE.—A program under subsection (a) may include
8 the provision of sustainment and non-lethal assist-
9 ance, including training, defense services, supplies
10 (including consumables), and small-scale construc-
11 tion (as such terms are defined in section 301 of
12 title 10, United States Code).”;

13 (3) in subsection (e)(3)(A), by striking “mili-
14 tary force” and inserting “national security forces”;
15 and

16 (4) by adding at the end the following new sub-
17 section:

18 “(g) NATIONAL SECURITY FORCES DEFINED.—In
19 this section, the term ‘national security forces’ has the
20 meaning given the term in section 301 of title 10, United
21 States Code.”.

22 **SEC. 1212. ASSISTANCE TO ISRAEL FOR AERIAL REFUEL-**
23 **ING.**

24 (a) TRAINING ISRAELI PILOTS TO OPERATE KC-46
25 AIRCRAFT.—

1 (1) IN GENERAL.—The Secretary of the Air
2 Force shall—

3 (A) make available sufficient resources and
4 accommodations within the United States to
5 train members of the Israeli Air Force on the
6 operation of KC-46 aircraft;

7 (B) conduct training for members of the
8 Israeli Air Force, including—

9 (i) training for pilots and crew on the
10 operation of the KC-46 aircraft in accord-
11 ance with standards considered sufficient
12 to conduct coalition operations of the
13 United States Air Force and the Israeli
14 Air Force; and

15 (ii) training for ground personnel on
16 the maintenance and sustainment require-
17 ments of the KC-46 aircraft considered
18 sufficient for such operations; and

19 (C) conduct the timing of such training so
20 as to ensure that the first group of trainee
21 members of the Israeli Air Force is anticipated
22 to complete the training not later than 2 weeks
23 after the date on which the first KC-46 aircraft
24 is delivered to Israel.

1 (2) UNITED STATES AIR FORCE MILITARY PER-
2 PERSONNEL EXCHANGE PROGRAM.—The Secretary of
3 Defense shall, with respect to members of the Israeli
4 Air Force associated with the operation of KC-46
5 aircraft—

6 (A) before the completion of the training
7 required by paragraph (1)(B), authorize the
8 participation of such members of the Israeli Air
9 Force in the United States Air Force Military
10 Personnel Exchange Program;

11 (B) make available billets in the United
12 States Air Force Military Personnel Exchange
13 Program necessary for such members of the
14 Israeli Air Force to participate in such pro-
15 gram; and

16 (C) to the extent practicable, ensure that
17 such members of the Israeli Air Force are able
18 to participate in the United States Air Force
19 Military Personnel Exchange Program imme-
20 diately after such members complete such train-
21 ing.

22 (3) TERMINATION.—This subsection shall cease
23 to have effect on the date that is ten years after the
24 date of the enactment of this Act.

1 (b) BRIEFING.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall provide to the Committees on Armed Services of the
4 Senate and the House of Representatives a briefing that
5 includes the following:

6 (1) An assessment of—

7 (A) the current operational requirements
8 of the Government of Israel for aerial refueling;
9 and

10 (B) any gaps in current or near-term capa-
11 bilities.

12 (2) The estimated date of delivery to Israel of
13 KC-46 aircraft procured by the Government of
14 Israel.

15 (3) A detailed description of—

16 (A) any actions the United States Govern-
17 ment is taking to expedite the delivery to Israel
18 of KC-46 aircraft procured by the Government
19 of Israel, while minimizing adverse impacts to
20 United States defense readiness, including stra-
21 tegic forces readiness;

22 (B) any additional actions the United
23 States Government could take to expedite such
24 delivery; and

1 (C) additional authorities Congress could
2 provide to help expedite such delivery.

3 (4) A description of the availability of any
4 United States aerial refueling tanker aircraft that is
5 retired or is expected to be retired during the two-
6 year period beginning on the date of the enactment
7 of this Act that could be provided to Israel.

8 (c) FORWARD DEPLOYMENT OF UNITED STATES
9 KC-46 AIRCRAFT TO ISRAEL.—

10 (1) BRIEFING.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary
12 of Defense shall provide to the Committees on
13 Armed Services of the Senate and the House of Rep-
14 resentatives a briefing that describes the capacity of
15 and requirements for the United States Air Force to
16 forward deploy KC-46 aircraft to Israel on a rota-
17 tional basis until the date on which a KC-46 air-
18 craft procured by the Government of Israel is com-
19 missioned into the Israeli Air Force and achieves full
20 combat capability.

21 (2) ROTATIONAL FORCES.—

22 (A) IN GENERAL.—Subject to subpara-
23 graphs (B) and (C), the Secretary of Defense
24 shall, consistent with maintaining United States
25 defense readiness, rotationally deploy one or

1 more KC-46 aircraft to Israel until the earlier
2 of—

3 (i) the date on which a KC-46 air-
4 craft procured by the military forces of
5 Israel is commissioned into such military
6 forces and achieves full combat capability;
7 or

8 (ii) five years after the date of the en-
9 actment of this Act.

10 (B) LIMITATION.—The Secretary of De-
11 fense may only carry out a rotational deploy-
12 ment under subparagraph (A) if the Govern-
13 ment of Israel consents to the deployment.

14 (C) PRESENCE.—The Secretary of Defense
15 shall consult with the Government of Israel to
16 determine the length of rotational deployments
17 of United States KC-46 aircraft to Israel until
18 the applicable date under subparagraph (A).

19 **Subtitle B—Matters Relating to**
20 **Syria, Iraq, and Iran**

21 **SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY**
22 **TO PROVIDE ASSISTANCE TO VETTED SYRIAN**
23 **GROUPS AND INDIVIDUALS.**

24 (a) EXTENSION.—Subsection (a) of section 1209 of
25 the Carl Levin and Howard P. “Buck” McKeon National

1 Defense Authorization Act for Fiscal Year 2015 (Public
2 Law 113–291; 128 Stat. 3541) is amended, in the matter
3 preceding paragraph (1), by striking “December 31,
4 2023” and inserting “December 31, 2024”.

5 (b) LIMITATION ON COST OF CONSTRUCTION AND
6 REPAIR PROJECTS.—Subsection (l)(3) of such section is
7 amended—

8 (1) in subparagraph (A), by striking “The
9 President” and all that follows through “if the
10 President” and inserting “The Secretary of Defense
11 may waive the limitations under paragraph (1) for
12 the purposes of providing support under subsection
13 (a)(4) if the Secretary”;

14 (2) by striking subparagraph (B);

15 (3) in subparagraph (C), by striking “as re-
16 quired by subparagraph (B)(ii)(I)”;

17 (4) in subparagraph (D), by striking “Decem-
18 ber 31, 2023” and inserting “December 31, 2024”;

19 and

20 (5) by redesignating subparagraphs (C) and
21 (D) as subparagraphs (B) and (C), respectively.

1 **SEC. 1222. EXTENSION OF AUTHORITY TO SUPPORT OPER-**
2 **ATIONS AND ACTIVITIES OF THE OFFICE OF**
3 **SECURITY COOPERATION IN IRAQ.**

4 (a) LIMITATION ON AMOUNT.—Subsection (c) of sec-
5 tion 1215 of the National Defense Authorization Act for
6 Fiscal Year 2012 (10 U.S.C. 113 note) is amended—

7 (1) by striking “fiscal year 2023” and inserting
8 “fiscal year 2024”; and

9 (2) by striking “\$25,000,000” and inserting
10 “\$18,000,000”.

11 (b) SOURCE OF FUNDS.—Subsection (d) of such sec-
12 tion is amended by striking “fiscal year 2023” and insert-
13 ing “fiscal year 2024”.

14 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**
15 **TO PROVIDE ASSISTANCE TO COUNTER THE**
16 **ISLAMIC STATE OF IRAQ AND SYRIA.**

17 (a) IN GENERAL.—Subsection (a) of section 1236 of
18 the Carl Levin and Howard P. “Buck” McKeon National
19 Defense Authorization Act for Fiscal Year 2015 (Public
20 Law 113–291; 128 Stat. 3559) is amended, in the matter
21 preceding paragraph (1)—

22 (1) by inserting “equipment and training to
23 counter threats from unmanned aerial systems,” be-
24 fore “and sustainment”; and

25 (2) by striking “December 31, 2023” and in-
26 serting “December 31, 2024”.

1 (b) FUNDING.—Subsection (g) of such section is
2 amended by striking “Overseas Contingency Operations
3 for fiscal year 2023, there are authorized to be appro-
4 priated \$358,000,000” and inserting “fiscal year 2024,
5 there is authorized to be appropriated \$241,950,000”.

6 (c) FOREIGN CONTRIBUTIONS.—Subsection (h) of
7 such section is amended—

8 (1) by striking “The Secretary” and inserting
9 the following:

10 “(1) IN GENERAL.—The Secretary”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) USE OF CONTRIBUTIONS.—The limitations
14 on costs under subsections (a) and (m) shall not
15 apply with respect to the expenditure of foreign con-
16 tributions in excess of such limitations.”.

17 (d) WAIVER AUTHORITY.—Subsection (o) of such
18 section is amended—

19 (1) in paragraph (1), by striking “The Presi-
20 dent” and all that follows through “if the President”
21 and inserting “The Secretary of Defense may waive
22 the limitations on costs under subsection (a) or (m)
23 if the Secretary”;

24 (2) by striking paragraph (3);

1 (3) in paragraph (4), by striking “as required
2 by paragraph (3)(B)(i)”;

3 (4) in paragraph (5), by striking “December
4 31, 2023” and inserting “December 31, 2024”; and

5 (5) by redesignating paragraphs (4) and (5) as
6 paragraphs (3) and (4), respectively.

7 (e) NOTIFICATION OF PROVISION OF COUNTER UN-
8 MANNED AERIAL SYSTEMS TRAINING AND ASSISTANCE.—
9 Such section is further amended by adding at the end the
10 following new subsection:

11 “(p) NOTIFICATION OF PROVISION OF COUNTER UN-
12 MANNED AERIAL SYSTEMS TRAINING AND ASSISTANCE.—

13 “(1) IN GENERAL.—Not later than 30 days
14 after providing assistance under this section for
15 countering threats from unmanned aerial systems,
16 the Secretary of Defense shall notify the appropriate
17 congressional committees of such provision of assist-
18 ance.

19 “(2) ELEMENTS.—The notification required by
20 paragraph (1) shall include the following:

21 “(A) An identification of the military
22 forces being provided such assistance.

23 “(B) A description of the type of such as-
24 sistance, including the types of training and
25 equipment, being provided.”.

1 **SEC. 1224. BRIEFING ON NUCLEAR CAPABILITY OF IRAN.**

2 Not later than 60 days after the date of the enact-
3 ment of this Act, the Secretary of Defense shall provide
4 the Committees on Armed Services of the Senate and the
5 House of Representatives with—

6 (1) a briefing on—

7 (A) threats to global security posed by the
8 nuclear weapon capability of Iran; and

9 (B) progress made by Iran in enriching
10 uranium at levels proximate to or exceeding
11 weapons grade; and

12 (2) recommendations for actions the United
13 States may take to ensure that Iran does not ac-
14 quire a nuclear weapon capability.

15 **Subtitle C—Matters Relating to Eu-**
16 **rope and the Russian Federa-**
17 **tion**

18 **SEC. 1231. EXTENSION AND MODIFICATION OF UKRAINE SE-**
19 **CURITY ASSISTANCE INITIATIVE.**

20 (a) FUNDING.—Subsection (f) of section 1250 of the
21 National Defense Authorization Act for Fiscal Year 2016
22 (Public Law 114–92; 129 Stat. 1068) is amended—

23 (1) in the matter preceding paragraph (1), by
24 striking “for overseas contingency operations”; and

25 (2) by adding at the end the following new
26 paragraph:

1 “(9) For fiscal year 2024, \$300,000,000.”.

2 (b) TERMINATION OF AUTHORITY.—Subsection (h)
3 of such section is amended by striking “December 31,
4 2024” and inserting “December 31, 2027”.

5 **SEC. 1232. EXTENSION AND MODIFICATION OF TRAINING**
6 **FOR EASTERN EUROPEAN NATIONAL SECU-**
7 **RITY FORCES IN THE COURSE OF MULTILAT-**
8 **ERAL EXERCISES.**

9 Section 1251 of the National Defense Authorization
10 Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amend-
11 ed—

12 (1) in subsection (c)(1), by adding at the end
13 the following new subparagraph:

14 “(C) The Republic of Kosovo.”; and

15 (2) in subsection (h)—

16 (A) in the first sentence, by striking “De-
17 cember 31, 2024” and inserting “December 31,
18 2026”; and

19 (B) in the second sentence, by striking
20 “December 31, 2024.” and inserting “Decem-
21 ber 31, 2026”.

1 **SEC. 1233. EXTENSION OF PROHIBITION ON AVAILABILITY**
2 **OF FUNDS RELATING TO SOVEREIGNTY OF**
3 **THE RUSSIAN FEDERATION OVER INTER-**
4 **NATIONALLY RECOGNIZED TERRITORY OF**
5 **UKRAINE.**

6 Section 1245(a) of the James M. Inhofe National De-
7 fense Authorization Act for Fiscal Year 2023 (Public Law
8 117–236) is amended by striking “None of the funds” and
9 all that follows through “2023” and inserting “None of
10 the funds authorized to be appropriated for fiscal year
11 2023 or 2024”.

12 **SEC. 1234. EXTENSION AND MODIFICATION OF TEMPORARY**
13 **AUTHORIZATIONS RELATED TO UKRAINE**
14 **AND OTHER MATTERS.**

15 Section 1244 of the James M. Inhofe National De-
16 fense Authorization Act for Fiscal Year 2023 (Public Law
17 117–263) is amended—

18 (1) in subsection (a)(7), by striking “September
19 30, 2024” and inserting “September 30, 2025”; and

20 (2) in subsection (c)(1)—

21 (A) in the matter preceding subparagraph
22 (A), by inserting “or fiscal year 2024” after
23 “fiscal year 2023”;

24 (B) in subparagraph (P), by striking “;
25 and” and inserting a semicolon;

1 (C) in subparagraph (Q), by striking the
2 period at the end and inserting “; and”; and

3 (D) by inserting at the end the following
4 new subparagraphs:

5 “(R) 3,300 Tomahawk Cruise Missiles;

6 “(S) 1,100 Precision Strike Missiles
7 (PrSM);

8 “(T) 550 Mark 48 Torpedoes;

9 “(U) 1,650 RIM-162 Evolved Sea Sparrow
10 Missiles (ESSM);

11 “(V) 1,980 RIM-116 Rolling Airframe
12 Missiles (RAM); and

13 “(W) 11,550 Small Diameter Bomb IIs
14 (SDB-II).”.

15 **SEC. 1235. PRIORITIZATION FOR BASING, TRAINING, AND**
16 **EXERCISES IN NORTH ATLANTIC TREATY OR-**
17 **GANIZATION MEMBER COUNTRIES.**

18 (a) IN GENERAL.—Subject to subsection (b), when
19 considering decisions related to United States military
20 basing, training, and exercises, the Secretary of Defense
21 shall prioritize those North Atlantic Treaty Organization
22 member countries that have achieved defense spending of
23 not less than 2 percent of their gross domestic product
24 by 2024.

1 (b) WAIVER.—The Secretary of Defense may waive
2 subsection (a) if the Secretary submits a certification to
3 the congressional defense committees that a waiver is in
4 the national security interests of the United States.

5 **SEC. 1236. STUDY AND REPORT ON LESSONS LEARNED RE-**
6 **GARDING INFORMATION OPERATIONS AND**
7 **DETERRENCE.**

8 (a) STUDY.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall seek to enter into a contract or other agree-
11 ment with an eligible entity to conduct an inde-
12 pendent study on lessons learned from information
13 operations conducted by the United States, Ukraine,
14 the Russian Federation, and member countries of
15 the North Atlantic Treaty Organization during the
16 lead-up to the Russian Federation’s full-scale inva-
17 sion of Ukraine in 2022 and throughout the conflict.

18 (2) ELEMENT.—The study required by para-
19 graph (1) shall include recommendations for im-
20 provements to United States information operations
21 to enhance effectiveness, as well as recommendations
22 on how information operations may be improved to
23 support the maintenance of deterrence.

24 (b) REPORT.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, Sec-
3 retary of Defense shall submit to the Committees on
4 Armed Services of the Senate and the House of Rep-
5 resentatives a report on the results of the study in
6 its entirety, along with any such comments as the
7 Secretary considers relevant.

8 (2) FORM.—The report required by paragraph
9 (1) shall be submitted in unclassified form but may
10 include a classified annex.

11 (c) ELIGIBLE ENTITY DEFINED.—In this section, the
12 term “eligible entity”—

13 (1) means an entity independent of the Depart-
14 ment of Defense that is not under the direction or
15 control of the Secretary of Defense; and

16 (2) an independent, nongovernmental institute
17 described in section 501(c)(3) of the Internal Rev-
18 enue Code of 1986 and exempt from tax under sec-
19 tion 501(a) of such Code that has recognized creden-
20 tials and expertise in national security and military
21 affairs appropriate for the assessment.

1 **SEC. 1237. REPORT ON PROGRESS ON MULTI-YEAR STRAT-**
2 **EGY AND PLAN FOR BALTIC SECURITY CO-**
3 **OPERATION.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of De-
6 fense, in consultation with the Secretary of State, shall
7 submit to the congressional defense committees a report
8 on the progress made in the implementation of the multi-
9 year strategy and spending plan set forth in the June
10 2021 report of the Department of Defense entitled “Re-
11 port to Congress on the Baltic Security Initiative”.

12 (b) ELEMENTS.—The report required by subsection
13 (a) shall include the following:

14 (1) An identification of any significant change
15 to the goals, objectives, and milestones identified in
16 the June 2021 report described in subsection (a).

17 (2) An update on the Department of Defense
18 funding allocated for such strategy and spending
19 plan for fiscal years 2022 and 2023 and projected
20 funding requirements for fiscal years 2024, 2025,
21 and 2026 for each goal identified in such report.

22 (3) An update on the host country funding allo-
23 cated and planned for each such goal.

24 (4) An assessment of the progress made in the
25 implementation of the recommendations set forth in
26 the fiscal year 2020 Baltic Defense Assessment, and

1 reaffirmed in the June 2021 report described in sub-
2 section (a), that each Baltic country should—

3 (A) increase its defense budget;

4 (B) focus on and budget for sustainment
5 of capabilities in defense planning; and

6 (C) consider combined units for expensive
7 capabilities such as air defense, rocket artillery,
8 and engineer assets.

9 **SEC. 1238. SENSE OF THE SENATE ON THE NORTH ATLAN-**
10 **TIC TREATY ORGANIZATION.**

11 It is the sense of the Senate that—

12 (1) the success of the North Atlantic Treaty
13 Organization is critical to advancing United States
14 national security objectives in Europe, the Indo-Pa-
15 cific region, and around the world;

16 (2) the North Atlantic Treaty Organization re-
17 mains the strongest and most successful military al-
18 liance in the world, founded on a commitment by its
19 members to uphold the principles of democracy, indi-
20 vidual liberty, and the rule of law;

21 (3) the United States reaffirms its ironclad
22 commitment—

23 (A) to the North Atlantic Treaty Organiza-
24 tion as the foundation of transatlantic security;
25 and

1 (B) to upholding its obligations under the
2 North Atlantic Treaty, including Article 5;

3 (4) the unprovoked and illegal invasion of
4 Ukraine by the Russian Federation has upended se-
5 curity in Europe and requires the full attention of
6 the transatlantic alliance;

7 (5) welcoming Finland as the 31st member of
8 the North Atlantic Treaty Organization has made
9 the North Atlantic Treaty Organization Alliance
10 stronger and the remaining North Atlantic Treaty
11 Organization member countries should swiftly ratify
12 the accession protocols of Sweden so as to bolster
13 the collective security of the North Atlantic Treaty
14 Organization by increasing the security and stability
15 of the Baltic Sea region and Northern Europe;

16 (6) the North Atlantic Treaty Organization
17 member countries that have not yet met the two-per-
18 cent defense spending pledge, as agreed to at the
19 2014 Wales Summit, should endeavor to meet the
20 timeline as expeditiously as possible, but certainly
21 within the five-year period beginning on the date of
22 the enactment of this Act;

23 (7) the United States and North Atlantic Trea-
24 ty Organization allies and partners should continue
25 efforts to identify, synchronize, and deliver needed

1 assistance to Ukraine as Ukraine continues the fight
2 against the illegal and unjust war of the Russian
3 Federation;

4 (8) the Strategic Concept, agreed to by all
5 North Atlantic Treaty Organization member coun-
6 tries at the Madrid Summit in 2022, outlined the
7 focus of the North Atlantic Treaty Organization for
8 the upcoming decade, and North Atlantic Treaty Or-
9 ganization allies should continue to implement the
10 strategies outlined, including by making efforts to
11 address the challenges posed by the coercive policies
12 of the People's Republic of China that undermine
13 the interests, security, and shared values of the
14 North Atlantic Treaty Organization Alliance;

15 (9) the United States and North Atlantic Trea-
16 ty Organization allies should continue long-term ef-
17 forts—

18 (A) to improve interoperability among the
19 military forces of member countries of the
20 North Atlantic Treaty Organization so as to en-
21 hance collective operations, including the divest-
22 ment of Soviet-era capabilities;

23 (B) to enhance security sector cooperation
24 and explore opportunities to reinforce civil sec-
25 tor preparedness and resilience measures that

1 may be likely targets of malign influence cam-
2 paigns;

3 (C) to mitigate the impact of hybrid war-
4 fare operations, particularly those in the infor-
5 mation and cyber domains; and

6 (D) to expand joint research and develop-
7 ment initiatives with a focus on emerging tech-
8 nologies such as quantum computing, artificial
9 intelligence, and machine learning, including
10 through the work of the Defence Innovation Ac-
11 celerator for the North Atlantic initiative (com-
12 monly known as “DLANA”);

13 (10) the European Deterrence Initiative re-
14 mains critically important and has demonstrated its
15 unique value to the United States and North Atlan-
16 tic Treaty Organization allies during the current
17 Russian Federation-created war against Ukraine;

18 (11) the United States should continue to work
19 with North Atlantic Treaty Organization allies, and
20 other allies and partners, to build permanent mecha-
21 nisms to strengthen supply chains, enhance supply
22 chain security, and fill supply chain gaps;

23 (12) the United States should prioritize collabo-
24 ration with North Atlantic Treaty Organization al-

1 lies to secure enduring and robust critical munitions
2 supply chains so as to increase military readiness;

3 (13) the United States and the North Atlantic
4 Treaty Organization should expand cooperation ef-
5 forts on cybersecurity issues to prevent adversaries
6 and criminals from compromising critical systems
7 and infrastructure; and

8 (14) it is in the interest of the United States
9 that the North Atlantic Treaty Organization adopt
10 a robust strategy toward the Black Sea, and the
11 United States should also consider working with in-
12 terested partner countries to advance a coordinated
13 strategy inclusive of diverse elements of transatlantic
14 security architecture in the Black Sea region.

15 **SEC. 1239. SENSE OF THE SENATE ON DEFENCE INNOVA-**
16 **TION ACCELERATOR FOR THE NORTH ATLAN-**
17 **TIC (DIANA) IN THE NORTH ATLANTIC TREA-**
18 **TY ORGANIZATION.**

19 It is the sense of the Senate that—

20 (1) the new initiative within the North Atlantic
21 Treaty Organization (NATO) to establish a new re-
22 search and development initiative, known as the
23 Defence Innovation Accelerator for the North Atlan-
24 tic (DIANA), is an important step in aligning the
25 industry and academic innovation communities of

1 the NATO member states towards common goals for
2 identifying, experimenting, and transitioning critical
3 technologies of importance to NATO;

4 (2) DIANA will spur increased defense research
5 and development funding to rapidly adapt to a new
6 era of strategic competition by bringing defense per-
7 sonnel together with NATO's leading entrepreneurs
8 and academic researchers;

9 (3) DIANA will also increase opportunities for
10 engagement on NATO's priority technology areas,
11 including artificial intelligence, data, autonomy,
12 quantum-enabled technologies, biotechnology,
13 hypersonic technologies, space, novel materials and
14 manufacturing, and energy and propulsion; and

15 (4) through DIANA, NATO allies will foster in-
16 novative ecosystems and develop talent for dual use
17 technologies to maintain NATO's strategic advan-
18 tage.

19 **SEC. 1240. SENSE OF THE SENATE REGARDING THE ARM-**
20 **ING OF UKRAINE.**

21 It is the sense of the Senate that Ukraine would de-
22 rive military benefit from the provision of munitions such
23 as the dual-purpose improved conventional munition
24 (DPICM). Such weapons could be fired from systems in
25 the existing Ukrainian inventory and would enhance

1 Ukraine’s stockpile of available munitions and would bol-
2 ster Ukraine’s efforts to end Russia’s illegal and unjust
3 war. The Department of Defense, in concert with the other
4 members of the Ukraine Defense Contract Group, should
5 continue to support Ukraine’s brave fight to defeat the
6 invasion of the Russian Federation. The Department of
7 Defense, in close coordination with the State Department,
8 should assess the feasibility and advisability of providing
9 such munitions, including giving appropriate attention to
10 humanitarian considerations, including supporting
11 Ukraine’s effort to end the widespread suffering of the
12 Ukrainian people by bringing Russia’s war of choice to
13 an end as soon as possible on terms favorable to Ukraine,
14 as well as the views of other members of the Ukraine De-
15 fense Contract Group.

16 **Subtitle D—Matters Relating to the**
17 **Indo-Pacific Region**

18 **SEC. 1241. INDO-PACIFIC CAMPAIGNING INITIATIVE.**

19 (a) IN GENERAL.—The Secretary of Defense shall es-
20 tablish, and the Commander of the United States Indo-
21 Pacific Command shall carry out, an Indo-Pacific Cam-
22 paigning Initiative (in this section referred to as the “Ini-
23 tiative”) for purposes of—

1 (1) strengthening United States alliances and
2 partnerships with foreign military partners in the
3 Indo-Pacific region;

4 (2) deterring military aggression by potential
5 adversaries against the United States and allies and
6 partners of the United States;

7 (3) dissuading strategic competitors from seek-
8 ing to achieve their objectives through the conduct
9 of military activities below the threshold of tradi-
10 tional armed conflict;

11 (4) improving the understanding of the United
12 States Armed Forces with respect to the operating
13 environment in the Indo-Pacific region;

14 (5) shaping the perception of potential adver-
15 saries with respect to United States military capa-
16 bilities and the military capabilities of allies and
17 partners of the United States in the Indo-Pacific re-
18 gion; and

19 (6) improving the ability of the United States
20 Armed Forces to coordinate and operate with for-
21 eign military partners in the Indo-Pacific region.

22 (b) BRIEFING AND REPORT.—

23 (1) BRIEFING.—Not later than March 1, 2024,
24 the Secretary shall provide the congressional defense
25 committees with a briefing that describes ongoing

1 and planned campaigning activities in the Indo-Pa-
2 cific region for fiscal year 2024.

3 (2) REPORT.—Not later than December 1,
4 2024, the Secretary shall submit to the congres-
5 sional defense committees a report that—

6 (A) summarizes the campaigning activities
7 conducted in the Indo-Pacific region during fis-
8 cal year 2024; and

9 (B) includes—

10 (i) a value assessment of each such
11 activity;

12 (ii) lessons learned in carrying out
13 such activities;

14 (iii) any identified resource or author-
15 ity gap that has negatively impacted the
16 implementation of the Initiative; and

17 (iv) proposed plans for additional
18 campaigning activities in the Indo-Pacific
19 region to fulfill the purposes described in
20 subsection (a).

21 (c) CAMPAIGNING DEFINED.—In this section, the
22 term “campaigning”—

23 (1) means the conduct and sequencing of logi-
24 cally linked military activities to achieve strategy-
25 aligned objectives, including modifying the security

1 environment over time to the benefit of the United
2 States and the allies and partners of the United
3 States while limiting, frustrating, and disrupting
4 competitor activities; and

5 (2) includes deliberately planned military activi-
6 ties in the Indo-Pacific region involving bilateral and
7 multilateral engagements with foreign partners,
8 training, exercises, demonstrations, experiments, and
9 other activities to achieve the objectives described in
10 subsection (a).

11 **SEC. 1242. TRAINING, ADVISING, AND INSTITUTIONAL CA-**
12 **PACITY-BUILDING PROGRAM FOR MILITARY**
13 **FORCES OF TAIWAN.**

14 (a) **ESTABLISHMENT.**—Consistent with the Taiwan
15 Relations Act (22 U.S.C. 3301 et seq.) and the Taiwan
16 Enhanced Resilience Act (subtitle A of title LV of Public
17 Law 117–263), the Secretary of Defense, with the concur-
18 rence of the Secretary of State and in consultation with
19 appropriate officials of Taiwan, shall establish a com-
20 prehensive training, advising, and institutional capacity-
21 building program for the military forces of Taiwan using
22 the authorities provided in chapter 16 of title 10, United
23 States Code, and other applicable statutory authorities
24 available to the Secretary of Defense.

1 (b) PURPOSES.—The purposes of the program estab-
2 lished under subsection (a) shall be—

3 (1) to enable a layered defense of Taiwan by
4 the military forces of Taiwan, including in support
5 of the use of an asymmetric defense strategy;

6 (2) to enhance interoperability between the
7 United States Armed Forces and the military forces
8 of Taiwan;

9 (3) to encourage information sharing between
10 the United States Armed Forces and the military
11 forces of Taiwan;

12 (4) to promote joint force employment; and

13 (5) to improve professional military education
14 and the civilian control of the military.

15 (c) ELEMENTS.—The program established under
16 subsection (a) shall include efforts to improve—

17 (1) the tactical proficiency of the military forces
18 of Taiwan;

19 (2) the operational employment of the military
20 forces of Taiwan to conduct a layered defense of
21 Taiwan, including in support of an asymmetric de-
22 fense strategy;

23 (3) the employment of joint military capabilities
24 by the military forces of Taiwan, including through
25 joint military training, exercises, and planning;

1 (4) the reform and integration of the reserve
2 military forces of Taiwan;

3 (5) the use of defense articles and services
4 transferred from the United States to Taiwan;

5 (6) the integration of the military forces of Tai-
6 wan with relevant civilian agencies, including the
7 All-Out Defense Mobilization Agency;

8 (7) the ability of Taiwan to participate in bilat-
9 eral and multilateral military exercises, as appro-
10 priate;

11 (8) the defensive cyber capabilities and prac-
12 tices of the Ministry of National Defense of Taiwan;
13 and

14 (9) any other matter the Secretary of Defense
15 considers relevant.

16 (d) DECONFLICTION, COORDINATION, AND CONCUR-
17 RENCE.—The Secretary of Defense shall deconflict, co-
18 ordinate, and seek the concurrence of the Secretary of
19 State and the heads of other relevant departments and
20 agencies with respect to activities carried out under the
21 program required by subsection (a), in accordance with
22 the requirements of the authorities provided in chapter 16
23 of title 10, United States Code, and other applicable statu-
24 tory authorities available to the Secretary of Defense.

1 (e) REPORTING.—As part of each annual report on
2 Taiwan defensive military capabilities and intelligence
3 support required by section 1248 of the National Defense
4 Authorization Act for Fiscal Year 2022 (Public Law 117–
5 81; 135 Stat. 1988), the Secretary of Defense shall pro-
6 vide—

7 (1) an update on efforts made to address each
8 element under subsection (c); and

9 (2) an identification of any authority or re-
10 source shortfall that inhibits such efforts.

11 **SEC. 1243. INDO-PACIFIC MARITIME DOMAIN AWARENESS**
12 **INITIATIVE.**

13 (a) ESTABLISHMENT.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary of
15 Defense, in coordination with the Secretary of State, shall
16 seek to establish an initiative with allies and partners of
17 the United States, including Australia, Japan, and India,
18 to be known as the “Indo-Pacific Maritime Domain
19 Awareness Initiative” (in this section referred to as the
20 “Initiative”), to bolster maritime domain awareness in the
21 Indo-Pacific region.

22 (b) USE OF AUTHORITIES.—In carrying out the Ini-
23 tiative, the Secretary of Defense may use the authorities
24 provided in chapter 16 of title 10, United States Code,

1 and other applicable statutory authorities available to the
2 Secretary of Defense.

3 (c) PURPOSES.—The purposes of the Initiative are as
4 follows:

5 (1) To enhance the ability of allies and partners
6 of the United States in the Indo-Pacific region to
7 fully monitor the maritime domain of such region.

8 (2) To leverage emerging technologies to sup-
9 port maritime domain awareness objectives.

10 (3) To provide a comprehensive understanding
11 of the maritime domain in the Indo-Pacific region,
12 including by facilitating information sharing among
13 such allies and partners.

14 (d) REPORT.—Not later than March 1, 2024, the
15 Secretary of Defense shall submit to the congressional de-
16 fense committees a report that outlines ongoing and
17 planned activities of the Initiative, and the resources need-
18 ed to carry out the such activities, for fiscal year 2025.

19 **SEC. 1244. EXTENSION OF PACIFIC DETERRENCE INITIA-**
20 **TIVE.**

21 (a) EXTENSION.—Subsection (c) of section 1251 of
22 the William M. (Mac) Thornberry National Defense Au-
23 thorization Act for Fiscal Year 2021 (10 U.S.C. 113 note)
24 is amended—

1 (1) by striking “the National Defense Author-
2 ization Act for Fiscal Year 2023” and inserting “the
3 National Defense Authorization Act for Fiscal Year
4 2024”; and

5 (2) by striking “fiscal year 2023” and inserting
6 “fiscal year 2024”.

7 (b) REPORT ON RESOURCING UNITED STATES DE-
8 FENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION
9 AND STUDY ON COMPETITIVE STRATEGIES.—Subsection
10 (d)(1)(A) of such section is amended by striking “fiscal
11 years 2023 and 2024” and inserting “fiscal years 2024
12 and 2025”.

13 **SEC. 1245. EXTENSION OF AUTHORITY TO TRANSFER**
14 **FUNDS FOR BIEN HOA DIOXIN CLEANUP.**

15 Section 1253(b) of the William M. (Mac) Thornberry
16 National Defense Authorization Act for Fiscal Year 2021
17 (Public Law 116–283; 134 Stat. 3955) is amended by
18 striking “fiscal year 2023” and inserting “fiscal year
19 2024”.

20 **SEC. 1246. EXTENSION AND MODIFICATION OF PILOT PRO-**
21 **GRAM TO IMPROVE CYBER COOPERATION**
22 **WITH FOREIGN MILITARY PARTNERS IN**
23 **SOUTHEAST ASIA.**

24 (a) IN GENERAL.—Subsection (a) of section 1256 of
25 the William M. (Mac) Thornberry National Defense Au-

1 thORIZATION Act for Fiscal Year 2021 (Public Law 116–
2 283; 134 Stat. 3956; 10 U.S.C. 333 note) is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “in Vietnam, Thailand, and Indonesia” and
5 inserting “with covered foreign military partners”;

6 (2) in paragraph (1), by striking “Vietnam,
7 Thailand, and Indonesia” and inserting “covered
8 foreign military partners”; and

9 (3) in paragraph (2), by striking “Vietnam,
10 Thailand, and Indonesia on” and inserting “covered
11 foreign military partners on defensive”.

12 (b) ELEMENTS.—Subsection (b) of such section is
13 amended—

14 (1) in paragraph (1), by striking “Vietnam,
15 Thailand, and Indonesia” and inserting “covered
16 foreign military partners”; and

17 (2) in paragraph (2), by striking “Vietnam,
18 Thailand, and Indonesia” and inserting “covered
19 foreign military partners”.

20 (c) REPORTS.—Subsection (c)(2)(B) of such title is
21 amended by striking “Vietnam, Thailand, and Indonesia”
22 and inserting “covered foreign military partners”.

23 (d) CERTIFICATION.—Subsection (d) of such section
24 is amended—

1 (1) by inserting “with any covered foreign mili-
2 tary partner” after “scheduled to commence”; and

3 (2) by striking “Vietnam, Indonesia, or Thai-
4 land” and inserting “the covered foreign military
5 partner”.

6 (e) EXTENSION.—Subsection (e) of such section is
7 amended by striking “December 31, 2024” and inserting
8 “December 31, 2029”.

9 (f) DEFINITIONS.—Subsection (f) of such section is
10 amended to read as follows:

11 “(f) DEFINITIONS.—In this section:

12 “(1) APPROPRIATE COMMITTEES OF CON-
13 GRESS.—The term ‘appropriate committees of Con-
14 gress’ means—

15 “(A) the Committee on Armed Services
16 and the Committee on Foreign Relations of the
17 Senate; and

18 “(B) the Committee on Armed Services
19 and the Committee on Foreign Affairs of the
20 House of Representatives.

21 “(2) COVERED FOREIGN MILITARY PARTNER.—
22 The term ‘covered foreign military partner’ means
23 the following:

24 “(A) Vietnam.

25 “(B) Thailand.

1 “(C) Indonesia.

2 “(D) The Philippines.

3 “(E) Malaysia.”.

4 (g) CONFORMING AMENDMENTS.—

5 (1) Section 1256 of the William M. (Mac)
6 Thornberry National Defense Authorization Act for
7 Fiscal Year 2021 (Public Law 116–283; 134 Stat.
8 3956; 10 U.S.C. 333 note) is amended, in the sec-
9 tion heading, by striking “**VIETNAM, THAILAND,**
10 **AND INDONESIA**” and inserting “**COVERED FOR-**
11 **EIGN MILITARY PARTNERS IN SOUTHEAST**
12 **ASIA**”.

13 (2) The table of contents for the William M.
14 (Mac) Thornberry National Defense Authorization
15 Act for Fiscal Year 2021 (Public Law 116–283; 134
16 Stat. 3388) is amended by striking the item relating
17 to section 1256 and inserting the following:

“Sec. 1256. Pilot program to improve cyber cooperation with covered foreign
military partners in Southeast Asia.”.

18 (3) The table of contents for title XII of the
19 William M. (Mac) Thornberry National Defense Au-
20 thorization Act for Fiscal Year 2021 (Public Law
21 116–283; 134 Stat. 3905) is amended by striking
22 the item relating to section 1256 and inserting the
23 following:

“Sec. 1256. Pilot program to improve cyber cooperation with covered foreign
military partners in Southeast Asia.”.

1 **SEC. 1247. EXTENSION AND MODIFICATION OF CERTAIN**
2 **TEMPORARY AUTHORIZATIONS.**

3 (a) IN GENERAL.—Section 1244 of the James M.
4 Inhofe National Defense Authorization Act for Fiscal Year
5 2023 (Public Law 117–236; 136 Stat. 2844) is amend-
6 ed—

7 (1) in the section heading, by striking “**OTHER**
8 **MATTERS**” and inserting “**TAIWAN**”; and

9 (2) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (B), by inserting
12 “or the Government of Taiwan” after “the
13 Government of Ukraine”; and

14 (ii) in subparagraph (C), by inserting
15 “or the Government of Taiwan” after “the
16 Government of Ukraine”;

17 (B) in paragraph (5)—

18 (i) by striking subparagraph (A) and
19 inserting the following:

20 “(A) the replacement of defense articles
21 from stocks of the Department of Defense pro-
22 vided to—

23 “(i) the Government of Ukraine;

24 “(ii) foreign countries that have pro-
25 vided support to Ukraine at the request of
26 the United States;

1 “(iii) the Government of Taiwan; or

2 “(iv) foreign countries that have pro-
3 vided support to Taiwan at the request of
4 the United States; or”; and

5 (ii) in subparagraph (B), by inserting
6 “or the Government of Taiwan” before the
7 period at the end;

8 (C) in paragraph (7), by striking “Sep-
9 tember 30, 2024” and inserting “September 30,
10 2028”;

11 (D) by redesignating paragraph (7) as
12 paragraph (8); and

13 (E) by inserting after paragraph (6) the
14 following new paragraph (7):

15 “(7) NOTIFICATION.—Not later than 7 days
16 after the exercise of authority under subsection (a)
17 the Secretary of Defense shall notify the congres-
18 sional defense committees of the specific authority
19 exercises, the relevant contract, and the estimated
20 reductions in schedule.”.

21 (b) CLERICAL AMENDMENTS.—

22 (1) The table of contents at the beginning of
23 the James M. Inhofe National Defense Authoriza-
24 tion Act for Fiscal Year 2023 (Public Law 117–236;

1 136 Stat. 2395) is amended by striking the item re-
2 lating to section 1244 and inserting the following:

“Sec. 1244. Temporary authorizations related to Ukraine and Taiwan.”.

3 (2) The table of contents at the beginning of
4 title XII of the James M. Inhofe National Defense
5 Authorization Act for Fiscal Year 2023 (Public Law
6 117–236; 136 Stat. 2820) is amended by striking
7 the item relating to section 1244 and inserting the
8 following:

“Sec. 1244. Temporary authorizations related to Ukraine and Taiwan.”.

9 **SEC. 1248. PLAN FOR ENHANCED SECURITY COOPERATION**
10 **WITH JAPAN.**

11 (a) **IN GENERAL.**—Not later than June 1, 2024, the
12 Secretary of Defense, in coordination with the Secretary
13 of State, shall submit to the appropriate committees of
14 Congress a plan for enhancing United States security co-
15 operation with Japan.

16 (b) **ELEMENTS.**—The plan required by subsection (a)
17 shall include the following:

18 (1) A plan for—

19 (A) increased bilateral training, exercises,
20 combined patrols, and other activities between
21 the United States Armed Forces and the Self-
22 Defense Forces of Japan;

23 (B) increasing multilateral military-to-mili-
24 tary engagements involving the United States

1 Armed Forces, the Self-Defense Forces of
2 Japan, and the military forces of other regional
3 allies and partners, including Australia, India,
4 the Republic of Korea, and the Philippines, as
5 appropriate;

6 (C) increased sharing of intelligence and
7 other information, including the adoption of en-
8 hanced security protocols;

9 (D) current mechanisms, processes, and
10 plans to coordinate and engage with the Joint
11 Headquarters of the Self-Defense Forces of
12 Japan; and

13 (E) enhancing cooperation on advanced
14 technology initiatives, including artificial intel-
15 ligence, cyber, space, undersea, hypersonic, and
16 related technologies.

17 (2) An analysis of the feasibility and advis-
18 ability of—

19 (A) increasing combined planning efforts
20 between the United States and Japan to ad-
21 dress potential regional contingencies;

22 (B) modifying United States command
23 structures in Japan—

24 (i) to coordinate all United States
25 military activities and operations in Japan;

1 (ii) to complement similar changes by
2 the Self-Defense Forces of Japan; and

3 (iii) to facilitate integrated planning
4 and implementation of combined activities;
5 and

6 (C) additional modifications to the force
7 posture of the United States Armed Forces in
8 Japan, including the establishment of additional
9 main operating locations, cooperative security
10 locations, contingency locations, and other for-
11 ward operating sites.

12 (3) An identification of challenges to the imple-
13 mentation of the plan required by subsection (a) and
14 any recommended legislative changes, resourcing re-
15 quirements, bilateral agreements, or other measures
16 that would facilitate the implementation of such
17 plan.

18 (c) FORM.—The plan required by subsection (a) shall
19 be submitted in unclassified form but may include a classi-
20 fied annex.

21 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
22 FINED.—In this section, the term “appropriate commit-
23 tees of Congress” means—

24 (1) the Committee on Foreign Relations and
25 the Committee on Armed Services of the Senate; and

1 (2) the Committee on Foreign Affairs and the
2 Committee on Armed Services of the House of Rep-
3 resentatives.

4 **SEC. 1249. PLAN FOR IMPROVEMENTS TO CERTAIN OPER-**
5 **ATING LOCATIONS IN INDO-PACIFIC REGION.**

6 (a) IDENTIFICATION OF OPERATING LOCATIONS.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall conduct a classified survey to identify each
9 United States operating location within the area of
10 responsibility of the United States Indo-Pacific Com-
11 mand, including in the First, Second, and Third Is-
12 land Chains, that—

13 (A) may be used to respond militarily to
14 aggression by the People’s Republic of China;
15 and

16 (B) is considered to not be sufficiently ca-
17 pable of mitigating damage to aircraft of the
18 United States Armed Forces in the event of a
19 missile, aerial drone, or other form of attack by
20 the People’s Republic of China.

21 (2) REPORT.—Not later than 120 days after
22 the date of the enactment of this Act, the Secretary
23 shall submit to the congressional defense committees
24 a report on the results of the survey under para-
25 graph (1).

1 (b) PLAN.—Not later than 60 days after the date on
2 which the report required by paragraph (2) of subsection
3 (a) is submitted, the Secretary shall submit to the congres-
4 sional defense committees a plan—

5 (1) to implement improvements, as appropriate,
6 to operating locations identified under that sub-
7 section so as to increase the survivability of aircraft
8 of the United States Armed Forces in the event of
9 a missile, aerial drone, or other form of attack by
10 the People’s Republic of China; and

11 (2) that includes an articulation of other means
12 for increasing survivability of such aircraft in the
13 event of such an attack, including dispersal and de-
14 ception.

15 (c) FORM.—The report and plan required by this sec-
16 tion shall be submitted in classified form.

17 **SEC. 1250. STRATEGY FOR IMPROVING POSTURE OF**
18 **GROUND-BASED THEATER-RANGE MISSILES**
19 **IN INDO-PACIFIC REGION.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the Secretary of Defense
22 shall submit to the congressional defense committees a
23 strategy for improving the posture of ground-based the-
24 ater-range missile capabilities in the Indo-Pacific region.

1 (b) ELEMENTS.—The strategy required by subsection
2 (a) shall include the following:

3 (1) An assessment of gaps in conventional
4 ground-based theater-range precision strike capabili-
5 ties in the area of responsibility of the United States
6 Indo-Pacific Command.

7 (2) An identification of military requirements
8 for conventional ground-based theater-range missile
9 systems, including range, propulsion, payload,
10 launch platform, weapon effects, and other oper-
11 ationally relevant factors in the Indo-Pacific region.

12 (3) An identification of prospective basing loca-
13 tions in the area of responsibility of the United
14 States Indo-Pacific Command, including an articula-
15 tion of the bilateral agreements necessary to support
16 such deployments.

17 (4) A description of operational concepts for
18 employment, including integration with short-range
19 and multi-domain fires, in denial operations in the
20 Western Pacific.

21 (5) An identification of prospective foreign
22 partners and institutional mechanisms for co-devel-
23 opment and co-production of new theater-range con-
24 ventional missiles.

1 (6) An assessment of the cost and schedule of
2 developmental ground-based theater-range missiles
3 programs, including any potential cost-sharing ar-
4 rangements with foreign partners through existing
5 institutional mechanisms.

6 (7) The designation of a theater component
7 commander or joint task force commander within
8 the United States Indo-Pacific Command responsible
9 for developing a theater missile strategy.

10 (8) Any other matter the Secretary considers
11 relevant.

12 (c) FORM.—The strategy required by subsection (a)
13 may be submitted in classified form but shall include an
14 unclassified summary.

15 (d) GROUND-BASED THEATER-RANGE MISSILE DE-
16 FINED.—In this section, the term “ground-based theater-
17 range missile” means a conventional mobile ground-
18 launched ballistic or cruise missile system with a range
19 between 500 and 5,500 kilometers.

20 **SEC. 1251. ENHANCING MAJOR DEFENSE PARTNERSHIP**
21 **WITH INDIA.**

22 (a) IN GENERAL.—The Secretary of Defense, in co-
23 ordination with the Secretary of State and the head of
24 any other relevant Federal department or agency, shall
25 seek to ensure that India is appropriately considered for

1 security cooperation benefits consistent with the status of
2 India as a major defense partner of the United States,
3 including with respect to the following lines of effort:

4 (1) Eligibility for funding to initiate or facili-
5 tate cooperative research, development, testing, or
6 evaluation projects with the Department of Defense,
7 with priority given to projects in the areas of—

8 (A) artificial intelligence;

9 (B) undersea domain awareness;

10 (C) air combat and support;

11 (D) munitions; and

12 (E) mobility.

13 (2) Eligibility to enter into reciprocal agree-
14 ments with the Department of Defense for the coop-
15 erative provision of training on a bilateral or multi-
16 lateral basis in support of programs for the purpose
17 of building capacity in the areas of—

18 (A) counterterrorism operations;

19 (B) counter-weapons of mass destruction
20 operations;

21 (C) counter-illicit drug trafficking oper-
22 ations;

23 (D) counter-transnational organized crime
24 operations;

1 (E) maritime and border security oper-
2 ations;

3 (F) military intelligence operations;

4 (G) air domain awareness operations; and

5 (H) cyberspace security and defensive
6 cyberspace operations.

7 (3) Eligibility to enter into a memorandum of
8 understanding or other formal agreement with the
9 Department of Defense for the purpose of con-
10 ducting cooperative research and development
11 projects on defense equipment and munitions.

12 (4) Eligibility for companies from India to bid
13 on contracts for the maintenance, repair, or overhaul
14 of Department of Defense equipment located outside
15 the United States.

16 (b) BRIEFING.—Not later than March 1, 2024, the
17 Secretary of Defense, in coordination with the Secretary
18 of State and the head of any other relevant Federal de-
19 partment or agency, shall provide the congressional de-
20 fense committees, the Committee on Foreign Relations of
21 the Senate, and the Committee on Foreign Affairs of the
22 House of Representatives with a briefing on the status of
23 security cooperation activities with India, including the
24 lines of effort specified in subsection (a).

1 **SEC. 1252. MILITARY CYBERSECURITY COOPERATION WITH**
2 **TAIWAN.**

3 (a) REQUIREMENT.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary of
5 Defense, acting through the Under Secretary of Defense
6 for Policy, with the concurrence of the Secretary of State
7 and in coordination with the Commander of the United
8 States Cyber Command and the Commander of the United
9 States Indo-Pacific Command, shall seek to engage with
10 appropriate officials of Taiwan for the purpose of expand-
11 ing cooperation on military cybersecurity activities using
12 the authorities under chapter 16 of title 10, United States
13 Code, and other applicable statutory authorities available
14 to the Secretary of Defense.

15 (b) COOPERATION EFFORTS.—In expanding the co-
16 operation of military cybersecurity activities between the
17 Department of Defense and the military forces of Taiwan
18 under subsection (a), the Secretary of Defense may carry
19 out efforts—

20 (1) to actively defend military networks, infra-
21 structure, and systems;

22 (2) to eradicate malicious cyber activity that
23 has compromised such networks, infrastructure, and
24 systems;

25 (3) to leverage United States commercial and
26 military cybersecurity technology and services to

1 harden and defend such networks, infrastructure,
2 and systems; and

3 (4) to conduct combined cybersecurity training
4 activities and exercises.

5 (c) BRIEFINGS.—

6 (1) REQUIREMENT.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense, in coordination with the Secretary
9 of State, shall provide to the appropriate committees
10 of Congress a briefing on the implementation of this
11 section.

12 (2) CONTENTS.—The briefing under paragraph
13 (1) shall include the following:

14 (A) A description of the feasibility and ad-
15 visability of expanding the cooperation on mili-
16 tary cybersecurity activities between the De-
17 partment of Defense and the military forces of
18 Taiwan.

19 (B) An identification of any challenges and
20 resources that need to be addressed so as to ex-
21 pand such cooperation.

22 (C) An overview of efforts undertaken pur-
23 suant to this section.

24 (D) Any other matter the Secretary con-
25 siders relevant.

1 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
2 FINED.—In this section, the term “appropriate commit-
3 tees of Congress” means—

4 (1) the Committee on Armed Services and the
5 Committee on Foreign Relations of the Senate; and

6 (2) the Committee on Armed Services and the
7 Committee on Foreign Affairs of the House of Rep-
8 resentatives.

9 **SEC. 1253. DESIGNATION OF SENIOR OFFICIAL FOR DE-**
10 **PARTMENT OF DEFENSE ACTIVITIES RELAT-**
11 **ING TO, AND IMPLEMENTATION PLAN FOR,**
12 **SECURITY PARTNERSHIP AMONG AUSTRALIA,**
13 **THE UNITED KINGDOM, AND THE UNITED**
14 **STATES.**

15 (a) DESIGNATION OF SENIOR OFFICIAL.—Not later
16 than 90 days after the date of the enactment of this Act,
17 the Secretary of Defense shall designate a senior civilian
18 official of the Department of Defense who shall be respon-
19 sible for overseeing Department of Defense activities relat-
20 ing to the security partnership among Australia, the
21 United Kingdom, and the United States (commonly known
22 as the “AUKUS partnership”).

23 (b) PLAN.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date of the enactment of this Act, the Secretary

1 of Defense, in coordination with the Administrator
2 for Nuclear Security and the Secretary of State,
3 shall submit to the appropriate committees of Con-
4 gress an implementation plan outlining Department
5 efforts relating to the AUKUS partnership.

6 (2) ELEMENTS.—The plan required by para-
7 graph (1) shall include the following:

8 (A) Timelines and major anticipated mile-
9 stones for the implementation of the AUKUS
10 partnership.

11 (B) An identification of dependencies of
12 such milestones on defense requirements that
13 are—

14 (i) unrelated to the AUKUS partner-
15 ship; and

16 (ii) solely within the decisionmaking
17 responsibility of Australia or the United
18 Kingdom.

19 (C) Recommendations for adjustments to
20 statutory and regulatory export authorities or
21 frameworks, including technology transfer and
22 protection, necessary to efficiently implement
23 the AUKUS partnership.

1 (D) A consideration of the implications of
2 the plan on the industrial base with respect
3 to—

4 (i) the expansion of existing United
5 States submarine construction capacity to
6 fulfill United States, United Kingdom, and
7 Australia requirements;

8 (ii) acceleration of the restoration of
9 United States capabilities for producing
10 highly enriched uranium to fuel submarine
11 reactors;

12 (iii) stabilization of commodity mar-
13 kets and expanding supplies of high-grade
14 steel, construction materials, and other re-
15 sources required for improving shipyard
16 condition and expanding throughput capac-
17 ity; and

18 (iv) coordination and synchronization
19 of industrial sourcing opportunities among
20 Australia, the United Kingdom, and the
21 United States.

22 (E) A description of resourcing and per-
23 sonnel requirements, including the hiring of ad-
24 ditional foreign disclosure officers.

1 (F) A plan for improving information shar-
2 ing, including—

3 (i) recommendations for modifications
4 to foreign disclosure policies and processes;

5 (ii) the promulgation of written infor-
6 mation-sharing guidelines or policies to im-
7 prove information sharing under the
8 AUKUS partnership;

9 (iii) the establishment of an informa-
10 tion handling caveat specific to the
11 AUKUS partnership; and

12 (iv) the reduction in use of the Not
13 Releasable to Foreign Nations (NOFORN)
14 information handling caveat.

15 (G) Processes for the protection of pri-
16 vately held intellectual property, including pat-
17 ents.

18 (H) A plan to leverage, for the AUKUS
19 partnership, any relevant existing cybersecurity
20 or technology partnership or cooperation activ-
21 ity between the United States and the United
22 Kingdom or between the United States and
23 Australia.

24 (I) Recommended updates to other statu-
25 tory, regulatory, policy, or process frameworks.

1 (J) Any other matter the Secretary of De-
2 fense considers appropriate.

3 (c) SEMIANNUAL UPDATES.—Not later than 60 days
4 after the date on which the plan required by subsection
5 (b) is submitted, and semiannually thereafter on April 1
6 and October 1 each year through 2029, the senior civilian
7 official designated under subsection (a) shall provide the
8 congressional defense committees with a briefing on the
9 status of all Department activities to implement the
10 AUKUS partnership.

11 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
12 FINED.—In this section, the term “appropriate commit-
13 tees of Congress” means—

14 (1) the Committee on Armed Services, the
15 Committee on Foreign Relations, and the Committee
16 on Appropriations of the Senate; and

17 (2) the Committees on Armed Services, the
18 Committee on Foreign Affairs, and the Committee
19 on Appropriations of the House of Representatives.

20 **SEC. 1254. REPORT AND NOTIFICATION RELATING TO**
21 **TRANSFER OF OPERATIONAL CONTROL ON**
22 **KOREAN PENINSULA.**

23 (a) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary of Defense,

1 in coordination with the Secretary of State, shall submit
2 to the appropriate committees of Congress a report that—

3 (1) describes the conditions under which the
4 military forces of the Republic of Korea would be
5 prepared to assume wartime operational control of
6 the United States and Republic of Korea Combined
7 Forces Command; and

8 (2) includes an assessment of the extent to
9 which the military forces of the Republic of Korea
10 meet such conditions as of the date on which the re-
11 port is submitted.

12 (b) NOTIFICATION.—

13 (1) IN GENERAL.—Not later than 30 days be-
14 fore the date on which wartime operational control
15 of the United States and Republic of Korea Com-
16 bined Forces Command is transferred to the Repub-
17 lic of Korea, the Secretary of Defense, in coordina-
18 tion with the Secretary of State, shall notify the ap-
19 propriate committees of Congress of such transfer.

20 (2) ELEMENTS.—The notification required by
21 paragraph (1) shall include the following:

22 (A) An assessment of the extent to which
23 the military forces of the Republic of Korea
24 meet the conditions described in the report sub-
25 mitted under subsection (a), including with re-

1 spect to the acquisition by the Republic of
2 Korea of necessary military capabilities to
3 counter the capabilities of the Democratic Peo-
4 ple’s Republic of Korea.

5 (B) A description of the command relation-
6 ship among the United Nations Command, the
7 United States and Republic of Korea Combined
8 Forces Command, the United States Forces
9 Korea, and the military forces of the Republic
10 of Korea.

11 (C) An assessment of the extent to which
12 such transfer impacts the security of the United
13 States, the Republic of Korea, and other re-
14 gional allies and partners.

15 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this section, the term “appropriate commit-
17 tees of Congress” means—

18 (1) the Committee on Armed Services and the
19 Committee on Foreign Relations of the Senate; and

20 (2) the Committee on Armed Services and the
21 Committee on Foreign Affairs of the House of Rep-
22 resentatives.

1 **SEC. 1255. REPORT ON RANGE OF CONSEQUENCES OF WAR**
2 **WITH THE PEOPLE'S REPUBLIC OF CHINA.**

3 (a) IN GENERAL.—Not later than December 1, 2024,
4 the Director of the Office of Net Assessment shall submit
5 to the congressional defense committees a report on the
6 range of geopolitical and economic consequences of a
7 United States-People's Republic of China conflict in 2030.

8 (b) ELEMENTS.—The report required by subsection
9 (a) shall—

10 (1) account for potential—

11 (A) attacks within the homelands of the
12 United States and the People's Republic of
13 China, including cyber threats and the potential
14 disruption of critical infrastructure;

15 (B) impacts on the United States Armed
16 Forces and the military forces of United States
17 allies and partners, including loss of life, capa-
18 bilities, United States force posture, and United
19 States alliances in the Indo-Pacific region;

20 (C) impacts on the military forces of the
21 People's Republic of China, including loss of life
22 and capabilities;

23 (D) impacts on the civilian populations of
24 Japan, Taiwan, Australia, and other countries
25 in the Indo-Pacific region;

26 (E) disruption of the global economy; and

1 (F) any other matter the Director of the
2 Office of Net Assessment considers relevant;
3 and

4 (2) include a review of previous attempts in his-
5 tory to forecast the consequences and costs of war.

6 (c) FORM.—The report required by subsection (a)
7 shall be submitted in unclassified form but may include
8 a classified annex.

9 (d) BRIEFING.—Not less than 14 days before the
10 date on which the report required by subsection (a) is sub-
11 mitted, the Director of the Office of Net Assessment shall
12 provide a briefing to the congressional defense committees
13 on the conclusions of the report.

14 **SEC. 1256. STUDY AND REPORT ON COMMAND STRUCTURE**
15 **AND FORCE POSTURE OF UNITED STATES**
16 **ARMED FORCES IN INDO-PACIFIC REGION.**

17 (a) STUDY.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall seek to enter into an agreement with a feder-
20 ally funded research and development center to con-
21 duct an independent study for the purpose of im-
22 proving the current command structure and force
23 posture of the United States Armed Forces in the
24 area of responsibility of the United States Indo-Pa-
25 cific Command.

1 (2) REPORT TO SECRETARY.—

2 (A) IN GENERAL.—Not later than 180
3 days after the date of the enactment of this
4 Act, the federally funded research and develop-
5 ment center selected to conduct the study re-
6 quired by paragraph (1) shall submit to the
7 Secretary a report on the findings of the study.

8 (B) ELEMENTS.—The report required by
9 subparagraph (A) shall include the following:

10 (i) An assessment of—

11 (I) the current command struc-
12 ture of the United States Armed
13 Forces in the area of responsibility of
14 the United States Indo-Pacific Com-
15 mand;

16 (II) the current force posture,
17 basing, access, and overflight agree-
18 ments of the United States Armed
19 Forces in such area of responsibility;
20 and

21 (III) any operational or command
22 and control challenge resulting from
23 the geography, current force posture
24 of the United States Armed Forces,
25 or current command structure of the

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1 United States Armed Forces in the
2 area of responsibility of the United
3 States Indo-Pacific Command.

4 (ii) Any recommendation for—

5 (I) adjustments to the force pos-
6 ture of the United States Armed
7 Forces in such area of responsibility,
8 including an identification of any ad-
9 ditional basing, access, and overflight
10 agreement that may be necessary in
11 response to the changing security en-
12 vironment in such area of responsi-
13 bility;

14 (II) modifying the current orga-
15 nizational and command structure of
16 the United States Indo-Pacific Com-
17 mand, including United States Forces
18 Japan and United States Forces
19 Korea, in response to such changing
20 security environment; or

21 (III) improving the ability to bet-
22 ter coordinate with allies and partners
23 during peacetime and conflict.

24 (b) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than February 1,
2 2025, the Secretary shall submit to the congres-
3 sional defense committees an unaltered copy of the
4 report submitted to the Secretary under subsection
5 (a)(2), together with the views of the Secretary on
6 the findings set forth in such report and any cor-
7 responding recommendation.

8 (2) FORM.—The report required by paragraph
9 (1) shall be submitted in unclassified form but may
10 contain a classified annex.

11 (3) PUBLIC AVAILABILITY.—The Secretary
12 shall make available to the public the unclassified
13 form of the report required by paragraph (1).

14 **SEC. 1257. STUDIES ON DEFENSE BUDGET TRANSPARENCY**
15 **OF THE PEOPLE’S REPUBLIC OF CHINA AND**
16 **THE UNITED STATES.**

17 (a) STUDIES REQUIRED.—

18 (1) DEFENSE INTELLIGENCE AGENCY STUDY.—
19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of Defense, acting
21 through the Director of the Defense Intelligence
22 Agency, shall—

23 (A) complete a study on the defense budg-
24 et of the People’s Republic of China;

1 (B) submit to the Committees on Armed
2 Services of the Senate and the House of Rep-
3 resentatives a report on the results of the
4 study; and

5 (C) make the results of the study available
6 to the public on the internet website of the De-
7 partment of Defense.

8 (2) SECRETARY OF DEFENSE STUDY.—Not
9 later than 90 days after the date on which the study
10 required by paragraph (1) is submitted, the Sec-
11 retary of Defense shall—

12 (A) complete a comparative study on the
13 defense budgets of the People’s Republic of
14 China and the United States;

15 (B) submit to the Committees on Armed
16 Services of the Senate and the House of Rep-
17 resentatives a report on the results of the
18 study; and

19 (C) make the results of the study available
20 to the public on the internet website of the De-
21 partment of Defense.

22 (3) METHODOLOGY.—The studies required by
23 paragraphs (1) and (2) shall each employ a robust
24 methodology that—

1 (A) does not depend on the official pro-
2 nouncements of the Government of the People's
3 Republic of China or the Chinese Communist
4 Party;

5 (B) takes into account the military-civil fu-
6 sion present in the People's Republic of China;
7 and

8 (C) employs the building-block method of
9 analysis or a similar method of analysis, as ap-
10 propriate.

11 (4) OBJECTIVE.—The objective of the studies
12 required by paragraphs (1) and (2) shall be to pro-
13 vide the people of the United States with an accu-
14 rate comparison of the defense spending of the Peo-
15 ple's Republic of China and the United States.

16 (b) ELEMENTS.—At a minimum, the studies required
17 by this section shall do the following:

18 (1) Determine the amounts invested by each
19 subject country across functional categories for
20 spending, including—

21 (A) defense-related research and develop-
22 ment;

23 (B) weapons procurement from domestic
24 and foreign sources;

25 (C) operations and maintenance;

- 1 (D) pay and benefits;
2 (E) military pensions; and
3 (F) any other category the Secretary con-
4 siders relevant.

5 (2) Consider the effects of purchasing power
6 parity and market exchange rates, particularly on
7 nontraded goods.

8 (3) Estimate the magnitude of omitted spend-
9 ing from official defense budget information and ac-
10 count for such spending in the comparison.

11 (4) Exclude spending related to veterans' bene-
12 fits, other than military pensions provided to vet-
13 erans.

14 (c) CONSIDERATIONS.—The studies required by this
15 section may take into consideration the following:

16 (1) The effects of state-owned enterprises on
17 the defense expenditures of the People's Republic of
18 China.

19 (2) The role of differing acquisition policies and
20 structures with respect to the defense expenditures
21 of each subject country.

22 (3) Any other matter relevant to evaluating the
23 resources dedicated to the defense spending or the
24 various military-related outlays of the People's Re-
25 public of China.

1 (d) FORM.—The studies required by this section shall
2 be submitted in unclassified form, free of handling restric-
3 tions, but may include classified annexes.

4 **SEC. 1258. BRIEFING ON PROVISION OF SECURITY ASSIST-**
5 **ANCE BY THE PEOPLE’S REPUBLIC OF CHINA**
6 **AND SUMMARY OF DEPARTMENT OF DE-**
7 **FENSE MITIGATION ACTIVITIES.**

8 (a) BRIEFING.—Not later than March 1, 2024, the
9 Secretary of Defense, in coordination with the Secretary
10 of State, shall provide to the appropriate committees of
11 Congress a briefing that describes the provision of security
12 assistance and training by the People’s Republic of China
13 to foreign military forces for the purpose of achieving the
14 national objectives of the People’s Republic of China.

15 (b) SUMMARY OF MITIGATION ACTIVITIES.—As part
16 of the first report submitted under section 1206(c)(2) of
17 the National Defense Authorization Act for Fiscal Year
18 2022 (Public Law 117–81; 135 Stat. 1960; 10 U.S.C. 301
19 note) after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the appropriate commit-
21 tees of Congress a summary of Department of Defense
22 activities designed to mitigate the provision of security as-
23 sistance and training referred to in subsection (a), includ-
24 ing such activities that—

1 (1) strengthen United States alliances and part-
2 nerships with foreign military partners;

3 (2) identify countries or governments to which
4 the People’s Republic of China provides such secu-
5 rity assistance or military training;

6 (3) dissuade countries and governments from
7 relying on the People’s Republic of China as a part-
8 ner for such security assistance and military train-
9 ing;

10 (4) identify any manner in which the United
11 States, or close allies of the United States, may en-
12 gage with countries and governments to be the pre-
13 ferred partner for security assistance and military
14 training; and

15 (5) improve the ability of the United States
16 Armed Forces to coordinate and operate with allies
17 and partners for purposes of mitigating the provi-
18 sion of security assistance and military training by
19 the People’s Republic of China.

20 (c) APPROPRIATE COMMITTEES OF CONGRESS.—In
21 this section, the term “appropriate committees of Con-
22 gress” means—

23 (1) the Committee on Foreign Relations and
24 the Committee on Armed Services of the Senate; and

1 (2) the Committee on Foreign Affairs and the
2 Committee on Armed Services of the House of Rep-
3 resentatives.

4 **SEC. 1259. SEMIANNUAL BRIEFINGS ON BILATERAL AGREE-**
5 **MENTS SUPPORTING UNITED STATES MILI-**
6 **TARY POSTURE IN THE INDO-PACIFIC RE-**
7 **GION.**

8 (a) IN GENERAL.—Not later than 30 days after the
9 date of the enactment of this Act, and every 180 days
10 thereafter through fiscal year 2027, the Secretary of De-
11 fense, in coordination with the Secretary of State, shall
12 provide the appropriate committees of Congress with a
13 briefing on bilateral agreements supporting the United
14 States military posture in the Indo-Pacific region.

15 (b) ELEMENTS.—Each briefing required by sub-
16 section (a) shall include the following:

17 (1) An update on notable changes to elements
18 described in section 1262(b) of the James M. Inhofe
19 National Defense Authorization Act for Fiscal Year
20 2023 (Public Law 117–236; 136 Stat. 2857).

21 (2) An assessment of the impact on United
22 States military operations if any individual or com-
23 bination of allies and partners were to deny contin-
24 ued access, basing, or overflight rights, including
25 with respect to—

- 1 (A) forward presence;
- 2 (B) agile basing;
- 3 (C) pre-positioned materials; or
- 4 (D) fueling and resupply.

5 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
6 FINED.—In this section, the term “appropriate commit-
7 tees of Congress” means—

8 (1) the Committee on Armed Services, the
9 Committee on Appropriations, and the Committee on
10 Foreign Relations of the Senate; and

11 (2) the Committee on Armed Services, the
12 Committee on Appropriations, and the Committee on
13 Foreign Affairs of the House of Representatives.

14 **SEC. 1260. SEMIANNUAL BRIEFINGS ON MILITARY OF THE**
15 **PEOPLE’S REPUBLIC OF CHINA.**

16 (a) IN GENERAL.—Not later than 60 days after the
17 date of the enactment of this Act, and not less frequently
18 than every 180 days thereafter through March 30, 2027,
19 the Secretary of Defense shall provide to the congressional
20 defense committees a briefing on—

21 (1) the military activities of the People’s Re-
22 public of China with respect to Taiwan and the
23 South China Sea;

24 (2) efforts by the Department of Defense to en-
25 gage with the People’s Liberation Army; and

1 (3) United States efforts to enable the defense
2 of Taiwan and bolster maritime security in the
3 South China Sea.

4 (b) ELEMENTS.—Each briefing required by sub-
5 section (a) shall include the following:

6 (1) An update on—

7 (A) military developments of the People’s
8 Republic of China relating to any possible Tai-
9 wan or South China Sea contingency, including
10 upgrades to the weapon systems of the People’s
11 Republic of China, the procurement of new
12 weapons by the People’s Republic of China, and
13 changes to the posture of the People’s Libera-
14 tion Army;

15 (B) military equipment acquired by Tai-
16 wan pursuant to the Presidential drawdown au-
17 thority under section 506(a) of the Foreign As-
18 sistance Act of 1961 (22 U.S.C. 2318(a)) or
19 through the direct commercial sales or foreign
20 military sales processes;

21 (C) United States efforts to deter aggres-
22 sion by the People’s Republic of China in the
23 Indo-Pacific region, including any campaigning
24 or exercise activities conducted by the United
25 States; and

1 (D) United States efforts to train the mili-
2 tary forces of Taiwan and allies and partners in
3 Southeast Asia.

4 (2) The most recent information regarding the
5 readiness of or preparations by the People's Libera-
6 tion Army to potentially conduct aggressive military
7 action against Taiwan.

8 (3) A description of any military activity carried
9 out during the preceding quarter by the People's Re-
10 public of China in the vicinity of Taiwan.

11 (4) A description of engagements by Depart-
12 ment of Defense officials with the People's Libera-
13 tion Army, including with respect to maintaining
14 open lines of communication, establishing crisis
15 management capabilities, and deconfliction of mili-
16 tary activities.

17 (5) Any other matter the Secretary considers
18 relevant.

19 **SEC. 1261. PROHIBITION ON USE OF FUNDS TO SUPPORT**
20 **ENTERTAINMENT PROJECTS WITH TIES TO**
21 **THE GOVERNMENT OF THE PEOPLE'S REPUB-**
22 **LIC OF CHINA.**

23 None of the funds authorized to be appropriated by
24 this Act may be used to knowingly provide active and di-
25 rect support to any film, television, or other entertainment

1 project if the Secretary of Defense has demonstrable evi-
2 dence that the project has complied or is likely to comply
3 with a demand from the Government of the People's Re-
4 public of China or the Chinese Communist Party, or an
5 entity under the direction of the People's Republic of
6 China or the Chinese Communist Party, to censor the con-
7 tent of the project in a material manner to advance the
8 national interest of the People's Republic of China.

9 **SEC. 1262. PROHIBITION ON USE OF FUNDS FOR THE**
10 **WUHAN INSTITUTE OF VIROLOGY.**

11 None of the funds authorized to be appropriated
12 under this Act may be made available for the Wuhan Insti-
13 tute of Virology for any purpose.

14 **SEC. 1263. AUDIT TO IDENTIFY DIVERSION OF DEPART-**
15 **MENT OF DEFENSE FUNDING TO CHINA'S RE-**
16 **SEARCH LABS.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Department of De-
19 fense Office of Inspector General shall conduct a study,
20 and submit a report to Congress, regarding the amount
21 of Federal funds awarded by the Department of Defense
22 (whether directly or indirectly) through grants, contracts,
23 subgrants, subcontracts, or any other type of agreement
24 or collaboration, during the 10-year period immediately
25 preceding such date of enactment, that—

1 (1) was provided, whether purposely or inad-
2 vertently, to—

3 (A) the People’s Republic of China;

4 (B) the Communist Party of China;

5 (C) the Wuhan Institute of Virology or any
6 other organization administered by the Chinese
7 Academy of Sciences;

8 (D) EcoHealth Alliance Inc., including any
9 subsidiaries and related organizations that are
10 directly controlled by EcoHealth Alliance, Inc.;

11 or

12 (E) any other lab, agency, organization, in-
13 dividual, or instrumentality that is owned, con-
14 trolled (directly or indirectly), or overseen (offi-
15 cially or unofficially) by any of the entities list-
16 ed in subparagraphs (A) through (D); or

17 (2) was used to fund research or experiments
18 that could have reasonably resulted in the enhance-
19 ment of any coronavirus, influenza, Nipah, Ebola, or
20 other pathogen of pandemic potential or chimeric
21 versions of such a virus or pathogen in the People’s
22 Republic of China or any other foreign country.

23 (b) IDENTIFICATION OF COUNTRIES AND PATHO-
24 GENS.—The report required under subsection (a) shall
25 specify—

1 (1) the countries in which the research or ex-
2 periments described in subsection (a)(2) was con-
3 ducted; and

4 (2) the pathogens involved in such research or
5 experiments.

6 **SEC. 1264. PROHIBITING FEDERAL FUNDING FOR**
7 **ECOHEALTH ALLIANCE INC.**

8 None of the funds authorized to be appropriated
9 under this Act may be made available for any purpose
10 to—

11 (1) EcoHealth Alliance, Inc.;

12 (2) any subsidiary of EcoHealth Alliance Inc;

13 (3) any organization that is directly controlled
14 by EcoHealth Alliance Inc; or

15 (4) any organization or individual that is a sub-
16 grantee or subcontractor of EcoHealth Alliance Inc.

17 **SEC. 1265. ASSESSMENT RELATING TO CONTINGENCY**
18 **OPERATIONAL PLAN OF UNITED STATES**
19 **INDO-PACIFIC COMMAND.**

20 (a) **IN GENERAL.**—The Secretary of Defense shall
21 conduct an assessment, based on the contingency oper-
22 ational plan for a major conflict in the area of operations
23 of the United States Indo-Pacific Command, to identify
24 and characterize the dependencies of such plan on specific
25 critical infrastructure facilities, capabilities, and services

1 for the successful mobilization, deployment, and
2 sustainment of forces.

3 (b) BRIEFINGS.—The Secretary shall provide to the
4 congressional defense committees—

5 (1) before the date on which the Secretary com-
6 mences the assessment required by subsection (a), a
7 briefing that sets forth the terms of reference and
8 a plan for such assessment; and

9 (2) a briefing on the results of such assessment,
10 not later than the earlier of—

11 (A) the date on which Secretary completes
12 such assessment; or

13 (B) the date that is 180 days after the en-
14 actment of this Act.

15 **SEC. 1266. ASSESSMENT OF ABSORPTIVE CAPACITY OF**
16 **MILITARY FORCES OF TAIWAN.**

17 (a) REPORT.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary
20 of Defense, in consultation with the Secretary of
21 State, shall submit to the appropriate committees of
22 Congress a report on the absorptive capacity of the
23 military forces of Taiwan for military capabilities
24 provided and approved by the United States for de-
25 livery to Taiwan in the last 10 years, including the

1 date of projected or achieved initial and full oper-
2 ational capabilities.

3 (2) BRIEFING REQUIREMENT.—Not later than
4 30 days after the delivery of the required report, the
5 Secretary shall provide a briefing on the report to
6 the appropriate committees of Congress.

7 (3) FORM.—The required report shall be pro-
8 vided in classified form with an unclassified cover
9 letter.

10 (b) DEFINITIONS.—In this section:

11 (1) ABSORPTIVE CAPACITY.—The term “ab-
12 sorptive capacity” means the capacity of the recipi-
13 ent unit to achieve initial operational capability, in-
14 cluding to operate, maintain, sustain, deploy, and
15 employ to operational effect, a defense article or
16 service for its intended end-use.

17 (2) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means—

20 (A) the Committee on Appropriations, the
21 Committee on Armed Services, the Committee
22 on Foreign Relations, and the Select Committee
23 on Intelligence of the Senate; and

24 (B) the Committee on Appropriations, the
25 Committee on Armed Services, the Committee

1 on Foreign Affairs, and the Permanent Select
2 Committee on Intelligence of the House of Rep-
3 resentatives.

4 **SEC. 1267. ANALYSIS OF RISKS AND IMPLICATIONS OF PO-**
5 **TENTIAL SUSTAINED MILITARY BLOCKADE**
6 **OF TAIWAN BY THE PEOPLE'S REPUBLIC OF**
7 **CHINA.**

8 (a) ANALYSIS REQUIRED.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense and the Chairman of the Joint
12 Chiefs of Staff, in coordination with the Director of
13 National Intelligence, shall complete a comprehen-
14 sive analysis of the risks and implications of a sus-
15 tained military blockade of Taiwan by the People's
16 Republic of China.

17 (2) ELEMENTS.—The analysis required by
18 paragraph (1) shall include the following:

19 (A) An assessment of the means by which
20 the People's Republic of China could execute a
21 sustained military blockade of Taiwan, includ-
22 ing the most likely courses of action through
23 which the People's Republic of China could ac-
24 complish such a blockade.

1 (B) An identification of indications and
2 warnings of a potential sustained military
3 blockade of Taiwan by the People's Republic of
4 China, and the likely timelines for such indica-
5 tions and warnings.

6 (C) An identification of other coercive ac-
7 tions the People's Republic of China may poten-
8 tially take before or independently of such a
9 blockade, including the seizure of outlying is-
10 lands of Taiwan.

11 (D) An assessment of the impact of such
12 a blockade on the ability of Taiwan to sustain
13 its military capabilities, economy, and popu-
14 lation.

15 (E) An assessment of threats to, and other
16 potential negative impacts on, the United
17 States homeland during such a blockade sce-
18 nario.

19 (F) An assessment of key military oper-
20 ational problems presented by such a blockade.

21 (G) An assessment of the concept-required
22 military capabilities necessary to address the
23 problems identified under subparagraph (F).

24 (H) An assessment of challenges to esca-
25 lation management.

1 (I) An assessment of military or non-
2 military options to counter or retaliate against
3 such a blockade or the seizure of outlying is-
4 lands of Taiwan, including through horizontal
5 escalation.

6 (J) An assessment of the extent to which
7 such a blockade is addressed by the Joint
8 Warfighting Concept and Joint Concept for
9 Competing.

10 (K) An identification of necessary changes
11 to United States Armed Forces force design,
12 doctrine, and tactics, techniques, and proce-
13 dures for responding to or mitigating the im-
14 pact of such a blockade.

15 (L) An assessment of the role of United
16 States partners and allies in addressing the
17 threats and challenges posed by a such a poten-
18 tial blockade.

19 (M) Any other matter the Secretary of De-
20 fense considers relevant.

21 (b) INTERAGENCY ENGAGEMENT.—Not later than
22 270 days after the date of the enactment of this Act, the
23 Secretary of Defense shall seek to engage with the head
24 of any other appropriate Federal department or agency—

1 (1) regarding the threats and challenges posed
2 by a potential sustained military blockade of Taiwan
3 by the People’s Republic of China; and

4 (2) to better understand potential options for a
5 response by the United States Government to such
6 a blockade.

7 (c) REPORT.—Not later than one year after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall submit to the appropriate committees of Congress
10 a classified report—

11 (1) on the assessment required by paragraph
12 (1) of subsection (a), including all elements de-
13 scribed in paragraph (2) of that subsection; and

14 (2) the interagency engagements conducted
15 under subsection (b).

16 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
17 FINED.—In this section, the term “appropriate commit-
18 tees of Congress” means—

19 (1) the Committee on Armed Services, the
20 Committee on Foreign Relations, the Select Com-
21 mittee on Intelligence, and the Committee on Appro-
22 priations of the Senate; and

23 (2) the Committee on Armed Services, the
24 Committee on Foreign Affairs, the Permanent Select

1 Committee on Intelligence, and the Committee on
2 Appropriations of the House of Representatives.

3 **SEC. 1268. SENSE OF THE SENATE ON DEFENSE ALLIANCES**
4 **AND PARTNERSHIPS IN THE INDO-PACIFIC**
5 **REGION.**

6 (a) FINDINGS.—The Senate makes the following
7 findings:

8 (1) The 2022 National Defense Strategy states,
9 “[m]utually-beneficial Alliances and partnerships are
10 our greatest global strategic advantage.”.

11 (2) The United States Indo-Pacific Strategy
12 states, “we will prioritize our single greatest asym-
13 metric strength: our network of security alliances
14 and partnerships. Across the region, the United
15 States will work with allies and partners to deepen
16 our interoperability and develop and deploy advanced
17 warfighting capabilities as we support them in de-
18 fending their citizens and their sovereign interests.”.

19 (3) Secretary of Defense Lloyd Austin testified
20 on March 28, 2023, that “our allies and partners
21 are a huge force multiplier. They magnify our
22 power, advance our shared security interests, and
23 help uphold a world that is free, open, prosperous,
24 and secure.”.

1 (4) Chairman of the Joint Chiefs of Staff Gen-
2 eral Milley testified on March 28, 2023, that “our
3 alliances and partnerships are key to maintaining
4 the rules-based international order and a stable and
5 open international system promoting peace and pros-
6 perity. . .We are stronger when we operate closely
7 with our allies and partners.”.

8 (5) Commander of the United States Indo-Pa-
9 cific Command Admiral Aquilino testified on April
10 20, 2023, that “a robust network of allies and part-
11 ners, built on the strength of our shared interests,
12 is our greatest advantage. United States Indo-Pa-
13 cific Command is strengthening all layers of our se-
14 curity network: allies, multilateral arrangements,
15 partners, friends, and the Five Eyes nations. We
16 execute security cooperation activities, training, and
17 exercises to strengthen those relationships, build
18 partner capacity, and enhance interoperability.”.

19 (b) SENSE OF THE SENATE.—It is the sense of the
20 Senate that the Secretary of Defense should continue ef-
21 forts that strengthen United States defense alliances and
22 partnerships in the Indo-Pacific region so as to further
23 the comparative advantage of the United States in stra-
24 tegic competition with the People’s Republic of China, in-
25 cluding by—

1 (1) enhancing cooperation with Japan, con-
2 sistent with the Treaty of Mutual Cooperation and
3 Security Between the United States of America and
4 Japan, signed at Washington, January 19, 1960, in-
5 cluding by developing advanced military capabilities,
6 fostering interoperability across all domains, and im-
7 proving sharing of information and intelligence;

8 (2) reinforcing the United States alliance with
9 the Republic of Korea, including by maintaining the
10 presence of approximately 28,500 members of the
11 United States Armed Forces deployed to the country
12 and affirming the United States commitment to ex-
13 tended deterrence using the full range of United
14 States defense capabilities, consistent with the Mu-
15 tual Defense Treaty Between the United States and
16 the Republic of Korea, signed at Washington, Octo-
17 ber 1, 1953, in support of the shared objective of a
18 peaceful and stable Korean Peninsula;

19 (3) fostering bilateral and multilateral coopera-
20 tion with Australia, consistent with the Security
21 Treaty Between Australia, New Zealand, and the
22 United States of America, signed at San Francisco,
23 September 1, 1951, and through the partnership
24 among Australia, the United Kingdom, and the
25 United States (commonly known as “AUKUS”)—

1 (A) to advance shared security objectives;

2 (B) to accelerate the fielding of advanced

3 military capabilities; and

4 (C) to build the capacity of emerging part-

5 ners;

6 (4) advancing United States alliances with the

7 Philippines and Thailand and United States partner-

8 ships with other partners in the Association of

9 Southeast Asian Nations to enhance maritime do-

10 main awareness, promote sovereignty and territorial

11 integrity, leverage technology and promote innova-

12 tion, and support an open, inclusive, and rules-based

13 regional architecture;

14 (5) broadening United States engagement with

15 India, including through the Quadrilateral Security

16 Dialogue—

17 (A) to advance the shared objective of a

18 free and open Indo-Pacific region through bilat-

19 eral and multilateral engagements and partici-

20 pation in military exercises, expanded defense

21 trade, and collaboration on humanitarian aid

22 and disaster response; and

23 (B) to enable greater cooperation on mari-

24 time security;

1 (6) strengthening the United States partnership
2 with Taiwan, consistent with the Three Commu-
3 niques, the Taiwan Relations Act (Public Law 96-
4 8; 22 U.S.C. 3301 et seq.), and the Six Assurances,
5 with the goal of improving Taiwan’s defensive capa-
6 bilities and promoting peaceful cross-strait relations;

7 (7) reinforcing the status of the Republic of
8 Singapore as a Major Security Cooperation Partner
9 of the United States and continuing to strengthen
10 defense and security cooperation between the mili-
11 tary forces of the Republic of Singapore and the
12 Armed Forces of the United States, including
13 through participation in combined exercises and
14 training;

15 (8) engaging with the Federated States of Mi-
16 cronesia, the Republic of the Marshall Islands, the
17 Republic of Palau, and other Pacific Island countries
18 with the goal of strengthening regional security and
19 addressing issues of mutual concern, including pro-
20 tecting fisheries from illegal, unreported, and un-
21 regulated fishing;

22 (9) collaborating with Canada, the United
23 Kingdom, France, and other members of the Euro-
24 pean Union and the North Atlantic Treaty Organi-
25 zation to build connectivity and advance a shared vi-

1 sion for the region that is principled, long-term, and
2 anchored in democratic resilience; and

3 (10) investing in enhanced military posture and
4 capabilities in the area of responsibility of the
5 United States Indo-Pacific Command and strength-
6 ening cooperation in bilateral relationships, multilat-
7 eral partnerships, and other international fora to up-
8 hold global security and shared principles, with the
9 goal of ensuring the maintenance of a free and open
10 Indo-Pacific region.

11 **Subtitle E—Securing Maritime**
12 **Data From China**

13 **SEC. 1271. SHORT TITLE.**

14 This subtitle may be cited as the “Securing Maritime
15 Data from China Act of 2023”.

16 **SEC. 1272. LOGINK DEFINED.**

17 In this subtitle, the term “LOGINK” means the pub-
18 lic, open, shared logistics information network known as
19 the National Public Information Platform for Transpor-
20 tation and Logistics by the Ministry of Transport of the
21 People’s Republic of China.

22 **SEC. 1273. COUNTERING THE SPREAD OF LOGINK.**

23 (a) **CONTRACTING PROHIBITION.**—The Department
24 of Defense may not enter into or renew any contract with
25 any entity that uses—

1 (1) LOGINK;

2 (2) any logistics platform controlled by, affili-
3 ated with, or subject to the jurisdiction of the Chi-
4 nese Communist Party or the Government of the
5 People's Republic of China; or

6 (3) any logistics platform that shares data with
7 a system described in paragraph (1) or (2).

8 (b) APPLICABILITY.—Subsection (a) applies with re-
9 spect to any contract entered into or renewed on or after
10 the date that is 2 years after the date of the enactment
11 of this Act.

12 **Subtitle F—Reports**

13 **SEC. 1281. REPORT ON DEPARTMENT OF DEFENSE ROLES** 14 **AND RESPONSIBILITIES IN SUPPORT OF NA-** 15 **TIONAL STRATEGY FOR THE ARCTIC REGION.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Secretary of Defense shall submit
18 to the congressional defense committees a report on De-
19 partment of Defense roles and responsibilities in support
20 of the National Strategy for the Arctic Region that in-
21 cludes—

22 (1) an identification of the Department's lines
23 of effort to support the implementation of the Na-
24 tional Strategy for the Arctic Region, including the

1 implementation plan for each applicable military de-
2 partment;

3 (2) a plan for the execution of, and a projected
4 timeline and the resource requirements for, each
5 such line of effort; and

6 (3) any other matter the Secretary considers
7 relevant.

8 **Subtitle G—Other Matters**

9 **SEC. 1291. MILITARY INTELLIGENCE COLLECTION AND** 10 **ANALYSIS PARTNERSHIPS.**

11 (a) USE OF FUNDS OTHER THAN APPROPRIATED
12 FUNDS.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 the Director of the Defense Intelligence Agency, in
15 coordination with the Secretary of State and the Di-
16 rector of National Intelligence, may accept and ex-
17 pend foreign partner funds in order for the foreign
18 partner or partners to share with the Defense Intel-
19 ligence Agency the expenses of joint and combined
20 military intelligence collection and analysis activities.

21 (2) LIMITATIONS.—

22 (A) PREVIOUSLY DENIED FUNDS.—Funds
23 accepted under this section may not be ex-
24 pended, in whole or in part, by or for the ben-
25 efit of the Defense Intelligence Agency for any

1 purpose for which Congress has previously de-
2 nied funds.

3 (B) JOINT BENEFIT.—The authority pro-
4 vided by paragraph (1) may not be used to ac-
5 quire items or services for the sole benefit of
6 the United States.

7 (b) ANNUAL REPORT.—Not later than March 1,
8 2025, and annually thereafter for four years, the Director
9 of the Defense Intelligence Agency shall submit to the ap-
10 appropriate committees of Congress a report on any funds
11 accepted or expended under this section during the pre-
12 ceding calendar year, including an identification of the for-
13 eign partner or partners involved and a description of the
14 purpose of such funds.

15 (c) TERMINATION.—The authority to accept and ex-
16 pend foreign partner funds pursuant to this section shall
17 terminate on December 31, 2028.

18 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
19 FINED.—In this section, the term “appropriate commit-
20 tees of Congress” means—

21 (1) the Committee on Armed Services, the
22 Committee on Appropriations, and the Select Com-
23 mittee on Intelligence of the Senate; and

24 (2) the Committee on Armed Services, the
25 Committee on Appropriations, and the Permanent

1 Select Committee on Intelligence of the House of
2 Representatives.

3 **SEC. 1292. COLLABORATION WITH PARTNER COUNTRIES TO**
4 **DEVELOP AND MAINTAIN MILITARY-WIDE**
5 **TRANSFORMATIONAL STRATEGIES FOR**
6 **OPERATIONAL ENERGY.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—Not later than January 1,
9 2025, the Secretary of Defense shall establish a
10 partnership program using existing authorities to
11 collaborate with the military forces of partner coun-
12 tries in developing and maintaining military-wide
13 transformational strategies for operational energy
14 (in this section referred to as the “Program”).

15 (2) ORGANIZATION.—The Assistant Secretary
16 of Defense for Energy, Installations, and Environ-
17 ment, in coordination with the Under Secretary of
18 Defense for Policy and in consultation with the Sec-
19 retaries of the military departments, the com-
20 manders of the combatant commands, and any other
21 individual the Secretary of Defense considers appro-
22 priate, shall be responsible for, and shall oversee, the
23 Program.

24 (b) OBJECTIVE.—The objective of the Program is to
25 promote the readiness of the United States Armed Forces

1 and the military forces of partner countries for missions
2 in contested logistics environments by focusing on demand
3 reduction and employing more diverse and renewable oper-
4 ational energy sources so as to enhance energy security,
5 energy resilience, and energy conservation, reduce
6 logistical vulnerabilities, and ensure that supply lines are
7 resilient to extreme weather, disruptions to energy sup-
8 plies, and direct or indirect cyber attacks.

9 (c) ACTIVITIES.—

10 (1) IN GENERAL.—Under the Program, the
11 United States Armed Forces and the military forces
12 of each participating partner country shall, in co-
13 ordination—

14 (A) establish policies to improve
15 warfighting capability through energy security
16 and energy resilience;

17 (B) integrate efforts to mitigate mutual
18 contested logistics challenges through the reduc-
19 tion of operational energy demand;

20 (C) identify and mitigate operational en-
21 ergy challenges presented by any contested lo-
22 gistics environment, including through devel-
23 oping innovative delivery systems, distributed
24 storage, flexible contracting, and improved au-
25 tomation;

1 (D) assess and integrate, to the extent
2 practicable, any technology, including electric,
3 hydrogen, nuclear, biofuels, and any other sus-
4 tainable fuel technology or renewable energy
5 technology, that may reduce operational energy
6 demand in the near term or long term;

7 (E) assess and consider any infrastructure
8 investment of allied and partner countries that
9 may affect operational energy availability in the
10 event of a conflict with a near-peer adversary;
11 and

12 (F) assess and integrate, to the extent
13 practicable—

14 (i) any technology that increases sus-
15 tainability; and

16 (ii) any practice, technology, or strat-
17 egy that reduces negative impacts on
18 human health.

19 (2) COUNTRY CONSIDERATIONS.—In carrying
20 out any activity under paragraph (1), to the extent
21 practicable, the relevant existing and past military
22 conflicts and cultural practices of, and beliefs preva-
23 lent in, the participating country shall be taken into
24 account.

25 (d) STRATEGY.—

1 (1) IN GENERAL.—Not later than September
2 30, 2024, the Secretary of Defense shall submit to
3 the Committees on Armed Services of the Senate
4 and the House of Representatives a strategy for the
5 implementation of the Program.

6 (2) ELEMENTS.—The strategy required by
7 paragraph (1) shall include the following:

8 (A) A governance structure for the Pro-
9 gram, including—

10 (i) the officials tasked to oversee the
11 Program;

12 (ii) the format of the governing body
13 of the Program;

14 (iii) the functions and duties of such
15 governing body with respect to establishing
16 and maintaining the Program; and

17 (iv) mechanisms for coordinating with
18 partner countries selected to participate in
19 the Program.

20 (B) With respect to the selection of part-
21 ner countries initially selected to participate in
22 the Program—

23 (i) an identification of each such
24 country;

1 (ii) the rationale for selecting each
2 such country, including a description of—

3 (I) the benefits to the military
4 forces of the partner country; and

5 (II) the benefits to the United
6 States Armed Forces of participation
7 by such country;

8 (iii) a description of any limitation on
9 the participation of a selected partner
10 country; and

11 (iv) any other information the Sec-
12 retary considers appropriate.

13 (C) A list of additional authorities, appro-
14 priations, or other congressional support nec-
15 essary to ensure the success of the Program.

16 (D) A campaign of objectives for the first
17 three fiscal years of the Program, including—

18 (i) a description of, and a rationale
19 for selecting, such objectives;

20 (ii) an identification of milestones to-
21 ward achieving such objectives; and

22 (iii) metrics for evaluating success in
23 achieving such objectives.

1 (E) A description of opportunities and po-
2 tential timelines for future Program expansion,
3 as appropriate.

4 (F) Any other information the Secretary
5 considers appropriate.

6 (3) FORM.—The strategy required by para-
7 graph (1) shall be submitted in unclassified form but
8 may include a classified annex.

9 (e) REPORT.—

10 (1) IN GENERAL.—Not later than September
11 20, 2025, and annually thereafter, the Secretary of
12 Defense shall submit to the congressional defense
13 committees a report on the Program.

14 (2) ELEMENTS.—Each report required by para-
15 graph (1) shall include the following:

16 (A) A narrative summary of activities con-
17 ducted as part of the Program during the pre-
18 ceding fiscal year.

19 (B) Except in the case of the initial report,
20 an assessment of progress toward the objectives
21 established for the preceding fiscal year de-
22 scribed in the preceding report under this sub-
23 section using the metrics established in such re-
24 port.

1 (C) A campaign of objectives for the three
2 fiscal years following the date of submission of
3 the report, including—

4 (i) a description of, and a rationale
5 for selecting, such objectives;

6 (ii) an identification of milestones to-
7 ward achieving such objectives; and

8 (iii) metrics for evaluating success in
9 achieving such objectives.

10 (D) A description of opportunities and po-
11 tential timelines for future Program expansion,
12 as appropriate.

13 (E) Any other information the Secretary
14 considers appropriate.

15 (3) FORM.— Each report required by para-
16 graph (1) shall be submitted in unclassified form but
17 may include a classified annex.

18 (f) TERMINATION.—The Program shall terminate on
19 December 31, 2029.

20 (g) CONTESTED LOGISTICS ENVIRONMENT DE-
21 FINED.—In this section, the term “contested logistics en-
22 vironment” means an environment in which the United
23 States Armed Forces or the military forces of a partner
24 country engage in conflict with an adversary that presents
25 challenges in all domains and directly targets logistics op-

1 erations, facilities, and activities in the United States,
2 abroad, or in transit from one location to the other.

3 **SEC. 1293. MODIFICATION OF SUPPORT OF SPECIAL OPER-**
4 **ATIONS FOR IRREGULAR WARFARE.**

5 (a) IN GENERAL.—Chapter 3 of title 10, United
6 States Code, is amended by inserting after section 127c
7 the following:

8 **“§ 127d. Support of special operations for irregular**
9 **warfare**

10 “(a) AUTHORITY.—The Secretary of Defense may,
11 with the concurrence of the relevant Chief of Mission, ex-
12 pend up to \$20,000,000 during any fiscal year to provide
13 support to foreign forces, irregular forces, groups, or indi-
14 viduals engaged in supporting or facilitating ongoing and
15 authorized irregular warfare operations by United States
16 Special Operations Forces.

17 “(b) FUNDS.—Funds for support under this section
18 in a fiscal year shall be derived from amounts authorized
19 to be appropriated for that fiscal year for the Department
20 of Defense for operation and maintenance.

21 “(c) PROCEDURES.—

22 “(1) IN GENERAL.—The authority in this sec-
23 tion shall be exercised in accordance with such pro-
24 cedures as the Secretary shall establish for purposes
25 of this section.

1 “(i) the requirements for the use of
2 the authority in this section; and

3 “(ii) activities conducted under such
4 authority.

5 “(3) NOTICE TO CONGRESS ON PROCEDURES
6 AND MATERIAL MODIFICATIONS.—The Secretary
7 shall notify the congressional defense committees of
8 the procedures established pursuant to this section
9 before any exercise of the authority in this section,
10 and shall notify such committee of any material
11 modification of the procedures.

12 “(d) CONSTRUCTION OF AUTHORITY.—Nothing in
13 this section shall be construed to constitute a specific stat-
14 utory authorization for any of the following:

15 “(1) The conduct of a covert action, as such
16 term is defined in section 503(e) of the National Se-
17 curity Act of 1947 (50 U.S.C. 3093(e)).

18 “(2) The introduction of United States Armed
19 Forces (including as such term is defined in section
20 8(c) of the War Powers Resolution (50 U.S.C.
21 1547(e))) into hostilities or into situations wherein
22 hostilities are clearly indicated by the circumstances.

23 “(3) The provision of support to regular forces,
24 irregular forces, groups, or individuals for the con-
25 duct of operations that United States Special Oper-

1 ations Forces are not otherwise legally authorized to
2 conduct themselves.

3 “(4) The conduct or support of activities, di-
4 rectly or indirectly, that are inconsistent with the
5 laws of armed conflict.

6 “(e) LIMITATION ON DELEGATION.—The authority
7 of the Secretary to make funds available under this section
8 for support of a military operation may not be delegated.

9 “(f) PROGRAMMATIC AND POLICY OVERSIGHT.—The
10 Assistant Secretary of Defense for Special Operations and
11 Low-Intensity Conflict shall have primary programmatic
12 and policy oversight within the Office of the Secretary of
13 Defense of support to irregular warfare activities author-
14 ized by this section.

15 “(g) NOTIFICATION.—

16 “(1) IN GENERAL.—Not later than 15 days be-
17 fore exercising the authority in this section to make
18 funds available to initiate support of an ongoing and
19 authorized operation or changing the scope or fund-
20 ing level of any support under this section for such
21 an operation by \$500,000 or an amount equal to 10
22 percent of such funding level (whichever is less), the
23 Secretary shall notify the congressional defense com-
24 mittees of the use of such authority with respect to

1 such operation. Any such notification shall be in
2 writing.

3 “(2) ELEMENTS.—A notification required by
4 this subsection shall include the following:

5 “(A) The type of support to be provided to
6 United States Special Operations Forces, and a
7 description of the ongoing and authorized oper-
8 ation to be supported.

9 “(B) A description of the foreign forces, ir-
10 regular forces, groups, or individuals engaged in
11 supporting or facilitating the ongoing and au-
12 thorized operation that is to be the recipient of
13 funds.

14 “(C) The type of support to be provided to
15 the recipient of the funds, and a description of
16 the end-use monitoring to be used in connection
17 with the use of the funds.

18 “(D) The amount obligated under the au-
19 thority to provide support.

20 “(E) The duration for which the support is
21 expected to be provided, and an identification of
22 the timeframe in which the provision of support
23 will be reviewed by the commander of the appli-
24 cable combatant command for a determination

1 with respect to the necessity of continuing such
2 support.

3 “(F) The determination of the Secretary
4 that the provision of support does not con-
5 stitute any of the following:

6 “(i) An introduction of United States
7 Armed Forces (including as such term is
8 defined in section 8(e) of the War Powers
9 Resolution (50 U.S.C. 1547(c))) into hos-
10 tilities, or into situations where hostilities
11 are clearly indicated by the circumstances,
12 without specific statutory authorization
13 within the meaning of section 5(b) of such
14 Resolution (50 U.S.C. 1544(b)).

15 “(ii) A covert action, as such term is
16 defined in section 503(e) of the National
17 Security Act of 1947 (50 U.S.C. 3093(e)).

18 “(iii) An authorization for the provi-
19 sion of support to regular forces, irregular
20 forces, groups, or individuals for the con-
21 duct of operations that United States Spe-
22 cial Operations Forces are not otherwise
23 legally authorized to conduct themselves.

1 “(iv) The conduct or support of activi-
2 ties, directly or indirectly, that are incon-
3 sistent with the laws of armed conflict.

4 “(h) NOTIFICATION OF SUSPENSION OR TERMI-
5 NATION OF SUPPORT.—

6 “(1) IN GENERAL.—Not later than 48 hours
7 after suspending or terminating support to any for-
8 eign force, irregular force, group, or individual pro-
9 vided pursuant to the authority in this section, the
10 Secretary shall submit to the congressional defense
11 committees a written notice of such suspension or
12 termination.

13 “(2) ELEMENTS.—The written notice required
14 by paragraph (1) shall include each of the following:

15 “(A) A description of the reasons for the
16 suspension or termination of such support.

17 “(B) A description of any effect on re-
18 gional, theater, or global campaign plan objec-
19 tives anticipated to result from such suspension
20 or termination.

21 “(C) A plan for such suspension or termi-
22 nation, and, in the case of support that is
23 planned to be transitioned to any other pro-
24 gram of the Department of Defense or to a pro-
25 gram of any other Federal department or agen-

1 cy, a detailed description of the transition plan,
2 including the resources, equipment, capabilities,
3 and personnel associated with such plan.

4 “(i) BIENNIAL REPORTS.—

5 “(1) REPORT ON PRECEDING FISCAL YEAR.—

6 Not later than 120 days after the close of each fiscal
7 year in which subsection (a) is in effect, the Sec-
8 retary shall submit to the congressional defense com-
9 mittees a report on the support provided under this
10 section during the preceding fiscal year.

11 “(2) REPORT ON CURRENT CALENDAR YEAR.—

12 Not later than 180 days after the submittal of each
13 report required by paragraph (1), the Secretary shall
14 submit to the congressional defense committees a re-
15 port on the support provided under this section dur-
16 ing the first half of the fiscal year in which the re-
17 port under this paragraph is submitted.

18 “(3) ELEMENTS.—Each report required by this
19 subsection shall include the following:

20 “(A) A summary of the ongoing irregular
21 warfare operations, and associated authorized
22 campaign plans, being conducted by United
23 States Special Operations Forces that were sup-
24 ported or facilitated by foreign forces, irregular
25 forces, groups, or individuals for which support

1 was provided under this section during the pe-
2 riod covered by such report.

3 “(B) A description of the support or facili-
4 tation provided by such foreign forces, irregular
5 forces, groups, or individuals to United States
6 Special Operations Forces during such period.

7 “(C) The type of recipients that were pro-
8 vided support under this section during such
9 period, identified by authorized category (for-
10 eign forces, irregular forces, groups, or individ-
11 uals).

12 “(D) A detailed description of the support
13 provided to the recipients under this section
14 during such period.

15 “(E) The total amount obligated for sup-
16 port under this section during such period, in-
17 cluding budget details.

18 “(F) The intended duration of support
19 provided under this section during such period.

20 “(G) An assessment of value of the sup-
21 port provided under this section during such pe-
22 riod, including a summary of significant activi-
23 ties undertaken by foreign forces, irregular
24 forces, groups, or individuals to support irreg-

1 ular warfare operations by United States Spe-
2 cial Operations Forces.

3 “(H) The total amount obligated for sup-
4 port under this section in prior fiscal years.

5 “(j) QUARTERLY BRIEFINGS.—

6 “(1) IN GENERAL.—Not less frequently than
7 quarterly, the Secretary shall provide to the congres-
8 sional defense committees a briefing on the use of
9 the authority provided by this section, and other
10 matters relating to irregular warfare, with the pri-
11 mary purposes of—

12 “(A) keeping the congressional defense
13 committees fully and currently informed of ir-
14 regular warfare requirements and activities, in-
15 cluding emerging combatant commands require-
16 ments; and

17 “(B) consulting with the congressional de-
18 fense committees regarding such matters.

19 “(2) ELEMENTS.—Each briefing required by
20 paragraph (1) shall include the following:

21 “(A) An update on irregular warfare ac-
22 tivities within each geographic combatant com-
23 mand and a description of the manner in which
24 such activities support the respective theater

1 campaign plan and the National Defense Strat-
2 egy.

3 “(B) An overview of relevant authorities
4 and legal issues, including limitations.

5 “(C) An overview of irregular warfare-re-
6 lated interagency activities and initiatives.

7 “(D) A description of emerging combatant
8 command requirements for the use of the au-
9 thority provided by this section.

10 “(k) IRREGULAR WARFARE DEFINED.—Subject to
11 subsection (f), in this section, the term ‘irregular warfare’
12 means Department of Defense activities not involving
13 armed conflict that support predetermined United States
14 policy and military objectives conducted by, with, and
15 through regular forces, irregular forces, groups, and indi-
16 viduals.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after the item relating to section 127c the following new
20 item:

“127d. Support of special operations for irregular warfare.”.

21 (c) REPEAL.—Section 1202 of the National Defense
22 Authorization Act for Fiscal Year 2018 is repealed.

1 **SEC. 1294. MODIFICATION OF AUTHORITY FOR EXPENDI-**
2 **TURE OF FUNDS FOR CLANDESTINE ACTIVI-**
3 **TIES THAT SUPPORT OPERATIONAL PREPA-**
4 **RATION OF THE ENVIRONMENT.**

5 Section 127f of title 10, United States Code, is
6 amended—

7 (1) by redesignating subsections (c), (d), (e),
8 and (f) as subsections (d), (e), (g), and (h), respec-
9 tively;

10 (2) by inserting after subsection (b) the fol-
11 lowing new subsection (c):

12 “(c) PROCEDURES.—

13 “(1) IN GENERAL.—The authority in this sec-
14 tion shall be exercised in accordance with such pro-
15 cedures as the Secretary shall establish for purposes
16 of this section.

17 “(2) ELEMENTS.—The procedures required
18 under paragraph (1) shall establish, at a minimum,
19 each of the following:

20 “(A) Policy, strategy, or other guidance for
21 the execution of, and constraints within, activi-
22 ties conducted under this section.

23 “(B) The processes through which activi-
24 ties conducted under this section are to be de-
25 veloped, validated, and coordinated, as appro-

1 priate, with relevant entities of the United
2 States Government.

3 “(C) The processes through which legal re-
4 views and determinations are made to comply
5 with the authority in this section and ensure
6 that the exercise of such authority is consistent
7 with the national security interests of the
8 United States.

9 “(D) The processes by which the Depart-
10 ment of Defense shall keep the congressional
11 defense committees fully and currently informed
12 of—

13 “(i) the requirements for the use of
14 the authority in this section; and

15 “(ii) activities conducted under such
16 authority.

17 “(3) NOTICE TO CONGRESS.—The Secretary
18 shall notify the congressional defense committees of
19 any material modification to the procedures estab-
20 lished under paragraph (1).”;

21 (3) by inserting after subsection (e), as redesign-
22 ated, the following new subsection (f):

23 “(f) NOTIFICATION.—Not later than 15 days before
24 exercising the authority in this section to make funds
25 available to initiate a new operational preparation of the

1 environment activity or changing the scope or funding
2 level of any support for such an operation by \$1,000,000
3 or an amount equal to 20 percent of such funding level
4 (whichever is less), or not later than 48 hours after exer-
5 cising such authority if the Secretary determines that ex-
6 traordinary circumstances that impact the national secu-
7 rity of the United States exist, the Secretary shall notify
8 the congressional defense committees of the use of such
9 authority with respect to that activity. Any such notifica-
10 tion shall be in writing.”; and

11 (4) by adding at the end the following new sub-
12 sections:

13 “(i) OVERSIGHT BY ASSISTANT SECRETARY OF DE-
14 FENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY
15 CONFLICT.—The Assistant Secretary of Defense for Spe-
16 cial Operations and Low Intensity Conflict shall have pri-
17 mary responsibility within the Office of the Secretary of
18 Defense for oversight of policies and programs authorized
19 by this section.

20 “(j) CONSTRUCTION OF AUTHORITY.—Nothing in
21 this section may be construed to constitute authority to
22 conduct, or provide statutory authorization for, any of the
23 following:

24 “(1) Execution of operational activities.

1 “(2) A covert action, as such term is defined in
2 section 503(e) of the National Security Act of 1947
3 (50 U.S.C. 3093(e)).

4 “(3) An introduction of the armed forces, (in-
5 cluding the introduction of United States Armed
6 Forces as such term is defined in section 8(c) of the
7 War Powers Resolution (50 U.S.C. 1547(c))), into
8 hostilities, or into situations where hostilities are
9 clearly indicated by the circumstances, without spe-
10 cific statutory authorization within the meaning of
11 section 5(b) of such Resolution (50 U.S.C. 1544(b)).

12 “(4) Activities or support for activities, directly
13 or indirectly, that are inconsistent with the laws of
14 armed conflict.

15 “(k) OPERATIONAL PREPARATION OF THE ENVIRON-
16 MENT DEFINED.—In this section, the term ‘operational
17 preparation of the environment’ means the conduct of ac-
18 tivities in likely or potential operational areas to set condi-
19 tions for mission execution.”.

1 **SEC. 1295. MODIFICATION OF INITIATIVE TO SUPPORT PRO-**
2 **TECTION OF NATIONAL SECURITY ACADEMIC**
3 **RESEARCHERS FROM UNDUE INFLUENCE**
4 **AND OTHER SECURITY THREATS.**

5 Section 1286 of the John S. McCain National De-
6 fense Authorization Act for Fiscal Year 2019 (10 U.S.C.
7 4001 note) is amended—

8 (1) in subsection (c)—

9 (A) by redesignating paragraphs (7)
10 through (9) as paragraphs (8) through (10), re-
11 spectively;

12 (B) by inserting after paragraph (6) the
13 following new paragraph (7):

14 “(7) Policies to limit or prohibit funding pro-
15 vided by the Department of Defense for institutions
16 or individual researchers who knowingly contract or
17 make other financial arrangements with entities
18 identified in the list described in paragraph (9),
19 which policies shall include—

20 “(A) use of such list as part of a risk as-
21 sessment decision matrix during proposal eval-
22 uations, including the development of a question
23 for proposers or broad area announcements
24 that require proposers to disclose any contrac-
25 tual or financial connections with such entities;

1 “(B) a requirement that the Department
2 shall notify a proposer of suspected noncompli-
3 ance with a policy issued under this paragraph
4 and provide not less than 30 days to take ac-
5 tions to remedy such noncompliance;

6 “(C) the establishment of an appeals pro-
7 cedure under which a proposer may appeal a
8 negative decision on a proposal if the decision
9 is based on a determination informed by such
10 list; and

11 “(D) a requirement that each awardee of
12 funding provided by the Department shall dis-
13 close to the Department any contract or finan-
14 cial arrangement made with such an entity dur-
15 ing the period of the award.”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(11) Development of measures of effectiveness
19 and performance to assess and track progress of the
20 Department of Defense across the initiative, which
21 measures shall include—

22 “(A) the evaluation of currently available
23 data to support the assessment of such meas-
24 ures, including the identification of areas in
25 which gaps exist that may require collection of

1 completely new data, or modifications to exist-
2 ing data sets;

3 “(B) current means and methods for the
4 collection of data in an automated manner, in-
5 cluding the identification of areas in which gaps
6 exist that may require new means for data col-
7 lection or visualization of such data; and

8 “(C) the development of an analysis and
9 assessment methodology framework to make
10 tradeoffs between the measures developed under
11 this paragraph and other metrics related to as-
12 sessing undue foreign influence on the Depart-
13 ment of Defense research enterprise, such as
14 commercial due diligence, beneficial ownership,
15 and foreign ownership, control, and influence.”;
16 and

17 (2) in subsection (e)(2), by adding at the end
18 the following new subparagraph:

19 “(G) A description of the status of the
20 measures of effectiveness and performance de-
21 scribed in subsection (c)(11) for the period cov-
22 ered by such report, including an analytical as-
23 sessment of the impact of such measures on the
24 goals of the initiative.”.

1 **SEC. 1296. MODIFICATION OF AUTHORITY FOR CERTAIN**
2 **PAYMENTS TO REDRESS INJURY AND LOSS.**

3 Section 1213(h) of the National Defense Authoriza-
4 tion Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is
5 amended—

6 (1) in paragraph (1), by redesignating subpara-
7 graphs (A) through (D) as clauses (i) through (iv),
8 and moving such clauses, as redesignated, two ems
9 to the right;

10 (2) by redesignating paragraph (1) as subpara-
11 graph (A) and moving such subparagraph, as redesi-
12 gnated, two ems to the right;

13 (3) by amending paragraph (2) to read as fol-
14 lows:

15 “(B) A description of any denied or re-
16 fused ex gratia payment or request, including—

17 “(i) the date on which any such re-
18 quest was made;

19 “(ii) the steps the Department of De-
20 fense has taken to respond to the request;

21 “(iii) in the case of a refused pay-
22 ment, the reason for such refusal, if
23 known; and

24 “(iv) any other reason for which a
25 payment was not offered or made.”;

1 (4) by redesignating paragraph (3) as subpara-
2 graph (C) and moving such subparagraph, as redes-
3 ignated, two ems to the right;

4 (5) by striking “Not later than” and inserting
5 the following:

6 “(1) IN GENERAL.—Not later than”; and

7 (6) by adding at the end the following new
8 paragraph (2):

9 “(2) PUBLIC AVAILABILITY.—

10 “(A) IN GENERAL.—Not later than 15
11 days after the date on which the Secretary of
12 Defense submits each report required by para-
13 graph (1), the Secretary shall make the report
14 available to the public in an electronic format.

15 “(B) PRIVACY.—The Secretary of Defense
16 shall exclude from each report made available to
17 the public under subparagraph (A)—

18 “(i) confidential or personally identifi-
19 able information pertaining to specific pay-
20 ment recipients so as to ensure the safety
21 and privacy of such recipients; and

22 “(ii) any confidential or classified in-
23 formation that would undermine Depart-
24 ment of Defense operational security.”.

1 **SEC. 1297. MODIFICATION OF AUTHORITY FOR COOPERA-**
2 **TION ON DIRECTED ENERGY CAPABILITIES.**

3 (a) PROGRAM AUTHORIZATION.—Section 1280 of the
4 William M. (Mac) Thornberry National Defense Author-
5 ization Act for Fiscal Year 2021 (Public Law 116–283;
6 134 Stat. 3982; 22 U.S.C. 8606 note) is amended—

7 (1) in subsection (d), in the first sentence—

8 (A) by inserting “acting through the
9 Under Secretary of Defense for Research and
10 Engineering,” after “the Secretary of De-
11 fense,”; and

12 (B) by striking “may establish a program”
13 and inserting “is authorized”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(e) NOTIFICATION.—

17 “(1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this Act, the
19 Under Secretary of Defense for Research and Engi-
20 neering shall submit to the appropriate committees
21 of Congress an assessment detailing—

22 “(A) the most promising directed energy
23 missile defense technologies available for co-de-
24 velopment with the Government of Israel;

25 “(B) any risks relating to the implementa-
26 tion of a directed energy missile defense tech-

1 nology co-development program with the Gov-
2 ernment of Israel;

3 “(C) an anticipated spending plan for fis-
4 cal year 2024 funding authorized by the Na-
5 tional Defense Authorization Act for Fiscal
6 Year 2024 to carry out this section; and

7 “(D) initial projections for likely funding
8 requirements to carry out a directed energy
9 missile defense technology co-development pro-
10 gram with the Government of Israel over the
11 five fiscal years beginning after the date of the
12 enactment of that Act, as applicable.

13 “(2) APPROPRIATE COMMITTEES OF CONGRESS
14 DEFINED.—In this subsection, the term ‘appropriate
15 committees of Congress’ means—

16 “(A) the Committee on Armed Services,
17 the Committee on Appropriations, and the
18 Committee on Foreign Relations of the Senate;
19 and

20 “(B) the Committee on Armed Services,
21 the Committee on Appropriations, and the
22 Committee on Foreign Affairs of the House of
23 Representatives.”.

24 (b) ADDITIONAL FUNDING.—The amount authorized
25 to be appropriated for fiscal year 2024 by section 4201

1 for research, development, test, and evaluation for Ad-
2 vanced Component Development and Prototypes is hereby
3 increased by \$25,000,000, with the amount of the increase
4 to be available for Israeli Cooperative Programs (PE
5 0603913C).

6 (c) OFFSET.—The amount authorized to be appro-
7 priated for fiscal year 2024 by section 4201 for research,
8 development, test, and evaluation for the Air Force is
9 hereby decreased by \$25,000,000, with the amount of the
10 decrease to be taken from the amounts available for VC-
11 25B (PE 0401319F).

12 **SEC. 1298. MODIFICATION OF ARCTIC SECURITY INITIA-**
13 **TIVE.**

14 Section 1090(b)(2) of the National Defense Author-
15 ization Act for Fiscal Year 2022 (Public Law 117–81; 135
16 Stat. 1927) is amended—

17 (1) in subparagraph (A), by striking “the Sec-
18 retary may” and inserting “the Secretary shall”;
19 and

20 (2) in subparagraph (B)(i), by striking “If the
21 Initiative is established” and inserting “On the es-
22 tablishment of the Initiative”.

1 **SEC. 1299. TERMINATION OF AUTHORIZATION OF NON-CON-**
2 **VENTIONAL ASSISTED RECOVERY CAPABILI-**
3 **TIES.**

4 Section 943(g) of the Duncan Hunter National De-
5 fense Authorization Act for Fiscal Year 2009 (Public Law
6 110–417; 122 Stat. 4578) is amended to read as follows:

7 “(g) **TERMINATION.**—The authority under this sec-
8 tion shall terminate on December 31, 2023.”.

9 **SEC. 1299A. EXTENSION OF PROHIBITION ON IN-FLIGHT RE-**
10 **FUELING TO NON-UNITED STATES AIRCRAFT**
11 **THAT ENGAGE IN HOSTILITIES IN THE ONGO-**
12 **ING CIVIL WAR IN YEMEN.**

13 Section 1273 of the National Defense Authorization
14 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
15 1699) is amended to read as follows:

16 **“SEC. 1273. PROHIBITION ON IN-FLIGHT REFUELING TO**
17 **NON-UNITED STATES AIRCRAFT THAT EN-**
18 **GAGE IN HOSTILITIES IN THE ONGOING CIVIL**
19 **WAR IN YEMEN.**

20 “For the one-year period beginning on the date
21 of the enactment of the National Defense Authoriza-
22 tion Act for Fiscal Year 2024, the Department of
23 Defense may not provide in-flight refueling pursuant
24 to section 2342 of title 10, United States Code, or
25 any other applicable statutory authority, to non-
26 United States aircraft that engage in hostilities in

1 the ongoing civil war in Yemen unless and until a
2 declaration of war or a specific statutory authoriza-
3 tion for such use of the United States Armed Forces
4 has been enacted.”.

5 **SEC. 1299B. EXTENSION OF UNITED STATES-ISRAEL ANTI-**
6 **TUNNEL COOPERATION.**

7 Section 1279(f) of the National Defense Authoriza-
8 tion Act for Fiscal Year 2016 (22 U.S.C. 8606 note) is
9 amended by striking “December 31, 2024” and inserting
10 “December 31, 2026”.

11 **SEC. 1299C. PROHIBITION ON DELEGATION OF AUTHORITY**
12 **TO DESIGNATE FOREIGN PARTNER FORCES**
13 **AS ELIGIBLE FOR THE PROVISION OF COL-**
14 **LECTIVE SELF-DEFENSE SUPPORT BY**
15 **UNITED STATES ARMED FORCES.**

16 (a) IN GENERAL.—The authority to designate foreign
17 partner forces as eligible for the provision of collective self-
18 defense support by the United States Armed Forces may
19 not be delegated below the Secretary of Defense.

20 (b) REVIEW.—Not later than 90 days after the date
21 of the enactment of this Act, the Secretary shall review
22 existing designations of foreign partner forces as eligible
23 for the provision of collective self-defense support by the
24 United States Armed Forces and provide the congres-

1 sional defense committees with a certification with respect
2 to whether each such designation remains valid.

3 (c) WAIVER.—

4 (1) IN GENERAL.—The Secretary may waive
5 the prohibition under subsection (a) if the Secretary
6 determines that there are compelling circumstances
7 that necessitate the waiver of such prohibition.

8 (2) NOTICE.—Not later than 48 hours after the
9 Secretary exercises the waiver authority under para-
10 graph (1), the Secretary shall submit to the congres-
11 sional defense committees a notice of the waiver,
12 which shall include—

13 (A) a description of the compelling cir-
14 cumstances that necessitated the wavier;

15 (B) a description of the United States na-
16 tional security interests served by the waiver;

17 (C) an identification of any named oper-
18 ation related to the waiver; and

19 (D) an articulation of any temporal, geo-
20 graphic, or other limitations on the waiver.

21 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed as invalidating a designation of for-
23 eign partner forces as eligible for the provision of collective
24 self-defense support by the United States Armed Forces

1 that is in effect as of the date of the enactment of this
2 Act.

3 (e) COLLECTIVE SELF-DEFENSE DEFINED.—In this
4 section, the term “collective self-defense” means the use
5 of United States military force to defend designated for-
6 eign partner forces, their facilities, and their property.

7 **SEC. 1299D. PARTICIPATION BY MILITARY DEPARTMENTS**
8 **IN INTEROPERABILITY PROGRAMS WITH**
9 **MILITARY FORCES OF AUSTRALIA, CANADA,**
10 **NEW ZEALAND, AND THE UNITED KINGDOM.**

11 (a) IN GENERAL.—Section 1274 of the National De-
12 fense Authorization Act for Fiscal Year 2013 (10 U.S.C.
13 2350a note) is amended—

14 (1) in the section heading, by striking “**ADMIN-**
15 **ISTRATION OF THE AMERICAN, BRITISH, CANA-**
16 **DIAN, AND AUSTRALIAN ARMIES’ PROGRAM**”
17 and inserting “**PARTICIPATION BY MILITARY DE-**
18 **PARTMENTS IN INTEROPERABILITY PROGRAMS**
19 **WITH MILITARY FORCES OF AUSTRALIA, CAN-**
20 **ADA, NEW ZEALAND, AND THE UNITED KING-**
21 **DOM**”; and

22 (2) in subsection (a)—

23 (A) by inserting “a military department
24 of” after “the participation by”; and

1 (B) by striking “the land-force program
2 known as the American, British, Canadian, and
3 Australian Armies’ Program” and inserting “an
4 interoperability program with the military
5 forces of one or more participating countries
6 specified in subsection (b)”.

7 (b) CLERICAL AMENDMENTS.—

8 (1) The table of contents of the National De-
9 fense Authorization Act for Fiscal Year 2013 (Pub-
10 lic Law 112–239; 126 Stat. 1632) is amended by
11 striking the item relating to section 1274 and insert-
12 ing the following:

“Sec. 1274. Participation by military departments in interoperability programs
with military forces of Australia, Canada, New Zealand, and
the United Kingdom.”.

13 (2) The table of contents for title XII of the
14 National Defense Authorization Act for Fiscal Year
15 2013 (Public Law 112–239; 126 Stat. 1977) is
16 amended by striking the item relating to section
17 1274 and inserting the following:

“Sec. 1274. Participation by military departments in interoperability programs
with military forces of Australia, Canada, New Zealand, and
the United Kingdom.”.

18 **SEC. 1299E. COOPERATION WITH ALLIES AND PARTNERS IN**
19 **MIDDLE EAST ON DEVELOPMENT OF INTE-**
20 **GRATED REGIONAL CYBERSECURITY ARCHI-**
21 **TECTURE.**

22 (a) COOPERATION.—

1 (1) IN GENERAL.—The Secretary of Defense,
2 using existing authorities and in consultation with
3 the head of any other Federal agency, as appro-
4 priate, shall seek to cooperate with allies and part-
5 ners in the Middle East with respect to developing
6 an integrated regional cybersecurity architecture and
7 deepening military cybersecurity partnerships to de-
8 fend military networks, infrastructure, and systems
9 against hostile cyber activity.

10 (2) PROTECTION OF SENSITIVE INFORMA-
11 TION.—Any activity carried out under paragraph
12 (1) shall be conducted in a manner that—

13 (A) is consistent with the protection of in-
14 telligence sources and methods; and

15 (B) appropriately protects sensitive infor-
16 mation and the national security interests of
17 the United States.

18 (b) STRATEGY.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Defense, in consultation with the Secretary
22 of State, shall submit to the appropriate committees
23 of Congress a strategy for cooperation with allies
24 and partners in the Middle East to develop an inte-
25 grated regional cybersecurity architecture to defend

1 military networks, infrastructure, and systems
2 against hostile cyber activity.

3 (2) ELEMENTS.—The strategy submitted under
4 paragraph (1) shall include the following:

5 (A) An assessment of the threat landscape
6 of cyberattacks, military networks, infrastruc-
7 ture, and systems against allies and partners
8 within the Middle East.

9 (B) A description of current efforts to
10 share, between the United States and allies and
11 partners within the Middle East, indicators and
12 warnings, tactics, techniques, procedures, threat
13 signatures, planning efforts, training, and other
14 similar information about cyber threats.

15 (C) An analysis of current bilateral and
16 multilateral defense protocols protecting mili-
17 tary networks, infrastructure, and systems and
18 sharing sensitive cyber threat information be-
19 tween the United States and allies and partners
20 in the Middle East.

21 (D) An assessment of whether a multi-
22 national integrated military cybersecurity part-
23 nership, including establishing a center in the
24 Middle East to facilitate such activities, would
25 improve collective security in the Middle East.

1 (E) An assessment of gaps in ally and
2 partner capabilities that would have to be rem-
3 edied in order to establish such a center.

4 (F) A description of any prior or ongoing
5 effort to engage allies and partners in the Mid-
6 dle East in establishing—

7 (i) a multinational integrated cyberse-
8 curity partnership or other bilateral or
9 multilateral defensive cybersecurity infor-
10 mation sharing and training partnership;
11 or

12 (ii) other cooperative defensive cyber-
13 security measures.

14 (G) An identification of elements of a po-
15 tential multinational military cybersecurity
16 partnership, or other bilateral or multilateral
17 defensive cybersecurity measures, that—

18 (i) can be acquired and operated by
19 specified foreign partners within the area
20 of responsibility of the United States Cen-
21 tral Command;

22 (ii) can only be provided and operated
23 by the United States; and

24 (iii) can be provided by a third party
25 entity contracted by the United States

1 Central Command jointly with specified
2 foreign partners.

3 (H) Any other matter the Secretary of De-
4 fense considers relevant.

5 (3) FORM.—The strategy required by para-
6 graph (1) shall be submitted in unclassified form but
7 may include a classified annex.

8 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
9 FINED.—In this section, the term “appropriate commit-
10 tees of Congress” means—

11 (1) the Committee on Armed Services, the
12 Committee on Appropriations, the Committee on
13 Foreign Relations, and the Select Committee on In-
14 telligence of the Senate; and

15 (2) the Committee on Armed Services, the
16 Committee on Appropriations, the Committee on
17 Foreign Affairs, and the Permanent Select Com-
18 mittee on Intelligence of the House of Representa-
19 tives.

20 **SEC. 1299F. FOREIGN ADVANCE ACQUISITION ACCOUNT.**

21 (a) ESTABLISHMENT.—The Secretary of Defense
22 may establish, within the Special Defense Acquisition
23 Fund established pursuant to chapter 5 of the Arms Ex-
24 port Control Act (22 U.S.C. 2795 et seq.), an account,
25 to be known as the “Foreign Advance Acquisition Ac-

1 count” (in this section referred to as the “Account”), that
2 shall be maintained separately from other accounts and
3 used to accelerate the production of United States-pro-
4 duced end items in reasonable anticipation of the sale of
5 such end items through the foreign military sales or direct
6 commercial sales processes.

7 (b) USE OF FUNDS.—Amounts in the Account shall
8 be made available to the Secretary of Defense for the fol-
9 lowing purposes:

10 (1) To finance the acquisition, using the proce-
11 dures of the Special Defense Acquisition Fund, of
12 defense articles and services in advance of the trans-
13 fer of such articles and services to covered countries
14 through the foreign military sales process.

15 (2) To provide a mechanism for covered coun-
16 tries to contribute funds, including before the com-
17 pletion of a letter of offer under the procedures of
18 the Arms Export Control Act (22 U.S.C. 2751 et
19 seq.), for the acquisition of such defense articles and
20 services.

21 (3) To pay for storage, maintenance, and other
22 costs related to the storage, preservation, and prepa-
23 ration for transfer of defense articles and services
24 acquired using amounts in the Account prior to their
25 transfer, and to pay for the administrative costs of

1 the Department of Defense incurred in the acquisi-
2 tion of such items to the extent not reimbursed pur-
3 suant to section 43(b) of the Arms Export Control
4 Act (22 U.S.C. 2792(b)).

5 (c) CONTRIBUTIONS FROM COVERED COUNTRIES.—

6 The Secretary of Defense may accept contributions of
7 amounts to the Account from any foreign person, entity,
8 or government of a covered country.

9 (d) LIMITATIONS.—

10 (1) APPLICABILITY OF OTHER LAW.—Defense
11 articles and services acquired by the Secretary of
12 Defense using amounts in the Account may not be
13 transferred to any foreign country unless such trans-
14 fer is authorized by the Arms Export Control Act
15 (22 U.S.C. 2751 et seq.), the Foreign Assistance
16 Act of 1961 (22 U.S.C. 2151 et seq.), or other ap-
17 plicable law.

18 (2) PREVIOUSLY DENIED FUNDS.—Amounts in
19 the Account may not be expended, in whole or in
20 part, by or for the benefit of the Department of De-
21 fense for a purpose for which Congress has pre-
22 viously denied funds.

23 (3) ADDITIONAL LIMITATION.—Amounts in the
24 Account may not be used to acquire items or serv-
25 ices for the sole benefit of the United States.

1 (e) ANNUAL REPORT.—Not later than 60 days after
2 the date on which each fiscal year ends, the Secretary of
3 Defense shall submit to the appropriate committees of
4 Congress a report on the use of the Account that includes,
5 for such fiscal year—

6 (1) an identification of each covered country
7 that contributed to the Account;

8 (2) the amount deposited into the Account by
9 each such covered country; and

10 (3) for each such covered country, the des-
11 ignated defense articles or services acquired or to be
12 acquired.

13 (f) QUARTERLY REPORT.—Not later than 90 days
14 after the date of the enactment of this Act, and quarterly
15 thereafter, the Secretary of Defense shall submit to the
16 appropriate committees of Congress a report on the use
17 of the Account that includes, for each transaction—

18 (1) a description of the transaction;

19 (2) the amount of the transaction;

20 (3) the covered country concerned;

21 (4) an identification of any storage, mainte-
22 nance, or other costs associated with the transaction;
23 and

24 (5) the anticipated date of delivery of the appli-
25 cable defense articles or services.

1 (g) TERMINATION.—The authority under subsection
2 (b) to use funds in the Account shall terminate on Janu-
3 ary 1, 2028.

4 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to limit or impair the responsibil-
6 ities conferred on the Secretary of State or the Secretary
7 of Defense under the Arms Export Control Act (22 U.S.C.
8 2751 et seq.) or the Foreign Assistance Act of 1961 (22
9 U.S.C. 2151 et seq.).

10 (i) DEFINITIONS.—In this section:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Armed Services, the
15 Committee on Appropriations, and the Com-
16 mittee on Foreign Relations of the Senate; and

17 (B) the Committee on Armed Services, the
18 Committee on Appropriations, and the Com-
19 mittee on Foreign Affairs of the House of Rep-
20 resentatives.

21 (2) COVERED COUNTRY.—The term “covered
22 country” means—

23 (A) a country, other than the United
24 States, that is a participant in the security
25 partnership among Australia, the United King-

1 dom, and the United States (commonly known
2 as the “AUKUS” partnership);

3 (B) a member country of the North Atlan-
4 tic Treaty Organization; and

5 (C) any other country, as designated by
6 the Secretary of Defense.

7 **SEC. 1299G. LIMITATION ON AVAILABILITY OF FUNDS FOR**
8 **TRAVEL EXPENSES OF THE OFFICE OF THE**
9 **SECRETARY OF DEFENSE.**

10 Of the funds authorized to be appropriated by this
11 Act for fiscal year 2024 for operation and maintenance,
12 Defense-wide, and available for the Office of the Secretary
13 of Defense for travel expenses, not more than 75 percent
14 may be obligated or expended until the Secretary of De-
15 fense submits—

16 (1) the implementation plan required by section
17 1087 of the National Defense Authorization Act for
18 Fiscal Year 2023 (Public Law 117–263; 136 Stat.
19 2802; 10 U.S.C. 161 note) relating to the require-
20 ment of such section to establish a joint force head-
21 quarters in the area of operations of United States
22 Indo-Pacific Command to serve as an operational
23 command;

24 (2) the plan required by section 1332(g)(2) of
25 the National Defense Authorization Act for Fiscal

1 Year 2022 (Public Law 117–81; 135 Stat. 2008) re-
2 relating to strategic competition in the areas of re-
3 sponsibility of United States Southern Command
4 and United States Africa Command; and

5 (3) the strategy and posture review required by
6 section 1631(g) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2020 (Public Law 116–92;
8 133 Stat. 1743; 10 U.S.C. 397 note) relating to op-
9 erations in the information environment.

10 **SEC. 1299H. PLANS RELATED TO RAPID TRANSFER OF CER-**
11 **TAIN MISSILES AND DEFENSE CAPABILITIES.**

12 (a) IN GENERAL.—The Assistant Secretary of the
13 Navy for Research, Development and Acquisition shall—

14 (1) develop a plan to prepare Navy Harpoon
15 block IC missiles in a “sundown”, “deep stow”, or
16 “demilitarized” condition code (including missiles re-
17 moved from Navy surface ships) for rapid transfer
18 to allies and security partners in the United States
19 European Command and United States Indo-Pacific
20 Command areas of responsibility, if so ordered; and

21 (2) establish a plan that would enable the rapid
22 transfer of additional enhanced coastal defense capa-
23 bilities that have tactical significance in assisting
24 partners and allies in reclaiming sovereign territory,
25 deterring maritime resupply of illegally seized terri-

1 tory, or aiding in preventing an amphibious invasion
2 of sovereign territory.

3 (b) SUBMISSION TO CONGRESS.—Not later than 90
4 days after the date of the enactment of this Act, the As-
5 sistant Secretary shall submit to the congressional defense
6 committees the plans required by paragraphs (1) and (2)
7 of subsection (a).

8 **SEC. 1299I. ENSURING PEACE THROUGH STRENGTH IN**
9 **ISRAEL.**

10 (a) EXTENSION OF AUTHORITIES.—

11 (1) WAR RESERVES STOCKPILE AUTHORITY.—
12 Section 12001(d) of the Department of Defense Ap-
13 propriations Act, 2005 (Public Law 108–287; 118
14 Stat. 1011) is amended by striking “September 30,
15 2025” and inserting “January 1, 2028”.

16 (2) RULES GOVERNING THE TRANSFER OF PRE-
17 CISION-GUIDED MUNITIONS TO ISRAEL ABOVE THE
18 ANNUAL RESTRICTION.—Section 1275(e) of the Wil-
19 liam M. (Mac) Thornberry National Defense Author-
20 ization Act for Fiscal Year 2021 (Public Law 116–
21 283; 134 Stat. 3980; 22 U.S.C. 2321h note) is
22 amended by striking “on the date that is three years
23 after the date of the enactment of this Act” and in-
24 serting “on January 1, 2028”.

1 (b) DEPARTMENT OF DEFENSE ASSESSMENT OF
2 TYPE AND QUANTITY OF PRECISION-GUIDED MUNITIONS
3 AND OTHER MUNITIONS FOR USE BY ISRAEL.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, and an-
6 nually thereafter through December 31, 2028, the
7 Secretary of Defense shall conduct an assessment
8 with respect to the following:

9 (A) The current quantity and type of pre-
10 cision-guided munitions in the stockpile pursu-
11 ant to section 12001(d) of the Department of
12 Defense Appropriations Act, 2005 (Public Law
13 108–287; 118 Stat. 1011).

14 (B) The quantity and type of precision-
15 guided munitions necessary for Israel to protect
16 its homeland and counter Hezbollah, Hamas,
17 Palestinian Islamic Jihad, or any other armed
18 terror group or hostile forces in the region in
19 the event of a sustained armed confrontation.

20 (C) The quantity and type of other muni-
21 tions necessary for Israel to protect its home-
22 land and counter Hezbollah, Hamas, Pales-
23 tinian Islamic Jihad, or any other armed group
24 or hostile forces in the region in the event of a
25 sustained armed confrontation.

1 (D) The quantity and type of munitions,
2 including precision-guided munitions, necessary
3 for Israel to protect its homeland and counter
4 any combination of Hezbollah, Hamas, Pales-
5 tinian Islamic Jihad, and any other armed ter-
6 ror groups or hostile forces in the region in the
7 event of a multi-front, sustained armed con-
8 frontation.

9 (E) The resources the Government of
10 Israel would need to dedicate to acquire the
11 quantity and type of munitions, including preci-
12 sion-guided munitions, described in subpara-
13 graphs (B) through (D).

14 (F) Whether, as of the date on which the
15 applicable assessment is completed, sufficient
16 quantities and types of munitions, including
17 precision-guided munitions, to conduct oper-
18 ations described in subparagraphs (B) through
19 (D) are present in—

20 (i) the inventory of the military forces
21 of Israel;

22 (ii) the War Reserves Stock Allies-
23 Israel;

24 (iii) any other United States stockpile
25 or depot within the area of responsibility of

1 United States Central Command, as the
2 Secretary considers appropriate to disclose
3 to the Government of Israel; or

4 (iv) the inventory of the United States
5 Armed Forces, as the Secretary considers
6 appropriate to disclose to the Government
7 of Israel.

8 (G) The current inventory of such muni-
9 tions, including precision-guided munitions, pos-
10 sessed by the United States, and whether, as of
11 the date on which the applicable assessment is
12 completed, the United States is assessed to
13 have sufficient munitions to meet the require-
14 ments of current operation plans of the United
15 States or global other munitions requirements.

16 (H) United States planning and steps
17 being taken—

18 (i) to assist Israel to prepare for the
19 contingencies, and to conduct the oper-
20 ations, described in subparagraphs (B)
21 through (D); and

22 (ii) to resupply Israel with the quan-
23 tity and type of such munitions described
24 in such subparagraphs in the event of a

1 sustained armed confrontation described in
2 such subparagraphs.

3 (I) The quantity and pace at which the
4 United States is capable of pre-positioning, in-
5 creasing, stockpiling, or rapidly replenishing, or
6 assisting in the rapid replenishment of, such
7 munitions in preparation for, and in the event
8 of, such a sustained armed confrontation.

9 (2) CONSULTATION.—In carrying out the as-
10 sessment required by paragraph (1), the Secretary
11 shall consult with the Israeli Ministry of Defense,
12 provided that the Israeli Ministry of Defense agrees
13 to be so consulted.

14 (c) REPORTS.—

15 (1) DEPARTMENT OF DEFENSE ASSESSMENT.—
16 Not later than 15 days after the date on which each
17 Department of Defense assessment required by sub-
18 section (b) is completed, the Secretary shall submit
19 to the appropriate committees of Congress a report
20 on such assessment.

21 (2) PRE-POSITIONING AND STOCKPILE IMPLE-
22 MENTATION REPORT.—Not later than 180 days
23 after the date on which the report required by para-
24 graph (1) is submitted, and every 180 days there-
25 after through December 31, 2028, the Secretary

1 shall submit to the appropriate committees of Con-
2 gress a report that—

3 (A) details the actions being taken by the
4 United States, if any, to pre-position, increase,
5 stockpile, address shortfalls, and otherwise en-
6 sure that the War Reserves Stock Allies-Israel
7 has, and assist Israel in ensuring that Israel
8 has, sufficient quantities and types of muni-
9 tions, including precision-guided munitions, to
10 conduct the operations described in subpara-
11 graphs (B) through (D) of subsection (b)(1);
12 and

13 (B) includes a description of procedures
14 implemented by the United States, if any, for
15 rapidly replenishing, or assisting in the rapid
16 replenishment of, stockpiles of such munitions
17 for use by Israel as may be necessary.

18 (3) FORM.—The report required by paragraph
19 (1) shall be submitted in unclassified form but may
20 contain a classified annex.

21 (4) APPROPRIATE COMMITTEES OF CONGRESS
22 DEFINED.—In this subsection, the term “appro-
23 priate committees of Congress” means—

1 (A) the Committee on Foreign Relations
2 and the Committee on Armed Services of the
3 Senate; and

4 (B) the Committee on Foreign Affairs and
5 the Committee on Armed Services of the House
6 of Representatives.

7 (d) CONSOLIDATION OF REPORTS.—

8 (1) Section 1273 of the John S. McCain Na-
9 tional Defense Authorization Act for Fiscal Year
10 2019 (Public Law 115–232; 132 Stat. 2066) is
11 amended by striking subsection (b).

12 (2) Section 1275 of the William M. (Mac)
13 Thornberry National Defense Authorization Act for
14 Fiscal Year 2021 (Public Law 116–283; 134 Stat.
15 3979; 22 U.S.C. 2321h note) is amended by striking
16 subsection (d).

17 **SEC. 1299J. IMPROVEMENTS TO SECURITY COOPERATION**

18 **WORKFORCE AND DEFENSE ACQUISITION**

19 **WORKFORCE.**

20 (a) RESPONSIBILITIES OF SECRETARY OF DE-
21 FENSE.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall, consistent with the requirements of section
24 384 of title 10, United States Code, as amended by
25 section 1209 of this Act—

1 (A) carry out activities to professionalize,
2 and increase the resources available to, the se-
3 curity cooperation workforce so as to enable the
4 streamlining and expediting of the foreign mili-
5 tary sales process; and

6 (B) seek to ensure that—

7 (i) members of the defense acquisition
8 workforce involved in the foreign military
9 sales process are aware of evolving United
10 States regional and country-level defense
11 capability-building priorities; and

12 (ii) members of the defense acquisi-
13 tion workforce are professionally evaluated
14 using metrics to measure—

15 (I) responsiveness to foreign
16 partner requests;

17 (II) ability to meet foreign part-
18 ner capability and delivery schedule
19 requirements; and

20 (III) advancement of foreign ca-
21 pability-building priorities described in
22 the guidance updated under sub-
23 section (b).

24 (2) REPORT.—Not later than 180 days after
25 the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the Committees on Armed
2 Services of the Senate and the House of Representa-
3 tives a report on the resources necessary to imple-
4 ment paragraph (1), including—

5 (A) the anticipated costs of new personnel
6 and training to carry out such paragraph;

7 (B) the estimated increase in foreign mili-
8 tary sales administrative user fees necessary to
9 offset such costs; and

10 (C) the feasibility and advisability of estab-
11 lishing, at the Department of Defense level or
12 the military department level, a contracting ca-
13 pacity that—

14 (i) is specific to the execution of con-
15 tracts for foreign military sales;

16 (ii) is fully funded by the Defense Se-
17 curity Cooperation Agency using foreign
18 military sales administrative funds so as to
19 ensure that such capacity is dedicated sole-
20 ly to foreign military sales contracting;

21 (iii) is monitored by the Defense Se-
22 curity Cooperation Agency Chief Perform-
23 ance Office, in coordination with the Under
24 Secretary of Defense for Acquisition and
25 Sustainment, to ensure effectiveness in

1 meeting foreign military sales contracting
2 requirements; and

3 (iv) empowers the Director of the De-
4 fense Security Cooperation Agency, in co-
5 ordination with the Under Secretary of De-
6 fense for Policy and the Under Secretary
7 of Defense for Acquisition and
8 Sustainment, to increase or decrease for-
9 eign military sales contracting capacity
10 through the guidance updated under sub-
11 section (b).

12 (b) GUIDANCE.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Defense shall update, as necessary, De-
16 partment of Defense guidance governing the execu-
17 tion of foreign military sales by the Department to
18 ensure that such guidance—

19 (A) incorporates the National Security
20 Strategy and the National Defense Strategy;

21 (B) is informed by the theater campaign
22 plans and theater security cooperation strate-
23 gies of the combatant commands; and

1 (C) is disseminated to the security co-
2 operation workforce and the defense acquisition
3 workforce.

4 (2) ELEMENTS.—The updated guidance re-
5 quired by paragraph (1) shall—

6 (A) identify—

7 (i) regional and country-level foreign
8 defense capability-building priorities; and

9 (ii) levels of urgency and desired
10 timelines for achieving foreign capability-
11 building objectives; and

12 (B) provide guidance to the defense acqui-
13 sition workforce regarding levels of resourcing,
14 innovation, and risk tolerance that should be
15 considered in meeting urgent needs.

16 (c) FOREIGN MILITARY SALES CONTINUOUS PROC-
17 ESS IMPROVEMENT BOARD.—

18 (1) ESTABLISHMENT.—The Secretary of De-
19 fense may establish a Foreign Military Sales Contin-
20 uous Process Improvement Board (in this section re-
21 ferred to as the “Board”) to serve as an enduring
22 governance structure within the Department of De-
23 fense that reports to the Secretary on matters relat-
24 ing to the foreign military sales process so as to en-

1 hance accountability and continuous improvement
2 within the Department, including the objectives of—

3 (A) improving the understanding, among
4 officials of the Department, of ally and partner
5 requirements;

6 (B) enabling efficient reviews for release of
7 technology;

8 (C) providing allies and partner countries
9 with relevant priority equipment;

10 (D) accelerating acquisition and con-
11 tracting support;

12 (E) expanding the capacity of the defense
13 industrial base; and

14 (F) working with other departments and
15 agencies to promote broad United States Gov-
16 ernment support.

17 (2) MEMBERSHIP.—

18 (A) IN GENERAL.—The Board shall be
19 composed of not fewer than seven members,
20 each of whom shall have expertise in the foreign
21 military sales process.

22 (B) RESTRICTION.—The Board may not
23 have as a member—

24 (i) an officer or employee of the De-
25 partment of Defense; or

1 (ii) a member of the United States
2 Armed Forces.

3 (d) DEFINITIONS.—In this section:

4 (1) DEFENSE ACQUISITION WORKFORCE.—The
5 term “defense acquisition workforce” means the De-
6 partment of Defense acquisition workforce described
7 in chapter 87 of title 10, United States Code.

8 (2) SECURITY COOPERATION WORKFORCE.—
9 The term “security cooperation workforce” has the
10 meaning given the term in section 384 of title 10,
11 United States Code.

12 **SEC. 1299K. MODIFICATION OF FOREIGN MILITARY SALES**
13 **PROCESSING.**

14 (a) RESPONSES.—

15 (1) LETTERS OF REQUEST FOR PRICING AND
16 AVAILABILITY.—The Secretary of Defense shall seek
17 to ensure that an eligible foreign purchaser that has
18 submitted a letter of request for pricing and avail-
19 ability data receives a response to the letter not later
20 than 45 days after the date on which the letter is
21 received by a United States security cooperation or-
22 ganization, the Defense Security Cooperation Agen-
23 cy, or other implementing agency.

24 (2) LETTERS OF REQUEST FOR LETTERS OF
25 OFFER AND ACCEPTANCE.—The Secretary of De-

1 fense shall seek to ensure that an eligible foreign
2 purchaser that has submitted a letter of request for
3 a letter of offer and acceptance receives a re-
4 sponse—

5 (A) in the case of a letter of request for a
6 blanket-order letter of offer and acceptance, co-
7 operative logistics supply support arrangements,
8 or associated amendments and modifications,
9 not later than 45 days after the date on which
10 the letter of request is received by a United
11 States security cooperation organization, the
12 Defense Security Cooperation Agency, or other
13 implementing agency;

14 (B) in the case of a letter of request for
15 a defined-order letter of offer and acceptance or
16 associated amendments and modifications, not
17 later than 100 days after such date; and

18 (C) in the case of a letter of request for a
19 defined-order letter of offer and acceptance or
20 associated amendments that involve extenuating
21 factors, as approved by the Director of the De-
22 fense Security Cooperation Agency, not later
23 than 150 days after such date.

24 (3) WAIVER.—The Secretary of Defense may
25 waive paragraphs (1) and (2) if—

1 (A) such a waiver is in the national secu-
2 rity interests of the United States; and

3 (B) not later than 5 days after exercising
4 such waiver authority, the Secretary provides to
5 the Committee on Foreign Relations of the Sen-
6 ate and the Committee on Foreign Affairs of
7 the House of Representatives notice of the exer-
8 cise of such authority, including an explanation
9 of the one or more reasons for failing to meet
10 the applicable deadline.

11 (b) EXPANSION OF COUNTRY PRIORITIZATION.—

12 With respect to foreign military sales to member countries
13 of the North Atlantic Treaty Organization, major non-
14 NATO allies, major defense partners, and major security
15 partners, the Secretary of Defense may assign a Defense
16 Priorities and Allocations System order rating of DX
17 (within the meaning of section 700.11 of title 15, Code
18 of Federal Regulations (as in effect on the date of the
19 enactment of this Act)).

20 (c) DEFINITIONS.—In this section:

21 (1) BLANKET-ORDER LETTER OF OFFER AND
22 ACCEPTANCE.—The term “blanket-order letter of
23 offer and acceptance” means an agreement between
24 an eligible foreign purchaser and the United States

1 Government for a specific category of items or serv-
2 ices (including training) that—

3 (A) does not include a definitive listing of
4 items or quantities; and

5 (B) specifies a maximum dollar amount
6 against which orders for defense articles and
7 services may be placed.

8 (2) COOPERATIVE LOGISTICS SUPPLY SUPPORT
9 ARRANGEMENT.—The term “cooperative logistics
10 supply support arrangement” means a military logis-
11 tics support arrangement designed to provide re-
12 sponsive and continuous supply support at the depot
13 level for United States-made military materiel pos-
14 sessed by foreign countries or international organiza-
15 tions.

16 (3) DEFINED-ORDER LETTER OF OFFER AND
17 ACCEPTANCE.—The term “defined-order letter of
18 offer and acceptance” means a foreign military sales
19 case characterized by an order for a specific defense
20 article or service that is separately identified as a
21 line item on a letter of offer and acceptance.

22 (4) IMPLEMENTING AGENCY.—The term “im-
23 plementing agency” means the military department
24 or defense agency assigned, by the Director of the

1 Defense Security Cooperation Agency, the respon-
2 sibilities of—

3 (A) preparing a letter of offer and accept-
4 ance;

5 (B) implementing a foreign military sales
6 case; and

7 (C) carrying out the overall management
8 of the activities that—

9 (i) will result in the delivery of the de-
10 fense articles or services set forth in the
11 letter of offer and acceptance; and

12 (ii) was accepted by an eligible foreign
13 purchaser.

14 (5) LETTER OF REQUEST.—The term “letter of
15 request”—

16 (A) means a written document—

17 (i) submitted to a United States secu-
18 rity cooperation organization, the Defense
19 Security Cooperation Agency, or an imple-
20 menting agency by an eligible foreign pur-
21 chaser for the purpose of requesting to
22 purchase or otherwise obtain a United
23 States defense article or defense service
24 through the foreign military sales process;
25 and

1 (ii) that contains all relevant informa-
2 tion in such form as may be required by
3 the Secretary of Defense; and

4 (B) includes—

5 (i) a formal letter;

6 (ii) an e-mail;

7 (iii) signed meeting minutes from a
8 recognized official of the government of an
9 eligible foreign purchaser; and

10 (iv) any other form of written docu-
11 ment, as determined by the Secretary of
12 Defense or the Director of the Defense Se-
13 curity Cooperation Agency.

14 (6) MAJOR DEFENSE PARTNER.—The term
15 “major defense partner” means—

16 (A) India; and

17 (B) any other country, as designated by
18 the Secretary of Defense.

19 (7) MAJOR NON-NATO ALLY.—The term “major
20 non-NATO ally”—

21 (A) has the meaning given the term in sec-
22 tion 644 of the Foreign Assistance Act of 1961
23 (22 U.S.C. 2403)); and

24 (B) includes Taiwan, as required by sec-
25 tion 1206 of the Security Assistance Act of

1 2002 (Public Law 107–228; 22U.S.C. 2321k
2 note).

3 (8) MAJOR SECURITY PARTNER.—The term
4 “major security partner” means—

5 (A) the United Arab Emirates;

6 (B) Bahrain;

7 (C) Saudi Arabia; and

8 (D) any other country, as designated by
9 the Secretary of Defense, in consultation with
10 the Secretary of State and the Director of Na-
11 tional Intelligence.

12 **TITLE XIII—COOPERATIVE**
13 **THREAT REDUCTION**

14 **SEC. 1301. COOPERATIVE THREAT REDUCTION FUNDS.**

15 (a) FUNDING ALLOCATION.—Of the \$350,999,000
16 authorized to be appropriated to the Department of De-
17 fense for fiscal year 2024 in section 301 and made avail-
18 able by the funding table in division D for the Department
19 of Defense Cooperative Threat Reduction Program estab-
20 lished under section 1321 of the Department of Defense
21 Cooperative Threat Reduction Act (50 U.S.C. 3711), the
22 following amounts may be obligated for the purposes spec-
23 ified:

24 (1) For strategic offensive arms elimination,
25 \$6,815,000.

1 (2) For chemical weapons destruction,
2 \$16,400,000.

3 (3) For global nuclear security, \$19,406,000.

4 (4) For cooperative biological engagement,
5 \$228,030,000.

6 (5) For proliferation prevention, \$46,324,000.

7 (6) For activities designated as Other Assess-
8 ments/Administrative Costs, \$34,024,000.

9 (b) SPECIFICATION OF COOPERATIVE THREAT RE-
10 DUCTION FUNDS.—Funds appropriated pursuant to the
11 authorization of appropriations in section 301 and made
12 available by the funding table in division D for the Depart-
13 ment of Defense Cooperative Threat Reduction Program
14 shall be available for obligation for fiscal years 2024,
15 2025, and 2026.

16 **TITLE XIV—OTHER**
17 **AUTHORIZATIONS**
18 **Subtitle A—Military Programs**

19 **SEC. 1401. WORKING CAPITAL FUNDS.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2024 for the use of the Armed Forces and other
22 activities and agencies of the Department of Defense for
23 providing capital for working capital and revolving funds,
24 as specified in the funding table in section 4501.

1 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
2 **TION, DEFENSE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for the Depart-
5 ment of Defense for fiscal year 2024 for expenses, not oth-
6 erwise provided for, for Chemical Agents and Munitions
7 Destruction, Defense, as specified in the funding table in
8 section 4501.

9 (b) USE.—Amounts authorized to be appropriated
10 under subsection (a) are authorized for—

11 (1) the destruction of lethal chemical agents
12 and munitions in accordance with section 1412 of
13 the Department of Defense Authorization Act, 1986
14 (50 U.S.C. 1521); and

15 (2) the destruction of chemical warfare materiel
16 of the United States that is not covered by section
17 1412 of such Act.

18 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
19 **TIVITIES, DEFENSE-WIDE.**

20 Funds are hereby authorized to be appropriated for
21 the Department of Defense for fiscal year 2024 for ex-
22 penses, not otherwise provided for, for Drug Interdiction
23 and Counter-Drug Activities, Defense-wide, as specified in
24 the funding table in section 4501.

1 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 the Department of Defense for fiscal year 2024 for ex-
4 penses, not otherwise provided for, for the Office of the
5 Inspector General of the Department of Defense, as speci-
6 fied in the funding table in section 4501.

7 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2024 for the Defense Health Program for use
10 of the Armed Forces and other activities and agencies of
11 the Department of Defense for providing for the health
12 of eligible beneficiaries, as specified in the funding table
13 in section 4501.

14 **Subtitle B—National Defense**
15 **Stockpile**

16 **SEC. 1411. RECOVERY OF RARE EARTH ELEMENTS AND**
17 **OTHER STRATEGIC AND CRITICAL MATE-**
18 **RIALS THROUGH END-OF-LIFE EQUIPMENT**
19 **RECYCLING.**

20 The Secretary of Defense shall establish policies and
21 procedures—

22 (1) to identify end-of-life equipment of the De-
23 partment of Defense that contains rare earth ele-
24 ments and other materials determined pursuant to
25 section 3(a) of the Strategic and Critical Materials

1 Stock Piling Act (50 U.S.C. 98b(a)) to be strategic
2 and critical materials; and

3 (2) to identify, establish, and implement policies
4 and procedures to recover such materials from such
5 equipment for the purposes of reuse by the Depart-
6 ment of Defense.

7 **SEC. 1412. IMPROVEMENTS TO STRATEGIC AND CRITICAL**
8 **MATERIALS STOCK PILING ACT.**

9 (a) **PURPOSES.**—Section 2 of the Strategic and Crit-
10 ical Materials Stock Piling Act (50 U.S.C. 98a) is amend-
11 ed by adding at the end the following new subsection:

12 “(d) To the maximum extent practicable and to re-
13 duce the reliance of the National Defense Stockpile pro-
14 gram on appropriated funds, the National Defense Stock-
15 pile Manager shall seek to achieve positive cash flows from
16 the recovery of strategic and critical materials pursuant
17 to section 6(a)(5).”.

18 (b) **STOCKPILE MANAGEMENT.**—Section 6 of such
19 Act (50 U.S.C. 98e) is amended—

20 (1) in subsection (a)(5), by striking “from ex-
21 cess” and all that follows and inserting “from other
22 Federal agencies, either directly as materials or em-
23 bedded in excess-to-need, end-of-life items, or waste
24 streams;”;

1 (2) in subsection (c)(1), by striking “subsection
2 (a)(5) or (a)(6)” and inserting “subsection (a)(6) or
3 (a)(7)”;

4 (3) in subsection (d)(2), by striking “subsection
5 (a)(5)” and inserting “subsection (a)(6)”; and

6 (4) by adding at the end the following new sub-
7 sections:

8 “(g)(1) The National Defense Stockpile Manager
9 shall establish a pilot program to use, to the maximum
10 extent practicable, commercial best practices in the acqui-
11 sition and disposal of strategic and critical materials for
12 the stockpile.

13 “(2)(A) The Stockpile Manager shall brief the con-
14 gressional defense committees (as defined in section
15 101(a) of title 10, United States Code)—

16 “(i) as soon as practicable after the establish-
17 ment of the pilot program under paragraph (1); and

18 “(ii) annually thereafter until the termination
19 of the pilot program under paragraph (3).

20 “(B) The briefing required by subparagraph (A)(i)
21 shall address—

22 “(i) the commercial best practices selected for
23 use under the pilot program;

24 “(ii) how the Stockpile Manager determined
25 which commercial best practices to select; and

1 “(iii) the plan of the Stockpile Manager for
2 using such practices.

3 “(C) Each briefing required by subparagraph (A)(ii)
4 shall provide a summary of—

5 “(i) how the Stockpile Manager has used com-
6 mercial best practices under the pilot program dur-
7 ing the year preceding the briefing;

8 “(ii) how many times the Stockpile Manager
9 has used such practices;

10 “(iii) the outcome of each use of such practices;
11 and

12 “(iv) any savings achieved or lessons learned as
13 a result of the use of such practices.

14 “(3) The pilot program established under paragraph
15 (1) shall terminate effective on the date that is 5 years
16 after the date of the enactment of the National Defense
17 Authorization Act for Fiscal Year 2024.

18 “(h) Unless otherwise necessary for national defense,
19 the National Defense Stockpile Manager shall implement
20 recovery programs under subsection (a)(5) to be cash flow
21 positive.”.

22 (c) DEVELOPMENT AND CONSERVATION OF RELI-
23 ABLE SOURCES.—

24 (1) IN GENERAL.—Section 15 of such Act (50
25 U.S.C. 98h–6) is amended to read as follows:

1 **“SEC. 15. DEVELOPMENT AND CONSERVATION OF RELI-**
2 **ABLE SOURCES.**

3 “(a) DUTIES.—Subject to subsection (c), the Na-
4 tional Defense Stockpile Manager shall encourage the de-
5 velopment and appropriate conservation of reliable sources
6 of strategic and critical materials—

7 “(1) by purchasing, or making a commitment to
8 purchase, strategic and critical materials from reli-
9 able sources when such materials are needed for the
10 stockpile;

11 “(2) by contracting with facilities located in and
12 owned and controlled by reliable sources, or making
13 a commitment to contract with such facilities, for
14 the processing or refining of strategic and critical
15 materials in the stockpile when processing or refin-
16 ing is necessary to convert such materials into a
17 form more suitable for storage or disposition or
18 meeting stockpile requirements;

19 “(3) by qualifying facilities located in and
20 owned and controlled by reliable sources, or quali-
21 fying strategic and critical materials produced by
22 such facilities, to meet stockpile requirements;

23 “(4) by contracting with facilities located in and
24 owned and controlled by reliable sources to recycle
25 strategic and critical materials to meet stockpile re-
26 quirements or increase the balance of the National

1 Defense Stockpile Transaction Fund under section
2 9; and

3 “(5) by entering into an agreement to co-fund
4 a bankable feasibility study for a project for the de-
5 velopment of strategic and critical materials located
6 in and owned and controlled by a reliable source, if
7 the agreement—

8 “(A) limits the liability of the stockpile to
9 not more than the total funding provided by the
10 Federal Government;

11 “(B) limits the funding contribution of the
12 Federal Government to not more than 50 per-
13 cent of the cost of the bankable feasibility
14 study; and

15 “(C) does not obligate the Federal Govern-
16 ment to purchase strategic and critical mate-
17 rials from the reliable source.

18 “(b) ADDITIONAL AUTHORITIES.—

19 “(1) EXTENDED CONTRACTING AUTHORITY.—

20 “(A) IN GENERAL.—The term of a con-
21 tract or commitment made under subsection (a)
22 may not exceed ten years.

23 “(B) PREEXISTING CONTRACTS.—A con-
24 tract entered into before the date of the enact-
25 ment of the National Defense Authorization Act

1 for Fiscal Year 2024 for a term of more than
2 ten years may be extended, on or after such
3 date of enactment, for a total of not more than
4 an additional ten years pursuant to any option
5 or options set forth in the contract.

6 “(2) MATTERS RELATING TO CO-FUNDING OF
7 BANKABLE FEASIBILITY STUDIES.—To the extent
8 authorized by Congress pursuant to the Defense
9 Production Act of 1950 (50 U.S.C. 4501 et seq.)
10 and determined to be required by the President pur-
11 suant to that Act, the National Defense Stockpile
12 Manager may provide for loans or procure debt
13 issued by other entities to carry out a project for the
14 development of strategic and critical materials under
15 subsection (a)(5).

16 “(c) PROPOSED TRANSACTIONS INCLUDED IN AN-
17 NUAL MATERIALS PLAN.—Descriptions of proposed trans-
18 actions under subsection (a) shall be included in the An-
19 nual Materials and Operations Plan. Changes to any such
20 transaction, or the addition of a transaction not included
21 in such plan, shall be made in accordance with section 5.

22 “(d) AVAILABILITY OF FUNDS.—The authority of the
23 National Defense Stockpile Manager to enter into obliga-
24 tions under this section is effective for any fiscal year only
25 to the extent that funds in the National Defense Stockpile

1 Transaction Fund under section 9 are adequate to meet
2 such obligations.

3 “(e) BANKABLE FEASIBILITY STUDY DEFINED.—In
4 this section, the term ‘bankable feasibility study’ means
5 a comprehensive technical and economic study—

6 “(1) of the selected development option for a
7 strategic and critical materials project that includes
8 appropriately detailed assessments of realistically as-
9 sumed extraction, processing, metallurgical, eco-
10 nomic, marketing, legal, environmental, social, and
11 governmental considerations and any other relevant
12 operational factors and detailed financial analysis,
13 that are necessary to demonstrate at the time of re-
14 porting that production is reasonably justified; and

15 “(2) that may reasonably serve as the basis for
16 a final decision by a proponent of a project or finan-
17 cial institution to proceed with, or finance, the devel-
18 opment of the project.”.

19 (2) CONFORMING AMENDMENTS.—

20 (A) MATERIALS RESEARCH AND DEVELOP-
21 MENT.—Section 8(a) of such Act (50 U.S.C.
22 98g(a)) is amended—

23 (i) in paragraph (1)(A), by striking
24 “or in its territories or possessions,” and

1 inserting “its territories or possessions, or
2 in a reliable source”; and

3 (ii) in paragraph (2), by striking “in
4 order to—” and all that follows through
5 “mineral products.” and inserting the fol-
6 lowing: “in order to develop new sources of
7 strategic and critical materials, develop
8 substitutes, or conserve domestic sources
9 and reliable sources of supply for such
10 strategic and critical materials.”.

11 (B) DEFINITIONS.—Section 12 of such Act
12 (50 U.S.C. 98h–3) is amended by striking para-
13 graph (3) and inserting the following new para-
14 graph (3):

15 “(i) The term ‘reliable source’ mean a
16 citizen or business entity of—

17 “(I) the United States or any
18 territory or possession of the United
19 States;

20 “(II) a country of the national
21 technology and industrial base, as de-
22 fined in section 4801 of title 10,
23 United States Code; or

24 “(III) a qualifying country, as
25 defined in section 225.003 of the De-

1 fense Federal Acquisition Regulation
2 Supplement.”.

3 (d) TECHNICAL AMENDMENT.—Subsection (e) of sec-
4 tion 10 of such Act (50 U.S.C. 98h–1) is amended to read
5 as follows:

6 “(e) APPLICATION OF PROVISIONS RELATING TO
7 FEDERAL ADVISORY COMMITTEES.—Section 1013 of title
8 5, United States Code, shall not apply to the Board.”.

9 **SEC. 1413. AUTHORITY TO DISPOSE OF MATERIALS FROM**
10 **THE NATIONAL DEFENSE STOCKPILE.**

11 Pursuant to section 5(b) of the Strategic and Critical
12 Materials Stock Piling Act (50 U.S.C. 98d(b)), the Na-
13 tional Defense Stockpile Manager may dispose of the fol-
14 lowing materials contained in the National Defense Stock-
15 pile in the following quantities:

16 (1) 8 short tons of beryllium.

17 (2) 154,043 short dry tons of metallurgical
18 grade manganese ore.

19 (3) 5,000 kilograms of germanium.

20 (4) 91,413 pounds of pan-based carbon fibers.

21 (5) Not more than 1,000 short tons of mate-
22 rials transferred from another department or agency
23 of the United States to the National Defense Stock-
24 pile under section 4(b) of such Act (50 U.S.C.
25 98c(b)) that the National Defense Stockpile Man-

1 ager determines is no longer required for the Stock-
2 pile (in addition to any amount of such materials
3 previously authorized for disposal).

4 **SEC. 1414. BEGINNING BALANCES OF THE NATIONAL DE-**
5 **FENSE STOCKPILE TRANSACTION FUND FOR**
6 **AUDIT PURPOSES.**

7 For purposes of an audit conducted under chapter
8 9A of title 10, United States Code, of the National De-
9 fense Stockpile Transaction Fund established by section
10 9 of the Strategic and Critical Materials Stock Piling Act
11 (50 U.S.C. 98h)—

12 (1) the ending balance of \$313,633,491.15 re-
13 ported in the Central Accounting Reporting System
14 of the Department of the Treasury for September
15 30, 2021, is the Fund Balance with Treasury ending
16 balance on that date;

17 (2) the Total Actual Resources—Collected open-
18 ing balance for October 1, 2021, for United States
19 Standard General Ledger Account 420100 is
20 \$314,548,154.42, as recorded in official accounting
21 records; and

22 (3) the Unapportioned—Unexpired Authority
23 ending balance for September 30, 2021, for United
24 States Standard General Ledger Account 445000 is

1 \$216,976,300.69, as recorded in official accounting
2 records.

3 **Subtitle C—Other Matters**

4 **SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
5 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
6 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
7 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
8 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

9 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
10 funds authorized to be appropriated by section 1405 and
11 available for the Defense Health Program for operation
12 and maintenance, \$172,000,000 may be transferred by the
13 Secretary of Defense to the Joint Department of Defense—
14 Department of Veterans Affairs Medical Facility Dem-
15 onstration Fund established by subsection (a)(1) of sec-
16 tion 1704 of the National Defense Authorization Act for
17 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

18 (b) **TREATMENT OF TRANSFERRED FUNDS.**—For
19 purposes of subsection (a)(2) of such section 1704, any
20 funds transferred under subsection (a) shall be treated as
21 amounts authorized and appropriated specifically for the
22 purpose of such a transfer.

23 (c) **USE OF TRANSFERRED FUNDS.**—For purposes of
24 subsection (b) of such section 1704, facility operations for
25 which funds transferred under subsection (a) may be used

1 are operations of the Captain James A. Lovell Federal
2 Health Care Center, consisting of the North Chicago Vet-
3 erans Affairs Medical Center, the Navy Ambulatory Care
4 Center, and supporting facilities designated as a combined
5 Federal medical facility under an operational agreement
6 covered by section 706 of the Duncan Hunter National
7 Defense Authorization Act for Fiscal Year 2009 (Public
8 Law 110–417; 122 Stat. 4500).

9 **SEC. 1422. AUTHORIZATION OF APPROPRIATIONS FOR**
10 **ARMED FORCES RETIREMENT HOME.**

11 There is hereby authorized to be appropriated for fis-
12 cal year 2024 from the Armed Forces Retirement Home
13 Trust Fund the sum of \$77,000,000 for the operation of
14 the Armed Forces Retirement Home.

15 **SEC. 1423. MODIFICATION OF LEASING AUTHORITY OF**
16 **ARMED FORCES RETIREMENT HOME.**

17 (a) AGREEMENTS; APPROVAL AND NOTIFICATION.—
18 Section 1511(i) of the Armed Forces Retirement Home
19 Act of 1991 (24 U.S.C. 411(i)) is amended by adding at
20 the end the following new paragraphs:

21 “(9) Before entering into a lease described in this
22 subsection, the Chief Operating Officer may enter into an
23 agreement with a potential lessee providing for a period
24 of exclusivity, access, study, or for similar purposes. The
25 agreement shall provide for the payment (in cash or in

1 kind) by the potential lessee of consideration for the agree-
2 ment unless the Chief Operating Officer determines that
3 payment of consideration will not promote the purpose and
4 financial stability of the Retirement Home or be in the
5 public interest.

6 “(10) No further approval by the Secretary of De-
7 fense, nor notification or report to Congress, shall be re-
8 quired for subordinate leases under this subsection unless
9 the facts or terms of the original lease have materially
10 changed.”.

11 (b) ADMINISTRATION OF FUNDS.—Section
12 1511(i)(7) of the Armed Forces Retirement Home Act of
13 1991 (24 U.S.C. 411(i)) is amended—

14 (1) by inserting “an agreement with a potential
15 lessee or” after “The proceeds from”; and

16 (2) by striking the period at the end and insert-
17 ing “, to remain available for obligation and expendi-
18 ture to finance expenses of the Retirement Home re-
19 lated to the formation and administration of agree-
20 ments and leases entered into under the provisions
21 of this subsection.”.

1 **TITLE XV—SPACE ACTIVITIES,**
2 **STRATEGIC PROGRAMS, AND**
3 **INTELLIGENCE MATTERS**

4 **Subtitle A—Space Activities**

5 **SEC. 1501. ACQUISITION STRATEGY FOR PHASE 3 OF THE**
6 **NATIONAL SECURITY SPACE LAUNCH PRO-**
7 **GRAM.**

8 (a) FISCAL YEARS 2025 THROUGH 2029.—With re-
9 spect to the acquisition strategy for Phase 3 of the Na-
10 tional Security Space Launch program, for fiscal years
11 2025 through 2029, the Secretary of Defense shall estab-
12 lish—

13 (1) a low-risk launch program, to be known as
14 “Lane One”, that consists of an indefinite delivery
15 indefinite quantity acquisition approach based on
16 not fewer than 20 launches so as to encourage the
17 capabilities of new entrants that have conducted not
18 fewer than one previous launch; and

19 (2) a launch program, similar to the Phase Two
20 National Security Assured Access Launch program,
21 to be known as “Lane Two”, that meets all National
22 Security Space Launch requirements, with full mis-
23 sion assurance, based on not fewer than 35
24 launches.

1 (b) FISCAL YEARS 2027 THROUGH 2029.—With re-
2 spect to the acquisition strategy for Phase 3 of the Na-
3 tional Security Space Launch program, for fiscal years
4 2027 through 2029, the Secretary of Defense shall estab-
5 lish an accession launch program, to be known as “Lane
6 Two A”, using the requirements of the program estab-
7 lished under subsection (a)(2) based on five launches of
8 GPS Block IIIF satellites or satellites the launches of
9 which are complex, high-energy missions.

10 **SEC. 1502. INITIAL OPERATING CAPABILITY FOR AD-**
11 **VANCED TRACKING AND LAUNCH ANALYSIS**
12 **SYSTEM AND SYSTEM-LEVEL REVIEW.**

13 (a) ADVANCED TRACKING AND LAUNCH ANALYSIS
14 SYSTEM.—

15 (1) DATE FOR INITIAL OPERATING CAPA-
16 BILITY.—Not later than 90 days after the date of
17 the enactment of this Act, the Secretary of the Air
18 Force shall—

19 (A) designate a date for the delivery of the
20 initial operating capability for the Advanced
21 Tracking and Launch Analysis System
22 (ATLAS); and

23 (B) notify the congressional defense com-
24 mittees of such date.

1 (2) EFFECT OF FAILURE TO TIMELY DE-
2 LIVER.—If the initial operating capability for
3 ATLAS is not achieved by the date designated under
4 paragraph (1)(A), the Secretary shall—

5 (A) terminate the ATLAS program;

6 (B) designate an alternative program op-
7 tion that provides a comparable capability to
8 the capability intended to be provided by
9 ATLAS; and

10 (C) not later than 30 days after such date,
11 notify the congressional defense committees
12 with respect to—

13 (i) such termination;

14 (ii) the designated alternative pro-
15 gram option;

16 (iii) the justification for selecting such
17 option; and

18 (iv) the estimated time and total costs
19 to completion of such option.

20 (b) SYSTEM-LEVEL REVIEW.—

21 (1) IN GENERAL.—The Secretary shall enter
22 into a contract with a federally funded research and
23 development center under which the federally funded
24 research and development center shall, not less fre-
25 quently than every 2 years through 2032, conduct a

1 review of the space command and control software
2 acquisition program to assess the ability of such pro-
3 gram to build a software framework that integrates
4 multiple aspects of space operations to enable the
5 warfighter to command and control space assets in
6 a time of conflict.

7 (2) ELEMENTS.—Each review under paragraph
8 (1) shall consider the integration into such software
9 framework of the following:

10 (A) Sensor data applicable to the command
11 and control of space assets.

12 (B) Information contained in the Unified
13 Data Library relating to the number and loca-
14 tion of space objects.

15 (C) The ability to control space assets
16 based on such data and information.

17 (D) Any other matter the Secretary con-
18 siders necessary.

19 (3) BRIEFING.—The Secretary shall provide the
20 congressional defense committees with a briefing on
21 the findings of each review under paragraph (1), in-
22 cluding—

23 (A) an assessment of any deficiency identi-
24 fied in the review; and

1 (B) a plan to address such deficiency in a
2 timely manner.

3 **SEC. 1503. DEPARTMENT OF THE AIR FORCE RESPONSIBILITY FOR SPACE-BASED GROUND AND AIRBORNE MOVING TARGET INDICATION.**

6 (a) IN GENERAL.—The Department of the Air Force
7 shall be responsible for—

8 (1) serving as the final authority for the
9 tasking of space-based ground and airborne moving
10 target indication systems that—

11 (A) are primarily or fully funded by the
12 Department of Defense; and

13 (B) provide near real-time, direct support
14 to satisfy theater operations; and

15 (2) presenting such capability to the combatant
16 commands to accomplish the warfighting missions of
17 the combatant commands under the Unified Com-
18 mand Plan.

19 (b) MILESTONE DEVELOPMENT AUTHORITY.—Sub-
20 ject to section 4204 of title 10, United States Code, the
21 Secretary of the Air Force, in consultation with the Direc-
22 tor of National Intelligence, shall be the Milestone A ap-
23 proval (as defined in section 4211 of such title) decision
24 authority for space-related acquisition programs for
25 ground and airborne moving target indication collection

1 assets described in subsection (a) that are primarily or
2 fully funded within the Military Intelligence Program.

3 **SEC. 1504. PRINCIPAL MILITARY DEPUTY FOR SPACE AC-**
4 **QUISITION AND INTEGRATION.**

5 Section 9016(b)(6) of title 10, United States Code,
6 is amended—

7 (1) by redesignating subparagraph (B) as sub-
8 paragraph (C); and

9 (2) by inserting after subparagraph (A) the fol-
10 lowing new subparagraph (B):

11 “(B) The Assistant Secretary of the Air Force
12 for Space Acquisition and Integration shall have a
13 Principle Military Deputy for Space Acquisition and
14 Integration, who shall be an officer of the Space
15 Force on active duty. The Principal Military Deputy
16 for Space Acquisition and Integration shall be ap-
17 pointed from among officers who have significant ex-
18 perience in the areas of acquisition and program
19 management. The position of Principal Military
20 Deputy for Space Acquisition and Integration shall
21 be designated as a critical acquisition position under
22 section 1731 of this title. In the event of a vacancy
23 in the position of Assistant Secretary of the Air
24 Force for Space Acquisition and Integration, the
25 Principal Military Deputy for Space Acquisition and

1 Integration may serve as Acting Assistant Secretary
2 for Space Acquisition and Integration for a period of
3 not more than one year.”.

4 **SEC. 1505. USE OF MIDDLE TIER ACQUISITION AUTHORITY**
5 **FOR SPACE DEVELOPMENT AGENCY ACQUISITION**
6 **PROGRAM.**

7 (a) IN GENERAL.—The Director of the Space Development Agency shall use the middle tier of acquisition authority, consistent with section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law
11 114–92; 10 U.S.C. 3201 note prec.) and Department of
12 Defense Instruction 5000.80, entitled “Operation of the
13 Middle Tier of Acquisition (MTA)” and issued on December
14 30, 2019 (or a successor instruction), for the rapid
15 fielding of satellites and associated systems for Tranche
16 1, Tranche 2, and Tranche 3 of the proliferated warfighter
17 space architecture of the Space Development Agency.

18 (b) RAPID PROTOTYPING AND FIELDING.—Any
19 tranche of satellites or associated systems developed and
20 fielded under subsection (a) shall have a level of maturity
21 that allows such satellites or systems to be rapidly
22 prototyped within an acquisition program or rapidly fielded
23 within five years of the development of an approved
24 requirement.

1 (c) DESIGNATION AS MAJOR CAPABILITY ACQUI-
2 TION.—

3 (1) IN GENERAL.—The Under Secretary of De-
4 fense for Acquisition and Sustainment may des-
5 ignate a tranche described in subsection (a) as a
6 major capability acquisition program, consistent with
7 Department of Defense Instruction 5000.80, entitled
8 “Operation of the Middle Tier of Acquisition
9 (MTA)” and issued on December 30, 2019 (or a
10 successor instruction).

11 (2) NOTICE TO CONGRESS.—Not later than 90
12 days before the date on which a designation under
13 paragraph (1) is made, the Under Secretary of De-
14 fense for Acquisition and Sustainment shall notify
15 the congressional defense committees of the intent to
16 so designate and provide a justification for such des-
17 ignation.

18 **SEC. 1506. SPECIAL AUTHORITY FOR PROVISION OF COM-**
19 **MERCIAL SPACE LAUNCH SUPPORT SERV-**
20 **ICES.**

21 (a) IN GENERAL.—Chapter 135 of title 10, United
22 States Code, is amended by inserting after section 2276
23 the following new section:

1 **“§ 2276a. Special authority for provision of commer-**
2 **cial space launch support services**

3 “(a) IN GENERAL.—The Secretary of a military de-
4 partment, pursuant to the authority provided by this sec-
5 tion and any other provision of law, may support Federal
6 and commercial space launch capacity on any domestic
7 real property under the control of the Secretary through
8 the provision of space launch support services.

9 “(b) PROVISION OF LAUNCH EQUIPMENT AND SERV-
10 ICES TO COMMERCIAL ENTITIES.—

11 “(1) AGREEMENT AUTHORITY.—

12 “(A) IN GENERAL.—The Secretary con-
13 cerned may enter into a contract, or conduct
14 any other transaction, with a commercial entity
15 that intends to conduct space launch activities
16 on a military installation under the jurisdiction
17 of the Secretary, including a contract or other
18 transaction for the provision of supplies, serv-
19 ices, equipment, and construction needed for
20 commercial space launch.

21 “(B) NONDELEGATION.—The Secretary
22 may not delegate the authority provided in sub-
23 paragraph (A).

24 “(2) AGREEMENT COSTS.—

25 “(A) DIRECT COSTS.—A contract entered
26 into, or a transaction conducted, under para-

1 graph (1) shall include a provision that requires
2 the commercial entity entering into the contract
3 or conducting the transaction to reimburse the
4 Department of Defense for all direct costs to
5 the United States that are associated with the
6 goods, services, and equipment provided to the
7 commercial entity under the contract or trans-
8 action.

9 “(B) INDIRECT COSTS.—A contract en-
10 tered into, or a transaction conducted, under
11 paragraph (1) may—

12 “(i) include a provision that requires
13 the commercial entity to reimburse the De-
14 partment of Defense for such indirect costs
15 as the Secretary concerned considers to be
16 fair and reasonable; and

17 “(ii) provide for the recovery of indi-
18 rect costs through establishment of a rate,
19 fixed price, or similar mechanism the Sec-
20 retary concerned considers to be fair and
21 reasonable.

22 “(3) RETENTION OF FUNDS COLLECTED FROM
23 COMMERCIAL USERS.—Amounts collected from a
24 commercial entity under paragraph (2) shall be cred-
25 ited to the appropriation accounts under which the

1 costs associated with the contract (direct and indi-
2 rect) were incurred.

3 “(4) REGULATIONS.—The Secretary shall pro-
4 mulgate regulations to carry out this subsection.

5 “(c) DEFINITIONS.—In this section:

6 “(1) SPACE LAUNCH.—The term ‘space launch’
7 includes all activities, supplies, equipment, facilities,
8 and services supporting launch preparation, launch,
9 reentry, recovery, and other launch-related activities
10 for the payload and the space transportation vehicle.

11 “(2) COMMERCIAL ENTITY; COMMERCIAL.—The
12 terms ‘commercial entity’ and ‘commercial’ means a
13 non-Federal entity organized under the laws of the
14 United States or of any jurisdiction within the
15 United States.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for chapter 135 of title 10, United States Code, is amend-
18 ed by inserting after the item relating to section 2276 the
19 following:

“2276a. Special authority for provision of commercial space launch support serv-
ices.”.

1 **SEC. 1507. TREATMENT OF POSITIONING, NAVIGATION, AND**
2 **TIMING RESILIENCY, MODIFICATIONS, AND**
3 **IMPROVEMENTS PROGRAM AS ACQUISITION**
4 **CATEGORY 1D PROGRAM.**

5 The Under Secretary of Defense for Acquisition and
6 Sustainment shall treat the Positioning, Navigation, and
7 Timing Resiliency, Modifications, and Improvements pro-
8 gram of the Air Force (Program Element 0604201F) as
9 an acquisition category 1D program, and the authority to
10 manage such program may not be delegated.

11 **SEC. 1508. BRIEFING ON CLASSIFICATION PRACTICES AND**
12 **FOREIGN DISCLOSURE POLICIES REQUIRED**
13 **FOR COMBINED SPACE OPERATIONS.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of the enactment of this Act, the Secretary of Defense
16 and the Director of National Intelligence shall provide a
17 briefing to the appropriate committees of Congress on the
18 classification practices and foreign disclosure policies re-
19 quired to enable the development and conduct of combined
20 space operations among the following countries:

- 21 (1) Australia.
- 22 (2) Canada.
- 23 (3) France.
- 24 (4) Germany.
- 25 (5) New Zealand.
- 26 (6) The United Kingdom.

1 (7) The United States.

2 (8) Any other ally or partner country, as deter-
3 mined by the Secretary of Defense or the Director
4 of National Intelligence.

5 (b) ELEMENTS.—The briefing required by subsection
6 (a) shall include the following:

7 (1) The military and national intelligence infor-
8 mation required to be shared with the countries de-
9 scribed in subsection (a) so as to enable the develop-
10 ment and conduct combined space operations.

11 (2) The policy, organizational, or other barriers
12 that currently prevent such information sharing for
13 combined space operations.

14 (3) The actions being taken by the Department
15 of Defense and the intelligence community (as de-
16 fined in section 3 of the National Security Act of
17 1947 (50 U.S.C. 3003)) to remove the barriers to
18 such information sharing, and the timeline for im-
19 plementation of such actions.

20 (4) Any statutory changes required to remove
21 such barriers.

22 (5) Any other matter, as determined by the
23 Secretary of Defense or the Director of National In-
24 telligence.

1 (c) IMPLEMENTATION UPDATE.—Not later than 270
2 days after the date of the enactment of this Act, the Sec-
3 retary of Defense and the Director of National Intelligence
4 shall provide a briefing to the appropriate committees of
5 Congress on the implementation of the actions described
6 in subsection (b)(3).

7 (d) APPROPRIATE COMMITTEES OF CONGRESS.—In
8 this section, the term “appropriate committees of Con-
9 gress” means—

- 10 (1) the congressional defense committees; and
- 11 (2) the congressional intelligence committees
12 (as defined in section 3 of the National Security Act
13 of 1947 (50 U.S.C. 3003)).

14 **SEC. 1509. LIMITATION ON AVAILABILITY OF CERTAIN**
15 **FUNDS RELATING TO SELECTION OF PERMA-**
16 **NENT LOCATION FOR HEADQUARTERS OF**
17 **UNITED STATES SPACE COMMAND.**

18 (a) LIMITATION ON AVAILABILITY OF FUNDS FOR
19 MILITARY CONSTRUCTION PROJECTS.—None of the funds
20 authorized to be appropriated by this Act or otherwise
21 made available for fiscal year 2024 for the Air Force may
22 be obligated or expended for a military construction
23 project (as described in section 2801(b) of title 10, United
24 States Code) for the construction or modification of facili-
25 ties for temporary or permanent use by the United States

1 Space Command for headquarters operations until the re-
2 port required under subsection (c) is submitted.

3 (b) LIMITATION ON AVAILABILITY OF FUNDS FOR
4 TRAVEL EXPENDITURES.—Of the funds authorized to be
5 appropriated by this Act or otherwise made available for
6 fiscal year 2024 to the Office of the Secretary of the Air
7 Force for travel expenditures, not more than 50 percent
8 may be obligated or expended until the report required
9 under subsection (c) is submitted.

10 (c) REPORT.—The Secretary of the Air Force shall
11 submit to the congressional defense committees a report
12 on the justification for the selection of a permanent loca-
13 tion for headquarters of the United States Space Com-
14 mand.

15 **Subtitle B—Nuclear Forces**

16 **SEC. 1511. PROHIBITION ON REDUCTION OF THE INTER-**
17 **CONTINENTAL BALLISTIC MISSILES OF THE**
18 **UNITED STATES.**

19 (a) PROHIBITION.—Except as provided in subsection
20 (b), none of the funds authorized to be appropriated by
21 this Act for fiscal year 2024 for the Department of De-
22 fense may be obligated or expended for the following, and
23 the Department may not otherwise take any action to do
24 the following:

1 (1) Reduce, or prepare to reduce, the respon-
2 siveness or alert level of the intercontinental ballistic
3 missiles of the United States.

4 (2) Reduce, or prepare to reduce, the quantity
5 of deployed intercontinental ballistic missiles of the
6 United States to a number less than 400.

7 (b) EXCEPTION.—The prohibition in subsection (a)
8 shall not apply to any of the following activities:

9 (1) The maintenance, sustainment, or replace-
10 ment of intercontinental ballistic missiles.

11 (2) Ensuring the safety, security, or reliability
12 of intercontinental ballistic missiles.

13 **SEC. 1512. SENTINEL INTERCONTINENTAL BALLISTIC MIS-**
14 **SILE PROGRAM SILO ACTIVITY.**

15 The LGM–35A Sentinel intercontinental ballistic
16 missile program shall refurbish and make operable not
17 fewer than 150 silos for intercontinental ballistic missiles
18 at each of the following locations:

19 (1) Francis E. Warren Air Force Base, Lar-
20 amie County, Wyoming.

21 (2) Malmstrom Air Force Base, Cascade Coun-
22 ty, Montana.

23 (3) Minot Air Force Base, Ward County, North
24 Dakota.

1 **SEC. 1513. MATTERS RELATING TO THE ACQUISITION AND**
2 **DEPLOYMENT OF THE SENTINEL INTER-**
3 **CONTINENTAL BALLISTIC MISSILE WEAPON**
4 **SYSTEM.**

5 (a) **AUTHORITY FOR MULTI-YEAR PROCUREMENT.**—
6 Subject to section 3501 of title 10, United States Code,
7 the Secretary of the Air Force may enter into one or more
8 multi-year contracts for the procurement of up to 659
9 Sentinel intercontinental ballistic missiles and for sub-
10 systems associated with such missiles.

11 (b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
12 Secretary of the Air Force may enter into one or more
13 contracts, beginning in fiscal year 2024, for advance pro-
14 curement associated with the Sentinel intercontinental
15 ballistic missiles for which authorization to enter into a
16 multi-year procurement contract is provided under sub-
17 section (a), and for subsystems associated with such mis-
18 siles in economic order quantities when cost savings are
19 achievable.

20 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
21 **MENTS.**—A contract entered into under subsection (a)
22 shall provide that any obligation of the United States to
23 make a payment under the contract for a fiscal year after
24 fiscal year 2024 is subject to the availability of appropria-
25 tions or funds for that purpose for such later fiscal year.

1 (d) MANDATORY INCLUSION OF PRE-PRICED OPTION
2 IN CERTAIN CIRCUMSTANCES.—

3 (1) IN GENERAL.—If the total base quantity of
4 Sentinel intercontinental ballistic missiles to be pro-
5 cured through all contracts entered into under sub-
6 section (a) is less than 659, the Secretary of the Air
7 Force shall ensure that one or more of the contracts
8 includes a pre-priced option for the procurement of
9 additional Sentinel intercontinental ballistic missiles
10 such that the sum of such base quantity and the
11 number of such missiles that may be procured
12 through the exercise of such options is equal to 659
13 missiles.

14 (2) DEFINITIONS.—In this subsection:

15 (A) BASE QUANTITY.—The term “base
16 quantity” means the quantity of Sentinel inter-
17 continental ballistic missiles to be procured
18 under a contract entered into under subsection
19 (a), excluding any quantity of such missiles that
20 may be procured through the exercise of an op-
21 tion that may be part of such contract.

22 (B) PRE-PRICED OPTION.—The term “pre-
23 priced option” means a contract option for a
24 contract entered into under subsection (a) that,
25 if exercised, would allow the Secretary of the

1 Air Force to procure a quantity of interconti-
2 nental ballistic missiles at a predetermined
3 price specified in such contract.

4 (e) LIMITATION.—The Secretary of the Air Force
5 may not modify a contract entered into under subsection
6 (a) if the modification would increase the per unit price
7 of the Sentinel intercontinental ballistic missiles by more
8 than 10 percent above the target per unit price specified
9 in the original contract for such missiles under subsection
10 (a).

11 (f) MODIFICATIONS TO THE INTERCONTINENTAL
12 BALLISTIC MISSILE SITE ACTIVATION TASK FORCE.—
13 Section 1638 of the National Defense Authorization Act
14 for Fiscal Year 2023 (Public Law 117–263) is amended—

15 (1) in subsection (b)(1), by inserting “, who
16 shall report directly to the Commander of Air Force
17 Global Strike Command” after “Modernization”;
18 and

19 (2) by striking subsection (d)(1) and inserting
20 the following:

21 “(1) WEAPON SYSTEM.—For purposes of no-
22 menclature and acquisition life cycle activities rang-
23 ing from development through sustainment and de-
24 militarization, each wing level configuration of the

1 LGM-35A Sentinel intercontinental ballistic missile
2 shall be a weapon system.”.

3 **SEC. 1514. PLAN FOR DECREASING THE TIME TO UPLOAD**
4 **ADDITIONAL WARHEADS TO THE INTER-**
5 **CONTINENTAL BALLISTIC MISSILE FLEET.**

6 (a) IN GENERAL.—The Secretary of the Air Force,
7 in coordination with the Commander of the United States
8 Strategic Command, shall develop a plan to decrease the
9 amount of time required to upload additional warheads to
10 the intercontinental ballistic missile force.

11 (b) ELEMENTS.—The plan required by subsection (a)
12 shall include the following:

13 (1) An assessment of the storage capacity of
14 weapons storage areas and any weapons generation
15 facilities at covered bases, including the capacity of
16 each covered base to store additional warheads.

17 (2) An assessment of the current nuclear war-
18 head transportation capacity of the National Nuclear
19 Security Administration and associated timelines for
20 transporting additional nuclear warheads to covered
21 bases.

22 (3) An evaluation of the capacity of the mainte-
23 nance squadrons and security forces at covered
24 bases and the associated timelines for adding war-
25 heads to the intercontinental ballistic missile force.

1 (4) An identification of actions that would ad-
2 dress any identified limitations and increase the
3 readiness of the intercontinental ballistic missile
4 force to upload additional warheads.

5 (5) An evaluation of courses of actions to
6 upload additional warheads to a portion of the inter-
7 continental ballistic missile force.

8 (6) An assessment of the feasibility and advis-
9 ability of initiating immediate deployment of W78
10 warheads to a single wing of the intercontinental
11 ballistic missile force as a hedge against delay of the
12 LGM-35A Sentinel intercontinental ballistic missile.

13 (7) A funding plan for carrying out actions
14 identified in paragraphs (4) and (5).

15 (c) SUBMISSION TO CONGRESS.—Not later than 90
16 days after the date of the enactment of this Act, the Sec-
17 retary of the Air Force and the Commander of the United
18 States Strategic Command shall submit to the congres-
19 sional defense committees the plan required by subsection
20 (a).

21 (d) FORM.—The plan required by subsection (a) shall
22 be submitted in unclassified form, but may include a clas-
23 sified annex.

24 (e) BRIEFING.—Not later than 30 days after the sub-
25 mission of the plan required by subsection (a), the Sec-

1 retary of the Air Force and the Commander of the United
2 States Strategic Command shall brief the congressional
3 defense committees on the actions being pursued to imple-
4 ment the plan.

5 (f) COVERED BASE DEFINED.—The term “covered
6 base” means the following:

7 (1) Francis E. Warren Air Force Base, Lar-
8 amie County, Wyoming.

9 (2) Malmstrom Air Force Base, Cascade Coun-
10 ty, Montana.

11 (3) Minot Air Force Base, Ward County, North
12 Dakota.

13 **SEC. 1515. TASKING AND OVERSIGHT AUTHORITY WITH RE-**
14 **SPECT TO INTERCONTINENTAL BALLISTIC**
15 **MISSILE SITE ACTIVATION TASK FORCE FOR**
16 **SENTINEL PROGRAM.**

17 Section 1638 of the National Defense Authorization
18 Act for Fiscal Year 2023 (Public Law 117–263) is amend-
19 ed by—

20 (1) redesignating subsection (e) as subsection
21 (f); and

22 (2) inserting after subsection (d), the following
23 new subsection (e):

24 “(e) DELEGATION OF AUTHORITY.—The Secretary of
25 Defense shall—

1 “(1) not later than 120 days after the date of
2 the enactment of the National Defense Authoriza-
3 tion Act for Fiscal Year 2024, delegate to the Com-
4 mander of the Air Force Global Strike Command
5 such tasking and oversight authorities, as the Sec-
6 retary considers necessary, with respect to other
7 components of the Department of Defense partici-
8 pating in the Task Force; and

9 “(2) not later than 30 days after the date of
10 such delegation of authority, notify the congressional
11 defense committees of the delegation.”.

12 **SEC. 1516. LONG-TERM SUSTAINMENT OF SENTINEL ICBM**
13 **GUIDANCE SYSTEM.**

14 (a) **IN GENERAL.**—Prior to issuing a Milestone C de-
15 cision for the program to develop the LGM–35A Sentinel
16 intercontinental ballistic missile system (referred to in this
17 section as the “Sentinel”), the Under Secretary of Defense
18 for Acquisition and Sustainment shall certify to the con-
19 gressional defense committees that there is a long-term
20 capability in place to maintain and modernize the guid-
21 ance system of the Sentinel over the full life cycle of the
22 Sentinel.

23 (b) **CERTIFICATION ELEMENTS.**—The certification
24 described in subsection (a) shall include a list of capabili-
25 ties to maintain and advance—

- 1 (1) accelerometers;
- 2 (2) gyroscopes;
- 3 (3) guidance computers;
- 4 (4) specialized mechanical and retaining assem-
- 5 blies;
- 6 (5) test equipment; and
- 7 (6) such other components to ensure the guid-
- 8 ance system will be maintained and modernized over
- 9 the life of the Sentinel.

10 **SEC. 1517. SENSE OF SENATE ON POLARIS SALES AGREE-**
11 **MENT.**

12 (a) FINDINGS.—The Senate finds the following:

13 (1) On December 21, 1962, President John F.
14 Kennedy and Prime Minister of the United Kingdom
15 Harold Macmillan met in Nassau, Bahamas, and
16 issued a joint statement (commonly referred to as
17 the “Statement on Nuclear Defense Systems”),
18 agreeing that the United States would make Polaris
19 missiles available on a continuing basis to the
20 United Kingdom for use in submarines.

21 (2) On April 6, 1963, Secretary of State Dean
22 Rusk and Her Majesty’s Ambassador to the United
23 States David Ormsby-Gore signed the Polaris Sales
24 Agreement, reaffirming the Statement on Nuclear
25 Defense Systems and agreeing that the United

1 States Government shall provide and the Govern-
2 ment of the United Kingdom shall purchase from
3 the United States Government Polaris missiles,
4 equipment, and supporting services.

5 (3) The HMS Resolution launched the first Po-
6 laris missile of the United Kingdom on February 15,
7 1968, and, in 1969, commenced the first strategic
8 deterrent patrol for the United Kingdom, initiating
9 a continuous at-sea deterrent posture for the United
10 Kingdom that remains in effect.

11 (4) The Polaris Sales Agreement was amended
12 to include the Trident II (D5) strategic weapon sys-
13 tem on October 19, 1982, in Washington, D.C.,
14 through an exchange of notes between Secretary of
15 State Jonathan Howe and Her Majesty's Amba-
16 sador to the United States Oliver Wright.

17 (5) Through an exchange of letters in 2008 be-
18 tween the Secretary of Defense the Honorable Rob-
19 ert Gates and the Secretary of State for Defence of
20 the United Kingdom the Right Honorable Desmond
21 Browne and under the auspices of the Polaris Sales
22 Agreement, the United States Government and the
23 Government of the United Kingdom agreed to con-
24 tinue cooperation to design a common missile com-

1 partment for the follow-on ballistic missile sub-
2 marines of each nation.

3 (b) SENSE OF THE SENATE.—It is the sense of the
4 Senate that the Senate—

5 (1) recognizes the 60th anniversary of the Pola-
6 ris Sales Agreement between the United States and
7 the United Kingdom of Great Britain and Northern
8 Ireland;

9 (2) congratulates the Royal Navy for stead-
10 fastly maintaining the Continuous At-Sea Deterrent;

11 (3) Recognizes the important contribution of
12 the Continuous At-Sea Deterrent to the North At-
13 lantic Treaty Organization;

14 (4) reaffirms that the United Kingdom is a val-
15 ued and special ally of the United States; and

16 (5) looks forward to continuing and strength-
17 ening the shared commitment of the United States
18 and the United Kingdom to sustain submarine-based
19 strategic deterrents well into the future.

20 **SEC. 1518. MATTERS RELATING TO THE NUCLEAR-ARMED**
21 **SEA-LAUNCHED CRUISE MISSILE.**

22 (a) PROGRAM TREATMENT.—Not later than 90 days
23 after the date of the enactment of this Act, the Under
24 Secretary of Defense for Acquisition and Sustainment
25 shall—

1 (1) establish a program for the development of
2 a nuclear-armed, sea-launched cruise missile capa-
3 bility;

4 (2) designate such program as an acquisition
5 category 1D program, to be managed consistent with
6 the provisions of Department of Defense Instruction
7 5000.85 (relating to major capability acquisition);

8 (3) initiate a nuclear weapon project for the
9 W80-4 ALT warhead, at phase 6.2 of the phase 6.X
10 process (relating to feasibility study and down se-
11 lect), to align with the program described in para-
12 graph (1);

13 (4) submit to the National Nuclear Security
14 Administration a formal request, through the Nu-
15 clear Weapons Council, for participation in and sup-
16 port for the W80-4 ALT warhead project; and

17 (5) designate the Department of the Navy as
18 the military department to lead the W80-4 ALT nu-
19 clear weapon program for the Department of De-
20 fense.

21 (b) INITIAL OPERATIONAL CAPABILITY.—The Sec-
22 retary of Defense and the Administrator for Nuclear Secu-
23 rity shall take such actions as necessary to ensure the pro-
24 gram described in subsection (a) achieves initial oper-
25 ational capability, as defined jointly by the Secretary of

1 the Navy and the Commander of United States Strategic
2 Command, by not later than fiscal year 2035.

3 (c) LIMITATION.—The Under Secretary of Defense
4 for Acquisition and Sustainment may not approve a Full
5 Rate Production Decision or authorize Full Scale Produc-
6 tion (as those terms are defined in the memorandum of
7 the Nuclear Weapons Council entitled “Procedural Guide-
8 lines for the Phase 6.X Process” and dated April 19,
9 2000), for the W80-4 ALT program.

10 (d) BRIEFING.—

11 (1) IN GENERAL.—Beginning not later than
12 November 1, 2023, and on March 1 and September
13 1 of each year thereafter, the Under Secretary of
14 Defense for Acquisition and Sustainment, in coordi-
15 nation with the Secretary of the Navy, the Adminis-
16 trator for Nuclear Security, and the Commander of
17 the United States Strategic Command, shall jointly
18 brief the congressional defense committees on the
19 progress of the program described in subsection (a).

20 (2) CONTENTS.—Each briefing required under
21 paragraph (1) shall include—

22 (A) a description of significant achieve-
23 ments of the program described in subsection
24 (a) completed during the period specified in

1 paragraph (3) and any planned objectives that
2 were not achieved during such period;

3 (B) for the 180-day period following the
4 briefing—

5 (i) planned objectives for the pro-
6 grams; and

7 (ii) anticipated spending plans for the
8 programs;

9 (C) a description of any notable technical
10 hurdles that could impede timely completion of
11 the programs; and

12 (D) any other information the Under Sec-
13 retary of Defense for Acquisition and
14 Sustainment considers appropriate.

15 (3) PERIOD SPECIFIED.—The period specified
16 in this paragraph is—

17 (A) in the case of the first briefing re-
18 quired by paragraph (1), the 180-day period
19 preceding the briefing; and

20 (B) in the case of any subsequent such
21 briefing, the period since the previous such
22 briefing.

23 (4) TERMINATION.—The requirement to pro-
24 vide briefings under paragraph (1) shall terminate
25 on the date that the program described in subsection

1 (a) achieve initial operational capability, as defined
2 jointly by the Secretary of the Navy and the Com-
3 mander of United States Strategic Command.

4 (e) PHASE 6.X PROCESS DEFINED.—In this section,
5 the term “phase 6.X process” means the phase 6.X pro-
6 cess for major stockpile sustainment activities set forth in
7 the memorandum of the Nuclear Weapons Council entitled
8 “Procedural Guidelines for the Phase 6.X Process” and
9 dated April 19, 2000.

10 **SEC. 1519. OPERATIONAL TIMELINE FOR STRATEGIC AUTO-**
11 **MATED COMMAND AND CONTROL SYSTEM.**

12 (a) IN GENERAL.—The Secretary of the Air Force
13 shall develop a replacement of the Strategic Automated
14 Command and Control System (SACCS) by not later than
15 the date that the LGM–35A Sentinel intercontinental bal-
16 listic missile program reaches initial operational capa-
17 bility.

18 (b) REPLACEMENT CAPABILITIES.—The replacement
19 required by subsection (a) shall—

20 (1) replace the SACCS base processors;

21 (2) replace the SACCS processors at launch
22 control centers;

23 (3) provide internet protocol connectivity for
24 wing-wide command centers of the LGM–35A Sen-
25 tinel intercontinental ballistic missile program;

1 (4) include such other capabilities necessary to
2 address the evolving requirements of the LGM-35A
3 Sentinel intercontinental ballistic missile program as
4 the Secretary considers appropriate.

5 **SEC. 1520. AMENDMENT TO ANNUAL REPORT ON THE PLAN**
6 **FOR THE NUCLEAR WEAPONS STOCKPILE,**
7 **NUCLEAR WEAPONS COMPLEX, NUCLEAR**
8 **WEAPONS DELIVERY SYSTEMS, AND NU-**
9 **CLEAR WEAPONS COMMAND AND CONTROL**
10 **SYSTEMS.**

11 Section 492a of title 10, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(d) INDEPENDENT ASSESSMENT BY UNITED
15 STATES STRATEGIC COMMAND.—

16 “(1) IN GENERAL.—Not later than 150 days
17 after the submission to Congress of the budget of
18 the President under section 1105(a) of title 31,
19 United States Code, the Commander of United
20 States Strategic Command shall complete an inde-
21 pendent assessment of the sufficiency of the execu-
22 tion of acquisition, construction, and recapitalization
23 programs of the Department of Defense and the Na-
24 tional Nuclear Security Administration to modernize

1 the nuclear forces of the United States and meet
2 current and future deterrence requirements.

3 “(2) CONTENTS.—The assessment required
4 under paragraph (1) shall evaluate the ongoing exe-
5 cution of modernization programs associated with—

6 “(A) the nuclear weapons design, produc-
7 tion, and sustainment infrastructure;

8 “(B) the nuclear weapons stockpile;

9 “(C) the delivery systems for nuclear weap-
10 ons; and

11 “(D) the nuclear command, control, and
12 communications system.

13 “(3) ROUTING AND SUBMISSION.—

14 “(A) SUBMISSION TO NUCLEAR WEAPONS
15 COUNCIL.—Not later than 15 days after com-
16 pletion of the assessment required by paragraph
17 (1), the Commander of United States Strategic
18 Command shall—

19 “(i) submit the assessment to the
20 Chairman of the Nuclear Weapons Council;
21 and

22 “(ii) notify the congressional defense
23 committees that the assessment has been
24 submitted to the Chairman of the Nuclear
25 Weapons Council.

1 “(B) SUBMISSION TO CONGRESS.—Not
2 later than 15 days after the Chairman of the
3 Nuclear Weapons Council receives the assess-
4 ment required by paragraph (1), the Chairman
5 shall transmit the assessment, without change,
6 to the congressional defense committees.”.

7 **SEC. 1521. TECHNICAL AMENDMENT TO ADDITIONAL RE-**
8 **PORT MATTERS ON STRATEGIC DELIVERY**
9 **SYSTEMS.**

10 Section 495(b) of title 10, United States Code, is
11 amended in the matter preceding paragraph (1)—

12 (1) by striking “before fiscal year 2020” and
13 inserting “prior to the expiration of the Treaty be-
14 tween the United States of America and the Russian
15 Federation on Measures for the Further Reduction
16 and Limitation of Strategic Offensive Arms, signed
17 on April 8, 2010, and entered into force on Feb-
18 ruary 5, 2011 (commonly referred to as the ‘New
19 START Treaty’)”; and

20 (2) by striking “1043 of the National Defense
21 Authorization Act for Fiscal Year 2012” and insert-
22 ing “492(a) of title 10, United States Code,”.

1 **SEC. 1522. AMENDMENT TO STUDY OF WEAPONS PRO-**
2 **GRAMS THAT ALLOW ARMED FORCES TO AD-**
3 **DRESS HARD AND DEEPLY BURIED TARGETS.**

4 Section 1674 of the National Defense Authorization
5 Act for Fiscal Year 2023 (Public Law 117–263) is amend-
6 ed—

7 (1) in subsection (e)—

8 (A) in the heading, by striking “ON USE
9 OF FUNDS”; and

10 (B) by striking “none of the funds author-
11 ized to be appropriated by this Act or otherwise
12 made available for fiscal year 2023 for the De-
13 partment of Defense or the Department of En-
14 ergy for the deactivation, dismantlement, or re-
15 tirement of the B83–1 nuclear gravity bomb
16 may be obligated or expended” and inserting
17 “neither the Secretary of Defense nor the Sec-
18 retary of Energy may take any action”; and

19 (2) in subsection (f), by striking “on the use of
20 funds under” and inserting “in”.

21 **SEC. 1523. LIMITATION ON USE OF FUNDS UNTIL PROVI-**
22 **SION OF DEPARTMENT OF DEFENSE INFOR-**
23 **MATION TO GOVERNMENT ACCOUNTABILITY**
24 **OFFICE.**

25 Of the funds authorized to be appropriated by this
26 Act for fiscal year 2024 for Operation and Maintenance,

1 Defense-wide, and available for the Office of the Under
2 Secretary of Defense for Policy, not more than 50 percent
3 may be obligated or expended until the date on which the
4 Comptroller General of the United States notifies the con-
5 gressional defense committees that the Secretary of De-
6 fense has fully complied with information requests by the
7 Government Accountability Office with respect to the con-
8 duct of the study required by section 1652 of the National
9 Defense Authorization Act for Fiscal Year 2022 (Public
10 Law 117–81; 135 Stat. 2100).

11 **Subtitle C—Missile Defense**

12 **SEC. 1531. DESIGNATION OF OFFICIAL RESPONSIBLE FOR** 13 **MISSILE DEFENSE OF GUAM.**

14 Paragraph (1) of section 1660(b) of the James M.
15 Inhofe National Defense Authorization Act for Fiscal Year
16 2023 (Public Law 117–263) is amended to read as fol-
17 lows:

18 “(1) DESIGNATION.—The Secretary of Defense
19 shall designate the Under Secretary of Defense for
20 Acquisition and Sustainment as the senior official of
21 the Department of Defense who shall be responsible
22 for the missile defense of Guam during the period
23 preceding the date specified in paragraph (5).”.

1 **SEC. 1532. SELECTION OF A DIRECTOR OF THE MISSILE DE-**
2 **FENSE AGENCY.**

3 Subsection (a) of section 205 of title 10, United
4 States Code, is amended to read as follows:

5 “(a) DIRECTOR OF THE MISSILE DEFENSE AGEN-
6 CY.—There is a Director of the Missile Defense Agency
7 who shall be appointed for a period of six years by the
8 President from among the general officers on active duty
9 in the Army, Air Force, Marine Corps, or Space Force
10 or from among the flag officers on active duty in the
11 Navy.”.

12 **SEC. 1533. MODIFICATION OF REQUIREMENT FOR COMP-**
13 **TROLLER GENERAL OF THE UNITED STATES**
14 **REVIEW AND ASSESSMENT OF MISSILE DE-**
15 **FENSE ACQUISITION PROGRAMS.**

16 Section 232(a) of the National Defense Authorization
17 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
18 1339), as amended by section 1688 of the National De-
19 fense Authorization Act for Fiscal Year 2016 (Public Law
20 114–92; 129 Stat. 1144) and section 1644 of the William
21 M. (Mac) Thornberry National Defense Authorization Act
22 for Fiscal Year 2021 (Public Law 116–283; 134 Stat.
23 4062), is further amended—

24 (1) in paragraph (1), by striking “through
25 2025” and inserting “through 2030”;

1 (2) in paragraph (2), by striking “through
2 2026” and inserting “through 2031”; and

3 (3) in paragraph (3)—

4 (A) in the paragraph heading, by striking
5 “EMERGING” and inserting “OTHER DEPART-
6 MENT OF DEFENSE MISSILE DEFENSE ACQUI-
7 SION EFFORTS AND RELATED”;

8 (B) by striking “emerging issues and” and
9 inserting “emerging issues, any Department of
10 Defense missile defense acquisition efforts, and
11 any other related issue and”; and

12 (C) by inserting “on a mutually agreed
13 upon date” before the period at the end.

14 **SEC. 1534. IRON DOME SHORT-RANGE ROCKET DEFENSE**
15 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
16 **DEFENSE PROGRAM CO-DEVELOPMENT AND**
17 **CO-PRODUCTION.**

18 (a) IRON DOME SHORT-RANGE ROCKET DEFENSE
19 SYSTEM.—

20 (1) AVAILABILITY OF FUNDS.—Of the funds
21 authorized to be appropriated by this Act for fiscal
22 year 2024 for procurement, Defense-wide, and avail-
23 able for the Missile Defense Agency, not more than
24 \$80,000,000 may be provided to the Government of
25 Israel to procure components for the Iron Dome

1 short-range rocket defense system through co-pro-
2 duction of such components in the United States by
3 industry of the United States.

4 (2) CONDITIONS.—

5 (A) AGREEMENT.—Funds described in
6 paragraph (1) for the Iron Dome short-range
7 rocket defense program shall be available sub-
8 ject to the terms and conditions in the Agree-
9 ment Between the Department of Defense of
10 the United States of America and the Ministry
11 of Defense of the State of Israel Concerning
12 Iron Dome Defense System Procurement,
13 signed on March 5, 2014, as amended to in-
14 clude co-production for Tamir interceptors.

15 (B) CERTIFICATION.—Not later than 30
16 days prior to the initial obligation of funds de-
17 scribed in paragraph (1), the Under Secretary
18 of Defense for Acquisition and Sustainment
19 shall submit to the appropriate congressional
20 committees—

21 (i) a certification that the amended bi-
22 lateral international agreement specified in
23 subparagraph (A) is being implemented as
24 provided in such agreement;

1 (ii) an assessment detailing any risks
2 relating to the implementation of such
3 agreement; and

4 (iii) for system improvements result-
5 ing in modified Iron Dome components
6 and Tamir interceptor sub-components, a
7 certification that the Government of Israel
8 has demonstrated successful completion of
9 Production Readiness Reviews, including
10 the validation of production lines, the
11 verification of component conformance,
12 and the verification of performance to
13 specification as defined in the Iron Dome
14 Defense System Procurement Agreement,
15 as further amended.

16 (b) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
17 GRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUC-
18 TION.—

19 (1) IN GENERAL.—Subject to paragraph (3), of
20 the funds authorized to be appropriated for fiscal
21 year 2024 for procurement, Defense-wide, and avail-
22 able for the Missile Defense Agency not more than
23 \$40,000,000 may be provided to the Government of
24 Israel to procure the David's Sling Weapon System,

1 including for co-production of parts and components
2 in the United States by United States industry.

3 (2) AGREEMENT.—Provision of funds specified
4 in paragraph (1) shall be subject to the terms and
5 conditions in the bilateral co-production agreement,
6 including—

7 (A) a one-for-one cash match is made by
8 Israel or in another matching amount that oth-
9 erwise meets best efforts (as mutually agreed to
10 by the United States and Israel); and

11 (B) co-production of parts, components,
12 and all-up rounds (if appropriate) in the United
13 States by United States industry for the Da-
14 vid's Sling Weapon System is not less than 50
15 percent.

16 (3) CERTIFICATION AND ASSESSMENT.—The
17 Under Secretary of Defense for Acquisition and
18 Sustainment shall submit to the appropriate con-
19 gressional committees—

20 (A) a certification that the Government of
21 Israel has demonstrated the successful comple-
22 tion of the knowledge points, technical mile-
23 stones, and Production Readiness Reviews re-
24 quired by the research, development, and tech-
25 nology agreement and the bilateral co-produce-

1 tion agreement for the David's Sling Weapon
2 System; and

3 (B) an assessment detailing any risks re-
4 lating to the implementation of such agreement.

5 (c) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
6 GRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM
7 CO-PRODUCTION.—

8 (1) IN GENERAL.—Subject to paragraph (2), of
9 the funds authorized to be appropriated for fiscal
10 year 2024 for procurement, Defense-wide, and avail-
11 able for the Missile Defense Agency not more than
12 \$80,000,000 may be provided to the Government of
13 Israel for the Arrow 3 Upper Tier Interceptor Pro-
14 gram, including for co-production of parts and com-
15 ponents in the United States by United States in-
16 dustry.

17 (2) CERTIFICATION.—The Under Secretary of
18 Defense for Acquisition and Sustainment shall sub-
19 mit to the appropriate congressional committees a
20 certification that—

21 (A) the Government of Israel has dem-
22 onstrated the successful completion of the
23 knowledge points, technical milestones, and
24 Production Readiness Reviews required by the
25 research, development, and technology agree-

1 ment for the Arrow 3 Upper Tier Interceptor
2 Program;

3 (B) funds specified in paragraph (1) will
4 be provided on the basis of a one-for-one cash
5 match made by Israel or in another matching
6 amount that otherwise meets best efforts (as
7 mutually agreed to by the United States and
8 Israel);

9 (C) the United States has entered into a
10 bilateral international agreement with Israel
11 that establishes, with respect to the use of such
12 funds—

13 (i) in accordance with subparagraph
14 (D), the terms of co-production of parts
15 and components on the basis of the great-
16 est practicable co-production of parts, com-
17 ponents, and all-up rounds (if appropriate)
18 by United States industry and minimizes
19 nonrecurring engineering and facilitization
20 expenses to the costs needed for co-produc-
21 tion;

22 (ii) complete transparency on the re-
23 quirement of Israel for the number of
24 interceptors and batteries that will be pro-
25 cured, including with respect to the pro-

1 curement plans, acquisition strategy, and
2 funding profiles of Israel;

3 (iii) technical milestones for co-pro-
4 duction of parts and components and pro-
5 curement;

6 (iv) a joint affordability working
7 group to consider cost reduction initiatives;
8 and

9 (v) joint approval processes for third-
10 party sales; and

11 (D) the level of co-production described in
12 subparagraph (C)(i) for the Arrow 3 Upper
13 Tier Interceptor Program is not less than 50
14 percent.

15 (d) NUMBER.—In carrying out paragraph (2) of sub-
16 section (b) and paragraph (2) of subsection (c), the Under
17 Secretary may submit—

18 (1) one certification covering both the David’s
19 Sling Weapon System and the Arrow 3 Upper Tier
20 Interceptor Program; or

21 (2) separate certifications for each respective
22 system.

23 (e) TIMING.—The Under Secretary shall submit to
24 the congressional defense committees the certification and
25 assessment under subsection (b)(3) and the certification

1 under subsection (c)(2) no later than 30 days before the
2 funds specified in paragraph (1) of subsections (b) and
3 (c) for the respective system covered by the certification
4 are provided to the Government of Israel.

5 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
6 FINED.—In this section, the term “appropriate congres-
7 sional committees” means the following:

8 (1) The congressional defense committees.

9 (2) The Committee on Foreign Relations of the
10 Senate and the

11 (3) Committee on Foreign Affairs of the House
12 of Representatives.

13 **SEC. 1535. MODIFICATION OF SCOPE OF PROGRAM AC-**
14 **COUNTABILITY MATRICES REQUIREMENTS**
15 **FOR NEXT GENERATION INTERCEPTORS FOR**
16 **MISSILE DEFENSE OF THE UNITED STATES**
17 **HOMELAND.**

18 Section 1668(f) of the National Defense Authoriza-
19 tion Act for Fiscal Year 2022 (Public Law 117–81) is
20 amended—

21 (1) by inserting “and the product development
22 phase” after “technology development phase” each
23 place is appears; and

1 (2) in paragraph (7), by striking “enter the
2 product development phase” and inserting “enter
3 the production phase”.

4 **SEC. 1536. LIMITATION ON AVAILABILITY OF FUNDS FOR**
5 **OFFICE OF COST ASSESSMENT AND PRO-**
6 **GRAM EVALUATION UNTIL SUBMISSION OF**
7 **MISSILE DEFENSE ROLES AND RESPONSIBIL-**
8 **ITIES REPORT.**

9 Of the funds authorized to be appropriated for fiscal
10 year 2024 by section 301 for operation and maintenance,
11 Defense-wide, and available for the Office of Cost Assess-
12 ment and Program Evaluation, not more than 50 percent
13 may be obligated or expended until the date on which the
14 Secretary of Defense submits to the congressional defense
15 committees the report required by section 1675(b) of the
16 National Defense Authorization Act for Fiscal Year 2022
17 (Public Law 117–81).

18 **SEC. 1537. INTEGRATED AIR AND MISSILE DEFENSE ARCHI-**
19 **TECTURE FOR THE INDO-PACIFIC REGION.**

20 (a) **STRATEGY REQUIRED.**—The Commander of
21 United States Indo-Pacific Command shall, in coordina-
22 tion with the Under Secretary of Defense for Acquisition
23 and Sustainment, the Commander of United States
24 Northern Command, the Director of the Missile Defense
25 Agency, and the Director of the Joint Integrated Air and

1 Missile Defense Organization, develop a comprehensive
2 strategy for developing, acquiring, and operationally estab-
3 lishing an integrated air and missile defense architecture
4 for the United States Indo-Pacific Command area of re-
5 sponsibility.

6 (b) STRATEGY COMPONENTS.—At a minimum, the
7 strategy required by subsection (a) shall address the fol-
8 lowing:

9 (1) The sensing, tracking, and intercepting ca-
10 pabilities required to address the full range of cred-
11 ible missile threats to—

12 (A) the Hawaiian Islands;

13 (B) the island of Guam and other islands
14 in the greater Marianas region, as determined
15 necessary by the Commander of United States
16 Indo-Pacific Command;

17 (C) other United States territories within
18 the area of responsibility of United States Indo-
19 Pacific Command; and

20 (D) United States forces deployed within
21 the territories of other nations within such area
22 of responsibility.

23 (2) The appropriate balance of missile detec-
24 tion, tracking, defense, and defeat capabilities within
25 such area of responsibility.

1 (3) A command and control network for inte-
2 grating missile detection, tracking, defense, and de-
3 feat capabilities across such area of responsibility.

4 (4) A time-phased scheduling construct for
5 fielding the constituent systems that will comprise
6 the integrated air and missile defense architecture
7 for such area of responsibility.

8 (c) ANNUAL REPORT.—

9 (1) IN GENERAL.—Not later than March 15,
10 2024, and not less frequently than once each year
11 thereafter, the Commander of United States Indo-
12 Pacific Command shall, in coordination with the
13 Under Secretary of Defense for Acquisition and
14 Sustainment, the Commander of United States
15 Northern Command, the Director of the Missile De-
16 fense Agency, and the Director of the Joint Inte-
17 grated Air and Missile Defense Organization, submit
18 to the congressional defense committees an annual
19 report outlining the following with regard to the
20 strategy developed pursuant to subsection (a):

21 (A) The activities conducted and progress
22 made in developing and implementing the strat-
23 egy over the previous calendar year.

1 (B) The planned activities for developing
2 and implementing the strategy in the upcoming
3 year.

4 (C) A description of likely risks and im-
5 pediments to the successful implementation of
6 the strategy.

7 (2) TERMINATION.—The requirements of para-
8 graph (1) shall terminate on the earlier of the fol-
9 lowing:

10 (A) March 15, 2029.

11 (B) The date on which a comprehensive in-
12 tegrated air and missile defense architecture for
13 the area of responsibility of United States Indo-
14 Pacific Command has achieved initial oper-
15 ational capability, as determined jointly by the
16 Commander of United States Indo-Pacific Com-
17 mand and the Director of the Missile Defense
18 Agency.

19 (d) LIMITATIONS.—Of the equipment and compo-
20 nents previously procured by the Department of Defense
21 for the purposes of constructing the Homeland Defense
22 Radar—Hawaii, none of such assets may be repurposed for
23 other uses until the first annual report required by sub-
24 section (c)(1) is submitted to the congressional defense
25 committees pursuant to such subsection.

1 **SEC. 1538. MODIFICATION OF NATIONAL MISSILE DEFENSE**
2 **POLICY.**

3 Section 1681(a) of the of the National Defense Au-
4 thorization Act for fiscal year 2017 (Public Law 114–328;
5 10 U.S.C. 4205 note) is amended to read as follows:

6 “(a) **POLICY.**—It is the policy of the United States
7 to—

8 “(1) maintain and improve, with funding sub-
9 ject to the annual authorization of appropriations
10 and the annual appropriation of funds for National
11 Missile Defense—

12 “(A) an effective, layered missile defense
13 system capable of defending the territory of the
14 United States against the developing and in-
15 creasingly complex missile threat; and

16 “(B) an effective regional missile defense
17 system capable of defending the allies, partners,
18 and deployed forces of the United States
19 against increasingly complex missile threats;
20 and

21 “(2) rely on nuclear deterrence to address more
22 sophisticated and larger quantity near-peer inter-
23 continental missile threats to the homeland of the
24 United States.”.

1 **Subtitle D—Other Matters**

2 **SEC. 1541. ELECTRONIC WARFARE.**

3 (a) IN GENERAL.—Part I of subtitle A of title 10,
4 United States Code, is amended by adding at the end the
5 following new chapter:

6 **“CHAPTER 25—ELECTRONIC WARFARE**

“Sec.

“500. Electronic Warfare Executive Committee.

“500a. Guidance on the electronic warfare mission area and joint electro-
magnetic spectrum operations.

“500b. Annual report on electronic warfare strategy of the Department of De-
fense.

“500c. Annual assessment of budget with respect to electronic warfare capabili-
ties.

“500d. Electromagnetic spectrum superiority implementation plan.

“500e. Electromagnetic Spectrum Enterprise Operational Lead for Joint Elec-
tromagnetic Spectrum Operations.

“500f. Evaluations of abilities of armed forces and combatant commands to per-
form electromagnetic spectrum operations missions.

7 **“§ 500. Electronic Warfare Executive Committee**

8 “(a) IN GENERAL.—There is within the Department
9 of Defense an Electronic Warfare Executive Committee
10 (in this section referred to as the ‘Executive Committee’).

11 “(b) PURPOSES.—The Executive Committee shall—

12 “(1) serve as the principal forum within the De-
13 partment of Defense to inform, coordinate, and
14 evaluate matters relating to electronic warfare;

15 “(2) provide senior oversight, coordination, and
16 budget and capability harmonization with respect to
17 such matters; and

18 “(3) act as an advisory body to the Secretary
19 of Defense, the Deputy Secretary of Defense, and

1 the Management Action Group of the Deputy Sec-
2 retary with respect to such matters.

3 “(c) RESPONSIBILITIES.—The Executive Committee
4 shall—

5 “(1) advise key senior level decision-making
6 bodies of the Department of Defense with respect to
7 the development and implementation of acquisition
8 investments relating to electronic warfare and elec-
9 tromagnetic spectrum operations of the Department,
10 including relevant acquisition policies, projects, pro-
11 grams, modeling, and test and evaluation infrastruc-
12 ture;

13 “(2) provide a forum to enable synchronization
14 and integration support with respect to the develop-
15 ment and acquisition of electronic warfare capabili-
16 ties—

17 “(A) by aligning the processes of the De-
18 partment for requirements, research, develop-
19 ment, acquisition, testing, and sustainment; and

20 “(B) carrying out other related duties; and

21 “(3) act as the senior level review forum for the
22 portfolio of capability investments of the Depart-
23 ment relating to electronic warfare and electro-
24 magnetic spectrum operations and other related
25 matters.

1 “(d) COORDINATION WITH INTELLIGENCE COMMU-
2 NITY.—The Executive Committee, acting through the
3 Under Secretary of Defense for Intelligence and Security,
4 shall coordinate with the intelligence community (as de-
5 fined in section 3 of the National Security Act of 1947
6 (50 U.S.C. 3003)) to generate requirements, facilitate col-
7 laboration, establish interfaces, and align efforts of the
8 Department of Defense with respect to electronic warfare
9 capability and acquisition with efforts of the intelligence
10 community relating to electronic warfare capability and
11 acquisition in areas of dependency or mutual interest be-
12 tween the Department and the intelligence community.

13 “(e) MEETINGS.—

14 “(1) FREQUENCY.—The Executive Committee
15 shall hold meetings not less frequently than quar-
16 terly and as necessary to address particular issues.

17 “(2) FORM.—The Executive Committee may
18 hold meetings by videoconference.

19 “(f) MEMBERSHIP.—

20 “(1) IN GENERAL.—The Executive Committee
21 shall be composed of the following principal mem-
22 bers:

23 “(A) The Under Secretary of Defense for
24 Acquisition and Sustainment.

1 “(B) The Vice Chairman of the Joint
2 Chiefs of Staff.

3 “(C) The Under Secretary of Defense for
4 Intelligence and Security.

5 “(D) The Under Secretary of Defense for
6 Policy.

7 “(E) The Commander of the United States
8 Strategic Command.

9 “(F) The Chief Information Officer of the
10 Department of Defense.

11 “(G) Such other Federal officers or em-
12 ployees as the Secretary of Defense considers
13 appropriate, consistent with other authorities of
14 the Department of Defense and publications of
15 the Joint Staff, including the Charter for the
16 Electronic Warfare Executive Committee, dated
17 March 17, 2015.

18 “(g) CO-CHAIRS OF EXECUTIVE COMMITTEE.—

19 “(1) IN GENERAL.—The Under Secretary of
20 Defense for Acquisition and Sustainment and the
21 Vice Chairman of the Joint Chiefs of Staff, or their
22 designees, shall serve as co-chairs of the Executive
23 Committee.

24 “(2) RESPONSIBILITIES OF CO-CHAIRS.—The
25 co-chairs of the Executive Committee shall—

1 “(A) preside at all Executive Committee
2 meetings or have their designees preside at such
3 meetings;

4 “(B) provide administrative control of the
5 Executive Committee;

6 “(C) jointly guide the activities and actions
7 of the Executive Committee;

8 “(D) approve all agendas for and sum-
9 maries of meetings of the Executive Committee;

10 “(E) charter tailored working groups to
11 conduct mission area analysis, as required,
12 under subsection (i); and

13 “(F) perform such other duties as may be
14 necessary to ensure the good order and func-
15 tioning of the Executive Committee.

16 “(h) ELECTRONIC WARFARE CAPABILITY TEAM.—

17 “(1) IN GENERAL.—There is within the Execu-
18 tive Committee an electronic warfare capability
19 team, which shall—

20 “(A) serve as a flag officer level focus
21 group and executive secretariat subordinate to
22 the Executive Committee; and

23 “(B) in that capacity—

24 “(i) provide initial senior level coordi-
25 nation on key electronic warfare issues;

1 “(C) to perform other related duties.

2 “(2) DISSOLUTION.—The Executive Committee
3 shall dissolve a mission area working group estab-
4 lished under paragraph (1) once the issue the work-
5 ing group was established to address is satisfactorily
6 resolved.

7 “(j) ADMINISTRATION.—The Under Secretary of De-
8 fense for Acquisition and Sustainment shall administra-
9 tively support the Executive Committee, including by des-
10 ignating not fewer than two officials of the Department
11 of Defense to support the day-to-day operations of the Ex-
12 ecutive Committee.

13 “(k) REPORT TO CONGRESS.—Not later than Feb-
14 ruary 28, 2024, and annually thereafter through 2030, the
15 Executive Committee shall submit to the congressional de-
16 fense committees a summary of activities of the Executive
17 Committee during the preceding fiscal year.

18 **“§ 500a. Guidance on the electronic warfare mission**
19 **area and joint electromagnetic spectrum**
20 **operations**

21 “The Secretary of Defense shall—

22 “(1) establish processes and procedures to de-
23 velop, integrate, and enhance the electronic warfare
24 mission area and the conduct of joint electro-

1 magnetic spectrum operations in all domains across
2 the Department of Defense; and

3 “(2) ensure that such processes and procedures
4 provide for integrated defense-wide strategy, plan-
5 ning, and budgeting with respect to the conduct of
6 such operations by the Department, including activi-
7 ties conducted to counter and deter such operations
8 by malign actors.

9 **“§ 500b. Annual report on electronic warfare strategy**
10 **of the Department of Defense**

11 “(a) IN GENERAL.—At the same time as the Presi-
12 dent submits to Congress the budget of the President
13 under section 1105(a) of title 31 for each of fiscal years
14 2025 through 2029, the Secretary of Defense, in coordina-
15 tion with the Chairman of the Joint Chiefs of Staff and
16 the Secretary of each of the military departments, shall
17 submit to the congressional defense committees an annual
18 report on the electronic warfare strategy of the Depart-
19 ment of Defense.

20 “(b) CONTENTS OF REPORT.—Each report required
21 under subsection (a) shall include each of the following:

22 “(1) A description and overview of—

23 “(A) the electronic warfare strategy of the
24 Department of Defense;

1 “(B) how such strategy supports the Na-
2 tional Defense Strategy; and

3 “(C) the organizational structure assigned
4 to oversee the development of the Department’s
5 electronic warfare strategy, requirements, capa-
6 bilities, programs, and projects.

7 “(2) A list of all the electronic warfare acquisi-
8 tion programs and research and development
9 projects of the Department of Defense and a de-
10 scription of how each program or project supports
11 the Department’s electronic warfare strategy.

12 “(3) For each unclassified program or project
13 on the list required by paragraph (2)—

14 “(A) the senior acquisition executive and
15 organization responsible for oversight of the
16 program or project;

17 “(B) whether or not validated require-
18 ments exist for the program or project and, if
19 such requirements do exist, the date on which
20 the requirements were validated and the organi-
21 zational authority that validated such require-
22 ments;

23 “(C) the total amount of funding appro-
24 priated, obligated, and forecasted by fiscal year
25 for the program or project, including the pro-

1 gram element or procurement line number from
2 which the program or project receives funding;

3 “(D) the development or procurement
4 schedule for the program or project;

5 “(E) an assessment of the cost, schedule,
6 and performance of the program or project as
7 it relates to the program baseline for the pro-
8 gram or project, as of the date of the submis-
9 sion of the report, and the original program
10 baseline for such program or project, if such
11 baselines are not the same;

12 “(F) the technology readiness level of each
13 critical technology that is part of the program
14 or project;

15 “(G) whether or not the program or
16 project is redundant or overlaps with the efforts
17 of another military department; and

18 “(H) the capability gap that the program
19 or project is being developed or procured to ful-
20 fill.

21 “(4) A classified annex that contains the items
22 described in subparagraphs (A) through (H) of
23 paragraph (3) for each classified program or project
24 on the list required by paragraph (2).

1 **“§ 500c. Annual assessment of budget with respect to**
2 **electronic warfare capabilities**

3 “At the same time as the President submits to Con-
4 gress the budget of the President under section 1105(a)
5 of title 31 for each of fiscal years 2025 through 2029,
6 the Secretary of Defense shall submit to the congressional
7 defense committees an assessment by the Director of Cost
8 Assessment and Program Evaluation as to whether suffi-
9 cient funds are requested in such budget for anticipated
10 activities in such fiscal year for each of the following:

11 “(1) The development of an electromagnetic
12 battle management capability for joint electro-
13 magnetic spectrum operations.

14 “(2) The establishment and operation of associ-
15 ated joint electromagnetic spectrum operations cells.

16 **“§ 500d. Electromagnetic spectrum superiority imple-**
17 **mentation plan**

18 “(a) IN GENERAL.—The Chief Information Officer of
19 the Department of Defense shall be responsible for over-
20 sight of the electromagnetic superiority implementation
21 plan.

22 “(b) REPORT REQUIRED.—Concurrent with the sub-
23 mission of the budget of the President to Congress under
24 section 1105(a) of title 31 for each of fiscal years 2025
25 through 2029, the Chief Information Officer shall submit
26 to the congressional defense committees a report that in-

1 cludes the following with respect to the electromagnetic
2 superiority implementation plan:

3 “(1) The implementation plan in effect as of
4 the date of the report, noting any revisions from the
5 preceding plan.

6 “(2) A statement of the elements of the imple-
7 mentation plan that have been achieved.

8 “(3) For each element that has been achieved,
9 an assessment of whether the element is having its
10 intended effect.

11 “(4) For any element that has not been
12 achieved, an assessment of progress made in achiev-
13 ing the element, including a description of any ob-
14 stacles that may hinder further progress.

15 “(5) For any element that has been removed
16 from the implementation plan, a description of the
17 reason for the removal of the element and an assess-
18 ment of the impact of not pursuing achievement of
19 the element.

20 “(6) Such additional matters as the Chief In-
21 formation Officer considers appropriate.

22 “(c) ELECTROMAGNETIC SUPERIORITY IMPLEMEN-
23 TATION PLAN DEFINED.—In this section, the term ‘elec-
24 tromagnetic superiority implementation plan’ means the
25 Electromagnetic Superiority Implementation Plan signed

1 by the Secretary of Defense on July 15, 2021, and any
2 successor plan.

3 **“§ 500e. Electromagnetic Spectrum Enterprise Oper-**
4 **ational Lead for Joint Electromagnetic**
5 **Spectrum Operations**

6 “(a) IN GENERAL.—Not later than 30 days after the
7 date of the enactment of the National Defense Authoriza-
8 tion Act for Fiscal Year 2024, the Secretary of Defense
9 shall establish an Electromagnetic Spectrum Enterprise
10 Operational Lead for Joint Electromagnetic Spectrum Op-
11 erations (in this section referred to as the ‘operational
12 lead’) at the United States Strategic Command, which
13 shall report to the Commander of the United States Stra-
14 tegic Command.

15 “(b) FUNCTION.—The operational lead shall be re-
16 sponsible for synchronizing, assessing, and making rec-
17 ommendations to the Chairman of the Joint Chiefs of
18 Staff with respect to the readiness of the combatant com-
19 mandos to conduct joint electromagnetic spectrum oper-
20 ations.

21 “(c) BRIEFINGS REQUIRED.—Concurrent with the
22 submission of the budget of the President to Congress
23 under section 1105(a) of title 31 for each of fiscal years
24 2025 through 2029, the Chairman, acting through the

1 Space Operations shall each carry out an evaluation
2 of the ability of the armed force concerned to per-
3 form electromagnetic spectrum operations missions
4 required by each of the following:

5 “(A) The Electromagnetic Spectrum Supe-
6 riority Strategy.

7 “(B) The Joint Staff-developed concept of
8 operations for electromagnetic spectrum oper-
9 ations.

10 “(C) The operations and contingency plans
11 of the combatant commands.

12 “(2) CERTIFICATION REQUIRED.—Not later
13 than December 31 of each year in which evaluations
14 are required under paragraph (1), each official spec-
15 ified in that paragraph shall certify to the congres-
16 sional defense committees that the evaluation re-
17 quired to be carried out by that official has oc-
18 curred.

19 “(3) ELEMENTS.—Each evaluation under para-
20 graph (1) shall include an assessment of the fol-
21 lowing:

22 “(A) Current programs of record, includ-
23 ing—

1 “(i) the ability of weapon systems to
2 perform missions in contested electro-
3 magnetic spectrum environments; and

4 “(ii) the ability of electronic warfare
5 capabilities to disrupt adversary oper-
6 ations.

7 “(B) Future programs of record, includ-
8 ing—

9 “(i) the need for distributed or net-
10 work-centric electronic warfare and signals
11 intelligence capabilities; and

12 “(ii) the need for automated and ma-
13 chine learning- or artificial intelligence-as-
14 sisted electronic warfare capabilities.

15 “(C) Order of battle.

16 “(D) Individual and unit training.

17 “(E) Tactics, techniques, and procedures,
18 including—

19 “(i) maneuver, distribution of assets,
20 and the use of decoys; and

21 “(ii) integration of non-kinetic and ki-
22 netic fires.

23 “(F) Other matters relevant to evaluating
24 the ability of the armed force concerned to per-

1 form electromagnetic spectrum operations mis-
2 sions described in paragraph (1).

3 “(b) EVALUATIONS OF COMBATANT COMMANDS.—

4 “(1) IN GENERAL.—Not later than October 1,
5 2024, and annually thereafter through 2029, the
6 Chairman of the Joint Chiefs of Staff, acting
7 through the Electromagnetic Spectrum Enterprise
8 Operational Lead for Joint Electromagnetic Spec-
9 trum Operations established under section 500e (in
10 this section referred to as the ‘operational lead’),
11 shall carry out an evaluation of the plans and pos-
12 ture of the combatant commands to execute the elec-
13 tromagnetic spectrum operations envisioned in each
14 of the following:

15 “(A) The Electromagnetic Spectrum Supe-
16 riority Strategy.

17 “(B) The Joint Staff-developed concept of
18 operations for electromagnetic spectrum oper-
19 ations.

20 “(2) ELEMENTS.—Each evaluation under para-
21 graph (1) shall include an assessment, as relevant,
22 of the following:

23 “(A) Operation and contingency plans.

1 “(B) The manning, organizational align-
2 ment, and capability of joint electromagnetic
3 spectrum operations cells.

4 “(C) Mission rehearsal and exercises.

5 “(D) Force positioning, posture, and readi-
6 ness.

7 “(3) BRIEFING REQUIRED.—Not later than De-
8 cember 31 of each year in which an evaluation is re-
9 quired under paragraph (A), the Chairman of the
10 Joint Chiefs of Staff, acting through the operational
11 lead, shall brief the congressional defense commit-
12 tees on the results of the evaluation.”.

13 (b) CLERICAL AMENDMENT.—The tables of chapters
14 at the beginning of subtitle A of title 10, United States
15 Code, and at the beginning of part I of such subtitle, are
16 each amended by inserting after the item relating to chap-
17 ter 24 the following new item:

 “25. Electronic Warfare 500”.

18 (c) CONFORMING REPEAL.—Section 1053 of the
19 John S. McCain National Defense Authorization Act for
20 Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 113
21 note) is repealed.

1 **SEC. 1542. STUDY ON THE FUTURE OF THE INTEGRATED**
2 **TACTICAL WARNING ATTACK ASSESSMENT**
3 **SYSTEM.**

4 (a) IN GENERAL.—The Chairman of the Joint Chiefs
5 of Staff shall enter into an agreement with a federally
6 funded research and development center—

7 (1) to conduct a study on the future of the In-
8 tegrated Tactical Warning Attack Assessment Sys-
9 tem (ITW/AA); and

10 (2) to submit to the Chairman a report on the
11 findings of the center with respect to the study con-
12 ducted under paragraph (1).

13 (b) ELEMENTS.—The study conducted pursuant to
14 an agreement under subsection (a) shall cover the fol-
15 lowing:

16 (1) Future air and missile threats to the United
17 States.

18 (2) The integration of multi-domain sensor data
19 and their ground systems with the existing architec-
20 ture of the Integrated Tactical Warning Attack As-
21 sessment System.

22 (3) The effect of the integration described in
23 paragraph (2) on the data reliability standards of
24 the Integrated Tactical Warning Attack Assessment
25 System.

1 (4) Future data visualization, conferencing, and
2 decisionmaking capabilities of such system.

3 (5) Such other matters as the Chairman con-
4 siders relevant to the study.

5 (c) REPORT.—Not later than 270 days after the date
6 of the enactment of this Act, the Chairman shall submit
7 to the congressional defense committees—

8 (1) the report submitted to the Chairman under
9 subsection (a)(2); and

10 (2) the assessment of the Chairman with re-
11 spect to the findings in such report and the rec-
12 ommendations of the Chairman with respect to mod-
13 ernizing the Integrated Tactical Warning Attack As-
14 sessment System.

15 **SEC. 1543. COMPREHENSIVE REVIEW OF ELECTRONIC WAR-**
16 **FARE TEST RANGES AND FUTURE CAPABILI-**
17 **TIES.**

18 (a) IN GENERAL.—The Under Secretary of Defense
19 for Research and Engineering, in consultation with the
20 Chairman of the Joint Chiefs of Staff, shall conduct a
21 comprehensive review of any deficiencies in the capacity
22 of the electronic warfare test ranges and future electronic
23 warfare capabilities of the Department of Defense relating
24 to current and future global threats, research and develop-

1 ment efforts, modeling, and electromagnetic and physical
2 encroachment of the test ranges.

3 (b) ELEMENTS.—The review required by subsection
4 (a) shall consider the following:

5 (1) Each electronic warfare test range, its size,
6 any distinguishing features, and its electronic war-
7 fare capabilities.

8 (2) The electronic warfare capabilities that are
9 best practiced at which range and any encroachment
10 issues between ranges.

11 (3) Future electronic warfare capabilities and
12 planned acquisitions.

13 (4) Any modeling the Test Resource Manage-
14 ment Center has done on incorporating future or
15 planned electronic warfare capabilities into the cur-
16 rent test ranges.

17 (5) Any other matter the Under Secretary con-
18 siders necessary.

19 (c) BRIEFING REQUIRED.—Not later than March 31,
20 2024, the Under Secretary shall provide the congressional
21 defense committees with a briefing on the findings of the
22 review required by subsection (a) that includes—

23 (1) an assessment of any deficiency in the elec-
24 tronic warfare test ranges and future electronic war-

1 fare capabilities of the Department of Defense iden-
2 tified in the review; and

3 (2) a plan to address any such deficiency in a
4 timely manner.

5 **SEC. 1544. EXTENSION OF AUTHORIZATION FOR PROTEC-**
6 **TION OF CERTAIN FACILITIES AND ASSETS**
7 **FROM UNMANNED AIRCRAFT.**

8 Section 130i(i) of title 10, United States Code, is
9 amended by striking “2023” both places it appears and
10 inserting “2026”.

11 **SEC. 1545. ADDRESSING SERIOUS DEFICIENCIES IN ELEC-**
12 **TRONIC PROTECTION OF SYSTEMS THAT OP-**
13 **ERATE IN THE RADIO FREQUENCY SPEC-**
14 **TRUM.**

15 (a) IN GENERAL.—The Secretary of Defense shall
16 take such actions as the Secretary considers necessary and
17 practicable—

18 (1) to establish requirements for and assign
19 sufficient priority to ensuring electronic protection of
20 sensor, navigation, and communications systems and
21 subsystems against jamming, spoofing, and unin-
22 tended interference from military systems; and

23 (2) to provide management oversight and super-
24 vision of the military departments to ensure elec-
25 tronic protection of military systems that emit and

1 receive in radio frequencies against modern threats
2 and interference from military systems operating in
3 the same or adjacent radio frequency of Federal
4 spectrum.

5 (b) SPECIFIC REQUIRED ACTIONS.—The Secretary
6 shall require the military departments and combat support
7 agencies to—

8 (1) develop and approve requirements, through
9 the Joint Requirements Oversight Council as appro-
10 priate, within 270 days of the date of the enactment
11 of this Act, for every radar, signals intelligence,
12 navigation, and communications system and sub-
13 system subject to the Global Force Management
14 process to be able to withstand threat-realistic levels
15 of jamming, spoofing, and unintended interference,
16 which includes self-generated interference;

17 (2) test every system and subsystem described
18 in paragraph (1) at a test range that permits threat-
19 realistic electronic warfare attacks against the sys-
20 tem or subsystem by a red team or opposition force
21 at least once every 4 years, with the first set of
22 highest priority systems to be initially tested no later
23 than fiscal year 2025;

24 (3) retrofit every system and subsystem de-
25 scribed in paragraph (1) that fails to meet electronic

1 protection requirements during testing with elec-
2 tronic protection measures that can withstand
3 threat-realistic jamming, spoofing, and unintended
4 interference within 3 years from the date of the test-
5 ing, and to retest such systems and subsystems
6 within 4 years of the initial failed test;

7 (4) survey, identify, and test available tech-
8 nology that can be practically and affordably retro-
9 fitted on the systems described in paragraph (1) and
10 which provides robust protection against threat-real-
11 istic jamming, spoofing, and unintended inter-
12 ference; and

13 (5) design and build electronic protection into
14 ongoing and future development programs to with-
15 stand expected jamming and spoofing threats and
16 unintended interference.

17 (c) WAIVER.—The Secretary may establish a process
18 for issuing waivers on a case-by-case basis for the testing
19 requirement established in paragraph (2) of subsection (b)
20 and for the retrofit requirement established in paragraph
21 (3) of such subsection.

22 (d) ANNUAL REPORTS.—Each fiscal year, coinciding
23 with the submission of the President's budget request to
24 Congress pursuant to section 1105(a) of title 31, United
25 States Code, through fiscal year 2030, the Director of

1 Operational Test and Evaluation shall submit to the Elec-
2 tronic Warfare Executive Committee, the Committee on
3 Armed Services of the Senate, and the Committee on
4 Armed Services of the House of Representatives a com-
5 prehensive annual report aggregating reporting from the
6 military departments and combat support agencies that
7 describes—

8 (1) the implementation of the requirements of
9 this section;

10 (2) the systems subject to testing in the pre-
11 vious year and the results of such tests, including a
12 description of the requirements for electronic protec-
13 tion established for the tested systems; and

14 (3) each waiver issued in the previous year with
15 respect to such requirements, together with a de-
16 tailed rationale for the waiver and a plan for ad-
17 dressing the basis for the waiver request.

18 **SEC. 1546. FUNDING LIMITATION ON CERTAIN UNRE-**
19 **PORTED PROGRAMS.**

20 (a) **LIMITATION ON AVAILABILITY OF FUNDS.**—None
21 of the funds authorized to be appropriated by this Act for
22 fiscal year 2024 may be obligated or expended, directly
23 or indirectly, in part or in whole, for, on, in relation to,
24 or in support of activities involving unidentified anomalous
25 phenomena protected under any form of special access or

1 restricted access limitations that have not been formally,
2 officially, explicitly, and specifically described, explained,
3 and justified to the appropriate committees of Congress,
4 congressional leadership, and the Director, including for
5 any activities relating to the following:

6 (1) Recruiting, employing, training, equipping,
7 and operations of, and providing security for, Gov-
8 ernment or contractor personnel with a primary, sec-
9 ondary, or contingency mission of capturing, recov-
10 ering, and securing unidentified anomalous phe-
11 nomena craft or pieces and components of such
12 craft.

13 (2) Analyzing such craft or pieces or compo-
14 nents thereof, including for the purpose of deter-
15 mining properties, material composition, method of
16 manufacture, origin, characteristics, usage and ap-
17 plication, performance, operational modalities, or re-
18 verse engineering of such craft or component tech-
19 nology.

20 (3) Managing and providing security for pro-
21 tecting activities and information relating to uniden-
22 tified anomalous phenomena from disclosure or com-
23 promise.

24 (4) Actions relating to reverse engineering or
25 replicating unidentified anomalous phenomena tech-

1 nology or performance based on analysis of materials
2 or sensor and observational information associated
3 with unidentified anomalous phenomena.

4 (5) The development of propulsion technology,
5 or aerospace craft that uses propulsion technology,
6 systems, or subsystems that is based on or derived
7 from or inspired by inspection, analysis, or reverse
8 engineering of recovered unidentified anomalous phe-
9 nomena craft or materials.

10 (6) Any aerospace craft that uses propulsion
11 technology other than chemical propellants, solar
12 power, and electric ion thrust.

13 (b) NOTIFICATION AND REPORTING.—

14 (1) IN GENERAL.—Any person currently or for-
15 merly under contract with the Federal Government
16 that has in their possession material or information
17 provided by or derived from the Federal Government
18 relating to unidentified anomalous phenomena that
19 formerly or currently is protected by any form of
20 special access or restricted access shall—

21 (A) not later than 60 days after the date
22 of the enactment of this Act, notify the Director
23 of such possession; and

24 (B) not later than 180 days after the date
25 of the enactment of this Act, make available to

1 the Director for assessment, analysis, and in-
2 spection—

3 (i) all such material and information;

4 and

5 (ii) a comprehensive list of all non-

6 earth origin or exotic unidentified anoma-

7 lous phenomena materiel.

8 (2) PROTECTIONS.—The provision of notice and
9 the making available of material and information
10 under paragraph (1) shall be treated as an author-
11 ized disclosure under section 1673(b) of the James
12 M. Inhofe National Defense Authorization Act for
13 Fiscal Year 2023 (50 U.S.C. 3373b).

14 (c) LIMITATION REGARDING INDEPENDENT RE-
15 SEARCH AND DEVELOPMENT.—Consistent with Depart-
16 ment of Defense Instruction Number 3204.01 (dated Au-
17 gust 20, 2014, incorporating change 2, dated July 9,
18 2020; relating to Department policy for oversight of inde-
19 pendent research and development), independent research
20 and development funding relating to material or informa-
21 tion described in subsection (a) shall not be allowable as
22 indirect expenses for purposes of contracts covered by
23 such instruction, unless such material and information is
24 made available to the Director in accordance with sub-
25 section (b).

1 (d) NOTICE TO CONGRESS.—Not later than 30 days
2 after the date on which the Director has received a notifi-
3 cation under subparagraph (A) of subsection (b)(1) or in-
4 formation or material under paragraph (B) of such sub-
5 section, the Director shall provide a written notification
6 of such receipt to the appropriate committees of Congress
7 and congressional leadership.

8 (e) DEFINITIONS.—In this section:

9 (1) The term “appropriate committees of Con-
10 gress” means—

11 (A) the Select Committee on Intelligence,
12 the Committee on Armed Services, and the
13 Committee on Appropriations of the Senate;
14 and

15 (B) the Permanent Select Committee on
16 Intelligence, the Committee on Armed Services,
17 and the Committee on Appropriations of the
18 House of Representatives.

19 (2) The term “congressional leadership”
20 means—

21 (A) the majority leader of the Senate;

22 (B) the minority leader of the Senate;

23 (C) the Speaker of the House of Rep-
24 resentatives; and

1 (D) the minority leader of the House of
2 Representatives.

3 (3) The term “Director” means the Director of
4 the All-domain Anomaly Resolution Office.

5 (4) The term “unidentified anomalous phe-
6 nomena” has the meaning given such term in section
7 1683(n) of the National Defense Authorization Act
8 for Fiscal Year 2022 (50 U.S.C. 3373(n)), as
9 amended by section 6802(a) of the Intelligence Au-
10 thorization Act for Fiscal Year 2023 (Public Law
11 117–263).

12 **SEC. 1547. REVISION OF SECRETARY OF DEFENSE AUTHOR-**
13 **ITY TO ENGAGE IN COMMERCIAL ACTIVITIES**
14 **AS SECURITY FOR INTELLIGENCE COLLEC-**
15 **TION ACTIVITIES.**

16 (a) EXTENSION OF AUTHORITY.—Section 431(a) of
17 title 10, United States Code, is amended by striking “De-
18 cember 31, 2023” and inserting “December 31, 2025”.

19 (b) INTERAGENCY COORDINATION AND SUPPORT.—
20 Paragraph (1) of section 431(b) of such title is amended
21 to read as follows:

22 “(1) be pre-coordinated with the Director of the
23 Central Intelligence Agency using procedures mutu-
24 ally agreed upon by the Secretary of Defense and

1 the Director, and, where appropriate, be supported
2 by the Director; and”.

3 **TITLE XVI—CYBERSPACE-**
4 **RELATED MATTERS**
5 **Subtitle A—Matters Relating to**
6 **Cyber Operations and Cyber**
7 **Forces**

8 **SEC. 1601. MEASURES TO ENHANCE THE READINESS AND**
9 **EFFECTIVENESS OF THE CYBER MISSION**
10 **FORCE.**

11 (a) **PERSONNEL REQUIREMENTS AND TRAINING FOR**
12 **CRITICAL WORK ROLES.**—The Secretary of Defense
13 shall—

14 (1) develop a plan to require—

15 (A) a term of enlistment that is—

16 (i) common across the military de-
17 partments for critical work roles of the
18 Cyber Mission Force;

19 (ii) appropriate given the value of the
20 training required for such work roles; and

21 (iii) sufficient and extensive enough to
22 meet the readiness requirements estab-
23 lished by the Commander of United States
24 Cyber Command;

1 (B) tour lengths for personnel in the Cyber
2 Mission Force that are—

3 (i) common across the military de-
4 partments; and

5 (ii) sufficient and extensive enough to
6 meet the readiness requirements estab-
7 lished by the Commander of United States
8 Cyber Command;

9 (C) the military departments to present
10 Cyber Mission Force personnel to the Com-
11 mander of United States Cyber Command who
12 are fully trained to the standards required by
13 the work roles established by the Commander,
14 including the critical work roles of the Cyber
15 Mission Force, prior to their attachment or as-
16 signment to a unit of United States Cyber
17 Command;

18 (D) obligated service for members who re-
19 ceive the training contemplated in paragraph
20 (C) which is commensurate with the significant
21 financial and time investments made by the
22 military service for the training received; and

23 (E) facilitation of consecutive assignments
24 at the same unit while not inhibiting the ad-

1 vancement or promotion potential of any mem-
2 ber of the Armed Forces.

3 (2) direct the Secretaries of the military depart-
4 ments to implement the plan developed under para-
5 graph (1); and

6 (3) establish curriculum and capacity within
7 one or more military departments to train sufficient
8 numbers of personnel from all of the military depart-
9 ments who can effectively perform the critical Cyber
10 Mission Force work roles to achieve the readiness re-
11 quirements established by the Commander of United
12 States Cyber Command.

13 (b) PILOT PROGRAM ON ACQUIRING CONTRACT
14 SERVICES FOR CRITICAL WORK ROLES.—

15 (1) PILOT PROGRAM REQUIRED.—Not later
16 than 180 days after the date of the enactment of
17 this Act, the Commander of United States Cyber
18 Command shall commence a pilot program to assess
19 the feasibility and advisability of acquiring the serv-
20 ices of skilled personnel in the critical work roles of
21 the Cyber Mission Force by contracting with one or
22 more persons to enhance the readiness and effective-
23 ness of the Cyber Mission Force.

24 (2) PILOT PROGRAM DURATION.—The Com-
25 mander shall carry out the pilot program required

1 by subsection paragraph (1) during the three-year
2 period beginning on the date of the commencement
3 of the pilot program and may, after such period—

4 (A) continue carrying out such pilot pro-
5 gram after such period for such duration as the
6 Commander considers appropriate; or

7 (B) transition such pilot program to a per-
8 manent program.

9 (c) PLAN ON HIRING, TRAINING, AND RETAINING CI-
10 VILIANS TO SERVE IN CRITICAL WORK ROLES.—Not later
11 than 120 days after the date of the enactment of this Act,
12 the Commander shall—

13 (1) develop a plan to hire, train, and retain ci-
14 vilians to serve in the critical work roles of the
15 Cyber Mission Force and other positions of the
16 Cyber Mission Force to enhance the readiness and
17 effectiveness of the Cyber Mission Force; and

18 (2) provide the congressional defense commit-
19 tees a briefing on the plan developed under para-
20 graph (1).

21 (d) DEFINITION OF CRITICAL WORK ROLES OF THE
22 CYBER MISSION FORCE.—The term “critical work roles
23 of the Cyber Mission Force” means work roles of the
24 Cyber Mission Force relating to on-network operations,
25 tool development, and exploitation analysis.

1 **SEC. 1602. CYBER INTELLIGENCE CENTER.**

2 (a) ESTABLISHMENT OF CAPABILITY REQUIRED.—

3 The Secretary of Defense shall establish a dedicated cyber
4 intelligence capability to support the requirements of
5 United States Cyber Command, the other combatant com-
6 mands, the military departments, defense agencies, the
7 Joint Staff, and the Office of the Secretary of Defense
8 for foundational, scientific and technical, and all-source in-
9 telligence on cyber technology development, capabilities,
10 concepts of operation, operations, and plans and inten-
11 tions of cyber threat actors.

12 (b) ESTABLISHMENT OF CENTER AUTHORIZED.—

13 (1) AUTHORIZATION.—Subject to paragraph
14 (2), the Secretary may establish an all-source anal-
15 ysis center under the administration of the Defense
16 Intelligence Agency to provide foundational intel-
17 ligence for the capability established under sub-
18 section (a).

19 (2) LIMITATION.—Information technology serv-
20 ices for a center established under paragraph (1)
21 may not be provided by the National Security Agen-
22 cy.

23 (c) RESOURCES.—

24 (1) IN GENERAL.—The Secretary shall direct
25 and provide resources to the Commander of United
26 States Cyber Command within the Military Intel-

1 ligence Program to fund collection and analysis by
2 the National Security Agency to meet the specific re-
3 quirements established by the Commander for sig-
4 nals intelligence support.

5 (2) TRANSFER OF ACTIVITIES.—The Secretary
6 may transfer the activities required under paragraph
7 (1) to the National Intelligence Program if the Di-
8 rector of National Intelligence concurs and the
9 transfer is specifically authorized in an intelligence
10 authorization Act.

11 (d) BRIEFING.—Not later than 180 days after the
12 date of the enactment of this Act, the Commander shall—

13 (1) develop an estimate of the signals intel-
14 ligence collection and analysis required of the Na-
15 tional Security Agency and the cost of such collec-
16 tion and analysis; and

17 (2) provide the congressional defense commit-
18 tees, the Select Committee on Intelligence of the
19 Senate, and the Permanent Select Committee on In-
20 telligence of the House of Representatives a briefing
21 on the estimate developed under paragraph (1).

1 **SEC. 1603. PERFORMANCE METRICS FOR PILOT PROGRAM**
2 **FOR SHARING CYBER CAPABILITIES AND RE-**
3 **LATED INFORMATION WITH FOREIGN OPER-**
4 **ATIONAL PARTNERS.**

5 (a) IN GENERAL.—The section 398 of title 10,
6 United States Code (relating to pilot program for sharing
7 cyber capabilities and related information with foreign
8 operational partners), as added by section 1551(a) of the
9 James M. Inhofe National Defense Authorization Act for
10 Fiscal Year 2023 (Public Law 117–263), is amended—

11 (1) by redesignating subsections (f) and (g) as
12 subsections (g) and (h), respectively; and

13 (2) by inserting after subsection (e) the fol-
14 lowing new subsection (f):

15 “(f) PERFORMANCE METRICS.—(1) The Secretary of
16 Defense shall maintain performance metrics to track the
17 results of sharing cyber capabilities and related informa-
18 tion with foreign operational partners under a pilot pro-
19 gram authorized by subsection (a).

20 “(2) The performance metrics under paragraph (1)
21 shall include the following:

22 “(A) Who the cyber capability was used
23 against.

24 “(B) The effect of the cyber capability, includ-
25 ing whether and how the transfer of the cyber capa-
26 bility improved the operational cyber posture of the

1 United States and achieved operational objectives of
2 the United States, or had no effect.

3 “(C) Such other outcome-based or appropriate
4 performance metrics as the Secretary considers ap-
5 propriate for evaluating the effectiveness of a pilot
6 program carried out under subsection (a).”.

7 (b) TECHNICAL CORRECTION.—Chapter 19 of such
8 title is amended—

9 (1) in the table of sections for such chapter by
10 striking the item relating to such section 398 and
11 inserting the following:

“398a. Pilot program for sharing cyber capabilities and related information with
foreign operational partners.”; and

12 (2) by redesignating such section 398 as section
13 398a.

14 **SEC. 1604. NEXT GENERATION CYBER RED TEAMS.**

15 (a) DEVELOPMENT AND SUBMISSION OF PLANS.—
16 Not later than 180 days after the date of the enactment
17 of this Act, the Under Secretary of Defense for Policy
18 shall direct the appropriate Assistant Secretary of Defense
19 in the Office of the Under Secretary of Defense for Policy,
20 in consultation with the Principal Cyber Advisors of the
21 military departments, to oversee the development and sub-
22 mission of a plan described in subsection (b) to the Direc-
23 tor of Operational Test and Evaluation (OT&E) and the

1 Director of the National Security Agency (NSA) for as-
2 sessment under subsection (c).

3 (b) PLANS DESCRIBED.—The plan described in this
4 subsection is a plan—

5 (1) to modernize cyber red teams (“CRTs”)
6 with a focus on utilizing cyber threat intelligence
7 and threat modeling to ensure the ability to emulate
8 advanced nation-state threats, automation, artificial
9 intelligence or machine learning capabilities, and
10 data collection and correlation;

11 (2) to establish joint service standards and
12 metrics to ensure cyber red teams are adequately
13 trained, staffed, and equipped to emulate advanced
14 nation-state threats; and

15 (3) to expand partnerships between the Depart-
16 ment of Defense, particularly existing cyber red
17 teams, and academia to expand the cyber talent
18 workforce.

19 (c) ASSESSMENT.—The Director of Operational Test
20 and Evaluation shall, in coordination with the Director of
21 the National Security Agency, review the plan submitted
22 pursuant to subsection (a) and in doing so shall conduct
23 an assessment of the plan with consideration of the fol-
24 lowing:

1 (1) Opportunities for cyber red team operations
2 to expand across the competition continuum, includ-
3 ing during the cooperation and competition phases,
4 strongly emphasizing pre-conflict preparation of the
5 battlespace to better match adversary positioning
6 and cyber activities, including operational security
7 assessments to strengthen the ability of the Depart-
8 ment to gain and maintain a tactical advantage.

9 (2) The extent to which critical and emerging
10 technologies and concepts such as artificial intel-
11 ligence and machine learning enabled analysis and
12 process automation can reduce the amount of person
13 hours operators spend on maintenance and reporting
14 to maximize research and training time.

15 (3) Identification of training requirements, and
16 changes to training, sustainment practices, or con-
17 cepts of operation or employment that may be need-
18 ed to ensure the effectiveness, suitability, and sus-
19 tainability of the next generation of cyber red teams.

20 (4) The extent to which additional resources or
21 partnerships may be needed to remediate personnel
22 shortfalls in cyber red teams, including funding for
23 internship programs, hiring, and contracting.

24 (d) IMPLEMENTATION.—Not later than one year
25 after the date of enactment of this Act, the Secretary of

1 Defense shall issue such policies and guidance and pre-
2 scribe such regulations as the Secretary determines nec-
3 essary to carry out the plan required by subsection (a).

4 (e) ANNUAL REPORTS.—Not later than January 31,
5 2025, and not less frequently than annually thereafter
6 until January 31, 2031, the Director of Operational Test
7 and Evaluation shall include in the annual report required
8 by section 139(h) of title 10, United States Code, the fol-
9 lowing:

10 (1) The findings of the Director with respect to
11 the assessment carried out pursuant to subsection
12 (c).

13 (2) The results of test and evaluation events,
14 including any resource and capability shortfalls lim-
15 iting the ability of cyber red teams to meet oper-
16 ational requirements.

17 (3) The extent to which operations of cyber red
18 teams have expanded across the competition con-
19 tinuum, including during cooperation and competi-
20 tion phases, to match adversary positioning and
21 cyber activities.

22 (4) A summary of identified categories of com-
23 mon gaps and shortfalls across military department
24 and Defense Agency cyber red teams.

1 (5) Any identified lessons learned that would
2 affect training or operational employment decisions
3 relating to cyber red teams.

4 **SEC. 1605. MANAGEMENT OF DATA ASSETS BY CHIEF DIG-**
5 **ITAL OFFICER.**

6 (a) IN GENERAL.—The Secretary of Defense shall,
7 acting through the Chief Data and Artificial Intelligence
8 Officer of the Department of Defense (CDAO), provide
9 data assets and data analytics capabilities necessary for
10 understanding the global cyber-social terrain to support
11 the planning and execution of defensive and offensive in-
12 formation operations, defensive and offensive cyber oper-
13 ations, indications and warning of adversary military ac-
14 tivities and operations, and calibration of actions and reac-
15 tions in great power competition.

16 (b) RESPONSIBILITIES OF CHIEF DATA AND ARTIFI-
17 CIAL INTELLIGENCE OFFICER.—The Chief Data and Arti-
18 ficial Intelligence Officer shall—

19 (1) develop a baseline of data assets maintained
20 by all defense intelligence agencies, military depart-
21 ments, combatant commands, and any other compo-
22 nents of the Department; and

23 (2) develop and oversee the implementation of
24 plans to enhance data assets that are essential to
25 support the purposes set forth in subsection (a).

1 (c) OTHER MATTERS.—The Chief Data and Artificial
2 Intelligence Officer shall—

3 (1) designate or establish one or more executive
4 agents for enhancing data assets and the acquisition
5 of data analytic tools for users;

6 (2) ensure that data assets in the possession of
7 a component of the Department are accessible for
8 the purposes described in subsection (a); and

9 (3) ensure that advanced analytics, including
10 artificial intelligence technology, are developed and
11 applied to the analysis of data assets in support of
12 the purposes described in subsection (a).

13 (d) SEMIANNUAL BRIEFINGS.—Not later than 120
14 days after the date of the enactment of this Act and not
15 less frequently semiannually thereafter, the Chief Data
16 and Artificial Intelligence Officer shall provide the con-
17 gressional defense committees, the Select Committee on
18 Intelligence of the Senate, and the Permanent Select Com-
19 mittee on Intelligence of the House of Representatives a
20 briefing on the implementation of this section.

21 (e) PRIOR APPROVAL REPROGRAMMING.—After the
22 date of the enactment of this Act, the Secretary may
23 transfer funds to begin implementation of this section,
24 subject to established limitations and approval procedures.

1 **SEC. 1606. AUTHORITY FOR COUNTERING ILLEGAL TRAF-**
2 **FICKING BY MEXICAN TRANSNATIONAL**
3 **CRIMINAL ORGANIZATIONS IN CYBERSPACE.**

4 (a) AUTHORITY.—

5 (1) IN GENERAL.—In accordance with sections
6 124 and 394 of title 10, United States Code, the
7 Secretary of Defense may, in coordination with other
8 relevant Federal departments and agencies and in
9 consultation with the Government of Mexico as ap-
10 propriate, conduct detection, monitoring, and other
11 operations in cyberspace to counter Mexican
12 transnational criminal organizations that are en-
13 gaged in any of the following activities that cross the
14 southern border of the United States:

15 (A) Smuggling of illegal drugs, controlled
16 substances, or precursors thereof.

17 (B) Human trafficking.

18 (C) Weapons trafficking.

19 (D) Other illegal activities.

20 (2) CERTAIN ENTITIES.—The authority pro-
21 vided by paragraph (1) may be used to counter
22 Mexican transnational criminal organizations, in-
23 cluding entities cited in the most recent National
24 Drug Threat Assessment published by the United
25 States Drug Enforcement Administration, that are
26 engaged in the activities described in (1).

1 (b) CYBER STRATEGY FOR COUNTERING ILLEGAL
2 TRAFFICKING BY TRANSNATIONAL CRIMINAL ORGANIZA-
3 TIONS AFFECTING THE SECURITY OF UNITED STATES
4 SOUTHERN BORDER.—

5 (1) STRATEGY REQUIRED.—Not later than 60
6 days after the date of the enactment of this Act, the
7 Secretary shall, in consultation with the National
8 Cyber Director and the heads of such other Federal
9 departments and agencies as the Secretary considers
10 appropriate, submit to the appropriate congressional
11 committees a strategy for conducting operations in
12 cyberspace under subsection (a).

13 (2) ELEMENTS.—The strategy submitted pur-
14 suant to paragraph (1) shall include the following:

15 (A) A description of the cyberspace pres-
16 ence and activities, including any information
17 operations, of the entities described under sub-
18 section (a)(2) pose to the national security of
19 the United States.

20 (B) A description of any previous actions
21 taken by the Department of Defense to conduct
22 operations in cyberspace to counter illegal ac-
23 tivities by transnational criminal organizations,
24 and a description of those actions.

1 (C) An assessment of the financial, techno-
2 logical, and personnel resources that the Sec-
3 retary can deploy to exercise the authority pro-
4 vided in subsection (a) to counter illegal traf-
5 ficking by transnational criminal organizations.

6 (D) Recommendations, if any, for addi-
7 tional authorities as may be required to en-
8 hance the exercise of the authority provided in
9 subsection (a).

10 (E) A description of the extent to which
11 the Secretary has worked, or intends to work,
12 with the Government of Mexico, interagency
13 partners, and the private sector to enable oper-
14 ations in cyberspace against illegal trafficking
15 by transnational criminal organizations.

16 (F) A description of the security coopera-
17 tion programs in effect on the day before the
18 date of the enactment of this Act that would
19 enable the Secretary to cooperate with Mexican
20 defense partners against illegal trafficking by
21 transnational criminal organizations in cyber-
22 space.

23 (G) An assessment of the potential risks
24 associated with cooperating with Mexican coun-
25 terparts against transnational criminal organi-

1 zations in cyberspace and ways that those risks
2 can be mitigated, including in cooperation with
3 Mexican partners.

4 (H) A description of any cooperation
5 agreements or initiatives in effect on the day
6 before the date of the enactment of this Act
7 with interagency partners and the government
8 of Mexico to counter transnational criminal or-
9 ganizations in cyberspace.

10 (c) QUARTERLY MONITORING BRIEFING.—The Sec-
11 retary shall, on a quarterly basis in conjunction with the
12 briefings required by section 484 of title 10, United States
13 Code, provide to the appropriate congressional committees
14 a briefing setting forth, for the preceding calendar quar-
15 ter, the following:

16 (1) Each country in which an operation was
17 conducted under subsection (a).

18 (2) The purpose and nature of each operation
19 set forth pursuant to paragraph (1).

20 (3) The start date and end date or expected du-
21 ration of each operation set forth pursuant to para-
22 graph (1).

23 (4) The elements of the Department of Defense
24 down to O-6 command level who conducted or are

1 conducting the operations set forth pursuant to
2 paragraph (1).

3 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed to supersede any standing prohibi-
5 tions on collection of information on United States per-
6 sons.

7 **SEC. 1607. PILOT PROGRAM FOR CYBERSECURITY COL-**
8 **LABORATION CENTER INCLUSION OF SEMI-**
9 **CONDUCTOR MANUFACTURERS.**

10 (a) **ESTABLISHMENT OF PILOT PROGRAM.**—The Sec-
11 retary of Defense shall, in coordination with the Director
12 of the National Security Agency, establish a pilot program
13 to assess the feasibility and advisability of improving the
14 semiconductor manufacturing supply chain by enabling
15 the National Security Agency Cybersecurity Collaboration
16 Center to collaborate with semiconductor manufacturers
17 in the United States.

18 (b) **PROGRAM SCOPE.**—The pilot program established
19 pursuant to subsection (a) shall focus on improving the
20 cybersecurity of the supply chain for semiconductor design
21 and manufacturing, including the following:

22 (1) The cybersecurity of design and manufac-
23 turing processes, as well as assembly, packaging,
24 and testing.

1 (2) Protecting against cyber-driven intellectual
2 property theft.

3 (3) Reducing the risk of supply chain disrup-
4 tions caused by cyberattacks.

5 (c) ELIGIBILITY.—Persons who directly support the
6 manufacture, packaging, and assembly of semiconductors
7 within the United States and who provide semiconductor
8 components for the Department of Defense, national secu-
9 rity systems (as defined in section 3552(b) of title 44,
10 United States Code), or the defense industrial base are
11 eligible to participate in the pilot program.

12 (d) BRIEFINGS.—

13 (1) INITIAL.—

14 (A) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, the
16 Secretary shall provide the appropriate commit-
17 tees of Congress a briefing on the pilot program
18 required under subsection (a).

19 (B) ELEMENTS.—The briefing required
20 under subparagraph (A) shall include the fol-
21 lowing:

22 (i) The plans of the Secretary for the
23 implementation of the pilot program.

24 (ii) Identification of key priorities for
25 the pilot program.

1 (iii) Identification of any potential
2 challenges in standing up the pilot pro-
3 gram or impediments to semiconductor
4 manufacturer or semiconductor component
5 supplier participation in the pilot program.

6 (2) ANNUAL.—

7 (A) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act and
9 annually thereafter for the duration of the pilot
10 program required by subsection (a), the Sec-
11 retary shall provide the appropriate committees
12 of Congress a briefing on the progress of the
13 pilot program.

14 (B) ELEMENTS.—Each briefing required
15 under subparagraph (A) shall include the fol-
16 lowing:

17 (i) Recommendations for addressing
18 relevant policy, budgetary, security, and
19 legislative gaps to increase the effective-
20 ness of the pilot program. For the first an-
21 nual briefing, this shall include an assess-
22 ment of the resources necessary for the
23 pilot to be successful.

24 (ii) Recommendations for increasing
25 semiconductor manufacturer or semicon-

1 ductor component supplier participation in
2 the pilot program.

3 (iii) A description of the challenges
4 encountered in carrying out the pilot pro-
5 gram, including any concerns expressed by
6 semiconductor manufacturers or semicon-
7 ductor component supplier.

8 (iv) The findings of the Secretary with
9 respect to the feasibility and advisability of
10 extending or expanding the pilot program.

11 (v) Such other matters as the Sec-
12 retary considers appropriate.

13 (e) TERMINATION.—The pilot program required by
14 subsection (a) shall terminate on the date that is four
15 years after the date of the enactment of this Act.

16 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

19 (1) the Committee on Armed Services and the
20 Select Committee on Intelligence of the Senate; and

21 (2) the Committee on Armed Services and the
22 Permanent Select Committee on Intelligence of the
23 House of Representatives.

1 **SEC. 1608. INDEPENDENT EVALUATION REGARDING PO-**
2 **TENTIAL ESTABLISHMENT OF UNITED**
3 **STATES CYBER FORCE AND FURTHER EVO-**
4 **LUTION OF CURRENT MODEL FOR MANAGE-**
5 **MENT AND EXECUTION OF CYBER MISSION.**

6 (a) AGREEMENT.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall seek to enter into an agreement with the Na-
9 tional Academy of Public Administration (in this
10 section referred to as the “National Academy”) for
11 the National Academy to conduct the evaluation
12 under subsection (b) and submit the report under
13 subsection (e).

14 (2) TIMING.—The Secretary shall seek to enter
15 into the agreement described in paragraph (1) by
16 not later than 60 days after the date of the enact-
17 ment of this Act.

18 (b) EVALUATION.—

19 (1) IN GENERAL.—Under an agreement be-
20 tween the Secretary and the National Academy en-
21 tered into pursuant to subsection (a), the National
22 Academy shall conduct an evaluation regarding the
23 advisability of—

24 (A) establishing a separate Armed Force
25 dedicated to operations in the cyber domain (in

1 this section referred to as the “United States
2 Cyber Force”); or

3 (B) refining and further evolving the cur-
4 rent organization approach, which is based on
5 the Special Operations Command model for
6 United States Cyber Command.

7 (2) SCOPE.—The evaluation conducted pursu-
8 ant to paragraph (1) shall include consideration of—

9 (A) the potential establishment of a United
10 States Cyber Force as a separate Armed Force
11 commensurate with the Army, Navy, Marine
12 Corps, Air Force, and Space Force, for the pur-
13 pose of organizing, training, and equipping the
14 personnel required to enable and conduct oper-
15 ations in the cyber domain through positions
16 aligned to the United States Cyber Command
17 and the other unified combatant commands;

18 (B) a United States Cyber Force able to
19 devise and implement recruiting and retention
20 policies and standards specific to the range of
21 skills and career fields required to enable and
22 conduct cyberspace operations, as determined
23 by the United States Cyber Command and the
24 other unified combatant commands;

1 (C) the performance and efficacy of the
2 Armed Forces to date, and potential improve-
3 ments thereto from extending the model de-
4 scribed in paragraph (1)(B), in satisfying the
5 requirements of the combatant commands to
6 enable and conduct operations in the cyber do-
7 main through positions aligned to the United
8 States Cyber Command and other unified com-
9 batant commands, and any expected differences
10 in that performance based on the creation of a
11 United States Cyber Force as compared to evo-
12 lutionary modifications to the current model;

13 (D) the performance and efficacy of the
14 Armed Forces to date, and potential improve-
15 ments thereto from extending the model de-
16 scribed in paragraph (1)(B), in devising and
17 implementing recruitment and retention policies
18 specific to the range of skills and career fields
19 required to enable and conduct cyberspace oper-
20 ations, as determined by the United States
21 Cyber Command and the other unified combat-
22 ant commands, and any expected differences in
23 that performance based on the creation of a
24 United States Cyber Force as compared to evo-
25 lutionary modifications to the current model;

1 (E) potential and recommended delineations of responsibility between the other Armed
2 Forces and a United States Cyber Force and
3 an enhanced model described in paragraph
4 (1)(B) with respect to network management,
5 resourcing, and operations;
6

7 (F) potential and recommended delineations of responsibility between the other Armed
8 Forces and a United States Cyber Force and
9 an enhancement of the model described in paragraph (1)(B) for United States Cyber Command with respect to organizing, training, and equipping members of the Cyberspace Operations Forces, not serving in positions aligned under the Cyber Mission Force, to the extent necessary to support network management and operations;
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18 (G) views and perspectives of members of the Armed Forces, in each grade, serving in the Cyber Mission Force with experience in operational work roles (as defined by the Commander of the United States Cyber Command), and military and civilian leaders across the Department regarding the establishment of a Cyber Force and a further evolution of the
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1 model described in paragraph (1)(B) for United
2 States Cyber Command;

3 (H) the extent to which each of the other
4 Armed Forces is formed towards, and organized
5 around, operations within a given warfighting
6 domain, and the potential applicability of such
7 formation and organizing constructs to a
8 United States Cyber Force with respect to the
9 cyber domain;

10 (I) findings from previous relevant assess-
11 ments, analyses, and studies conducted by the
12 Secretary, the Comptroller General of the
13 United States, or other entities determined rel-
14 evant by the National Academy on the estab-
15 lishment of a United States Cyber Force and a
16 further evolution of the model described in
17 paragraph (1)(B) for United States Cyber Com-
18 mand;

19 (J) the organizing constructs for effective
20 and operationally mature cyber forces of foreign
21 countries and the relevance of such constructs
22 to the potential creation of a United States
23 Cyber Force and a further evolution of the
24 model described in paragraph (1)(B) for United
25 States Cyber Command;

1 (K) lessons learned from the creation of
2 the United States Space Force that should be
3 applied to the creation of a United States Cyber
4 Force;

5 (L) recommendations for approaches to the
6 creation of a United States Cyber Force and
7 the further evolution of the model described in
8 paragraph (1)(B) for United States Cyber Com-
9 mand that would minimize disruptions to De-
10 partment of Defense cyber operations;

11 (M) the histories of the Armed Forces, in-
12 cluding an analysis of the conditions that pre-
13 ceded the establishment of each new Armed
14 Force established since 1900; and

15 (N) a comparison between the potential
16 service secretariat leadership structures for a
17 United States Cyber Force and the further evo-
18 lution of the model described in paragraph (1)
19 for United States Cyber Command, including
20 establishing the United States Cyber Force
21 within an existing military department, stand-
22 ing up a new military department, and evolving
23 the service secretary-like function of the Prin-
24 cipal Cyber Advisor in the Office of the Under
25 Secretary of Defense for Policy.

1 (3) CONSIDERATIONS.—The evaluation con-
2 ducted pursuant to paragraph (1) shall include an
3 evaluation of how a potential United States Cyber
4 Force dedicated to the cyber domain would compare
5 in performance and efficacy to the current model
6 and a further evolution of the model described in
7 paragraph (1)(B) for United States Cyber Com-
8 mand, with respect to the following functions and
9 potential objective end states, as well as an evalua-
10 tion of the importance of the functions and potential
11 end states:

12 (A) Organizing, training, and equipping
13 the size of a force necessary to satisfy existing
14 and projected requirements of the Department
15 of Defense.

16 (B) Harmonizing training requirements
17 and programs in support of cyberspace oper-
18 ations.

19 (C) Recruiting and retaining qualified offi-
20 cers and enlisted members of the Armed Forces
21 at the levels necessary to execute cyberspace op-
22 erations.

23 (D) Using reserve component forces in
24 support of cyberspace operations.

25 (E) Sustaining persistent force readiness.

1 (F) Generating foundational intelligence in
2 support of cyberspace operations.

3 (G) Acquiring and providing cyber capa-
4 bilities in support of cyberspace operations.

5 (H) Establishing pay parity among mem-
6 bers of the Armed Forces serving in and quali-
7 fied for work roles in support of cyberspace op-
8 erations.

9 (I) Establishing pay parity among civilians
10 serving in and qualified for work roles in sup-
11 port of cyberspace operations.

12 (J) Establishing advancement parity for
13 members of the Armed Forces serving in and
14 qualified for work roles in support of cyberspace
15 operations.

16 (K) Establishing advancement parity for
17 civilians serving in and qualified for work roles
18 in support of cyberspace operations.

19 (L) Developing professional military edu-
20 cation content and curricula focused on the
21 cyber domain.

22 (c) SUPPORT FROM FEDERALLY FUNDED RESEARCH
23 AND DEVELOPMENT CENTER.—

24 (1) IN GENERAL.—Upon a request from the
25 National Academy, the Secretary shall seek to enter

1 into an agreement with a federally funded research
2 and development center described in paragraph (2)
3 under which such federally funded research and de-
4 velopment center shall support the National Acad-
5 emy in conducting the evaluation under subsection
6 (b).

7 (2) **FEDERALLY FUNDED RESEARCH AND DE-**
8 **VELOPMENT CENTER DESCRIBED.**—A federally fund-
9 ed research and development center described in this
10 paragraph is a federally funded research and devel-
11 opment center the staff of which includes subject
12 matter experts with appropriate security clearances
13 and expertise in—

- 14 (A) cyber warfare;
15 (B) personnel management;
16 (C) military training processes; and
17 (D) acquisition management.

18 (d) **ACCESS TO DEPARTMENT OF DEFENSE PER-**
19 **SONNEL, INFORMATION, AND RESOURCES.**—Under an
20 agreement entered into between the Secretary and the Na-
21 tional Academies under subsection (a)—

22 (1) the Secretary shall agree to provide to the
23 National Academy access to such personnel, infor-
24 mation, and resources of the Department of Defense
25 as may be determined necessary by the National

1 Academy in furtherance of the conduct of the eval-
2 uation under subsection (b); and

3 (2) if the Secretary does not provide such ac-
4 cess, or any other major obstacle to such access oc-
5 curs, the National Academy shall agree to notify the
6 congressional defense committees not later than
7 seven days after the date of such refusal or other oc-
8 currence.

9 (e) REPORT.—

10 (1) SUBMISSION TO CONGRESS.—Under an
11 agreement entered into between the Secretary and
12 the National Academy under subsection (a), the Na-
13 tional Academy shall submit to the congressional de-
14 fense committees a report containing the findings of
15 the National Academy with respect to the evaluation
16 under subsection (b) not later than 210 days after
17 the date of the execution of the agreement.

18 (2) PROHIBITION AGAINST INTERFERENCE.—
19 No personnel of the Department of Defense, nor any
20 other officer or employee of the United States Gov-
21 ernment, may interfere, exert undue influence, or in
22 any way seek to alter the findings of the National
23 Academy specified in paragraph (1) prior to the sub-
24 mission thereof under such paragraph.

1 (3) FORM.—The report under paragraph (1)
2 shall be submitted in an unclassified form, but may
3 include a classified annex.

4 **Subtitle B—Matters Relating to De-**
5 **partment of Defense Cybersecu-**
6 **urity and Information Tech-**
7 **nology**

8 **SEC. 1611. REQUIREMENTS FOR DEPLOYMENT OF FIFTH**
9 **GENERATION INFORMATION AND COMMU-**
10 **NICATIONS CAPABILITIES TO DEPARTMENT**
11 **OF DEFENSE BASES AND FACILITIES.**

12 (a) IN GENERAL.—The Secretary of Defense shall—

13 (1) develop and implement a strategy for de-
14 ploying private networks, based on fifth generation
15 information and communications capabilities (5G)
16 and Open Radio Access Network (ORAN) architec-
17 ture, to military bases and facilities that are tailored
18 to the specific mission, security, and performance re-
19 quirements of those bases and facilities;

20 (2) create a common, transparent, and stream-
21 lined process for enabling public network service pro-
22 viders of fifth generation information and commu-
23 nications capabilities to gain access to military bases
24 and facilities to provide commercial subscriber serv-

1 ices to government and contractor personnel and or-
2 ganizations located on those bases and facilities; and

3 (3) decide, on a case-by-case basis or as a com-
4 mon requirement, whether to contract for—

5 (A) neutral hosting, whereby infrastructure
6 and services will be provided to companies de-
7 ploying private networks and public network
8 services through Multi-Operator Core Network
9 architectures; or

10 (B) separate private network and public
11 network infrastructure.

12 (b) INTERNATIONAL COOPERATION ACTIVITIES.—

13 The Secretary may engage in cooperation activities with
14 foreign allies and partners of the United States, using an
15 authority provided by another provision of law, to inform
16 the efficient and effective deployment of Open Radio Ac-
17 cess Network architecture and to implement the strategy
18 required under subsection (a)(1).

19 (c) DUE DATE FOR STRATEGY AND BRIEFING.—

20 (1) STRATEGY.—The Secretary shall develop
21 the strategy required in subsection (a)(1) not later
22 than 120 days after the date of the enactment of
23 this Act.

24 (2) BRIEFING.—Not later than 150 days after
25 the date of the enactment of this Act, the Secretary

1 shall provide to the congressional defense commit-
2 tees a briefing on the strategy developed under para-
3 graph (1) of subsection (a) and the activities of the
4 Secretary under such subsection.

5 (d) DEFINITION OF OPEN RADIO ACCESS NET-
6 WORK.—The term “Open Radio Access Network” means
7 a network architecture that is modular, uses open inter-
8 faces, and virtualizes functionality on commodity hard-
9 ware through software.

10 **SEC. 1612. DEPARTMENT OF DEFENSE INFORMATION NET-**
11 **WORK BOUNDARY AND CROSS-DOMAIN DE-**
12 **FENSE.**

13 (a) MODERNIZATION PROGRAM REQUIRED.—The
14 Secretary of Defense shall carry out a modernization pro-
15 gram for network boundary and cross-domain defense
16 against cyber attacks, expanding upon the fiscal year 2023
17 pilot program and initial deployment to the primary De-
18 partment of Defense internet access points (IAPs) man-
19 aged by the Defense Information Systems Agency (DISA).

20 (b) PROGRAM PHASES.—

21 (1) IN GENERAL.—The modernization program
22 required by subsection (a) shall be implemented in
23 phases, with the objective of completing the program
24 by October 1, 2028.

1 (2) OBJECTIVES.—The phases required by
2 paragraph (1) shall include the following objectives:

3 (A) By the end of fiscal year 2026, com-
4 pletion of—

5 (i) a pilot of modernized boundary de-
6 fense capabilities and initial and full de-
7 ployment of the capabilities to internet ac-
8 cess points managed by the Defense Infor-
9 mation Systems Agency; and

10 (ii) the extension of modernized
11 boundary defense capabilities to all addi-
12 tional internet access points of the Depart-
13 ment of Defense information network
14 (DODIN).

15 (B) By the end of fiscal year 2027, survey,
16 pilot, and deploy modernized boundary defense
17 capabilities to the access points and cross-do-
18 main capabilities of the Secret Internet Protocol
19 Network.

20 (C) By the end of fiscal year 2028, survey,
21 pilot, and deploy modernized boundary defense
22 capabilities to remaining classified networks
23 and enclaves of the Department information
24 network.

1 (c) BRIEFING REQUIRED.—Not later than 60 days
2 after the date of the enactment of this Act, the Secretary
3 shall provide the congressional defense committees a brief-
4 ing on—

5 (1) the findings of the Secretary with respect to
6 the pilot and initial deployment under subsection
7 (b)(2)(A)(i); and

8 (2) the plans of the Secretary for the phased
9 deployment to other internet access points and clas-
10 sified networks pursuant to subsection (b).

11 **SEC. 1613. POLICY AND GUIDANCE ON MEMORY-SAFE SOFT-**
12 **WARE PROGRAMMING.**

13 (a) POLICY AND GUIDANCE.—Not later than 270
14 days after the date of the enactment of this Act, the Sec-
15 retary of Defense shall develop a Department of Defense-
16 wide policy and guidance in the form of a directive memo-
17 randum to implement the recommendations of the Na-
18 tional Security Agency contained in the Software Memory
19 Safety Cybersecurity Information Sheet published by the
20 Agency in November, 2022, regarding memory-safe soft-
21 ware programming languages and testing to identify mem-
22 ory-related vulnerabilities in software developed, acquired
23 by, and used by the Department of Defense.

24 (b) REQUIREMENTS.—The policy required in sub-
25 section (a) shall—

1 (1) establish the conditions and associated ap-
2 proval processes under which a component of the
3 Department may—

4 (A) contract for the development of custom
5 software that includes open source and reused
6 software written in programming languages
7 that are not classified as memory-safe by the
8 Agency;

9 (B) acquire commercial software items
10 that use programming languages that are not
11 classified as memory-safe by the Agency;

12 (C) contract for software-as-a-service
13 where the contractor uses programming lan-
14 guages that are not classified as memory-safe
15 by the Agency; and

16 (D) develop software in Federal Govern-
17 ment-owned software factories programming
18 languages that are not classified as memory-
19 safe by the Agency; and

20 (2) establish requirements and processes for
21 employing static and dynamic application security
22 testing that can identify memory-use issues and
23 vulnerabilities and resolve them for software con-
24 tracted for, developed, or acquired as described in
25 paragraph (1).

1 (c) BRIEFING REQUIRED.—Not later than 300 days
2 after the date of the enactment of this Act, the Secretary
3 shall provide the congressional defense committees a brief-
4 ing on the policy and guidance developed under subsection
5 (a).

6 **SEC. 1614. DEVELOPMENT OF REGIONAL CYBERSECURITY**
7 **STRATEGIES.**

8 (a) DEVELOPMENT OF STRATEGIES REQUIRED.—
9 Not later than one year after the date of the enactment
10 of this Act, the Secretary of Defense shall, in coordination
11 with the Commander of United States Cyber Command
12 and each commander of a geographic combatant com-
13 mand, develop, for each geographic combatant command,
14 a regional cybersecurity strategy to support the operations
15 of such command.

16 (b) ELEMENTS.—Each regional cybersecurity strat-
17 egy developed under subsection (a) for a geographic com-
18 batant command shall include the following:

19 (1) A description or an outline of methods to
20 identify both nation-state and non-state cyber threat
21 actors.

22 (2) Processes to enhance the targeting, intel-
23 ligence, and cyber capabilities of the combatant com-
24 mand.

1 (3) Plans to increase the number of cyber plan-
2 ners embedded in the combatant command.

3 (4) Processes to integrate cyber forces into
4 other warfare domains.

5 (5) A plan to assist, train, advise, and partici-
6 pate in cyber capacity building with international
7 partners.

8 (6) A prioritization of cyber risks and
9 vulnerabilities within the geographic region.

10 (7) Processes to coordinate cyber activities with
11 interagency partners with activities in the geo-
12 graphic region.

13 (8) Specific plans to assist in the defense of for-
14 eign infrastructure that is critical to the national se-
15 curity interests of the United States.

16 (9) Means by which the Cybersecurity and In-
17 frastructure Security Agency will be integrated into
18 each strategy.

19 **SEC. 1615. CYBER INCIDENT REPORTING.**

20 (a) CYBER INCIDENT REPORTING REQUIREMENT.—

21 (1) DEPARTMENT GOVERNANCE.—Not later
22 than 180 days after the date of the enactment of
23 this Act, the Secretary of Defense shall, in consulta-
24 tion with the Chief Information Officer of the De-
25 partment of Defense, the Commander of United

1 States Cyber Command, and the Commander of the
2 Joint Force Headquarters Department of Defense
3 Information Network—

4 (A) assign responsibility to the Com-
5 mander of the Joint Force Headquarters De-
6 partment of Defense Information Network to
7 oversee cyber incident reporting and notification
8 of cyber incidents to Department leadership;

9 (B) align policy and system requirements
10 to enable the Department to have enterprise-
11 wide visibility of cyber incident reporting to
12 support rapid and appropriate response; and

13 (C) distribute new guidance to Department
14 personnel on cyber incident reporting, which
15 shall include detailed procedures for identifying,
16 reporting, and notifying Department leadership
17 of critical cyber incidents.

18 (2) DEFENSE INDUSTRIAL BASE.—Not later
19 than 180 days after the date of the enactment of
20 this Act, the Secretary shall ensure that the Chief
21 Information Officer determines what actions need to
22 be taken to encourage more complete and timely
23 mandatory cyber incident reporting from persons in
24 the defense industrial base.

1 (3) DATA BREACH NOTIFICATION.—The Sec-
2 retary shall ensure that components of the Depart-
3 ment document instances in which Department per-
4 sonnel affected by a privacy data breach are notified
5 of the breach within 72 hours of the discovery of the
6 breach.

7 (b) ASSESSMENT ON ESTABLISHING OFFICE OF
8 CYBER STATISTICS.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense shall complete an assessment of
12 the feasibility and suitability of establishing, and
13 resourcing required to establish, an office of cyber
14 statistics to track cyber incidents and measure the
15 response time of defense agencies and the military
16 departments to address cyber threats, risks, and
17 vulnerabilities.

18 (2) ELEMENTS.—The assessment required
19 under paragraph (1) shall include an evaluation of
20 the feasibility, suitability, and resourcing required
21 for defense agencies and the military departments—

22 (A) to collect data on the amount of time
23 it takes to detect a cyber incident;

24 (B) to respond to a cyber incident;

1 (C) to fully mitigate the risk of high-im-
2 pact cyber vulnerabilities;

3 (D) to recover data following a malicious
4 cyber intrusion; and

5 (E) to collect such other metrics as the
6 Secretary determines would help improve cyber
7 incident reporting practices.

8 **SEC. 1616. MANAGEMENT BY DEPARTMENT OF DEFENSE OF**
9 **MOBILE APPLICATIONS.**

10 (a) IMPLEMENTATION OF RECOMMENDATIONS.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall evaluate and implement to the maximum prac-
13 ticable extent the recommendations of the Inspector
14 General of the Department of Defense with respect
15 to managing mobile applications contained in the re-
16 port set forth by the Inspector General dated Feb-
17 ruary 9, 2023, and entitled “Management Advisory:
18 The DoD’s Use of Mobile Applications” (Report No.
19 DODIG–2023–041).

20 (2) DEADLINE.—The Secretary shall implement
21 the recommendations specified in subsection (a) by
22 not later than one year after the date of the enact-
23 ment of this Act, unless the Secretary notifies the
24 congressional defense committees in writing of spe-
25 cific recommendations that the Secretary chooses

1 not to implement or to implement after the date that
2 is one year after the date of the enactment of this
3 Act.

4 (b) BRIEFING ON REQUIREMENTS RELATED TO COV-
5 ERED APPLICATIONS.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the date of the enactment of this Act, the Sec-
8 retary shall brief the congressional defense commit-
9 tees on actions taken by the Secretary to enforce
10 compliance with existing policy of the Department of
11 Defense that prohibits—

12 (A) the installation and use of covered ap-
13 plications on Federal Government devices; and

14 (B) the use of covered applications on the
15 Department of Defense Information Network
16 on personal devices.

17 (2) COVERED APPLICATIONS DEFINED.—In this
18 subsection, the term “covered applications” means
19 the social networking service TikTok or any suc-
20 cessor application or service developed or provided
21 by ByteDance Limited or an entity owned by
22 ByteDance Limited.

1 **SEC. 1617. SECURITY ENHANCEMENTS FOR THE NUCLEAR**
2 **COMMAND, CONTROL, AND COMMUNICA-**
3 **TIONS NETWORK.**

4 (a) **REQUIRED ESTABLISHMENT OF CROSS-FUNC-**
5 **TIONAL TEAM.—**

6 (1) **IN GENERAL.—**Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall establish a cross-functional
9 team, in accordance with section 911(c) of the Na-
10 tional Defense Authorization Act for Fiscal Year
11 2017 (Public Law 114–328; 10 U.S.C. 111 note), to
12 develop and direct the implementation of a threat-
13 driven cyber defense construct for systems and net-
14 works that support the nuclear command, control,
15 and communications (commonly referred to as
16 “NC3”) mission.

17 (2) **PARTICIPATION IN THE CROSS-FUNCTIONAL**
18 **TEAM.—**The Secretary shall ensure that each of the
19 military departments, the Defense Information Sys-
20 tems Agency, the National Security Agency, United
21 States Cyber Command, and the Nuclear Command,
22 Control, and Communications Enterprise Center of
23 United States Strategic Command provide staff for
24 the cross-functional team.

25 (3) **SCOPE.—**The cross-functional team shall
26 work to enhance the cyber defense of the nuclear

1 command, control, and communications network
2 during the period beginning on the date of the en-
3 actment of this Act and ending on October 31,
4 2028, or a subsequent date as the Secretary may de-
5 termine.

6 (b) REQUIRED CONSTRUCT AND PLAN OF ACTION
7 AND MILESTONES.—Not later than one year after the
8 date of the enactment of this Act, the head of the cross-
9 functional team established pursuant to subsection (a)(1)
10 shall develop a cyber defense construct and associated
11 plans of actions and milestones to enhance the security
12 of the systems and networks that support the nuclear com-
13 mand, control, and communications mission that are based
14 on—

15 (1) the application of the principles of the Zero
16 Trust Architecture approach to security;

17 (2) analysis of appropriately comprehensive
18 endpoint and network telemetry data; and

19 (3) control capabilities enabling rapid investiga-
20 tion and remediation of indicators of compromise
21 and threats to mission execution.

22 (c) ANNUAL BRIEFINGS.—During the 60-day period
23 beginning on the date that is 30 days before the date on
24 which the President submits to Congress the budget of
25 the President for fiscal year 2025 pursuant to section

1 1105(a) of title 31, United States Code, and for each of
2 fiscal years 2026 through 2028, the Secretary shall pro-
3 vide the congressional defense committees a briefing on
4 the implementation of this section.

5 **SEC. 1618. GUIDANCE REGARDING SECURING LABORA-**
6 **TORIES OF THE ARMED FORCES.**

7 (a) **IN GENERAL.**—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of Defense
9 shall, in coordination with the Chief Information Officer
10 of the Department of Defense, the Chief Digital and Arti-
11 ficial Intelligence Officer of the Department, the Under
12 Secretary of Defense for Research and Engineering, and
13 the Under Secretary of Defense for Intelligence and Secu-
14 rity, issue guidance throughout the Department regarding
15 methods and processes to secure laboratories of the Armed
16 Forces from—

- 17 (1) unauthorized access and intrusion;
18 (2) damage to, and destruction, manipulation,
19 or theft of, physical and digital laboratory assets;
20 (3) accidental or intentional release or disclo-
21 sure of sensitive information; and
22 (4) cyber sabotage.

23 (b) **METHODS AND PROCESSES.**—At a minimum, the
24 methods and processes required under subsection (a) shall
25 include guidance to—

- 1 (1) secure laboratory operations through zero
- 2 trust principles;
- 3 (2) control access of devices to laboratory infor-
- 4 mation networks;
- 5 (3) secure inventory management processes;
- 6 (4) control or limit access to laboratories of the
- 7 Armed Forces to authorized individuals;
- 8 (5) maintain the security and integrity of data
- 9 libraries, repositories, and other digital assets;
- 10 (6) report and remediate cyber incidents or
- 11 other unauthorized intrusions;
- 12 (7) train and educate personnel of the Depart-
- 13 ment on laboratory security;
- 14 (8) develop an operations security (OPSEC)
- 15 plan to secure laboratory operations that can be
- 16 used to implement the appropriate countermeasures
- 17 given the mission, assessed risk, and resources avail-
- 18 able to the unit and provides guidelines for imple-
- 19 mentation of routine procedures and measures to be
- 20 employed during daily operations or activities of the
- 21 unit; and
- 22 (9) develop and train applicable units on indi-
- 23 vidualized secure laboratory critical information and
- 24 indicator lists to aid in protecting critical informa-
- 25 tion about Department activities, intentions, capa-

1 bilities, or limitations that an adversary seeks to
2 gain a military, political, diplomatic, economic, or
3 technological advantage.

4 **SEC. 1619. ESTABLISHING IDENTITY, CREDENTIAL, AND AC-**
5 **CESS MANAGEMENT INITIATIVE AS A PRO-**
6 **GRAM OF RECORD.**

7 (a) IN GENERAL.—Not later than 120 days after the
8 date of the enactment of this Act, the Secretary of Defense
9 shall establish the Identity, Credential, and Access Man-
10 agement (ICAM) initiative as a program of record subject
11 to milestone reviews, compliance with requirements, and
12 operational testing.

13 (b) ELEMENTS.—The program of record established
14 pursuant to subsection (a) shall encompass, at a min-
15 imum, the following:

16 (1) Correcting the authentication and
17 credentialing security weaknesses, including in the
18 Public Key Infrastructure program, identified by the
19 Director of Operational Test and Evaluation in a re-
20 port submitted to Congress in April, 2023, entitled
21 “FY14-21 Observations of the Compromise of Cyber
22 Credentials”.

23 (2) Implementing improved authentication tech-
24 nologies, such as biometric and behavioral authen-

1 tication techniques and other non-password-based
2 solutions.

3 (c) BRIEFING.—Not later than 150 days after the
4 date of the enactment of this Act, the Secretary shall pro-
5 vide the congressional defense committees a briefing on
6 the parameters of the program of record established pur-
7 suant to subsection (a).

8 **SEC. 1620. STRATEGY ON CYBERSECURITY RESILIENCY OF**
9 **DEPARTMENT OF DEFENSE SPACE ENTER-**
10 **PRISE.**

11 (a) STRATEGY.—Not later than 120 days after the
12 date of the enactment of this Act, the Secretary of Defense
13 shall, in coordination with the Chief Information Officer
14 of the Department of Defense, the Commander of United
15 States Cyber Command, the Secretary of the Air Force,
16 and the Commander of United States Space Command,
17 develop and commence implementation of a Department-
18 wide strategy regarding cyber protection activities for the
19 Department of Defense space enterprise.

20 (b) ELEMENTS.—The strategy developed and imple-
21 mented pursuant to subsection (a) shall, at a minimum,
22 address the following elements:

23 (1) The coordination and synchronization of
24 cyber protection activities across combatant com-

1 mands, the military departments, and defense agen-
2 cies.

3 (2) The adoption and implementation of zero
4 trust architecture on legacy and new space-based
5 systems.

6 (3) How the Department will prioritize the
7 mitigation of known cyber risks and vulnerabilities
8 to legacy and new space-based systems.

9 (4) How the Department will accelerate the de-
10 velopment of capabilities to protect space-based sys-
11 tems from cyber threats.

12 (c) BRIEFING.—Not later than 150 days after the
13 date of the enactment of this Act, the Secretary shall pro-
14 vide the congressional defense committees a briefing on
15 the strategy developed and implemented pursuant to sub-
16 section (a).

17 **SEC. 1621. REQUIREMENTS FOR IMPLEMENTATION OF**
18 **USER ACTIVITY MONITORING FOR CLEARED**
19 **PERSONNEL AND OPERATIONAL AND INFOR-**
20 **MATION TECHNOLOGY ADMINISTRATORS**
21 **AND OTHER PRIVILEGED USERS.**

22 (a) IN GENERAL.—The Secretary of Defense shall re-
23 quire each head of a component of the Department of De-
24 fense to fully implement directives, policies, and program
25 requirements for user activity monitoring and least privi-

1 lege access controls for Federal Government and con-
2 tractor personnel granted access to classified information
3 and classified networks.

4 (b) SPECIFIC USER ACTIVITY CONTROL REQUIRE-
5 MENTS.—The Secretary shall require each head of a De-
6 partment component to fully implement the detection, col-
7 lection, and auditing of the following:

8 (1) Sent and received emails, including sent at-
9 tachments and emails sent outside of Federal Gov-
10 ernment domains.

11 (2) Screen captures and print jobs, with fo-
12 cused attention on unusual volumes and times.

13 (3) Accesses to World Wide Web Uniform Re-
14 source Locators and uploads and downloads involv-
15 ing nongovernment domains.

16 (4) All instances in which a user creates, copies,
17 moves to, or renames a file on removable media.

18 (5) Secure file transfers, including on non-
19 standard ports.

20 (6) Keystrokes.

21 (7) Unauthorized research on user activity mon-
22 itoring agents and techniques to disable user activity
23 monitoring agents.

24 (8) Attempts to clear event logs on devices.

1 (9) Unauthorized applications being installed or
2 run on an endpoint.

3 (10) Installation and use of mounted drives, in-
4 cluding serial numbers of such drives.

5 (11) Initiation and control of an interactive ses-
6 sion on a remote computer or virtual machine.

7 (12) Instances where monitored users are de-
8 nied access to a network location or resource.

9 (13) Users uploading to or downloading from
10 cloud services.

11 (14) Administrative actions by privileged users,
12 including remote and after-hour administrative ac-
13 tions, as well as document viewing, copy and paste
14 activity, and file copying to new locations.

15 (c) **ADDITIONAL REQUIREMENTS.**—The Secretary
16 shall require each head of a Department component to im-
17 plement the following:

18 (1) Automated controls to prohibit privileged
19 user accounts from performing general user activi-
20 ties not requiring privileged access.

21 (2) Two-person control whereby privileged users
22 attempt to initiate data transfers from a classified
23 domain and removable media-based data transfer ac-
24 tivities on classified networks.

1 (d) ESTABLISHING USER ACTIVITY MONITORING BE-
2 HAVIOR THRESHOLDS.—

3 (1) IN GENERAL.—The Secretary shall require
4 each head of a Department component to implement
5 standard triggers, alerts, and controls developed by
6 the Under Secretary of Defense for Intelligence and
7 Security based on insider threat behavior models ap-
8 proved by the Under Secretary.

9 (2) APPROVAL OF DEVIATIONS.—A head of a
10 Department component that seeks to adopt a prac-
11 tice pursuant to paragraph (1) that deviates from
12 standard triggers, alerts, and controls described in
13 such paragraph by being less stringent shall submit
14 to the Under Secretary a request for approval for
15 such deviation along with a written justification for
16 such deviation.

17 (e) PERIODIC TESTING.—The Secretary shall require
18 each head of a Department component, not less frequently
19 than once every two years—

20 (1) to conduct insider threat testing using
21 threat-realistic tactics, techniques, and procedures;
22 and

23 (2) to submit to the Under Secretary and the
24 Director of Operational Test and Evaluation a re-

1 port on the findings of the head with respect to the
2 testing conducted pursuant to paragraph (1).

3 (f) PERIODIC REVIEWS AND UPDATES.—The Sec-
4 retary shall review and update the standard set of trig-
5 gers, alerts, and controls described in subsection (d)(1) at
6 least once every three years to account for new technology,
7 new insider threat behaviors, and the results of testing
8 conducted pursuant to subsection (e)(1).

9 (g) REPORT.—Not later than 180 days after the date
10 of the enactment of this Act, the Secretary shall submit
11 to the Committee on Armed Services and the Select Com-
12 mittee on Intelligence of the Senate and the Committee
13 on Armed Services and the Permanent Select Committee
14 on Intelligence of the House of Representatives a report
15 on the implementation of the requirements of this section.

16 (h) DEFINITION OF TRIGGERS.—In this section, the
17 term “trigger” means a set of logic statements applied to
18 a data stream that produces an alert when an anomalous
19 incident or behavior occurs.

20 **SEC. 1622. DEPARTMENT OF DEFENSE DIGITAL CONTENT**
21 **PROVENANCE.**

22 (a) BRIEFING.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of the enactment of this Act, the Director
25 of the Defense Media Activity (DMA) shall provide

1 a to the Committee on Armed Services of the Senate
2 and the Committee on Armed Services of the House
3 of Representatives a briefing on developing a course
4 of education at the Defense Information School
5 (DINFOS) to teach the practical concepts and skills
6 needed by Department of Defense public affairs,
7 audiovisual, visual information, and records manage-
8 ment specialists.

9 (2) ELEMENTS.—The briefing provided pursu-
10 ant to paragraph (1) shall cover the following:

11 (A) The expertise and qualifications of the
12 Department personnel who will be responsible
13 for teaching the proposed course of education.

14 (B) The list of sources that will be con-
15 sulted and used to develop the proposed cur-
16 riculum for the course of education.

17 (C) A description of the industry open
18 technical standards under subsection (b)(1)(C).

19 (D) The status of the implementation of
20 the course of education.

21 (b) COURSE OF EDUCATION REQUIRED.—

22 (1) IN GENERAL.—Not later than one year
23 after the date of the enactment of this Act, the Di-
24 rector of the Defense Media Activity shall establish
25 a course of education at the Defense Information

1 School to teach the practical concepts and skills
2 needed by public affairs, audiovisual, visual informa-
3 tion, and records management specialists to under-
4 stand the following:

5 (A) Digital content provenance for applica-
6 ble Department media content.

7 (B) The challenges posed to Department
8 missions and operations by a digital content
9 forgery.

10 (C) How existing industry open technical
11 standards may be used to authenticate the dig-
12 ital content provenance of applicable Depart-
13 ment media content.

14 (2) MATTERS COVERED.—The course of edu-
15 cation established pursuant to paragraph (1) shall
16 cover the following:

17 (A) The challenges to Department mis-
18 sions and operations posed by a digital content
19 forgery.

20 (B) The development of industry open
21 technical standards for verifying the digital con-
22 tent provenance of applicable Department
23 media content.

24 (C) Hands-on training techniques for cap-
25 turing secure and authenticated digital content

1 for documenting and communicating Depart-
2 ment themes and messages.

3 (D) Training for completing post-produc-
4 tion tasks by using industry open technical
5 standards for digital content provenance and
6 transmitting applicable Department media con-
7 tent in both operational and nonoperational en-
8 vironments.

9 (E) Such other matters as the Director
10 considers appropriate.

11 (3) REPORT.—Not later than one year after the
12 date of the establishment of the course required in
13 paragraph (1), the Director shall provide the Com-
14 mittee on Armed Services of the Senate and the
15 Committee on Armed Services of the House of Rep-
16 resentatives a report on the following:

17 (A) The status of the development of a
18 curriculum to carry out the course of education
19 required by paragraph (1).

20 (B) The implementation plan of the Direc-
21 tor for such course of education, including the
22 following:

23 (i) The expertise and qualifications of
24 the Department personnel responsible for
25 teaching the course of education.

1 (ii) The list of sources consulted and
2 used to develop the curriculum for the
3 course of education.

4 (iii) A description of the industry open
5 technical standards under subsection
6 (b)(1)(C).

7 (iv) The status of the implementation
8 of the course of education.

9 (C) The resources available to the Director
10 to carry out this subsection and whether the
11 Director requires any additional resources to
12 carry out this subsection.

13 (c) PILOT PROGRAM ON IMPLEMENTING DIGITAL
14 CONTENT PROVENANCE STANDARDS.—

15 (1) PILOT PROGRAM REQUIRED.—Not later
16 than one year after the date of the enactment of this
17 Act, the Director shall commence a pilot program to
18 assess the feasibility and advisability of imple-
19 menting industry open technical standards for dig-
20 ital content provenance for official Department pho-
21 tographic and video visual documentation that is
22 publicly released by the Defense Visual Information
23 Distribution Service (DVIDS) and other distribution
24 platforms, systems, and services used by the Depart-
25 ment.

1 (2) ELEMENTS.—In carrying out the pilot pro-
2 gram required by paragraph (1), the Director
3 shall—

4 (A) establish a process for using industry
5 open technical standards for verifying the dig-
6 ital content provenance of applicable Depart-
7 ment media content;

8 (B) apply technology solutions on photo-
9 graphs and videos of the Department publicly
10 released after the date of the enactment of this
11 section, that comport with industry open tech-
12 nical standard for digital content provenance;

13 (C) assess the feasibility and advisability of
14 applying an industry open technical standard
15 for digital content provenance on historical vis-
16 ual information records of the Department
17 stored at the Defense Visual Information
18 Records Center; and

19 (D) develop and apply measure of effec-
20 tiveness for the execution of the pilot program.

21 (3) CONSULTATION.—In carrying out the pilot
22 program required by paragraph (1), the Director
23 may consult with federally funded research and de-
24 velopment centers, private industry, academia, and
25 such others as the Director considers appropriate.

1 (4) TERMINATION.—The pilot program carried
2 out pursuant to paragraph (1) shall terminate on
3 January 1, 2027.

4 (5) REPORT.—

5 (A) IN GENERAL.—Not later than January
6 1, 2026, the Director shall submit to the Com-
7 mittee on Armed Services of the Senate and the
8 Committee on Armed Services of the House of
9 Representatives a report on the pilot program.

10 (B) CONTENTS.—The report submitted
11 pursuant to subparagraph (A) shall include the
12 following:

13 (i) The findings of the Director with
14 respect to the pilot program.

15 (ii) The names of all entities the Di-
16 rector consulted with in carrying out the
17 pilot program as authorized under para-
18 graph (3).

19 (iii) Assessment of the effectiveness of
20 the pilot.

21 (iv) A recommendation as to whether
22 the pilot program should be made perma-
23 nent.

24 (d) DEFINITIONS.—In this section:

1 (1) The term “applicable Department media
2 content” means the media holdings generated,
3 stored, or controlled by the Defense Media Activity.

4 (2) The term “digital content forgery” means
5 the use of emerging technologies, including artificial
6 intelligence and machine learning techniques to fab-
7 ricate or manipulate audio, visual, or text content
8 with the intent to mislead.

9 (3) The term “digital content provenance”
10 means the verifiable chronology of the origin and
11 history of a piece of digital content, such as an
12 image, video, audio recording, or electronic docu-
13 ment.

14 **SEC. 1623. POST-GRADUATE EMPLOYMENT OF CYBER SERV-**
15 **ICE ACADEMY SCHOLARSHIP RECIPIENTS IN**
16 **INTELLIGENCE COMMUNITY.**

17 Section 1535 of the James M. Inhofe National De-
18 fense Authorization Act for Fiscal Year 2023 (Public Law
19 117–263; 10 U.S.C. 2200 note) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by inserting “, the
22 heads of the elements of the intelligence com-
23 munity,” after “the Secretary of Homeland Se-
24 curity”; and

1 (B) in paragraph (3), by striking “Depart-
2 ment of Defense Cyber and Digital Service
3 Academy” and inserting “Cyber Service Acad-
4 emy”; and

5 (2) in subsection (d), by inserting “or an ele-
6 ment of the intelligence community” after “missions
7 of the Department”;

8 (3) in subsection (e)—

9 (A) by striking “Secretary” each place it
10 appears and inserting “head concerned”; and

11 (B) by inserting “, or within an element of
12 the intelligence community, as the case may be”
13 after “United States Code”;

14 (4) in subsections (h), (j), and (k), by striking
15 “Secretary” each place it appears and inserting
16 “head concerned”; and

17 (5) by adding at the end of the following new
18 subsections:

19 “(p) INTERAGENCY CONSIDERATIONS.—

20 “(1) IN GENERAL.—The Secretary of Defense
21 shall enter into an agreement with the head of an
22 element of the intelligence community to allow a
23 scholarship recipient to satisfy the recipient’s post-
24 award employment obligations under this section by
25 working for an element of the intelligence commu-

1 nity that is not part of the Department of Defense
2 if the head of that element agrees to reimburse the
3 Department of Defense for the scholarship program
4 costs associated with that scholarship recipient.

5 “(2) LIMITATIONS.—(A) A scholarship recipient
6 may not serve the recipient’s post-award employment
7 obligation under this section at an element of the in-
8 telligence community that is not part of the Depart-
9 ment of Defense before an agreement under para-
10 graph (1) is reached.

11 “(B) Not more than 10 percent of scholarship
12 recipients in each class may be placed in positions
13 outside the Department of Defense unless the Sec-
14 retary certifies that the Department of Defense can-
15 not facilitate a placement within the Department of
16 Defense.

17 “(q) DEFINITIONS.—In this section:

18 “(1) The term ‘head concerned’ means—

19 “(A) The Secretary of Defense, with re-
20 spect to matters concerning the Department of
21 Defense; or

22 “(B) the head of an element of the intel-
23 ligence community, with respect to matters con-
24 cerning that element.

1 “(2) The term ‘intelligence community’ has the
2 meaning given such term in section 3 of the Na-
3 tional Security Act of 1947 (50 U.S.C. 3003).”.

4 **SEC. 1624. MINIMUM NUMBER OF SCHOLARSHIPS TO BE**
5 **AWARDED ANNUALLY THROUGH CYBER**
6 **SERVICE ACADEMY.**

7 Section 1535(c) of the James M. Inhofe National De-
8 fense Authorization Act for Fiscal Year 2023 (Public Law
9 117–263; 10 U.S.C. 2200 note) is amended by adding at
10 the end the following new paragraph:

11 “(5) MINIMUM NUMBER OF SCHOLARSHIP
12 AWARDS.—

13 “(A) IN GENERAL.—The Secretary of De-
14 fense shall award not fewer than 1,000 scholar-
15 ships through the Program in fiscal year 2026
16 and in each fiscal year thereafter.

17 “(B) WAIVER.—The Secretary of Defense
18 may award fewer than the number of scholar-
19 ships required under subparagraph (A) in a fis-
20 cal year if the Secretary determines and notifies
21 the congressional defense committees that fewer
22 scholarships are necessary to address workforce
23 needs.”.

1 **TITLE XVII—SPACE FORCE**
2 **PERSONNEL MANAGEMENT**

3 **SEC. 1701. SHORT TITLE.**

4 This title may be cited as the “Space Force Personnel
5 Management Act”.

6 **SEC. 1702. SPACE FORCE PERSONNEL MANAGEMENT ACT**

7 **TRANSITION PLAN.**

8 (a) **CONDITIONS REQUIRED FOR ENACTMENT.—**

9 (1) **IN GENERAL.—**None of the authorities pro-
10 vide by this title shall take effect until the later of—

11 (A) the Secretary of the Air Force—

12 (i) certifies to the congressional de-
13 fense committees that any State National
14 Guard affected by the transfer of units,
15 personnel billets, equipment, and resources
16 into the Space Force will be made whole by
17 the transfer of additional assets under the
18 control of the Secretary of the Air Force
19 into the affected State National Guard;
20 and

21 (ii) submits to the congressional de-
22 fense committees a report that includes a
23 transition plan to move all units, personnel
24 billets, equipment, and resources per-
25 forming core Space Force functions, under

1 the operational control of the Space Force,
2 or otherwise integral to the Space Force
3 mission that may exist in the reserve com-
4 ponents of the Department of the Air
5 Force into the Space Force; and

6 (B) one year after the Secretary of De-
7 fense provides the briefing on the study re-
8 quired under section 1703(c).

9 (2) ELEMENTS.—The transition plan required
10 under paragraph (1)(B) shall include the following
11 elements:

12 (A) An identification of any units, per-
13 sonnel billets, equipment, and resources cur-
14 rently residing in the Air Force Reserve and Air
15 National Guard that will be transferred into the
16 Space Force, including, for items currently in
17 the Air National Guard, a breakdown of assets
18 by State.

19 (B) A timeline for the implementation of
20 the authorities provided by this title.

21 (C) An explanation of any units personnel
22 billets, equipment, and resources transferred be-
23 tween the Regular Air Force, Air Force Re-
24 serve, Air National Guard, and Space Force, in-
25 cluding, for any assets transferred into or out

1 of the Air National Guard, a breakdown of
2 transfers by State.

3 (b) PERSONNEL PROTECTIONS.—

4 (1) IN GENERAL.—In enacting the authorities
5 provided by this title, the Secretary of the Air Force
6 shall not require any currently serving member of
7 the Air National Guard to enlist or commission into
8 the Space Force.

9 (2) JOB PLACEMENT.—The Secretary of the Air
10 Force shall provide employment opportunities within
11 the Air National Guard to any currently serving
12 member of the Air National Guard who, as a direct
13 result of the enactment of this title, declines to affil-
14 iate with the Space Force.

15 (3) SPACE FORCE AFFILIATION.—The Secretary
16 of the Air Force shall guarantee in writing that any
17 member of the Air National Guard who joins the
18 Space Force as a result of the enactment of this title
19 will not lose rank or pay upon transferring to the
20 Space Force.

21 (c) NATIONAL GUARD PROTECTIONS.—The Sec-
22 retary of the Air Force shall ensure that no State National
23 Guard loses Federal resources, including net personnel bil-
24 lets and Federal funding, as a result of the enactment of
25 the authorities provided by this title.

1 **SEC. 1703. COMPREHENSIVE ASSESSMENT OF SPACE**
2 **FORCE EQUITIES IN THE NATIONAL GUARD.**

3 (a) STUDY REQUIRED.—Not later than 30 days after
4 the date of the enactment of this Act, the Secretary of
5 Defense shall seek to enter into an agreement with a Fed-
6 erally funded research and development center under
7 which such center will conduct an independent study to
8 assess the feasibility and advisability of moving all units,
9 personnel billets, equipment, and resources performing
10 core space functions, under the operational control of the
11 Space Force, or otherwise integral to the Space Force mis-
12 sion that may exist in the National Guard and into a sin-
13 gle-component Space Force and provide to the Secretary
14 a report on the findings of the study. The conduct of such
15 study shall include the following elements:

16 (1) An analysis and recommendations associ-
17 ated with at least the three following possible
18 courses of action:

19 (A) Maintaining the current model in
20 which the Air National Guard has units and
21 personnel performing core space functions.

22 (B) Transitioning such units and personnel
23 to the Space Force.

24 (C) The creation of a new National Guard
25 component of the Space Force.

1 (2) A cost-benefit analysis for each of the ana-
2 lyzed courses of action.

3 (3) With respect to the course of action de-
4 scribed in paragraph (1)(B), an analysis of the ideal
5 personnel, units, and resources that could be
6 transitioned to the respective Air National Guards of
7 States that may lose space-related personnel, units,
8 and resources as a result of the consolidation of
9 space-related personnel, units, and resources into the
10 Space Force component.

11 (b) DEADLINE FOR COMPLETION.—An agreement
12 entered into pursuant to subsection (a) shall specify that
13 the study conducted under the agreement shall be com-
14 pleted by not later than February 1, 2025.

15 (c) BRIEFING AND REPORT.—

16 (1) IN GENERAL.—Upon completion of a study
17 conducted under an agreement entered into pursu-
18 ant to subsection (a), the Secretary shall provide to
19 the Committees on Armed Services of the Senate
20 and House of Representatives a briefing and report
21 on the findings of the study, including a description
22 of any proposed personnel, unit, or resource realign-
23 ments related to the creation of the Space Force sin-
24 gle component or recommended by such study.

1 (2) CLASSIFICATION OF REPORT.—The report
 2 required under paragraph (1) shall be submitted in
 3 unclassified form but may include classified appen-
 4 dices as required.

5 **Subtitle A—Space Force Military**
 6 **Personnel System Without Com-**
 7 **ponent**

8 **SEC. 1711. ESTABLISHMENT OF MILITARY PERSONNEL**
 9 **MANAGEMENT SYSTEM FOR THE SPACE**
 10 **FORCE.**

11 Title 10, United States Code, is amended by adding
 12 at the end the following new subtitle:

13 **“Subtitle F—Alternative Military**
 14 **Personnel Systems**

15 **“PART I—SPACE FORCE**

“Chap.

“2001. Space Force Personnel System	20001
“2003. Status and Participation	20101
“2005. Officers	20201
“2007. Enlisted Members	20301
“2009. Retention and Separation Generally	20401
“2011. Separation of Officers for Substandard Performance of Duty or for Certain Other Reasons	20501
“2013. Retirement	20601

16 **“CHAPTER 2001—SPACE FORCE**

17 **PERSONNEL SYSTEM**

“Sec.

“20001. Single military personnel management system.
“20002. Members: duty status.
“20003. Members: minimum service requirement as applied to Space Force.

1 **“§ 20001. Single military personnel management sys-**
2 **tem**

3 “Members of the Space Force shall be managed
4 through a single military personnel management system,
5 without component.”.

6 **SEC. 1712. COMPOSITION OF THE SPACE FORCE WITHOUT**
7 **COMPONENT.**

8 (a) COMPOSITION OF THE SPACE FORCE.—Section
9 9081(b) of title 10, United States Code, is amended—

10 (1) by striking paragraph (1);

11 (2) by redesignating paragraphs (2) and (3) as
12 paragraphs (1) and (2), respectively; and

13 (3) in paragraph (1), as so redesignated, by
14 striking “, including” and all that follows through
15 “emergency”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on the date of the certifi-
18 cation by the Secretary of the Air Force under section
19 1745.

20 **SEC. 1713. DEFINITIONS FOR SINGLE PERSONNEL MANAGE-**
21 **MENT SYSTEM FOR THE SPACE FORCE.**

22 (a) SPACE FORCE DEFINITIONS.—Section 101 of
23 title 10, United States Code, is amended—

24 (1) by redesignating subsections (e), (f), and
25 (g) as subsections (f), (g), and (h), respectively; and

1 (2) by inserting after subsection (d) the fol-
2 lowing new subsection (e):

3 “(e) SPACE FORCE.—The following definitions relat-
4 ing to members of the Space Force apply in this title:

5 “(1) The term ‘Space Force active status’
6 means the status of a member of the Space Force
7 who is not in a Space Force inactive status and is
8 not retired.

9 “(2) The term ‘Space Force inactive status’
10 means the status of a member of the Space Force
11 who is designated by the Secretary of the Air Force,
12 under regulations prescribed by the Secretary, as
13 being in a Space Force inactive status.

14 “(3) The term ‘Space Force retired status’
15 means the status of a member of the Space Force
16 who—

17 “(A) is receiving retired pay; or

18 “(B) but for being under the eligibility age
19 applicable under section 12731 of this title,
20 would be eligible for retired pay under chapter
21 1223 of this title.

22 “(4) The term ‘sustained duty’ means full-time
23 duty by a member of the Space Force ordered to
24 such duty by an authority designated by the Sec-
25 retary of the Air Force—

1 “(A) in the case of an officer—
2 “(i) to fulfill the terms of an active-
3 duty service commitment incurred by the
4 officer under any provision of law; or
5 “(ii) with the consent of the officer;
6 and
7 “(B) in the case of an enlisted member,
8 with the consent of the enlisted member as
9 specified in the terms of the member’s enlist-
10 ment or reenlistment agreement.”.

11 (b) AMENDMENTS TO EXISTING DUTY STATUS DEFINI-
12 TIONS.—Subsection (d) of such section is amended—

13 (1) in paragraph (1), by inserting “, including
14 sustained duty in the Space Force” after “United
15 States”; and

16 (2) in paragraph (7), by inserting “, or a mem-
17 ber of the Space Force,” after “Reserves” both
18 places it appears.

19 **SEC. 1714. BASIC POLICIES RELATING TO SERVICE IN THE**
20 **SPACE FORCE.**

21 Chapter 2001 of title 10, United States Code, as
22 added by section 1711, is amended by adding at the end
23 the following new sections:

1 **“§ 20002. Members: duty status**

2 “Under regulations prescribed by the Secretary of the
3 Air Force, each member of the Space Force shall be placed
4 in one of the following duty statuses:

5 “(1) Space Force active status.

6 “(2) Space Force inactive status.

7 “(3) Space Force retired status.

8 **“§ 20003. Members: minimum service requirement as**
9 **applied to Space Force**

10 “(a) INAPPLICABILITY OF ACTIVE/RESERVE SERVICE
11 DISTINCTION.—In applying section 651 of this title to a
12 person who becomes a member of the Space Force, the
13 provisions of the second sentence of subsection (a) and of
14 subsection (b) of that section (relating to service in a re-
15 serve component) are inapplicable.

16 “(b) TREATMENT UPON TRANSFER OUT OF SPACE
17 FORCE.—A member of the Space Force who transfers to
18 one of the other armed forces before completing the service
19 required by subsection (a) of section 651 of this title shall
20 upon such transfer be subject to section 651 of this title
21 in the same manner as if such member had initially en-
22 tered the armed force to which the member transfers.”.

23 **SEC. 1715. STATUS AND PARTICIPATION.**

24 Subtitle F of title 10, United States Code, as added
25 by section 1711, is amended by adding at the end the fol-
26 lowing new chapter:

1 **“CHAPTER 2003—STATUS AND**
2 **PARTICIPATION**

“Sec.

“20101. Members in Space Force active status: amount of annual training or active duty service required.

“20102. Individual ready guardians: designation; mobilization category.

“20103. Members not on sustained duty: agreements concerning conditions of service.

“20104. Orders to active duty: with consent of member.

“20105. Sustained duty.

“20106. Orders to active duty: without consent of member.

“20107. Transfer to inactive status: initial service obligation not complete.

“20108. Members of Space Force: credit for service for purposes of laws providing pay and benefits for members, dependents, and survivors.

“20109. Policy for order to active duty based upon determination by Congress.

3 **“§ 20101. Members in Space Force active status:**
4 **amount of annual training or active duty**
5 **service required**

6 “Except as specifically provided in regulations pre-
7 scribed by the Secretary of Defense, a member of the
8 Space Force in a Space Force active status who is not
9 serving on sustained duty shall be required to—

10 “(1) participate in at least 48 scheduled drills
11 or training periods during each year and serve on
12 active duty for not less than 14 days (exclusive of
13 travel time) during each year; or

14 “(2) serve on active duty for not more than 30
15 days during each year.

1 “(3) LIMITATION ON TIME IN MOBILIZATION
2 CATEGORY.—A member of the Space Force in a
3 Space Force active status may not remain des-
4 ignated an Individual Ready Guardian in such mobi-
5 lization category after the end of the 24-month pe-
6 riod beginning on the date of the separation of the
7 member from active service.

8 “(4) DESIGNATION OF GRADES AND MILITARY
9 SKILLS OR SPECIALTIES.—The Secretary of the Air
10 Force shall designate the grades and military skills
11 or specialties of members to be eligible for placement
12 in such mobilization category.

13 “(5) BENEFITS.—A member in such mobiliza-
14 tion category shall be eligible for benefits (other
15 than pay and training) on the same basis as are
16 available to members of the Individual Ready Re-
17 serve who are in the special mobilization category
18 under section 10144(b) of this title, as determined
19 by the Secretary of Defense.

20 **“§ 20103. Members not on sustained duty: agreements**
21 **concerning conditions of service**

22 “(a) AGREEMENTS.—The Secretary of the Air Force
23 may enter into a written agreement with a member of the
24 Space Force not on sustained duty—

1 “(1) requiring the member to serve on active
2 duty for a definite period of time;

3 “(2) specifying the conditions of the member’s
4 service on active duty; and

5 “(3) for a member serving in a Space Force in-
6 active status, specifying the conditions for the mem-
7 ber’s continued service as well as order to active
8 duty with and without the consent of the member.

9 “(b) CONDITIONS OF SERVICE.—An agreement
10 under subsection (a) shall specify the conditions of service.
11 The Secretary of the Air Force shall prescribe regulations
12 establishing—

13 “(1) what conditions of service may be specified
14 in the agreement;

15 “(2) the obligations of the parties; and

16 “(3) the consequences of failure to comply with
17 the terms of the agreement.

18 “(c) AUTHORITY FOR RETENTION ON ACTIVE DUTY
19 DURING WAR OR NATIONAL EMERGENCY.—If the period
20 of service on active duty of a member under an agreement
21 under subsection (a) expires during a war or during a na-
22 tional emergency declared by Congress or the President,
23 the member concerned may be kept on active duty, without
24 the consent of the member, as otherwise prescribed by law.

1 **“§ 20104. Orders to active duty: with consent of mem-**
2 **ber**

3 “(a) AUTHORITY.—A member of the Space Force
4 who is serving in a Space Force active status and is not
5 on sustained duty, or who is serving in a Space Force inac-
6 tive status, may, with the consent of the member, be or-
7 dered to active duty, or retained on active duty, under the
8 following sections of chapter 1209 of this title in the same
9 manner as applies to a member of a reserve component
10 ordered to active duty, or retained on active duty, under
11 that section with the consent of the member:

12 “(1) Section 12301(d), relating to orders to ac-
13 tive duty at any time with the consent of the mem-
14 ber.

15 “(2) Section 12301(h), relating to orders to ac-
16 tive duty in connection with medical or health care
17 matters.

18 “(3) Section 12322, relating to active duty for
19 health care.

20 “(4) Section 12323, relating to active duty
21 pending line of duty determination required for re-
22 sponse to sexual assault.

23 “(b) APPLICABLE PROVISIONS OF LAW.—The fol-
24 lowing sections of chapter 1209 of this title pertaining to
25 a member of a reserve component ordered to active duty
26 with the consent of the member apply to a member of the

1 Space Force who is ordered to active duty under this sec-
2 tion in the same manner as to such a reserve component
3 member:

4 “(1) Section 12308, relating to retention after
5 becoming qualified for retired pay.

6 “(2) Section 12309, relating to use of Reserve
7 officers in expansion of armed forces.

8 “(3) Section 12313, relating to release of re-
9 serve members from active duty.

10 “(4) Section 12314, relating to kinds of duty.

11 “(5) Section 12315, relating to duty with or
12 without pay.

13 “(6) Section 12316, relating to payment of cer-
14 tain Reserves while on duty.

15 “(7) Section 12318, relating to duties and
16 funding of reserve members on active duty.

17 “(8) Section 12320, relating to grade in which
18 ordered to active duty.

19 “(9) Section 12321, relating to a limitation on
20 number of reserve members assigned to Reserve Of-
21 ficer Training Corps units.

22 **“§ 20105. Sustained duty**

23 “(a) ENLISTED MEMBERS.—An authority designated
24 by the Secretary of the Air Force may order an enlisted
25 member of the Space Force in a Space Force active status

1 to sustained duty, or retain an enlisted member on sus-
2 tained duty, with the consent of that member, as specified
3 in the terms of the member's enlistment or reenlistment
4 agreement.

5 “(b) OFFICERS.—(1) An authority designated by the
6 Secretary of the Air Force may order a Space Force offi-
7 cer in a Space Force active status to sustained duty—

8 “(A) with the consent of the officer; or

9 “(B) to fulfill the terms of an active-duty serv-
10 ice commitment incurred by the officer under any
11 provision of law.

12 “(2) An officer ordered to sustained duty under para-
13 graph (1) may not be released from sustained duty with-
14 out the officer's consent except as provided in chapter
15 2009 or 2011 of this title.

16 **“§ 20106. Orders to active duty: without consent of**
17 **member**

18 “(a) MEMBERS IN A SPACE FORCE ACTIVE STA-
19 TUS.—(1) A member of the Space Force in a Space Force
20 active status who is not on sustained duty, may, without
21 the consent of the member, be ordered to active duty or
22 inactive duty in the same manner as a member of a reserve
23 component ordered to active duty or inactive duty under
24 the provisions of chapter 1209 of this title and any other
25 provision of law authorizing the order to active duty of

1 a member of a reserve component in an active status with-
2 out the consent of the member.

3 “(2) The provisions of chapter 1209 of this title, or
4 other applicable provisions of law, pertaining to a member
5 of the Ready Reserve when ordered to active duty shall
6 apply to a member of the Space Force who is in a Space
7 Force active status when ordered to active duty under
8 paragraph (1).

9 “(3) The provisions of section 12304 of this title per-
10 taining to members in the Individual Ready Reserve mobi-
11 lization category shall apply to a member of the Space
12 Force who is designated an Individual Ready Guardian
13 when ordered to active duty who meets the provisions of
14 section 20102(b) of this title.

15 “(b) MEMBERS IN A SPACE FORCE INACTIVE STA-
16 TUS.—(1) A member of the Space Force in a Space Force
17 inactive status may be ordered to active duty under—

18 “(A) the provisions of chapter 1209 of this
19 title;

20 “(B) any other provision of law authorizing the
21 order to active duty of a member of a reserve com-
22 ponent in an inactive status; and

23 “(C) the terms of any agreement entered into
24 by the member under section 20103 of this title.

1 “(2) The provisions of chapter 1209 of this title, or
2 other applicable provisions of law, pertaining to the Stand-
3 by Reserve shall apply to a member of the Space Force
4 who is in a Space Force inactive service when ordered to
5 active duty.

6 “(c) MEMBERS IN A SPACE FORCE RETIRED STA-
7 TUS.—(1) Chapters 39 and 1209 of this title include pro-
8 visions authorizing the order to active duty of a member
9 of the Space Force in a Space Force retired status.

10 “(2) The provisions of sections 688, 688a, and 12407
11 of this title pertaining to a retired member or a member
12 of the Retired Reserve shall apply to a member of the
13 Space Force in a Space Force retired status when ordered
14 to active duty.

15 “(3) The provisions of section 689 of this title per-
16 taining to a retired member ordered to active duty shall
17 apply to a member of the Space Force in a Space Force
18 retired status who is ordered to active duty.

19 “(d) OTHER APPLICABLE PROVISIONS.—The fol-
20 lowing provisions of chapter 1209 of this title pertaining
21 shall apply to a member of the Space Force ordered to
22 active duty in the same manner as to a Reserve or member
23 of the Retired Reserve ordered to active duty:

1 “(1) Section 12305, relating to the authority of
2 the President to suspend certain laws relating to
3 promotion, retirement, and separation.

4 “(2) Section 12308, relating to retention after
5 becoming qualified for retired pay.

6 “(3) Section 12313, relating to release from ac-
7 tive duty.

8 “(4) Section 12314, relating to kinds of duty.

9 “(5) Section 12315, relating to duty with or
10 without pay.

11 “(6) Section 12316, relating to payment of cer-
12 tain Reserves while on duty.

13 “(7) Section 12317, relating to theological stu-
14 dents; limitations.

15 “(8) Section 12320, relating to grade in which
16 ordered to active duty.

17 **“§ 20107. Transfer to inactive status: initial service**
18 **obligation not complete**

19 “(a) GENERAL RULE.—A member of the Space Force
20 who has not completed the required minimum service obli-
21 gation referred to in section 20003 of this title shall, if
22 terminating Space Force active status, be transferred to
23 a Space Force inactive status and, unless otherwise des-
24 ignated an Individual Ready Guardian under section
25 20102 of this title, shall remain subject to order to active

1 duty without the member's consent under section 20106
2 of this title.

3 “(b) EXCEPTION.—Subsection (a) does not apply to
4 a member who is separated from the Space Force by the
5 Secretary of the Air Force under section 20503 of this
6 title.

7 **“§ 20108. Members of Space Force: credit for service**
8 **for purposes of laws providing pay and**
9 **benefits for members, dependents, and**
10 **survivors**

11 “For the purposes of laws providing pay and benefits
12 for members of the Armed Forces and their dependents
13 and beneficiaries:

14 “(1) Military training, duty, or other service
15 performed by a member of the Space Force in a
16 Space Force active status not on sustained duty
17 shall be considered military training, duty, or other
18 service, as the case may be, as a member of a re-
19 serve component.

20 “(2) Sustained duty performed by a member of
21 the Space Force under section 20105 of this title
22 shall be considered active duty as a member of a
23 regular component.

24 “(3) Active duty performed by a member of the
25 Space Force in a Space Force active status not on

1 sustained duty shall be considered active duty as a
2 member of a reserve component.

3 “(4) Inactive-duty training performed by a
4 member of the Space Force shall be considered inac-
5 tive-duty training as a member of a reserve compo-
6 nent.

7 **“§ 20109. Policy for order to active duty based upon**
8 **determination by Congress**

9 “Whenever Congress determines that more units and
10 organizations capable of conducting space operations are
11 needed for the national security than are available among
12 those units comprised of members of the Space Force serv-
13 ing on active duty, members of the Space Force not serv-
14 ing on active duty shall be ordered to active duty and re-
15 tained as long as so needed.”.

16 **SEC. 1716. OFFICERS.**

17 (a) ORIGINAL APPOINTMENTS.—Subtitle F of title
18 10, United States Code, as amended by section 1715, is
19 further amended by adding at the end the following new
20 chapter:

21 **“CHAPTER 2005—OFFICERS**

“Subchapter	Sec.
“I. Original appointments	20201
“II. Selection boards	20211
“III. Promotions	20231
“IV. Persons not considered for promotion and other promotion-related provisions	20241
“V . Applicability of other laws	20251

1 “SUBCHAPTER I—ORIGINAL APPOINTMENTS

“Sec.

“20201. Original appointments: how made.

“20202. Original appointments: qualifications.

“20203. Original appointments: service credit.

2 **“§ 20201. Original appointments: how made**

3 “The provisions of section 531 of this title shall apply
4 to original appointments of commissioned officers in the
5 Space Force.

6 **“§ 20202. Original appointments: qualifications**

7 “(a) IN GENERAL.—An original appointment as a
8 commissioned officer in the Space Force may be given only
9 to a person who—

10 “(1) is a citizen of the United States;

11 “(2) is at least 18 years of age; and

12 “(3) has such other physical, mental, moral,
13 professional, and age qualifications as the Secretary
14 of the Air Force may prescribe by regulation.

15 “(b) EXCEPTION.—A person who is otherwise quali-
16 fied, but who has a physical condition that the Secretary
17 of the Air Force determines will not interfere with the per-
18 formance of the duties to which that person may be as-
19 signed, may be appointed as an officer in the Space Force.

20 **“§ 20203. Original appointments: service credit**

21 “The provisions of section 533 of this title shall apply
22 to the crediting of prior active commissioned service for
23 original appointments of commissioned officers.”.

1 (b) CONFORMING AMENDMENTS RELATING TO
2 ORIGINAL APPOINTMENTS.—

3 (1) DEFINITIONS.—Section 101 of title 10,
4 United States Code, is amended in subsection
5 (b)(10) by inserting before the period at the end the
6 following: “and, with respect to the appointment of
7 a member of the armed forces in the Space Force,
8 refers to that member’s most recent appointment in
9 the Space Force that is neither a promotion nor a
10 demotion”.

11 (2) ORIGINAL APPOINTMENTS OF COMMIS-
12 SIONED OFFICERS.—Section 531 of such title is
13 amended by striking “Regular” before “Space
14 Force” each place it appears.

15 (3) QUALIFICATIONS FOR ORIGINAL APPOINT-
16 MENT AS A COMMISSIONED OFFICER.—Section
17 532(a) of such title is amended by striking “Regular
18 Marine Corps, or Regular Space Force” and insert-
19 ing “or Regular Marine Corps”.

20 (4) SERVICE CREDIT UPON ORIGINAL APPOINT-
21 MENT AS A COMMISSIONED OFFICER.—Section 533
22 of such title is amended by striking “Regular” be-
23 fore “Space Force” each place it appears.

24 (c) SELECTION BOARDS AND PROMOTIONS.—Chap-
25 ter 205 of title 10, United States Code, as added by sub-

1 section (a), is amended by adding at the end the following
2 new subchapters:

3 “SUBCHAPTER II—SELECTION BOARDS

“Sec.

“20211. Convening of selection boards.

“20212. Composition of selection boards.

“20213. Notice of convening of selection boards.

“20214. Information furnished to selection boards.

“20215. Recommendations for promotion by selection boards.

“20216. Reports of selection boards.

“20217. Action on reports of selection boards for promotion to brigadier general
or major general.

4 “§ 20211. **Convening of selection boards**

5 “(a) IN GENERAL.—Whenever the needs of the serv-
6 ice require, the Secretary of the Air Force shall convene
7 selection boards to recommend for promotion to the next
8 higher permanent grade officers of the Space Force in
9 each permanent grade from first lieutenant through briga-
10 dier general.

11 “(b) EXCEPTION FOR OFFICERS IN GRADE OF FIRST
12 LIEUTENANT.—Subsection (a) does not require the con-
13 vening of a selection board in the case of Space Force offi-
14 cers in the permanent grade of first lieutenant when the
15 Secretary of the Air Force recommends for promotion to
16 the grade of captain under section 20238(a)(4)(A) of this
17 title all such officers whom the Secretary finds to be fully
18 qualified for promotion.

19 “(c) SECTION 20404 SELECTION BOARDS.—The Sec-
20 retary of the Air Force may convene selection boards to
21 recommend officers for early retirement under section

1 20404(a) of this title or for discharge under section
2 20404(b) of this title.

3 “(d) REGULATIONS.—The convening of selection
4 boards under subsection (a) shall be under regulations
5 prescribed by the Secretary of the Defense.

6 **“§ 20212. Composition of selection boards —**

7 “(a) APPOINTMENT AND COMPOSITION OF
8 BOARDS.—

9 “(1) IN GENERAL.—Members of a selection
10 board shall be appointed by the Secretary of Air
11 Force in accordance with this section. A selection
12 board shall consist of five or more officers of the
13 Space Force. Each member of a selection board
14 must be serving in a grade higher than the grade of
15 the officers under consideration by the board, except
16 that no member of a board may be serving in a
17 grade below major. The members of a selection
18 board shall include at least one member serving on
19 sustained duty and at least one member in a Space
20 Force active status who is not serving on sustained
21 duty. The ratio of the members of a selection board
22 serving on sustained duty to members serving in a
23 Space Force active status not on sustained duty
24 shall, to the extent practicable, reflect the ratio of
25 officers serving in each of those statuses who are

1 being considered for promotion by the board. The
2 members of a selection board shall represent the di-
3 verse population of the Space Force to the extent
4 practicable.

5 “(2) REPRESENTATION FROM COMPETITIVE
6 CATEGORIES.—(A) Except as provided in subpara-
7 graph (B), a selection board shall include at least
8 one officer from each competitive category of officers
9 to be considered by the board.

10 “(B) A selection board need not include an offi-
11 cer from a competitive category when there are no
12 officers of that competitive category on the Space
13 Force officer list in a grade higher than the grade
14 of the officers to be considered by the board and eli-
15 gible to serve on the board.

16 “(3) RETIRED OFFICERS.—If qualified officers
17 on the Space Force officer list are not available in
18 sufficient number to comprise a selection board, the
19 Secretary of the Air Force shall complete the mem-
20 bership of the board by appointing as members of
21 the board—

22 “(A) Space Force officers who hold a
23 grade higher than the grade of the officers
24 under consideration by the board and who are
25 retired officers; and

1 “(B) if sufficient Space Force officers are
2 not available pursuant to subparagraph (A), Air
3 Force officers who hold a grade higher than the
4 grade of the officers under consideration by the
5 board and who are retired officers, but only if
6 the Air Force officer to be appointed to the
7 board has served in a space-related career field
8 of the Air Force for sufficient time such that
9 the Secretary of the Air Force determines that
10 the retired Air Force officer has adequate
11 knowledge concerning the standards of perform-
12 ance and conduct required of an officer of the
13 Space Force.

14 “(4) EXCLUSION OF RETIRED GENERAL OFFI-
15 CERS ON ACTIVE DUTY TO SERVE ON A BOARD FROM
16 NUMERIC GENERAL OFFICER ACTIVE-DUTY LIMITA-
17 TIONS.—A retired general officer who is on active
18 duty for the purpose of serving on a selection board
19 shall not, while so serving, be counted against any
20 limitation on the number of general and flag officers
21 who may be on active duty.

22 “(b) LIMITATION ON MEMBERSHIP ON CONSECUTIVE
23 BOARDS.—

24 “(1) GENERAL RULE.—Except as provided in
25 paragraph (2), no officer may be a member of two

1 successive selection boards convened under section
2 20211 of this title for the consideration of officers
3 of the same grade.

4 “(2) EXCEPTION FOR GENERAL OFFICER
5 BOARDS.—Paragraph (1) does not apply with re-
6 spect to selection boards convened under section
7 20211 of this title for the consideration of officers
8 in the grade of colonel or brigadier general.

9 “(c) JOINT QUALIFIED OFFICERS.—(1) Each selec-
10 tion board convened under section 20211 of this title that
11 will consider an officer described in paragraph (2) shall
12 include at least one officer designated by the Chairman
13 of the Joint Chiefs of Staff who is a joint qualified officer.

14 “(2) Paragraph (1) applies with respect to an officer
15 who—

16 “(A) is serving on, or has served on, the Joint
17 Staff; or

18 “(B) is a joint qualified officer.

19 “(3) The Secretary of Defense may waive the require-
20 ment in paragraph (1) for any selection board of the Space
21 Force.

22 **“§ 20213. Notice of convening of selection boards**

23 “(a) NOTICE TO ELIGIBLE OFFICERS.—At least 30
24 days before a selection board is convened under section
25 20211 of this title to recommend officers in a grade for

1 promotion to the next higher grade, the Secretary of the
2 Air Force shall—

3 “(1) notify in writing the officers eligible for
4 consideration for promotion of the date on which the
5 board is to convene and the name and date of rank
6 of the junior officer, and of the senior officer, in the
7 promotion zone as of the date of the notification; or

8 “(2) issue a general written notice to the Space
9 Force regarding the convening of the board which
10 shall include the convening date of the board and
11 the name and date of rank of the junior officer, and
12 of the senior officer, in the promotion zone as of the
13 date of the notification.

14 “(b) COMMUNICATION FROM OFFICERS.—An officer
15 eligible for consideration by a selection board convened
16 under section 20211 of this title (other than an officer
17 who has been excluded under section 20231(d) of this title
18 from consideration by the board) may send a written com-
19 munication to the board, to arrive not later than 10 cal-
20 endar days before the date on which the board convenes,
21 calling attention to any matter concerning the officer that
22 the officer considers important to the officer’s case. The
23 selection board shall give consideration to any timely com-
24 munication under this subsection.

1 “(c) NOTICE OF INTENT OF CERTAIN OFFICERS TO
2 SERVE ON OR OFF ACTIVE DUTY.—An officer on the
3 Space Force officer list in the grade of colonel or brigadier
4 general who receives a notice under subsection (a) shall
5 inform the Secretary of the officer’s preference to serve
6 either on or off active duty if promoted to the grade of
7 brigadier general or major general, respectively.

8 **“§ 20214. Information furnished to selection boards**

9 “The provisions of section 615 of this title shall apply
10 to information furnished to selection boards.

11 **“§ 20215. Recommendations for promotion by selec-**
12 **tion boards**

13 “The provisions of section 616 of this title shall apply
14 to recommendations for promotion by selection boards.

15 **“§ 20216. Reports of selection boards**

16 “The provisions of section 617 of this title shall apply
17 to reports of selection boards.

18 **“§ 20217. Action on reports of selection boards for**
19 **promotion to brigadier general or major**
20 **general**

21 “The provisions of section 618 of this title shall apply
22 to action on reports of selection boards.

23 “SUBCHAPTER III—PROMOTIONS

“Sec.

“20231. Eligibility for consideration for promotion: time-in-grade and other re-
quirements.

“20232. Eligibility for consideration for promotion: designation as joint qualified officer required before promotion to brigadier general; exceptions.

“20233. Opportunities for consideration for promotion.

“20234. Space Force officer list.

“20235. Competitive categories.

“20236. Numbers to be recommended for promotion.

“20237. Establishment of promotion zones.

“20238. Promotions: how made; authorized delay of promotions.

1 **“§ 20231. Eligibility for consideration for promotion:**
2 **time-in-grade and other requirements**

3 “(a) TIME-IN-GRADE REQUIREMENTS.—(1) An offi-
4 cer who is in a Space Force active status on the Space
5 Force officer list and holds a permanent appointment in
6 the grade of second lieutenant or first lieutenant may not
7 be promoted to the next higher permanent grade until the
8 officer has completed the following period of service in the
9 grade in which the officer holds a permanent appointment:

10 “(A) Eighteen months, in the case of an officer
11 holding a permanent appointment in the grade of
12 second lieutenant.

13 “(B) Two years, in the case of an officer hold-
14 ing a permanent appointment in the grade of first
15 lieutenant.

16 “(2) Subject to paragraph (5), an officer who is in
17 a Space Force active status on the Space Force officer
18 list and holds a permanent appointment in a grade above
19 first lieutenant may not be considered for selection for
20 promotion to the next higher permanent grade until the

1 officer has completed the following period of service in the
2 grade in which the officer holds a permanent appointment:

3 “(A) Three years, in the case of an officer hold-
4 ing a permanent appointment in the grade of cap-
5 tain, major, or lieutenant colonel.

6 “(B) One year, in the case of an officer holding
7 a permanent appointment in the grade of colonel or
8 brigadier general.

9 “(3) When the needs of the service require, the Sec-
10 retary of the Air Force may prescribe a longer period of
11 service in grade for eligibility for promotion, in the case
12 of officers to whom paragraph (1) applies, or for eligibility
13 for consideration for promotion, in the case of officers to
14 whom paragraph (2) applies.

15 “(4) When the needs of the service require, the Sec-
16 retary of the Air Force may prescribe a shorter period of
17 service in grade, but not less than two years, for eligibility
18 for consideration for promotion, in the case of officers des-
19 ignated for limited duty to whom paragraph (2) applies.

20 “(5) The Secretary of the Air Force may waive para-
21 graph (2) to the extent necessary to assure that officers
22 described in subparagraph (A) of such paragraph have at
23 least two opportunities for consideration for promotion to
24 the next higher grade as officers below the promotion
25 zone.

1 “(6) In computing service in grade for purposes of
2 this section, service in a grade held as a result of assign-
3 ment to a position is counted as service in the grade in
4 which the officer would have served except for such assign-
5 ment or appointment.

6 “(b) CONTINUED ELIGIBILITY FOR CONSIDERATION
7 FOR PROMOTION OF OFFICERS WHO HAVE PREVIOUSLY
8 FAILED OF SELECTION.—(1) Except as provided in para-
9 graph (2), an officer who has failed of selection for pro-
10 motion to the next higher grade remains eligible for con-
11 sideration for promotion to that grade as long as the offi-
12 cer continues on active duty in other than a retired status
13 and is not promoted.

14 “(2) Paragraph (1) does not apply to an officer on
15 active status who is ineligible for consideration for pro-
16 motion under section 631(c) of this title for the second
17 time.

18 “(c) OFFICERS TO BE CONSIDERED BY PROMOTION
19 BOARDS.—(1) Each time a selection board is convened
20 under section 20211 of this title for consideration of offi-
21 cers in a competitive category for promotion to the next
22 higher grade, each officer in the promotion zone (except
23 as provided under paragraph (2)), and each officer above
24 the promotion zone, for the grade and competitive cat-

1 egory under consideration shall be considered for pro-
2 motion.

3 “(2) The Secretary of the Air Force—

4 “(A) may, in accordance with standards and
5 procedures prescribed by the Secretary of Defense in
6 regulations which shall apply uniformly among the
7 military departments, limit the officers to be consid-
8 ered by a selection board from below the promotion
9 zone to those officers who are determined to be ex-
10 ceptionally well qualified for promotion;

11 “(B) may, by regulation, prescribe a period of
12 time, not to exceed one year, from the time an offi-
13 cer on the Space Force officer list transfers on or
14 off of sustained duty during which the officer shall
15 be ineligible for consideration for promotion; and

16 “(C) may, by regulation, preclude from consid-
17 eration by a selection board by which the officer
18 would otherwise be eligible to be considered, an offi-
19 cer who has an established separation date that is
20 within 90 days after the date on which the board is
21 to be convened.

22 “(3)(A) The Secretary of Defense may authorize the
23 Secretary of the Air Force to preclude from consideration
24 by selection boards for promotion to the grade of brigadier
25 general, officers in the grade of colonel who—

1 “(i) have been considered and not selected for
2 promotion to the grade of brigadier general or by at
3 least two selection boards; and

4 “(ii) are determined, in accordance with stand-
5 ards and procedures prescribed pursuant to subpara-
6 graph (B), as not being exceptionally well qualified
7 for promotion.

8 “(B) If the Secretary of Defense authorizes the Sec-
9 retary of the Air Force to have the authority described
10 in subparagraph (A), the Secretary shall prescribe by reg-
11 ulation the standards and procedures for the exercise of
12 such authority. Those regulations shall apply uniformly
13 among the military departments and shall include the fol-
14 lowing provisions:

15 “(i) A requirement that the Secretary of the Air
16 Force may exercise such authority in the case of a
17 particular selection board only if the Secretary of
18 Defense approves the exercise of that authority for
19 that board.

20 “(ii) A requirement that an officer may be pre-
21 cluded from consideration by a selection board under
22 this paragraph only upon the recommendation of a
23 preselection board of officers convened by the Sec-
24 retary of the military department concerned and
25 composed of at least three officers all of whom are

1 serving in a grade higher than the grade of such of-
2 ficer.

3 “(iii) A requirement that such a preselection
4 board may not recommend that an officer be pre-
5 cluded from such consideration unless the Secretary
6 of the Air Force has given the officer advance writ-
7 ten notice of the convening of such board and of the
8 military records that will be considered by the board
9 and has given the officer a reasonable period before
10 the convening of the board in which to submit com-
11 ments to the board.

12 “(iv) A requirement that the Secretary of the
13 Air Force shall provide general guidance to the
14 board in accordance with standards and procedures
15 prescribed by the Secretary of Defense in those reg-
16 ulations.

17 “(v) A requirement that the preselection board
18 may recommend that an officer be precluded from
19 consideration by a selection board only on the basis
20 of the general guidance provided by the Secretary
21 Air Force, information in the officer’s official mili-
22 tary personnel records that has been described in the
23 notice provided the officer as required pursuant to
24 clause (iii), and any communication to the board re-
25 ceived from that officer before the board convenes.

1 “(d) CERTAIN OFFICERS NOT TO BE CONSID-
2 ERED.—A selection board convened under section 20211
3 of this title may not consider for promotion to the next
4 higher grade any of the following officers:

5 “(1) An officer whose name is on a promotion
6 list for that grade as a result of the officer’s selec-
7 tion for promotion to that grade by an earlier selec-
8 tion board convened under that section.

9 “(2) An officer who is recommended for pro-
10 motion to that grade in the report of an earlier se-
11 lection board convened under that section, in the
12 case of such a report that has not yet been approved
13 by the President.

14 “(3) An officer in the grade of first lieutenant
15 who is on an approved all-fully-qualified-officers list
16 under section 20238(a)(4) of this title.

17 “(4) An officer in the grade of captain who is
18 not a citizen of the United States.

19 “(5) An officer excluded under subsection (e).

20 “(e) AUTHORITY TO ALLOW OFFICERS TO OPT OUT
21 OF SELECTION BOARD CONSIDERATION.—(1) The Sec-
22 retary of the Air Force may provide that an officer on
23 the Space Force officer list may, upon the officer’s request
24 and with the approval of the Secretary, be excluded from
25 consideration by a selection board convened under section

1 20211 of this title to consider officers for promotion to
2 the next higher grade.

3 “(2) The Secretary of the Air Force may only ap-
4 prove a request under paragraph (1) if—

5 “(A)(i) the basis for the request is to allow an
6 officer to complete a broadening assignment, ad-
7 vanced education, another assignment of significant
8 value to the Department, a career progression re-
9 quirement delayed by the assignment or education;

10 “(ii) the Secretary determines the exclusion
11 from consideration is in the best interest of the
12 Space Force; and

13 “(iii) the officer has not previously failed of se-
14 lection for promotion to the grade for which the offi-
15 cer requests the exclusion from consideration; or

16 “(B)(i) the officer is serving in a critical skill
17 position that cannot be filled by another Space
18 Force officer serving in the same grade;

19 “(ii) the Secretary determines that it is in the
20 best interests of the Space Force for the officer to
21 continue to serve in their current position and grade;
22 and

23 “(iii) the officer has not previously opted out of
24 a promotion board under this authority.

1 **“§ 20232. Eligibility for consideration for promotion:**
2 **designation as joint qualified officer re-**
3 **quired before promotion to brigadier**
4 **general; exceptions**

5 “The provisions of section 619a of this title shall
6 apply to officers of the Space Force.

7 **“§ 20233. Opportunities for consideration for pro-**
8 **motion**

9 “(a) SPECIFICATION OF NUMBER OF OPPORTUNI-
10 TIES FOR CONSIDERATION FOR PROMOTION.—Under reg-
11 ulations prescribed by the Secretary of Defense, the Sec-
12 retary of the Air Force shall specify the number of oppor-
13 tunities for consideration for promotion to be afforded to
14 Space Force officers for promotion to each grade above
15 the grade of captain.

16 “(b) LIMITATION ON NUMBER OF OPPORTUNITIES
17 THAT MAY BE SPECIFIED.—The number of opportunities
18 for consideration for promotion to be afforded officers of
19 the Space Force for promotion to a particular grade may
20 not exceed five.

21 “(c) LIMITED AUTHORITY OF SECRETARY OF THE
22 AIR FORCE TO MODIFY NUMBER OF OPPORTUNITIES.—
23 The Secretary of the Air Force may change the number
24 of opportunities for consideration for promotion to a par-
25 ticular grade not more frequently than once every five
26 years.

1 “(d) AUTHORITY OF SECRETARY OF DEFENSE TO
2 MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of
3 Defense may modify the number of opportunities for con-
4 sideration for promotion to be afforded officers of the
5 Space Force for promotion to a particular grade.

6 **“§ 20234. Space Force officer list**

7 “(a) SINGLE LIST.—The Secretary of the Air Force
8 shall maintain a single list of all Space Force officers serv-
9 ing in a Space Force active status. The list shall be known
10 as the Space Force officer list.

11 “(b) ORDER OF OFFICERS ON LIST.—Officers shall
12 be carried on the Space Force officer list in the order of
13 seniority of the grade in which they are serving. Officers
14 serving in the same grade shall be carried in the order
15 of their rank in that grade.

16 “(c) EFFECT OF SERVICE IN A TEMPORARY AP-
17 POINTMENT.—An officer whose position on the Space
18 Force officer list results from service under a temporary
19 appointment or in a grade held by reason of assignment
20 to a position has, when that appointment or assignment
21 ends, the grade and position on the Space Force officer
22 list that the officer would have held if the officer had not
23 received that appointment or assignment.

1 **“§ 20235. Competitive categories**

2 “(a) REQUIREMENT TO ESTABLISH COMPETITIVE
3 CATEGORIES FOR PROMOTION.—Under regulations pre-
4 scribed by the Secretary of Defense, the Secretary of the
5 Air Force shall establish at least one competitive category
6 for promotion for officers on the Space Force officer list.
7 Each officer whose name appears on the Space Force offi-
8 cer list shall be carried in a competitive category of offi-
9 cers. Officers in the same competitive category shall com-
10 pete among themselves for promotion.

11 “(b) SINGLE COMPETITIVE CATEGORY FOR PRO-
12 MOTION TO GENERAL OFFICER GRADES.—The Secretary
13 of the Air Force shall establish a single competitive cat-
14 egory for all officers on the Space Force officer list who
15 will be considered by a selection board convened under sec-
16 tion 20211 of this title for promotion to the grade of brig-
17 adier general or major general.

18 **“§ 20236. Numbers to be recommended for promotion**

19 “(a) PROMOTION TO GRADES BELOW BRIGADIER
20 GENERAL.—(1) Before convening a selection board under
21 section 20211 of this title to consider officers for rec-
22 ommendation for promotion to a grade below brigadier
23 general and in any competitive category, the Secretary of
24 the Air Force shall determine—

25 “(A) the number of positions needed to accom-
26 plish mission objectives which require officers of that

1 competitive category in the grade to which the board
2 will recommend officers for promotion;

3 “(B) the estimated number of officers needed to
4 fill vacancies in those positions during the period in
5 which it is anticipated that officers selected for pro-
6 motion will be promoted; and

7 “(C) the number of officers in a Space Force
8 active status authorized by the Secretary of the Air
9 Force to serve both on sustained duty and not on
10 sustained duty in the grade and competitive category
11 under consideration.

12 “(2) Based on the determinations under paragraph
13 (1), the Secretary of the Air Force shall determine the
14 maximum number of officers in that competitive category
15 which the selection board may recommend for promotion.

16 “(b) PROMOTION TO BRIGADIER GENERAL AND
17 MAJOR GENERAL.—(1) Before convening a selection
18 board under section 20211 of this title to consider officers
19 for recommendation for promotion to the grade of briga-
20 dier general or major general, the Secretary of the Air
21 Force shall determine—

22 “(A) the number of positions needed to accom-
23 plish mission objectives which require officers serv-
24 ing in a Space Force active status on sustained
25 duty, and in a Space Force active status not on sus-

1 tained duty, in the grade to which the board will rec-
2 ommend officers for promotion; and

3 “(B) the estimated number of officers on sus-
4 tained duty and not on sustained duty needed to fill
5 vacancies in those positions over the 24-month pe-
6 riod beginning on the date on which the selection
7 board convenes.

8 “(2) Based on the determinations under paragraph
9 (1), the Secretary of the Air Force shall determine the
10 maximum number of officers serving in a Space Force ac-
11 tive status on sustained duty, and the maximum number
12 of officers serving in a Space Force active status not on
13 sustained duty, which the selection board may recommend
14 for promotion.

15 **“§ 20237. Establishment of promotion zones**

16 “(a) IN GENERAL.—Before convening a selection
17 board under section 20211 of this title to consider officers
18 for promotion to any grade above first lieutenant or lieu-
19 tenant (junior grade), the Secretary of the Air Force shall
20 establish a promotion zone for officers serving in each
21 grade and competitive category to be considered by the
22 board.

23 “(b) DETERMINATION OF NUMBER.—The Secretary
24 of the Air Force shall determine the number of officers
25 in the promotion zone for officers serving in any grade

1 and competitive category from among officers who are eli-
2 gible for promotion in that grade and competitive cat-
3 egory. Such determination shall be made on the basis of
4 an estimate of—

5 “(1) the number of officers needed in that com-
6 petitive category in the next higher grade in each of
7 the next five years;

8 “(2) the number of officers to be serving in that
9 competitive category in the next higher grade in
10 each of the next five years;

11 “(3) in the case of a promotion zone for officers
12 to be promoted to a grade to which section 523 of
13 this title is applicable, the number of officers author-
14 ized for such grade under such section to be on ac-
15 tive duty on the last day of each of the next five fis-
16 cal years; and

17 “(4) the number of officers that should be
18 placed in that promotion zone in each of the next
19 five years to provide to officers in those years rel-
20 atively similar opportunity for promotion.

21 **“§ 20238. Promotions: how made; authorized delay of**
22 **promotions**

23 “(a) PROCEDURE FOR PROMOTION OF OFFICERS ON
24 AN APPROVED PROMOTION LIST.—

1 “(1) PLACEMENT OF NAMES ON PROMOTION
2 LIST.—When the report of a selection board con-
3 vened under section 20211 of this title is approved
4 by the President, the Secretary of the Air Force
5 shall place the names of all officers approved for
6 promotion within a competitive category on a single
7 list for that competitive category, to be known as a
8 promotion list, in the order of the seniority of such
9 officers on the list or based on particular merit, as
10 determined by the promotion board. A promotion list
11 is considered to be established under this section as
12 of the date of the approval of the report of the selec-
13 tion board under the preceding sentence.

14 “(2) ORDER AND TIMING OF PROMOTIONS.—
15 Except as provided in subsection (d), officers on a
16 promotion list for a competitive category shall be
17 promoted to the next higher grade when additional
18 officers in that grade and competitive category are
19 needed. Promotions shall be made in the order in
20 which the names of officers appear on the promotion
21 list and after officers previously selected for pro-
22 motion in that competitive category have been pro-
23 moted. Officers to be promoted to the grade of first
24 lieutenant shall be promoted in accordance with reg-

1 ulations prescribed by the Secretary of the Air
2 Force.

3 “(3) LIMITATION ON PROMOTIONS TO GENERAL
4 OFFICER GRADES TO COMPLY WITH STRENGTH LIM-
5 TATIONS.—Under regulations prescribed by the Sec-
6 retary of Defense, the promotion of an officer on the
7 Space Force officer list to a general officer grade
8 shall be delayed if that promotion would cause any
9 strength limitation of section 526 of this title to be
10 exceeded. The delay shall expire when the Secretary
11 of the Air Force determines that the delay is no
12 longer required to ensure compliance with the
13 strength limitation.

14 “(4) PROMOTION OF FIRST LIEUTENANTS ON
15 AN ALL-FULLY-QUALIFIED OFFICERS LIST.—(A) Ex-
16 cept as provided in subsection (d), officers on the
17 Space Force officer list in the grade of first lieuten-
18 ant who are on an approved all-fully-qualified-offi-
19 cers list shall be promoted to the grade of captain
20 in accordance with regulations prescribed by the
21 Secretary of the Air Force.

22 “(B) An all-fully-qualified-officers list shall be
23 considered to be approved for purposes of subpara-
24 graph (A) when the list is approved by the Presi-
25 dent. When so approved, such a list shall be treated

1 in the same manner as a promotion list under this
2 chapter.

3 “(C) The Secretary of the Air Force may make
4 a recommendation to the President for approval of
5 an all-fully-qualified-officers list only when the Sec-
6 retary determines that all officers on the list are
7 needed in the next higher grade to accomplish mis-
8 sion objectives.

9 “(D) For purposes of this paragraph, an all-
10 fully-qualified-officers list is a list of all officers on
11 the Space Force officers list in a grade who the Sec-
12 retary of the Air Force determines—

13 “(i) are fully qualified for promotion to the
14 next higher grade; and

15 “(ii) would be eligible for consideration for
16 promotion to the next higher grade by a selec-
17 tion board convened under section 20211 of this
18 title upon the convening of such a board.

19 “(E) If the Secretary of the Air Force deter-
20 mines that one or more officers or former officers
21 were not placed on an all-fully-qualified-list under
22 this paragraph because of administrative error, the
23 Secretary may prepare a supplemental all-fully-quali-
24 fied-officers list containing the names of any such

1 officers for approval in accordance with this para-
2 graph.

3 “(b) DATE OF RANK.—The date of rank of an officer
4 appointed to a higher grade under this section is deter-
5 mined under section 741(d) of this title.

6 “(c) APPOINTMENT AUTHORITY.—Appointments
7 under this section shall be made by the President, by and
8 with the advice and consent of the Senate, except that ap-
9 pointments under this section in the grade of first lieuten-
10 ant or captain shall be made by the President alone.

11 “(d) AUTHORITY TO DELAY APPOINTMENTS FOR
12 SPECIFIED REASONS.—The provisions of subsection (d) of
13 section 624 of this title shall apply to the appointment
14 of an officer under this section in the same manner as
15 they apply to an appointment of an officer under that sec-
16 tion, and any reference in that subsection to an active-
17 duty list shall be treated for purposes of applicability to
18 an officer of the Space Force as referring to the Space
19 Force officer list.

20 “SUBCHAPTER IV—PERSONS NOT CONSIDERED
21 FOR PROMOTION AND OTHER PROMOTION-
22 RELATED PROVISIONS

“Sec.

“20241. Persons not considered for promotion and other promotion-related pro-
visions.

1 **“§ 20241. Persons not considered for promotion and**
2 **other promotion-related provisions**

3 “Subchapter III of chapter 36 of this title shall apply
4 to officers of the Space Force.

5 **“SUBCHAPTER V—APPLICABILITY OF OTHER**
6 **LAWS**

“Sec.

“20251. Applicability of certain DOPMA officer personnel policy provisions.

7 **“§ 20251. Applicability of certain DOPMA officer per-**
8 **sonnel policy provisions**

9 “Except as otherwise modified or provided for in this
10 chapter, the following provisions of chapter 36 of this title
11 (relating to promotion, separation, and involuntary retire-
12 ment of officers on the active-duty list) shall apply to
13 Space Force officers and officer promotions:

14 “(1) Subchapter I (relating to selection boards).

15 “(2) Subchapter II (relating to promotions).

16 “(3) Subchapter III (relating to failure of selec-
17 tion for promotion and retirement for years of serv-
18 ice).

19 “(4) Subchapter IV (relating to continuation on
20 active duty and selective early retirement).

21 “(5) Subchapter V (additional provisions relat-
22 ing to promotion, separation, and retirement).

1 “(6) Subchapter VI (relating to alternative pro-
2 motion authority for officers in designated competi-
3 tive categories).”.

4 (d) TEMPORARY (“BREVET”) PROMOTIONS FOR OF-
5 FICERS WITH CRITICAL SKILLS.—Section 605 of title 10,
6 United States Code, is amended as follows:

7 (1) COVERAGE OF SPACE FORCE OFFICERS.—
8 Subsections (a), (b)(2)(A), (f)(1), and (f)(2) are
9 amended by striking “or Marine Corps,” each place
10 it appears and inserting “Marine Corps, or Space
11 Force,”.

12 (2) DISAGGREGATION OF AIR FORCE MAXIMUM
13 NUMBERS.—Subsection (g) is amended—

14 (A) by redesignating paragraphs (3) and
15 (4) as paragraphs (4) and (5), respectively; and

16 (B) by striking paragraph (2) and insert-
17 ing the following new paragraphs (2) and (3):

18 “(2) In the case of the Air Force—

19 “(A) as captain, 95;

20 “(B) as major, 305;

21 “(C) as lieutenant colonel, 165; and

22 “(D) as colonel, 75.

23 “(3) In the case of the Space Force—

24 “(A) as captain, 5;

25 “(B) as major, 20;

1 “(C) as lieutenant colonel, 10; and

2 “(D) as colonel, 5.”.

3 **SEC. 1717. ENLISTED MEMBERS.**

4 (a) IN GENERAL.—Subtitle F of title 10, United
5 States Code, as amended by section 1716, is further
6 amended by adding at the end the following new chapter:

7 **“CHAPTER 2007—ENLISTED MEMBERS**

“Sec.

“20301. Original enlistments: qualifications; grade.

“20302. Enlisted members: term of enlistment.

“20303. Reference to chapter 31.

8 **“§ 20301. Original enlistments: qualifications; grade**

9 “(a) ORIGINAL ENLISTMENTS.—

10 “(1) AUTHORITY TO ACCEPT.—The Secretary
11 of the Air Force may accept original enlistments in
12 the Space Force of qualified, effective, and able-bod-
13 ied persons.

14 “(2) AGE.—A person accepted for original en-
15 listment shall be not less than seventeen years of
16 age. However, no person under eighteen years of age
17 may be originally enlisted without the written con-
18 sent of the person’s parent or guardian, if the per-
19 son has a parent or guardian entitled to the person’s
20 custody and control.

21 “(b) GRADE.—A person is enlisted in the Space
22 Force in the grade prescribed by the Secretary of the Air
23 Force.

1 **“§ 20302. Enlisted members: term of enlistment**

2 “(a) TERM OF ORIGINAL ENLISTMENTS.—The Sec-
3 retary of the Air Force may accept original enlistments
4 of persons for the duration of their minority or for a pe-
5 riod of at least two but not more than eight years in the
6 Space Force.

7 “(b) TERM OF REENLISTMENTS.—The Secretary of
8 the Air Force may accept a reenlistment in the Space
9 Force for a period determined in accordance with para-
10 graphs (2), (3), and (4) of section 505(d) of this title.

11 **“§ 20303. Reference to chapter 31**

12 “For other provisions of this title applicable to enlist-
13 ments in the Space Force, see chapter 31 of this title.”.

14 (b) AMENDMENTS TO TITLE 10 CHAPTER RELATING
15 TO ENLISTMENTS.—Chapter 31 of such title is amended
16 as follows:

17 (1) RECRUITING CAMPAIGNS.—Section 503(a)
18 is amended by striking “and Regular Coast Guard”
19 and inserting “Regular Coast Guard, and the Space
20 Force”.

21 (2) QUALIFICATIONS, TERM, GRADE.—Section
22 505 is amended—

23 (A) by striking “Regular Space Force,”
24 each place it appears; and

25 (B) by adding at the end the following new
26 subsection:

1 “(e) For enlistments in the Space Force, see sections
2 20301 and 20302 of this title.”.

3 (3) EXTENSION OF ENLISTMENTS DURING
4 WAR.—Section 506 is amended by striking “Reg-
5 ular” before “Space Force”.

6 (4) REENLISTMENT.—Section 508 is amended
7 striking “Regular” before “Space Force” both places
8 it appears.

9 (5) ENLISTMENT INCENTIVES FOR PURSUIT OF
10 SKILLS TO FACILITATE NATIONAL SERVICE.—Sec-
11 tion 510(c) is amended—

12 (A) in paragraph (2), by inserting “or the
13 Space Force” after “Selected Reserve”; and

14 (B) in paragraph (3)—

15 (i) by redesignating subparagraphs
16 (D) and (E) as subparagraphs (E) and
17 (F), respectively;

18 (ii) by inserting after subparagraph
19 (C) the following new subparagraph (D):

20 “(D) in the Space Force;” and

21 (iii) in subparagraph (F), as so redesi-
22 gnated, by striking “subparagraphs (A)
23 through (D)” and inserting “subpara-
24 graphs (A) through (E)”.

1 (6) COLLEGE FIRST PROGRAM.—Section
 2 511(b)(1)(A) is amended by inserting “or as a mem-
 3 ber of the Space Force,” after “reserve compo-
 4 nent,”.

5 (7) DELAYED ENTRY PROGRAM.—Section
 6 513(a) is amended—

7 (A) by inserting, “, or who is qualified
 8 under section 20301 of this title and applicable
 9 regulations for enlistment in the Space Force,”
 10 after “armed force”; and

11 (B) by inserting “, or be enlisted as a
 12 member of the Space Force,” after “Coast
 13 Guard Reserve”.

14 (8) EFFECT UPON ENLISTED STATUS OF AC-
 15 CEPTANCE OF APPOINTMENT AS CADET OR MID-
 16 SHIPMAN.—Section 516(b) is amended by inserting
 17 “or in the Space Force,” after “armed force”.

18 **SEC. 1718. RETENTION AND SEPARATION GENERALLY.**

19 (a) IN GENERAL.—Subtitle F of title 10, United
 20 States Code, as amended by section 1717, is further
 21 amended by adding at the end the following new chapter:

22 **“CHAPTER 2009—RETENTION AND**
 23 **SEPARATION GENERALLY**

“Sec.

“20401. Applicability of certain provisions of law related to separation.

“20402. Enlisted members: standards and qualifications for retention.

“20403. Officers: standards and qualifications for retention.

“20404. Selection of officers for early retirement or discharge.

“20405. Force shaping authority.

1 **“§ 20401. Applicability of certain provisions of law re-**
2 **lated to separation**

3 “(a) OFFICER SEPARATION.—Except as specified in
4 this section or otherwise modified in this chapter, the pro-
5 visions of chapter 59 of this title applicable to officers of
6 a regular component shall apply to officers of the Space
7 Force.

8 “(b) ENLISTED MEMBER SEPARATION.—Except as
9 specified in this section or otherwise modified in this chap-
10 ter, the provisions of chapter 59 of this title applicable
11 to enlisted members of a regular component shall apply
12 to enlisted members of the Space Force.

13 “(c) SEPARATION PAY UPON INVOLUNTARY DIS-
14 CHARGE OR RELEASE FROM ACTIVE DUTY.—The provi-
15 sions of section 1174 of this title—

16 “(1) pertaining to a regular officer shall apply
17 to a Space Force officer serving on sustained duty;

18 “(2) pertaining to a regular enlisted member
19 shall apply to an enlisted member of the Space
20 Force serving on sustained duty; and

21 “(3) pertaining to other members shall apply to
22 members of the Space Force not serving on sus-
23 tained duty.

1 “(d) VOLUNTARY SEPARATION INCENTIVE.—The
2 provisions of section 1175 of this title pertaining to a vol-
3 untary appointment, enlistment, or transfer to a reserve
4 component shall apply to the voluntary release from active
5 duty of a member of the Space Force on sustained duty.

6 “(e) VOLUNTARY SEPARATION PAY AND BENE-
7 FITS.—The provisions of section 1176 of this title—

8 “(1) pertaining to a regular enlisted member
9 shall apply to an enlisted member of the Space
10 Force serving on sustained duty; and

11 “(2) pertaining to a reserve enlisted member
12 serving in an active status shall apply to an enlisted
13 member of the Space Force serving in a Space Force
14 active status or on sustained duty.

15 **“§ 20402. Enlisted members: standards and qualifica-**
16 **tions for retention**

17 “(a) STANDARDS AND QUALIFICATIONS FOR RETEN-
18 TION.—Subject to such limitations as the Secretary of De-
19 fense may prescribe, the Secretary of the Air Force shall,
20 by regulation, prescribe—

21 “(1) standards and qualifications for the reten-
22 tion of enlisted members of the Space Force; and

23 “(2) equitable procedures for the periodic deter-
24 mination of the compliance of each such member
25 with those standards and qualifications.

1 “(b) EFFECT OF FAILURE TO COMPLY WITH STAND-
2 ARDS AND QUALIFICATIONS.—If an enlisted member serv-
3 ing in Space Force active status fails to comply with the
4 standards and qualifications prescribed under subsection
5 (a), the member shall—

6 “(1) if qualified, be transferred to Space Force
7 inactive status;

8 “(2) if qualified, be retired in accordance with
9 section 20603 of this title; or

10 “(3) have the member’s enlistment terminated.

11 **“§ 20403. Officers: standards and qualifications for re-**
12 **tention**

13 “(a) STANDARDS AND QUALIFICATIONS.—To be re-
14 tained in an active status, a Space Force officer must—

15 “(1) in any applicable yearly period, attain the
16 number of points specified under section
17 12732(a)(2) of this title; and

18 “(2) conform to such other standards and
19 qualifications as the Secretary may prescribe for of-
20 ficers of the Space Force.

21 “(b) RESULT OF FAILURE TO COMPLY.—A Space
22 Force officer who fails to attain the number of points pre-
23 scribed under subsection (a)(1), or to conform to the
24 standards and qualifications prescribed under subsection

1 (a)(2), may be referred to a board convened under section
2 20501(a) of this title.

3 **“§ 20404. Selection of officers for early retirement or**
4 **discharge**

5 “(a) CONSIDERATION FOR EARLY RETIREMENT.—
6 The Secretary of the Air Force may convene selection
7 boards under section 20211(b) of this title to consider for
8 early retirement officers on the Space Force officer list
9 as follows:

10 “(1) Officers in the grade of lieutenant colonel
11 who have failed of selection for promotion at least
12 one time and whose names are not on a list of offi-
13 cers recommended for promotion.

14 “(2) Officers in the grade of colonel who have
15 served in that grade for at least two years and
16 whose names are not on a list of officers rec-
17 ommended for promotion.

18 “(3) Officers, other than those described in
19 paragraphs (1) and (2), holding a grade below the
20 grade of colonel—

21 “(A) who are eligible for retirement under
22 section 20601 of this title or who after two ad-
23 ditional years or less of active service would be
24 eligible for retirement under that section; and

1 “(B) whose names are not on a list of offi-
2 cers recommended for promotion.

3 “(b) CONSIDERATION FOR DISCHARGE.—

4 “(1) Subject to such limitations as the Sec-
5 retary of Defense may prescribe, the Secretary of
6 the Air Force may convene selection boards under
7 section 20211 of this title to consider for discharge
8 officers on the Space Force officer list—

9 “(A) who have served at least one year of
10 active status in the grade currently held;

11 “(B) whose names are not on a list of offi-
12 cers recommended for promotion; and

13 “(C) who are not eligible to be retired
14 under any provision of law (other than by rea-
15 son of eligibility pursuant to section 4403 of the
16 National Defense Authorization Act for Fiscal
17 Year 1993 (Public Law 102–484)) and are not
18 within two years of becoming so eligible.

19 “(2) An officer who is recommended for dis-
20 charge by a selection board convened pursuant to
21 the authority of paragraph (1) and whose discharge
22 is approved by the Secretary of the Air Force shall
23 be discharged on a date specified by the Secretary.

1 “(3) Selection of officers for discharge under
2 paragraph (1) shall be based on the needs of the
3 service.

4 “(c) DISCHARGES AND RETIREMENTS CONSIDERED
5 TO BE INVOLUNTARY.—The discharge or retirement of an
6 officer pursuant to this section shall be considered to be
7 involuntary for purposes of any other provision of law.

8 **“§ 20405. Force shaping authority**

9 “(a) AUTHORITY.—The Secretary of the Air Force
10 may, solely for the purpose of restructuring the Space
11 Force—

12 “(1) discharge an officer described in sub-
13 section (b); or

14 “(2) involuntarily release such an officer from
15 sustained duty.

16 “(b) COVERED OFFICERS.—(1) The authority under
17 this section may be exercised in the case of an officer of
18 the Space Force serving on sustained duty who—

19 “(A) has completed not more than six years of
20 service as a commissioned officer in the armed
21 forces; or

22 “(B) has completed more than six years of serv-
23 ice as a commissioned officer in the armed forces,
24 but has not completed the minimum service obliga-
25 tion applicable to that officer.

1 “(2) In this subsection, the term ‘minimum service
2 obligation’, with respect to a member of the Space Force,
3 means the initial period of required active duty service ap-
4 plicable to the member, together with any additional pe-
5 riod of required active duty service incurred by that mem-
6 ber during the member’s initial period of required active
7 duty service.

8 “(c) REGULATIONS.—The Secretary of the Air Force
9 shall prescribe regulations for the exercise of the Sec-
10 retary’s authority under this section.”.

11 (b) CONFORMING AMENDMENTS.—Section 647 of
12 title 10, United States Code, is amended—

13 (1) in subsection (b)(1), by inserting “(other
14 than an officer of the Space Force)” after “in the
15 case of an officer”;

16 (2) in subsection (c), by striking “Regular Ma-
17 rine Corps, of Regular Space Force” and inserting
18 “or Regular Marine Corps”; and

19 (3) by adding at the end the following new sub-
20 section:

21 “(e) SPACE FORCE.—For a similar provision with re-
22 spect to officers of the Space Force, see section 20405
23 of this title.”.

1 **SEC. 1719. SEPARATION OF OFFICERS FOR SUBSTANDARD**
 2 **PERFORMANCE OF DUTY OR FOR CERTAIN**
 3 **OTHER REASONS.**

4 Subtitle F of title 10, United States Code, as amend-
 5 ed by section 1718, is further amended by adding at the
 6 end the following new chapter:

7 **“CHAPTER 2011—SEPARATION OF OFFI-**
 8 **CERS FOR SUBSTANDARD PERFORM-**
 9 **ANCE OF DUTY OR FOR CERTAIN**
 10 **OTHER REASONS**

“Sec.

“20501. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons.

“20502. Retention boards.

“20503. Removal of officer: action by secretary upon recommendation of retention board.

“20504. Rights and procedures.

“20505. Officer considered for removal: voluntary retirement or discharge.

“20506. Officers eligible to serve on retention boards.

11 **“§ 20501. Authority to establish procedures to con-**
 12 **sider the separation of officers for sub-**
 13 **standard performance of duty and for**
 14 **certain other reasons**

15 “(a) PROCEDURES FOR REVIEW OF RECORD OF OF-
 16 FICERS RELATING TO STANDARDS OF PERFORMANCE OF
 17 DUTY.—(1) The Secretary of the Air Force shall pre-
 18 scribe, by regulation, procedures for the review at any time
 19 of the record of any commissioned officer (other than a
 20 retired officer) of the Space Force in a Space Force active

1 status to determine whether the officer shall be required,
2 because of a reason stated in paragraph (2), to show cause
3 for the officer's retention in a Space Force active status.

4 “(2) The reasons referred to in paragraph (1) are the
5 following:

6 “(A) The officer's performance of duty has fall-
7 en below standards prescribed by the Secretary of
8 Defense.

9 “(B) The officer has failed to satisfy the stand-
10 ards and qualifications established under section
11 20403 of this title by the Secretary of the Air Force.

12 “(b) PROCEDURES FOR REVIEW OF RECORD OF OF-
13 FICERS RELATING TO CERTAIN OTHER REASONS.—(1)
14 The Secretary of the Air Force shall prescribe, by regula-
15 tion, procedures for the review at any time of the record
16 of any commissioned officer (other than a retired officer)
17 of the Space Force in a Space Force active status to deter-
18 mine whether the officer should be required, because of
19 a reason stated in paragraph (2), to show cause for the
20 officer's retention in a Space Force active status.

21 “(2) The reasons referred to in paragraph (1) are the
22 following:

23 “(A) Misconduct.

24 “(B) Moral or professional dereliction.

1 “(C) The officer’s retention is not clearly con-
2 sistent with the interests of national security.

3 “(c) SECRETARY OF DEFENSE LIMITATIONS.—Regu-
4 lations prescribed by the Secretary of the Air Force under
5 this section are subject to such limitations as the Sec-
6 retary of Defense may prescribe.

7 **“§ 20502. Retention boards**

8 “(a) CONVENING OF BOARDS TO CONSIDER OFFI-
9 CERS REQUIRED TO SHOW CAUSE.—The Secretary of the
10 Air Force shall convene retention boards at such times
11 and places as the Secretary may prescribe to receive evi-
12 dence and make findings and recommendations as to
13 whether an officer who is required under section 20501
14 of this title to show cause for retention in a Space Force
15 active status should be retained in a Space Force active
16 status. Each retention board shall be composed of not less
17 than three officers having the qualifications prescribed by
18 section 20506 of this title.

19 “(b) FAIR AND IMPARTIAL HEARING.—A retention
20 board shall give a fair and impartial hearing to each offi-
21 cer required under section 20501 of this title to show
22 cause for retention in a Space Force active status.

23 “(c) EFFECT OF BOARD DETERMINATION THAT AN
24 OFFICER HAS FAILED TO ESTABLISH THAT THE OFFI-
25 CER SHOULD BE RETAINED.—(1) If a retention board de-

1 terminates that the officer has failed to establish that the
2 officer should be retained in a Space Force active status,
3 the board shall recommend to the Secretary of the Air
4 Force one of the following:

5 “(A) That the officer be transferred to an inac-
6 tive status.

7 “(B) That the officer, if qualified under any
8 provision of law, be retired.

9 “(C) That the officer be discharged from the
10 Space Force.

11 “(2) Under regulations prescribed by the Secretary
12 of the Air Force, an officer as to whom a retention board
13 makes a recommendation under paragraph (1) that the
14 officer not be retained in a Space Force active status may
15 be required to take leave pending the completion of the
16 officer’s case under this chapter. The officer may be re-
17 quired to begin such leave at any time following the offi-
18 cer’s receipt of the report of the retention board, including
19 the board’s recommendation for removal from a Space
20 Force active status, and the expiration of any period al-
21 lowed for submission by the officer of a rebuttal to that
22 report. The leave may be continued until the date on which
23 action by the Secretary of the Air Force on the officer’s
24 case is completed or may be terminated at any earlier
25 time.

1 “(d) EFFECT OF BOARD DETERMINATION THAT AN
2 OFFICER HAS ESTABLISHED THAT THE OFFICER
3 SHOULD BE RETAINED.—(1) If a retention board deter-
4 mines that the officer has established that the officer
5 should be retained in a Space Force active status, the offi-
6 cer’s case is closed.

7 “(2) An officer who is required to show cause for re-
8 tention in a Space Force active status under subsection
9 (a) of section 20501 of this title and who is determined
10 under paragraph (1) to have established that the officer
11 should be retained in a Space Force active status may not
12 again be required to show cause for retention in a Space
13 Force active status under such subsection within the one-
14 year period beginning on the date of that determination.

15 “(3)(A) Subject to subparagraph (B), an officer who
16 is required to show cause for retention in a Space Force
17 active status under subsection (b) of section 20501 of this
18 title and who is determined under paragraph (1) to have
19 established that the officer should be retained in a Space
20 Force active status may again be required to show cause
21 for retention at any time.

22 “(B) An officer who has been required to show cause
23 for retention in a Space Force active status under sub-
24 section (b) of section 20501 of this title and who is there-
25 after retained in an active status may not again be re-

1 quired to show cause for retention in a Space Force active
2 status under such subsection solely because of conduct
3 which was the subject of the previous proceedings, unless
4 the findings or recommendations of the retention board
5 that considered the officer's previous case are determined
6 to have been obtained by fraud or collusion.

7 “(4) In the case of an officer described in paragraph
8 (2) or paragraph (3)(A), the retention board may rec-
9 ommend that the officer be required to complete additional
10 training, professional education, or such other develop-
11 mental programs as may be available to correct any identi-
12 fied deficiencies and improve the officer's performance
13 within the Space Force.

14 **“§ 20503. Removal of officer: action by Secretary**
15 **upon recommendation of retention board**

16 “The Secretary of the Air Force may remove an offi-
17 cer from Space Force active status if the removal of such
18 officer from Space Force active status is recommended by
19 a retention board convened under section 20502 of this
20 title.

21 **“§ 20504. Rights and procedures**

22 “(a) IN GENERAL.—Under regulations prescribed by
23 the Secretary of the Air Force, each officer required under
24 section 20501 of this title to show cause for retention in
25 a Space Force active status—

1 “(1) shall be notified in writing, at least 30
2 days before the hearing of the officer’s case by a re-
3 tention board, of the reasons for which the officer is
4 being required to show cause for retention in a
5 Space Force active status;

6 “(2) shall be allowed a reasonable time, as de-
7 termined by the board, to prepare the officer’s show-
8 ing of cause for retention in a Space Force active
9 status;

10 “(3) shall be allowed to appear either in person
11 or through electronic means and to be represented
12 by counsel at proceedings before the board; and

13 “(4) shall be allowed full access to, and shall be
14 furnished copies of, records relevant to the officer’s
15 case, except that the board shall withhold any record
16 that the Secretary determines should be withheld in
17 the interest of national security.

18 “(b) SUMMARY OF RECORDS WITHHELD IN INTER-
19 EST OF NATIONAL SECURITY.—When a record is withheld
20 under subsection (a)(4), the officer whose case is under
21 consideration shall, to the extent that the interest of na-
22 tional security permits, be furnished a summary of the
23 record so withheld.

1 **“§ 20505. Officer considered for removal: voluntary**
2 **retirement or discharge**

3 “(a) IN GENERAL.—At any time during proceedings
4 under this chapter with respect to the removal of an offi-
5 cer from a Space Force active status, the Secretary of the
6 Air Force may grant a request by the officer—

7 “(1) for voluntary retirement, if the officer is
8 qualified for retirement; or

9 “(2) for discharge in accordance with sub-
10 section (b)(2).

11 “(b) RETIREMENT OR DISCHARGE.—An officer re-
12 moved from a Space Force active status under section
13 20503 of this title shall—

14 “(1) if eligible for voluntary retirement under
15 any provision of law on the date of such removal, be
16 retired in the grade and with the retired pay for
17 which the officer would be eligible if retired under
18 such provision; and

19 “(2) if ineligible for voluntary retirement under
20 any provision of law on the date of such removal—

21 “(A) be honorably discharged in the grade
22 then held, in the case of an officer whose case
23 was brought under subsection (a) of section
24 20501 of this title; or

25 “(B) be discharged in the grade then held,
26 in the case of an officer whose case was brought

1 under subsection (b) of section 20501 of this
2 title.

3 “(c) SEPARATION PAY FOR DISCHARGED OFFI-
4 CER.—An officer who is discharged under subsection
5 (b)(2) is entitled, if eligible therefor, to separation pay
6 under section 1174(a)(2) of this title.

7 **“§ 20506. Officers eligible to serve on retention**
8 **boards**

9 “(a) IN GENERAL.—The provisions of section 1187
10 of this title apply to the membership of boards convened
11 under this chapter in the same manner as to the member-
12 ship of boards convened under chapter 60 of this title.

13 “(b) RETIRED AIR FORCE OFFICERS.—

14 “(1) AUTHORITY.—In applying subsection (b)
15 of section 1187 of this title to a board convened
16 under this chapter, the Secretary of the Air Force
17 may appoint retired officers of the Air Force, in ad-
18 dition to retired officers of the Space Force, to com-
19 plete the membership of the board.

20 “(2) LIMITATION.—A retired officer of the Air
21 Force may be appointed to a board under paragraph
22 (1) only if the officer served in a space-related ca-
23 reer field of the Air Force for sufficient time such
24 that the Secretary of the Air Force determines that
25 the retired Air Force officer has adequate knowledge

1 concerning the standards of performance and con-
2 duct required of an officer of the Space Force.”.

3 **SEC. 1720. RETIREMENT.**

4 (a) IN GENERAL.—Subtitle F of title 10, United
5 States Code, as amended by section 1719, is further
6 amended by adding at the end the following new chapter:

7 **“CHAPTER 2013—VOLUNTARY**
8 **RETIREMENT FOR LENGTH OF SERVICE**

“Sec.

“20601. Officers: voluntary retirement for length of service.

“20602. Officers: computation of years of service for voluntary retirement.

“20603. Enlisted members: voluntary retirement for length of service.

“20604. Enlisted members: computation of years of service for voluntary retire-
ment.

“20605. Applicability of other provisions of law relating to retirement.

9 **“§ 20601. Officers: voluntary retirement for length of**
10 **service**

11 “(a) TWENTY YEARS OR MORE.—The Secretary of
12 the Air Force may, upon the officer’s request, retire a
13 commissioned officer of the Space Force who has at least
14 20 years of service computed under section 20602 of this
15 title, at least 10 years of which have been active service
16 as a commissioned officer.

17 “(b) THIRTY YEARS OR MORE.—A commissioned of-
18 ficer of the Space Force who has at least 30 years of serv-
19 ice computed under section 20602 of this title may be re-
20 tired upon the officer’s request, in the discretion of the
21 President.

1 “(c) FORTY YEARS OR MORE.—Except as provided
2 in section 20503 of this title, a commissioned officer of
3 the Space Force who has at least 40 years of service com-
4 puted under section 20602 of this title shall be retired
5 upon the officer’s request.

6 **“§ 20602. Officers: computation of years of service for**
7 **voluntary retirement**

8 “(a) YEARS OF ACTIVE SERVICE.—For the purpose
9 of determining whether an officer of the Space Force may
10 be retired under section 20601 of this title, the officer’s
11 years of service are computed by adding all active service
12 in the armed forces.

13 “(b) REFERENCE TO SECTION EXCLUDING SERVICE
14 DURING CERTAIN PERIODS.—Section 972(b) of this title
15 excludes from computation of an officer’s years of service
16 for purposes of this section any time identified with re-
17 spect to that officer under that section.

18 **“§ 20603. Enlisted members: voluntary retirement for**
19 **length of service**

20 “(a) TWENTY TO THIRTY YEARS.—Under regula-
21 tions to be prescribed by the Secretary of the Air Force,
22 an enlisted member of the Space Force who has at least
23 20, but less than 30, years of service computed under sec-
24 tion 20604 of this title may, upon the member’s request,
25 be retired.

1 “(2) Provisions pertaining to an enlisted mem-
2 ber of the Air Force shall apply to an enlisted mem-
3 ber of the Space Force.

4 “(3) Provisions pertaining to a regular officer
5 shall apply to an officer who is on sustained duty in
6 the Space Force.

7 “(4) Provisions pertaining to a regular enlisted
8 member shall apply to an enlisted member who is on
9 sustained duty in the Space Force.

10 “(5) Provisions pertaining to a reserve officer
11 shall apply to an officer who is in a Space Force ac-
12 tive status but not on sustained duty.

13 “(6) Provisions pertaining to a reserve enlisted
14 member shall apply to an enlisted member who is in
15 a Space Force active status but not on sustained
16 duty.

17 “(7) Provisions pertaining to service in a reg-
18 ular component shall apply to service on sustained
19 duty.

20 “(8) Provisions pertaining to service in a re-
21 serve component shall apply to service in a Space
22 Force active status not on sustained duty.

23 “(9) Provisions pertaining to a member of the
24 Ready Reserve shall apply to a member of the Space

1 Force who is in a Space Force active status prior to
2 being ordered to active duty.

3 “(10) Provisions pertaining to a member of the
4 Retired Reserve shall apply to a member of the
5 Space Force who has retired under chapter 1223 of
6 this title.

7 “(b) PROVISIONS OF LAW.—The provisions of this
8 title referred to in subsection (a) are the following:

9 “(1) Chapter 61, relating to retirement or sepa-
10 ration for physical disability.

11 “(2) Chapter 63, relating to retirement for age.

12 “(3) Chapter 69, relating to retired grade.

13 “(4) Chapter 71, relating to computation of re-
14 tired pay.

15 “(5) Chapter 941, relating to retirement from
16 the Air Force for length of service.

17 “(6) Chapter 945, relating to computation of
18 retired pay.

19 “(7) Chapter 1223, relating to retired pay for
20 non-regular service.

21 “(8) Chapter 1225, relating to retired grade.”.

22 (b) CONFORMING AMENDMENTS.—Title 10, United
23 States Code, is amended as follows:

24 (1) RETIRED MEMBERS ORDERED TO ACTIVE
25 DUTY.—Section 688(b) is amended—

1 (A) in paragraph (1), by striking “Regular
2 Marine Corps, or Regular Space Force” and in-
3 serting “or Regular Marine Corps”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(4) A retired member of the Space Force.”.

7 (2) RETIRED GRADE.—Section 9341 is amend-
8 ed—

9 (A) in subsection (a), by striking “or the
10 Space Force” both places it appears;

11 (B) in subsection (b), by striking “or a
12 Regular or Reserve of the Space Force”; and

13 (C) by adding at the end the following new
14 subsection:

15 “(c) SPACE FORCE.—(1) The retired grade of a com-
16 missioned officer of the Space Force who retires other
17 than for physical disability is determined under section
18 1370 or 1370a of this title, as applicable to the officer.

19 “(2) Unless entitled to a higher retired grade under
20 some other provision of law, a member of the Space Force
21 not covered by paragraph (1) who retires other than for
22 physical disability retires in the grade that the member
23 holds on the date of the member’s retirement.”.

24 (3) RETIRED GRADE OF ENLISTED MEMBERS
25 AFTER 30 YEARS OF SERVICE.—Section 9344(b)(2)

1 is amended by striking “Regular” before “Space
2 Force”.

3 (4) RETIRED LISTS.—Section 9346 is amend-
4 ed—

5 (A) in subsection (a), by striking “or the
6 Regular Space Force” and inserting “and a
7 separate retired list containing the name of
8 each retired commissioned officer of the Space
9 Force (other than an officer whose name is on
10 the list maintained under subsection (b)(2))”;

11 (B) in subsection (b)—

12 (i) by redesignating paragraphs (1)
13 and (2) as subparagraphs (A) and (B), re-
14 spectively;

15 (ii) by inserting “(1)” after “(b)”;

16 (iii) in subparagraph (A), as redesi-
17 gnated by clause (i), by striking “, or for
18 commissioned officers of the Space Force
19 other than of the Regular Space Force”;

20 (iv) in subparagraph (B), as so redesi-
21 gnated, by striking “or the Space Force”;
22 and

23 (v) by adding at the end the following
24 new paragraph:

1 “(2) The Secretary shall maintain a retired list con-
2 taining the name of—

3 “(A) each person entitled to retired pay who as
4 a member of the Space Force qualified for retire-
5 ment under section 20601 of this title; and

6 “(B) each retired warrant officer or enlisted
7 member of the Space Force who is advanced to a
8 commissioned grade.”;

9 (C) in subsection (c), by striking “or the
10 Space Force” and inserting “and a separate re-
11 tired list containing the name of each retired
12 warrant officer of the Space Force”; and

13 (D) in subsection (d), by striking “or the
14 Regular Space Force” and inserting “and a
15 separate retired list containing the name of
16 each retired enlisted member of the Space
17 Force”.

1 **Subtitle B—Conforming Amend-**
2 **ments Related to Space Force**
3 **Military Personnel System**

4 **SEC. 1731. AMENDMENTS TO DEPARTMENT OF THE AIR**
5 **FORCE PROVISIONS OF TITLE 10, UNITED**
6 **STATES CODE.**

7 (a) PROVISIONS RELATING TO PERSONNEL.—Part II
8 of subtitle D of title 10, United States Code, is amended
9 as follows:

10 (1) GENDER-FREE BASIS FOR ACCEPTANCE OF
11 ORIGINAL ENLISTMENTS.—

12 (A) Section 9132 is amended by striking
13 “Regular” before “Space Force”.

14 (B) The heading of such section is amend-
15 ed by striking “**REGULAR SPACE FORCE**”
16 and inserting “**SPACE FORCE**”.

17 (2) REENLISTMENT AFTER SERVICE AS AN OF-
18 FICER.—

19 (A) Section 9138(a) is amended by strik-
20 ing “Regular” before “Space Force” both
21 places it appears.

22 (B) The heading of section 9138 is amend-
23 ed by striking “**REGULAR SPACE FORCE**”
24 and inserting “**SPACE FORCE**”.

1 (3) WARRANT OFFICERS: ORIGINAL APPOINT-
2 MENT; QUALIFICATIONS.—Section 9160 is amended
3 by striking “Regular” before Space Force”.

4 (4) SERVICE AS AN OFFICER TO BE COUNTED
5 AS ENLISTED SERVICE.—Section 9252 is amended
6 by striking “Regular” before “Space Force”.

7 (5) CHAPTER HEADING.—

8 (A) The heading of chapter 915 is amend-
9 ed to read as follows:

10 **“CHAPTER 915—APPOINTMENTS IN THE**
11 **REGULAR AIR FORCE AND IN THE**
12 **SPACE FORCE”.**

13 (B) The tables of chapters at the begin-
14 ning of subtitle D, and at the beginning of part
15 II of subtitle D of such title, are each amended
16 by striking the item relating to chapter 915 and
17 inserting the following new item:

 “915. Appointments in the Regular Air Force and in the Space Force 9151.”.

18 (b) PROVISIONS RELATING TO TRAINING GEN-
19 ERALLY.—Section 9401 of such title is amended—

20 (1) in subsection (b)—

21 (A) by striking “or the Regular Space
22 Force” after “Regular Air Force”; and

23 (B) by inserting “or one of the Space
24 Force in a Space Force active status not on
25 sustained duty,” after “on the active-duty list,”;

1 (2) in subsection (c)—

2 (A) by striking “or Reserve of the Space
3 Force” and inserting “or member of the Space
4 Force in a Space Force active status not on
5 sustained duty”; and

6 (B) by striking “the Reserve’s consent”
7 and inserting “the member’s consent”; and

8 (3) in subsection (f)—

9 (A) by striking “the Regular Space Force”
10 and inserting “of Space Force members on sus-
11 tained duty”; and

12 (B) by striking “the Space Force Reserve”
13 and inserting “of Space Force members in an
14 active status not on sustained duty”.

15 (c) PROVISIONS RELATING TO THE AIR FORCE
16 ACADEMY.—Chapter 953 of such title is amended as fol-
17 lows:

18 (1) PERMANENT PROFESSORS; DIRECTOR OF
19 ADMISSIONS.—Section 9436 is amended—

20 (A) in subsection (a)—

21 (i) by striking “the equivalent grade
22 in” both places it appears;

23 (ii) by inserting “or the Space Force”
24 after “Regular Air Force” the first place it
25 appears;

1 (iii) by striking “and a permanent”
2 and all that follows through “in the Reg-
3 ular Air Force”; and

4 (B) in subsection (b)—

5 (i) by striking “the equivalent grade
6 in” both places it appears and inserting
7 “the grade of lieutenant colonel in”; and

8 (ii) by striking “Regular Space Force
9 has the grade equivalent to the grade of
10 colonel in the Regular Air Force” and in-
11 sserting “Space Force has the grade of
12 colonel in the Space Force”.

13 (2) APPOINTMENT OF CADETS.—Section
14 9442(b) is amended—

15 (A) in paragraph (1)(C), by inserting “, or
16 the Space Force,” after “members of reserve
17 components”; and

18 (B) in paragraph (2), by striking “Reg-
19 ular” before “Space Force”.

20 (3) AGREEMENT OF CADETS TO SERVE AS OF-
21 FICERS.—Section 9448(a) is amended—

22 (A) in paragraph (2)(A), by striking “Reg-
23 ular” before “Space Force”; and

24 (B) in paragraph (3)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, or to terminate
3 the officer’s order to sustained duty in the
4 Space Force” after “resign as a regular of-
5 ficer”;

6 (ii) in subparagraph (A), by striking
7 “or as a Reserve in the Space Force for
8 service in the Space Force Reserve” and
9 inserting “or will accept further assign-
10 ment in a Space Force active status”; and

11 (iii) in subparagraph (B), by inserting
12 “, or the Space Force,” after “that reserve
13 component”.

14 (4) HAZING.—Section 9452(c) is amended by
15 striking “Marine Corps, or Space Force,” and in-
16 serting, “or Marine Corps, or in the Space Force,”.

17 (5) COMMISSION UPON GRADUATION.—Section
18 9453(b) is amended—

19 (A) by striking “or in the equivalent grade
20 in the Regular Space Force”; and

21 (B) by inserting before the period the fol-
22 lowing: “or a second lieutenant in the Space
23 Force under section 531 or 20201 of this title”.

24 (d) PROVISIONS RELATING TO SCHOOLS AND
25 CAMPS.—Chapter 957 of such title is amended as follows:

1 (1) PURPOSE.—Section 9481 is amended—

2 (A) by striking “to qualify them for ap-
3 pointment” and inserting “to qualify them
4 for—

5 “(1) appointment”;

6 (B) by striking “or the Space Force Re-
7 serve.” and inserting “; or”; and

8 (C) by adding at the end the following new
9 paragraph:

10 “(2) appointment as officers, or enlistment as
11 noncommissioned officers, for service in the Space
12 Force in a Space Force active status.”.

13 (2) OPERATION.—Section 9482(4) is amended
14 by striking “or the Regular Space Force” and in-
15 serting “or members of the Space Force in an active
16 status”.

17 **SEC. 1732. AMENDMENTS TO SUBTITLE A OF TITLE 10,**
18 **UNITED STATES CODE.**

19 (a) PROVISIONS RELATING TO ORGANIZATION AND
20 GENERAL MILITARY POWERS.—Part I of subtitle A of
21 title 10, United States Code, is amended as follows:

22 (1) ANNUAL DEFENSE MANPOWER REPORT.—
23 Section 115a(d)(3)(F) is amended by inserting be-
24 fore the period the following: “or, in the case of the

1 Space Force, officers ordered to active duty other
2 than under section 20105(b) of this title”.

3 (2) SUSPENSION OF END-STRENGTH AND
4 OTHER STRENGTH LIMITATIONS IN TIME OF WAR OR
5 NATIONAL EMERGENCY.—Section 123a(a)(2) is
6 amended by inserting “or the Space Force” after “a
7 reserve component”.

8 (3) DEPUTY COMMANDER OF USNORTHCOM.—
9 Section 164(e)(4) is amended—

10 (A) by inserting “(A)” after “(4)”;

11 (B) by striking “shall be a” and all that
12 follows through the period at the end and in-
13 sserting “shall be—

14 “(i) a qualified officer of a reserve
15 component who is eligible for promotion to
16 the grade of lieutenant general or, in the
17 case of the Navy, vice admiral; or

18 “(ii) a qualified officer of the Space
19 Force whose prior service includes service
20 in a Space Force active status other than
21 sustained duty and who is eligible for pro-
22 motion to the grade of lieutenant gen-
23 eral.”; and

24 (C) by adding at the end the following new
25 subparagraph:

1 “(B) The requirement in subparagraph (A)
2 does not apply when the officer serving as com-
3 mander of the combatant command described in
4 that subparagraph is—

5 “(i) a reserve component officer; or

6 “(ii) an officer of the Space Force
7 whose prior service includes service in a
8 Space Force active status other than sus-
9 tained duty.”.

10 (4) READINESS REPORTS.—Section 482(a) is
11 amended by inserting “and the Space Force” after
12 “active and reserve components” both places it ap-
13 pears.

14 (b) DOPMA OFFICER PERSONNEL PROVISIONS.—
15 Chapter 36 of such title is amended as follows:

16 (1) NONDISCLOSURE OF BOARD PRO-
17 CEEDINGS.—Section 613a is amended by striking
18 “573, 611, or 628” both places it appears and in-
19 serting “573, 611, 628, or 20211”.

20 (2) INFORMATION FURNISHED TO SELECTION
21 BOARDS.—Section 615(a) is amended—

22 (A) in paragraph (1), by inserting “or
23 20211” after “section 611(a)”; and

24 (B) in paragraph (3)—

1 (i) in subparagraph (B)(i), by striking
2 “regular officer” and all that follows
3 through the period at the end and insert-
4 ing “regular officer or an officer in the
5 Space Force, a grade above captain or, in
6 the case of the Navy, lieutenant.”; and

7 (ii) in subparagraph (D)—

8 (I) by striking “major general,”
9 and inserting “major general or”; and

10 (II) by striking “or, in the case
11 of the Space Force, the equivalent
12 grade,”.

13 (3) ELIGIBILITY FOR CONSIDERATION FOR PRO-
14 MOTION: TIME-IN-GRADE AND OTHER REQUIRE-
15 MENTS.—Section 619(a) is amended by striking
16 “Marine Corps, or Space Force” each place it ap-
17 pears and inserting “or Marine Corps”.

18 (4) AUTHORITY TO VACATE PROMOTIONS TO
19 GRADES OF BRIGADIER GENERAL AND REAR ADMI-
20 RAL (LOWER HALF).—Section 625(b) is amended—

21 (A) by striking “Marine Corps, or Space
22 Force” and inserting “or Marine Corps”; and

23 (B) by adding at the end the following new
24 sentence: “An officer of the Space Force whose

1 promotion is vacated under this section holds
2 the grade of colonel.”.

3 (5) ACCEPTANCE OF PROMOTIONS; OATH OF
4 OFFICE.—Section 626 is amended by striking “sec-
5 tion 624” both places it appears and inserting “sec-
6 tion 624 or 20241”.

7 (6) SPECIAL SELECTION REVIEW BOARD.—Sec-
8 tion 628a is amended—

9 (A) in subsection (a)(1)(A)—

10 (i) by striking “major general,” and
11 inserting “major general or”; and

12 (ii) by striking “, or an equivalent
13 grade in the Space Force”;

14 (B) in subsection (e)(2), by adding at the
15 end the following new sentence: “However, in
16 the case of an officer on the Space Force officer
17 list, the provisions of section 618 of this title
18 apply to the report and proceedings of a special
19 selection review board convened under this sec-
20 tion in the same manner as they apply to report
21 and proceedings of a promotion board convened
22 under section 20211 of this title.”; and

23 (C) in subsection (f)(1), by adding at the
24 end the following new sentence: “However, if
25 the report of a special selection review board

1 convened under this section recommends the
2 sustainment of the recommendation for pro-
3 motion to the next higher grade of an officer on
4 the Space Force officer list who was referred to
5 it for review under this section, and the Presi-
6 dent approves the report, the officer shall, as
7 soon as practicable, be appointed to the grade
8 in accordance with subsections (b) and (c) of
9 section 20241 of this title.”.

10 (7) REMOVAL FROM LIST OF OFFICERS REC-
11 OMMENDED FOR PROMOTION.—Section 629 is
12 amended—

13 (A) in subsection (b), by inserting “or
14 20241(c)” after “section 624(c)”; and

15 (B) in subsection (c)—

16 (i) by inserting “or 20241(a)” after
17 “section 624(a)” both places it appears;
18 and

19 (ii) by inserting “or 20241(c)” after
20 “section 624(c)” both places it appears.

21 (8) RETIREMENT FOR YEARS OF SERVICE.—

22 (A) LIEUTENANT COLONELS.—Section
23 633(a) is amended—

24 (i) by inserting “(1)” before “Except
25 as”;

1 (ii) by striking “Regular Marine
2 Corps, or Regular Space Force” and in-
3 serting “or Regular Marine Corps”; and

4 (iii) by adding at the end the fol-
5 lowing new paragraph:

6 “(2) Except as provided under section 637(b) or 637a
7 of this title, each officer of the Space Force who holds
8 the grade of lieutenant colonel who is not on a list of offi-
9 cers recommended for promotion to the grade of colonel
10 shall, if not earlier retired, be retired on the first day of
11 the month after the month in which the officer completes
12 28 years of active commissioned service.”.

13 (B) COLONELS.—Section 634(a) is amend-
14 ed—

15 (i) by inserting “(1)” before “Except
16 as”;

17 (ii) by striking “Regular Marine
18 Corps, or Regular Space Force” and in-
19 serting “or Regular Marine Corps”; and

20 (iii) by adding at the end the fol-
21 lowing new paragraph:

22 “(2) Except as provided under section 637(b) or 637a
23 of this title, each officer of the Space Force who holds
24 the grade of colonel who is not on a list of officers rec-
25 ommended for promotion to the grade of brigadier general

1 shall, if not earlier retired, be retired on the first day of
2 the month after the month in which the officer completes
3 30 years of active commissioned service.”.

4 (C) BRIGADIER GENERALS.—Section 635
5 is amended—

6 (i) by inserting “(a) ARMY, NAVY, AIR
7 FORCE, AND MARINE CORPS” before “Ex-
8 cept as”;

9 (ii) by striking “Regular Marine
10 Corps, or Regular Space Force” and in-
11 serting “or Regular Marine Corps”; and

12 (iii) by adding at the end the fol-
13 lowing new subsection:

14 “(b) SPACE FORCE.—Except as provided under sec-
15 tion 637(b) or 637a of this title, each officer of the Space
16 Force who holds the grade of brigadier general who is not
17 on a list of officers recommended for promotion to the
18 grade of major general shall, if not earlier retired, be re-
19 tired as specified in subsection (a).”.

20 (D) OFFICERS IN GRADES ABOVE BRIGA-
21 DIER GENERAL.—Section 636(a) is amended—

22 (i) by inserting “(1)” before “Except
23 as”;

1 (ii) by striking “Regular Marine
2 Corps, or Regular Space Force” and in-
3 serting “or Regular Marine Corps”; and

4 (iii) by adding at the end the fol-
5 lowing new paragraph:

6 “(2) Except as provided in subsection (b) or (c) and
7 under section 637(b) or 637a of this title, each officer of
8 the Space Force who holds the grade of major general
9 shall, if not earlier retired, be retired as specified in para-
10 graph (1).”.

11 (E) SECTION HEADINGS.—

12 (i) The heading of section 633 is
13 amended by striking “**LIEUTENANT**
14 **COLONELS AND**” and inserting “**AND**
15 **SPACE FORCE LIEUTENANT COLO-**
16 **NELS; REGULAR NAVY**”.

17 (ii) The heading of section 634 is
18 amended by striking “**COLONELS AND**”
19 and inserting “**AND SPACE FORCE**
20 **COLONELS; REGULAR**”.

21 (iii) The heading of section 635 is
22 amended by striking “**BRIGADIER GEN-**
23 **ERALS AND**” and inserting “**AND SPACE**
24 **FORCE BRIGADIER GENERALS; REG-**
25 **ULAR NAVY**”.

1 (iv) The heading of section 636 is
2 amended by striking “**OFFICERS IN**
3 **GRADES ABOVE BRIGADIER GENERAL**
4 **AND**” and inserting “**AND SPACE FORCE**
5 **OFFICERS IN GRADES ABOVE BRIGA-**
6 **DIER GENERAL; REGULAR NAVY OFFI-**
7 **CERS IN GRADES ABOVE**”.

8 (c) MANAGEMENT POLICIES FOR JOINT QUALIFIED
9 OFFICERS.—Section 661(a) of such title is amended—

10 (1) by striking “Marine Corps, and Space
11 Force” and inserting “and Marine Corps”; and

12 (2) by inserting “, and officers of the Space
13 Force on the Space Force officer list,” after “active-
14 duty list”.

15 (d) LEAVE.—Chapter 40 of such title is amended as
16 follows:

17 (1) ENTITLEMENT AND ACCUMULATION.—Sec-
18 tion 701 is amended—

19 (A) in subsection (h)—

20 (i) by inserting at the end of para-
21 graph (2) the following new subparagraph:

22 “(D) A member of the Space Force in a
23 Space Force active status on sustained duty or
24 subject to a call or order to active duty for a
25 period in excess of 12 months.”; and

1 (ii) in paragraphs (5)(B) and (6), by
2 inserting “, or of the Space Force,” after
3 “member of a reserve component”; and
4 (B) in subsection (i), by inserting “, or of
5 the Space Force,” after “member of a reserve
6 component”.

7 (2) PAYMENT UPON DISAPPROVAL OF CERTAIN
8 BOARD OF INQUIRY RECOMMENDATIONS FOR EXCESS
9 LEAVE REQUIRED TO BE TAKEN.—Section
10 707a(a)(1) is amended by inserting “or 20503”
11 after “section 1182(c)(2)”.

12 (3) CAREER FLEXIBILITY TO ENHANCE RETEN-
13 TION OF MEMBERS.—Section 710 is amended—

14 (A) in subsection (a), by inserting “or of
15 the Space Force” after “regular components”;

16 (B) in subsection (b)(2), by inserting “, or
17 a Space Force officer in a Space Force active
18 status not on active duty under section
19 20105(b) of this title,” after “officer”;

20 (C) in subsection (c)(1), by inserting be-
21 fore the period at the end the following: “or, in
22 the case of a member of the Space Force on
23 sustained duty, to accept release from sustained
24 duty orders and to serve in a Space Force ac-
25 tive status”; and

1 (D) in subsection (g)(1)(A), by striking
2 “chapter 36 or 1405” and inserting “chapter
3 36, 1405, or 2005”.

4 (e) LIMITATION ON NUMBER OF OFFICERS WHO
5 MAY BE FROCKED TO A HIGHER GRADE.—Section
6 777(d)(2) of such title is amended by inserting “, or for
7 the Space Force, the Space Force officer list,” after “ac-
8 tive-duty list”.

9 (f) UNIFORM CODE OF MILITARY JUSTICE.—Chapter
10 47 of such title (the Uniform Code of Military Justice),
11 is amended as follows:

12 (1) PERSONS SUBJECT TO UCMJ.—Section 802
13 (article 2) is amended—

14 (A) in subsection (a)—

15 (i) in paragraph (1), by inserting
16 “and members of the Space Force on ac-
17 tive duty under section 20105 of this
18 title,” after “regular component of the
19 armed forces,”;

20 (ii) in paragraph (3)(A)(i), by insert-
21 ing “or the Space Force” after “reserve
22 component”;

23 (iii) in paragraph (5), by inserting “,
24 or retired members of the Space Force who
25 qualified for a non-regular retirement and

1 are receiving retired pay,” after “a reserve
2 component”; and

3 (iv) by adding at the end the following
4 new paragraph:

5 “(14) Retired members of the Space Force who
6 qualified for a regular retirement under section
7 20603 of this title and are receiving retired pay.”;
8 and

9 (B) in subsection (d)—

10 (i) in paragraph (1), by inserting “or
11 the Space Force” after “reserve compo-
12 nent”;

13 (ii) in paragraph (2), by inserting “or
14 the Space Force” after “a reserve compo-
15 nent”; and

16 (iii) in paragraph (4), by inserting “or
17 the Space Force” after “in a regular com-
18 ponent of the armed forces”.

19 (2) JURISDICTION TO TRY CERTAIN PER-
20 SONNEL.—Subsection (d) of section 803 (article 3)
21 is amended by inserting, “or the Space Force” after
22 “reserve component”.

23 (3) ARTICLES TO BE EXPLAINED.—Section 937
24 (article 137) is amended—

25 (A) in subsection (a)(1)—

1 (i) by striking “or” at the end of sub-
2 paragraph (A);

3 (ii) by striking the period at the end
4 of subparagraph (B) and inserting “; or”;
5 and

6 (iii) by adding at the end the fol-
7 lowing new subparagraph:

8 “(C) the member’s initial entrance on ac-
9 tive duty or into a Space Force active status.”;
10 (B) in subsection (a)(2)—

11 (i) by striking “and” at the end of
12 subparagraph (A);

13 (ii) by redesignating subparagraph
14 (B) as subparagraph (C); and

15 (iii) by inserting after subparagraph
16 (A) the following new subparagraph:

17 “(B) after a member of Space Force has
18 completed six months of sustained duty or in
19 the case of a member not on sustained duty,
20 after the member has completed basic or recruit
21 training; and”;

22 (C) in subsection (b)(1)(B), by inserting
23 “or the Space Force” after “in a reserve com-
24 ponent”; and

1 (D) in subsection (d)(1), by striking “or to
2 a member of a reserve component,” and insert-
3 ing “, to a member of a reserve component, or
4 to a member of the Space Force,”.

5 (g) RESTRICTION ON PERFORMANCE OF CIVIL FUNC-
6 TIONS BY OFFICERS ON ACTIVE DUTY.—Section
7 973(b)(1) of such title 10 is amended—

8 (1) by striking “and” at the end of subpara-
9 graph (B);

10 (2) by striking the period at the end of sub-
11 paragraph (C) and inserting “; and”; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(D) to an officer on the Space Force offi-
15 cer list serving on active duty under section
16 20105(b) of this title or under a call or order
17 to active duty for a period in excess of 270
18 days.”.

19 (h) USE OF COMMISSARY STORES AND MWR RETAIL
20 FACILITIES.—Section 1063 of such title is amended—

21 (1) in subsection (c)—

22 (A) in the heading, by inserting “AND
23 SPACE FORCE” after “RESERVE”; and

24 (B) by inserting “or the Space Force”
25 after “reserve component”;

1 (2) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively;

3 (3) by inserting after subsection (c) the fol-
4 lowing new subsection (d):

5 “(d) MEMBERS OF THE SPACE FORCE.—A member
6 of the Space Force in a Space Force active status who
7 is not on sustained duty shall be permitted to use com-
8 missary stores and MWR retail facilities under the same
9 conditions as specified in subsection (a) for a member of
10 the Selected Reserve.”; and

11 (4) in subsection (e), as redesignated by para-
12 graph (2), by striking “subsection (a) or (b)” in
13 paragraph (1) and inserting “subsection (a), (b), or
14 (d)”.

15 (i) MEMBERS INVOLUNTARY SEPARATED.—

16 (1) ELIGIBILITY FOR CERTAIN BENEFITS AND
17 SERVICES.—Section 1141 of such title is amended—

18 (A) by striking “and” at the end of para-
19 graph (3);

20 (B) by striking the period at the end of
21 paragraph (4) and inserting a semicolon; and

22 (C) by adding at the end the following new
23 paragraphs:

24 “(5) in the case of an officer of the Space
25 Force (other than a retired officer), the officer is in-

1 voluntarily discharged or released from active duty
2 under other than adverse conditions, as character-
3 ized by the Secretary of the Air Force; and

4 “(6) in the case of an enlisted member of the
5 Space Force, the member is—

6 “(A) denied reenlistment; or

7 “(B) involuntarily discharged or released
8 from active duty under other than adverse con-
9 ditions, as characterized by the Secretary of the
10 Air Force.”.

11 (2) SEPARATION PAY.—Section 1174(a)(2) of
12 such title is amended by striking “, Marine Corps,
13 or Space Force” both places it appears and inserting
14 “or Marine Corps”.

15 (j) BOARDS FOR THE CORRECTION OF MILITARY
16 RECORDS.—Chapter 79 of such title is amended as fol-
17 lows:

18 (1) REVIEW OF ACTIONS OF SELECTION
19 BOARDS AND CORRECTION OF MILITARY RECORDS.—
20 Section 1558 is amended—

21 (A) inserting “, or the Space Force,” after
22 “reserve component” each place it appears; and

23 (B) in subsection (b)—

1 (i) in paragraph (1)(C), by striking
2 “section 628 or 14502” and inserting
3 “section 628, 14502, or 20252”;

4 (ii) in paragraph (2)(A), by striking
5 “or 14705” and inserting “14507, or
6 20403”; and

7 (iii) in paragraph (2)(B)(i), by strik-
8 ing “or 14101(a)” and inserting
9 “14101(a), or 20211”.

10 (2) TITLE OF AIR FORCE SERVICE REVIEW
11 AGENCY.—

12 (A) Sections 1555(c)(3) and 1557(f)(3)
13 are amended by inserting “the Department of”
14 after “Air Force,”.

15 (B) Section 1556(a) is amended by insert-
16 ing “the Department of” after “the Army Re-
17 view Boards Agency,”.

18 (C) Section 1559(c)(3) is amended by in-
19 serting “the Department of” after “Air
20 Force,”.

21 (k) MILITARY FAMILY PROGRAMS.—Chapter 88 of
22 such title is amended as follows:

23 (1) MEMBERS OF DEPARTMENT OF DEFENSE
24 MILITARY READINESS COUNCIL.—Section
25 1781a(b)(1)(B)(iii) is amended—

1 (A) by striking “member and” and insert-
2 ing “member,”; and

3 (B) by inserting “, and one of whom shall
4 be the spouse or parent of a member of the
5 Space Force” after “parent of a reserve compo-
6 nent member”.

7 (2) DEPARTMENT OF DEFENSE POLICY AND
8 PLANS FOR MILITARY FAMILY READINESS .—Section
9 1781b is amended—

10 (A) in subsection (b)(3), by striking “mili-
11 tary families of members of the regular compo-
12 nents and military families of members of the
13 reserve components” and inserting “military
14 families of members of the regular components,
15 the reserve components, and the Space Force”;
16 and

17 (B) in subsection (c)(2)—

18 (i) by striking “both”; and

19 (ii) by striking “military families of
20 members of the regular components and
21 military families of members of the reserve
22 components” and inserting “military fami-
23 lies of members of the regular components,
24 members of the reserve components, and
25 members of the Space Force”.

1 (l) TRAINING AND EDUCATION PROGRAMS.—

2 (1) PAYMENT OF TUITION FOR OFF-DUTY
3 TRAINING OR EDUCATION.—Section 2007 of such
4 title is amended by adding at the end the following
5 new subsection:

6 “(g) The provisions of this section pertaining to mem-
7 bers of the Ready Reserve, the Selected Reserve, or the
8 Individual Ready Reserve also apply to members of the
9 Space Force in a Space Force active status who are not
10 on active duty.”.

11 (2) ROTC FINANCIAL ASSISTANT PROGRAM FOR
12 SPECIALLY SELECTED MEMBERS.—Section 2107 of
13 such title is amended—

14 (A) in subsection (a)—

15 (i) by striking “Navy,” and inserting
16 “Navy or”; and

17 (ii) by striking “Marine Corps, or as
18 an officer in the equivalent grade in the
19 Space Force” and inserting “or Marine
20 Corps”; and

21 (B) by adding at the end the following new
22 subsection:

23 “(k) APPLICABILITY TO SPACE FORCE.—(1) Provi-
24 sions of this section referring to a regular commission,
25 regular officer, or a commission in a regular component

1 shall be treated as also referring to the commission of an
2 officer, or an officer, who is a commissioned officer in the
3 Space Force serving on active duty pursuant to section
4 20105(b) of this title.

5 “(2) Provisions of this section referring to a reserve
6 commission, reserve officer, or a commission in a reserve
7 component shall be treated as also referring to the com-
8 mission of an officer, or an officer, who is a commissioned
9 officer in the Space Force not serving on active duty pur-
10 suant to section 20105(b) of this title.”.

11 (3) DUTY AS ROTC ADMINISTRATORS AND IN-
12 STRUCTORS.—Section 2111 of such title is amended
13 by adding at the end the following new sentence:
14 “The Secretary of the Air Force may detail mem-
15 bers of the Space Force in the same manner as reg-
16 ular and reserve members of the Air Force.”.

17 **SEC. 1733. TITLE 38, UNITED STATES CODE (VETERANS’**
18 **BENEFITS).**

19 (a) DEFINITIONS.—

20 (1) GENERAL DEFINITIONS.—Section 101 of
21 title 38, United States Code, is amended—

22 (A) in paragraph (23), by inserting “, or
23 for members of the Space Force in a Space
24 Force active status (as defined in section
25 101(e)(1) of title 10),” after “(including com-

1 missioned officers of the Reserve Corps of the
2 Public Health Service)” both places it appears;
3 and

4 (B) in paragraph (27)—

5 (i) by striking subparagraph (E); and

6 (ii) by redesignating subparagraphs
7 (F), (G), and (H) as subparagraphs (E),
8 (F), and (G), respectively.

9 (2) DEFINITIONS FOR PURPOSES OF SGLI.—

10 Section 1965 of such title is amended—

11 (A) in paragraph (2)(A), by inserting “, or
12 by members of the Space Force in a Space
13 Force active status (as defined in section
14 101(e)(1) of title 10) but not on sustained duty
15 under section 20105 of title 10,” after “for Re-
16 serves”; and

17 (B) in paragraph (3)(A), by inserting “, or
18 for members of the Space Force in a Space
19 Force active status (as defined in section
20 101(e)(1) of title 10),” after “(including com-
21 missioned officers of the Reserve Corps of the
22 Public Health Service)”.

23 (b) PERSONS ELIGIBLE FOR INTERMENT IN NA-
24 TIONAL CEMETERIES.—Section 2402(a) of such title is
25 amended in paragraph (2), by inserting “any member of

1 the Space Force,” after “a Reserve component of the
2 Armed Forces,”.

3 (c) EDUCATIONAL ASSISTANCE.—

4 (1) MONTGOMERY GI BILL.—Section
5 3011(a)(3)(D) of such title is amended by inserting
6 “or for further service in the Space Force in a Space
7 Force active status not on sustained duty under sec-
8 tion 20105 of title 10” after “of the Armed
9 Forces,”.

10 (2) POST 9-11 GI BILL.—Section 3311(c)(3) of
11 such title is amended by inserting “, or for further
12 service in the Space Force in a Space Force active
13 status not on sustained duty under section 20105 of
14 title 10,” after “of the Armed Forces” the second
15 place it appears.

16 **Subtitle C—Transition Provisions**

17 **SEC. 1741. TRANSITION PERIOD.**

18 In this subtitle, the term “transition period” means
19 the period beginning on the date of the enactment of this
20 Act and ending on the last day of the fourth fiscal year
21 beginning after the date of the enactment of this Act.

22 **SEC. 1742. CHANGE OF DUTY STATUS OF MEMBERS OF THE** 23 **SPACE FORCE.**

24 (a) CHANGE OF DUTY STATUS.—

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1 (1) CONVERSION OF STATUS AND ORDER TO
2 SUSTAINED DUTY.—During the transition period,
3 the Secretary of the Air Force shall change the duty
4 status of each member of the Regular Space Force
5 to Space Force active status and shall, at the same
6 time, order the member to sustained duty under sec-
7 tion 20105 of title 10, United States Code, as added
8 by section 1715 of this Act. Any such order may be
9 made without regard to any otherwise applicable re-
10 quirement that such an order be made only with the
11 consent of the member or as specified in an enlist-
12 ment agreement or active-duty service commitment.

13 (2) DEFINITIONS.—For purposes of this sec-
14 tion, the terms “Space Force active status” and
15 “sustained duty” have the meanings given those
16 terms by subsection (e) of section 101 of title 10,
17 United States Code, as added by section 1713(a).

18 (b) EFFECTIVE DATE OF CHANGE OF DUTY STA-
19 TUS.—The change of a member’s duty status and order
20 to sustained duty in accordance with subsection (a) shall
21 be effective on the date specified by the Secretary of the
22 Air Force, but not later than the last day of the transition
23 period.

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1 **SEC. 1743. TRANSFER TO THE SPACE FORCE OF MEMBERS**
2 **OF THE AIR FORCE RESERVE AND THE AIR**
3 **NATIONAL GUARD.**

4 (a) TRANSFER OF MEMBERS OF THE AIR FORCE RE-
5 SERVE.—

6 (1) OFFICERS.—During the transition period,
7 the Secretary of Defense may, with the officer's con-
8 sent, transfer a covered officer of the Air Force Re-
9 serve or the Air National Guard to, and appoint the
10 officer in, the Space Force.

11 (2) ENLISTED MEMBERS.—During the transi-
12 tion period, the Secretary of the Air Force may
13 transfer each covered enlisted member of the Air
14 Force Reserve or the Air National Guard to the
15 Space Force, other than those members who do not
16 consent to the transfer.

17 (3) EFFECTIVE DATE OF TRANSFERS.—Each
18 transfer under this subsection shall be effective on
19 the date specified by the Secretary of Defense, in the
20 case of an officer, or the Secretary of the Air Force,
21 in the case of an enlisted member, but not later than
22 the last day of the transition period.

23 (b) REGULATIONS.—Transfers under subsection (a)
24 shall be carried out under regulations prescribed by the
25 Secretary of Defense. In the case of an officer, applicable

1 regulations shall include those prescribed pursuant to sec-
2 tion 716 of title 10, United States Code.

3 (c) TERM OF INITIAL ENLISTMENT IN SPACE
4 FORCE.—In the case of a covered enlisted member who
5 is transferred to the Space Force in accordance with sub-
6 section (a), the Secretary of the Air Force may accept the
7 initial enlistment of the member in the Space Force for
8 a period of less than 2 years, but only if the period of
9 enlistment in the Space Force is not less than the period
10 remaining, as of the date of the transfer, in the member's
11 term of enlistment in the Air Force Reserve.

12 (d) END STRENGTH ADJUSTMENTS UPON TRANS-
13 FERS FROM AIR FORCE RESERVE OR AIR NATIONAL
14 GUARD TO SPACE FORCE.—During the transition period,
15 upon the transfer of a mission of the Air Force Reserve
16 or the Air National Guard to the Space Force—

17 (1) the end strength authorized for the Space
18 Force pursuant to section 115(a)(1)(A) of title 10,
19 United States Code, for the fiscal year during which
20 the transfer occurs shall be increased by the number
21 of billets associated with that mission; and

22 (2) the end strength authorized for the Air
23 Force Reserve and the Air National Guard pursuant
24 to section 115(a)(2) of such title for such fiscal year
25 shall be decreased by the same number.

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1 (e) ADMINISTRATIVE PROVISIONS.—For purposes of
2 the transfer of covered members of the Air Force Reserve
3 in accordance with subsection (a)—

4 (1) the Air Force Reserve, the Air National
5 Guard, and the Space Force shall be considered to
6 be components of the same Armed Force; and

7 (2) the Space Force officer list shall be consid-
8 ered to be an active-duty list of an Armed Force.

9 (f) RETRAINING AND REASSIGNMENT FOR MEMBERS
10 NOT TRANSFERRING.—If a covered member of the Air
11 Force Reserve or the Air National Guard does not consent
12 to transfer to the Space Force in accordance with sub-
13 section (a), the Secretary of the Air Force may, as deter-
14 mined appropriate by the Secretary in the case of the indi-
15 vidual member, provide the member retraining and reas-
16 signment within the Air Force Reserve.

17 (g) COVERED MEMBERS.—For purposes of this sec-
18 tion, the term “covered”, with respect to a member of the
19 Air Force Reserve or the Air National Guard, means—

20 (1) a member who as of the date of the enact-
21 ment of this Act holds an Air Force specialty code
22 for a specialty held by members of the Space Force;
23 and

1 (2) any other member designated by the Sec-
2 retary of the Air Force for the purposes of this sec-
3 tion.

4 **SEC. 1744. PLACEMENT OF OFFICERS ON THE SPACE**
5 **FORCE OFFICER LIST.**

6 (a) PLACEMENT ON LIST.—Officers of the Space
7 Force whose duty status is changed in accordance with
8 section 1742, and officers of the Air Force Reserve or the
9 Air National Guard who transfer to the Space Force in
10 accordance with section 1743, shall be placed on the Space
11 Force officer list in an order determined by their respec-
12 tive grades and dates of rank.

13 (b) OFFICERS OF SAME GRADE AND DATE OF
14 RANK.—Among officers of the same grade and date of
15 rank, placement on the Space Force officer list shall be
16 in the order of their rank as determined in accordance
17 with section 741(c) of title 10, United States Code.

18 **SEC. 1745. DISESTABLISHMENT OF REGULAR SPACE**
19 **FORCE.**

20 (a) DISESTABLISHMENT.—The Secretary of the Air
21 Force shall disestablish the Regular Space Force not later
22 than the end of the transition period, once there are no
23 longer any members remaining in the Regular Space
24 Force. The Regular Space Force shall be disestablished
25 upon the completion of the change of duty status of all

1 members of the Space Force pursuant to section 1742 and
2 certification by the Secretary of the Air Force to the con-
3 gressional defense committees that there are no longer any
4 members of the Regular Space Force.

5 (b) PUBLICATION OF NOTICE IN FEDERAL REG-
6 ISTER.—The Secretary shall publish in the Federal Reg-
7 ister notice of the disestablishment of the Regular Space
8 Force, including the date thereof, together with any cer-
9 tification submitted pursuant to subsection (a).

10 (c) CONFORMING REPEAL.—

11 (1) REPEAL.—Section 9085 of title 10, United
12 States Code, relating to the composition of the Reg-
13 ular Space Force, is repealed.

14 (2) EFFECTIVE DATE.—The amendment made
15 by this subsection shall take effect on the date on
16 which the certification is submitted under subsection
17 (a).

18 **SEC. 1746. END STRENGTH FLEXIBILITY.**

19 (a) ADDITIONAL AUTHORITY TO VARY END
20 STRENGTHS.—

21 (1) AUTHORITY.—Notwithstanding section
22 115(g) of title 10, United States Code, upon deter-
23 mination by the Secretary of the Air Force that such
24 action would enhance manning and readiness in es-
25 sential units or in critical specialties, the Secretary

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1 may vary the end strength authorized by Congress
2 for a fiscal year as follows:

3 (A) Increase the end strength authorized
4 pursuant to section 115(a)(1)(A) of such title
5 for a fiscal year for the Space Force by a num-
6 ber equal to not more than 5 percent of such
7 authorized end strength.

8 (B) Decrease the end strength authorized
9 pursuant to section 115(a)(1)(A) of such title
10 for a fiscal year for the Space Force by a num-
11 ber equal to not more than 10 percent of such
12 authorized end strength.

13 (2) TERMINATION.—The authority provided
14 under paragraph (1) shall terminate on the last day
15 of the transition period.

16 (b) TEMPORARY EXEMPTION FOR THE SPACE FORCE
17 FROM END STRENGTH GRADE RESTRICTIONS.—Sections
18 517 and 523 of title 10, United States Code, shall not
19 apply to the Space Force during the transition period.

20 **SEC. 1747. PROMOTION AUTHORITY FLEXIBILITY.**

21 (a) PROMOTION AUTHORITY FLEXIBILITY.—During
22 the transition period, the Secretary of the Air Force may
23 convene selection boards to consider officers on the Space
24 Force officer list for promotion, and may promote Space
25 Force officers selected by such boards, in accordance with

1 any of the following provisions of title 10, United States
2 Code:

3 (1) Chapter 36.

4 (2) Part III of subtitle E.

5 (3) Chapter 2005, as added by section 1716.

6 (b) COORDINATION OF PROVISIONS.—(1) For a selec-
7 tion board convened pursuant to subsection (a) to consider
8 members of the Space Force for promotion in accordance
9 with chapter 36 of such title—

10 (A) provisions that apply to an officer of a reg-
11 ular component of the Armed Forces shall apply to
12 an officer of the Space Force; and

13 (B) the Space Force officer list shall be consid-
14 ered to be an active-duty list.

15 (2) For a selection board convened pursuant to sub-
16 section (a) to consider members of the Space Force for
17 promotion in accordance with part III of subtitle E of such
18 title—

19 (A) provisions that apply to an officer of a re-
20 serve component of the Armed Forces shall apply to
21 an officer of the Space Force; and

22 (B) the Space Force officer list shall be consid-
23 ered to be a reserve active-status list.

24 (3) For a selection board convened pursuant to sub-
25 section (a) to consider members of the Space Force for

1 promotion in accordance with either chapter 36 or part
2 III of subtitle E of such title—

3 (A) section 20213 of such title, as added by
4 section 1716 if this Act, shall apply to the composi-
5 tion of the selection board;

6 (B) the provisions of chapter 2005 of such title,
7 as added by such section 1716, regarding officers on
8 the Space Force officer list eligible to be considered
9 for promotion to the grade of brigadier general or
10 major general shall apply;

11 (C) section 20216 of such title, as so added,
12 shall apply; and

13 (D) the provisions of chapter 36 or part III of
14 subtitle E of such title, as the case may be, regard-
15 ing failure of selection for promotion shall apply.

16 (c) EFFECT OF USING NEW CHAPTER 2005 AU-
17 THORITIES.—If the Secretary of the Air Force convenes
18 a selection board under chapter 2005 of title 10, United
19 States Code, as added by section 1716, to consider officers
20 on the Space Force officer list in a particular grade and
21 competitive category for selection for promotion to the
22 next higher grade, the Secretary may not convene a future
23 selection board pursuant to subsection (a) to consider offi-
24 cers of the same grade and competitive category under
25 chapter 36 or part III of subtitle E of such title.

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1 (5) RETIRED GRADE OF OFFICERS.—Section
2 1370 is amended as follows:

3 (A) Subsection (a)(2) is amended by strik-
4 ing “rear admiral in the Navy, or the equivalent
5 grade in the Space Force” both places it ap-
6 pears and inserting “or rear admiral in the
7 Navy”.

8 (B) Subsection (b) is amended —

9 (i) in paragraph (1)—

10 (I) by striking “or Marine
11 Corps” and all that follows through
12 “the Space Force,” and inserting
13 “Marine Corps, or Space Force or
14 lieutenant in the Navy,”; and

15 (II) in subparagraph (B), by
16 striking “major general” and all that
17 follows through “Space Force” and
18 inserting “major general or rear ad-
19 miral”;

20 (ii) in paragraph (4), by striking “or
21 Marine Corps” and all that follows through
22 “Space Force,” and inserting “Marine
23 Corps, or Space Force or captain in the
24 Navy,”;

25 (iii) in paragraph (5)—

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1 (I) in subparagraph (A), by strik-
2 ing “or Marine Corps” and all that
3 follows through “Space Force,” and
4 inserting “Marine Corps, or Space
5 Force or lieutenant commander in the
6 Navy,”;

7 (II) in subparagraph (B), by
8 striking “or Marine Corps” and all
9 that follows through “Space Force,”
10 and inserting “Marine Corps, or
11 Space Force or commander or captain
12 in the Navy,”; and

13 (III) in subparagraph (C), by
14 striking “or Marine Corps” and all
15 that follows through “Space Force,”
16 and inserting “Marine Corps, or
17 Space Force or rear admiral (lower
18 half) or rear admiral in the Navy,”;
19 and

20 (iv) in paragraph (6), by striking “, or
21 an equivalent grade in the Space Force,”.

22 (C) Subsection (c)(1) is amended by strik-
23 ing “or Marine Corps” and all that follows
24 through “Space Force” and inserting “Marine

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1 Corps, or Space Force or vice admiral or admiral in the Navy”.

3 (D) Subsection (d) is amended—

4 (i) in paragraph (1), by striking “or
5 Marine Corps” and all that follows through
6 “Space Force” and inserting “Marine
7 Corps, or Space Force or rear admiral in
8 the Navy”; and

9 (ii) in paragraph (3), by striking “or
10 Marine Corps” and all that follows through
11 “Space Force,” and inserting “Marine
12 Corps, or Space Force or captain in the
13 Navy,”.

14 (E) Subsection (e)(2) is amended by striking
15 “or Marine Corps” and all that follows
16 through “Space Force,” and inserting “Marine
17 Corps, or Space Force or vice admiral or admiral in the Navy,”.

19 (F) Subsection (f) is amended —

20 (i) in paragraph (3)—

21 (I) in subparagraph (A), by striking
22 “or Marine Corps” and all that
23 follows through “Space Force,” and
24 inserting “Marine Corps, or Space

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1 Force or rear admiral in the Navy”;
2 and

3 (II) in subparagraph (B), by
4 striking “or Marine Corps” and all
5 that follows through “Space Force”
6 and inserting “Marine Corps, or
7 Space Force or vice admiral or admiral
8 in the Navy”; and

9 (ii) in paragraph (6)—

10 (I) in subparagraph (A), by striking
11 “or Marine Corps” and all that
12 follows through “Space Force,” and
13 inserting “Marine Corps, or Space
14 Force or rear admiral in the Navy”;
15 and

16 (II) in subparagraph (B), by
17 striking “or Marine Corps” and all
18 that follows through “Space Force,”
19 and inserting “Marine Corps, or
20 Space Force or vice admiral or admiral
21 in the Navy”.

22 (6) HONORARY PROMOTIONS.—Sections
23 1563(e)(1) and 1563a(a)(1) are each amended—

24 (A) by striking “general,” and inserting
25 “general or”; and

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1 (B) by striking “, or an equivalent grade
2 in the Space Force”.

3 (7) AIR FORCE INSPECTOR GENERAL.—Section
4 9020(a) is amended by striking “the general, flag,
5 or equivalent officers of”.

6 (b) OTHER TITLE 10 AMENDMENTS.—Such title is
7 further amended as follows:

8 (1) LIMITATION ON NUMBER OF RETIRED MEM-
9 BERS ORDERED TO ACTIVE DUTY.—Section 690(a)
10 is amended by striking “or Marine Corps,” and in-
11 sserting “Marine Corps, or Space Force,”.

12 (2) THE UNIFORM.—Section 772(i) is amend-
13 ed—

14 (A) by striking “an Air Force School” and
15 inserting “an Air Force or Space Force school”;
16 and

17 (B) by striking “aviation badges of the Air
18 Force” and inserting “aviation or space badges
19 of the Air Force or Space Force”.

20 (3) MEMBERSHIP IN MILITARY UNIONS, ORGA-
21 NIZING OF MILITARY UNIONS, AND RECOGNITION OF
22 MILITARY UNIONS PROHIBITED.—Section
23 976(a)(1)(C) is amended by inserting “or the Space
24 Force” after “member of a Reserve component”.

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1 (4) LIMITATION ON ENLISTED AIDES.—Section
2 981 is amended—

3 (A) in subsection (a), by striking “Marine
4 Corps, Air Force,” and inserting “Air Force,
5 Marine Corps, Space Force,”;

6 (B) in subsection (b), by striking “and Ma-
7 rine Corps” and inserting “Marine Corps, and
8 Space Force”; and

9 (C) in subsection (c)(1), by inserting
10 “Space Force,” after “Marine Corps,”.

11 (5) DEFINITION OF VETERAN FOR PURPOSES
12 OF FUNERAL HONORS.—Section 1491(h)(1) is
13 amended by striking “or air service” and inserting
14 “air, or space service”.

15 (6) HOUSING FOR RECRUITS.—Section 9419(d)
16 is amended by inserting “or the Space Force” after
17 “training program of the Air Force”.

18 (7) CHARTER OF CHIEF OF SPACE OPER-
19 ATIONS.—Section 9082 is amended as follows:

20 (A) CROSS-REFERENCE CORRECTION.—
21 Subsection (d)(5) is amended by striking “sec-
22 tions” and all that follows through “of law”
23 and inserting “sections 171 and 3104 of this
24 title and other provisions of law”.

1 (B) ELAPSED-TIME PROVISION.—Sub-
2 section (e)(1) is amended by striking “Com-
3 mencing” and all that follows through “the
4 Chief” and inserting “The Chief”.

5 **SEC. 1752. OTHER PROVISIONS OF LAW.**

6 (a) TRADE ACT OF 1974.—Section 233(i)(1) of the
7 Trade Act of 1974 (19 U.S.C. 2293(i)(1)) is amended by
8 inserting “, or a member of the Space Force,” after “a
9 member of a reserve component of the Armed Forces”.

10 (b) TITLE 28, UNITED STATES CODE (JUDICIARY
11 AND JUDICIAL PROCEDURE).—Section 631(c) of title 28,
12 United States Code is amended by inserting “, members
13 of the Space Force” before “, and members of the Army
14 National Guard”.

15 (c) SERVICEMEMBERS CIVIL RELIEF ACT.—The
16 Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)
17 is amended as follows:

18 (1) DEFINITION OF MILITARY SERVICE.—Sec-
19 tion 101(2)(A) (50 U.S.C. 3911(2)(A)) is amended
20 by inserting “Space Force,” after “Marine Corps,”.

21 (2) SAME RIGHTS AND PROTECTIONS AS RE-
22 SERVES ORDERED TO REPORT FOR MILITARY SERV-
23 ICE.—Section 106 (50 U.S.C. 3917) is amended by
24 adding at the end the following new subsection:

1017

1 “(c) TREATMENT OF MEMBERS OF SPACE FORCE.—
2 The provisions of subsection (a) apply to a member of the
3 Space Force who is ordered to report for military service
4 in the same manner as to a member of a reserve compo-
5 nent who is ordered to report for military service.”.

6 (3) EXERCISE OF RIGHTS UNDER SCRA.—Sec-
7 tion 108(5) (50 U.S.C. 3919(5)) is amended by in-
8 serting “or as a member of the Space Force” before
9 the period at the end.

10 **DIVISION B—MILITARY CON-**
11 **STRUCTION AUTHORIZA-**
12 **TIONS**

13 **SEC. 2001. SHORT TITLE.**

14 This division may be cited as the “Military Construc-
15 tion Authorization Act for Fiscal Year 2024”.

16 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
17 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
18 **LAW.**

19 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
20 YEARS.—Except as provided in subsection (b), all author-
21 izations contained in titles XXI through XXVII for mili-
22 tary construction projects, land acquisition, family housing
23 projects and facilities, and contributions to the North At-
24 lantic Treaty Organization Security Investment Program

1 (and authorizations of appropriations therefor) shall ex-
2 pire on the later of—

3 (1) October 1, 2026; or

4 (2) the date of the enactment of an Act author-
5 izing funds for military construction for fiscal year
6 2027.

7 (b) EXCEPTION.—Subsection (a) shall not apply to
8 authorizations for military construction projects, land ac-
9 quisition, family housing projects and facilities, and con-
10 tributions to the North Atlantic Treaty Organization Se-
11 curity Investment Program (and authorizations of appro-
12 priations therefor), for which appropriated funds have
13 been obligated before the later of—

14 (1) October 1, 2026; or

15 (2) the date of the enactment of an Act author-
16 izing funds for fiscal year 2027 for military con-
17 struction projects, land acquisition, family housing
18 projects and facilities, or contributions to the North
19 Atlantic Treaty Organization Security Investment
20 Program.

21 **SEC. 2003. EFFECTIVE DATE.**

22 Titles XXI through XXVII shall take effect on the
23 later of—

24 (1) October 1, 2023; or

25 (2) the date of the enactment of this Act.

1 **TITLE XXI—ARMY MILITARY**
 2 **CONSTRUCTION**

3 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 4 **ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2103(a) and available for military con-
 8 struction projects inside the United States as specified in
 9 the funding table in section 4601, the Secretary of the
 10 Army may acquire real property and carry out military
 11 construction projects for the installations or locations in-
 12 side the United States, and in the amounts, set forth in
 13 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$50,000,000
Georgia	Fort Eisenhower	\$163,000,000
Hawaii	Aliamanu Military Reservation	\$20,000,000
	Fort Shafter	\$23,000,000
	Helemano Military Reservation	\$33,000,000
	Schofield Barracks	\$37,000,000
Kansas	Fort Riley	\$105,000,000
Kentucky	Fort Campbell	\$38,000,000
Louisiana	Fort Johnson	\$13,400,000
Massachusetts	Soldier Systems Center Natick	\$18,500,000
Michigan	Detroit Arsenal	\$72,000,000
North Carolina	Fort Liberty	\$154,500,000
Pennsylvania	Letterkenny Army Depot	\$89,000,000
Texas	Fort Bliss	\$74,000,000
	Red River Army Depot	\$113,000,000
Washington	Joint Base Lewis-McChord	\$100,000,000

14 (b) OUTSIDE THE UNITED STATES.—Using amounts
 15 appropriated pursuant to the authorization of appropria-
 16 tions in section 2103(a) and available for military con-
 17 struction projects outside the United States as specified

1 in the funding table in section 4601, the Secretary of the
 2 Army may acquire real property and carry out military
 3 construction projects for the installations or locations out-
 4 side the United States, and in the amounts, set forth in
 5 the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	\$10,400,000
	Hohenfels	\$56,000,000

6 (c) **PROTOTYPE PROJECT.**—Using amounts appro-
 7 priated pursuant to the authorization of appropriations in
 8 section 2103(a) and available for military construction
 9 projects as specified in the funding table in section 4601,
 10 the Secretary of the Army may carry out a military con-
 11 struction project for the installation, and in the amount,
 12 set forth in the following table as a prototype project
 13 under the pilot program under section 4022(i) of title 10,
 14 United States Code, notwithstanding subchapters I and
 15 III of chapter 169 and chapters 221 and 223 of title 10,
 16 United States Code:

Army Prototype Project

State	Installation	Amount
North Carolina	Fort Liberty	\$85,000,000

17 **SEC. 2102. FAMILY HOUSING.**

18 (a) **CONSTRUCTION AND ACQUISITION.**—Using
 19 amounts appropriated pursuant to the authorization of ap-
 20 propriations in section 2103(a) and available for military

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1 family housing functions as specified in the funding table
 2 in section 4601, the Secretary of the Army may construct
 3 or acquire family housing units (including land acquisition
 4 and supporting facilities) at the installations or locations,
 5 in the number of units, and in the amounts set forth in
 6 the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	Family Housing New Construc- tion	\$78,746,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction ...	\$98,600,000

7 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING
 8 UNITS.—Subject to section 2825 of title 10, United States
 9 Code, and using amounts appropriated pursuant to the
 10 authorization of appropriations in section 2103(a) and
 11 available for military family housing functions as specified
 12 in the funding table in section 4601, the Secretary of the
 13 Army may improve existing military family housing units
 14 in an amount not to exceed \$100,000,000.

15 (c) PLANNING AND DESIGN.—Using amounts appro-
 16 priated pursuant to the authorization of appropriations in
 17 section 2103(a) and available for military family housing
 18 functions as specified in the funding table in section 4601,
 19 the Secretary of the Army may carry out architectural and
 20 engineering services and construction design activities

1 with respect to the construction or improvement of family
2 housing units in an amount not to exceed \$27,549,000.

3 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
5 are hereby authorized to be appropriated for fiscal years
6 beginning after September 30, 2023, for military con-
7 struction, land acquisition, and military family housing
8 functions of the Department of the Army as specified in
9 the funding table in section 4601.

10 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
11 PROJECTS.—Notwithstanding the cost variations author-
12 ized by section 2853 of title 10, United States Code, and
13 any other cost variation authorized by law, the total cost
14 of all projects carried out under section 2101 of this Act
15 may not exceed the total amount authorized to be appro-
16 priated under subsection (a), as specified in the funding
17 table in section 4601.

18 **SEC. 2104. EXTENSION OF AUTHORITY TO USE CASH PAY-**
19 **MENTS IN SPECIAL ACCOUNT FROM LAND**
20 **CONVEYANCE, NATICK SOLDIER SYSTEMS**
21 **CENTER, MASSACHUSETTS.**

22 Section 2844(c)(2)(C) of the Military Construction
23 Authorization Act for Fiscal Year 2018 (division B of
24 Public Law 115–91; 131 Stat. 1865) is amended by strik-
25 ing “October 1, 2025” and inserting “October 1, 2027”.

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1 **SEC. 2105. EXTENSION OF AUTHORITY TO CARRY OUT FIS-**
 2 **CAL YEAR 2018 PROJECT AT KUNSAN AIR**
 3 **BASE, KOREA.**

4 (a) **EXTENSION.**—Notwithstanding section 2002 of
 5 the Military Construction Authorization Act for Fiscal
 6 Year 2018 (division B of Public Law 115–91; 131 Stat.
 7 1817), the authorization set forth in the table in sub-
 8 section (b), as provided in section 2101(b) of that Act
 9 (131 Stat. 1819) and extended and modified by sub-
 10 sections (a) and (b) of section 2106 of the Military Con-
 11 struction Act for Fiscal Year 2023 (division B of Public
 12 Law 117–263), shall remain in effect until October 1,
 13 2024, or the date of the enactment of an Act authorizing
 14 funds for military construction for fiscal year 2025, which-
 15 ever is later.

16 (b) **TABLE.**—The table referred to in subsection (a)
 17 is as follows:

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Korea	Kunsan Air Base	Unmanned Aerial Vehicle Hangar ...	\$53,000,000

18 **SEC. 2106. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 19 **TAIN FISCAL YEAR 2019 PROJECTS.**

20 (a) **ARMY CONSTRUCTION AND LAND ACQUISI-**
 21 **TION.**—

1 (1) EXTENSION.—Notwithstanding section
 2 2002 of the Military Construction Authorization Act
 3 for Fiscal Year 2019 (division B of Public Law 115–
 4 232; 132 Stat. 2240), the authorizations set forth in
 5 the table in paragraph (2), as provided in section
 6 2101 of that Act (132 Stat. 2241), shall remain in
 7 effect until October 1, 2024, or the date of the en-
 8 actment of an Act authorizing funds for military
 9 construction for fiscal year 2025, whichever is later.

10 (2) TABLE.—The table referred to in paragraph
 11 (1) is as follows:

Army: Extension of 2019 Project Authorizations

State/ Country	Installation or Location	Project	Original Au- thorized Amount
Korea	Camp Tango	Command and Con- trol Facility	\$17,500,000
Maryland	Fort Meade	Cantonment Area Roads	\$16,500,000

12 (b) OVERSEAS CONTINGENCY OPERATIONS.—

13 (1) EXTENSION.—Notwithstanding section
 14 2002 of the Military Construction Authorization Act
 15 for Fiscal Year 2019 (division B of Public Law 115–
 16 232; 132 Stat. 2240), the authorizations set forth in
 17 the table in paragraph (2), as provided in section
 18 2901 of that Act (132 Stat. 2286), shall remain in
 19 effect until October 1, 2024, or the date of the en-
 20 actment of an Act authorizing funds for military
 21 construction for fiscal year 2025, whichever is later.

1 (2) TABLE.—The table referred to in paragraph
 2 (1) is as follows:

Army: Extension of 2019 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Bulgaria	Nevo Selo FOS	EDI: Ammunition Holding Area	\$5,200,000
Romania	Mihail Kogalniceanu FOS	EDI: Explosives & Ammo Load/Un-load Apron.	\$21,651,000

3 **SEC. 2107. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 4 **TAIN FISCAL YEAR 2021 PROJECTS.**

5 (a) ARMY CONSTRUCTION AND LAND ACQUISSI-
 6 TION.—

7 (1) EXTENSION.—Notwithstanding section
 8 2002 of the Military Construction Authorization Act
 9 for Fiscal Year 2021 (division B of Public Law 116–
 10 283; 134 Stat. 4294), the authorizations set forth in
 11 the table in paragraph (2), as provided in section
 12 2101(a) of that Act (134 Stat. 4295), shall remain
 13 in effect until October 1, 2024, or the date of the
 14 enactment of an Act authorizing funds for military
 15 construction for fiscal year 2025, whichever is later.

16 (2) TABLE.—The table referred to in paragraph
 17 (1) is as follows:

Army: Extension of 2021 Project Authorizations

State	Installation or Location	Project	Original Authorized Amount
Arizona	Yuma Proving Ground	Ready Building	\$14,000,000

Army: Extension of 2021 Project Authorizations—Continued

State	Installation or Location	Project	Original Authorized Amount
Georgia	Fort Gillem	Forensic Lab	\$71,000,000
Louisiana	Fort Johnson	Information Systems Facility	\$25,000,000

1 (b) CHILD DEVELOPMENT CENTER, GEORGIA.—

2 (1) EXTENSION.—Notwithstanding section
 3 2002 of the Military Construction Authorization Act
 4 for Fiscal Year 2021 (division B of Public Law 116–
 5 283; 134 Stat. 4294), the authorization under sec-
 6 tion 2865 of that Act (10 U.S.C. 2802 note) for the
 7 project described in paragraph (2) in Fort Eisen-
 8 hower, Georgia, shall remain in effect until October
 9 1, 2024, or the date of the enactment of an Act au-
 10 thorizing funds for military construction for fiscal
 11 year 2025, whichever is later.

12 (2) PROJECT DESCRIBED.—The project de-
 13 scribed in this paragraph is the following:

Army: Extension of 2021 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
Georgia	Fort Eisenhower	Child Development Center	\$21,000,000

1 **TITLE XXII—NAVY MILITARY**
 2 **CONSTRUCTION**

3 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 4 **ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2203(a) and available for military con-
 8 struction projects inside the United States as specified in
 9 the funding table in section 4601, the Secretary of the
 10 Navy may acquire real property and carry out military
 11 construction projects for the installations or locations in-
 12 side the United States, and in the amounts, set forth in
 13 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Marine Corps Air Ground Combat Center Twentynine Palms.	\$42,100,000
.....	Port Hueneme	\$110,000,000
Connecticut	Naval Submarine Base New London	\$331,718,000
District of Columbia	Marine Barracks Washington	\$131,800,000
Florida	Naval Air Station Whiting Field	\$141,500,000
Guam	Andersen Air Force Base	\$497,620,000
.....	Joint Region Marianas	\$174,540,000
.....	Naval Base Guam	\$946,500,000
Hawaii	Marine Corps Base Kaneohe Bay	\$227,350,000
Maryland	Fort Meade	\$186,480,000
.....	Naval Air Station Patuxent River	\$141,700,000
North Carolina	Marine Corps Air Station Cherry Point	\$270,150,000
.....	Marine Corps Base Camp Lejeune	\$183,780,000
Pennsylvania	Naval Surface Warfare Center Philadelphia	\$88,200,000
Virginia	Dam Neck Annex	\$109,680,000
.....	Joint Expeditionary Base Little Creek - Fort Story.	\$35,000,000
.....	Marine Corps Base Quantico	\$127,120,000
.....	Naval Station Norfolk	\$158,095,000
.....	Naval Weapons Station Yorktown	\$221,920,000
Washington	Naval Base Kitsap	\$245,000,000

14 (b) OUTSIDE THE UNITED STATES.—Using amounts
 15 appropriated pursuant to the authorization of appropria-

1 tions in section 2203(a) and available for military con-
 2 struction projects outside the United States as specified
 3 in the funding table in section 4601, the Secretary of the
 4 Navy may acquire real property and carry out military
 5 construction projects for the installations or locations out-
 6 side the United States, and in the amounts, set forth in
 7 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonnier	\$106,600,000
Italy	Naval Air Station Sigonella	\$77,072,000

8 (c) PROTOTYPE PROJECT.—Using amounts appro-
 9 priated pursuant to the authorization of appropriations in
 10 section 2203(a) and available for military construction
 11 projects as specified in the funding table in section 4601,
 12 the Secretary of the Navy may carry out a military con-
 13 struction project for the installation, and in the amount,
 14 set forth in the following table as a prototype project
 15 under the pilot program under section 4022(i) of title 10,
 16 United States Code, notwithstanding subchapters I and
 17 III of chapter 169 and chapters 221 and 223 of title 10,
 18 United States Code:

Navy Prototype Project

State	Installation	Amount
Virginia	Joint Expeditionary Base Little Creek - Fort Story.	\$35,000,000

1 **SEC. 2202. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2203(a) and available for military
 5 family housing functions as specified in the funding table
 6 in section 4601, the Secretary of the Navy may construct
 7 or acquire family housing units (including land acquisition
 8 and supporting facilities) at the installations or locations,
 9 in the number of units, and in the amounts set forth in
 10 the following table:

Navy: Family Housing

Country	Installation or Location	Units	Amount
Guam	Joint Region Marianas.	Replace Andersen Housing Ph 8.	\$121,906,000
.....	Mariana Islands ..	Replace Andersen Housing (AF) PH7.	\$83,126,000

11 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING
 12 UNITS.—Subject to section 2825 of title 10, United States
 13 Code, and using amounts appropriated pursuant to the
 14 authorization of appropriations in section 2203(a) and
 15 available for military family housing functions as specified
 16 in the funding table in section 4601, the Secretary of the
 17 Navy may improve existing military family housing units
 18 in an amount not to exceed \$57,740,000.

19 (c) PLANNING AND DESIGN.—Using amounts appro-
 20 priated pursuant to the authorization of appropriations in
 21 section 2203(a) and available for military family housing

1 functions as specified in the funding table in section 4601,
2 the Secretary of the Navy may carry out architectural and
3 engineering services and construction design activities
4 with respect to the construction or improvement of family
5 housing units in an amount not to exceed \$14,370,000.

6 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
8 are hereby authorized to be appropriated for fiscal years
9 beginning after September 30, 2023, for military con-
10 struction, land acquisition, and military family housing
11 functions of the Department of the Navy, as specified in
12 the funding table in section 4601.

13 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
14 PROJECTS.—Notwithstanding the cost variations author-
15 ized by section 2853 of title 10, United States Code, and
16 any other cost variation authorized by law, the total cost
17 of all projects carried out under section 2201 of this Act
18 may not exceed the total amount authorized to be appro-
19 priated under subsection (a), as specified in the funding
20 table in section 4601.

21 **SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
22 **TAIN FISCAL YEAR 2019 PROJECTS.**

23 (a) NAVY CONSTRUCTION AND LAND ACQUISITION
24 PROJECTS.—

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1 (1) EXTENSION.—Notwithstanding section
 2 2002 of the Military Construction Authorization Act
 3 for Fiscal Year 2019 (division B of Public Law 115–
 4 232; 132 Stat. 2240), the authorizations set forth in
 5 the table in paragraph (2), as provided in section
 6 2201 of that Act (132 Stat. 2243), shall remain in
 7 effect until October 1, 2024, or the date of the en-
 8 actment of an Act authorizing funds for military
 9 construction for fiscal year 2025, whichever is later.

10 (2) TABLE.—The table referred to in paragraph
 11 (1) is as follows:

Navy: Extension of 2019 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
Bahrain	SW Asia	Fleet Maintenance Facility & TOC.	\$26,340,000
North Carolina	Marine Corps Base Camp Lejeune.	2nd Radio BN Complex, Phase 2.	\$51,300,000
South Carolina	Marine Corps Air Station Beaufort.	Recycling/Hazardous Waste Facility.	\$9,517,000
Washington	Bangor	Pier and Maintenance Facility.	\$88,960,000

12 (b) LAUREL BAY FIRE STATION, SOUTH CARO-
 13 LINA.—

14 (1) EXTENSION.—Notwithstanding section
 15 2002 of the Military Construction Authorization Act
 16 for Fiscal Year 2019 (division B of Public Law 115–
 17 232; 132 Stat. 2240), the authorization under sec-
 18 tion 2810 of that Act (132 Stat. 2266) for the
 19 project described in paragraph (2) shall remain in

1 effect until October 1, 2024, or the date of the en-
 2 actment of an Act authorizing funds for military
 3 construction for fiscal year 2025, whichever is later.

4 (2) PROJECT DESCRIBED.—The project de-
 5 scribed in this paragraph is the following::

Navy: Extension of 2019 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
South Carolina	Marine Corps Air Station Beau- fort.	Laurel Bay Fire Station ...	\$10,750,000

6 (c) OVERSEAS CONTINGENCY OPERATIONS.—

7 (1) EXTENSION.—Notwithstanding section
 8 2002 of the Military Construction Authorization Act
 9 for Fiscal Year 2019 (division B of Public Law 115–
 10 232; 132 Stat. 2240), the authorization set forth in
 11 the table in paragraph (2), as provided in section
 12 2902 of that Act (132 Stat. 2286), shall remain in
 13 effect until October 1, 2024, or the date of the en-
 14 actment of an Act authorizing funds for military
 15 construction for fiscal year 2025, whichever is later.

16 (2) TABLE.—The table referred to in paragraph
 17 (1) is as follows:

Navy: Extension of 2019 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Greece	Naval Support Activity Sou- da Bay.	EDI: Joint Mobility Proc- essing Center.	\$41,650,000

1 **SEC. 2205. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 2 **TAIN FISCAL YEAR 2021 PROJECTS.**

3 (a) **EXTENSION.**—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2021 (division B of Public Law 116–283; 134 Stat.
 6 4294), the authorizations set forth in the table in sub-
 7 section (b), as provided in section 2201 of that Act (134
 8 Stat. 4297), shall remain in effect until October 1, 2024,
 9 or the date of the enactment of an Act authorizing funds
 10 for military construction for fiscal year 2025, whichever
 11 is later.

12 (b) **TABLE.**—The table referred to in subsection (a)
 13 is as follows:

Navy: Extension of 2021 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
California	Twentynine Palms.	Wastewater Treatment Plant.	\$76,500,000
Guam	Joint Region Marianas.	Joint Communication Upgrade.	\$166,000,000
Maine	NCTAMS LANT Detachment Cutler.	Perimeter Security	\$26,100,000
Nevada	Fallon	Range Training Complex, Phase I.	\$29,040,000

14 **TITLE XXIII—AIR FORCE**
 15 **MILITARY CONSTRUCTION**

16 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 17 **LAND ACQUISITION PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts
 19 appropriated pursuant to the authorization of appropria-

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1 tions in section 2303(a) and available for military con-
 2 struction projects inside the United States as specified in
 3 the funding table in section 4601, the Secretary of the
 4 Air Force may acquire real property and carry out mili-
 5 tary construction projects for the installations or locations
 6 inside the United States, and in the amounts, set forth
 7 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Florida	MacDill Air Force Base	\$131,000,000
.....	Patrick Space Force Base	\$27,000,000
.....	Tyndall Air Force Base	\$252,000,000
Georgia	Robins Air Force Base	\$115,000,000
Guam	Joint Region Marianas	\$411,000,000
Massachusetts	Hanscom Air Force Base	\$37,000,000
Mississippi	Columbus Air Force Base	\$39,500,000
South Dakota	Ellsworth Air Force Base	\$235,000,000
Texas	Joint Base San Antonio-Lackland	\$20,000,000
Utah	Hill Air Force Base	\$82,000,000
Wyoming	F.E. Warren Air Force Base	\$85,000,000

8 (b) OUTSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2303(a) and available for military con-
 11 struction projects outside the United States as specified
 12 in the funding table in section 4601, the Secretary of the
 13 Air Force may acquire real property and carry out mili-
 14 tary construction projects for the installations or locations
 15 outside the United States, and in the amounts, set forth
 16 in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Royal Australian Air Force Base Darwin ...	\$26,000,000
.....	Royal Australian Air Force Base Tindal	\$130,500,000
Norway	Rygge Air Station	\$119,000,000
Philippines	Cesar Basa Air Base	\$35,000,000

Air Force: Outside the United States—Continued

Country	Installation or Location	Amount
Spain	Morón Air Base	\$26,000,000
United Kingdom	Royal Air Force Fairford	\$47,000,000
.....	Royal Air Force Lakenheath	\$78,000,000

1 (c) **PROTOTYPE PROJECT.**—Using amounts appro-
 2 priated pursuant to the authorization of appropriations in
 3 section 2303(a) and available for military construction
 4 projects as specified in the funding table in section 4601,
 5 the Secretary of the Air Force may carry out a military
 6 construction project for the installation, and in the
 7 amount, set forth in the following table as a prototype
 8 project under the pilot program under section 4022(i) of
 9 title 10, United States Code, notwithstanding subchapters
 10 I and III of chapter 169 and chapters 221 and 223 of
 11 title 10, United States Code:

Air Force Prototype Project

State	Installation	Amount
Massachusetts	Hanscom Air Force Base	\$37,000,000

12 **SEC. 2302. FAMILY HOUSING.**

13 (a) **IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 14 **UNITS.**—Subject to section 2825 of title 10, United States
 15 Code, and using amounts appropriated pursuant to the
 16 authorization of appropriations in section 2303(a) and
 17 available for military family housing functions as specified
 18 in the funding table in section 4601, the Secretary of the

1 Air Force may improve existing military family housing
2 units in an amount not to exceed \$229,282,000.

3 (b) PLANNING AND DESIGN.—Using amounts appro-
4 priated pursuant to the authorization of appropriations in
5 section 2303(a) and available for military family housing
6 functions as specified in the funding table in section 4601,
7 the Secretary of the Air Force may carry out architectural
8 and engineering services and construction design activities
9 with respect to the construction or improvement of family
10 housing units in an amount not to exceed \$7,815,000.

11 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR**
12 **FORCE.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
14 are hereby authorized to be appropriated for fiscal years
15 beginning after September 30, 2023, for military con-
16 struction, land acquisition, and military family housing
17 functions of the Department of the Air Force, as specified
18 in the funding table in section 4601.

19 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
20 PROJECTS.—Notwithstanding the cost variations author-
21 ized by section 2853 of title 10, United States Code, and
22 any other cost variation authorized by law, the total cost
23 of all projects carried out under section 2301 of this Act
24 may not exceed the total amount authorized to be appro-

1 priated under subsection (a), as specified in the funding
 2 table in section 4601.

3 **SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 4 **TAIN FISCAL YEAR 2017 PROJECTS.**

5 (a) AIR FORCE CONSTRUCTION AND LAND ACQUISSI-
 6 TION PROJECTS.—

7 (1) EXTENSION.—Notwithstanding section
 8 2002 of the Military Construction Authorization Act
 9 for Fiscal Year 2017 (division B of Public Law 114–
 10 328; 130 Stat. 2688), the authorizations set forth in
 11 the table in paragraph (2), as provided in section
 12 2301(b) of that Act (130 Stat. 2697) and extended
 13 by section 2304 of the Military Construction Author-
 14 ization Act for Fiscal Year 2022 (division B of Pub-
 15 lic Law 117–181; 135 Stat. 2169), shall remain in
 16 effect until October 1, 2024, or the date of the en-
 17 actment of an Act authorizing funds for military
 18 construction for fiscal year 2025, whichever is later.

19 (2) TABLE.—The table referred to in paragraph
 20 (1) is as follows:

Air Force: Extension of 2017 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Germany	Ramstein Air Base	37 AS Squadron Operations/Aircraft Maintenance Unit	\$13,437,000
.....	Spangdahlem Air Base	Upgrade Hardened Aircraft Shelters for F/A-22	
			\$2,700,000

Air Force: Extension of 2017 Project Authorizations—Continued

Country	Installation or Location	Project	Original Authorized Amount
Japan	Yokota Air Force Base	C-130J Corrosion Control Hangar ...	\$23,777,000

1 (b) OVERSEAS CONTINGENCY OPERATIONS.—

2 (1) EXTENSION.—Notwithstanding section
 3 2002 of the Military Construction Authorization Act
 4 for Fiscal Year 2017 (division B of Public Law 114–
 5 328; 130 Stat. 2688), the authorization set forth in
 6 the table in paragraph (2), as provided in section
 7 2902 of that Act (130 Stat. 2743) and extended by
 8 section 2304 of the Military Construction Authoriza-
 9 tion Act for Fiscal Year 2022 (division B of Public
 10 Law 117–181; 135 Stat. 2169), shall remain in ef-
 11 fect until October 1, 2024, or the date of the enact-
 12 ment of an Act authorizing funds for military con-
 13 struction for fiscal year 2025, whichever is later.

14 (2) TABLE.—The table referred to in paragraph
 15 (1) is as follows:

Air Force: Extension of 2017 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Germany	Spangdahlem Air Base	F/A-22 Low Observ-able/Composite Repair Facility	\$12,000,000

1 **SEC. 2305. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 2 **TAIN FISCAL YEAR 2018 PROJECTS.**

3 (a) AIR FORCE CONSTRUCTION AND LAND ACQUISSI-
 4 TION PROJECTS.—

5 (1) EXTENSION.—Notwithstanding section
 6 2002 of the Military Construction Authorization Act
 7 for Fiscal Year 2018 (division B of Public Law 115–
 8 91; 131 Stat. 1817), the authorization set forth in
 9 the table in paragraph (2), as provided in section
 10 2301(a) of that Act (131 Stat. 1825) and extended
 11 by section 2304(a) of the Military Construction Au-
 12 thorization Act for Fiscal Year 2023 (division B of
 13 Public Law 117–263), shall remain in effect until
 14 October 1, 2024, or the date of the enactment of an
 15 Act authorizing funds for military construction for
 16 fiscal year 2025, whichever is later.

17 (2) TABLE.—The table referred to in paragraph
 18 (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

State	Installation or Location	Project	Original Authorized Amount
Florida	Tyndall Air Force Base	Fire Station	\$17,000,000

19 (b) OVERSEAS CONTINGENCY OPERATIONS.—

20 (1) EXTENSION.—Notwithstanding section
 21 2002 of the Military Construction Authorization Act
 22 for Fiscal Year 2018 (division B of Public Law 115–

1 91; 131 Stat. 1817), the authorizations set forth in
 2 the table in paragraph (2), as provided in section
 3 2903 of that Act (131 Stat. 1876) and extended by
 4 section 2304(b) of the Military Construction Author-
 5 ization Act for Fiscal Year 2023 (division B of Pub-
 6 lic Law 117-263), shall remain in effect until Octo-
 7 ber 1, 2024, or the date of the enactment of an Act
 8 authorizing funds for military construction for fiscal
 9 year 2025, whichever is later.

10 (2) TABLE.—The table referred to in paragraph
 11 (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Hungary	Keckemet Air Base	ERI: Airfield Up-grades	\$12,900,000
.....	Keckemet Air Base	ERI: Construct Par-allel Taxiway	\$30,000,000
.....	Keckemet Air Base	ERI: Increase POL Storage Capacity	\$12,500,000
Luxembourg ...	Sanem	ERI: ECAOS Deployable Air-base System Stor-age.	\$67,400,000
Slovakia	Malacky	ERI: Airfield Up-grades	\$4,000,000
.....	Malacky	ERI: Increase POL Storage Capacity	\$20,000,000

12 **SEC. 2306. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 13 **TAIN FISCAL YEAR 2019 PROJECTS.**

14 (a) AIR FORCE CONSTRUCTION AND LAND ACQUISI-
 15 TION PROJECTS.—

16 (1) EXTENSION.—Notwithstanding section
 17 2002 of the Military Construction Authorization Act

1 for Fiscal Year 2019 (division B of Public Law 115–
 2 232; 132 Stat. 2240), the authorizations set forth in
 3 the table in paragraph (2), as provided in section
 4 2301 of that Act (132 Stat. 2246), shall remain in
 5 effect until October 1, 2024, or the date of the en-
 6 actment of an Act authorizing funds for military
 7 construction for fiscal year 2025, whichever is later.

8 (2) TABLE.—The table referred to in paragraph
 9 (1) is as follows:

Air Force: Extension of 2019 Project Authorizations

State/ Country	Installation or Location	Project	Original Authorized Amount
Mariana Is- lands	Tinian	APR-Cargo Pad with Taxiway Ex- tension.	\$46,000,000
.....	Tinian	APR-Maintenance Support Facility ..	\$4,700,000
Maryland	Joint Base Andrews	Child Development Center	\$13,000,000
.....	Joint Base Andrews	PAR Relocate Haz Cargo Pad and EOD Range.	\$37,000,000
New Mexico	Holloman Air Force Base	MQ-9 FTU Ops Fa- cility	\$85,000,000
.....	Kirtland Air Force Base	Wyoming Gate Up- grade for Anti- Terrorism Compli- ance	\$7,000,000
United King- dom	Royal Air Force Lakenheath	F-35 ADAL Conven- tional Munitions MX	\$9,204,000
Utah	Hill Air Force Base	Composite Aircraft Antenna Calibra- tion Fac.	\$26,000,000

10 (b) OVERSEAS CONTINGENCY OPERATIONS.—

11 (1) EXTENSION.—Notwithstanding section
 12 2002 of the Military Construction Authorization Act

1 for Fiscal Year 2019 (division B of Public Law 115–
 2 232; 132 Stat. 2240), the authorizations set forth in
 3 the table in paragraph (2), as provided in section
 4 2903 of that Act (132 Stat. 2287), shall remain in
 5 effect until October 1, 2024, or the date of the en-
 6 actment of an Act authorizing funds for military
 7 construction for fiscal year 2025, whichever is later.

8 (2) TABLE.—The table referred to in paragraph
 9 (1) is as follows:

Air Force: Extension of 2019 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Slovakia	Malacky	EDI: Regional Munitions Storage Area	\$59,000,000
United Kingdom	RAF Fairford	EDI: Construct DABS-FEV Storage	\$87,000,000
.....	RAF Fairford	EDI: Munitions Holding Area	\$19,000,000

10 **SEC. 2307. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 11 **TAIN FISCAL YEAR 2021 PROJECTS.**

12 (a) AIR FORCE CONSTRUCTION AND LAND ACQUISI-
 13 TION PROJECT.—

14 (1) EXTENSION.—Notwithstanding section
 15 2002 of the Military Construction Authorization Act
 16 for Fiscal Year 2021 (division B of Public Law 116–
 17 283; 134 Stat. 4294), the authorization set forth in
 18 the table in paragraph (2), as provided in section
 19 2301 of that Act (134 Stat. 4299), shall remain in

1 effect until October 1, 2024, or the date of the en-
 2 actment of an Act authorizing funds for military
 3 construction for fiscal year 2025, whichever is later.

4 (2) TABLE.—The table referred to in paragraph
 5 (1) is as follows:

Air Force: Extension of 2021 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
Virginia	Joint Base Langley-Eustis	Access Control Point Main Gate with Lang Acq.	\$19,500,00

6 (b) OVERSEAS CONTINGENCY OPERATIONS.—

7 (1) EXTENSION.—Notwithstanding section
 8 2002 of the Military Construction Authorization Act
 9 for Fiscal Year 2021 (division B of Public Law 116–
 10 283; 134 Stat. 4294), the authorizations set forth in
 11 the table in paragraph (2), as provided in section
 12 2902 of that Act (134 Stat. 4373), shall remain in
 13 effect until October 1, 2024, or the date of the en-
 14 actment of an Act authorizing funds for military
 15 construction for fiscal year 2025, whichever is later.

16 (2) TABLE.—The table referred to in paragraph
 17 (1) is as follows:

Air Force: Extension of 2021 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Germany	Ramstein	EDI: Rapid Airfield Damage Repair Storage	\$36,345,000

Air Force: Extension of 2021 Project Authorizations—Continued

Country	Installation or Location	Project	Original Authorized Amount
.....	Spangdahlem Air Base	EDI: Rapid Airfield Damage Repair Storage	\$25,824,000

1 **TITLE XXIV—DEFENSE AGEN-**
 2 **CIES MILITARY CONSTRUC-**
 3 **TION**

4 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 5 **TION AND LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2403(a) and available for military con-
 9 struction projects inside the United States as specified in
 10 the funding table in section 4601, the Secretary of De-
 11 fense may acquire real property and carry out military
 12 construction projects for the installations or locations in-
 13 side the United States, and in the amounts, set forth in
 14 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$147,975,000
California	Marine Corps Air Station Miramar	\$103,000,000
	Naval Base Coronado	\$51,000,000
Delaware	Naval Base San Diego	\$101,644,000
	Dover Air Force Base	\$30,500,000
Maryland	Fort Meade	\$885,000,000
	Joint Base Andrews	\$38,300,000
Montana	Great Falls International Airport	\$30,000,000
North Carolina	Marine Corps Base Camp Lejeune	\$70,000,000
Utah	Hill Air Force Base	\$14,200,000
Virginia	Fort Belvoir	\$185,000,000
	Joint Expeditionary Base Little Creek – Fort Story.	\$61,000,000
	Pentagon	\$30,600,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
Washington	Joint Base Lewis – McChord	\$62,000,000
	Manchester	\$71,000,000
	Naval Undersea Warfare Center Keyport	\$37,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403(a) and available for military con-
 4 struction projects outside the United States as specified
 5 in the funding table in section 4601, the Secretary of De-
 6 fense may acquire real property and carry out military
 7 construction projects for the installations or locations out-
 8 side the United States, and in the amounts, set forth in
 9 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Cuba	Guantanamo Bay Naval Station	\$257,000,000
Germany	Baumholder	\$57,700,000
	Ramstein Air Base	\$181,764,000
Honduras	Soto Cano Air Base	\$41,300,000
Japan	Kadena Air Base	\$100,300,000
Spain	Naval Station Rota	\$80,000,000

10 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-**
 11 **SERVATION INVESTMENT PROGRAM**
 12 **PROJECTS.**

13 (a) INSIDE THE UNITED STATES.—Using amounts
 14 appropriated pursuant to the authorization of appropria-
 15 tions in section 2403(a) and available for energy conserva-
 16 tion projects as specified in the funding table in section
 17 4601, the Secretary of Defense may carry out energy con-

1 servation projects under chapter 173 of title 10, United
 2 States Code, for the installations or locations inside the
 3 United States, and in the amounts, set forth in the fol-
 4 lowing table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
California	Marine Corps Air Station Miramar	\$30,550,000
	Naval Base San Diego	\$6,300,000
	Vandenberg Space Force Base	\$57,000,000
Colorado	Buckley Space Force Base	\$14,700,000
Georgia	Naval Submarine Base Kings Bay	\$49,500,000
Kansas	Forbes Field	\$5,850,000
Missouri	Lake City Army Ammunition Plant	\$80,100,000
Nebraska	Offutt Air Force Base	\$41,000,000
North Carolina	Fort Liberty (Camp Mackall)	\$10,500,000
Oklahoma	Fort Sill	\$76,650,000
Puerto Rico	Fort Buchanan	\$56,000,000
Texas	Fort Cavazos	\$18,250,000
Virginia	Pentagon	\$2,250,000
Washington	Joint Base Lewis – McChord	\$49,850,000
Wyoming	F.E. Warren Air Force Base	\$25,000,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2403(a) and available for energy conserva-
 8 tion projects as specified in the funding table in section
 9 4601, the Secretary of Defense may carry out energy con-
 10 servation projects under chapter 173 of title 10, United
 11 States Code, for the installations or locations outside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Korea	K-16 Air Base	\$5,650,000
Kuwait	Camp Buehring	\$18,850,000

1 (c) IMPROVEMENT OF CONVEYED UTILITY SYS-
 2 TEMS.—In the case of a utility system that is conveyed
 3 under section 2688 of title 10, United States Code, and
 4 that only provides utility services to a military installation,
 5 notwithstanding subchapters I and III of chapter 169 and
 6 chapters 221 and 223 of title 10, United States Code, the
 7 Secretary of Defense or the Secretary of a military depart-
 8 ment may authorize a contract with the conveyee of the
 9 utility system to carry out the military construction
 10 projects set forth in the following table:

Improvement of Conveyed Utility Systems

State	Installation or Location	Project
Nebraska	Offutt Air Force Base	Microgrid and Backup Power
North Carolina ...	Fort Liberty (Camp Mackall)	Microgrid and Backup Power
Texas	Fort Cavazos	Microgrid and Backup Power
Washington	Joint Base Lewis – McChord	Power Generation and Microgrid

11 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
 12 **FENSE AGENCIES.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 14 are hereby authorized to be appropriated for fiscal years
 15 beginning after September 30, 2023, for military con-
 16 struction, land acquisition, and military family housing
 17 functions of the Department of Defense (other than the
 18 military departments), as specified in the funding table
 19 in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
2 PROJECTS.—Notwithstanding the cost variations author-
3 ized by section 2853 of title 10, United States Code, and
4 any other cost variation authorized by law, the total cost
5 of all projects carried out under section 2401 of this Act
6 may not exceed the total amount authorized to be appro-
7 priated under subsection (a), as specified in the funding
8 table in section 4601.

9 **SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
10 **TAIN FISCAL YEAR 2018 PROJECTS.**

11 (a) EXTENSION.—Notwithstanding section 2002 of
12 the Military Construction Authorization Act for Fiscal
13 Year 2018 (division B of Public Law 115–91; 131 Stat.
14 1817), the authorizations set forth in the table in sub-
15 section (b), as provided in section 2401(b) of that Act
16 (131 Stat. 1829) and extended by section 2404 of the
17 Military Construction Authorization Act for Fiscal Year
18 2023 (division B of Public Law 117–263), shall remain
19 in effect until October 1, 2024, or the date of the enact-
20 ment of an Act authorizing funds for military construction
21 for fiscal year 2025, whichever is later.

22 (b) TABLE.—The table referred to in subsection (a)
23 is as follows:

Defense Agencies: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Japan	Iwakuni	Construct Bulk Storage Tanks PH 1	\$30,800,000
Puerto Rico	Punta Borinquen	Ramey Unit School Replacement	\$61,071,000

1 **SEC. 2405. EXTENSION AND MODIFICATION OF AUTHORITY**
 2 **TO CARRY OUT CERTAIN FISCAL YEAR 2019**
 3 **PROJECTS.**

4 (a) EXTENSION.—

5 (1) IN GENERAL.—Notwithstanding section
 6 2002 of the Military Construction Authorization Act
 7 for Fiscal Year 2019 (division B of Public Law 115–
 8 232; 132 Stat. 2240), the authorizations set forth in
 9 the table in paragraph (2), as provided in section
 10 2401(b) of that Act (132 Stat. 2249), shall remain
 11 in effect until October 1, 2024, or the date of the
 12 enactment of an Act authorizing funds for military
 13 construction for fiscal year 2025, whichever is later.

14 (2) TABLE.—The table referred to in paragraph
 15 (1) is as follows:

Defense Agencies: Extension of 2019 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Germany	Baumholder	SOF Joint Parachute Rigging Facility	\$11,504,000
Japan	Camp McTureous	Betchel Elementary School	\$94,851,000
	Iwakuni	Fuel Pier	\$33,200,000

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1 (b) MODIFICATION OF AUTHORITY TO CARRY OUT
2 FISCAL YEAR 2019 PROJECT IN BAUMHOLDER, GER-
3 MANY.—

4 (1) MODIFICATION OF PROJECT AUTHORITY.—

5 In the case of the authorization contained in the
6 table in section 2401(b) of the Military Construction
7 Authorization Act for Fiscal Year 2019 (division B
8 of Public Law 115–232; 132 Stat. 2249) for
9 Baumholder, Germany, for construction of a SOF
10 Joint Parachute Rigging Facility, the Secretary of
11 Defense may construct a 3,200 square meter facility.

12 (2) MODIFICATION OF PROJECT AMOUNTS.—

13 (A) DIVISION B TABLE.—The authoriza-
14 tion table in section 2401(b) of the Military
15 Construction Defense Authorization Act for
16 Fiscal Year 2019 (division B of Public Law
17 115–232; 132 Stat. 2249), as extended pursu-
18 ant to subsection (a), is amended in the item
19 relating to Baumholder, Germany, by striking
20 “\$11,504,000” and inserting “\$23,000,000” to
21 reflect the project modification made by para-
22 graph (1).

23 (B) DIVISION D TABLE.—The funding
24 table in section 4601 of the John S. McCain
25 National Defense Authorization Act for Fiscal

1 Year 2019 (Public Law 115–232; 132 Stat.
 2 2406) is amended in the item relating to De-
 3 fense-wide, Baumholder, Germany, SOF Joint
 4 Parachute Rigging Facility, by striking
 5 “\$11,504” in the Conference Authorized col-
 6 umn and inserting “\$23,000” to reflect the
 7 project modification made by paragraph (1).

8 **SEC. 2406. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 9 **TAIN FISCAL YEAR 2021 PROJECTS.**

10 (a) DEFENSE AGENCIES CONSTRUCTION AND LAND
 11 ACQUISITION PROJECT.—

12 (1) EXTENSION.—Notwithstanding section
 13 2002 of the Military Construction Authorization Act
 14 for Fiscal Year 2021 (division B of Public Law 116–
 15 283; 134 Stat. 4294), the authorization set forth in
 16 the table in paragraph (2), as provided in section
 17 2401(b) of that Act (134 Stat. 4305), shall remain
 18 in effect until October 1, 2024, or the date of the
 19 enactment of an Act authorizing funds for military
 20 construction for fiscal year 2025, whichever is later.

21 (2) TABLE.—The table referred to in paragraph
 22 (1) is as follows:

Defense Agencies: Extension of 2021 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Japan	Def Fuel Support Point Tsurumi	Fuel Wharf	\$49,500,000

1 (b) ENERGY RESILIENCE AND CONSERVATION IN-
 2 VESTMENT PROGRAM PROJECTS.—

3 (1) EXTENSION.—Notwithstanding section
 4 2002 of the Military Construction Authorization Act
 5 for Fiscal Year 2021 (division B of Public Law 116–
 6 283; 134 Stat. 4294), the authorizations set forth in
 7 the table in paragraph (2), as provided in section
 8 2402 of that Act (134 Stat. 4306), shall remain in
 9 effect until October 1, 2024, or the date of the en-
 10 actment of an Act authorizing funds for military
 11 construction for fiscal year 2025, whichever is later.

12 (2) TABLE.—The table referred to in subsection
 13 (a) is as follows:

ERCIP Projects: Extension of 2021 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
Arkansas	Ebbing Air National Guard Base	PV Arrays and Battery Storage	\$2,600,000
California	Marine Corps Air Ground Combat Center Twentynine Palms	Install 10 Mw Battery Energy Storage for Various Buildings	\$11,646,000
	Military Ocean Terminal Concord	Military Ocean Terminal Concord Microgrid	\$29,000,000
	Naval Support Activity Monterey	Cogeneration Plant at B236	\$10,540,000
Italy	Naval Support Activity Naples	Smart Grid	\$3,490,000
Nevada	Creech Air Force Base	Central Standby Generators	\$32,000,000

ERCIP Projects: Extension of 2021 Project Authorizations—
Continued

State/Country	Installation or Location	Project	Original Authorized Amount
Virginia	Naval Medical Center Portsmouth	Retro Air Handling Units From Constant Volume; Reheat to Variable Air Volume	\$611,000

1 SEC. 2407. ADDITIONAL AUTHORITY TO CARRY OUT CER-
2 TAIN FISCAL YEAR 2022 PROJECTS.

3 In the case of a utility system that is conveyed under
4 section 2688 of title 10, United States Code, and that only
5 provides utility services to a military installation, notwith-
6 standing subchapters I and III of chapter 169 and chap-
7 ters 221 and 223 of title 10, United States Code, the Sec-
8 retary of Defense or the Secretary of a military depart-
9 ment may authorize a contract with the conveyee of the
10 utility system to carry out the military construction
11 projects set forth in the following table:

Improvement of Conveyed Utility Systems

State	Installation or Location	Project
Alabama	Fort Novosel	Construct a 10 MW RICE Generator Plant and Micro-Grid Controls
Georgia	Fort Moore	Construct 4.8MW Generation and Microgrid
	Fort Stewart	Construct a 10 MW Generation Plant, with Microgrid Controls
New York	Fort Drum	Well Field Expansion Project

Improvement of Conveyed Utility Systems—Continued

State	Installation or Location	Project
North Carolina ...	Fort Liberty	Construct 10 MW Microgrid Utilizing Existing and New Generators Fort Liberty Emergency Water System

1 SEC. 2408. ADDITIONAL AUTHORITY TO CARRY OUT CER-
2 TAIN FISCAL YEAR 2023 PROJECTS.

3 In the case of a utility system that is conveyed under
 4 section 2688 of title 10, United States Code, and that only
 5 provides utility services to a military installation, notwith-
 6 standing subchapters I and III of chapter 169 and chap-
 7 ters 221 and 223 of title 10, United States Code, the Sec-
 8 retary of Defense or the Secretary of a military depart-
 9 ment may authorize a contract with the conveyee of the
 10 utility system to carry out the military construction
 11 projects set forth in the following table:

Improvement of Conveyed Utility Systems

State	Installation or Location	Project
Georgia	Fort Stewart – Hunter Army Airfield	Power Generation and Microgrid
Kansas	Fort Riley	Power Generation and Microgrid
Texas	Fort Cavazos	Power Generation and Microgrid

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1 **TITLE XXV—INTERNATIONAL**
2 **PROGRAMS**
3 **Subtitle A—North Atlantic Treaty**
4 **Organization Security Invest-**
5 **ment Program**

6 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 The Secretary of Defense may make contributions for
9 the North Atlantic Treaty Organization Security Invest-
10 ment Program as provided in section 2806 of title 10,
11 United States Code, in an amount not to exceed the sum
12 of the amount authorized to be appropriated for this pur-
13 pose in section 2502 and the amount collected from the
14 North Atlantic Treaty Organization as a result of con-
15 struction previously financed by the United States.

16 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2023, for con-
19 tributions by the Secretary of Defense under section 2806
20 of title 10, United States Code, for the share of the United
21 States of the cost of projects for the North Atlantic Treaty
22 Organization Security Investment Program authorized by
23 section 2501 as specified in the funding table in section
24 4601.

1 **Subtitle B—Host Country In-kind**
 2 **Contributions**

3 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
 4 **PROJECTS.**

5 Pursuant to agreement with the Republic of Korea
 6 for required in-kind contributions, the Secretary of De-
 7 fense may accept military construction projects for the in-
 8 stallations or locations in the Republic of Korea, and in
 9 the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Bonifas	Vehicle Maintenance Shop	\$7,700,000
Army	Camp Carroll	Humidity-Controlled Warehouse.	\$189,000,000
Army	Camp Humphreys	Airfield Services Storage Warehouse.	\$7,100,000
Army	Camp Walker	Consolidated Fire and Military Police Station.	\$48,000,000
Army	Pusan	Warehouse Facility	\$40,000,000
Navy	Chinhae	Electrical Switchgear Building.	\$6,000,000
Air Force	Osan Air Base	Consolidated Operations Group and Maintenance Group Headquarters.	\$46,000,000
Air Force	Osan Air Base	Flight Line Dining Facility	\$6,800,000
Air Force	Osan Air Base	Reconnaissance Squadron Operations and Avionics Facility.	\$30,000,000
Air Force	Osan Air Base	Repair Aircraft Maintenance Hangar B1732.	\$8,000,000
Air Force	Osan Air Base	Upgrade Electrical Distribution East, Phase 2.	\$46,000,000
Air Force	Osan Air Base	Water Supply Treatment Facility.	\$22,000,000

10 **SEC. 2512. REPUBLIC OF POLAND FUNDED CONSTRUCTION**
 11 **PROJECTS.**

12 Pursuant to agreement with the Republic of Poland
 13 for required in-kind contributions, the Secretary of De-
 14 fense may accept military construction projects for the in-

- 1 stallations or locations in the Republic of Poland, and in
- 2 the amounts, set forth in the following table:

Republic of Poland Funded Construction Projects

Country	Installation or Location	Project	Amount
Army	Powidz	Barracks and Dining Facility.	\$93,000,000
Army	Powidz	Rotary Wing Aircraft Apron.	\$35,000,000
Army	Swietoszow	Bulk Fuel Storage	\$35,000,000
Army	Swietoszow	Rail Extension and Railroad.	\$7,300,000
Air Force	Wroclaw	Aerial Port of Debarkation Ramp.	\$59,000,000
Air Force	Wroclaw	Taxiways to Aerial Port of Debarkation Ramp.	\$39,000,000
Defense-wide ..	Lubliniec	Special Operations Forces Company Operations Facility.	\$16,200,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

8 Using amounts appropriated pursuant to the author-
 9 ization of appropriations in section 2606 and available for
 10 the National Guard and Reserve as specified in the fund-
 11 ing table in section 4601, the Secretary of the Army may
 12 acquire real property and carry out military construction
 13 projects for the Army National Guard locations inside the
 14 United States, and in the amounts, set forth in the fol-
 15 lowing table:

Army National Guard

State	Location	Amount
Arizona	Surprise Readiness Center	\$15,000,000
Florida	Camp Blanding	\$11,000,000
Idaho	Jerome County Regional Site	\$17,000,000

Army National Guard—Continued

State	Location	Amount
Illinois	North Riverside Armory	\$24,000,000
Kentucky	Burlington	\$16,400,000
Mississippi	Southaven	\$22,000,000
Missouri	Belle Fontaine	\$28,000,000
New Hampshire	Littleton	\$23,000,000
New Mexico	Rio Rancho Training Site	\$11,000,000
New York	Lexington Avenue Armory	\$90,000,000
Ohio	Camp Perry Joint Training Center	\$19,200,000
Oregon	Washington County Readiness Center	\$26,000,000
Pennsylvania	Hermitage Readiness Center	\$13,600,000
Rhode Island	North Kingstown	\$30,000,000
South Carolina	Aiken County Readiness Center	\$20,000,000
.....	McCrary Training Center	\$7,900,000
Virginia	Sandston RC & FMS 1	\$20,000,000
Wisconsin	Viroqua	\$18,200,000

1 SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION
2 AND LAND ACQUISITION PROJECTS.

3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Army may
 7 acquire real property and carry out military construction
 8 projects for the Army Reserve locations inside the United
 9 States, and in the amounts, set forth in the following
 10 table:

Army Reserve

State	Location	Amount
Alabama	Birmingham	\$57,000,000
Arizona	Queen Creek	\$12,000,000
California	Fort Hunter Liggett	\$40,000,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 2 **CORPS RESERVE CONSTRUCTION AND LAND**
 3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2606 and available for
 6 the National Guard and Reserve as specified in the fund-
 7 ing table in section 4601, the Secretary of the Navy may
 8 acquire real property and carry out military construction
 9 projects for the Navy Reserve and Marine Corps Reserve
 10 locations inside the United States, and in the amounts,
 11 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Michigan	Battle Creek	\$24,549,000
Virginia	Marine Forces Reserve Dam Neck Virginia Beach	\$12,400,000

12 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2606 and available for
 16 the National Guard and Reserve as specified in the fund-
 17 ing table in section 4601, the Secretary of the Air Force
 18 may acquire real property and carry out military construc-
 19 tion projects for the Air National Guard locations inside
 20 the United States, and in the amounts, set forth in the
 21 following table:

Air National Guard

State	Location	Amount
Alabama	Montgomery Regional Airport	\$7,000,000
Alaska	Joint Base Elmendorf – Richardson	\$7,000,000
Arizona	Tucson International Airport	\$11,600,000
Arkansas	Ebbing Air National Guard Base	\$76,000,000
Colorado	Buckley Space Force Base	\$12,000,000
Indiana	Fort Wayne International Airport	\$8,900,000
Oregon	Portland International Airport	\$71,500,000
Pennsylvania	Harrisburg International Airport	\$8,000,000
Wisconsin	Truax Field	\$5,200,000

1 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

2
 3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Air Force
 7 may acquire real property and carry out military construc-
 8 tion projects for the Air Force Reserve locations inside
 9 the United States, and in the amounts, set forth in the
 10 following table:

Air Force Reserve

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	\$8,500,000
California	March Air Reserve Base	\$226,500,000
Guam	Joint Region Marianas	\$27,000,000
Louisiana	Barksdale Air Force Base	\$7,000,000
Texas	Naval Air Station Joint Reserve Base Fort Worth.	\$16,000,000

11 SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

12
 13 Funds are hereby authorized to be appropriated for
 14 fiscal years beginning after September 30, 2023, for the
 15 costs of acquisition, architectural and engineering services,

1 and construction of facilities for the Guard and Reserve
 2 Forces, and for contributions therefor, under chapter
 3 1803 of title 10, United States Code (including the cost
 4 of acquisition of land for those facilities), as specified in
 5 the funding table in section 4601.

6 **SEC. 2607. EXTENSION OF AUTHORITY TO CARRY OUT FIS-**
 7 **CAL YEAR 2018 PROJECT AT HULMAN RE-**
 8 **GIONAL AIRPORT, INDIANA.**

9 (a) **EXTENSION.**—Notwithstanding section 2002 of
 10 the Military Construction Authorization Act for Fiscal
 11 Year 2018 (division B of Public Law 115–91; 131 Stat.
 12 1817), the authorization set forth in the table in sub-
 13 section (b), as provided in section 2604 of that Act (131
 14 Stat. 1836) and extended by section 2608 of the Military
 15 Construction Authorization Act for Fiscal Year 2023 (di-
 16 vision B of Public Law 117–263), shall remain in effect
 17 until October 1, 2024, or the date of the enactment of
 18 an Act authorizing funds for military construction for fis-
 19 cal year 2025, whichever is later.

20 (b) **TABLE.**—The table referred to in subsection (a)
 21 is as follows:

**National Guard and Reserve: Extension of 2018 Project
 Authorization**

State	Installation or Location	Project	Original Authorized Amount
Indiana	Hulman Regional Airport	Construct Small Arms Range	\$8,000,000

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1 **SEC. 2608. EXTENSION OF AUTHORITY TO CARRY OUT FIS-**
 2 **CAL YEAR 2019 PROJECT AT FRANCIS S.**
 3 **GABRESKI AIRPORT, NEW YORK.**

4 (a) **EXTENSION.**—Notwithstanding section 2002 of
 5 the Military Construction Authorization Act for Fiscal
 6 Year 2019 (division B of Public Law 115–232; 132 Stat.
 7 2240), the authorization set forth in the table in sub-
 8 section (b), as provided in section 2604 of that Act (132
 9 Stat. 2255), shall remain in effect until October 1, 2024,
 10 or the date of the enactment of an Act authorizing funds
 11 for military construction for fiscal year 2025, whichever
 12 is later.

13 (b) **TABLE.**—The table referred to in subsection (a)
 14 is as follows:

**National Guard and Reserve: Extension of 2019 Project
 Authorization**

State	Installation or Location	Project	Original Authorized Amount
New York	Francis S. Gabreski Airport	Security Forces/Comm. Training Facility	\$20,000,000

15 **SEC. 2609. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 16 **TAIN FISCAL YEAR 2021 PROJECTS.**

17 (a) **EXTENSION.**—Notwithstanding section 2002 of
 18 the Military Construction Authorization Act for Fiscal
 19 Year 2021 (division B of Public Law 116–283; 134 Stat.
 20 4294), the authorizations set forth in the table in sub-
 21 section (b), as provided in sections 2601, 2602, and 2604

1 of that Act (134 Stat. 4312, 4313, 4314), shall remain
 2 in effect until October 1, 2024, or the date of the enact-
 3 ment of an Act authorizing funds for military construction
 4 for fiscal year 2025, whichever is later.

5 (b) TABLE.—The table referred to in subsection (a)
 6 is as follows:

National Guard and Reserve: Extension of 2021 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
Arkansas	Fort Chaffee	National Guard Readiness Center	\$15,000,000
California	Bakersfield	National Guard Vehicle Maintenance Shop	\$9,300,000
Colorado	Peterson Space Force Base	National Guard Readiness Center	\$15,000,000
Guam	Joint Region Marianas	Space Control Facility #5	\$20,000,000
Ohio	Columbus	National Guard Readiness Center	\$15,000,000
Massachusetts	Devens Reserve Forces Training Area	Automated Multipurpose Machine Gun Range	\$8,700,000
North Carolina	Asheville	Army Reserve Center/Land	\$24,000,000
Puerto Rico ...	Fort Allen	National Guard Readiness Center	\$37,000,000
South Carolina	Joint Base Charleston	National Guard Readiness Center	\$15,000,000
Texas	Fort Worth	Aircraft Maintenance Hangar Addition/Alt.	\$6,000,000
.....	Joint Base San Antonio	F-16 Mission Training Center	\$10,800,000
Virgin Islands	St. Croix	Army Aviation Support Facility (AASF)	\$28,000,000
.....	CST Ready Building	\$11,400,000

7 **SEC. 2610. MODIFICATION OF AUTHORITY TO CARRY OUT**
 8 **FISCAL YEAR 2022 PROJECT AT NICKELL ME-**
 9 **MORIAL ARMORY, KANSAS.**

10 (a) TRANSFER AUTHORITY.—From amounts appro-
 11 priated for “Military Construction, Army National Guard”

1 pursuant to the authorization of appropriations in section
2 2606 and available as specified in the funding table in sec-
3 tion 4601 of the National Defense Authorization Act for
4 Fiscal Year 2022 (Public Law 117–81, 135 Stat. 2315),
5 the Secretary of Defense may transfer not more than
6 \$420,000 to an appropriation for “Military Construction,
7 Air National Guard” for use for studying, planning, de-
8 signing, and architect and engineer services for a sensitive
9 compartmented information facility project at Nickell Me-
10 morial Armory, Kansas.

11 (b) MERGER OF AMOUNTS TRANSFERRED.—Any
12 amount transferred under subsection (a) shall be merged
13 with and available for the same purposes, and for the same
14 time period, as the “Military Construction, Air National
15 Guard” appropriation to which transferred.

16 (c) AUTHORITY.—Using amounts transferred pursu-
17 ant to subsection (a), the Secretary of the Air Force may
18 carry out study, planning, design, and architect and engi-
19 neer services activities for a sensitive compartmented in-
20 formation facility project at Nickell Memorial Armory,
21 Kansas.

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1 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **FISCAL YEAR 2023 PROJECT AT CAMP PEN-**
3 **DLETON, CALIFORNIA.**

4 In the case of the authorization contained in the table
5 in section 2602 of the Military Construction Authorization
6 Act for Fiscal Year 2023 (division B of Public Law 117–
7 263) and specified in the funding table in section 4601
8 of the James M. Inhofe National Defense Authorization
9 Act for Fiscal Year 2023 (Public Law 117–263) for Camp
10 Pendleton, California, for construction of an Area Mainte-
11 nance Support Activity, the Secretary of the Army may
12 construct a 15,000 square foot facility.

13 **SEC. 2612. AUTHORITY TO CONDUCT RESTORATION AND**
14 **MODERNIZATION PROJECTS AT THE FIRST**
15 **CITY TROOP READINESS CENTER IN PHILA-**
16 **DELPHIA, PENNSYLVANIA.**

17 The Chief of the National Guard Bureau may expend
18 amounts available to the Army National Guard for facili-
19 ties sustainment, restoration, and modernization to con-
20 duct restoration and modernization projects at the First
21 City Troop Readiness Center in Philadelphia, Pennsyl-
22 vania, if—

23 (1) the Commonwealth of Pennsylvania has a
24 sufficient remaining lease term for such center to re-
25 alize the full lifecycle benefit of such a project;

1 (2) the Federal contribution for such a project
2 does not exceed 50 percent of the cost of the project
3 (inclusive of all project costs); and

4 (3) the Chief of the National Guard Bureau no-
5 tifies the Committees on Armed Services of the Sen-
6 ate and the House of Representatives not less than
7 15 days before awarding a contract for such a
8 project, which shall include an explanation of the
9 sufficiency of remaining lease term to justify the in-
10 vestment.

11 **TITLE XXVII—BASE REALIGN-**
12 **MENT AND CLOSURE ACTIVI-**
13 **TIES**

14 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
15 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
16 **TIES FUNDED THROUGH DEPARTMENT OF**
17 **DEFENSE BASE CLOSURE ACCOUNT.**

18 Funds are hereby authorized to be appropriated for
19 fiscal years beginning after September 30, 2023, for base
20 realignment and closure activities, including real property
21 acquisition and military construction projects, as author-
22 ized by the Defense Base Closure and Realignment Act
23 of 1990 (part A of title XXIX of Public Law 101–510;
24 10 U.S.C. 2687 note) and funded through the Department
25 of Defense Base Closure Account established by section

1 2906 of such Act, as specified in the funding table in sec-
2 tion 4601.

3 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**
4 **BASE REALIGNMENT AND CLOSURE (BRAC)**
5 **ROUND.**

6 Nothing in this Act shall be construed to authorize
7 an additional Base Realignment and Closure (BRAC)
8 round.

9 **SEC. 2703. CLOSURE AND DISPOSAL OF THE PUEBLO CHEM-**
10 **ICAL DEPOT, PUEBLO COUNTY, COLORADO.**

11 (a) IN GENERAL.—The Secretary of the Army shall
12 close the Pueblo Chemical Depot in Pueblo County, Colo-
13 rado (in this section referred to as the “Depot”), not later
14 than one year after the completion of the chemical demili-
15 tarization mission at such location in accordance with the
16 Convention on the Prohibition of the Development, Pro-
17 duction, Stockpiling and Use of Chemical Weapons and
18 on their Destruction, done at Geneva September 3, 1992,
19 and entered into force April 29, 1997 (commonly referred
20 to as the “Chemical Weapons Convention”).

21 (b) PROCEDURES.—The Secretary of the Army shall
22 carry out the closure and subsequent related property
23 management and disposal of the Depot, including the
24 land, buildings, structures, infrastructure, and associated
25 equipment, installed equipment, material, and personal

1 property that comprise the Chemical Agent–Destruction
2 Pilot Plant, in accordance with the procedures and au-
3 thorities for the closure, management, and disposal of
4 property under the Defense Base Closure and Realign-
5 ment Act of 1990 (part A of title XXIX of Public Law
6 101–510; 10 U.S.C. 2687 note).

7 (c) OFFICE OF LOCAL DEFENSE COMMUNITY CO-
8 OPERATION ACTIVITIES.—The Office of Local Defense
9 Community Cooperation of the Department of Defense
10 may make grants and supplement other Federal funds
11 pursuant to section 2391 of title 10, United States Code,
12 to support closure and reuse activities of the Depot.

13 (d) TREATMENT OF EXISTING PERMITS.—Nothing in
14 this section shall be construed to prevent the removal or
15 demolition by the Program Executive Office, Assembled
16 Chemical Weapons Alternatives of the Department of the
17 Army of existing buildings, structures, infrastructure, and
18 associated equipment, installed equipment, material, and
19 personal property of the Chemical Agent–Destruction
20 Pilot Plant at the Depot in accordance with Hazardous
21 Waste Permit Number CO–20–09–02–01 under the Solid
22 Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly
23 known as the “Resource Conservation and Recovery Act
24 of 1976”) issued by the State of Colorado, or any associ-
25 ated or follow-on permits under such Act.

1 (e) HOMELESS USE.—Given the nature of activities
2 undertaken at the Chemical Agent–Destruction Pilot
3 Plant at the Depot, such land, buildings, structures, infra-
4 structure, and associated equipment, installed equipment,
5 material, and personal property comprising the Chemical
6 Agent–Destruction Pilot Plant is deemed unsuitable for
7 homeless use and, in carrying out any closure, manage-
8 ment, or disposal of property under this section, need not
9 be screened for homeless use purposes pursuant to section
10 2905(b)(7) of the Defense Base Closure and Realignment
11 Act of 1990 (part A of title XXIX of Public Law 101–
12 510; 10 U.S.C. 2687 note).

13 **TITLE XXVIII—MILITARY CON-**
14 **STRUCTION GENERAL PROVI-**
15 **SIONS**

16 **Subtitle A—Military Construction**
17 **Program**

18 **SEC. 2801. AUTHORITY FOR INDO-PACIFIC POSTURE MILI-**
19 **TARY CONSTRUCTION PROJECTS.**

20 (a) AUTHORITY.—The Commander of the United
21 States Indo-Pacific Command (in this section referred to
22 as the “Commander”) may carry out an unspecified mili-
23 tary construction project not otherwise authorized by law
24 or may authorize the Secretary of a military department
25 to carry out such a project.

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1 (b) SCOPE OF PROJECT AUTHORITY.—A project car-
2 ried out under this section may include any planning, de-
3 signing, construction, development, conversion, extension,
4 renovation, or repair, whether to satisfy temporary or per-
5 manent requirements, and, to the extent necessary, any
6 acquisition of land.

7 (c) PURPOSES.—A project carried out under this sec-
8 tion shall be for the purpose of—

9 (1) supporting the rotational deployments of
10 the Armed Forces;

11 (2) enhancing facility preparedness and military
12 installation resilience (as defined in section
13 101(e)(8) of title 10, United States Code) in support
14 of potential, planned, or anticipated national defense
15 activities; or

16 (3) providing for prepositioning and storage of
17 equipment and supplies.

18 (d) LOCATION OF PROJECTS.—A project carried out
19 under this section—

20 (1) may be located—

21 (A) at a cooperative security location, for-
22 ward operating site, or contingency location for
23 use by the Armed Forces; or

24 (B) at a location used by the Armed
25 Forces that is owned or operated by Guam,

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1 American Samoa, or the Commonwealth of the
2 Northern Mariana Islands; and

3 (2) may be carried out without regard to wheth-
4 er the real property or facilities at the location are
5 under the jurisdiction of the Department of Defense
6 if the Commander determines that the United States
7 has a sufficient interest in the property or facility to
8 support the project.

9 (e) MAXIMUM AMOUNT.—The cost of any project car-
10 ried out under this section may not exceed \$15,000,000.

11 (f) AVAILABLE AMOUNTS.—In carrying out a project
12 under this section, the Commander, or the Secretary of
13 a military department when authorized by the Com-
14 mander, may use amounts authorized for—

15 (1) the INDOPACOM Military Construction
16 Pilot Program fund; and

17 (2) operation and maintenance that are made
18 available to the Commander, not to exceed 200 per-
19 cent of the amount specified in section 2805(c) of
20 title 10, United States Code.

21 (g) NOTICE TO CONGRESS.—

22 (1) IN GENERAL.—If the Commander decides
23 to carry out a project under this section with a cost
24 exceeding \$2,000,000, the Commander shall notify
25 the congressional defense committees of that deter-

1 mination in an electronic medium pursuant to sec-
2 tion 480 of title 10, United States Code.

3 (2) RELEVANT DETAILS.—Notice under para-
4 graph (1) with respect to a project shall include rel-
5 evant details of the project, including the estimated
6 cost, and may include a classified annex.

7 (3) TIMING.—A project under this section cov-
8 ered by paragraph (1) may not be carried out until
9 the end of the 14-day period beginning on the date
10 the notification under such paragraph is received by
11 the congressional defense committees.

12 (h) ANNUAL REPORT.—Not later than December 31
13 of each year, the Commander shall submit to the congres-
14 sional defense committees a report containing a list of
15 projects funded, lessons learned, and, subject to the con-
16 currence of the President, recommended adjustments to
17 the authority under this section for the most recently
18 ended fiscal year.

19 (i) PROJECT EXECUTION.—

20 (1) PROJECT SUPERVISION.—Subsections (a)
21 and (b) of section 2851 of title 10, United States
22 Code, shall not apply to projects carried out under
23 this section.

24 (2) APPLICATION OF CHAPTER 169 OF TITLE 10,
25 UNITED STATES CODE.—When exercising the au-

1 thority under subsection (a), the Commander shall,
2 for purposes of chapter 169 of title 10, United
3 States Code, be considered the Secretary concerned.

4 (j) SUNSET.—The authority to carry out a project
5 under this section expires on March 31, 2029.

6 **SEC. 2802. ORDERING AUTHORITY FOR MAINTENANCE, RE-**
7 **PAIR, AND CONSTRUCTION OF FACILITIES OF**
8 **DEPARTMENT OF DEFENSE.**

9 (a) IN GENERAL.—Subchapter I of chapter 169 of
10 title 10, United States Code, is amended by adding at the
11 end the following new section:

12 **“§ 2817. Ordering authority**

13 “(a) IN GENERAL.—The head of a department or or-
14 ganization within the Department of Defense may place
15 an order, on a reimbursable basis, with any other such
16 department or organization for a project for the mainte-
17 nance and repair of a facility of the Department of De-
18 fense or for a minor military construction project.

19 “(b) OBLIGATIONS.—An order placed by the head of
20 a department or organization under subsection (a) is
21 deemed to be an obligation of such department or organi-
22 zation in the same manner as a similar order or contract
23 placed with a private contractor.

24 “(c) CONTINGENCY EXPENSES.—An order placed
25 under subsection (a) for a project may include an amount

1 for contingency expenses that shall not exceed 10 percent
2 of the cost of the project.

3 “(d) AVAILABILITY OF AMOUNTS.—Amounts appro-
4 priated or otherwise made available to a department or
5 organization of the Department of Defense shall be avail-
6 able to pay an obligation of such department or organiza-
7 tion under this section in the same manner and to the
8 same extent as those amounts are available to pay an obli-
9 gation to a private contractor.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such subchapter is amended by adding
12 at the end the following new item:

“2817. Ordering authority.”.

13 **SEC. 2803. APPLICATION OF AREA CONSTRUCTION COST IN-**
14 **DICES OUTSIDE THE UNITED STATES.**

15 Section 2805(f) of title 10, United States Code, is
16 amended—

17 (1) in paragraph (1), by striking “inside the
18 United States”;

19 (2) by striking paragraph (2); and

20 (3) by redesignating paragraph (3) as para-
21 graph (2).

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1 **SEC. 2804. AUTHORIZATION OF COST-PLUS INCENTIVE-FEE**
2 **CONTRACTING FOR MILITARY CONSTRUC-**
3 **TION PROJECTS TO MITIGATE RISK TO THE**
4 **SENTINEL PROGRAM SCHEDULE AND COST.**

5 (a) IN GENERAL.—Notwithstanding section 3323(a)
6 of title 10, United States Code, the Secretary of Defense
7 may authorize the use of contracts using cost-plus incen-
8 tive-fee contracting for military construction projects asso-
9 ciated with launch facilities, launch centers, and related
10 infrastructure of the Sentinel Program of the Department
11 of Defense for not more than one low-rate initial produc-
12 tion lot at each of the following locations:

- 13 (1) F.E. Warren Air Force Base.
14 (2) Malmstrom Air Force Base.
15 (3) Minot Air Force Base.

16 (b) BRIEFING.—Not later than 90 days after the date
17 of the enactment of this Act, and not less frequently than
18 quarterly thereafter, the Secretary of Defense shall brief
19 the congressional defense committees on the following:

- 20 (1) Uncertainties with site conditions at loca-
21 tions specified under subsection (a).
22 (2) The plan of the Department of Defense to
23 transition to firm, fixed price contracts for military
24 construction following any military construction
25 projects carried out under subsection (a).

1 (3) The acquisition process for military con-
2 struction projects carried out under subsection (a).

3 (4) Updates on the execution of military con-
4 struction projects carried out under subsection (a).

5 **SEC. 2805. EXTENSIONS TO THE MILITARY LANDS WITH-**
6 **DRAWAL ACT RELATING TO BARRY M. GOLD-**
7 **WATER RANGE.**

8 (a) RENEWAL OF CURRENT WITHDRAWAL AND RES-
9 ERVATION.—Section 3031(d)(1) of the Military Lands
10 Withdrawal Act of 1999 (Public Law 106–65; 113 Stat.
11 907) is amended by striking “25 years after the date of
12 the enactment of this Act” and inserting “on October 5,
13 2049”.

14 (b) EXTENSION.—Section 3031(e) of the Military
15 Lands Withdrawal Act of 1999 (Public Law 106–65; 113
16 Stat. 908) is amended—

17 (1) in the subsection heading, by striking “INI-
18 TIAL”; and

19 (2) in paragraph (1), by striking “initial”.

20 **SEC. 2806. AUTHORITY TO LEASE LAND PARCEL FOR HOS-**
21 **PITAL AND MEDICAL CAMPUS, BARRIGADA**
22 **TRANSMITTER SITE, GUAM.**

23 (a) NO-COST LEASE AUTHORIZED.—The Secretary
24 of the Navy (in this section referred to as the “Secretary”)
25 may lease to the Government of Guam parcels of real

1 property, including any improvements thereon, consisting
2 of approximately 102 acres of undeveloped land and ap-
3 proximately 10.877 acres of utility easements in the mu-
4 nicipality of Barrigada and Mangilao, Guam, known as the
5 Barrigada Transmitter Site, for construction of a public
6 hospital and medical campus, without fair market consid-
7 eration.

8 (b) DESCRIPTION OF PROPERTY.—The exact acreage
9 and legal description of the property to be leased under
10 subsection (a) shall be determined by a survey satisfactory
11 to the Secretary.

12 (c) APPRAISAL NOT REQUIRED.—The lease under
13 subsection (a) shall not require an appraisal.

14 (d) CONDITIONS OF LEASE.—

15 (1) SUBJECT TO CERTAIN EXISTING ENCUM-
16 BRANCES.—A lease of property under subsection (a)
17 shall be subject to all existing easements, restric-
18 tions, and covenants of record, including restrictive
19 covenants, that the Secretary determines are nec-
20 essary to ensure that—

21 (A) the use of the property is compatible
22 with continued military activities by the Armed
23 Forces of the United States in Guam;

1 (B) the environmental condition of the
2 property is compatible with the use of the prop-
3 erty as a public hospital and medical campus;

4 (C) access is available to the United States
5 to conduct environmental remediation or moni-
6 toring as required under section 120(h) of the
7 Comprehensive Environmental Response, Com-
8 pensation, and Liability Act of 1980 (42 U.S.C.
9 9620(h));

10 (D) the property is used only for a public
11 hospital and medical campus, which may in-
12 clude ancillary facilities to support the hospital
13 and campus, or as set forth in subsection (e);
14 and

15 (E) the public hospital and medical cam-
16 pus to be constructed on the property shall—

17 (i) include—

18 (I) an MV-22-capable helipad;

19 (II) recompression chamber capa-
20 bility; and

21 (III) perimeter fencing; and

22 (ii) allow for the relocation of weather
23 radar equipment owned by the United
24 States at the hospital or campus.

1 Foundation” and inserting “non-Federal Government en-
2 tities, the Secretary of the Air Force, or both”.

3 **SEC. 2808. DEVELOPMENT AND OPERATION OF THE MA-**
4 **RINE CORPS HERITAGE CENTER AND THE**
5 **NATIONAL MUSEUM OF THE MARINE CORPS.**

6 (a) IN GENERAL.—Chapter 861 of title 10, United
7 States Code, is amended by inserting after section 8617
8 the following new section:

9 **“§ 8618. Marine Corps Heritage Center and the Na-**
10 **tional Museum of the Marine Corps**

11 “(a) JOINT VENTURE FOR DEVELOPMENT AND CON-
12 TINUED MAINTENANCE AND OPERATION.—The Secretary
13 of the Navy (in this section referred to as the ‘Secretary’)
14 may enter into a joint venture with the Marine Corps Her-
15 itage Foundation (in this section referred to as the ‘Foun-
16 dation’), a nonprofit entity, for the design, construction,
17 maintenance, and operation of a multipurpose facility to
18 be used for historical displays for public viewing, curation,
19 and storage of artifacts, research facilities, classrooms, of-
20 fices, and associated activities consistent with the mission
21 of the Marine Corps University. The facility shall be
22 known as the Marine Corps Heritage Center and the Na-
23 tional Museum of the Marine Corps (in this section re-
24 ferred to as the ‘Facility’).

1 “(b) DESIGN AND CONSTRUCTION.—For each phase
2 of development of the Facility, the Secretary may—

3 “(1) permit the Foundation to contract for the
4 design, construction, or both of such phase of devel-
5 opment; or

6 “(2) accept funds from the Foundation for the
7 design, construction, or both of such phase of devel-
8 opment.

9 “(c) ACCEPTANCE AUTHORITY.—Upon completion of
10 construction of any phase of development of the Facility
11 by the Foundation to the satisfaction of the Secretary, and
12 the satisfaction of any financial obligations incident there-
13 to by the Foundation, the Facility shall become the real
14 property of the Department of the Navy with all right,
15 title, and interest in and to the Facility belonging to the
16 United States.

17 “(d) MAINTENANCE, OPERATION, AND SUPPORT.—

18 “(1) IN GENERAL.—The Secretary may, for the
19 purpose of maintenance and operation of the Facil-
20 ity—

21 “(A) enter into contracts or cooperative
22 agreements, on a sole-source basis, with the
23 Foundation for the procurement of property or
24 services for the direct benefit or use of the Fa-
25 cility; and

1 “(B) notwithstanding the requirements of
2 subsection (h) of section 2667 of this title and
3 under such terms and conditions as the Sec-
4 retary considers appropriate for the joint ven-
5 ture authorized under subsection (a), lease in
6 accordance with such section 2667 portions of
7 the Facility to the Foundation for use in gener-
8 ating revenue for activities of the Facility and
9 for such administrative purposes as may be nec-
10 essary for support of the Facility.

11 “(2) CONSIDERATION FOR LEASE.—In making
12 a determination of fair market value under section
13 2667(b)(4) of this title for payment of consideration
14 pursuant to a lease described in paragraph (1)(B),
15 the Secretary may consider the entirety of the edu-
16 cational efforts of the Foundation, support by the
17 Foundation to the history division of the Marine
18 Corps Heritage Center, funding of museum pro-
19 grams and exhibits by the Foundation, or other sup-
20 port related to the Facility, in addition to the types
21 of in-kind consideration provided under section
22 2667(e) of this title.

23 “(3) USE FOR REVENUE-GENERATING ACTIVI-
24 TIES.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the Secretary may authorize the
3 Foundation to use real or personal property
4 within the Facility to conduct revenue-gener-
5 ating activities in addition to those authorized
6 under paragraph (1)(B), as the Secretary con-
7 siders appropriate considering the work of the
8 Foundation and the needs of the Facility.

9 “(B) LIMITATION.—The Secretary may
10 only authorize the use of the Facility for a rev-
11 enue-generating activity if the Secretary deter-
12 mines the activity will not interfere with activi-
13 ties and personnel of the armed forces or the
14 activities of the Facility.

15 “(4) RETENTION OF LEASE PAYMENTS.—The
16 Secretary shall retain lease payments received under
17 paragraph (1)(B), other than in-kind consideration
18 authorized under paragraph (2) or section 2667(c)
19 of this title, solely for use in support of the Facility,
20 and funds received as lease payments shall remain
21 available until expended.

22 “(e) USE OF CERTAIN GIFTS.—

23 “(1) IN GENERAL.—Under regulations pre-
24 scribed by the Secretary, the Commandant of the
25 Marine Corps may, without regard to section 2601

1 of this title, accept, hold, administer, invest, and
2 spend any gift, devise, or bequest of personal prop-
3 erty of a value of \$250,000 or less made to the
4 United States if such gift, devise, or bequest is for
5 the benefit of the Facility.

6 “(2) EXPENSES.—The Secretary may pay or
7 authorize the payment of any reasonable and nec-
8 essary expense in connection with the conveyance or
9 transfer of a gift, devise, or bequest under para-
10 graph (1).

11 “(f) ADDITIONAL TERMS AND CONDITIONS.—The
12 Secretary may require such additional terms and condi-
13 tions in connection with the joint venture authorized under
14 subsection (a) as the Secretary considers appropriate to
15 protect the interests of the United States.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 861 of such title is amended
18 by inserting after the item relating to section 8617 the
19 following new item:

“8618. Marine Corps Heritage Center and the National Museum of the Marine
Corps.”.

20 (c) CONFORMING REPEAL.—Section 2884 of the
21 Floyd D. Spence National Defense Authorization Act for
22 Fiscal Year 2001 (Public Law 106–398; 114 Stat.
23 1654A–440) is repealed.

1 **SEC. 2809. AUTHORITY FOR ACQUISITION OF REAL PROP-**
2 **ERTY INTEREST IN PARK LAND OWNED BY**
3 **THE COMMONWEALTH OF VIRGINIA.**

4 (a) **AUTHORITY.**—The Secretary of the Navy (in this
5 section referred to as the “Secretary”) may acquire by
6 purchase or lease approximately 225 square feet of land,
7 including ingress and egress, at Westmoreland State Park,
8 Virginia, for the purpose of installing, operating, main-
9 taining, and protecting equipment to support research and
10 development activities by the Department of the Navy in
11 support of national security.

12 (b) **TERMS AND CONDITIONS.**—The acquisition of
13 property under subsection (a) shall be subject to the fol-
14 lowing terms and conditions:

15 (1) The Secretary shall pay the Commonwealth
16 of Virginia fair market value for the property to be
17 acquired, as determined by the Secretary.

18 (2) Such other terms and conditions as consid-
19 ered appropriate by the Secretary.

20 (c) **DESCRIPTION OF PROPERTY.**—The legal descrip-
21 tion of the property to be acquired under subsection (a)
22 shall be determined by a survey that is satisfactory to the
23 Secretary and the Commonwealth of Virginia.

24 (d) **APPLICABILITY OF THE LAND AND WATER CON-**
25 **SERVATION FUND ACT.**—The provisions of chapter 2003

1 of title 54, United States Code, shall not apply to the ac-
2 quisition of property under subsection (a).

3 (e) REIMBURSEMENT.—The Secretary shall reim-
4 burse the Commonwealth of Virginia for the reasonable
5 and documented administrative costs incurred by the
6 Commonwealth of Virginia to execute the acquisition by
7 the Secretary of property under subsection (a).

8 (f) TERMINATION OF REAL PROPERTY INTEREST.—
9 The real property interest acquired by the Secretary under
10 subsection (a) shall terminate, and be released without
11 cost to the Commonwealth of Virginia, when the Secretary
12 determines such real property interest is no longer re-
13 quired for national security purposes.

14 **SEC. 2810. MOVEMENT OR CONSOLIDATION OF JOINT SPEC-**
15 **TRUM CENTER TO FORT MEADE, MARYLAND,**
16 **OR ANOTHER APPROPRIATE LOCATION.**

17 (a) LEAVING CURRENT LOCATION.—Not later than
18 September 30, 2026, the Secretary of Defense shall com-
19 pletely vacate the offices of the Joint Spectrum Center of
20 the Department of Defense in Annapolis, Maryland.

21 (b) MOVEMENT OR CONSOLIDATION.—The Secretary
22 shall take appropriate action to move, consolidate, or both,
23 the offices of the Joint Spectrum Center to the head-
24 quarters building of the Defense Information Systems
25 Agency at Fort Meade, Maryland, or another appropriate

1 location chosen by the Secretary for national security pur-
2 poses to ensure the physical and cybersecurity protection
3 of personnel and missions of the Department of Defense.

4 (c) STATUS UPDATE.—Not later than January 31
5 and July 31 of each year until the Secretary has com-
6 pleted the requirements under subsections (a) and (b), the
7 Commander of the Defense Information Systems Agency
8 shall provide an in-person and written update on the sta-
9 tus of the completion of those requirements to the Com-
10 mittees on Armed Services of the Senate and the House
11 of Representatives and the congressional delegation of
12 Maryland.

13 (d) TERMINATION OF EXISTING LEASE.—Upon
14 vacating the offices of the Joint Spectrum Center in An-
15 napolis, Maryland, pursuant to subsection (a), all right,
16 title, and interest of the United States in and to the exist-
17 ing lease for the Joint Spectrum Center in such location
18 shall be terminated.

19 (e) REPEAL OF OBSOLETE AUTHORITY.—Section
20 2887 of the Military Construction Authorization Act for
21 Fiscal Year 2008 (division B of Public Law 110–181; 122
22 Stat. 569) is repealed.

1 **SEC. 2811. TEMPORARY EXPANSION OF AUTHORITY FOR**
2 **USE OF ONE-STEP TURN-KEY SELECTION**
3 **PROCEDURES FOR REPAIR PROJECTS.**

4 During the five-year period beginning on the date of
5 the enactment of this Act, section 2862(a)(2) of title 10,
6 United States Code, shall be applied and administered by
7 substituting “\$12,000,000” for “\$4,000,000”.

8 **SEC. 2812. MODIFICATION OF TEMPORARY INCREASE OF**
9 **AMOUNTS IN CONNECTION WITH AUTHORITY**
10 **TO CARRY OUT UNSPECIFIED MINOR MILI-**
11 **TARY CONSTRUCTION.**

12 (a) **IN GENERAL.**—Section 2801 of the Military Con-
13 struction Authorization Act for Fiscal Year 2023 (division
14 B of Public Law 117–263) is amended—

15 (1) by redesignating paragraphs (2) through
16 (4) as paragraphs (3) through (5), respectively; and
17 (2) by inserting after paragraph (1) the fol-
18 lowing new paragraph (2):

19 “(2) in subsection (b)(2), by substituting
20 ‘\$4,000,000’ for ‘\$2,000,000’;”.

21 (b) **EFFECTIVE DATE.**—The amendments made by
22 subsection (a) shall apply as if included in the enactment
23 of the Military Construction Authorization Act for Fiscal
24 Year 2023 (division B of Public Law 117–263).

1 **SEC. 2813. PILOT PROGRAM ON REPLACEMENT OF SUB-**
2 **STANDARD ENLISTED BARRACKS.**

3 (a) **IN GENERAL.**—The Secretary concerned may, in
4 accordance with this section, carry out a pilot program
5 under which the Secretary concerned may replace an exist-
6 ing enlisted barracks with a new enlisted barracks not oth-
7 erwise authorized by law.

8 (b) **FACILITY REQUIREMENTS.**—A new facility for an
9 enlisted barracks replaced under subsection (a)—

10 (1) may not have a greater personnel capacity
11 than the facility being replaced but may be phys-
12 ically larger than the facility being replaced;

13 (2) must be replacing a facility that is in a sub-
14 standard condition, as determined by the Secretary
15 concerned, and which determination may not be del-
16 egated, in advance of project approval;

17 (3) must be designed and utilized for the same
18 purpose as the facility being replaced;

19 (4) must be located on the same installation as
20 the facility being replaced; and

21 (5) must be designed to meet, at a minimum,
22 current standards for construction, utilization, and
23 force protection.

24 (c) **SOURCE OF FUNDS.**—The Secretary concerned,
25 in using the authority under this section, may spend
26 amounts available to the Secretary concerned for oper-

1 ation and maintenance or unspecified military construc-
2 tion.

3 (d) CONGRESSIONAL NOTIFICATION.—When a deci-
4 sion is made to carry out a replacement project under this
5 section with an estimated cost in excess of \$10,000,000,
6 the Secretary concerned shall submit, in an electronic me-
7 dium pursuant to section 480 of title 10, United States
8 Code, to the appropriate committees of Congress a report
9 containing—

10 (1) the justification for the replacement project
11 and the current estimate of the cost of the project;
12 and

13 (2) a description of the elements of military
14 construction, including the elements specified in sec-
15 tion 2802(b) of such title, incorporated into the
16 project.

17 (e) DEFINITIONS.—In this section:

18 (1) APPROPRIATE COMMITTEES OF CONGRESS;
19 FACILITY; SECRETARY CONCERNED.—The terms
20 “appropriate committees of Congress”, “facility”,
21 and “Secretary concerned” have the meanings given
22 those terms in section 2801 of title 10, United
23 States Code.

1 (2) ENLISTED BARRACKS.—The term “enlisted
2 barracks” means barracks designed and utilized for
3 housing enlisted personnel of the Armed Forces.

4 (3) PERSONNEL CAPACITY.—The term “per-
5 sonnel capacity”, with respect to an enlisted bar-
6 racks, means the design capacity for the number of
7 enlisted personnel housed in the enlisted barracks.

8 (4) SUBSTANDARD CONDITION.—The term
9 “substandard condition”, with respect to a facility,
10 means the facility can no longer meet the require-
11 ments of current standards without repair that
12 would cost more than 75 percent of the replacement
13 cost.

14 (f) SUNSET.—The authority under this section shall
15 terminate on the date that is five years after the date of
16 the enactment of this Act.

17 **SEC. 2814. EXPANSION OF DEFENSE COMMUNITY INFRA-**
18 **STRUCTURE PILOT PROGRAM TO INCLUDE**
19 **INSTALLATIONS OF THE COAST GUARD.**

20 Section 2391 of title 10, United States Code, is
21 amended—

22 (1) in subsection (d)—

23 (A) in paragraph (1)(B), in the matter
24 preceding clause (i), by inserting “, in consulta-

1 tion with the Commandant of the Coast
2 Guard,” after “The Secretary”; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(5) In considering grants, agreements, or
6 other funding under paragraph (1)(A) with respect
7 to community infrastructure supportive of a military
8 installation of the Coast Guard, the Secretary of De-
9 fense shall consult with the Commandant of the
10 Coast Guard to assess the selection and
11 prioritization of the project concerned.”; and

12 (2) in subsection (e)(1), by adding at the end
13 the following new sentence: “For purposes of sub-
14 section (d), the term ‘military installation’ includes
15 an installation of the Coast Guard under the juris-
16 diction of the Department of Homeland Security.”.

17 **SEC. 2815. MODIFICATION OF PILOT PROGRAM ON IN-**
18 **CREASED USE OF SUSTAINABLE BUILDING**
19 **MATERIALS IN MILITARY CONSTRUCTION.**

20 Section 2861 of the National Defense Authorization
21 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
22 2802 note) is amended—

23 (1) in subsection (b)(1), by striking the period
24 at the end and inserting “to include, under the pilot
25 program as a whole, at a minimum—

1 “(A) one project for mass timber; and

2 “(B) one project for low carbon concrete.”;

3 (2) in subsection (d), by striking “September
4 30, 2024” and inserting “September 30, 2025”;

5 (3) by redesignating subsections (e) and (f) as
6 subsections (f) and (g), respectively;

7 (4) by inserting after subsection (d) the fol-
8 lowing new subsection (e):

9 “(e) COMMENCEMENT OF CONSTRUCTION.—Each
10 military construction project carried out under the pilot
11 program must commence construction by not later than
12 January 1, 2025.”; and

13 (5) in subsection (f)(1), as redesignated by
14 paragraph (3), by striking “December 31, 2024”
15 and inserting “December 31, 2025”.

16 **Subtitle B—Military Housing**

17 **PART I—MILITARY UNACCOMPANIED HOUSING**

18 **SEC. 2821. UNIFORM CONDITION INDEX FOR MILITARY UN-**

19 **ACCOMPANIED HOUSING.**

20 (a) IN GENERAL.—Not later than 30 days after the
21 date of the enactment of this Act, the Secretary of Defense
22 shall prescribe regulations requiring the Assistant Sec-
23 retary of Defense for Energy, Installations, and Environ-
24 ment to complete and issue a uniform facility condition
25 index for military unaccompanied housing, including such

1 housing that is existing as of the date of the enactment
2 of this Act and any such housing constructed or used on
3 or after such date of enactment.

4 (b) COMPLETION OF INDEX.—The uniform facility
5 condition index required under subsection (a) shall be
6 completed and issued by not later than October 1, 2024.

7 (c) MILITARY UNACCOMPANIED HOUSING DE-
8 FINED.—In this section, the term “military unaccom-
9 panied housing” means the following housing owned by
10 the United States Government:

11 (1) Military housing intended to be occupied by
12 members of the Armed Forces serving a tour of duty
13 unaccompanied by dependents.

14 (2) Transient housing intended to be occupied
15 by members of the Armed Forces on temporary
16 duty.

17 **SEC. 2822. CERTIFICATION OF HABITABILITY OF MILITARY**
18 **UNACCOMPANIED HOUSING.**

19 (a) IN GENERAL.—The Secretary of Defense shall in-
20 clude with the submission to Congress by the President
21 of the annual budget of the Department of Defense under
22 section 1105(a) of title 31, United States Code, a certifi-
23 cation from the Secretary of each military department to
24 the congressional defense committees that the cost for all
25 needed repairs and improvements for each occupied mili-

1 tary unaccompanied housing facility under the jurisdiction
2 of such Secretary does not exceed 20 percent of the re-
3 placement cost of such facility, as mandated by Depart-
4 ment of Defense Manual 4165.63, “DoD Housing Man-
5 agement”, or successor issuance.

6 (b) **MILITARY UNACCOMPANIED HOUSING DE-**
7 **FINED.**—In this section, the term “military unaccom-
8 panied housing” means the following housing owned by
9 the United States Government:

10 (1) Military housing intended to be occupied by
11 members of the Armed Forces serving a tour of duty
12 unaccompanied by dependents.

13 (2) Transient housing intended to be occupied
14 by members of the Armed Forces on temporary
15 duty.

16 **SEC. 2823. MAINTENANCE WORK ORDER MANAGEMENT**
17 **PROCESS FOR MILITARY UNACCOMPANIED**
18 **HOUSING.**

19 (a) **IN GENERAL.**—Not later than 30 days after the
20 date of the enactment of this Act, the Secretary of Defense
21 shall prescribe regulations to establish for each military
22 department a process associated with maintenance work
23 order management for military unaccompanied housing
24 under the jurisdiction of such military department, includ-
25 ing such housing that is existing as of the date of the en-

1 actment of this Act and any such housing constructed or
2 used on or after such date of enactment.

3 (b) USE OF PROCESS.—The processes required under
4 subsection (a) shall clearly define requirements for effec-
5 tive and timely maintenance work order management, in-
6 cluding requirements with respect to—

7 (1) quality assurance for maintenance com-
8 pleted;

9 (2) communication of maintenance progress and
10 resolution with management of military unaccom-
11 panied housing, barracks managers, and residents;
12 and

13 (3) standardized performance metrics, such as
14 the timeliness of completion of work orders.

15 (c) ADMINISTRATION.—The Secretary of each mili-
16 tary department shall administer the work order process
17 required under subsection (a) for such military depart-
18 ment and shall issue or update relevant guidance as nec-
19 essary.

20 (d) MILITARY UNACCOMPANIED HOUSING DE-
21 FINED.—In this section, the term “military unaccom-
22 panied housing” means the following housing owned by
23 the United States Government:

1 (1) Military housing intended to be occupied by
2 members of the Armed Forces serving a tour of duty
3 unaccompanied by dependents.

4 (2) Transient housing intended to be occupied
5 by members of the Armed Forces on temporary
6 duty.

7 **SEC. 2824. EXPANSION OF UNIFORM CODE OF BASIC**
8 **STANDARDS FOR MILITARY HOUSING TO IN-**
9 **CLUDE MILITARY UNACCOMPANIED HOUS-**
10 **ING.**

11 (a) IN GENERAL.—Section 2818 of the William M.
12 (Mac) Thornberry National Defense Authorization Act for
13 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 2871
14 note) is amended—

15 (1) in the section heading, by striking “**FAM-**
16 **ILY**”; and

17 (2) in subsection (a)—

18 (A) by striking “family”; and

19 (B) by inserting “, including military unac-
20 companied housing (as defined in section 2871
21 of title 10, United States Code)” before the pe-
22 riod at the end.

23 (b) IMPLEMENTATION.—

24 (1) IN GENERAL.—In implementing the amend-
25 ments made by subsection (a), the Secretary of De-

1 fense shall ensure that the standards required under
2 section 2818 of the William M. (Mac) Thornberry
3 National Defense Authorization Act for Fiscal Year
4 2021 (Public Law 116–283; 10 U.S.C. 2871 note),
5 as modified pursuant to those amendments, apply to
6 military unaccompanied housing that is existing as
7 of the date of the enactment of this Act and any
8 such housing constructed or used on or after such
9 date of enactment.

10 (2) **MILITARY UNACCOMPANIED HOUSING DE-**
11 **FINED.**—In this subsection, the term “military unac-
12 **companied housing”** means the following housing
13 owned by the United States Government:

14 (A) Military housing intended to be occu-
15 pied by members of the Armed Forces serving
16 a tour of duty unaccompanied by dependents.

17 (B) Transient housing intended to be occu-
18 pied by members of the Armed Forces on tem-
19 porary duty.

20 **SEC. 2825. OVERSIGHT OF MILITARY UNACCOMPANIED**
21 **HOUSING.**

22 (a) **CIVILIAN OVERSIGHT.**—

23 (1) **IN GENERAL.**—Not later than 30 days after
24 the date of the enactment of this Act, the Secretary
25 of Defense shall prescribe regulations to require that

1 the Secretary of each military department establish
2 a civilian employee of the Department of Defense, or
3 of the military department concerned, at the housing
4 office for each installation of the Department under
5 the jurisdiction of such Secretary to oversee military
6 unaccompanied housing at that installation.

7 (2) SUPERVISORY CHAIN.—For any installation
8 of the Department for which the unaccompanied
9 housing manager is a member of the Armed Forces,
10 the civilian employee established under paragraph
11 (1) at such installation shall report to a civilian em-
12 ployee at the housing office for such installation.

13 (b) BARRACKS OR DORMITORY MANAGER REQUIRE-
14 MENTS.—

15 (1) LIMITATION ON ROLE BY MEMBERS OF THE
16 ARMED FORCES.—No enlisted member of the Armed
17 Forces or commissioned officer may be designated as
18 a barracks manager or supervisor in charge of over-
19 seeing, managing, accepting, or compiling mainte-
20 nance records for any military unaccompanied hous-
21 ing as a collateral duty.

22 (2) POSITION DESIGNATION.—The function of a
23 barracks manager or supervisor described in para-
24 graph (1) for an installation of the Department shall
25 be completed by a civilian employee or contractor of

1 the Department who shall report to the government
2 housing office of the installation.

3 (c) MILITARY UNACCOMPANIED HOUSING DE-
4 FINED.—In this section, the term “military unaccom-
5 panied housing” means the following housing owned by
6 the United States Government:

7 (1) Military housing intended to be occupied by
8 members of the Armed Forces serving a tour of duty
9 unaccompanied by dependents.

10 (2) Transient housing intended to be occupied
11 by members of the Armed Forces on temporary
12 duty.

13 **SEC. 2826. ELIMINATION OF FLEXIBILITIES FOR ADEQUACY**
14 **OR CONSTRUCTION STANDARDS FOR MILI-**
15 **TARY UNACCOMPANIED HOUSING.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Defense
18 shall modify all directives, instructions, manuals, regula-
19 tions, policies, and other guidance and issuances of the
20 Department of Defense to eliminate the grant of any flexi-
21 bilities to—

22 (1) minimum adequacy standards for configura-
23 tion, privacy, condition, health, and safety for exist-
24 ing permanent party military unaccompanied hous-

1 ing to be considered suitable for assignment or occu-
2 pancy; and

3 (2) standards for the construction of new mili-
4 tary unaccompanied housing.

5 (b) MATTERS INCLUDED.—The requirement under
6 subsection (a) shall include modifications that remove the
7 flexibility provided to the military departments with re-
8 spect to standards for adequacy for assignment and new
9 construction standards for military unaccompanied hous-
10 ing, including modification of the Housing Management
11 Manual of the Department of Defense and Department
12 of Defense Manual 4165.63, “DoD Housing Manage-
13 ment”.

14 (c) MILITARY UNACCOMPANIED HOUSING DE-
15 FINED.—In this section, the term “military unaccom-
16 panied housing” means the following housing owned by
17 the United States Government:

18 (1) Military housing intended to be occupied by
19 members of the Armed Forces serving a tour of duty
20 unaccompanied by dependents.

21 (2) Transient housing intended to be occupied
22 by members of the Armed Forces on temporary
23 duty.

1 **SEC. 2827. DESIGN STANDARDS FOR MILITARY UNACCOM-**
2 **PANIED HOUSING.**

3 (a) UNIFORM STANDARDS FOR FLOOR SPACE, NUM-
4 BER OF MEMBERS ALLOWED, AND HABITABILITY.—

5 (1) IN GENERAL.—Section 2856 of title 10,
6 United States Code, is amended—

7 (A) in the section heading, by striking
8 **“local comparability of floor areas”**
9 and inserting **“standards”**;

10 (B) by striking “In” and inserting “(a)
11 LOCAL COMPARABILITY IN FLOOR AREAS.—
12 In”;

13 (C) in subsection (a), as designated by
14 subparagraph (B), by inserting “, except for
15 purposes of meeting minimum area require-
16 ments under subsection (b)(1)(A),” after “ex-
17 ceed”; and

18 (D) by adding at the end the following new
19 subsection:

20 **“(b) FLOOR SPACE, NUMBER OF MEMBERS AL-**
21 **LOWED, AND HABITABILITY.—**

22 **“(1) IN GENERAL.—**In the design, assignment,
23 and use of military unaccompanied housing, the Sec-
24 retary of Defense shall establish uniform standards
25 that—

1 “(A) provide a minimum area of floor
2 space, not including bathrooms or closets, per
3 individual occupying a unit of military unac-
4 companied housing;

5 “(B) ensure that not more than two indi-
6 viduals may occupy such a unit; and

7 “(C) provide definitions and measures for
8 habitability, specifying criteria of design and
9 materiel quality to be applied and levels of
10 maintenance to be required.

11 “(2) WAIVER.—Standards established under
12 paragraph (1) may be waived for specific units of
13 military unaccompanied housing by the Secretary
14 concerned (who may not delegate such waiver) for a
15 period not longer than one year and may not be re-
16 newed.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of subchapter III of chapter
19 169 of title 10, United States Code, is amended by
20 striking the item relating to section 2856 and insert-
21 ing the following new item:

“2856. Military unaccompanied housing: standards.”.

22 (b) COMPLETION AND ISSUANCE OF UNIFORM
23 STANDARDS.—Not later than 180 days after the date of
24 the enactment of this Act, the Secretary of Defense
25 shall—

1 (1)(A) ensure that the uniform standards re-
2 quired under section 2856(b)(1) of title 10, United
3 States Code, as added by subsection (a)(1)(D), are
4 completed and issued; and

5 (B) submit to the congressional defense com-
6 mittees a copy of those standards; or

7 (2) submit to the congressional defense commit-
8 tees a report, under the Secretary's signature—

9 (A) explaining in detail why those stand-
10 ards are not completed and issued;

11 (B) indicating when those standards are
12 expected to be completed and issued; and

13 (C) specifying the names of the personnel
14 responsible for the failure of the Department of
15 Defense to comply with paragraph (1).

16 (c) COMPLIANCE WITH UNIFORM STANDARDS.—

17 (1) IN GENERAL.—Not later than two years
18 after the date of the enactment of this Act, the Sec-
19 retary of each military department shall ensure that
20 all military unaccompanied housing, including
21 privatized military housing under subchapter IV of
22 chapter 169 of title 10, United States Code, located
23 on an installation under the jurisdiction of such Sec-
24 retary complies with the uniform standards estab-

1 lished under section 2856(b)(1) of title 10, United
2 States Code, as added by subsection (a)(1)(D).

3 (2) NO WAIVER.—The requirement under para-
4 graph (1) may not be waived.

5 (3) MILITARY UNACCOMPANIED HOUSING DE-
6 FINED.—In this subsection, the term “military unac-
7 companied housing” has the meaning given that
8 term in section 2871 of title 10, United States Code.

9 (d) CERTIFICATION OF BUDGET REQUIREMENTS.—
10 The Under Secretary of Defense (Comptroller) shall in-
11 clude with the submission to Congress by the President
12 of the annual budget of the Department of Defense for
13 each of fiscal years 2025 through 2029 under section
14 1105(a) of title 31, United States Code, a signed certifi-
15 cation that the Department of Defense and each of the
16 military departments has requested sufficient funds to
17 comply with this section and the amendments made by
18 this section.

19 **SEC. 2828. TERMINATION OF HABITABILITY STANDARD**
20 **WAIVERS AND ASSESSMENT AND PLAN WITH**
21 **RESPECT TO MILITARY UNACCOMPANIED**
22 **HOUSING.**

23 (a) TERMINATION OF HABITABILITY STANDARD
24 WAIVERS.—On and after February 1, 2025, any waiver
25 by the Department of Defense of habitability standards

1 for military unaccompanied housing in effect as of such
2 date shall terminate.

3 (b) ASSESSMENT.—Not later than 60 days after the
4 date of the enactment of this Act, the Secretary of De-
5 fense, in coordination with the Secretary of each military
6 department, shall submit to the congressional defense
7 committees an assessment on the following:

8 (1) The number of waivers currently in place
9 for any standards for military unaccompanied hous-
10 ing as it relates to occupancy and habitability,
11 disaggregated by Armed Force, location, and facility.

12 (2) A list of each such waiver, disaggregated by
13 Armed Force, with a notation of which official ap-
14 pointed by the President and confirmed by the Sen-
15 ate approved the waiver.

16 (3) The number of members of the Armed
17 Forces impacted by each such waiver, disaggregated
18 by location.

19 (c) PLAN.—

20 (1) IN GENERAL.—Not later than 120 days
21 after the date of the enactment of this Act, the Sec-
22 retary of Defense, in coordination with the Secretary
23 of each military department, shall submit to the
24 Committees on Armed Services of the Senate and
25 the House of Representatives and the Comptroller

1 General of the United States a plan on addressing
2 the deficiencies of military unaccompanied housing,
3 including barracks and dormitories, that led to the
4 use of waivers described in subsection (b)(1).

5 (2) ELEMENTS.—The plan required under
6 paragraph (1) shall include—

7 (A) a timeline for repairs, renovations, or
8 minor or major military construction;

9 (B) the cost of any such repair, renovation,
10 or construction; and

11 (C) an installation-by-installation get-well
12 plan.

13 (3) IMPLEMENTATION.—Not later than 60 days
14 after receiving the plan required under paragraph
15 (1), the Comptroller General shall brief the Commit-
16 tees on Armed Services of the Senate and the House
17 of Representatives on—

18 (A) the ability of the Department of De-
19 fense to execute the plan; and

20 (B) any recommendations of the Comp-
21 troller General for modifying the plan.

22 (d) MILITARY UNACCOMPANIED HOUSING DE-
23 FINED.—In this section, the term “military unaccom-
24 panied housing” means the following housing owned by
25 the United States Government:

1 (1) Military housing intended to be occupied by
2 members of the Armed Forces serving a tour of duty
3 unaccompanied by dependents.

4 (2) Transient housing intended to be occupied
5 by members of the Armed Forces on temporary
6 duty.

7 **SEC. 2829. REQUIREMENT FOR SECURITY CAMERAS IN**
8 **COMMON AREAS AND ENTRY POINTS OF MILI-**
9 **TARY UNACCOMPANIED HOUSING.**

10 (a) **NEW HOUSING.**—The Secretary of Defense shall
11 ensure that all renovations of military unaccompanied
12 housing authorized on or after the date of the enactment
13 of this Act that exceed 20 percent of the replacement cost
14 of such facility and all construction of new military unac-
15 companied housing authorized on or after such date are
16 designed and executed with security cameras in all com-
17 mon areas and entry points as part of a closed circuit tele-
18 vision system.

19 (b) **RETROFITTING.**—Not later than three years after
20 the date of the enactment of this Act, the Secretary shall
21 ensure that all military unaccompanied housing facilities
22 are retrofitted with security cameras in all common areas
23 and entry points as part of a closed circuit television sys-
24 tem.

25 (c) **DEFINITIONS.**—In this section:

1 (1) COMMON AREA.—The term “common area”
2 has the meaning given that term by the Secretary of
3 Defense and shall balance the need to increase secu-
4 rity in appropriate areas with the privacy expecta-
5 tions of members of the Armed Forces in military
6 unaccompanied housing.

7 (2) MILITARY UNACCOMPANIED HOUSING.—The
8 term “military unaccompanied housing” means the
9 following housing owned by the United States Gov-
10 ernment:

11 (A) Military housing intended to be occu-
12 pied by members of the Armed Forces serving
13 a tour of duty unaccompanied by dependents.

14 (B) Transient housing intended to be occu-
15 pied by members of the Armed Forces on tem-
16 porary duty.

17 **SEC. 2830. ANNUAL REPORT ON MILITARY UNACCOM-**
18 **PANIED HOUSING.**

19 (a) IN GENERAL.—Not later than one year after the
20 date of the enactment of this Act, and annually thereafter
21 for the following four years, the Secretary of Defense shall
22 submit to the Committees on Armed Services of the Sen-
23 ate and the House of Representatives a report on military
24 unaccompanied housing, excluding privatized military

1 housing under subchapter IV of chapter 169 of title 10,
2 United States Code.

3 (b) ELEMENTS.—Each report required under sub-
4 section (a) shall contain a section provided by each Sec-
5 retary of a military department that—

6 (1) is certified by the Secretary concerned;

7 (2) includes a list of all military unaccompanied
8 housing facilities located on each installation under
9 the jurisdiction of the Secretary concerned;

10 (3) identifies the replacement cost for each such
11 facility;

12 (4) identifies the percentage of repair costs as
13 it compares to the total replacement cost for each
14 such facility; and

15 (5) specifies the funding required to conduct all
16 needed repairs and improvements at each such facil-
17 ity.

18 (c) MILITARY UNACCOMPANIED HOUSING DE-
19 FINED.—In this section, the term “military unaccom-
20 panied housing” has the meaning given that term in sec-
21 tion 2871 of title 10, United States Code.

1 “(ii) APPLICATION.—The limitation
2 under clause (i) shall apply to any pay-
3 ment under a housing agreement entered
4 into on or after the date of the enactment
5 of the National Defense Authorization Act
6 for Fiscal Year 2024 by the Secretary of
7 a military department with a lessor.”.

8 (b) INCLUSION OF INFORMATION ON COMPLIANCE
9 WITH TENANT BILL OF RIGHTS IN NOTICE OF LEASE
10 EXTENSION.—Section 2878(f)(2) of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new subparagraph:

13 “(E) An assessment of compliance by the lessor
14 with the Military Housing Privatization Initiative
15 Tenant Bill of Rights developed under section 2890
16 of this title.”.

17 (c) MODIFICATION OF AUTHORITY TO INVESTIGATE
18 REPRISALS.—Subsection (e) of section 2890 of such title
19 is amended—

20 (1) in paragraph (1)—

21 (A) by striking “Assistant Secretary of De-
22 fense for Sustainment” and inserting “Inspec-
23 tor General of the Department of Defense”;
24 and

1 (B) by striking “member of the armed
2 forces” and inserting “tenant”;

3 (2) in paragraph (2)—

4 (A) in the matter preceding subparagraph
5 (A)—

6 (i) by striking “Assistant Secretary of
7 Defense for Sustainment” and inserting
8 “Inspector General”;

9 (ii) by striking “member of the armed
10 forces” and inserting “tenant”; and

11 (iii) by striking “Assistant Secretary”
12 and inserting “Inspector General”; and

13 (B) in subparagraph (B), by striking “As-
14 sistant Secretary” and inserting “Inspector
15 General”; and

16 (3) in paragraph (3)—

17 (A) by striking “Assistant Secretary of De-
18 fense for Sustainment” and inserting “Inspec-
19 tor General of the Department of Defense”;
20 and

21 (B) by striking “Secretary of the military
22 department concerned” and inserting “Inspec-
23 tor General of the military department con-
24 cerned”.

1 **SEC. 2842. IMPLEMENTATION OF COMPTROLLER GENERAL**
2 **RECOMMENDATIONS RELATING TO**
3 **STRENGTHENING OVERSIGHT OF**
4 **PRIVATIZED MILITARY HOUSING.**

5 Not later than one year after the date of the enact-
6 ment of this Act, the Secretary of Defense shall—

7 (1) implement the recommendations of the
8 Comptroller General of the United States contained
9 in the report published by the Comptroller General
10 on April 6, 2023, reissued with revisions on April
11 20, 2023, and titled “DOD Can Further Strengthen
12 Oversight of Its Privatized Housing Program”
13 (GAO–23–105377); or

14 (2) if the Secretary does not implement any
15 such recommendation, submit to the Committees on
16 Armed Services of the Senate and the House of Rep-
17 resentatives a report explaining why the Secretary
18 has not implemented those recommendations.

19 **SEC. 2843. TREATMENT OF NONDISCLOSURE AGREEMENTS**
20 **WITH RESPECT TO PRIVATIZED MILITARY**
21 **HOUSING.**

22 Section 2890(f)(1) of title 10, United States Code,
23 is amended—

24 (1) by striking “A tenant or prospective tenant
25 of a housing unit may not be required to sign” and

1 inserting “A landlord may not request that a tenant
2 or prospective tenant of a housing unit sign”; and

3 (2) by inserting at the end the following: “The
4 military services should seek to inform members of
5 the armed forces of the possible consequences of en-
6 tering into a nondisclosure agreement and encourage
7 members to seek legal counsel before entering into
8 such an agreement if they have questions about spe-
9 cific contractual terms.”.

10 **PART III—OTHER HOUSING MATTERS**

11 **SEC. 2851. DEPARTMENT OF DEFENSE MILITARY HOUSING**

12 **READINESS COUNCIL.**

13 (a) IN GENERAL.—Subchapter I of chapter 88 of title
14 10, United States Code, is amended by inserting after sec-
15 tion 1781c the following new section:

16 **“§ 1781d. Department of Defense Military Housing**

17 **Readiness Council**

18 “(a) IN GENERAL.—There is in the Department of
19 Defense the Department of Defense Military Housing
20 Readiness Council (in this section referred to as the
21 ‘Council’).

22 “(b) MEMBERS.—

23 “(1) IN GENERAL.—The Council shall be com-
24 posed of the following members:

1 “(A) The Assistant Secretary of Defense
2 for Energy, Installations, and Environment,
3 who shall serve as chair of the Council and who
4 may designate a representative to chair the
5 Council in the absence of the Assistant Sec-
6 retary.

7 “(B) One representative of each of the
8 Army, Navy, Air Force, Marine Corps, and
9 Space Force, each of whom shall be a member
10 of the armed force to be represented and not
11 fewer than two of which shall be from an en-
12 listed component.

13 “(C) One spouse of a member of each of
14 the Army, Navy, Air Force, Marine Corps, and
15 Space Force on active duty, not fewer than two
16 of which shall be the spouse of an enlisted
17 member.

18 “(D) One professional from each of the fol-
19 lowing fields, each of whom shall possess exper-
20 tise in State and Federal housing standards in
21 their respective field:

22 “(i) Plumbing.

23 “(ii) Electrical.

24 “(iii) Heating, ventilation, and air
25 conditioning (HVAC).

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1 “(iv) Certified home inspection.

2 “(v) Roofing.

3 “(vi) Structural engineering.

4 “(vii) Window fall prevention and
5 safety.

6 “(E) Two representatives of organizations
7 that advocate on behalf of military families with
8 respect to military housing.

9 “(F) One individual appointed by the Sec-
10 retary of Defense among representatives of the
11 International Code Council.

12 “(G) One individual appointed by the Sec-
13 retary of Defense among representatives of the
14 Institute of Inspection Cleaning and Restora-
15 tion Certification.

16 “(H) One individual appointed by the Sec-
17 retary of Defense among representatives of a
18 voluntary consensus standards body that devel-
19 ops construction standards (such as building,
20 plumbing, mechanical, or electrical).

21 “(I) One individual appointed by the Sec-
22 retary of Defense among representatives of a
23 voluntary consensus standards body that devel-
24 ops personnel certification standards for build-
25 ing maintenance or restoration.

1 “(2) TERMS.—The term on the Council of the
2 members specified under subparagraphs (B) through
3 (M) of paragraph (1) shall be two years and may be
4 renewed by the Secretary of Defense.

5 “(3) ATTENDANCE BY LANDLORDS.—The chair
6 of the Council shall extend an invitation to each
7 landlord for one representative of each landlord to
8 attend such meetings of the Council as the chair
9 considers appropriate.

10 “(4) ADDITIONAL REQUIREMENTS FOR CERTAIN
11 MEMBERS.—Each member appointed under para-
12 graph (1)(D) may not be affiliated with—

13 “(A) any organization that provides
14 privatized military housing; or

15 “(B) the Department of Defense.

16 “(c) MEETINGS.—The Council shall meet two times
17 each year.

18 “(d) DUTIES.—The duties of the Council shall in-
19 clude the following:

20 “(1) To review and make recommendations to
21 the Secretary of Defense regarding policies for
22 privatized military housing, including inspections
23 practices, resident surveys, landlord payment of
24 medical bills for residents of housing units that have

1 not maintained minimum standards of habitability,
2 and access to maintenance work order systems.

3 “(2) To monitor compliance by the Department
4 of Defense with and effective implementation by the
5 Department of statutory and regulatory improve-
6 ments to policies for privatized military housing, in-
7 cluding the Military Housing Privatization Initiative
8 Tenant Bill of Rights developed under section 2890
9 of this title and the complaint database established
10 under section 2894a of this title.

11 “(3) To make recommendations to the Sec-
12 retary of Defense to improve collaboration, aware-
13 ness, and promotion of accurate and timely informa-
14 tion about privatized military housing, accommoda-
15 tions available through the Exceptional Family
16 Member Program of the Department, and other sup-
17 port services among policymakers, providers of such
18 accommodations and other support services, and tar-
19 geted beneficiaries of such accommodations and
20 other support services.

21 “(e) PUBLIC REPORTING.—

22 “(1) AVAILABILITY OF DOCUMENTS.—Subject
23 to section 552 of title 5 (commonly known as the
24 ‘Freedom of Information Act’), the records, reports,
25 transcripts, minutes, appendices, working papers,

1 drafts, studies, agenda, and other documents made
2 available to or prepared for or by the Council shall
3 be available for public inspection and copying at a
4 single location in a publicly accessible format on a
5 website of the Department of Defense until the
6 Council ceases to exist.

7 “(2) MINUTES.—

8 “(A) IN GENERAL.—Detailed minutes of
9 each meeting of the Council shall be kept and
10 shall contain—

11 “(i) a record of the individuals
12 present;

13 “(ii) a complete and accurate descrip-
14 tion of matters discussed and conclusions
15 reached; and

16 “(iii) copies of all reports received,
17 issued, or approved by the Council.

18 “(B) CERTIFICATION.—The chair of the
19 Council shall certify the accuracy of the min-
20 utes of each meeting of the Council.

21 “(f) ANNUAL REPORTS.—

22 “(1) IN GENERAL.—Not later than March 1
23 each year, the Council shall submit to the Secretary
24 of Defense and the congressional defense committees
25 a report on privatized military housing readiness.

1 “(2) ELEMENTS.—Each report under this sub-
2 section shall include the following:

3 “(A) An assessment of the adequacy and
4 effectiveness of the provision of privatized mili-
5 tary housing and the activities of the Depart-
6 ment of Defense in meeting the needs of mili-
7 tary families relating to housing during the pre-
8 ceeding fiscal year.

9 “(B) A description of activities of the
10 Council during the preceding fiscal year, includ-
11 ing—

12 “(i) analyses of complaints of tenants
13 of housing units;

14 “(ii) data received by the Council on
15 maintenance response time and completion
16 of maintenance requests relating to hous-
17 ing units;

18 “(iii) assessments of dispute resolu-
19 tion processes;

20 “(iv) assessments of overall customer
21 service for tenants;

22 “(v) assessments of results of housing
23 inspections conducted with and without no-
24 tice; and

1 “(vi) any survey results conducted on
2 behalf of or received by the Council.

3 “(C) Recommendations on actions to be
4 taken to improve the capability of the provision
5 of privatized military housing and the activities
6 of the Department of Defense to meet the needs
7 and requirements of military families relating to
8 housing, including actions relating to the alloca-
9 tion of funding and other resources.

10 “(3) PUBLIC AVAILABILITY.—Each report
11 under this subsection shall be made available in a
12 publicly accessible format on a website of the De-
13 partment of Defense.

14 “(g) DEFINITIONS.—In this section:

15 “(1) LANDLORD.—The term ‘landlord’ has the
16 meaning given that term in section 2871 of this
17 title.

18 “(2) PRIVATIZED MILITARY HOUSING.—The
19 term ‘privatized military housing’ means housing
20 provided under subchapter IV of chapter 169 of this
21 title.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such subchapter is amended by insert-
24 ing after the item relating to section 1781c the following
25 new item:

 “1781d. Department of Defense Military Housing Readiness Council.”.

1 **SEC. 2852. INCLUSION IN ANNUAL STATUS OF FORCES SUR-**
2 **VEY OF QUESTIONS REGARDING LIVING CON-**
3 **DITIONS OF MEMBERS OF THE ARMED**
4 **FORCES.**

5 The Secretary of Defense shall include in each status
6 of forces survey of the Department of Defense conducted
7 on or after the date of the enactment of this Act questions
8 specifically targeting the following areas:

9 (1) Overall satisfaction of members of the
10 Armed Forces with their current living accommoda-
11 tion.

12 (2) Satisfaction of such members with the phys-
13 ical condition of their current living accommodation.

14 (3) Satisfaction of such members with the af-
15 fordability of their current living accommodation.

16 (4) Whether the current living accommodation
17 of such members has impacted any decision related
18 to reenlistment in the Armed Forces.

19 **Subtitle C—Land Conveyances**

20 **SEC. 2861. LAND CONVEYANCE, BG J SUMNER JONES ARMY**
21 **RESERVE CENTER, WHEELING, WEST VIR-**
22 **GINIA.**

23 (a) CONVEYANCE AUTHORIZED.—

24 (1) IN GENERAL.—The Secretary of the Army
25 (in this section referred to as the “Secretary”) may
26 convey to the City of Wheeling, West Virginia (in

1 this section referred to as the “City”), all right,
2 title, and interest of the United States in and to a
3 parcel of real property, including any improvements
4 thereon, consisting of approximately 3.33 acres,
5 known as the former BG J Sumner Jones Army Re-
6 serve Center, located within the City, for the pur-
7 pose of providing emergency management response
8 or law enforcement services.

9 (2) CONTINUATION OF EXISTING EASEMENTS,
10 RESTRICTIONS, AND COVENANTS.—The conveyance
11 of the property under paragraph (1) shall be subject
12 to any easement, restriction, or covenant of record
13 applicable to the property and in existence on the
14 date of the enactment of this Act.

15 (b) REVISIONARY INTEREST.—

16 (1) IN GENERAL.—If the Secretary determines
17 at any time that the property conveyed under sub-
18 section (a) is not being used in accordance with the
19 purpose of the conveyance specified in such sub-
20 section, all right, title, and interest in and to the
21 property, including any improvements thereto, may,
22 at the option of the Secretary, revert to and become
23 the property of the United States, and the United
24 States may have the right of immediate entry onto
25 such property.

1 (2) DETERMINATION.—A determination by the
2 Secretary under paragraph (1) may be made on the
3 record after an opportunity for a hearing.

4 (c) PAYMENT OF COSTS OF CONVEYANCE.—

5 (1) PAYMENT REQUIRED.—The Secretary may
6 require the City to cover all costs (except costs for
7 environmental remediation of the property) to be in-
8 curred by the Secretary, or to reimburse the Sec-
9 retary for costs incurred by the Secretary, to carry
10 out the conveyance under subsection (a), including
11 costs for environmental and real estate due diligence
12 and any other administrative costs related to the
13 conveyance.

14 (2) REFUND OF EXCESS AMOUNTS.—If
15 amounts are collected from the City under para-
16 graph (1) in advance of the Secretary incurring the
17 actual costs, and the amount collected exceeds the
18 costs actually incurred by the Secretary to carry out
19 the conveyance under subsection (a), the Secretary
20 shall refund the excess amount to the City.

21 (d) LIMITATION ON SOURCE OF FUNDS.—The City
22 may not use Federal funds to cover any portion of the
23 costs required to be paid by the City under this section.

24 (e) DESCRIPTION OF PROPERTY.—The exact acreage
25 and legal description of the property to be conveyed under

1 subsection (a) shall be determined by a survey satisfactory
2 to the Secretary.

3 (f) **ADDITIONAL TERMS AND CONDITIONS.**—The Sec-
4 retary may require such additional terms and conditions
5 in connection with the conveyance under subsection (a) as
6 the Secretary considers appropriate to protect the inter-
7 ests of the United States.

8 **SEC. 2862. LAND CONVEYANCE, WETZEL COUNTY MEMO-**
9 **RIAL ARMY RESERVE CENTER, NEW**
10 **MARTINSVILLE, WEST VIRGINIA.**

11 (a) **CONVEYANCE AUTHORIZED.**—

12 (1) **IN GENERAL.**—The Secretary of the Army
13 (in this section referred to as the “Secretary”) may
14 convey to the City of New Martinsville, West Vir-
15 ginia (in this section referred to as the “City”), all
16 right, title, and interest of the United States in and
17 to a parcel of real property, including any improve-
18 ments thereon, consisting of approximately 2.96
19 acres, known as the former Wetzel County Memorial
20 Army Reserve Center, located within the City, for
21 the purpose of providing emergency management re-
22 sponse or law enforcement services.

23 (2) **CONTINUATION OF EXISTING EASEMENTS,**
24 **RESTRICTIONS, AND COVENANTS.**—The conveyance
25 of the property under paragraph (1) shall be subject

1 to any easement, restriction, or covenant of record
2 applicable to the property and in existence on the
3 date of the enactment of this Act.

4 (b) REVISIONARY INTEREST.—

5 (1) IN GENERAL.—If the Secretary determines
6 at any time that the property conveyed under sub-
7 section (a) is not being used in accordance with the
8 purpose of the conveyance specified in such sub-
9 section, all right, title, and interest in and to the
10 property, including any improvements thereto, may,
11 at the option of the Secretary, revert to and become
12 the property of the United States, and the United
13 States may have the right of immediate entry onto
14 such property.

15 (2) DETERMINATION.—A determination by the
16 Secretary under paragraph (1) may be made on the
17 record after an opportunity for a hearing.

18 (c) PAYMENT OF COSTS OF CONVEYANCE.—

19 (1) PAYMENT REQUIRED.—The Secretary may
20 require the City to cover all costs (except costs for
21 environmental remediation of the property) to be in-
22 curred by the Secretary, or to reimburse the Sec-
23 retary for costs incurred by the Secretary, to carry
24 out the conveyance under subsection (a), including
25 costs for environmental and real estate due diligence

1 and any other administrative costs related to the
2 conveyance.

3 (2) REFUND OF EXCESS AMOUNTS.—If
4 amounts are collected from the City under para-
5 graph (1) in advance of the Secretary incurring the
6 actual costs, and the amount collected exceeds the
7 costs actually incurred by the Secretary to carry out
8 the conveyance under subsection (a), the Secretary
9 shall refund the excess amount to the City.

10 (d) LIMITATION ON SOURCE OF FUNDS.—The City
11 may not use Federal funds to cover any portion of the
12 costs required to be paid by the City under this section.

13 (e) DESCRIPTION OF PROPERTY.—The exact acreage
14 and legal description of the property to be conveyed under
15 subsection (a) shall be determined by a survey satisfactory
16 to the Secretary.

17 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
18 retary may require such additional terms and conditions
19 in connection with the conveyance under subsection (a) as
20 the Secretary considers appropriate to protect the inter-
21 ests of the United States.

1 **Subtitle D—Other Matters**

2 **SEC. 2871. AUTHORITY TO CONDUCT ENERGY RESILIENCE**

3 **AND CONSERVATION PROJECTS AT INSTAL-**

4 **LATIONS WHERE NON-DEPARTMENT OF DE-**

5 **FENSE FUNDED ENERGY PROJECTS HAVE OC-**

6 **CURRED.**

7 Subsection (k) of section 2688 of title 10, United

8 States Codes, is amended to read as follows:

9 “(k) IMPROVEMENT OF CONVEYED UTILITY SYS-

10 TEM.—(1) In the case of a utility system that has been

11 conveyed under this section and that only provides utility

12 services to a military installation, the Secretary of Defense

13 or the Secretary of a military department may authorize

14 a contract on a sole source basis with the conveyee of the

15 utility system to carry out a military construction project

16 as authorized and appropriated for by law for an infra-

17 structure improvement that enhances the reliability, resil-

18 ience, efficiency, physical security, or cybersecurity of the

19 utility system.

20 “(2) The Secretary of Defense or the Secretary of

21 a military Department may convey under subsection (j)

22 any infrastructure constructed under paragraph (1) that

23 is in addition to the utility system conveyed under such

24 paragraph.”.

1 **SEC. 2872. LIMITATION ON AUTHORITY TO MODIFY OR RE-**
2 **STRICT PUBLIC ACCESS TO GREENBURY**
3 **POINT CONSERVATION AREA AT NAVAL SUP-**
4 **PORT ACTIVITY ANNAPOLIS, MARYLAND.**

5 (a) **IN GENERAL.**—Except as provided in subsection
6 (b), the Secretary of the Navy may not modify or restrict
7 public access to the Greenbury Point Conservation Area
8 at Naval Support Activity Annapolis, Maryland, until—

9 (1) the Secretary submits to Congress a report
10 describing the manner in which such access will be
11 modified or restricted; and

12 (2) a law is enacted permitting such modifica-
13 tions or restrictions.

14 (b) **EXCEPTIONS.**—Subsection (a) shall not apply
15 to—

16 (1) temporary restrictions to protect public
17 safety that are necessitated by emergent situations,
18 hazardous conditions, maintenance of existing facili-
19 ties, or live fire exercises; or

20 (2) the lease or transfer of the Greenbury Point
21 Conservation Area to another public entity.

1 **SEC. 2873. AUTHORIZATION FOR THE SECRETARY OF THE**
2 **NAVY TO RESOLVE THE ELECTRICAL UTILITY**
3 **OPERATIONS AT FORMER NAVAL AIR STA-**
4 **TION BARBERS POINT (CURRENTLY KNOWN**
5 **AS “KALAELOA”), HAWAII.**

6 (a) IN GENERAL.—The Secretary of the Navy (in this
7 section referred to as the “Secretary”) may enter into an
8 agreement with the State of Hawaii for the purpose of
9 resolving the electrical utility operations at Former Naval
10 Air Station Barbers Point, also known as “Kalaeloa”, Ha-
11 waii.

12 (b) ELEMENTS OF AGREEMENT.—An agreement en-
13 tered into under subsection (a) shall include a requirement
14 that the Secretary—

15 (1) assist with—

16 (A) the transfer of customers of the Navy
17 off of the electrical utility system of the Navy
18 in the location specified in such subsection; and

19 (B) the enhancement of the new sur-
20 rounding electrical system to accept any addi-
21 tional load from such transfer, with a priority
22 in the downtown area, which is home to nine
23 large customers, including the Hawaii Army
24 National Guard;

1 (2) provide the instantaneous peak demand
2 analysis and design necessary to conduct such trans-
3 fer;

4 (3) provide rights of way and easements nec-
5 essary to support the construction of replacement
6 electrical infrastructure; and

7 (4) be responsible for all environmental assess-
8 ments and remediation and costs related to the re-
9 moval and disposal of the electrical utility system of
10 the Navy once it is no longer in use.

11 (c) **LIMITATION ON EXPENDITURE OF AMOUNTS.—**
12 The Secretary may expend not more than \$48,000,000
13 during any fiscal year to provide support for an agreement
14 entered into under subsection (a).

15 (d) **NOTIFICATION.—**Not later than 180 days after
16 the date of the enactment of this Act, and not less fre-
17 quently than every 180 days thereafter, the Secretary shall
18 submit to the congressional defense committees a report
19 on progress made in initiating and executing an agreement
20 under subsection (a).

21 **SEC. 2874. CLARIFICATION OF OTHER TRANSACTION AU-**
22 **THORITY FOR INSTALLATION OR FACILITY**
23 **PROTOTYPING.**

24 Section 4022(i) of title 10, United States Code, is
25 amended—

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1 (1) in paragraph (2)—

2 (A) in subparagraph (A), by striking “;
3 and” and inserting a period;

4 (B) by striking subparagraph (B); and

5 (C) by striking “paragraph (1)” and all
6 that follows through “not more” and inserting
7 “paragraph (1), except for projects carried out
8 for the purpose of repairing a facility, not
9 more”;

10 (2) by redesignating paragraph (3) as para-
11 graph (4); and

12 (3) by inserting after paragraph (2) the fol-
13 lowing new paragraph (3):

14 “(3) USE OF AMOUNTS.—The Secretary of De-
15 fense or the Secretary of a military department may
16 carry out prototype projects under the pilot program
17 established under paragraph (1) using amounts
18 available for military construction, notwith-
19 standing—

20 “(A) subchapters I and III of chapter 169
21 of this title; and

22 “(B) chapters 221 and 223 of this title.”.

1 **SEC. 2875. REQUIREMENT THAT DEPARTMENT OF DEFENSE**
2 **INCLUDE MILITARY INSTALLATION RESIL-**
3 **IENCE IN REAL PROPERTY MANAGEMENT**
4 **AND INSTALLATION MASTER PLANNING OF**
5 **DEPARTMENT.**

6 Not later than one year after the date of the enact-
7 ment of this Act, the Secretary of Defense shall—

8 (1) update Department of Defense Instruction
9 4165.70 (relating to real property management) and
10 Unified Facilities Criteria 2–100–01 (relating to in-
11 stallation master planning) to—

12 (A) include a requirement to incorporate
13 the impact of military installation resilience in
14 all installation master plans;

15 (B) include a list of all sources of informa-
16 tion approved by the Department of Defense;

17 (C) define the 17 military installation resil-
18 ience hazards to ensure that the impacts from
19 such hazards are reported consistently across
20 the Department;

21 (D) require military installations to ad-
22 dress the rationale for determining that any
23 such hazard is not applicable to the installation;

24 (E) standardize reporting formats for mili-
25 tary installation resilience plans;

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1 (F) establish and define standardized risk
2 rating categories for the use by all military de-
3 partments; and

4 (G) define criteria for determining the level
5 of risk to an installation to compare hazards be-
6 tween military departments; and

7 (2) require the Secretary of each military de-
8 partment to update the handbook for the military
9 department concerned to incorporate the require-
10 ments under paragraph (1).

11 **SEC. 2876. INCREASE OF LIMITATION ON FEE FOR ARCHI-**
12 **TECTURAL AND ENGINEERING SERVICES**
13 **PROCURED BY MILITARY DEPARTMENTS.**

14 (a) ARMY.—Section 7540(b) of title 10, United
15 States Code, is amended by striking “6 percent” and in-
16 serting “10 percent”.

17 (b) NAVY.—Section 8612(b) of such title is amended
18 by striking “6 percent” and inserting “10 percent”.

19 (c) AIR FORCE.—Section 9540(b) of such title is
20 amended by striking “6 percent” and inserting “10 per-
21 cent”.

1 **SEC. 2877. REQUIREMENT THAT ALL MATERIAL TYPES BE**
2 **CONSIDERED FOR DESIGN-BID-BUILD MILI-**
3 **TARY CONSTRUCTION PROJECTS.**

4 (a) IN GENERAL.—The Secretary concerned may not
5 proceed from the design phase of a design-bid-build mili-
6 tary construction project or solicit bids for the construc-
7 tion phase of a design-bid-build military construction
8 project until the Secretary of Defense certifies that all ma-
9 terials included in the Unified Facilities Criteria of the
10 Department of Defense have been equally considered for
11 such project.

12 (b) ANNUAL REPORT.—Not later than January 1 of
13 each year, the Under Secretary of Defense for Acquisition
14 and Sustainment shall submit to the congressional defense
15 committees a report—

16 (1) detailing the primary construction material
17 for each design-bid-build military construction
18 project for which a contract was awarded during the
19 previous fiscal year in an amount that exceeds
20 \$6,000,000; and

21 (2) identifying whether each such project was
22 designed or constructed based off a shelf design used
23 at another installation of the Department of De-
24 fense.

25 (c) SECRETARY CONCERNED DEFINED.—In this sec-
26 tion, the term “Secretary concerned” has the meaning

1 given that term in section 101(a)(9) of title 10, United
2 States Code.

3 **SEC. 2878. CONTINUING EDUCATION CURRICULUM FOR**
4 **MEMBERS OF THE MILITARY CONSTRUCTION**
5 **PLANNING AND DESIGN WORKFORCE AND**
6 **ACQUISITION WORKFORCE OF THE DEPART-**
7 **MENT OF DEFENSE.**

8 (a) IN GENERAL.—Not later than 270 days after the
9 date of the enactment of this Act, the Secretary of Defense
10 shall establish a continuing education curriculum for
11 members of the military construction planning and design
12 workforce of the Department of Defense and the acquisi-
13 tion workforce of the Department responsible for military
14 construction projects.

15 (b) CURRICULUM.—The continuing education cur-
16 riculum required under subsection (a)—

17 (1) shall be focused on improving the under-
18 standing, awareness, and utilization of innovative
19 products for construction systems with increased
20 benefits relating to—

21 (A) construction speed;

22 (B) anti-terrorism force protection;

23 (C) lateral wind, seismic activity, and fire
24 performance standards;

1 (D) designs that factor in military installa-
2 tion resilience and protection against extreme
3 weather events;

4 (E) life-cycle cost effectiveness and sus-
5 tainability;

6 (F) renewability; and

7 (G) carbon sequestration; and

8 (2) shall include instruction relating to—

9 (A) all sustainable building materials, such
10 as innovative wood products and mass timber
11 systems; and

12 (B) designs to improve military installation
13 resilience using projection data against extreme
14 weather events.

15 (c) AVAILABILITY AND UPDATE.—The Secretary
16 shall ensure that—

17 (1) the continuing education curriculum re-
18 quired under subsection (a) is made available to
19 each element of the military construction community
20 not later than 60 days after completion of the cur-
21 rriculum; and

22 (2) such curriculum is updated whenever a new
23 construction material is approved by the Unified Fa-
24 cilities Criteria of the Department.

1 (d) ACADEMIA INPUT.—In developing the continuing
2 education curriculum required under subsection (a), the
3 Secretary shall consult with academic institutions.

4 (e) TIMING.—Not later than January 1, 2025, the
5 Secretary shall ensure that—

6 (1) not less than 75 percent of the workforce
7 described in subsection (a) has completed the first
8 iteration of the continuing education curriculum re-
9 quired under such subsection; and

10 (2) such workforce receives updated information
11 on innovative construction techniques on a con-
12 tinuing basis.

13 (f) REPORT.—Not later than June 1, 2024, the Sec-
14 retary shall submit to appropriate committees of Congress
15 a report containing an update on the status of the con-
16 tinuing education curriculum required under subsection
17 (a).

18 (g) DEFINITIONS.—In this section:

19 (1) APPROPRIATE COMMITTEES OF CON-
20 GRESS.—The term “appropriate committees of Con-
21 gress” means—

22 (A) the Committee on Armed Services and
23 the Subcommittee on Military Construction,
24 Veterans Affairs and Related Agencies of the

1 Committee on Appropriations of the Senate;
2 and

3 (B) the Committee on Armed Services and
4 the Subcommittee on Military Construction,
5 Veterans Affairs and Related Agencies of the
6 Committee on Appropriations of the House of
7 Representatives.

8 (2) MILITARY INSTALLATION RESILIENCE.—
9 The term “military installation resilience” has the
10 meaning given that term in section 101(e)(8) of title
11 10, United States Code.

12 **SEC. 2879. GUIDANCE ON DEPARTMENT OF DEFENSE-WIDE**
13 **STANDARDS FOR ACCESS TO INSTALLATIONS**
14 **OF THE DEPARTMENT.**

15 (a) INTERIM GUIDANCE.—Not later than 30 days
16 after the date of the enactment of this Act, the Secretary
17 of Defense shall promulgate interim guidance to the ap-
18 propriate official or officials within the Department of De-
19 fense for purposes of establishing final standards of the
20 Department for fitness of individuals for access to installa-
21 tions of the Department, which shall include modifying
22 Department of Defense Manual 5200.08, “Physical Secu-
23 rity Program: Access to DoD Installations”, or any com-
24 parable or successor policy guidance document.

1 (b) FINAL GUIDANCE.—Not later than 180 days
2 after the date of the enactment of this Act, the Secretary
3 of Defense shall promulgate final guidance described in
4 subsection (a).

5 (c) BRIEFING.—Not later than 60 days after promul-
6 gating interim guidance required under subsection (a), the
7 Secretary of Defense shall brief the Committees on Armed
8 Services of the Senate the House of Representatives on
9 such guidance, which shall include a timeline for promul-
10 gation of final guidance as required under subsection (b).

11 **SEC. 2880. DEPLOYMENT OF EXISTING CONSTRUCTION MA-**
12 **TERIALS.**

13 (a) PLAN.—Not later than 60 days after the date of
14 the enactment of this Act, the Secretary of Defense shall
15 submit to Congress a plan to utilize, transfer, or donate
16 to States on the southern border of the United States all
17 existing excess border wall construction materials, includ-
18 ing bollards, for constructing a permanent physical barrier
19 to stop illicit human and vehicle traffic along the border
20 of the United States with Mexico.

21 (b) EXECUTION OF PLAN.—Not later than 15 days
22 after submitting to Congress the plan required under sub-
23 section (a), taking into account ongoing audits being con-
24 ducted by the Defense Contract Audit Agency and ongoing
25 construction contract negotiations by the Army Corps of

1 Engineers, so long as any ongoing audits or construction
2 contract negotiations are not a cause for delay, the Sec-
3 retary shall work with the Defense Logistics Agency to
4 execute that plan until the Department of Defense is no
5 longer incurring any costs to maintain, store, or protect
6 the materials specified under such subsection.

7 (c) REQUIREMENTS OF REQUESTING STATES.—Any
8 State requesting border wall construction materials made
9 available under this section must certify, in writing, that
10 the materials it accepts will be exclusively used for the
11 construction of a permanent physical barrier along the
12 border of the United States with Mexico.

13 (d) REPORT.—Not later than 90 days after the date
14 of the enactment of this Act, the Secretary of Defense
15 shall submit to Congress a report containing the following:

16 (1) A detailed description of the decision proc-
17 ess of the Secretary to forgo the excess property dis-
18 posal process of the Department of Defense and in-
19 stead pay to store border wall panels.

20 (2) A list of entities the Department is paying
21 for use of their privately owned land to store unused
22 border wall construction materials, with appropriate
23 action taken to protect personally identifiable infor-
24 mation, such as by making the list of entities avail-

1 able in an annex that is labeled as controlled unclas-
2 sified information.

3 (3) An explanation of the process through
4 which the Department contracted with private land-
5 owners to store unused border wall construction ma-
6 terials, including whether there was a competitive
7 contracting process and whether the landowners
8 have instituted an inventory review system.

9 (4) A description of any investigations by the
10 Inspector General of the Department that have been
11 opened related to storing border wall construction
12 materials.

13 **SEC. 2881. TECHNICAL CORRECTIONS.**

14 (a) NUMU NEWE SPECIAL MANAGEMENT AREA.—
15 Section 2902(c) of the Military Construction Authoriza-
16 tion Act for Fiscal Year 2023 (16 U.S.C. 460gggg(c)) is
17 amended by striking “217,845” and inserting “209,181”.

18 (b) REDUCTION OF IMPACT OF FALLON RANGE
19 TRAINING COMPLEX MODERNIZATION.—Section
20 2995(a)(3)(A) of the Military Land Withdrawals Act of
21 2013 (title XXIX of Public Law 113–66), as added by
22 section 2901 of the Military Construction Authorization
23 Act for Fiscal Year 2023 (division B of Public Law 117–
24 263; 136 Stat. 3016) is amended by inserting “Gas” after
25 “Basin”.

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1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**
8 **Subtitle A—National Security**
9 **Programs and Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
11 **TION.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
13 are hereby authorized to be appropriated to the Depart-
14 ment of Energy for fiscal year 2024 for the activities of
15 the National Nuclear Security Administration in carrying
16 out programs as specified in the funding table in section
17 4701.

18 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
19 From funds referred to in subsection (a) that are available
20 for carrying out plant projects, the Secretary of Energy
21 may carry out new plant projects for the National Nuclear
22 Security Administration as follows:

23 Project 24–D–513, Z-Pinch Experimental Un-
24 derground System Test Bed Facilities Improvement,

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1 Nevada National Security Site, Nye County, Ne-
2 vada, \$80,000,000.

3 Project 24–D–512, TA-46 Protective Force Fa-
4 cility, Los Alamos National Laboratory, Los Alamos,
5 New Mexico, \$48,500,000.

6 Project 24–D–511, Plutonium Production
7 Building, Los Alamos National Laboratory, Los Ala-
8 mos, New Mexico, \$48,500,000.

9 Project 24–D–510, Analytic Gas Laboratory,
10 Pantex Plant, Panhandle, Texas, \$35,000,000.

11 Project 24–D–530, Naval Reactors Facility
12 Medical Science Complex, Idaho Falls, Idaho,
13 \$36,584,000.

14 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated to the Depart-
17 ment of Energy for fiscal year 2024 for defense environ-
18 mental cleanup activities in carrying out programs as
19 specified in the funding table in section 4701.

20 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
21 From funds referred to in subsection (a) that are available
22 for carrying out plant projects, the Secretary of Energy
23 may carry out, for defense environmental cleanup activi-
24 ties, the following new plant projects:

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1 Project 24–D–401, Environmental Restoration
2 Disposal Facility Super Cell 11 Expansion Project,
3 Hanford Site, Richland, Washington, \$1,000,000.

4 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

5 Funds are hereby authorized to be appropriated to
6 the Department of Energy for fiscal year 2024 for other
7 defense activities in carrying out programs as specified in
8 the funding table in section 4701.

9 **SEC. 3104. NUCLEAR ENERGY.**

10 Funds are hereby authorized to be appropriated to
11 the Department of Energy for fiscal year 2024 for nuclear
12 energy as specified in the funding table in section 4701.

13 **Subtitle B— Program Authoriza-**
14 **tions, Restrictions, and Limita-**
15 **tions**

16 **SEC. 3111. LIMITATION ON USE OF FUNDS FOR NAVAL NU-**
17 **CLEAR FUEL SYSTEMS BASED ON LOW-EN-**
18 **RICED URANIUM.**

19 None of the funds authorized to be appropriated by
20 this Act for fiscal year 2024 for the National Nuclear Se-
21 curity Administration for the purpose of conducting re-
22 search and development of an advanced naval nuclear fuel
23 system based on low-enriched uranium may be obligated
24 or expended until the following determinations are sub-
25 mitted to the congressional defense committees:

1 (1) A determination made jointly by the Sec-
2 retary of Energy and the Secretary of Defense with
3 respect to whether the determination made jointly by
4 the Secretary of Energy and the Secretary of the
5 Navy pursuant to section 3118(c)(1) of the National
6 Defense Authorization Act for Fiscal Year 2016
7 (Public Law 114–92; 129 Stat. 1196) and submitted
8 to the congressional defense committees on March
9 25, 2018, that the United States should not pursue
10 research and development of an advanced naval nu-
11 clear fuel system based on low-enriched uranium, re-
12 mains valid.

13 (2) A determination by the Secretary of the
14 Navy with respect to whether an advanced naval nu-
15 clear fuel system based on low-enriched uranium can
16 be produced that would not reduce vessel capability,
17 increase expense, or reduce operational availability
18 as a result of refueling requirements.

19 **SEC. 3112. PROHIBITION ON ARIES EXPANSION BEFORE RE-**
20 **ALIZATION OF 30 PIT PER YEAR BASE CAPA-**
21 **BILITY.**

22 Section 4219 of the Atomic Energy Defense Act (50
23 U.S.C. 2538a) is amended by—

24 (a) redesignating subsection (f) as subsection (g); and

1 (b) inserting after subsection (e) the following new
2 subsection (f):

3 “(f) PROHIBITION ON ARIES EXPANSION BEFORE
4 REALIZATION OF 30 PIT PER YEAR BASE CAPABILITY.—

5 “(1) IN GENERAL.—Unless the Administrator
6 certifies to the congressional defense committees
7 that the base capability to produce 30 plutonium
8 pits per year has been established at Los Alamos
9 National Laboratory, the Advanced Recovery and
10 Integrated Extraction System (commonly known as
11 ‘ARIES’) spaces at the Plutonium Facility at Tech-
12 nical Area 55 (commonly known as ‘PF-4’) may not
13 be modified, including by installing additional equip-
14 ment.

15 “(2) EXCEPTIONS.—Paragraph (1) shall not
16 apply with respect to—

17 “(A) the planning and design of an addi-
18 tional ARIES capability; or

19 “(B) the transfer of the ARIES capability
20 to a location other than PF-4.”.

21 **SEC. 3113. PLUTONIUM MODERNIZATION PROGRAM MAN-**
22 **AGEMENT.**

23 Section 4219 of the Atomic Energy Defense Act (50
24 U.S.C. 2538a) is amended by adding at the end the fol-
25 lowing new subsection:

1 “(h) Not later than 570 days after the date of the
2 enactment of this Act, the Administrator for Nuclear Se-
3 curity shall ensure that the plutonium modernization pro-
4 gram established by the Office of Defense Programs of
5 the National Nuclear Security Administration, or any sub-
6 sequently developed program designed to meet the require-
7 ments under subsection (a), is managed in accordance
8 with the requirements of the Enhanced Management A
9 program management category described in the execution
10 instruction of the Office of Defense Programs entitled ‘DP
11 Program Execution Instruction: NA-10 Program Manage-
12 ment Tools and Processes’ and issued on January 14,
13 2016, or any subsequent directive.”.

14 **SEC. 3114. PANTEX EXPLOSIVES MANUFACTURING CAPA-**
15 **BILITY.**

16 Subtitle A of title XLII of the Atomic Energy De-
17 fense Act (50 U.S.C. 2521 et seq.) is amended by adding
18 at the end the following new section:

19 **“SEC. 4225. PANTEX EXPLOSIVES MANUFACTURING CAPA-**
20 **BILITY.**

21 “(a) IN GENERAL.—Not later than the date on which
22 the W87–1 modification program enters into phase 6.5 of
23 the joint nuclear weapons life cycle process (as defined in
24 section 4220), the Administrator shall establish at the
25 Pantex Plant a conventional high explosives production ca-

1 pability with sufficient capacity to support full rate pro-
2 duction of the main explosives used for the W87–1 war-
3 head.

4 “(b) BRIEFING.—On the day after the date that the
5 budget of the President is submitted to Congress under
6 section 1105(a) of title 31, United States Code, for fiscal
7 year 2025 and each fiscal year thereafter, the Adminis-
8 trator shall brief the congressional defense committees on
9 the progress of the Administration in achieving the capa-
10 bility described in subsection (a).

11 “(c) TERMINATION.—Subsection (b) shall terminate
12 upon the date that the Administrator certifies to the con-
13 gressional defense committees that the capability de-
14 scribed in subsection (a) has been achieved.”.

15 **SEC. 3115. LIMITATION ON ESTABLISHING AN ENDURING**
16 **BIOASSURANCE PROGRAM WITHIN THE NA-**
17 **TIONAL NUCLEAR SECURITY ADMINISTRA-**
18 **TION.**

19 (a) IN GENERAL.—Subtitle B of title XLVIII of the
20 Atomic Energy Defense Act (50 U.S.C. 2791 et seq.) is
21 amended by adding at the end the following section:

1 **“SEC. 4815. LIMITATION ON ESTABLISHING AN ENDURING**
2 **BIOASSURANCE PROGRAM WITHIN THE AD-**
3 **MINISTRATION.**

4 “(a) IN GENERAL.—The Administrator may not es-
5 tablish a program within the Administration for the pur-
6 poses of executing an enduring national security research
7 and development effort to broaden the role of the Depart-
8 ment of Energy in national biodefense.

9 “(b) RULE OF CONSTRUCTION.—The limitation de-
10 scribed in subsection (a) shall not be interpreted—

11 “(1) to prohibit the establishment of a bioassur-
12 ance program for the purpose of executing enduring
13 national security research and development in any
14 component of the Department of Energy other than
15 the Administration or in any other Federal agency;
16 or

17 “(2) to impede the use of resources of the Ad-
18 ministration, including resources provided by a na-
19 tional security laboratory or a nuclear weapons pro-
20 duction facility site, to support the execution of a
21 bioassurance program, if such support is provided—

22 “(A) on a cost-reimbursable basis to an en-
23 tity that is not a component of the Department
24 of Energy; and

25 “(B) in a manner that does not interfere
26 with mission of such laboratory or facility.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for the Atomic Energy Defense Act is amended by insert-
3 ing after the item relating to section 4814 the following
4 new item:

“Sec. 4815. Limitation on establishing an enduring bioassurance program with-
in the Administration.”.

5 **SEC. 3116. EXTENSION OF AUTHORITY ON ACCEPTANCE OF**
6 **CONTRIBUTIONS FOR ACCELERATION OR RE-**
7 **MOVAL OR SECURITY OF FISSILE MATERIALS,**
8 **RADIOLOGICAL MATERIALS, AND RELATED**
9 **EQUIPMENT AT VULNERABLE SITES WORLD-**
10 **WIDE.**

11 Section 4306B(f)(6) of the Atomic Energy Defense
12 Act (50 U.S.C. 2569(f)(6)) is amended by striking “2028”
13 and inserting “2033”.

14 **SEC. 3117. MODIFICATION OF REPORTING REQUIREMENTS**
15 **FOR PROGRAM ON VULNERABLE SITES.**

16 (a) IN GENERAL.—Section 4306B of the Atomic En-
17 ergy Defense Act (50 U.S.C. 2569) is amended—

18 (1) by striking subsection (d);

19 (2) by redesignating subsections (e), (f), and
20 (g) as subsections (d), (e), and (f), respectively; and

21 (3) in paragraph (6) of subsection (e), as so re-
22 designated, by striking “2028” and inserting
23 “2030”.

1 (b) CONFORMING AMENDMENT.—Section 4309(e)(7)
2 of the Atomic Energy Defense Act (50 U.S.C. 2575(e)(7))
3 is amended by striking “section 3132(f) of the Ronald W.
4 Reagan National Defense Authorization Act for Fiscal
5 Year 2005 (50 U.S.C. 2569(f))” and inserting “section
6 4306B(e)”.

7 **SEC. 3118. IMPLEMENTATION OF ENHANCED MISSION DE-**
8 **LIVERY INITIATIVE.**

9 (a) IN GENERAL.—Concurrent with the submission
10 of the budget of the President to Congress under section
11 1105(a) of title 31, United States Code, for each of fiscal
12 years 2025 through 2029, the Administrator for Nuclear
13 Security, acting through the Director for Cost Estimating
14 and Program Evaluation, shall brief the congressional de-
15 fense committees on the status of implementing the 18
16 principal recommendations and associated subelements of
17 the report entitled “Evolving the Nuclear Security Enter-
18 prise: A Report of the Enhanced Mission Delivery Initia-
19 tive”, published by the National Nuclear Security Admin-
20 istration in September 2022.

21 (b) ELEMENTS OF BRIEFINGS.—Each briefing re-
22 quired by subsection (a) shall address—

23 (1) the status of implementing each rec-
24 ommendation described in subsection (a);

1 (2) with respect to each recommendation that
2 has been implemented, whether the outcome of such
3 implementation is achieving the desired result;

4 (3) with respect to each recommendation that
5 has not been implemented, the reason for not imple-
6 menting such recommendation;

7 (4) whether additional legislation is required in
8 order to implement a recommendation; and

9 (5) such other matters as the Administrator
10 considers necessary.

11 **SEC. 3119. LIMITATION ON USE OF FUNDS UNTIL PROVI-**
12 **SION OF SPEND PLAN FOR W80-4 ALT WEAP-**
13 **ON DEVELOPMENT.**

14 Of the funds authorized to be appropriated by this
15 Act for fiscal year 2024 for operations of the Office of
16 the Administrator for Nuclear Security, not more than 50
17 percent may be obligated or expended until the date on
18 which the Administrator for Nuclear Security submits to
19 the congressional defense committees the spend plan for
20 the warhead associated with the sea-launched cruise mis-
21 sile required by section 1642(d) of the National Defense
22 Authorization Act for Fiscal Year 2023 (Public Law 117–
23 263).

1 **SEC. 3120. ANALYSES OF NUCLEAR PROGRAMS OF FOREIGN**
2 **COUNTRIES.**

3 (a) CAPABILITY TO CONDUCT ANALYSES OF NU-
4 CLEAR PROGRAMS.—The Secretary of Energy shall, using
5 existing authorities of the Secretary, take such actions as
6 are necessary to improve the ability of the Department
7 of Energy to conduct comprehensive, integrated analyses
8 of the nuclear programs of foreign countries.

9 (b) ADDITIONAL ANALYSES REQUIRED.—The Sec-
10 retary shall conduct analyses of—

11 (1) countries that may pursue nuclear weapons
12 programs in the future;

13 (2) developing technologies that make it easier
14 for the governments of countries or for non-state ac-
15 tors to acquire nuclear weapons; and

16 (3) entities that may be developing the ability
17 to supply sensitive nuclear technologies but may not
18 yet have effective programs in place to ensure com-
19 pliance with export controls.

20 **SEC. 3121. ENHANCING NATIONAL NUCLEAR SECURITY AD-**
21 **MINISTRATION SUPPLY CHAIN RELIABILITY.**

22 (a) IN GENERAL.—Subtitle A of title XLVIII of the
23 Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is
24 amended by adding at the end the following new section:

1 **“SEC. 4808. SUPPLY CHAIN RELIABILITY ASSURANCE PRO-**
2 **GRAM.**

3 “The Administrator shall establish a supply chain re-
4 liability assurance program—

5 “(1) to facilitate collaboration with the Depart-
6 ment of Defense and industrial partners to maintain
7 a reliable domestic supplier base for critical mate-
8 rials to meet engineering and performance require-
9 ments of the Administration and the Department of
10 Defense; and

11 “(2) to improve coordination with the Infra-
12 structure and Operations Program and the Pro-
13 grammatic Recapitalization Working Group to im-
14 prove planning for material requirements and poten-
15 tial disruptions to commercial or contractor supply
16 chains, including with respect to—

17 “(A) assisting in coordination for fore-
18 casting future needs in both legacy inventories
19 and new procurements;

20 “(B) establishing clear requirements for
21 nuclear security enterprise assurance and, when
22 cost-effective, to use capabilities of the Adminis-
23 tration to restore mission schedules at risk; and

24 “(C) collaborating with the Department of
25 Defense and industrial partners to establish
26 processes to mitigate manufacturing challenges

1 and to develop strategies to lower long-term
2 costs, while identifying and preserving produc-
3 tion of materials and components by the Ad-
4 ministration.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 for the Atomic Energy Defense Act is amended by insert-
7 ing after the item relating to section 4807 the following
8 new item:

“Sec. 4808. Supply chain reliability assurance program.”.

9 **SEC. 3122. TRANSFER OF CYBERSECURITY RESPONSIBIL-**
10 **ITIES TO ADMINISTRATOR FOR NUCLEAR SE-**
11 **CURITY.**

12 The National Nuclear Security Administration Act
13 (50 U.S.C. 2401 et seq.) is amended—

14 (1) in section 3212(b) (50 U.S.C. 2402(b)), by
15 adding at the end the following new paragraph:

16 “(20) Information resources management, in-
17 cluding cybersecurity.”; and

18 (2) in section 3232(b)(3)(50 U.S.C.
19 2422(b)(3)), by striking “and cyber”.

20 **SEC. 3123. REDESIGNATING DUTIES RELATED TO DEPART-**
21 **MENTAL RADIOLOGICAL AND NUCLEAR INCI-**
22 **DENT RESPONSES.**

23 (a) DEPUTY ADMINISTRATOR FOR DEFENSE PRO-
24 GRAMS.—Section 3214(b) of the National Nuclear Secu-

1 rity Administration Act (50 U.S.C. 2404 (b)) is amended
2 by striking paragraph (3).

3 (b) ADMINISTRATOR FOR NUCLEAR SECURITY.—Sec-
4 tion 3212(b)(7) of the National Nuclear Security Adminis-
5 tration Act (50 U.S.C. 2402(b)(7)) is amended by insert-
6 ing “and Nuclear Emergency Support Team capabilities,
7 including all field-deployed and remote technical support
8 to public health and safety missions, countering weapons
9 of mass destruction operations, technical and operational
10 nuclear forensics, and responses to United States nuclear
11 weapon accidents” after “management”.

12 **SEC. 3124. MODIFICATION OF AUTHORITY TO ESTABLISH**
13 **CERTAIN CONTRACTING, PROGRAM MANAGE-**
14 **MENT, SCIENTIFIC, ENGINEERING, AND**
15 **TECHNICAL POSITIONS.**

16 Section 3241 of the National Nuclear Security Ad-
17 ministration Act (50 U.S.C. 2441) is amended by striking
18 “800” and inserting “1,200”.

19 **SEC. 3125. TECHNICAL AMENDMENTS TO THE ATOMIC EN-**
20 **ERGY DEFENSE ACT.**

21 The Atomic Energy Defense Act (50 U.S.C. 2501 et
22 seq.) is amended—

23 (1) in section 4306(d)—

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1 (A) in paragraph (1), by striking “Not
2 later than March 15, 2005, the” and inserting
3 “The”; and

4 (B) in paragraph (2), by striking “Not
5 later than January 1, 2006, the” and inserting
6 “The”; and

7 (2) in section 4807(f)(1), by striking “2022”
8 and inserting “2030”.

9 **SEC. 3126. AMENDMENT TO PERIOD FOR BRIEFING RE-**
10 **QUIREMENTS.**

11 Section 4807(f)(1) of the Atomic Energy Defense Act
12 (50 U.S.C. 2787(f)(1)) is amended by striking “2022”
13 and inserting “2032”.

14 **SEC. 3127. REPEAL OF REPORTING REQUIREMENTS FOR**
15 **URANIUM CAPABILITIES REPLACEMENT**
16 **PROJECT.**

17 Section 3123(g) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2013 (Public Law 112–239; 126
19 Stat. 2178) is repealed.

20 **Subtitle C—Budget and Financial**
21 **Management Matters**

22 **SEC. 3131. UPDATED FINANCIAL INTEGRATION POLICY.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Administrator for Nuclear Security

1 shall issue an updated financial integration policy, which
2 shall include the following:

3 (1) Updated responsibilities for offices of the
4 National Nuclear Security Administration and re-
5 quirements for management and operating contrac-
6 tors, including contractors at sites that are not sites
7 of the Administration.

8 (2) Guidance for how offices of the Administra-
9 tion should use common financial data, including
10 guidance requiring that such data be used as the
11 primary source of financial data by program offices,
12 to the extent practicable.

13 (3) Processes recommended by the Government
14 Accountability Office to improve financial integra-
15 tion efforts of the Administration, including an in-
16 ternal process to verify how management and oper-
17 ating contractors crosswalk data from their systems
18 to the appropriate work breakdown structure of the
19 Administration and apply common cost element defi-
20 nitions.

21 (4) Any other matters the Administrator con-
22 siders appropriate.

1 **Subtitle D—Other Matters**

2 **SEC. 3141. INTEGRATION OF TECHNICAL EXPERTISE OF DE-**
3 **PARTMENT OF ENERGY INTO POLICYMAKING.**

4 The Secretary of Energy shall take such measures
5 as are necessary to improve the integration of the sci-
6 entific and technical expertise of the Department of En-
7 ergy, especially the expertise of the national laboratories,
8 into policymaking, including by—

9 (1) ensuring that such expertise is involved dur-
10 ing interagency discussions, regardless of the topic
11 of such discussions;

12 (2) decreasing restrictions on personnel of lab-
13 oratories and other facilities of the Department
14 working in the Department headquarters for 2- to 3-
15 year rotations;

16 (3) increasing collaboration among program
17 managers and personnel of laboratories and other
18 facilities of the Department during policy delibera-
19 tions; and

20 (4) creating mechanisms for providing technical
21 advice to officials of the Department responsible for
22 nonproliferation policy.

1 **TITLE XXXII—DEFENSE NU-**
2 **CLEAR FACILITIES SAFETY**
3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5 There are authorized to be appropriated for fiscal
6 year 2024, \$47,230,000 for the operation of the Defense
7 Nuclear Facilities Safety Board under chapter 21 of the
8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

9 **TITLE XXXV—MARITIME**
10 **ADMINISTRATION**

11 **SEC. 3501. MARITIME ADMINISTRATION.**

12 Section 109 of title 49, United States Code, is
13 amended to read as follows:

14 **“§ 109. Maritime Administration**

15 “(a) ORGANIZATION AND MISSION.—The Maritime
16 Administration is an administration in the Department of
17 Transportation. The mission of the Maritime Administra-
18 tion is to foster, promote, and develop the merchant mari-
19 time industry of the United States.

20 “(b) MARITIME ADMINISTRATOR.—The head of the
21 Maritime Administration is the Maritime Administrator,
22 who is appointed by the President by and with the advice
23 and consent of the Senate. The Administrator shall report
24 directly to the Secretary of Transportation and carry out
25 the duties prescribed by the Secretary.

1 “(c) DEPUTY MARITIME ADMINISTRATOR.—The
2 Maritime Administration shall have a Deputy Maritime
3 Administrator, who is appointed in the competitive service
4 by the Secretary, after consultation with the Adminis-
5 trator. The Deputy Administrator shall carry out the du-
6 ties prescribed by the Administrator. The Deputy Admin-
7 istrator shall be Acting Administrator during the absence
8 or disability of the Administrator and, unless the Sec-
9 retary designates another individual, during a vacancy in
10 the office of Administrator.

11 “(d) DUTIES AND POWERS VESTED IN SEC-
12 RETARY.—All duties and powers of the Maritime Adminis-
13 tration are vested in the Secretary.

14 “(e) REGIONAL OFFICES.—The Maritime Adminis-
15 tration shall have regional offices for the Atlantic, Gulf,
16 Great Lakes, and Pacific port ranges, and may have other
17 regional offices as necessary. The Secretary shall appoint
18 a qualified individual as Director of each regional office.
19 The Secretary shall carry out appropriate activities and
20 programs of the Maritime Administration through the re-
21 gional offices.

22 “(f) INTERAGENCY AND INDUSTRY RELATIONS.—
23 The Secretary shall establish and maintain liaison with
24 other agencies, and with representative trade organiza-
25 tions throughout the United States, concerned with the

1 transportation of commodities by water in the export and
2 import foreign commerce of the United States, for the pur-
3 pose of securing preference to vessels of the United States
4 for the transportation of those commodities.

5 “(g) DETAILING OFFICERS FROM ARMED FORCES.—
6 To assist the Secretary in carrying out duties and powers
7 relating to the Maritime Administration, not more than
8 five officers of the Armed Forces may be detailed to the
9 Secretary at any one time, in addition to details author-
10 ized by any other law. During the period of a detail, the
11 Secretary shall pay the officer an amount that, when
12 added to the officer’s pay and allowances as an officer in
13 the Armed Forces, makes the officer’s total pay and allow-
14 ances equal to the amount that would be paid to an indi-
15 vidual performing work the Secretary considers to be of
16 similar importance, difficulty, and responsibility as that
17 performed by the officer during the detail.

18 “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND
19 AUDITS.—

20 “(1) CONTRACTS AND COOPERATIVE AGREE-
21 MENTS.—In the same manner that a private cor-
22 poration may make a contract within the scope of its
23 authority under its charter, the Secretary may make
24 contracts and cooperative agreements for the United
25 States Government and disburse amounts to—

1 “(A) carry out the Secretary’s duties and
2 powers under this section, subtitle V of title 46,
3 and all other Maritime Administration pro-
4 grams; and

5 “(B) protect, preserve, and improve collat-
6 eral held by the Secretary to secure indebted-
7 ness.

8 “(2) AUDITS.—The financial transactions of
9 the Secretary under paragraph (1) shall be audited
10 by the Comptroller General. The Comptroller Gen-
11 eral shall allow credit for an expenditure shown to
12 be necessary because of the nature of the business
13 activities authorized by this section or subtitle V of
14 title 46. At least once a year, the Comptroller Gen-
15 eral shall report to Congress any departure by the
16 Secretary from this section or subtitle V of title 46.

17 “(i) GRANT ADMINISTRATIVE EXPENSES.—Except as
18 otherwise provided by law, the administrative and related
19 expenses for the administration of any grant programs by
20 the Maritime Administrator may not exceed 3 percent.

21 “(j) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—Except as otherwise pro-
23 vided in this subsection, there are authorized to be
24 appropriated such amounts as may be necessary to

1 carry out the duties and powers of the Secretary re-
2 lating to the Maritime Administration.

3 “(2) LIMITATIONS.—Only those amounts spe-
4 cifically authorized by law may be appropriated for
5 the use of the Maritime Administration for—

6 “(A) acquisition, construction, or recon-
7 struction of vessels;

8 “(B) construction-differential subsidies in-
9 cident to the construction, reconstruction, or re-
10 conditioning of vessels;

11 “(C) costs of national defense features;

12 “(D) payments of obligations incurred for
13 operating-differential subsidies;

14 “(E) expenses necessary for research and
15 development activities, including reimbursement
16 of the Vessel Operations Revolving Fund for
17 losses resulting from expenses of experimental
18 vessel operations;

19 “(F) the Vessel Operations Revolving
20 Fund;

21 “(G) National Defense Reserve Fleet ex-
22 penses;

23 “(H) expenses necessary to carry out part
24 B of subtitle V of title 46; and

1 “(I) other operations and training expenses
2 related to the development of waterborne trans-
3 portation systems, the use of waterborne trans-
4 portation systems, and general administra-
5 tion.”.

6 **DIVISION D—FUNDING TABLES**

7 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 8 **BLES.**

9 (a) IN GENERAL.—Whenever a funding table in this
10 division specifies a dollar amount authorized for a project,
11 program, or activity, the obligation and expenditure of the
12 specified dollar amount for the project, program, or activ-
13 ity is hereby authorized, subject to the availability of ap-
14 propriations.

15 (b) MERIT-BASED DECISIONS.—A decision to com-
16 mit, obligate, or expend funds with or to a specific entity
17 on the basis of a dollar amount authorized pursuant to
18 subsection (a) shall—

19 (1) be based on merit-based selection proce-
20 dures in accordance with the requirements of sec-
21 tions 3201 and 4024 of title 10, United States Code,
22 or on competitive procedures; and

23 (2) comply with other applicable provisions of
24 law.

1 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
2 MING AUTHORITY.—An amount specified in the funding
3 tables in this division may be transferred or repro-
4 grammed under a transfer or reprogramming authority
5 provided by another provision of this Act or by other law.
6 The transfer or reprogramming of an amount specified in
7 such funding tables shall not count against a ceiling on
8 such transfers or reprogrammings under section 1001 of
9 this Act or any other provision of law, unless such transfer
10 or reprogramming would move funds between appropria-
11 tion accounts.

12 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
13 section applies to any classified annex that accompanies
14 this Act.

15 (e) ORAL OR WRITTEN COMMUNICATIONS.—No oral
16 or written communication concerning any amount speci-
17 fied in the funding tables in this division shall supersede
18 the requirements of this section.