

Calendar No. _____

117TH CONGRESS
2^D SESSION

S. _____

[Report No. 117-_____]]

To authorize appropriations for fiscal year 2023 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 (for himself and Mr. INHOFE), 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 2023 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.**

2 This Act may be cited as the “James M. Inhofe Na-
3 tional Defense Authorization Act for Fiscal Year 2023”.

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

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

8 (1) Division A—Department of Defense Au-
9 thorizations.

10 (2) Division B—Military Construction Author-
11 izations.

12 (3) Division C—Department of Energy Na-
13 tional Security Authorizations and Other Authoriza-
14 tions.

15 (4) Division D—Funding Tables.

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

Sec. 1. Short title.

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. Limitations on production of Extended Range Cannon Artillery how-
itzers.

Subtitle C—Navy Programs

3

- Sec. 121. DDG(X) destroyer program.
- Sec. 122. Multiyear procurement authority for Arleigh Burke class destroyers.
- Sec. 123. Block buy contracts for Ship-to-Shore Connector program.
- Sec. 124. Procurement authorities for John Lewis-class fleet replenishment oiler ships.
- Sec. 125. Tomahawk cruise missile capability on FFG-62 class vessels.
- Sec. 126. Navy shipbuilding workforce development initiative.
- Sec. 127. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
- Sec. 128. Limitation on retirement of E-6B aircraft.
- Sec. 129. EA-18G aircraft.
- Sec. 130. Block buy contracts for CH-53K heavy lift helicopter program.

Subtitle D—Air Force Programs

- Sec. 141. Prohibition on certain reductions to inventory of E-3 airborne warning and control system aircraft.
- Sec. 142. Modification of inventory requirements for air refueling tanker aircraft.
- Sec. 143. Prohibition on reductions to inventory of F-22 Block 20 aircraft.

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

- Sec. 151. Parts for commercial derivative aircraft and engines and aircraft based on commercial design.
- Sec. 152. Assessment and strategy for fielding counter unmanned aerial systems swarm capabilities.
- Sec. 153. Treatment of nuclear modernization and hypersonic missile programs within Defense Priorities and Allocations System.
- Sec. 154. Government Accountability Office assessment of efforts to modernize propulsion systems of the F-35 aircraft.

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. Disclosure requirements for recipients of research and development funds.
- Sec. 212. Modification of cooperative research and development project authority.
- Sec. 213. Administration of the Advanced Sensor Applications Program.
- Sec. 214. Modification of authority of the Department of Defense to carry out certain prototype projects.
- Sec. 215. Competitively awarded demonstrations and tests of electromagnetic warfare technology.
- Sec. 216. Government-Industry Working Group on Microelectronics.
- Sec. 217. Inclusion of Office of Under Secretary of Defense for Research and Engineering in personnel management authority to attract experts in science and engineering.
- Sec. 218. Investment plan for foundational capabilities needed to develop novel processing approaches for future defense applications.
- Sec. 219. Open radio access network 5G acquisition acceleration and transition plans.

4

- Sec. 220. Pilot program to facilitate the development of electric vehicle battery technologies for warfighters.

Subtitle C—Plans, Reports, and Other Matters

- Sec. 231. Report on recommendations from Army Futures Command Research Program Realignment Study.
- Sec. 232. Strategy and plan for strengthening and fostering defense innovation ecosystem.
- Sec. 233. Modification of Director for Operational Test and Evaluation annual report.
- Sec. 234. Extension of requirement for quarterly briefings on development and implementation of strategy for fifth generation information and communications technologies.
- Sec. 235. Report on estimated costs of conducting a minimum frequency of hypersonic weapons testing.
- Sec. 236. Annual report on studies and reports being undertaken by the Department of Defense.
- Sec. 237. Quantifiable assurance capability for security of microelectronics.
- Sec. 238. Clarification of role of Chief Digital and Artificial Intelligence Officer.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

- Sec. 311. Aggregation of energy conservation measures and funding.
- Sec. 312. Establishment of joint working group to determine joint requirements for future operational energy needs of Department of Defense.
- Sec. 313. Additional special considerations for developing and implementing the energy performance goals and energy performance master plan of the Department of Defense.
- Sec. 314. Participation in pollutant banks and water quality trading.
- Sec. 315. Consideration under Defense Environmental Restoration Program for State-owned facilities of the National Guard with proven exposure of hazardous substances and waste.
- Sec. 316. Authorization of closure of Red Hill bulk fuel storage facility.
- Sec. 317. Revision of Unified Facilities Guide Specifications and Unified Facilities Criteria to include specifications on use of gas insulated switchgear and criteria and specifications on microgrids and microgrid converters.
- Sec. 318. Transfer of customers from electrical utility system of the Navy at former Naval Air Station Barber's Point, Hawaii, to new electrical system in Kalaeloa, Hawaii.
- Sec. 319. Pilot program on use of sustainable aviation fuel.
- Sec. 320. Renewal of annual environmental and energy reports of Department of Defense.
- Sec. 321. Report on feasibility of terminating energy procurement from foreign entities of concern.

Subtitle C—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

5

- Sec. 331. 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. 332. Modification of limitation on disclosure of results of testing for perfluoroalkyl or polyfluoroalkyl substances on private property.
- Sec. 333. Department of Defense research relating to perfluoroalkyl or polyfluoroalkyl substances.

Subtitle D—Logistics and Sustainment

- Sec. 351. Implementation of Comptroller General recommendations regarding Shipyard Infrastructure Optimization Plan of the Navy.
- Sec. 352. Research and analysis on the capacity of private shipyards in the United States and the effect of those shipyards on Naval fleet readiness.
- Sec. 353. Limitation on funds for the Joint Military Information Support Operations Web Operations Center.
- Sec. 354. Notification of increase in retention rates for Navy ship repair contracts.
- Sec. 355. Inapplicability of advance billing dollar limitation for relief efforts following major disasters or emergencies.
- Sec. 356. Repeal of Comptroller General review on time limitations on duration of public-private competitions.

Subtitle E—Reports

- Sec. 371. Inclusion of information regarding joint medical estimates in readiness reports.

Subtitle F—Other Matters

- Sec. 381. Implementation of recommendations relating to animal facility sanitation and master plan for housing and care of horses.
- Sec. 382. Inclusion of land under jurisdiction of Department of Defense subject to long-term real estate agreement as community infrastructure for purposes of Defense community infrastructure pilot program.
- Sec. 383. Restriction on procurement or purchasing by Department of Defense of turnout gear for firefighters containing perfluoroalkyl substances or polyfluoroalkyl substances.
- Sec. 384. Continued designation of Secretary of the Navy as executive agent for Naval Small Craft Instruction and Technical Training School.
- Sec. 385. Prohibition on use of funds to discontinue the Marine Mammal System program.
- Sec. 386. Limitation on replacement of non-tactical vehicle fleet of the Department of Defense with electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles.
- Sec. 387. Limitation on use of charging stations for personal electric vehicles.
- Sec. 388. Pilot programs for tactical vehicle safety data collection.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

6

- Sec. 402. End strength level matters.
- Sec. 403. 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. Consideration of adverse information.
- Sec. 502. Extension of time limitation for grade retention while awaiting retirement.
- Sec. 503. Realignment in Navy distribution of flag officers serving in the grades of O–8 and O–9.
- Sec. 504. Updating warrant officer selection and promotion authority.
- Sec. 505. Authorized strengths for Space Force officers on active duty in grades of major, lieutenant colonel, and colonel.
- Sec. 506. Repeal of requirement for Inspector General of the Department of Defense to conduct certain reviews.
- Sec. 507. Modification of reports on Air Force personnel performing duties of a Nuclear and Missile Operations Officer (13N).

Subtitle B—Reserve Component Management

- Sec. 511. Authority to waive requirement that performance of Active Guard and Reserve duty at the request of a Governor may not interfere with certain duties.
- Sec. 512. Selected Reserve and Ready Reserve order to active duty to respond to a significant cyber incident.
- Sec. 513. Backdating of effective date of rank for reserve officers in the National Guard due to undue delays in Federal recognition.
- Sec. 514. Independent study on Federal recognition process.
- Sec. 515. Continued National Guard support for FireGuard program.
- Sec. 516. Inclusion of United States Naval Sea Cadet Corps among youth and charitable organizations authorized to receive assistance from the National Guard.

Subtitle C—General Service Authorities and Military Records

- Sec. 521. Modernization of the Selective Service System.
- Sec. 522. Prohibition on induction under the Military Selective Service Act without express authorization.
- Sec. 523. Extension of temporary authority for targeted recruitment incentives.
- Sec. 524. Home leave demonstration program.
- Sec. 525. Prohibition on considering State laws and regulations when determining individual duty assignments.
- Sec. 526. Modification to limitations on discharge or release from active duty.

Sec. 527. Sex-neutral high fitness standards for Army combat Military Occupational Specialties.

Subtitle D—Military Justice and Other Legal Matters

- Sec. 541. Briefing and report on resourcing required for implementation of military justice reform.
- Sec. 542. Randomization of court-martial panels.
- Sec. 543. Matters in connection with special trial counsel.
- Sec. 544. Jurisdiction of Courts of Criminal Appeals.
- Sec. 545. Special trial counsel.
- Sec. 546. Exclusion of officers serving as lead special trial counsel from limitations on authorized strengths for general and flag officers.
- Sec. 547. Special trial counsel of Department of the Air Force.
- Sec. 548. Restricted reporting option for Department of Defense civilian employees choosing to report experiencing adult sexual assault.
- Sec. 549. Improvements to Department of Defense tracking of and response to incidents of child abuse, adult crimes against children, and serious harmful behavior between children and youth involving military dependents on military installations.
- Sec. 550. Primary prevention.
- Sec. 551. Dissemination of civilian legal services information.

Subtitle E—Member Education, Training, and Transition

- Sec. 561. Review of certain Special Operations personnel policies.
- Sec. 562. Expanded eligibility to provide Junior Reserve Officers' Training Corps (JROTC) instruction.
- Sec. 563. Pre-service education demonstration program.

Subtitle F—Military Family Readiness and Dependents' Education

- Sec. 571. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
- Sec. 572. 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. 573. Pilot program on hiring of special education inclusion coordinators for Department of Defense child development centers.
- Sec. 574. Extension of and report on pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools.

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

- Sec. 581. Temporary exemption from end strength grade restrictions for the Space Force.
- Sec. 582. Report on officer personnel management and the development of the professional military ethic in the Space Force.
- Sec. 583. Report on incidence of suicide by military job code in the Department of Defense.
- Sec. 584. Waiver of time limitations for act of valor during World War II.
- Sec. 585. Authorization to award Medal of Honor to Sergeant Major David R. Halbruner for acts of valor in support of an unnamed operation in 2012.

8

- Sec. 586. Recognition of service of Lieutenant General Frank Maxwell Andrews.
- Sec. 587. Posthumous appointment of Ulysses S. Grant to grade of General of the Armies of the United States.
- Sec. 588. Modification to notification on manning of afloat naval forces.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Temporary continuation of basic allowance for housing for members whose sole dependent dies while residing with the member.
- Sec. 602. Basic allowance for housing for members without dependents when home port change would financially disadvantage member.
- Sec. 603. Extension of authority to temporarily adjust basic allowance for housing in certain areas.
- Sec. 604. Increase in income for purposes of eligibility for basic needs allowance.
- Sec. 605. Conforming amendments to update references to travel and transportation authorities.

Subtitle B—Bonus and Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 612. Repeal of sunset of hazardous duty pay.
- Sec. 613. Authorization of assignment pay or special duty pay based on climate in which a member's duties are performed.

Subtitle C—Leave

- Sec. 621. Modification of authority to allow members of the Armed Forces to accumulate leave in excess of 60 days.
- Sec. 622. Technical amendments to leave entitlement and accumulation.
- Sec. 623. Convalescent leave for members of the Armed Forces.

Subtitle D—Other Matters

- Sec. 631. Air Force rated officer retention demonstration program.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Improvements to the TRICARE dental program.
- Sec. 702. Health benefits for members of the National Guard following required training or other duty to respond to a national emergency.
- Sec. 703. Confidentiality requirements for mental health care services for members of the Armed Forces.
- Sec. 704. Improvement of referrals for specialty care under TRICARE Prime during permanent changes of station.
- Sec. 705. Study on providing benefits under TRICARE Reserve Select and TRICARE dental program to members of the Selected Reserve and their dependents.

Subtitle B—Health Care Administration

- Sec. 721. Improvements to organization of military health system.

9

- Sec. 722. Inclusion of level three trauma care capabilities in requirements for medical centers.
- Sec. 723. Extension of Accountable Care Organization demonstration and annual report requirement.
- Sec. 724. Modification of requirement to transfer public health functions to Defense Health Agency.
- Sec. 725. Establishment of Military Health System Medical Logistics Directorate.
- Sec. 726. Establishment of centers of excellence for specialty care in the military health system.
- Sec. 727. Requirement to establish Academic Health System.
- Sec. 728. Adherence to policies relating to mild traumatic brain injury and post-traumatic stress disorder.
- Sec. 729. Policy on accountability for wounded warriors undergoing disability evaluation.

Subtitle C—Reports and Other Matters

- Sec. 741. Three-year extension of authority to continue DOD-VA Health Care Sharing Incentive Fund.
- Sec. 742. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 743. Authorization of permanent program to improve opioid management in the military health system.
- Sec. 744. Clarification of membership requirements and compensation authority for independent suicide prevention and response review committee.
- Sec. 745. Termination of veterans' advisory board on radiation dose reconstruction.
- Sec. 746. Scholarship-for-service pilot program for civilian behavioral health providers.
- Sec. 747. Expansion of extramedical maternal health providers demonstration project to include members of the Armed Forces on active duty and other individuals receiving care at military medical treatment facilities.
- Sec. 748. Authority to carry out studies and demonstration projects relating to delivery of health and medical care through use of other transaction authority.
- Sec. 749. Capability assessment and action plan with respect to effects of exposure to open burn pits and other environmental hazards.
- Sec. 750. Independent analysis of Department of Defense Comprehensive Autism Care Demonstration program.
- Sec. 751. Report on suicide prevention reforms for members of the Armed Forces.
- Sec. 752. Report on behavioral health workforce and plan to address shortfalls in providers.

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

Subtitle A—Acquisition Policy and Management

- Sec. 801. Modifications to middle tier acquisition authority.
- Sec. 802. Extension of Defense Modernization Account authority.
- Sec. 803. Prohibition on certain procurements of major defense acquisition programs.

10

- Sec. 804. Revision of authority for procedures to allow rapid acquisition and deployment of capabilities needed under specified high-priority circumstances.
- Sec. 805. Acquisition reporting system.
- Sec. 806. Modification of reporting requirement in connection with requests for multiyear procurement authority for large defense acquisitions.
- Sec. 807. Modification of limitation on cancellation of designation of Executive Agent for a certain Defense Production Act program.
- Sec. 808. Comptroller General assessment of acquisition programs and related efforts.

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

- Sec. 821. Treatment of certain clauses implementing executive order mandates.
- Sec. 822. Data requirements for commercial products for major weapon systems.
- Sec. 823. Task and delivery order contracting for architectural and engineering services.
- Sec. 824. Extension of pilot program for distribution support and services for weapons systems contractors.
- Sec. 825. Pilot program to accelerate contracting and pricing processes.
- Sec. 826. Extension of Never Contract with the Enemy.
- Sec. 827. Progress payment incentive pilot.
- Sec. 828. Report on Department of Defense Strategic Capabilities Office contracting capabilities.

Subtitle C—Industrial Base Matters

- Sec. 841. Analyses of certain activities for action to address sourcing and industrial capacity.
- Sec. 842. Modification to miscellaneous limitations on the procurement of goods other than United States goods.
- Sec. 843. Demonstration exercise of enhanced planning for industrial mobilization and supply chain management.
- Sec. 844. Procurement requirements relating to rare earth elements and strategic and critical materials.
- Sec. 845. Modification to the national technology and industrial base.
- Sec. 846. Modification of prohibition on operation or procurement of foreign-made unmanned aircraft systems.
- Sec. 847. Annual report on industrial base constraints for munitions.

Subtitle D—Small Business Matters

- Sec. 861. Modifications to the Defense Research and Development Rapid Innovation Program.
- Sec. 862. Permanent extension and modification of Mentor-Protege Program.
- Sec. 863. Small business integration working group.
- Sec. 864. Demonstration of commercial due diligence for small business programs.
- Sec. 865. Improvements to Procurement Technical Assistance Center program.

Subtitle E—Other Matters

- Sec. 871. Risk management for Department of Defense pharmaceutical supply chains.
- Sec. 872. Key advanced system development industry days.

11

- Sec. 873. Modification of provision relating to determination of certain activities with unusually hazardous risks.
- Sec. 874. Incorporation of controlled unclassified information guidance into program classification guides and program protection plans.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

- Sec. 901. Increase in authorized number of Assistant and Deputy Assistant Secretaries of Defense.
- Sec. 902. Conforming amendments relating to repeal of position of Chief Management Officer.
- Sec. 903. Limitation on availability of funds for operation and maintenance for Office of Secretary of Defense.
- Sec. 904. Limitation on use of funds until demonstration of product to identify, task, and manage congressional reporting requirements.
- Sec. 905. Limitation on use of funds until Department of Defense complies with requirements relating to alignment of Close Combat Lethality Task Force.

Subtitle B—Other Department of Defense Organization and Management Matters

- Sec. 911. Modification of requirements that are responsibility of Armed Forces not Joint Requirements Oversight Council.
- Sec. 912. Briefing on revisions to Unified Command Plan.
- Sec. 913. Updates to management reform framework.
- Sec. 914. Strategic management dashboard demonstration.
- Sec. 915. Demonstration program for component content management systems.

Subtitle C—Space Force Matters

- Sec. 921. Vice Chief of Space Operations.
- Sec. 922. Establishment of field operating agencies and direct reporting units of Space Force.
- Sec. 923. Framework for new subtitle F of title 10, United States Code, on Space Component.
- Sec. 924. Study of proposed Space Force reorganization.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Report on budgetary effects of inflation.

Subtitle B—Counterdrug Activities

- Sec. 1011. Extension of authority and annual report on unified counterdrug and counterterrorism campaign in Colombia.

Subtitle C—Naval Vessels

- Sec. 1021. Modification to annual naval vessel construction plan.
- Sec. 1022. Amphibious warship force structure.

12

- Sec. 1023. Modification to limitation on decommissioning or inactivating a battle force ship before the end of expected service life.
- Sec. 1024. Contract requirements relating to maintenance and modernization availabilities for certain naval vessels.
- Sec. 1025. Prohibition on retirement of certain naval vessels.

Subtitle D—Counterterrorism

- Sec. 1031. Modification and 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.
- 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 to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Department of Defense-Department of Veterans Affairs Discharge Review Board Committee.
- Sec. 1042. Modification of provisions relating to cross-functional team for emerging threat relating to anomalous health incidents.
- Sec. 1043. Civilian casualty prevention, mitigation, and response.
- Sec. 1044. 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. 1045. Personnel supporting the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
- Sec. 1046. Joint all domain command and control.
- Sec. 1047. Extension of admission to Guam or the Commonwealth of the Northern Mariana Islands for certain nonimmigrant H-2B workers.
- Sec. 1048. Department of Defense support for civil authorities to address the illegal immigration crisis at the southwest border.
- Sec. 1049. Department of Defense support for funerals and memorial events for Members and former Members of Congress.
- Sec. 1050. Expansion of eligibility for direct acceptance of gifts by members of the Armed Forces and Department of Defense and Coast Guard employees and their families.
- Sec. 1051. Technical amendments related to recently enacted Commissions.

Subtitle F—Studies and Reports

- Sec. 1061. Submission of National Defense Strategy in classified and unclassified form.
- Sec. 1062. Report on impact of certain ethics requirements on Department of Defense hiring, retention, and operations.
- Sec. 1063. Extension of certain reporting deadlines.

Subtitle G—Other Matters

- Sec. 1071. Annual risk assessment.
- Sec. 1072. Joint Concept for Competing.

13

- Sec. 1073. Prioritization and acceleration of investments to attain threat matrix framework level 4 capability at training ranges supporting F-35 operations.
- Sec. 1074. Modification of Arctic Security Initiative.
- Sec. 1075. Pilot program on safe storage of personally owned firearms.
- Sec. 1076. Sense of the Senate on redesignation of the Africa Center for Strategic Studies as the James M. Inhofe Center for Africa Strategic Studies.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Eligibility of Department of Defense employees in time-limited appointments to compete for permanent appointments.
- Sec. 1102. Employment authority for civilian faculty at certain military department schools.
- Sec. 1103. Employment and compensation of civilian faculty members at Inter-American Defense College.
- Sec. 1104. Modification to personnel management authority to attract experts in science and engineering.
- Sec. 1105. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.
- Sec. 1106. Modification and extension of pilot program on dynamic shaping of the workforce to improve the technical skills and expertise at certain Department of Defense laboratories.
- Sec. 1107. Modification of effective date of repeal of two-year probationary period for employees.
- Sec. 1108. Modification and extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1109. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1110. Modification of temporary expansion of authority for noncompetitive appointments of military spouses by Federal agencies.
- Sec. 1111. Department of Defense Cyber and Digital Service Academy.
- Sec. 1112. Civilian Cybersecurity Reserve pilot project.
- Sec. 1113. Modification to pilot program for the temporary assignment of cyber and information technology personnel to private sector organizations.
- Sec. 1114. Report on cyber excepted service.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Extension of authority to support border security operations of certain foreign countries.
- Sec. 1202. Modification of reporting requirement for provision of support to friendly foreign countries for conduct of operations.
- Sec. 1203. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.
- Sec. 1204. Modification of authority for participation in multinational centers of excellence.

14

- Sec. 1205. Modification of Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program and plan for Irregular Warfare Center.
- Sec. 1206. Modification of authority for humanitarian demining assistance and stockpiled conventional munitions assistance.
- Sec. 1207. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1208. Modifications to humanitarian assistance.
- Sec. 1209. Defense Environmental International Cooperation Program.
- Sec. 1210. Security cooperation programs with foreign partners to advance women, peace, and security.
- Sec. 1211. Review of implementation of prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.
- Sec. 1212. Independent assessment of United States efforts to train, advise, assist, and equip the military forces of Somalia.
- Sec. 1213. Assessment and report on adequacy of authorities to provide assistance to military and security forces in area of responsibility of United States Africa Command.

Subtitle B—Matters Relating to Syria, Iraq, and Iran

- Sec. 1221. Extension of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1222. Extension and modification 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. Assessment of support to Iraqi Security Forces and Kurdish Peshmerga Forces to counter air and missile threats.
- Sec. 1225. Updates to annual report on military power of Iran.

Subtitle C—Matters Relating to Europe and the Russian Federation

- Sec. 1231. Modification of limitation on military cooperation between the United States and the Russian Federation.
- Sec. 1232. Extension of prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1233. Extension and modification of Ukraine Security Assistance Initiative.
- Sec. 1234. North Atlantic Treaty Organization Special Operations Headquarters.
- Sec. 1235. Report on United States military force posture and resourcing requirements in Europe.
- Sec. 1236. Sense of the Senate and report on civilian harm.
- Sec. 1237. Sense of the Senate on the North Atlantic Treaty Organization.
- Sec. 1238. Sense of the Senate on Ukraine.

Subtitle D—Matters Relating to the Indo-Pacific Region

- Sec. 1241. Extension and modification of Pacific Deterrence Initiative.
- Sec. 1242. Extension of authority to transfer funds for Bien Hoa dioxin clean-up.
- Sec. 1243. Modification of Indo-Pacific Maritime Security Initiative to authorize use of funds for the Coast Guard.

15

- Sec. 1244. Defense of Taiwan.
- Sec. 1245. Multi-year plan to fulfill defensive requirements of military forces of Taiwan and modification of annual report on Taiwan asymmetric capabilities and intelligence support.
- Sec. 1246. Enhancing major defense partnership with India.
- Sec. 1247. Enhanced indications and warning for deterrence and dissuasion.
- Sec. 1248. Pilot program to develop young civilian defense leaders in the Indo-Pacific region.
- Sec. 1249. Cross-functional team for matters relating to the People's Republic of China.
- Sec. 1250. Report on bilateral agreements supporting United States military posture in the Indo-Pacific region.
- Sec. 1251. Sense of the Senate on supporting prioritization of the People's Republic of China, the Indo-Pacific region, and Taiwan.
- Sec. 1252. Sense of Congress on defense alliances and partnerships in the Indo-Pacific region.
- Sec. 1253. Prohibition on use of funds to support entertainment projects with ties to the Government of the People's Republic of China.

Subtitle E—Reports

- Sec. 1261. Report on Fifth Fleet capabilities upgrades.

Subtitle F—Other Matters

- Sec. 1271. Prohibition on participation in offensive military operations against the Houthis in Yemen.
- Sec. 1272. Extension of authority for United States-Israel cooperation to counter unmanned aerial systems.
- Sec. 1273. Extension of authority for certain payments to redress injury and loss.
- Sec. 1274. Modification of Secretary of Defense Strategic Competition Initiative.
- Sec. 1275. Assessment of challenges to implementation of the partnership among Australia, the United Kingdom, and the United States.

TITLE XIII—COOPERATIVE THREAT REDUCTION

- Sec. 1301. Cooperative Threat Reduction funds.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1403. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1404. Defense Inspector General.
- Sec. 1405. Defense Health Program.

Subtitle B—National Defense Stockpile

- Sec. 1411. Modification of acquisition authority under Strategic and Critical Materials Stock Piling Act.
- Sec. 1412. Briefings on shortfalls in National Defense Stockpile.
- Sec. 1413. Authority to acquire materials for the National Defense Stockpile.

Subtitle C—Other Matters

16

- Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.
- Sec. 1422. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

TITLE XV—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND
INTELLIGENCE MATTERS

Subtitle A—Space Activities

- Sec. 1501. Additional authorities of Chief of Space Operations.
- Sec. 1502. Comprehensive strategy for the Space Force.
- Sec. 1503. Review of Space Development Agency exemption from Joint Capabilities Integration and Development System.
- Sec. 1504. Applied research and educational activities to support space technology development.
- Sec. 1505. Continued requirement for National Security Space Launch program.
- Sec. 1506. Extension of annual report on Space Command and Control.
- Sec. 1507. Modification of reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisitions programs and funding for such programs.
- Sec. 1508. Update to plan to manage Integrated Tactical Warning and Attack Assessment System and multi-domain sensors.

Subtitle B—Nuclear Forces

- Sec. 1511. Matters relating to role of Nuclear Weapons Council with respect to budget for nuclear weapons programs.
- Sec. 1512. Development of risk management framework for the United States nuclear enterprise.
- Sec. 1513. Biannual briefing on nuclear weapons and related activities.
- Sec. 1514. Plan for development of reentry vehicles.
- Sec. 1515. Industrial base monitoring for B-21 and Sentinel programs.
- Sec. 1516. Establishment of intercontinental ballistic missile site activation task force for Sentinel program.
- Sec. 1517. Sense of the Senate and briefing on nuclear cooperation between the United States and the United Kingdom.
- Sec. 1518. Limitation on use of funds until submission of reports on intercontinental ballistic missile force.
- Sec. 1519. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
- Sec. 1520. Limitation on use of funds for B83-1 retirement and report on defeating hard and deeply buried targets.
- Sec. 1521. Limitation on use of funds for naval nuclear fuel systems based on low-enriched uranium.
- Sec. 1522. Further limitation on use of funds until submission of analysis of alternatives for nuclear sea-launched cruise missile.
- Sec. 1523. Modification of reports on Nuclear Posture Review implementation.
- Sec. 1524. Modification of requirements for plutonium pit production capacity plan.
- Sec. 1525. Extension of requirement to report on nuclear weapons stockpile.
- Sec. 1526. Extension of requirement for annual assessment of cyber resiliency of nuclear command and control system.

17

- Sec. 1527. Extension of requirement for unencumbered uranium plan.
- Sec. 1528. Extension of pit production annual certification.
- Sec. 1529. Elimination of obsolete reporting requirements relating to plutonium pit production.
- Sec. 1530. Technical amendment to additional report matters on strategic delivery systems.

Subtitle C—Missile Defense

- Sec. 1541. Persistent cybersecurity operations for ballistic missile defense systems and networks.
- Sec. 1542. Middle East integrated air and missile defense.
- Sec. 1543. Designation of a Department of Defense individual responsible for missile defense of Guam.
- Sec. 1544. Modification of provision requiring funding plan for next generation interceptors for missile defense of United States homeland.
- Sec. 1545. Biannual briefing on missile defense and related activities.
- Sec. 1546. Improving acquisition accountability reports on the ballistic missile defense system.
- Sec. 1547. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
- Sec. 1548. Making permanent prohibitions relating to missile defense information and systems.
- Sec. 1549. Limitation on use of funds until missile defense designations have been made.

Subtitle D—Other Matters

- Sec. 1551. Integration of electronic warfare into Tier 1 and Tier 2 joint training exercises.
- Sec. 1552. Responsibilities and functions relating to electromagnetic spectrum operations.
- Sec. 1553. Extension of authorization for protection of certain facilities and assets from unmanned aircraft.
- Sec. 1554. Department of Defense support for requirements of the White House Military Office.

TITLE XVI—CYBERSPACE-RELATED MATTERS

Subtitle A—Matters Relating to Cyber Operations and Cyber Forces

- Sec. 1601. Annual assessments and reports on assignment of certain budget control responsibility to Commander of United States Cyber Command.
- Sec. 1602. Alignment of Department of Defense cyber international strategy with National Defense Strategy and Department of Defense Cyber Strategy.
- Sec. 1603. Correcting cyber mission force readiness shortfalls.
- Sec. 1604. Cybersecurity cooperation training at Joint Military Attaché School.
- Sec. 1605. Strategy, force, and capability development for cyber effects and security in support of operational forces.
- Sec. 1606. Total force generation for the Cyberspace Operations Forces.
- Sec. 1607. Management and oversight of Joint Cyber Warfighting Architecture.
- Sec. 1608. Study to determine the optimal strategy for structuring and manning elements of the Joint Force Headquarters—Cyber Organizations, Joint Mission Operations Centers, and Cyber Operations-Integrated Planning Elements.

18

- Sec. 1609. Annual briefing on relationship between National Security Agency and United States Cyber Command.
- Sec. 1610. Review of certain cyber operations personnel policies.
- Sec. 1611. Military cybersecurity cooperation with Kingdom of Jordan.
- Sec. 1612. Commander of the United States Cyber Command.
- Sec. 1613. Assessment and report on sharing military cyber capabilities with foreign operational partners.
- Sec. 1614. Report on progress in implementing pilot program to enhance cybersecurity and resiliency of critical infrastructure.
- Sec. 1615. Protection of critical infrastructure.

Subtitle B—Matters Relating to Department of Defense Cybersecurity and
Information Technology

- Sec. 1621. Budget display for cryptographic modernization activities for certain systems of the Department of Defense.
- Sec. 1622. Establishing projects for data management, artificial intelligence, and digital solutions.
- Sec. 1623. Operational testing for commercial cybersecurity capabilities.
- Sec. 1624. Plan for commercial cloud test and evaluation.
- Sec. 1625. Report on recommendations from Navy Civilian Career Path study.
- Sec. 1626. Review of Department of Defense implementation of recommendations from Defense Science Board cyber report.
- Sec. 1627. Requirement for software bill of materials.
- Sec. 1628. Establishment of support center for consortium of universities that advise Secretary of Defense on cybersecurity matters.
- Sec. 1629. Roadmap and implementation plan for cyber adoption of artificial intelligence.
- Sec. 1630. Demonstration program for cyber and information technology budget data analytics.
- Sec. 1631. Limitation on availability of funds for operation and maintenance for Office of Secretary of Defense until framework to enhance cybersecurity of United States defense industrial base is completed.
- Sec. 1632. Assessments of weapons systems vulnerabilities to radio-frequency enabled cyber attacks.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Effective date.

TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Authorization of appropriations, Army.
- Sec. 2104. Extension and modification of authority to carry out certain fiscal year 2018 projects.
- Sec. 2105. Modification of authority to carry out fiscal year 2019 project at Camp Tango, Korea.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.

19

- Sec. 2202. Family housing.
- Sec. 2203. Authorization of appropriations, Navy.
- Sec. 2204. Extension of authority to carry out certain fiscal year 2018 project at Joint Region Marianas, Guam.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Authorization of appropriations, Air Force.
- Sec. 2304. Extension of authority to carry out certain fiscal year 2018 projects.
- Sec. 2305. Modification of authority to carry out certain fiscal year 2020 projects at Tyndall Air Force Base, Florida.
- Sec. 2306. Modification of authority to carry out certain fiscal year 2021 project at Hill Air Force Base, Utah.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Authorized energy resilience and conservation investment program projects.
- Sec. 2403. Authorization of appropriations, defense agencies.
- Sec. 2404. Extension of authority to carry out certain fiscal year 2018 projects.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

- Sec. 2511. Republic of Korea-funded construction projects.
- Sec. 2512. Repeal of authorized approach to construction project at Camp Humphreys, Republic of Korea.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Extension of authority to carry out certain fiscal year 2018 projects.
- Sec. 2608. Corrections to authority to carry out certain fiscal year 2022 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

20

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense base closure account.
- Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program

- Sec. 2801. Modification of cost thresholds for authority of Department of Defense to acquire low-cost interests in land.
- Sec. 2802. Clarification of exceptions to limitations on cost variations for military construction projects and military family housing projects.
- Sec. 2803. Elimination of sunset of authority to conduct unspecified minor military construction for lab revitalization.
- Sec. 2804. Requirement for inclusion of Department of Defense Forms 1391 with annual budget submission by President.
- Sec. 2805. Determination and notification relating to Executive orders that impact cost and scope of work of military construction projects.
- Sec. 2806. Extension of authorization of depot working capital funds for unspecified minor military construction.
- Sec. 2807. Temporary increase of amounts in connection with authority to carry out unspecified minor military construction.
- Sec. 2808. Electrical charging capability construction requirements relating to parking for Federal Government motor vehicles.
- Sec. 2809. Use of integrated project delivery contracts.
- Sec. 2810. Expansion of pilot program on increased use of sustainable building materials in military construction to include locations throughout the United States.

Subtitle B—Military Housing

- Sec. 2821. Specification of Assistant Secretary of Defense for Energy, Installations, and Environment as Chief Housing Officer.
- Sec. 2822. Department of Defense Military Housing Readiness Council.
- Sec. 2823. Mandatory disclosure of potential presence of mold and health effects of mycotoxins before a lease is signed for privatized military housing.
- Sec. 2824. Implementation of recommendations from audit of medical conditions of residents in privatized military housing.

Subtitle C—Land Conveyances

- Sec. 2841. Conveyance, Joint Base Charleston, South Carolina.

Subtitle D—Other Matters

- Sec. 2861. Integrated master infrastructure plan to support defense of Guam.
- Sec. 2862. Repeal of requirement for Interagency Coordination Group of Inspectors General for Guam Realignment.
- Sec. 2863. Temporary authority for acceptance and use of funds for certain construction projects in the Republic of Korea.
- Sec. 2864. Modification of quitclaim deed between the United States and the City of Clinton, Oklahoma.
- Sec. 2865. Prohibition on joint use of Homestead Air Reserve Base with civil aviation.

21

- Sec. 2866. Inclusion of infrastructure improvements identified in the report on strategic seaports in Defense Community Infrastructure Pilot Program.
- Sec. 2867. Procurement of electric, zero emission, advanced-biofuel-powered, or hydrogen-powered vehicles for the Department of Defense.

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. Workforce enhancement for National Nuclear Security Administration.
- Sec. 3112. Acceleration of depleted uranium manufacturing processes.
- Sec. 3113. Certification of completion of milestones with respect to plutonium pit aging.
- Sec. 3114. Assistance by the National Nuclear Security Administration to the Air Force for the development of the Mark 21A fuse.
- Sec. 3115. Extension of deadline for transfer of parcels of land to be conveyed to Los Alamos County, New Mexico.
- Sec. 3116. Use of alternative technologies to eliminate proliferation threats at vulnerable sites.
- Sec. 3117. Update to plan for deactivation and decommissioning of non-operational defense nuclear facilities.

Subtitle C—Budget and Financial Management Matters

- Sec. 3121. Modification of cost baselines for certain projects.
- Sec. 3122. Unavailability for overhead costs of amounts specified for laboratory-directed research and development.
- Sec. 3123. Purchase of real property options.
- Sec. 3124. Determination of standardized indirect cost elements.
- Sec. 3125. Adjustment of minor construction threshold.
- Sec. 3126. Requirements for specific request for new or modified nuclear weapons.
- Sec. 3127. Limitation on use of funds for National Nuclear Security Administration facility advanced manufacturing development.

Subtitle D—Other Matters

- Sec. 3131. Repeal of obsolete provisions of the Atomic Energy Defense Act and other provisions.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.
- Sec. 3202. Delegation of authority to Chairperson of Defense Nuclear Facilities Safety Board.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Maritime Administration.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 In this Act, the term “congressional defense commit-
3 tees” has the meaning given that term in section
4 101(a)(16) of title 10, United States Code.

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

6 The budgetary effects of this Act, for the purpose of
7 complying with the Statutory Pay-As-You-Go Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, jointly submitted for printing in the Congressional
11 Record by the Chairmen of the House and Senate Budget
12 Committees, provided that such statement has been sub-
13 mitted prior to the vote on passage in the House acting
14 first on the conference report or amendment between the
15 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 2023 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. LIMITATIONS ON PRODUCTION OF EXTENDED**
14 **RANGE CANNON ARTILLERY HOWITZERS.**

15 (a) LIMITATIONS.—In carrying out the acquisition of
16 Extended Range Cannon Artillery howitzers, the Secretary
17 of the Army shall—

18 (1) limit production of prototype Extended
19 Range Cannon Artillery howitzers to not more than
20 18;

21 (2) compare the cost and value to the United
22 States Government of a Paladin Integrated Manage-
23 ment-modification production approach with a new-
24 build production approach;

1 (3) include in any cost analysis or compari-
2 son—

3 (A) the value of a Paladin howitzer that
4 may be modified to produce an Extended Range
5 Cannon Artillery howitzer; and

6 (B) the production value of government-
7 owned infrastructure that would be leveraged to
8 facilitate the modification;

9 (4) use a full and open competitive approach
10 using best value criteria for post-prototype produc-
11 tion source selection; and

12 (5) base any production strategy and source se-
13 lection decisions on a full understanding of the cost
14 of production, including—

15 (A) the comparison of production ap-
16 proaches described in paragraph (2); and

17 (B) any cost analysis or comparison de-
18 scribed in paragraph (3).

19 (b) CERTIFICATION.—Before issuing a request for
20 proposal for the post-prototype production of an Extended
21 Range Cannon Artillery howitzer, the Secretary of the
22 Army shall—

23 (1) certify to the congressional defense commit-
24 tees that the acquisition strategy upon which the re-

1 quest for proposal is based complies with the re-
2 quirements of subsection (a); and

3 (2) provide a briefing to the congressional de-
4 fense committees on that acquisition strategy and
5 the relevant cost and value comparison described in
6 subsection (a)(2).

7 **Subtitle C—Navy Programs**

8 **SEC. 121. DDG(X) DESTROYER PROGRAM.**

9 (a) IN GENERAL.—Notwithstanding subsection (e)(1)
10 of section 3201 of title 10, United States Code, and in
11 accordance with subsection (e)(3) of such section, the Sec-
12 retary of the Navy, for the covered program, shall—

13 (1) award prime contracts for concept design,
14 preliminary design, and contract design to eligible
15 shipbuilders;

16 (2) award prime contracts for detailed design
17 and construction only to eligible shipbuilders; and

18 (3) allocate not less than one vessel and not
19 more than two vessels in the covered program to
20 each eligible shipbuilder before making a competitive
21 contract award for the construction of vessels in the
22 covered program.

23 (b) COLLABORATION REQUIREMENT.—The Secretary
24 of the Navy shall maximize collaboration between the Fed-
25 eral Government and eligible shipbuilders throughout the

1 design, development, and production of the covered pro-
2 gram.

3 (c) COMPETITIVE INCENTIVE REQUIREMENT.—The
4 Secretary of the Navy shall provide for competitive incen-
5 tives throughout the design, development, and production
6 of the covered program, including the following:

7 (1) Design labor hours, provided neither eligible
8 shipbuilder has fewer than 30 percent of aggregate
9 design labor hours in any phase of vessel design.

10 (2) Competitive solicitations for vessel procure-
11 ment following the actions required by subsection
12 (a)(3).

13 (d) TECHNOLOGY MATURATION REQUIREMENTS.—
14 The Secretary of the Navy shall incorporate into the ac-
15 quisition strategy of the covered program the requirements
16 of the following:

17 (1) Section 131 of the National Defense Au-
18 thorization Act for Fiscal Year 2020 (Public Law
19 116–92; 133 Stat. 1237).

20 (2) Section 221 of the National Defense Au-
21 thorization Act for Fiscal Year 2022 (Public Law
22 117–81; 135 Stat. 1599).

23 (e) TRANSITION REQUIREMENT.—The Secretary of
24 the Navy shall ensure a transition from the Arleigh Burke-
25 class destroyer program to the covered program that

1 maintains predictable production workload at eligible ship-
2 builders.

3 (f) DEFINITIONS.—In this section:

4 (1) COVERED PROGRAM.—The term “covered
5 program” means the DDG(X) destroyer program.

6 (2) ELIGIBLE SHIPBUILDER.—The term “eligi-
7 ble shipbuilder” means any of the following:

8 (A) General Dynamics Bath Iron Works.

9 (B) Huntington Ingalls Incorporated,
10 Ingalls Shipbuilding division.

11 (3) PREDICTABLE PRODUCTION WORKLOAD.—
12 The term “predictable production workload” means
13 production workload that is not less than 70 percent
14 of the average production workload of the Arleigh
15 Burke-class destroyer program over the most recent
16 five-fiscal year period throughout the transition from
17 the Arleigh Burke-class destroyer program to the
18 covered program.

19 **SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR**
20 **ARLEIGH BURKE CLASS DESTROYERS.**

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 up to 15
25 Arleigh Burke class Flight III guided missile destroyers.

1 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
2 Secretary of the Navy may enter into one or more con-
3 tracts, beginning in fiscal year 2023, for advance procure-
4 ment associated with the destroyers for which authoriza-
5 tion to enter into a multiyear procurement contract is pro-
6 vided under subsection (a), and for systems and sub-
7 systems associated with such destroyers in economic order
8 quantities when cost savings are achievable.

9 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
10 MENTS.—A contract entered into under subsection (a)
11 shall provide that any obligation of the United States to
12 make a payment under the contract for a fiscal year after
13 fiscal year 2023 is subject to the availability of appropria-
14 tions or funds for that purpose for such later fiscal year.

15 (d) CONTRACT REQUIREMENT.—

16 (1) IN GENERAL.—The Secretary of the Navy
17 shall ensure that a contract entered into under sub-
18 section (a) includes a priced option to procure an
19 additional such destroyer in each of fiscal years
20 2023 through 2027.

21 (2) OPTION DEFINED.—In this subsection, the
22 term “option” has the meaning given that term in
23 section 2.101 of the Federal Acquisition Regulation
24 (or any successor regulation).

1 **SEC. 123. BLOCK BUY CONTRACTS FOR SHIP-TO-SHORE**
2 **CONNECTOR PROGRAM.**

3 (a) **BLOCK BUY CONTRACT AUTHORITY.**—Beginning
4 in fiscal year 2023, the Secretary of the Navy may enter
5 into one or more block buy contracts for the procurement
6 of up to 10 Ship-to-Shore Connector class craft and asso-
7 ciated material.

8 (b) **LIABILITY.**—Any contract entered into under
9 subsection (a) shall provide that—

10 (1) any obligation of the United States to make
11 a payment under the contract is subject to the avail-
12 ability of appropriations for that purpose; and

13 (2) the total liability of the Federal Government
14 for termination of the contract shall be limited to
15 the total amount of funding obligated to the contract
16 at the time of termination.

17 (c) **CERTIFICATION REQUIRED.**—A contract may not
18 be entered into under subsection (a) unless the Secretary
19 of the Navy certifies to the congressional defense commit-
20 tees, in writing, not later than 30 days before entry into
21 the contract, each of the following, which shall be prepared
22 by the milestone decision authority for such program:

23 (1) The use of such a contract is consistent
24 with the Chief of Naval Operations' projected force
25 structure requirements for such craft.

1 (2) The use of such a contract will result in sig-
2 nificant savings compared to the total anticipated
3 costs of carrying out the program through annual
4 contracts. In certifying cost savings under the pre-
5 ceding sentence, the Secretary shall include a writ-
6 ten explanation of—

7 (A) the estimated end cost and appro-
8 priated funds by fiscal year, by craft, without
9 the authority provided in subsection (a);

10 (B) the estimated end cost and appro-
11 priated funds by fiscal year, by craft, with the
12 authority provided in subsection (a);

13 (C) the estimated cost savings or increase
14 by fiscal year, by craft, with the authority pro-
15 vided in subsection (a);

16 (D) the discrete actions that will accom-
17 plish such cost savings or avoidance; and

18 (E) the contractual actions that will ensure
19 the estimated cost savings are realized.

20 (3) There is a stable design for the property to
21 be acquired and the technical risks associated with
22 such property are not excessive.

23 (4) The estimates of both the cost of the con-
24 tract and the anticipated cost avoidance through the
25 use of a contract authorized under subsection (a)

1 are realistic, including a description of the basis for
2 such estimates.

3 (5) The use of such a contract will promote the
4 national security of the United States.

5 (d) MILESTONE DECISION AUTHORITY DEFINED.—
6 In this section, the term “milestone decision authority”
7 has the meaning given the term in section 4251(d) of title
8 10, United States Code.

9 **SEC. 124. PROCUREMENT AUTHORITIES FOR JOHN LEWIS-**
10 **CLASS FLEET REPLENISHMENT OILER SHIPS.**

11 (a) CONTRACT AUTHORITY.—

12 (1) PROCUREMENT AUTHORIZED.—In fiscal
13 year 2023 or 2024, the Secretary of the Navy may
14 enter into one or more contracts for the procurement
15 of not more than eight John Lewis-class fleet replen-
16 ishment oiler ships.

17 (2) PROCUREMENT IN CONJUNCTION WITH EX-
18 ISTING CONTRACTS.—The ships authorized to be
19 procured under paragraph (1) may be procured as
20 additions to existing contracts covering such pro-
21 gram.

22 (b) CERTIFICATION REQUIRED.—A contract may not
23 be entered into under subsection (a) unless the Secretary
24 of the Navy certifies to the congressional defense commit-
25 tees, in writing, not later than 30 days before entry into

1 the contract, each of the following, which shall be prepared
2 by the milestone decision authority for such program:

3 (1) The use of such a contract is consistent
4 with the Department of the Navy's projected force
5 structure requirements for such ships.

6 (2) The use of such a contract will result in sig-
7 nificant savings compared to the total anticipated
8 costs of carrying out the program through annual
9 contracts. In certifying cost savings under the pre-
10 ceding sentence, the Secretary shall include a writ-
11 ten explanation of—

12 (A) the estimated end cost and appro-
13 priated funds by fiscal year, by hull, without
14 the authority provided in subsection (a);

15 (B) the estimated end cost and appro-
16 priated funds by fiscal year, by hull, with the
17 authority provided in subsection (a);

18 (C) the estimated cost savings or increase
19 by fiscal year, by hull, with the authority pro-
20 vided in subsection (a);

21 (D) the discrete actions that will accom-
22 plish such cost savings or avoidance; and

23 (E) the contractual actions that will ensure
24 the estimated cost savings are realized.

1 (3) There is a reasonable expectation that
2 throughout the contemplated contract period the
3 Secretary of the Navy will request funding for the
4 contract at the level required to avoid contract can-
5 cellation.

6 (4) There is a stable design for the property to
7 be acquired and the technical risks associated with
8 such property are not excessive.

9 (5) The estimates of both the cost of the con-
10 tract and the anticipated cost avoidance through the
11 use of a contract authorized under subsection (a)
12 are realistic.

13 (6) The use of such a contract will promote the
14 national security of the United States.

15 (7) During the fiscal year in which such con-
16 tract is to be awarded, sufficient funds will be avail-
17 able to perform the contract in such fiscal year, and
18 the future-years defense program (as defined under
19 section 221 of title 10, United States Code) for such
20 fiscal year will include the funding required to exe-
21 cute the program without cancellation.

22 (c) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
23 Secretary of the Navy may enter into one or more con-
24 tracts for advance procurement associated with a ship or
25 ships for which authorization to enter into a contract is

1 provided under subsection (a), and for systems and sub-
2 systems associated with such ships in economic order
3 quantities when cost savings are achievable.

4 (d) CONDITION FOR OUT-YEAR CONTRACT PAY-
5 MENTS.—A contract entered into under subsection (a)
6 shall provide that any obligation of the United States to
7 make a payment under the contract for a fiscal year is
8 subject to the availability of appropriations for that pur-
9 pose for such fiscal year.

10 (e) MILESTONE DECISION AUTHORITY DEFINED.—
11 In this section, the term “milestone decision authority”
12 has the meaning given the term in section 4251(d) of title
13 10, United States Code.

14 **SEC. 125. TOMAHAWK CRUISE MISSILE CAPABILITY ON**
15 **FFG–62 CLASS VESSELS.**

16 Before accepting delivery of any FFG–62 class vessel,
17 the Secretary of the Navy shall require that the vessel be
18 capable of carrying and employing Tomahawk cruise mis-
19 siles.

20 **SEC. 126. NAVY SHIPBUILDING WORKFORCE DEVELOP-**
21 **MENT INITIATIVE.**

22 (a) IN GENERAL.—Chapter 863 of title 10, United
23 States Code, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 8696. Navy shipbuilding workforce development**
2 **initiative.**

3 “(a) REQUIREMENT.—

4 “(1) IN GENERAL.—The Secretary of the Navy
5 shall ensure that any award for a covered contract
6 or contract modification includes a separate and dis-
7 tinct line item for workforce development.

8 “(2) COVERED CONTRACTS AND CONTRACT
9 MODIFICATIONS.—For purposes of this subsection, a
10 covered contract or contract modification is a con-
11 struction contract or contract modification for the
12 procurement of one or more naval vessels entered
13 into using funds from the Shipbuilding and Conver-
14 sion, Navy account with a prime contractor that will
15 deliver such vessel or vessels to the Navy.

16 “(3) AMOUNT OF LINE ITEM.—The amount of
17 funding in a line item for workforce development re-
18 quired under subsection (a)(1) shall be not less than
19 one-half of one percent and not more than one per-
20 cent of the target price of the contract concerned.

21 “(b) MATCHING CONTRIBUTION REQUIREMENT.—

22 “(1) IN GENERAL.—Funds for a line item for
23 workforce development required under subsection
24 (a)(1) may be obligated only—

25 “(A) on or after the date on which the
26 service acquisition executive of the Navy re-

1 ceives a written commitment from one or more
2 entities described in paragraph (2) of a separate and distinct cumulative contribution for
3 workforce development; and
4

5 “(B) in an amount that is—

6 “(i) equal to the amount of the contribution described in subparagraph (A), if
7 the contribution is less than the amount of
8 funding in the line item; or
9

10 “(ii) equal to the amount of funding
11 in the line item, if the contribution is equal
12 to or greater than the amount of such
13 funding.

14 “(2) ENTITIES DESCRIBED.—The entities described in this paragraph are the following:
15

16 “(A) The prime contractor receiving the
17 award described in subsection (a)(1).

18 “(B) A qualified subcontractor.

19 “(C) A State government or other State
20 entity.

21 “(D) A county government or other county
22 entity.

23 “(E) A local government or other local entity.
24

25 “(c) AUTHORIZED ACTIVITIES.—

1 “(1) IN GENERAL.—Funds for a line item for
2 workforce development required under subsection
3 (a)(1) may be used only to provide for the activities
4 described in paragraph (2) in support of the produc-
5 tion and production support workforce of the prime
6 contractor concerned or a qualified subcontractor.

7 “(2) ACTIVITIES DESCRIBED.—The activities
8 described in this paragraph are the following:

9 “(A) The creation of short- and long-term
10 workforce housing, transportation, and other
11 support services to facilitate attraction, reloca-
12 tion, and retention of workers.

13 “(B) The expansion of local talent pipeline
14 programs for both new and existing workers.

15 “(C) Investments in long-term outreach in
16 middle and high school programs, specifically
17 career and technical education programs, to
18 promote and develop manufacturing skills.

19 “(D) Facilities developed or modified for
20 the primary purpose of workforce development.

21 “(E) Direct costs attributable to workforce
22 development.

23 “(F) Attraction and retention bonus pro-
24 grams.

1 “(G) On-the-job training to develop key
2 manufacturing skills.

3 “(d) APPROVAL REQUIREMENT.—The service acqui-
4 sition executive of the Navy shall—

5 “(1) provide the final approval of the use of
6 funds for a line item for workforce development re-
7 quired under subsection (a)(1); and

8 “(2) not later than 30 days after the date on
9 which such approval is provided, certify to the con-
10 gressional defense committees compliance with the
11 requirements of subsections (b) and (c), including—

12 “(A) a detailed explanation of such compli-
13 ance; and

14 “(B) the associated benefits to—

15 “(i) the Federal Government; and

16 “(ii) the shipbuilding industrial base
17 of the Navy.

18 “(e) QUALIFIED SUBCONTRACTOR DEFINED.—In
19 this section, the term ‘qualified subcontractor’ means a
20 subcontractor to a prime contractor receiving an award
21 described in subsection (a)(1) that will deliver the vessel
22 or vessels covered by the award to the Navy.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 863 of such title is amended
25 by adding at the end the following new item:

 “8696. Navy shipbuilding workforce development initiative.”.

1 (c) APPLICABILITY.—Section 8696 of title 10, United
2 States Code, as added by subsection (a), shall apply with
3 respect to contracts and contract modifications entered
4 into on or after June 1, 2023.

5 **SEC. 127. EXTENSION OF PROHIBITION ON AVAILABILITY**
6 **OF FUNDS FOR NAVY PORT WATERBORNE SE-**
7 **CURITY BARRIERS.**

8 (a) IN GENERAL.—Subsection (a) of section 130 of
9 the John S. McCain National Defense Authorization Act
10 for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
11 1665), as most recently amended by section 122 of the
12 National Defense Authorization Act for Fiscal Year 2022
13 (Public Law 117–81; 135 Stat. 1570), is further amended
14 by striking “for fiscal years 2019, 2020, 2021, or 2022”
15 and inserting “for any of fiscal years 2019 through 2023”.

16 (b) TECHNICAL AMENDMENT.—Subsection (b)(4) of
17 such section is amended by striking “section 2304” and
18 inserting “sections 3201 through 3205”.

19 **SEC. 128. LIMITATION ON RETIREMENT OF E-6B AIRCRAFT.**

20 The Secretary of the Navy may take no action that
21 would prevent the Navy from maintaining the fleet of E–
22 6B aircraft in the configuration and capability in effect
23 as of the date of the enactment of this Act until the date
24 on which the Chair of the Joint Requirements Oversight
25 Council certifies in writing to the congressional defense

1 committees that the replacement capability for the E–6B
2 aircraft will—

3 (1) be fielded at the same time or before the re-
4 tirement of the E–6B aircraft; and

5 (2) result in equal or greater capability avail-
6 able to the commanders of the combatant com-
7 mands.

8 **SEC. 129. EA-18G AIRCRAFT.**

9 (a) PROHIBITION.—None of the funds authorized to
10 be appropriated by this Act for fiscal year 2023 for the
11 Navy may be obligated to retire, prepare to retire, or place
12 in storage or in backup aircraft inventory any EA–18G
13 aircraft.

14 (b) TRANSFER OF AIRCRAFT.—The Secretary of the
15 Navy shall transfer the EA–18G aircraft associated with
16 the expeditionary land-based electronic attack squadrons
17 to the Navy Reserve.

18 (c) ESTABLISHMENT OF SQUADRONS.—The Sec-
19 retary of the Air Force shall designate one or more units
20 from the Air National Guard or the Air Force Reserve
21 to join with the Navy Reserve to establish one or more
22 joint service expeditionary, land-based electronic attack
23 squadrons to match the capability of such squadrons as-
24 signed to Naval Air Station Whidbey Island, Washington,
25 as of the date of the enactment of this Act.

1 (d) REPORT ON IMPLEMENTATION PLAN.—Not later
2 than 120 days after the date of the enactment of this Act,
3 the Secretary of the Navy and the Secretary of the Air
4 Force shall jointly submit to the congressional defense
5 committees a report on the plan of the Secretaries to im-
6 plement this section.

7 **SEC. 130. BLOCK BUY CONTRACTS FOR CH-53K HEAVY LIFT**
8 **HELICOPTER PROGRAM.**

9 (a) BLOCK BUY CONTRACT AUTHORITY.—During
10 fiscal years 2023 and 2024, the Secretary of the Navy may
11 enter into one or more block buy contracts for the procure-
12 ment of airframes and engines in support of the CH-53K
13 heavy lift helicopter program (in this section referred to
14 as the “program”).

15 (b) LIABILITY.—Any contract entered into under
16 subsection (a) shall provide that—

17 (1) any obligation of the United States to make
18 a payment under the contract is subject to the avail-
19 ability of appropriations for that purpose; and

20 (2) the total liability of the Federal Government
21 for termination of the contract shall be limited to
22 the total amount of funding obligated to the contract
23 at the time of termination.

24 (c) CERTIFICATION REQUIRED.—A contract may not
25 be entered into under subsection (a) unless the Secretary

1 of Defense certifies to the congressional defense commit-
2 tees, in writing, not later than 30 days before entry into
3 the contract, each of the following, which shall be prepared
4 by the milestone decision authority (as defined in section
5 4251(d) of title 10, United States Code) for the program:

6 (1) The use of such a contract will result in sig-
7 nificant savings compared to the total anticipated
8 costs of carrying out the program through annual
9 contracts. In certifying cost savings under the pre-
10 ceding sentence, the Secretary shall include a writ-
11 ten explanation of—

12 (A) the estimated obligations and expendi-
13 tures by fiscal year for the program without the
14 authority provided in subsection (a);

15 (B) the estimated obligations and expendi-
16 tures by fiscal year for the program with the
17 authority provided in subsection (a);

18 (C) the estimated cost savings or increase
19 by fiscal year for the program with the author-
20 ity provided in subsection (a);

21 (D) the discrete actions that will accom-
22 plish such cost savings or avoidance; and

23 (E) the contractual actions that will ensure
24 the estimated cost savings are realized.

1 (2) There is a reasonable expectation that
2 throughout the contemplated contract period the
3 Secretary of Defense will request funding for the
4 contract at the level required to avoid contract can-
5 cellation.

6 (3) There is a stable design for the property to
7 be acquired and the technical risks associated with
8 such property are not excessive.

9 (4) The estimates of both the cost of the con-
10 tract and the anticipated cost avoidance through the
11 use of a contract authorized under subsection (a)
12 are realistic.

13 (5) The use of such a contract will promote the
14 national security of the United States.

15 (6) During the fiscal year in which such con-
16 tract is to be awarded, sufficient funds will be avail-
17 able to perform the contract in such fiscal year, and
18 the future-years defense program submitted to Con-
19 gress under section 221 of title 10, United States
20 Code, for such fiscal year will include the funding
21 required to execute the program without cancella-
22 tion.

23 (7) The contract will be a fixed price type con-
24 tract.

1 **Subtitle D—Air Force Programs**

2 **SEC. 141. PROHIBITION ON CERTAIN REDUCTIONS TO IN-**
3 **VENTORY OF E-3 AIRBORNE WARNING AND**
4 **CONTROL SYSTEM AIRCRAFT.**

5 (a) PROHIBITION.—Except as provided in subsections
6 (b) and (c), none of the funds authorized to be appro-
7 priated by this Act for fiscal year 2023 for the Air Force
8 may be obligated to retire, prepare to retire, or place in
9 storage or in backup aircraft inventory any E-3 aircraft
10 if such actions would reduce the total aircraft inventory
11 for such aircraft below 26.

12 (b) EXCEPTION FOR ACQUISITION STRATEGY.—If
13 the Secretary of the Air Force submits to the congres-
14 sional defense committees an acquisition strategy for the
15 E-7 Wedgetail approved by the Service Acquisition Execu-
16 tive of the Air Force, the prohibition under subsection (a)
17 shall not apply to actions taken to reduce the total aircraft
18 inventory for E-3 aircraft to 21 after the date on which
19 the strategy is so submitted.

20 (c) EXCEPTION FOR CONTRACT AWARD.—If the Sec-
21 retary of the Air Force awards a contract for the E-7
22 Wedgetail aircraft, the prohibition under subsection (a)
23 shall not apply to actions taken to reduce the total aircraft
24 inventory for E-3 aircraft to 16 after the date on which
25 such contract is so awarded.

1 **SEC. 142. MODIFICATION OF INVENTORY REQUIREMENTS**
2 **FOR AIR REFUELING TANKER AIRCRAFT.**

3 (a) MODIFICATION OF GENERAL REQUIREMENT.—
4 Section 135(a) of the William M. (Mac) Thornberry Na-
5 tional Defense Authorization Act for Fiscal Year 2021
6 (Public Law 116–283; 134 Stat. 3431) is amended by
7 striking “412” and inserting “400”.

8 (b) MODIFICATION OF LIMITATION ON RETIREMENT
9 OF KC–135 AIRCRAFT.—Section 137(b)(1) of the Na-
10 tional Defense Authorization Act for Fiscal Year 2022
11 (Public Law 117–81; 135 Stat. 1576) is amended by strik-
12 ing “18” and inserting “31”.

13 **SEC. 143. PROHIBITION ON REDUCTIONS TO INVENTORY OF**
14 **F–22 BLOCK 20 AIRCRAFT.**

15 (a) PROHIBITION.—Except as provided in subsection
16 (b), none of the funds authorized to be appropriated by
17 this Act for fiscal year 2023 for the Air Force may be
18 obligated to retire, prepare to retire, or place in storage
19 or in backup aircraft inventory any F–22 Block 20 air-
20 craft.

21 (b) EXPIRATION OF PROHIBITION.—The prohibition
22 under subsection (a) shall cease to have effect on the date
23 on which the Secretary of the Air Force submits to the
24 congressional defense committees—

25 (1) a detailed plan approved by the Secretary to
26 conduct formal training for F–22 aircrews to ensure

1 that the combat capability at operational units would
2 not be degraded if the Air Force were to retire all
3 F-22 Block 20 aircraft; and

4 (2) a report on how the Secretary intends to
5 avoid—

6 (A) diminishing the combat effectiveness of
7 remaining F-22 aircraft;

8 (B) exacerbating F-22 aircraft availability
9 concerns; and

10 (C) complicating F-22 aircraft squadron
11 maintenance issues.

12 **Subtitle E—Defense-wide, Joint,**
13 **and Multiservice Matters**

14 **SEC. 151. PARTS FOR COMMERCIAL DERIVATIVE AIRCRAFT**
15 **AND ENGINES AND AIRCRAFT BASED ON**
16 **COMMERCIAL DESIGN.**

17 (a) IN GENERAL.—The Secretary of the Air Force
18 and the Secretary of the Navy shall—

19 (1) include covered parts in supply chain solu-
20 tions to provide for replacement or increased inven-
21 tories for—

22 (A) all commercial derivative aircraft and
23 engines of the Department of Defense; and

24 (B) all aircraft of the Department that are
25 based on commercial design;

1 (2) conduct the acquisition of all follow-on cov-
2 ered parts on a competitive basis, based on price and
3 quality; and

4 (3) procure covered parts only from suppliers
5 that provide covered parts that possess a FAA Au-
6 thorized Release Certificate, FAA Form 8130-3 Air-
7 worthy Approval Tag, from a repair station certified
8 pursuant to part 145 of title 14, Code of Federal
9 Regulations (or successor regulation).

10 (b) COVERED PARTS DEFINED.—In this section, the
11 term “covered parts”—

12 (1) means used, overhauled, reconditioned, or
13 re-manufactured common or dual use parts certified
14 as airworthy by the Federal Aviation Administra-
15 tion; and

16 (2) does not include life limited parts.

17 **SEC. 152. ASSESSMENT AND STRATEGY FOR FIELDING**
18 **COUNTER UNMANNED AERIAL SYSTEMS**
19 **SWARM CAPABILITIES.**

20 (a) ASSESSMENT, ANALYSIS, AND REVIEW.—The
21 Secretary of Defense shall conduct—

22 (1) an assessment of the threats posed by un-
23 manned aerial system (UAS) swarms or unmanned
24 aerial systems with indicative swarm capabilities to
25 installations and deployed armed forces;

1 (2) an analysis of the use or potential use of
2 unmanned aerial system swarms by adversaries, in-
3 cluding China, Russia, Iran, North Korea, and non-
4 state actors;

5 (3) an analysis of the implication of swarming
6 technologies such as autonomous intelligence and
7 machine learning;

8 (4) a review of current fielded systems and
9 whether they effectively counter a wide range of po-
10 tential unmanned aerial system swarm threats; and

11 (5) an overview of development efforts and field
12 tests of technologies that offer scalable, modular,
13 and rapidly deployable systems that could counter
14 unmanned aerial system swarms.

15 (b) STRATEGY DEVELOPMENT AND IMPLEMENTA-
16 TION REQUIRED.—

17 (1) IN GENERAL.—The Secretary shall develop
18 and implement a strategy to field systems to counter
19 threats posed by unmanned aerial system swarms.

20 (2) ELEMENTS.—The strategy required by
21 paragraph (1) shall include the following:

22 (A) The development of a comprehensive
23 definition of “unmanned aerial system swarm”.

24 (B) A plan to establish and incorporate re-
25 quirements for development, testing, and field-

1 ing of counter unmanned aerial system swarm
2 capabilities.

3 (C) A plan to acquire and field adequate
4 organic capabilities to counter unmanned aerial
5 system swarms in defense of United States
6 armed forces, assets, and infrastructure across
7 land, air, and maritime domains.

8 (D) An estimate of resources needed by
9 the Army, the Navy, and the Air Force to im-
10 plement the plan required by paragraph (3).

11 (E) An analysis, determination, and
12 prioritization of legislative action required to
13 ensure the Department has the ability to
14 counter the threats described in subsection
15 (a)(1).

16 (F) Such other matters as the Secretary
17 considers pertinent.

18 (3) INCORPORATION INTO EXISTING STRAT-
19 EGY.—The Secretary may incorporate the strategy
20 required by paragraph (1) into a strategy that was
21 in effect on the day before the date of the enactment
22 of this Act.

23 (c) INFORMATION TO CONGRESS.—Not later than
24 270 days after the date of the enactment of this Act, the

1 Secretary shall submit to the congressional defense com-
2 mittees a report on—

3 (1) the findings of the Secretary under sub-
4 section (a); and

5 (2) the strategy developed and implemented by
6 the Secretary under subsection (b).

7 **SEC. 153. TREATMENT OF NUCLEAR MODERNIZATION AND**
8 **HYPERSONIC MISSILE PROGRAMS WITHIN**
9 **DEFENSE PRIORITIES AND ALLOCATIONS**
10 **SYSTEM.**

11 (a) SENSE OF SENATE.—It is the sense of the Senate
12 that—

13 (1) the United States is entering into an un-
14 precedented period of strategic competition with two
15 potential adversaries, each of which now possesses,
16 or will acquire, nuclear and missile forces equal to
17 or greater than such forces possessed by the United
18 States;

19 (2) ensuring the continued deterrence of the
20 growing threat of the nuclear capabilities of such ad-
21 versaries requires—

22 (A) safe, secure, effective, and credible nu-
23 clear forces, with a range of flexible employ-
24 ment options, available to the President; and

1 (B) robust missile forces capable of over-
2 coming current and future missile defenses;

3 (3) such forces can only be achieved through
4 the rapid and complete modernization of legacy nu-
5 clear capabilities of the United States and the timely
6 development of a range of ballistic, cruise, and
7 hypersonic boost-glide missiles;

8 (4) ongoing Department of Defense and Na-
9 tional Nuclear Security Administration programs
10 and projects to achieve the modernization of United
11 States nuclear forces enjoy virtually no scheduled
12 margin for delivery prior to the expected retirement
13 or decommissioning of legacy systems and facilities,
14 even as the People's Republic of China, the Russian
15 Federation, and North Korea work to rapidly mod-
16 ernize and expand their nuclear arsenals;

17 (5) the People's Republic of China, the Russian
18 Federation, and North Korea are—

19 (A) engaged in a variety of missile pro-
20 grams intended to defeat the missile defense ca-
21 pabilities of the United States and its allies;
22 and

23 (B) expected to field such capabilities in
24 greater volumes than the United States;

1 (6) imbalances in such capabilities are inher-
2 ently destabilizing and represent profound risks to
3 the security of the United States and its allies and
4 to global stability at large;

5 (7) the Secretary of Defense and the Secretary
6 of Energy should leverage all available tools to re-
7 duce the risk of schedule delays in nuclear mod-
8 ernization and hypersonic missile programs and
9 projects, including by—

10 (A) universally applying the authorities
11 provided by the Defense Production Act of
12 1950 (50 U.S.C. 4501 et seq.) to each such
13 program or project; and

14 (B) assigning a DX priority rating under
15 part 700 of title 15, Code of Federal Regula-
16 tions, to each such program or project;

17 (8) the assignment of DX priority ratings
18 would help minimize the risk that such programs
19 and projects are unnecessarily delayed due to
20 misallocations of industrial materials, services, or fa-
21 cilities; and

22 (9) the Secretary of Defense and the Secretary
23 of Energy should promptly inform Congress of any
24 additional opportunities to further reduce risks relat-
25 ing to such programs and projects or the schedules

1 for such programs and projects that could be
2 achieved through the adjustment of existing authori-
3 ties.

4 (b) REPORT AND CERTIFICATION.—

5 (1) IN GENERAL.—Not later than January 1,
6 2023, the Secretary of Defense and the Secretary of
7 Energy shall jointly submit to the congressional de-
8 fense committees a report including—

9 (A) with respect to each nuclear weapons
10 delivery system, missile warning system,
11 hypersonic boost-glide missile system program,
12 or weapon program or nuclear security enter-
13 prise infrastructure project of the National Nu-
14 clear Security Administration, a determination
15 of whether such program or project should be
16 assigned a DX priority rating under part 700
17 of title 15, Code of Federal Regulations;

18 (B) for any such program or project that
19 the respective Secretary determines under sub-
20 paragraph (A) should be assigned a DX priority
21 rating, a confirmation that such program or
22 project has been assigned a DX rating; and

23 (C) for any such program or project that
24 has not been assigned a DX priority rating as
25 of January 1, 2023—

- 1 (i) an explanation for any delay in as-
2 signing such a rating; and
3 (ii) a timeline for the assignment of
4 such a rating.

5 (2) ANNUAL CERTIFICATION.—For any nuclear
6 weapons delivery system, missile warning system,
7 hypersonic boost-glide missile system program, or
8 weapon program or nuclear security enterprise infra-
9 structure project of the National Nuclear Security
10 Administration that the respective Secretary deter-
11 mines under paragraph (1)(A) should not be as-
12 signed a DX priority rating , the Secretary shall,
13 until such program reaches full operational capa-
14 bility, annually submit to the congressional defense
15 committees a certification that the lack of assign-
16 ment of such rating will not negatively affect the de-
17 livery of operational capabilities by such program or
18 project.

19 (3) NONDELEGATION.—The Secretary may not
20 delegate a determination under paragraph (1)(A) to
21 any other official.

1 **SEC. 154. GOVERNMENT ACCOUNTABILITY OFFICE ASSESS-**
2 **MENT OF EFFORTS TO MODERNIZE PROPUL-**
3 **SION SYSTEMS OF THE F-35 AIRCRAFT.**

4 (a) IN GENERAL.—Not later than February 28,
5 2023, the Comptroller General of the United States shall
6 conduct an assessment of efforts to modernize propulsion
7 systems of the F-35 aircraft.

8 (b) ELEMENTS.—The findings of the assessment re-
9 quired by subsection (a) shall set forth the following:

10 (1) The results of a comparative analysis and
11 independent cost assessment, conducted by the
12 Comptroller General, of options to modernize propul-
13 sion systems of the F-35 aircraft, including—

14 (A) modernizing the existing F135 engine;
15 and

16 (B) the development and insertion of the
17 Adaptive Engine Transition Program engine.

18 (2) The costs of the alternatives associated with
19 development, production, retrofit, integration, and
20 installation, including air vehicle modifications, and
21 sustainment infrastructure requirements of the
22 Adaptive Engine Transition Program engine for the
23 F-35A aircraft.

24 (3) An assessment of progress made by proto-
25 type aircraft in the Adaptive Engine Transition Pro-
26 gram effort.

1 (4) The timeline associated with modernizing
2 the F135 engine to meet Block 4 upgrade require-
3 ments for the F-35A aircraft.

4 (5) The costs associated with modernizing the
5 F135 engine to meet Block 4 upgrade requirements.

6 (6) An assessment of the potential impact of
7 the modernization alternatives described in this sub-
8 section on life cycle sustainment and sparing con-
9 tracts, including the impact on international part-
10 ners.

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

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

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2023 for the use of the Department of Defense
19 for research, development, test, and evaluation, as speci-
20 fied in the funding table in section 4201.

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

4 **SEC. 211. DISCLOSURE REQUIREMENTS FOR RECIPIENTS**
5 **OF RESEARCH AND DEVELOPMENT FUNDS.**

6 (a) IN GENERAL.—Chapter 301 of title 10, United
7 States Code, is amended by inserting after section 4026
8 the following new section:

9 **“§ 4027. Disclosure requirements for recipients of re-**
10 **search and development funds**

11 “(a) IN GENERAL.—Except as provided in sub-
12 sections (b) and (c), an individual or entity (including a
13 State or local government) that uses funds received from
14 the Department of Defense to carry out research or devel-
15 opment activities shall include, in any public document
16 pertaining to such activities, a clear statement indicating
17 the dollar amount of the funds received from the Depart-
18 ment for such activities.

19 “(b) EXCEPTION.—The disclosure requirement under
20 subsection (a) shall not apply to a public document con-
21 sisting of fewer than 280 characters.

22 “(c) WAIVER.—The Secretary of Defense may waive
23 the disclosure requirement under subsection (a) on a case-
24 by-case basis.

1 “(d) PUBLIC DOCUMENT DEFINED.—In this section,
2 the term ‘public document’ means any document or other
3 written statement made available for public reference or
4 use, regardless of whether such document or statement is
5 made available in hard copy or electronic format.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 4026 the following new
9 item:

“4027. Disclosure requirements for recipients of research and development
funds.”.

10 **SEC. 212. MODIFICATION OF COOPERATIVE RESEARCH AND**
11 **DEVELOPMENT PROJECT AUTHORITY.**

12 (a) IN GENERAL.—Section 2350a of title 10, United
13 States Code, is amended—

14 (1) in subsection (a)(2), by adding at the end
15 the following:

16 “(F) The European Union, including the Euro-
17 pean Defence Agency, the European Commission,
18 and the Council of the European Union, and their
19 suborganizations.”; and

20 (2) in subsection (i), by amending paragraph
21 (1) to read as follows:

22 “(1) The term ‘cooperative research and devel-
23 opment project’ means a project—

24 “(A) involving joint participation by—

1 “(i) the United States and—

2 “(ii)(I) one or more countries and or-
3 ganizations referred to in subsection (a)(2)
4 under a memorandum of understanding (or
5 other formal agreement); or

6 “(II) one or more parties in the na-
7 tional technology and industrial base (as
8 defined in section 4801 of this title) under
9 a memorandum of understanding (or other
10 formal agreement); and

11 “(B) to carry out a joint research and de-
12 velopment program—

13 “(i) to develop new conventional de-
14 fense equipment and munitions; or

15 “(ii) to modify existing military equip-
16 ment to meet United States military re-
17 quirements.”.

18 (b) CONFORMING REGULATIONS.—Not later than
19 120 days after the date of the enactment of this Act, the
20 Secretary of Defense shall revise the Department of De-
21 fense Supplement to the Federal Acquisition Regulations
22 to conform with section 2350a of title 10, United States
23 Code, as amended by subsection (a).

1 **SEC. 213. ADMINISTRATION OF THE ADVANCED SENSOR AP-**
2 **PLICATIONS PROGRAM.**

3 (a) RESOURCE SPONSOR.—

4 (1) IN GENERAL.—The Commander of Naval
5 Air Systems Command (NAVAIR) shall, in conjunc-
6 tion with the Director of Air Warfare (OPNAV
7 N98), serve as the resource sponsor for the Ad-
8 vanced Sensor Applications Program (known as
9 “ASAP” and in this section referred to as the “Pro-
10 gram”).

11 (2) RESPONSIBILITIES.—The resource sponsor
12 of the Program shall be responsible for the fol-
13 lowing:

14 (A) Developing budget requests relating to
15 the Program.

16 (B) Establishing priorities for the Pro-
17 gram.

18 (C) Approving the execution of funding
19 and projects for the Program.

20 (D) Coordination and joint planning with
21 external stakeholders in matters relating to the
22 Program.

23 (b) LIMITATIONS.—No other entity in the Depart-
24 ment of the Navy may—

25 (1) serve as a resource sponsor for the Pro-
26 gram;

1 (2) provide direction and management for the
2 Program;

3 (3) set priorities for the Program;

4 (4) regulate or limit the information available
5 or accessible to the Program;

6 (5) edit reports or findings generated under the
7 Program; or

8 (6) coordinate and manage interactions of the
9 Program with external stakeholders.

10 (c) **AUTHORITY FOR PROGRAM MANAGER.**—The pro-
11 gram manager for the Program may access, consider, act
12 on, and apply information, at all levels of classification
13 and from all sources and organizations, that is pertinent
14 to the projects and activities that the Program is exe-
15 cuting, or considering proposing for the future.

16 (d) **QUARTERLY BRIEFINGS.**—Not less frequently
17 than once every three months, the program manager for
18 the Program shall provide the congressional defense com-
19 mittees and congressional intelligence committees (as de-
20 fined in section 3 of the National Security Act of 1947
21 (50 U.S.C. 3003)) a briefing on all aspects of the Pro-
22 gram, including on the implementation of this section,
23 other congressional direction, and direction and oversight
24 from the Commander of Naval Air Systems Command and
25 other higher headquarters.

1 (e) STRATEGIC RELATIONSHIP.—The program man-
2 ager for the Program shall evaluate the feasibility and ad-
3 visability of establishing a strategic relationship with the
4 Naval Research Laboratory for scientific and technical as-
5 sistance and support for the Program.

6 (f) USE OF ASSETS.—The Commander shall take all
7 actions the Commander considers reasonable—

8 (1) to enable the Program to utilize assets con-
9 trolled within the Naval Air Systems Command en-
10 terprise, including sensor systems and platforms;
11 and

12 (2) to pursue the use of other assets that may
13 further the mission of the Program.

14 **SEC. 214. MODIFICATION OF AUTHORITY OF THE DEPART-**
15 **MENT OF DEFENSE TO CARRY OUT CERTAIN**
16 **PROTOTYPE PROJECTS.**

17 Section 4022 of title 10, United States Code, is
18 amended—

19 (1) in subsection (a)(2)—

20 (A) by striking “, and any follow-on pro-
21 duction contract or transaction that is awarded
22 pursuant to subsection (f),” both places it ap-
23 pears;

24 (B) in subparagraph (A)(ii), by striking “;
25 and” and inserting a semicolon;

1 (C) in subparagraph (B)(ii), by striking
2 the period at the end and inserting “; and”;
3 and

4 (D) by adding at the end the following new
5 subparagraph:

6 “(C) may be exercised for a transaction for a
7 follow-on production contract or transaction that is
8 awarded pursuant to subsection (f) and expected to
9 cost the Department of Defense in excess of
10 \$100,000,000 (including all options) only if a cov-
11 ered official—

12 “(i) determines in writing that—

13 “(I) the requirements of subsection
14 (d) will be met; and

15 “(II) the use of the authority of this
16 section is essential to meet critical national
17 security objectives; and

18 “(ii) notifies the congressional defense
19 committees in writing of the findings required
20 under clause (i) at the time such authority is
21 exercised.”; and

22 (2) in subsection (e)—

23 (A) by redesignating paragraphs (1) and
24 (2) as paragraphs (2) and (4), respectively;

1 (B) by inserting before paragraph (2), as
2 redesignated by subparagraph (A), the following
3 new paragraph:

4 “(1) The term ‘covered official’ means—

5 “(A) a service acquisition executive;

6 “(B) the Director of the Defense Advanced
7 Research Projects Agency;

8 “(C) the Director of the Missile Defense
9 Agency;

10 “(D) the Undersecretary of Defense for
11 Acquisition and Sustainment; or

12 “(E) the Undersecretary of Defense for
13 Research and Engineering.”; and

14 (C) by inserting after paragraph (2), as so
15 redesignated, the following new paragraph:

16 “(3) The term ‘service acquisition executive’
17 has the meaning given the term in section 101 of
18 this title.”.

19 **SEC. 215. COMPETITIVELY AWARDED DEMONSTRATIONS**
20 **AND TESTS OF ELECTROMAGNETIC WARFARE**
21 **TECHNOLOGY.**

22 (a) **DEMONSTRATIONS AND TESTS REQUIRED.**—Not
23 later than 270 days after the date of the enactment of
24 this Act, the Director of the Air Force Rapid Capabilities
25 Office (RCO) shall conduct competitively awarded dem-

1 onstrations and tests of commercial electronics technology
2 to determine whether technology currently exists that
3 could enable the following electromagnetic warfare capa-
4 bilities:

5 (1) The operation of multiple emitters and re-
6 ceivers in the same frequency at the same time and
7 in the same location without mutual interference and
8 without using adaptive beam forming or nulling.

9 (2) Protecting the reception of Global Posi-
10 tioning System and other vulnerable low-power sig-
11 nals from multiple high-power jammers at a level
12 that is significantly better than the protection af-
13 forded by Controlled Reception Pattern Antennas.

14 (3) Simultaneous transmission from and recep-
15 tion of separate signals on the same platform where-
16 in the signals lie in the same frequency and are
17 transmitted and received at the same time without
18 interference.

19 (4) Capabilities similar to paragraphs (1)
20 through (3) in a live, virtual constructive simulation
21 environment.

22 (5) Other capabilities that might satisfy or sup-
23 port needs set forth in the Electromagnetic Spec-
24 trum Superiority Strategy Implementation Plan.

1 (b) OVERSIGHT OF TESTS.—The Director of Oper-
2 ational Test and Evaluation shall—

3 (1) provide oversight of the demonstrations and
4 tests required by subsection (a);

5 (2) review other applicable government or com-
6 mercial demonstrations and tests; and

7 (3) not later than 30 days after the completion
8 of the demonstrations and tests under subsection
9 (a), independently advise the Chief Information Offi-
10 cer (CIO) of the Department of Defense, the Under
11 Secretary of Defense for Research and Engineering
12 (USD R&E), and the Under Secretary of Defense
13 for Acquisition and Sustainment (USD A&S) of the
14 outcomes of the demonstrations and tests.

15 (c) OUTCOME-BASED ACTIONS REQUIRED.—If the
16 Director of Operational Test and Evaluation and the Di-
17 rector of the Air Force Rapid Capabilities Office affirm
18 that the demonstrations and tests under subsection (a)
19 confirm that current technology could enable the capabili-
20 ties described in paragraphs (1) through (3) of such sub-
21 section—

22 (1) not later than 45 days after the conclusion
23 of the tests under subsection (a), the Director of the
24 Air Force Rapid Capabilities Office and the Director
25 of Operational Test and Evaluation shall brief the

1 congressional defense committees on the outcomes of
2 the tests;

3 (2) the Director of the Air Force Rapid Capa-
4 bilities Office may commit additional funds to begin
5 engineering form, fit, and function development and
6 integration for specific Department of Defense plat-
7 forms and applications; and

8 (3) not later than 90 days after the conclusion
9 of the tests under subsection (a), the Director of the
10 Air Force Rapid Capabilities Office, the Chief Infor-
11 mation Officer, the Under Secretary of Defense for
12 Research and Engineering, and the Under Secretary
13 of Defense for Acquisition and Sustainment shall
14 brief the congressional defense committees on a plan
15 to further develop and deploy the demonstrated and
16 tested technologies to support the Electromagnetic
17 Spectrum Superiority Strategy Implementation Plan.

18 **SEC. 216. GOVERNMENT-INDUSTRY WORKING GROUP ON**

19 **MICROELECTRONICS.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall establish a working group for industry, aca-
23 demia, and Department of Defense components to
24 coordinate on microelectronics issues of mutual in-
25 terest as specified in subsection (b).

1 (2) COMPOSITION.—The working group estab-
2 lished under paragraph (1) shall be composed of rep-
3 resentatives of industry, academia, and Department
4 of Defense components.

5 (3) DESIGNATION.—The working group estab-
6 lished under paragraph (1) shall be referred to as
7 the “Government-Industry Working Group on
8 Microelectronics” (in this section referred to as the
9 “Working Group”).

10 (b) SCOPE.—The Secretary shall ensure that the
11 Working Group supports dialogue and coordination on the
12 following topic areas relating to microelectronics:

13 (1) Future research needs.

14 (2) Infrastructure needs and shortfalls.

15 (3) Technical and process standards.

16 (4) Training and certification needs for the
17 workforce.

18 (5) Supply chain issues.

19 (6) Supply chain, manufacturing, and pack-
20 aging security.

21 (c) ADMINISTRATIVE SUPPORT FRAMEWORK.—

22 (1) CHARTER AND POLICIES.—Not later than
23 March 1, 2023, the Secretary of Defense shall de-
24 velop a charter and issue policies for the functioning
25 of the Working Group.

1 (2) SUPPORT.—The joint federation of capabili-
2 ties established under section 937 of the National
3 Defense Authorization Act for Fiscal Year 2014
4 (Public Law 113–66; 10 U.S.C. 2224 note) shall
5 provide administrative support to the Working
6 Group.

7 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to give a competitive advantage to
9 any participant in the Working Group.

10 (e) SUNSET.—The provisions of this section shall ter-
11 minate on December 31, 2030.

12 **SEC. 217. INCLUSION OF OFFICE OF UNDER SECRETARY OF**
13 **DEFENSE FOR RESEARCH AND ENGINEERING**
14 **IN PERSONNEL MANAGEMENT AUTHORITY**
15 **TO ATTRACT EXPERTS IN SCIENCE AND ENGI-**
16 **NEERING.**

17 Section 4092 of title 10, United States Code, is
18 amended—

19 (1) in subsection (a), by adding at the end the
20 following new paragraph:

21 “(10) OFFICE OF THE UNDER SECRETARY OF
22 DEFENSE FOR RESEARCH AND ENGINEERING.—The
23 Undersecretary of Defense for Research and Engi-
24 neering may carry out a program of personnel man-
25 agement authority provided in subsection (b) in

1 order to facilitate recruitment of eminent experts in
2 science or engineering for the Office.”; and

3 (2) in subsection (b)(1)—

4 (A) in subparagraph (H), by striking “;
5 and” and inserting a semicolon;

6 (B) in subparagraph (I), by striking the
7 semicolon and inserting “; and”; and

8 (C) by adding at the end the following new
9 subparagraph:

10 “(J) in the case of the Office of the Under
11 Secretary of Defense for Research and Engi-
12 neering, appoint scientists and engineers to a
13 total of not more than 10 scientific and engi-
14 neering positions in the Office;”.

15 **SEC. 218. INVESTMENT PLAN FOR FOUNDATIONAL CAPA-**
16 **BILITIES NEEDED TO DEVELOP NOVEL PROC-**
17 **ESSING APPROACHES FOR FUTURE DEFENSE**
18 **APPLICATIONS.**

19 (a) INVESTMENT PLANS REQUIRED.—Not later than
20 November 1, 2023, and not less frequently than once every
21 three years thereafter until December 31, 2035, the Sec-
22 retary of Defense shall submit to the congressional defense
23 committees an investment plan for foundational capabili-
24 ties needed to develop novel processing approaches for fu-
25 ture defense applications.

1 (b) PURPOSE.—The purpose of the investment plan
2 required by subsection (a) is to establish an integrated ap-
3 proach to the identification, prioritization, development,
4 and leveraging of Department of Defense investments
5 from the research, development, test, and evaluation ac-
6 counts of the Department.

7 (c) ELEMENTS.—The investment plan required by
8 subsection (a) shall—

9 (1) identify current and projected investments
10 in research and technology development to support
11 fielding and use of novel processing approaches;

12 (2) identify current and projected investments
13 supporting the acceleration of novel processing ap-
14 proaches, including investments in—

15 (A) personnel and workforce capabilities;

16 (B) facilities and infrastructure to host
17 systems utilizing novel processing approaches;

18 (C) algorithm developments necessary to
19 expand the functionality from each novel proc-
20 essing approach;

21 (D) other Federal agencies and federally
22 sponsored laboratories; and

23 (E) appropriate international and commer-
24 cial sector organizations and activities;

1 (3) describe mechanisms to coordinate and le-
2 verage investments within the Department and with
3 non-Federal partners;

4 (4) describe the technical goals to be achieved
5 and capabilities to be developed under the strategy;
6 and

7 (5) include recommendations for such legislative
8 or administration action as may support the effective
9 execution of the investment plan.

10 (d) FORM.—Each plan submitted under subsection
11 (a) shall be submitted in such form as the Secretary con-
12 siders appropriate, which may include classified, unclassi-
13 fied, and publicly releasable formats.

14 (e) NOVEL PROCESSING APPROACHES DEFINED.—In
15 this section, the term “novel processing approaches”
16 means—

17 (1) new, emerging techniques in computation,
18 such as biocomputing, exascale computing, utility
19 scale quantum computing; and

20 (2) associated algorithm and hardware develop-
21 ment needed to instantiate such techniques.

22 **SEC. 219. OPEN RADIO ACCESS NETWORK 5G ACQUISITION**
23 **ACCELERATION AND TRANSITION PLANS.**

24 (a) THREE-YEAR TRANSITION PLAN REQUIRED.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the date of the enactment of this Act, the As-
3 sistant Secretary of the Army for Acquisition, Logis-
4 tics, and Technology, the Assistant Secretary of the
5 Navy for Research, Development, and Acquisition,
6 and the Assistant Secretary of the Air Force for Ac-
7 quisition and Research, in coordination with and
8 under the oversight of the Chief Information Officer,
9 the Under Secretary of Defense for Research and
10 Engineering, and the Under Secretary of Defense
11 for Acquisition and Sustainment, shall each develop
12 and submit to the congressional defense committees
13 an unclassified three-year transition plan for fifth
14 generation information and communications tech-
15 nology (5G) infrastructure for their respective mili-
16 tary department.

17 (2) ELEMENTS.—The transition plans identified
18 under paragraph (1) shall include—

19 (A) an operational needs assessment that
20 identifies the highest priority areas where fifth
21 generation information and communications
22 technologies should be deployed;

23 (B) an investment plan that includes fund-
24 ing estimates, by fiscal year and appropriation
25 account, to accelerate the maturation, acquisi-

1 tion, and deployment of fifth generation infor-
2 mation and communications capabilities that
3 use the open radio access network approach on
4 Department of Defense facilities and systems;

5 (C) metrics and reporting mechanisms to
6 drive progress towards the three-year transition
7 goal;

8 (D) identification and designation of a sin-
9 gle point of contact at each installation, and
10 within each of the services to facilitate the de-
11 ployment of fifth generation information and
12 communications technologies;

13 (E) planned efforts to streamline the real
14 estate, contracting, and communications policies
15 and processes to field wireless infrastructure
16 that has resulted in a lengthy approval proc-
17 esses for industry to provide on-air wireless cov-
18 erage on an installation;

19 (F) identification of other areas of concern
20 that require investment to support the transi-
21 tion to fifth generation information and com-
22 munications technology that uses the open radio
23 access network approach; and

24 (G) such other matters as the Secretary of
25 Defense considers appropriate.

1 (b) CROSS-FUNCTIONAL TEAM ASSESSMENT.—

2 (1) ASSESSMENT AND BRIEFING REQUIRED.—

3 Not later than 150 days after the date of the enact-
4 ment of this Act and after all of the plans required
5 by subsection (a)(1) have been submitted in accord-
6 ance with such subsection, the cross-functional team
7 established pursuant to section 224(c)(1) of the Wil-
8 liam M. (Mac) Thornberry National Defense Author-
9 ization Act for Fiscal Year 2021 (Public Law 116–
10 283; 10 U.S.C. 4571 note) shall assess such plans
11 and provide the congressional defense committees
12 with a briefing on the findings of the cross func-
13 tional team with respect to such assessment.

14 (2) ELEMENTS.—The briefing provided under
15 paragraph (1) shall include the following:

16 (A) Recommendations to further accelerate
17 the deployment of fifth-generation information
18 and communications technologies that use the
19 open radio access network approach across the
20 Department of Defense.

21 (B) Recommendations to standardize and
22 streamline the real estate, contracting, and
23 communications policies and processes to field
24 wireless infrastructure on an installation.

1 (C) An engagement plan for Department
2 participants in international wireless standards
3 setting bodies.

4 (D) Such other matters as the cross func-
5 tional team described in paragraph (1) con-
6 siders appropriate.

7 (c) OPEN RADIO ACCESS NETWORK APPROACH DE-
8 FINED.—In this section the term “open radio access net-
9 work approach” means an approach to networking that
10 uses a disaggregated or virtualized radio access network
11 and core in which components can be provided by different
12 vendors and interoperate through open protocols and
13 interfaces, including those protocols and interfaces uti-
14 lizing the Open Radio Access Network (commonly known
15 as “Open RAN’ ”) approach.

16 **SEC. 220. PILOT PROGRAM TO FACILITATE THE DEVELOP-**
17 **MENT OF ELECTRIC VEHICLE BATTERY**
18 **TECHNOLOGIES FOR WARFIGHTERS.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—The Secretary of Defense
21 may establish and carry out a pilot program to as-
22 sess the feasibility and advisability of providing sup-
23 port to domestic battery producers, particularly
24 those producing lithium-ion cells and battery
25 packs—

1 (A) to facilitate the research and develop-
2 ment of safe and secure battery technologies for
3 existing as well as new or novel battery chem-
4 istry configurations;

5 (B) to assess existing commercial battery
6 offerings within the marketplace for viability
7 and utility for warfighter applications; and

8 (C) to transition such technologies, includ-
9 ing technologies developed from pilot programs,
10 prototype projects, or other research and devel-
11 opment programs, from the prototyping phase
12 to production.

13 (2) DESIGNATION.—The pilot program estab-
14 lished under paragraph (1) shall be known as the
15 “Warfighter Electric Battery Transition Project”
16 (referred to in this section as the “Project”).

17 (b) GRANTS, CONTRACTS, AND OTHER AGREE-
18 MENTS.—The Secretary may carry out the Project
19 through the award of support, as described in subsection
20 (a)(1), in the form of grants to, or contracts or other
21 agreements with, battery producers, particularly those
22 producing lithium-ion cells and battery packs.

23 (c) USE OF GRANT AND CONTRACT AMOUNTS.—A
24 recipient of a grant, contract, or other agreement under

1 the Project may use the amount of the grant, contract,
2 or other agreement to carry out the following:

3 (1) Conducting research and development to
4 validate new or novel battery chemistry configura-
5 tions, including through experimentation, proto-
6 typing, testing, integration or manufacturing feasi-
7 bility assessment.

8 (2) Providing commercially available tech-
9 nologies to each Secretary of a military department
10 and the commanders of combatant commands to
11 support utility assessments or other testing by
12 warfighters.

13 (3) Building and strengthening relationships of
14 the Department of Defense with nontraditional de-
15 fense contractors in the technology industry that
16 may have unused or underused solutions to the spe-
17 cific operational challenges of the Department.

18 (d) PRIORITY OF AWARDS.—In awarding grants, con-
19 tracts, or other agreements under the Project, the Sec-
20 retary shall give preference to technology producers that—

21 (1) manufacture battery cells, packs, and mod-
22 ules in the United States;

23 (2) manufacture battery cells, packs, and mod-
24 ules in the national technology industrial base
25 (NTIB);

1 (3) provide modularity to support diverse appli-
2 cations;

3 (4) facilitate safety in tactical and combat ap-
4 plications by using chemistries that reduce thermal
5 runaway and minimize oxygen liberation;

6 (5) facilitate optimal use in light- medium- and
7 heavy-duty applications by providing a minimum of
8 400 Wh/L of volumetric energy density;

9 (6) demonstrate new or novel battery chemistry
10 configurations, safety characteristics, or form-factor
11 configurations;

12 (7) facilitate the domestic supply chain for raw
13 materials; and

14 (8) offer commercial products or commercial
15 services and maintains customers with verified pur-
16 chase orders.

17 (e) REPORTING AND DATA COLLECTION.—

18 (1) PLAN REQUIRED BEFORE IMPLEMENTA-
19 TION.—The Secretary may not commence the
20 Project until the Secretary has completed a plan for
21 the implementation of the Project, including—

22 (A) collecting, analyzing, and retaining
23 Project data;

24 (B) developing and sharing best practices
25 for achieving the objectives of the Project;

1 (C) identification of any policy or regu-
2 latory impediments inhibiting the execution of
3 the program; and

4 (D) sharing results from the program
5 across the Department, and with elements of
6 the Federal Government, including the legisla-
7 tive branch of the Federal Government.

8 (f) ADMINISTRATION.—The Under Secretary of De-
9 fense for Research and Engineering shall administer the
10 Project.

11 (g) TERMINATION.—The Project shall terminate on
12 December 31, 2028.

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

15 **SEC. 231. REPORT ON RECOMMENDATIONS FROM ARMY FU-** 16 **TURES COMMAND RESEARCH PROGRAM RE-** 17 **ALIGNMENT STUDY.**

18 (a) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of the Army shall submit to the congressional defense com-
21 mittees a report on the recommendations made by the Na-
22 tional Academies in the Army Futures Command Re-
23 search Program Realignment Study.

24 (b) CONTENTS.—The report submitted under sub-
25 section (a) shall include the following:

1 (1) A description of each recommendation de-
2 scribed in such subsection that has already been im-
3 plemented.

4 (2) A description of each recommendation de-
5 scribed in such subsection that the Secretary has
6 commenced implementing, including a justification
7 for determining to commence implementing the rec-
8 ommendation.

9 (3) A description of each recommendation de-
10 scribed in such subsection that the Secretary has not
11 implemented or commenced implementing and a de-
12 termination as to whether or not to implement the
13 recommendation.

14 (4) For each recommendation under paragraph
15 (3) the Secretary determines to implement, the fol-
16 lowing:

17 (A) A timeline for implementation.

18 (B) A description of any additional re-
19 sources or authorities required for implementa-
20 tion.

21 (C) The plan for implementation.

22 (5) For each recommendation under paragraph
23 (3) the Secretary determines not to implement, a
24 justification for the determination not to implement.

1 (c) FORMAT.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 **SEC. 232. STRATEGY AND PLAN FOR STRENGTHENING AND**
5 **FOSTERING DEFENSE INNOVATION ECO-**
6 **SYSTEM.**

7 (a) STRATEGY AND IMPLEMENTATION PLAN RE-
8 QUIRED.—Not later than March 1, 2023, the Secretary
9 of Defense, acting through the Under Secretary of De-
10 fense for Research and Engineering, shall develop a strat-
11 egy and an implementation plan for the defense innovation
12 ecosystem.

13 (b) PURPOSES.—

14 (1) STRATEGY.—The purpose of the strategy
15 required by subsection (a) is to provide a framework
16 for identifying, assessing, and tracking innovation
17 ecosystems that are beneficial to advancing the de-
18 fense, national security, and warfighting missions of
19 the Department of Defense.

20 (2) IMPLEMENTATION PLAN.—The purpose of
21 the implementation plan required by subsection (a)
22 is to provide—

23 (A) concrete steps and measures of effec-
24 tiveness to gauge the effect of the innovation

1 ecosystems described in paragraph (1) on the
2 Department; and

3 (B) a means for assessing the effectiveness
4 of approaches taken by the Department to
5 grow, foster, and sustain such innovation eco-
6 systems.

7 (c) ELEMENTS.—The strategy and the implementa-
8 tion plan required by subsection (a) shall include the fol-
9 lowing elements:

10 (1) A process for defining, assessing, and se-
11 lecting innovation ecosystems with potential to pro-
12 vide benefit to the Department.

13 (2) Metrics for measuring the performance and
14 health of innovation ecosystems being supported by
15 the Department, including identification of criteria
16 to determine when to establish or cease supporting
17 identified ecosystems.

18 (3) Identification of Department of Defense re-
19 search, development, test, and evaluation assets and
20 authorities that can be engaged in identifying, estab-
21 lishing, sustaining, and expanding innovation eco-
22 systems.

23 (4) For each innovation ecosystem designated
24 or established by the Department—

1 (A) a listing of such innovation ecosystems
2 with a description of core competencies or focus
3 areas;

4 (B) identification of Department research,
5 development, test, and evaluation organizations
6 engaged with such innovation ecosystems;

7 (C) identification of the private sector as-
8 sets and authorities that are being used to sup-
9 port, sustain, and expand the identified innova-
10 tion ecosystem; and

11 (D) a description of challenges and suc-
12 cesses associated with each innovation eco-
13 system.

14 (5) Such other elements as the Secretary con-
15 siders appropriate.

16 (d) INTERIM BRIEFING.—Not later than December
17 1, 2022, the Secretary shall provide the congressional de-
18 fense committees a briefing on the strategy and implemen-
19 tation plan developed under subsection (a).

20 (e) SUBMITTAL OF STRATEGY AND PLAN.—Not later
21 than March 1, 2023, the Secretary shall submit to the con-
22 gressional defense committees the strategy and implemen-
23 tation plan developed under subsection (a).

1 (f) QUADRENNIAL UPDATES.—Not later than March
2 1, 2027, and not less frequently than once ever four years
3 thereafter until December 31, 2039, the Secretary shall—

4 (1) update the strategy and plan developed
5 under subsection (a); and

6 (2) submit the updated strategy and plan to the
7 congressional defense committees.

8 (g) AUTHORITIES.—The strategy and implementa-
9 tion plan developed under subsection (a) may incorporate
10 the use of the following authorities or programs:

11 (1) Section 1746a of title 10, United States
12 Code, relating to acquisition workforce educational
13 partnerships.

14 (2) Section 2194 of such title, relating to edu-
15 cation partnerships.

16 (3) Section 2474 of such title, relating to cen-
17 ters of industrial and technical excellence.

18 (4) Section 4001 of such title, relating to re-
19 search and development projects.

20 (5) Section 4010 of such title, relating to the
21 Defense established program to stimulate competi-
22 tive research.

23 (6) Sections 4021 and 4022 of such title, relat-
24 ing to transactions other than contracts and grants

1 and authority of the Department of Defense to carry
2 out certain prototype projects, respectively.

3 (7) Section 4023 of such title, relating to pro-
4 curement for experimental purposes.

5 (8) Section 4025 of such title, relating to prizes
6 for advanced technology achievements.

7 (9) Section 4123 of such title, relating to mech-
8 anisms to provide funds for defense laboratories for
9 research and development of technologies for mili-
10 tary missions.

11 (10) Section 4144 of such title, relating to re-
12 search and educational programs at historically
13 black colleges and universities and minority serving
14 institutions.

15 (11) Section 4832 of such title, relating to the
16 encouragement of technology transfer at the Depart-
17 ment of Defense.

18 (12) Section 252 of the National Defense Au-
19 thorization Act for Fiscal Year 2013 (Public Law
20 112–239), relating to regional advanced technology
21 clusters.

22 (13) Section 801(e) of the National Defense
23 Authorization Act for Fiscal Year 2014 (Public
24 Law113–66; 10 U.S.C. 4832 note), relating to en-

1 hanced transfer of technology development at De-
2 partment of Defense laboratories.

3 (14) Section 879 of the National Defense Au-
4 thorization Act for Fiscal Year 2017 (Public Law
5 114–328), relating to defense pilot program for au-
6 thority to acquire innovative commercial products,
7 technologies, and services using general solicitation
8 competitive procedures.

9 (15) Section 217 of the National Defense Au-
10 thorization Act for Fiscal Year 2018 (Public 115–
11 91; 10 U.S.C. 4001 note), relating to mechanisms
12 for expedited access to technical talent and expertise
13 at academic institutions to support Department of
14 Defense missions.

15 (16) Section 833 of the National Defense Au-
16 thorization Act for Fiscal Year 2022 (Public Law
17 117–81; 10 U.S.C. 4001 note), relating to a pilot
18 program on acquisition practices for emerging tech-
19 nologies.

20 (17) Other such authorities as the Secretary
21 deems appropriate.

22 (h) DEFINITIONS.—In this section:

23 (1) The term “Department of Defense research,
24 development, test, and evaluation assets” includes
25 the following:

1 (A) The Department of Defense science
2 and technology reinvention laboratories des-
3 ignated under section 4121 of title 10, United
4 States Code.

5 (B) The Major Range and Test Facility
6 Base (as defined in section 4173(i) of such
7 title).

8 (C) Department of Defense sponsored
9 manufacturing innovation institutes.

10 (D) The organic industrial base.

11 (E) Department of Defense agencies and
12 field activities that execute research, develop-
13 ment, test, and evaluation funded activities.

14 (2) The term “innovation ecosystem” refers to
15 a regionally based network of private sector, aca-
16 demic, and government institutions in a network of
17 formal and informal institutional relationships that
18 contribute to technological and economic develop-
19 ment in a defined technology sector or sectors.

20 **SEC. 233. MODIFICATION OF DIRECTOR FOR OPERATIONAL**
21 **TEST AND EVALUATION ANNUAL REPORT.**

22 Section 139(h)(3) of title 10, United States Code, is
23 amended by inserting “or controlled unclassified” after
24 “classified”.

1 **SEC. 234. EXTENSION OF REQUIREMENT FOR QUARTERLY**
2 **BRIEFINGS ON DEVELOPMENT AND IMPE-**
3 **MENTATION OF STRATEGY FOR FIFTH GEN-**
4 **ERATION INFORMATION AND COMMUNICA-**
5 **TIONS TECHNOLOGIES.**

6 Section 254(d)(1) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2020 (Public Law 116–92; 10
8 U.S.C. 4571 note) is amended, in the matter before sub-
9 paragraph (A), by striking “March 15, 2022” and insert-
10 ing “December 1, 2026”.

11 **SEC. 235. REPORT ON ESTIMATED COSTS OF CONDUCTING**
12 **A MINIMUM FREQUENCY OF HYPERSONIC**
13 **WEAPONS TESTING.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Secretary of Defense shall submit
16 to the congressional defense committees a report on esti-
17 mated costs for conducting not fewer than one full-scale,
18 operationally relevant, live-fire, hypersonic weapon test of
19 the systems currently under development each year by
20 each of the Air Force, the Army, and the Navy, once such
21 systems reach initial operational capability.

1 **SEC. 236. ANNUAL REPORT ON STUDIES AND REPORTS**
2 **BEING UNDERTAKEN BY THE DEPARTMENT**
3 **OF DEFENSE.**

4 Section 4126 of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(e) ANNUAL REPORT.—(1) Each year, the Secretary
8 shall submit to the Committee on Armed Services of the
9 Senate and the Committee on Armed Services of the
10 House of Representatives an annual report on all studies
11 and reports being undertaken for the Department of De-
12 fense as of the date of the report by federally funded re-
13 search and development centers.

14 “(2) Each report submitted under paragraph (1)
15 shall set forth, for the period covered by the report, the
16 following:

17 “(A) A list of each study and report described
18 by paragraph (1).

19 “(B) For each study or report listed under sub-
20 paragraph (A) the following:

21 “(i) The title of the study or report.

22 “(ii) The federally funded research and de-
23 velopment center undertaking the study or re-
24 port.

1 “(iii) The amount of the contract or other
2 agreement pursuant to which the study or re-
3 port is being produced or conducted.

4 “(iv) The anticipated completion date of
5 the study or report.

6 “(3) The report required by paragraph (1) shall not
7 apply to the following:

8 “(A) Classified reports or studies.

9 “(B) Technical reports associated with scientific
10 research or technical development activities.

11 “(C) Reports or studies that are deliverables
12 under contract for non-Defense Department entities.

13 “(D) Reports or studies that are draft, or have
14 not undergone a peer-review or prepublication secu-
15 rity review process established by the federally fund-
16 ed research and development centers.”

17 “(4) The report required by paragraph (1) shall be
18 generated using the products and processes generated pur-
19 suant to section 908 of the William M. (Mac) Thornberry
20 National Defense Authorization Act for Fiscal Year 2021
21 (Public Law 116–283; 10 U.S.C. 111 note).

22 “(5) The requirements of this subsection shall termi-
23 nate on the date that is five years after the date of the
24 enactment of this subsection.”.

1 **SEC. 237. QUANTIFIABLE ASSURANCE CAPABILITY FOR SE-**
2 **URITY OF MICROELECTRONICS.**

3 (a) DEVELOPMENT AND IMPLEMENTATION OF CAPA-
4 BILITY.—The Secretary of Defense shall develop and im-
5 plement a capability for quantifiable assurance to achieve
6 practical, affordable, and risk-based objectives for security
7 of microelectronics to enable the Department of Defense
8 to access and apply state-of-the-art microelectronics for
9 military purposes.

10 (b) ESTABLISHMENT OF REQUIREMENTS AND
11 SCHEDULE OF SUPPORT FOR DEVELOPMENT, TEST, AND
12 ASSESSMENT.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the date of the enactment of this Act, the Deputy
15 Secretary of Defense shall, in consultation with the
16 Under Secretary of Defense for Research and Engi-
17 neering, establish requirements and a schedule for
18 support from the National Security Agency to de-
19 velop, test, assess, implement, and improve the capa-
20 bility required by subsection (a).

21 (2) NATIONAL SECURITY AGENCY.—The Direc-
22 tor of the National Security Agency shall take such
23 actions as may be necessary to satisfy the require-
24 ments established under paragraph (1).

25 (3) BRIEFING.—Not later than 120 days after
26 the date of the enactment of this Act, the Under

1 Secretary of Defense for Research and Engineering
2 and the Director of the National Security Agency
3 shall provide the congressional defense committees a
4 briefing on the requirements and the schedule for
5 support established under paragraph (1).

6 (c) ASSESSMENT.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall assess whether the Department of Defense, to
9 enable expanded use of unprogrammed application
10 specific integrated circuits or other custom-designed
11 integrated circuits manufactured by a supplier that
12 is not using processes accredited by the Defense
13 Microelectronics Activity for the purpose of enabling
14 the Department to access commercial state-of-the-
15 art microelectronics technology using risk-based
16 quantifiable assurance security methodology,
17 should—

18 (A) seek changes to the International Traf-
19 fic in Arms Regulations under subchapter M of
20 chapter I of title 22, Code of Federal Regula-
21 tions, and Department of Defense Instruction
22 5200.44 (relating to protection of mission crit-
23 ical functions to achieve trusted systems and
24 networks); and

1 (B) expand the use of unprogrammed cus-
2 tom-designed integrated circuits that are not
3 controlled by such regulations.

4 (2) BRIEFING.—Not later than April 1, 2023,
5 the Secretary shall provide the congressional defense
6 committees a briefing on the findings of the Sec-
7 retary with respect to the assessment conducted
8 under paragraph (1).

9 **SEC. 238. CLARIFICATION OF ROLE OF CHIEF DIGITAL AND**
10 **ARTIFICIAL INTELLIGENCE OFFICER.**

11 (a) PERSONNEL MANAGEMENT AUTHORITY TO AT-
12 TRACT EXPERTS IN SCIENCE AND ENGINEERING.—Sec-
13 tion 4092 of title 10, United States Code, is amended—

14 (1) in subsection (a)(6)—

15 (A) by striking “Director of the Joint Arti-
16 ficial Intelligence Center” and inserting “offi-
17 cial designated under section 238(b) of the
18 John S. McCain National Defense Authoriza-
19 tion Act for Fiscal Year 2019 (Public Law
20 115–232; 10 U.S.C. 4061 note prec.)”;

21 (B) by striking “for the Center” and in-
22 serting “to support the activities of such official
23 under section 238 of such Act”; and

24 (C) in the paragraph heading, by striking
25 “CENTER”;

1 (2) in subsection (b)(1)(F)—

2 (A) by striking “Joint Artificial Intel-
3 ligence Center” and inserting “official des-
4 ignated under section 238(b) of the John S.
5 McCain National Defense Authorization Act for
6 Fiscal Year 2019 (Public Law 115–232; 10
7 U.S.C. 4061 note prec.)”;

8 (B) by striking “in the Center” and insert-
9 ing “in support of the activities of such official
10 under section 238 of such Act”;

11 (3) in subsection (c)(2), by striking “Joint Arti-
12 ficial Intelligence Center” and inserting “the activi-
13 ties under section 238 of the John S. McCain Na-
14 tional Defense Authorization Act for Fiscal Year
15 2019 (Public Law 115–232; 10 U.S.C. 4061 note
16 prec.)”.

17 (b) JOINT ARTIFICIAL INTELLIGENCE RESEARCH,
18 DEVELOPMENT, AND TRANSITION ACTIVITIES.—Section
19 238 of the John S. McCain National Defense Authoriza-
20 tion Act for Fiscal Year 2019 (Public Law 115–232; 10
21 U.S.C. 4061 note prec.) is amended—

22 (1) by amending subsection (c) to read as fol-
23 lows:

24 “(c) ORGANIZATION AND ROLES.—

1 “(1) IN GENERAL.—In addition to designating
2 an official under subsection (b), the Secretary of De-
3 fense shall assign to appropriate officials within the
4 Department of Defense roles and responsibilities re-
5 lating to the research, development, prototyping,
6 testing, procurement of, requirements for, and oper-
7 ational use of artificial intelligence technologies.

8 “(2) APPROPRIATE OFFICIALS.—The officials
9 assigned roles and responsibilities under paragraph
10 (1) shall include—

11 “(A) the Under Secretary of Defense for
12 Research and Engineering;

13 “(B) the Under Secretary of Defense for
14 Acquisition and Sustainment;

15 “(C) one or more officials in each military
16 department;

17 “(D) officials of appropriate Defense Agen-
18 cies; and

19 “(E) such other officials as the Secretary
20 of Defense determines appropriate.”;

21 (2) in subsection (e), by striking “Director of
22 the Joint Artificial Intelligence Center” and insert-
23 ing “official designated under subsection (b)”; and

24 (3) by striking subsection (h).

1 (c) BIENNIAL REPORT ON ACTIVITIES OF THE
2 CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OF-
3 FICE.—

4 (1) IN GENERAL.—Section 260 of the National
5 Defense Authorization Act for Fiscal Year 2020
6 (Public Law 116–92) is amended—

7 (A) in the section heading, by striking
8 “**JOINT ARTIFICIAL INTELLIGENCE CEN-**
9 **TER**” and inserting “**ACTIVITIES OF THE**
10 **CHIEF DIGITAL AND ARTIFICIAL INTEL-**
11 **LIGENCE OFFICE**”;

12 (B) in subsection (a)—

13 (i) by striking “2023” and inserting
14 “2025”; and

15 (ii) by striking “Joint Artificial Intel-
16 ligence Center (referred to in this section
17 as the ‘Center’)” and inserting “Chief Dig-
18 ital and Artificial Intelligence Office (re-
19 ferred to in this section as the ‘Office’)”;

20 (C) in subsection (b)—

21 (i) in paragraph (1), by striking
22 “Center” and inserting “Office”;

23 (ii) in paragraph (2), by striking “Na-
24 tional Mission Initiatives, Component Mis-
25 sion Initiatives, and any other initiatives of

1 the Center” and inserting “initiatives of
2 the Office”;

3 (iii) in paragraphs (3) through (6), by
4 striking “Center” each place it appears
5 and inserting “Office”;

6 (iv) in paragraph (7), by striking
7 “Center and the Center’s investments in
8 the National Mission Initiatives and Com-
9 ponent Mission Initiatives” and inserting
10 “Office and the Office’s investments”;

11 (v) in paragraph (8), by striking
12 “Chief Information Officer” and inserting
13 “Chief Digital Artificial Intelligence Offi-
14 cer”; and

15 (vi) in paragraph (10), by striking
16 “Center” and inserting “Officer”; and
17 (D) by striking subsection (c).

18 (2) CLERICAL AMENDMENT.—The table of con-
19 tents in section 2(b) of such Act is amended by
20 striking the item relating to section 260 and insert-
21 ing the following new item:

“Sec. 260. Biannual report on the activities of the Chief Digital and Artificial
Intelligence Office.”.

22 (d) CHIEF DATA OFFICER RESPONSIBILITY FOR DE-
23 PARTMENT OF DEFENSE DATA SETS.—Section 903(b) of
24 the National Defense Authorization Act for Fiscal Year

1 2020 (Public Law 116–92; 10 U.S.C. 2223 note) is
2 amended—

3 (1) by striking paragraph (3); and

4 (2) by redesignating paragraph (4) as para-
5 graph (3).

6 (e) BOARD OF ADVISORS FOR THE OFFICE OF THE
7 CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OF-
8 FICE.—

9 (1) IN GENERAL.—Section 233 of the William
10 M. (Mac) Thornberry National Defense Authoriza-
11 tion Act for Fiscal Year 2021 (Public Law 116–283;
12 10 U.S.C. 4001 note) is amended—

13 (A) in the section heading, by striking
14 “**JOINT ARTIFICIAL INTELLIGENCE CEN-**
15 **TER**” and inserting “**CHIEF DIGITAL AND**
16 **ARTIFICIAL INTELLIGENCE OFFICE**”;

17 (B) in subsection (a), by striking “Joint
18 Artificial Intelligence Center” and inserting
19 “Chief Digital and Artificial Intelligence Of-
20 fice”;

21 (C) in subsection (b), by striking “Direc-
22 tor” each place in appears and inserting “Chief
23 Digital and Artificial Intelligence Officer”;

1 (D) in subsection (f), by striking “Sep-
2 tember 30, 2024” and inserting “September 30,
3 2026”; and

4 (E) in subsection (g)—
5 (i) by striking paragraphs (2) and (3);
6 and
7 (ii) by redesignating paragraph (4) as
8 paragraph (2).

9 (2) CLERICAL AMENDMENT.—The table of con-
10 tents in section 2(b) of such Act is amended by
11 striking the item relating to section 233 and insert-
12 ing the following new item:

“Sec. 233. Board of advisors for the Chief Digital and Artificial Intelligence
Office.”.

13 (f) APPLICATION OF ARTIFICIAL INTELLIGENCE TO
14 THE DEFENSE REFORM PILLAR IN THE NATIONAL DE-
15 FENSE STRATEGY.—Section 234(b) of the William M.
16 (Mac) Thornberry National Defense Authorization Act for
17 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 113
18 note) is amended by striking “Director of the Joint Artifi-
19 cial Intelligence Center” and inserting “official designated
20 under section 238(b) of the John S. McCain National De-
21 fense Authorization Act for Fiscal Year 2019 (Public Law
22 115–232; 10 U.S.C. 4061 note prec.)”.

23 (g) PILOT PROGRAM ON THE USE OF ELECTRONIC
24 PORTFOLIOS TO EVALUATE CERTAIN APPLICANTS FOR

1 TECHNICAL POSITIONS.—Section 247(c) of the William
2 M. (Mac) Thornberry National Defense Authorization Act
3 for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
4 1580 note prec.) is amended—

5 (1) by striking paragraphs (1) and (2);

6 (2) by inserting before paragraph (3) the fol-
7 lowing new paragraph (1):

8 “(3) the Chief Digital and Artificial Intelligence
9 Office;”; and

10 (3) by redesignating paragraphs (3) and (4)
11 and paragraphs (2) and (3), respectively.

12 (h) REFERENCES TO JOINT ARTIFICIAL INTEL-
13 LIGENCE CENTER IN LAW.—Any reference in any law,
14 regulation, guidance, instruction, or other document of the
15 Federal Government to the Director of the Joint Artificial
16 Intelligence Center of the Department of Defense or to
17 the Joint Artificial Intelligence Center shall be deemed to
18 refer to the official designated under section 238(b) of the
19 John S. McCain National Defense Authorization Act for
20 Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061
21 note prec.) or the office of such official, as the case may
22 be.

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 2023 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. AGGREGATION OF ENERGY CONSERVATION**
15 **MEASURES AND FUNDING.**

16 Section 2911 of title 10, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(j) AGGREGATE ENERGY CONSERVATION MEAS-
20 URES AND FUNDING.—(1) To the maximum extent prac-
21 ticable, the Secretary concerned shall take a holistic view
22 of the energy project opportunities on installations under
23 the jurisdiction of such Secretary and shall consider aggre-
24 gate energy conservation measures, including energy con-
25 servation measures with quick payback, with energy resil-

1 ience enhancement projects and other projects that may
2 have a longer payback period.

3 “(2) In considering aggregate energy conservation
4 measures under paragraph (1), the Secretary concerned
5 shall incorporate all funding available to such Secretary
6 for such measures, including—

7 “(A) appropriated funds, such as—

8 “(i) funds appropriated for the Energy Re-
9 silience and Conservation Investment Program
10 of the Department; and

11 “(ii) funds appropriated for the Facilities
12 Sustainment, Restoration, and Modernization
13 program of the Department; and

14 “(B) funding available under performance con-
15 tracts, such as energy savings performance contracts
16 and utility energy service contracts.”.

17 **SEC. 312. ESTABLISHMENT OF JOINT WORKING GROUP TO**
18 **DETERMINE JOINT REQUIREMENTS FOR FU-**
19 **TURE OPERATIONAL ENERGY NEEDS OF DE-**
20 **PARTMENT OF DEFENSE.**

21 (a) ESTABLISHMENT.—The Secretary of Defense
22 shall establish a joint working group (in this section re-
23 ferred to as the “working group”) to determine joint re-
24 quirements for future operational energy needs of the De-
25 partment of Defense.

1 (b) EXECUTIVE AGENT.—The Secretary of the Air
2 Force shall serve as the executive agent of the working
3 group.

4 (c) REQUIREMENTS SPECIFIED.—

5 (1) IN GENERAL.—In determining joint require-
6 ments under subsection (a), the working group shall
7 address the operational energy needs of each mili-
8 tary department and combatant command to meet
9 energy needs in all domains of warfare, including
10 land, air, sea, space, cyberspace, subsea, and sub-
11 terranean environments.

12 (2) PRIORITY FOR CERTAIN SYSTEMS.—Priority
13 for joint requirements under subsection (a) shall be
14 given to independent operational energy systems
15 that—

16 (A) are capable of operating in austere and
17 isolated environments with quick deployment
18 capabilities; and

19 (B) may reduce conventional air pollution
20 and greenhouse gas emissions comparable to
21 currently used systems.

22 (d) EXISTING OR NEW PROGRAMS.—The working
23 group shall address the feasibility of meeting joint require-
24 ments determined under subsection (a) through the exist-
25 ing energy programs of the Department and make rec-

1 ommendations for new programs to meet such require-
2 ments.

3 (e) FOCUS AREAS.—In carrying out the requirements
4 under this section, the working group shall focus its ef-
5 forts on operational energy, to include—

6 (1) micro-reactors and small modular reactors;

7 (2) hydrogen-based fuel systems, including hy-
8 drogen fuel cells and hydrogen-based combustion en-
9 gines;

10 (3) battery storage;

11 (4) renewable energy sources;

12 (5) retrofits to existing platforms that will in-
13 crease efficiencies; and

14 (6) other technologies and resources that meet
15 joint requirements determined under subsection (a).

16 (f) RECOMMENDED PLAN OF ACTION.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary shall submit to the congressional defense com-
20 mittees an unclassified and classified report and pro-
21 vide to the congressional defense committees a clas-
22 sified briefing outlining recommendations for pro-
23 grams to meet joint requirements for future oper-
24 ational energy needs of the Department of Defense
25 by 2025, 2030, and 2040.

1 (2) FOCUS ON READINESS AND FLEXIBILITY.—

2 In submitting the report and providing the briefing
3 required by paragraph (1), the Secretary shall—

4 (A) address each element of the report or
5 briefing, as the case may be, in the context of
6 maintaining or increasing—

7 (i) the readiness levels of the Armed
8 Forces; and

9 (ii) the flexibility of operational ele-
10 ments within the Department; and

11 (B) disregard energy sources that do not
12 increase such readiness and flexibility, with an
13 explanation for the reason such sources were
14 disregarded.

15 (g) DEFINITIONS.—In this section:

16 (1) ADVANCED NUCLEAR REACTOR.—The term
17 “advanced nuclear reactor” has the meaning given
18 that term in section 951(b) of the Energy Policy Act
19 of 2005 (42 U.S.C. 16271(b)).

20 (2) MICRO-REACTOR.—The term “micro-reactor”
21 means an advanced nuclear reactor that has an
22 electric power production capacity that is not greater
23 than 50 megawatts that can be transported via land,
24 air, or sea transport and can be redeployed.

1 (3) SMALL MODULAR REACTOR.—The term
2 “small modular reactor” means an advanced nuclear
3 reactor—

4 (A) with a rated capacity of less than 300
5 electrical megawatts; or

6 (B) that can be constructed and operated
7 in combination with similar reactors at a single
8 site.

9 **SEC. 313. ADDITIONAL SPECIAL CONSIDERATIONS FOR DE-**
10 **VELOPING AND IMPLEMENTING THE ENERGY**
11 **PERFORMANCE GOALS AND ENERGY PER-**
12 **FORMANCE MASTER PLAN OF THE DEPART-**
13 **MENT OF DEFENSE.**

14 Section 2911(e) of title 10, United States Code, is
15 amended by adding at the end the following new para-
16 graphs:

17 “(14) The reliability and security of energy re-
18 sources in the event of a military conflict.

19 “(15) The value of resourcing energy from al-
20 lies of the United States in the North Atlantic Trea-
21 ty Organization and other major allies of the United
22 States.”.

1 **SEC. 314. PARTICIPATION IN POLLUTANT BANKS AND**
2 **WATER QUALITY TRADING.**

3 (a) IN GENERAL.—Chapter 159 of title 10, United
4 States Code, is amended by inserting after section 2694c
5 the following new section:

6 **“§ 2694d. Participation in pollutant banks and water**
7 **quality trading**

8 “(a) AUTHORITY TO PARTICIPATE.—The Secretary
9 of a military department, and the Secretary of Defense
10 with respect to matters concerning a Defense Agency,
11 when engaged in an authorized activity that may or will
12 result in the discharge of pollutants, may make payments
13 to a pollutant banking program or water quality trading
14 program approved in accordance with the Water Quality
15 Trading Policy dated January 13, 2003, set forth by the
16 Office of Water of the Environmental Protection Agency,
17 or any successor administrative guidance or regulation.

18 “(b) TREATMENT OF PAYMENTS.—Payments made
19 under subsection (a) to a pollutant banking program or
20 water quality trading program may be treated as eligible
21 project costs for military construction.

22 “(c) DISCHARGE OF POLLUTANTS DEFINED.—In
23 this section, the term ‘discharge of pollutants’ has the
24 meaning given that term in section 502(12) of the Federal
25 Water Pollution Control Act (33 U.S.C. 1362(12)) (com-
26 monly referred to as the ‘Clean Water Act’).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by inserting
3 after the item relating to section 2694c following new
4 item:

“2694d. Participation in pollutant banks and water quality trading.”.

5 **SEC. 315. CONSIDERATION UNDER DEFENSE ENVIRON-**
6 **MENTAL RESTORATION PROGRAM FOR**
7 **STATE-OWNED FACILITIES OF THE NATIONAL**
8 **GUARD WITH PROVEN EXPOSURE OF HAZ-**
9 **ARDOUS SUBSTANCES AND WASTE.**

10 (a) DEFINITION OF STATE-OWNED NATIONAL
11 GUARD FACILITY.—Section 2700 of title 10, United
12 States Code, is amended by adding at the end the fol-
13 lowing new paragraph:

14 “(4) The term ‘State-owned National Guard fa-
15 cility’ means land owned and operated by a State
16 when such land is used for training the National
17 Guard pursuant to chapter 5 of title 32 with funds
18 provided by the Secretary of Defense or the Sec-
19 retary of a military department, even though such
20 land is not under the jurisdiction of the Department
21 of Defense.”.

22 (b) AUTHORITY FOR DEFENSE ENVIRONMENTAL
23 RESTORATION PROGRAM.—Section 2701(a)(1) of such
24 title is amended, in the first sentence, by inserting “and

1 at State-owned National Guard facilities” before the pe-
2 riod.

3 (c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Sec-
4 tion 2701(c)(1) of such title is amended by adding at the
5 end the following new subparagraph:

6 “(D) Each State-owned National Guard
7 facility being used for training the National
8 Guard pursuant to chapter 5 of title 32 with
9 funds provided by the Secretary of Defense or
10 the Secretary of a military department at the
11 time of actions leading to contamination by
12 hazardous substances or pollutants or contami-
13 nants.”.

14 **SEC. 316. AUTHORIZATION OF CLOSURE OF RED HILL BULK**
15 **FUEL STORAGE FACILITY.**

16 (a) IN GENERAL.—The Secretary of Defense may
17 close the Red Hill bulk fuel storage facility of the Depart-
18 ment of Defense in Hawaii (in this section referred to as
19 the “Facility”).

20 (b) PLAN FOR CLOSURE AND POST-CLOSURE
21 CARE.—

22 (1) IN GENERAL.—Not later than 60 days after
23 the date of the enactment of this Act, the Secretary
24 shall submit to the Committees on Armed Services

1 of the Senate and the House of Representatives a
2 plan for—

3 (A) closure of the Facility;

4 (B) cleanup of the Facility;

5 (C) monitoring of the Facility following
6 such closure;

7 (D) maintenance of the Facility following
8 such closure;

9 (E) optimal post-closure care for the Facil-
10 ity, specifically addressing—

11 (i) monitoring and maintenance of lin-
12 ers;

13 (ii) final covers;

14 (iii) leachate collection and removal
15 systems;

16 (iv) leak detection system; and

17 (v) gas collection systems to protect
18 against releases of hazardous elements;

19 (F) environmental remediation of ground-
20 water at the Facility, to include a description of
21 environmental remediation plans, including nec-
22 essary resources for the Secretary of the Navy
23 to conduct remediation actions at the Facility
24 in the following year;

1 (G) coordination and communication with
2 applicable Federal and State regulatory au-
3 thorities, the local water utility authority, appli-
4 cable State environmental agencies, and sur-
5 rounding communities on remediation activities
6 conducted by the Navy at the Facility;

7 (H) improvements to processes, proce-
8 dures, organization, training, leadership, edu-
9 cation, facilities, and policy of the Department
10 of Defense related to best practices for the re-
11 mediation and closure of the Facility; and

12 (I) measures to ensure that future stra-
13 tegic level assets of the Department of Defense
14 are properly maintained and critical environ-
15 mental assets are protected.

16 (2) PREPARATION OF PLAN.—The Secretary
17 shall prepare the plan required under paragraph (1)
18 in consultation with—

19 (A) the Administrator of the Environ-
20 mental Protection Agency;

21 (B) the head of the Hawaii Department of
22 Health;

23 (C) the Director of the United States Geo-
24 logical Survey; and

1 (D) the heads of such other relevant Fed-
2 eral and State agencies as the Secretary con-
3 siders appropriate.

4 (c) IDENTIFICATION OF POINT OF CONTACT AT DE-
5 PARTMENT OF DEFENSE.—Not later than 60 days after
6 the date of the enactment of this Act, to ensure clear and
7 consistent communication related to the defueling, clean-
8 up, closure, and remediation of the Facility, the Secretary
9 of Defense shall identify a single point of contact within
10 the Office of the Secretary of Defense to oversee and com-
11 municate with the public and members of Congress re-
12 garding the status of the Facility at each phase of
13 defueling, cleanup, closure, and remediation.

14 (d) WATER MONITORING PROGRAM.—Not later than
15 60 days after the date of the enactment of this Act, the
16 Secretary of Defense shall establish a water monitoring
17 program—

18 (1) to monitor movement of the fuel plume in
19 the aquifer surrounding the Facility;

20 (2) to monitor long-term impacts to such aqui-
21 fer and local water bodies resulting from water con-
22 tamination from the Facility; and

23 (3) to coordinate with the Agency for Toxic
24 Substances and Disease Registry of the Department
25 of Health and Human Services as the Agency con-

1 ducts a follow up to the previously conducted vol-
2 untary survey of individuals and entities impacted by
3 water contamination from the Facility.

4 **SEC. 317. REVISION OF UNIFIED FACILITIES GUIDE SPECI-**
5 **FICATIONS AND UNIFIED FACILITIES CRI-**
6 **TERIA TO INCLUDE SPECIFICATIONS ON USE**
7 **OF GAS INSULATED SWITCHGEAR AND CRI-**
8 **TERIA AND SPECIFICATIONS ON MICROGRIDS**
9 **AND MICROGRID CONVERTERS.**

10 (a) GAS INSULATED SWITCHGEAR.—Not later than
11 one year after the date of the enactment of this Act, the
12 Under Secretary of Defense for Acquisition and
13 Sustainment shall modify the Unified Facilities Guide
14 Specifications to include a distinct specification for me-
15 dium voltage gas insulated switchgear.

16 (b) MICROGRIDS.—Not later than one year after the
17 date of the enactment of this Act, the Under Secretary
18 of Defense for Acquisition and Sustainment shall—

19 (1) modify the Unified Facilities Criteria to in-
20 clude criteria for microgrids; and

21 (2) modify the Unified Facilities Guide Speci-
22 fications to include specifications for microgrids and
23 microgrid controllers.

1 **SEC. 318. TRANSFER OF CUSTOMERS FROM ELECTRICAL**
2 **UTILITY SYSTEM OF THE NAVY AT FORMER**
3 **NAVAL AIR STATION BARBER'S POINT, HA-**
4 **WAI, TO NEW ELECTRICAL SYSTEM IN**
5 **KALAELOA, HAWAII.**

6 (a) IN GENERAL.—Subject to the availability of ap-
7 propriations for such purpose, the Secretary of the Navy
8 shall pay the reasonable costs to transfer all customers
9 off of the electrical utility system of the Navy located at
10 former Naval Air Station Barber's Point, Hawaii, to the
11 new electrical system in Kalaeloa, Hawaii, operated by
12 Hawaii Electric.

13 (b) COOPERATIVE AGREEMENT OR OTHER INSTRUC-
14 TION.—The Secretary of the Navy may enter into a coop-
15 erative agreement or other appropriate instrument with a
16 third party—

17 (1) to make amounts available to pay the rea-
18 sonable costs of transfers described in subsection
19 (a); and

20 (2) to reimburse the third party for the reason-
21 able costs that it may incur to carry out paragraph
22 (1).

23 (c) FACILITATION OF TRANSFER.—To facilitate the
24 transfer of customers described in subsection (a), the Sec-
25 retary of the Navy shall provide the following to the State
26 of Hawaii:

1 (1) A load analysis and design necessary to
2 complete such transfer.

3 (2) Such rights of way and easements as may
4 be necessary to support the construction of replace-
5 ment electrical infrastructure.

6 (d) DISPOSAL OF NAVY ELECTRICAL SYSTEM.—Sub-
7 ject to the availability of appropriations for such purpose,
8 after all customers have been transferred as required
9 under subsection (a), the Secretary of the Navy may dis-
10 pose of the electrical system of the Navy located at former
11 Naval Air Station Barber's Point, Hawaii.

12 **SEC. 319. PILOT PROGRAM ON USE OF SUSTAINABLE AVIA-**
13 **TION FUEL.**

14 (a) PILOT PROGRAM REQUIRED.—

15 (1) IN GENERAL.—The Secretary of Defense
16 shall conduct a pilot program on the use of sustain-
17 able aviation fuel by the Department of Defense.

18 (2) DESIGN OF PROGRAM.—The pilot program
19 shall be designed to—

20 (A) identify any logistical challenges with
21 respect to the use of sustainable aviation fuel
22 by the Department;

23 (B) promote understanding of the technical
24 and performance characteristics of sustainable

1 aviation fuel when used in a military setting;
2 and

3 (C) engage nearby commercial airports to
4 explore opportunities and challenges to partner
5 on increased use of sustainable aviation fuel.

6 (b) SELECTION OF FACILITIES.—

7 (1) SELECTION.—

8 (A) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act, the
10 Secretary of Defense shall select not fewer than
11 two geographically diverse facilities of the De-
12 partment at which to carry out the pilot pro-
13 gram.

14 (B) ONSITE REFINERY.—Not fewer than
15 one facility selected under subparagraph (A)
16 shall be a facility with an onsite refinery that
17 is located in proximity to not fewer than one
18 major commercial airport that is also actively
19 seeking to increase the use of sustainable avia-
20 tion fuel.

21 (2) NOTICE TO CONGRESS.—Upon the selection
22 of each facility under paragraph (1), the Secretary
23 shall submit to the Committees on Armed Services
24 of the Senate and the House of Representatives no-

1 tice of the selection, including an identification of
2 the facility selected.

3 (c) USE OF SUSTAINABLE AVIATION FUEL.—

4 (1) PLANS.—For each facility selected under
5 subsection (b), not later than one year after the se-
6 lection of the facility, the Secretary shall—

7 (A) develop a plan on how to implement,
8 by September 30, 2028, a target of exclusively
9 using at the facility aviation fuel that is blended
10 to contain not less than 10 percent sustainable
11 aviation fuel;

12 (B) submit the plan developed under sub-
13 paragraph (A) to the Committees on Armed
14 Services of the Senate and the House of Rep-
15 resentatives; and

16 (C) provide to the Committees on Armed
17 Services of the Senate and the House of Rep-
18 resentatives a briefing on such plan that in-
19 cludes, at a minimum—

20 (i) a description of any operational,
21 infrastructure, or logistical requirements
22 and recommendations for the blending and
23 use of sustainable aviation fuel; and

24 (ii) a description of any stakeholder
25 engagement in the development of the

1 plan, including any consultations with
2 nearby commercial airport owners or oper-
3 ators.

4 (2) IMPLEMENTATION OF PLANS.—For each fa-
5 cility selected under subsection (b), during the pe-
6 riod beginning on a date that is not later than Sep-
7 tember 30, 2028, and for five years thereafter, the
8 Secretary shall require, in accordance with the re-
9 spective plan developed under paragraph (1), the ex-
10 clusive use at the facility of aviation fuel that is
11 blended to contain not less than 10 percent sustain-
12 able aviation fuel.

13 (d) CRITERIA FOR SUSTAINABLE AVIATION FUEL.—
14 Sustainable aviation fuel used under the pilot program
15 shall meet the following criteria:

16 (1) Such fuel shall be produced in the United
17 States from domestic feedstock sources.

18 (2) Such fuel shall constitute drop-in fuel that
19 meets all specifications and performance require-
20 ments of the Department of Defense and the Armed
21 Forces.

22 (e) WAIVER.—The Secretary may waive the use of
23 sustainable aviation fuel at a facility under the pilot pro-
24 gram if the Secretary—

1 (1) determines such use is not feasible due to
2 a lack of domestic availability of sustainable aviation
3 fuel or a national security contingency; and

4 (2) submits to the congressional defense com-
5 mittees notice of such waiver and the reasons for
6 such waiver.

7 (f) FINAL REPORT.—

8 (1) IN GENERAL.—At the conclusion of the
9 pilot program, the Assistant Secretary of Defense
10 for Energy, Installations, and Environment shall
11 submit to the Committees on Armed Services of the
12 Senate and the House of Representatives a final re-
13 port on the pilot program.

14 (2) ELEMENTS.—The report required by para-
15 graph (1) shall include each of the following:

16 (A) An assessment of the effect of using
17 sustainable aviation fuel on the overall fuel
18 costs of blended fuel.

19 (B) A description of any operational, infra-
20 structure, or logistical requirements and rec-
21 ommendations for the blending and use of sus-
22 tainable aviation fuel, with a focus on scaling
23 up adoption of such fuel throughout the Armed
24 Forces.

1 (C) Recommendations with respect to how
2 military installations can leverage proximity to
3 commercial airports and other jet fuel con-
4 sumers to increase the rate of use of sustain-
5 able aviation fuel, for both military and non-
6 military use, including potential collaboration
7 on innovative financing or purchasing and
8 shared supply chain infrastructure.

9 (D) A description of the effects on per-
10 formance and operation of aircraft using sus-
11 tainable aviation fuel, including—

12 (i) if used, considerations of various
13 blending ratios and their associated bene-
14 fits;

15 (ii) efficiency and distance improve-
16 ments of flights using sustainable aviation
17 fuel;

18 (iii) weight savings on large transpor-
19 tation aircraft and other types of aircraft
20 with using blended fuel with higher con-
21 centrations of sustainable aviation fuel;

22 (iv) maintenance benefits of using
23 sustainable aviation fuel, including engine
24 longevity;

1 (v) the effect of the use of sustainable
2 aviation fuel on emissions and air quality;

3 (vi) the effect of the use of sustain-
4 able aviation fuel on the environment and
5 on surrounding communities, including en-
6 vironmental justice factors that are created
7 by the demand for and use of sustainable
8 aviation fuel by the Department of De-
9 fense; and

10 (vii) benefits with respect to job cre-
11 ation in the sustainable aviation fuel pro-
12 duction and supply chain.

13 (g) SUSTAINABLE AVIATION FUEL DEFINED.—In
14 this section, the term “sustainable aviation fuel” means
15 liquid fuel that—

16 (1) consists of synthesized hydrocarbon;

17 (2) meets the requirements of ASTM Inter-
18 national Standard D7566 (or successor standard);

19 (3) is derived from biomass (as such term is de-
20 fined in section 45K(c)(3) of the Internal Revenue
21 Code of 1986), waste streams, renewable energy
22 sources, or gaseous carbon oxides; and

23 (4) is not derived from palm fatty acid dis-
24 tillates.

1 **SEC. 320. RENEWAL OF ANNUAL ENVIRONMENTAL AND EN-**
2 **ERGY REPORTS OF DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) ENVIRONMENTAL REPORT.—Section 2711 of title
5 10, United States Code, is amended by striking sub-
6 sections (a) and (b) and inserting the following new sub-
7 sections:

8 “(a) REPORT REQUIRED.—Not later than March 31
9 of each year, the Secretary of Defense shall submit to Con-
10 gress a report on progress made by environmental pro-
11 grams of the Department of Defense during the preceding
12 fiscal year.

13 “(b) ELEMENTS.—Each report under subsection (a)
14 shall include, for the year covered by the report, the fol-
15 lowing:

16 “(1) With respect to environmental restoration
17 activities of the Department of Defense, and for
18 each of the military departments, information on the
19 Defense Environmental Restoration Program under
20 section 2701 of this title, including—

21 “(A) the total number of sites at which
22 such program was carried out;

23 “(B) the progress of remediation for sites
24 that have not yet completed cleanup;

25 “(C) the remaining cost to complete clean-
26 up of known sites; and

1 “(D) an assessment by the Secretary of
2 Defense of the overall progress of such pro-
3 gram.

4 “(2) An assessment by the Secretary of achieve-
5 ments for environmental conservation and planning
6 by the Department.

7 “(3) An assessment by the Secretary of achieve-
8 ments for environmental compliance by the Depart-
9 ment.

10 “(4) An assessment by the Secretary of achieve-
11 ments for climate resiliency by the Department.

12 “(5) An assessment by the Secretary of the
13 progress made by the Department in achieving the
14 objectives and goals of the Environmental Tech-
15 nology Program of the Department.

16 “(c) CONSOLIDATION.—The Secretary of Defense
17 may consolidate or attach with or otherwise include in any
18 report required under subsection (a) any annual report or
19 other requirement that is aligned or associated with, or
20 would be better understood if presented as part of a con-
21 solidated report addressing, environmental restoration,
22 compliance, and resilience.”.

23 (b) ENERGY REPORT.—

24 (1) IN GENERAL.—Section 2925 of such title is
25 amended—

1 (A) by amending the section heading to
2 read as follows: “**Annual report on en-**
3 **ergy performance, resilience, and**
4 **readiness of Department of Defense**”;
5 and

6 (B) by striking subsections (a) and (b) and
7 inserting the following new subsections:

8 “(a) REPORT REQUIRED.—Not later than 240 days
9 after the end of each fiscal year, the Secretary of Defense
10 shall submit to the congressional defense committees a re-
11 port detailing the fulfillment during that fiscal year of the
12 authorities and requirements under sections 2688, 2911,
13 2912, 2920, and 2926 of this title, including progress on
14 energy resilience at military installations and the use of
15 operational energy in combat platforms and at contin-
16 gency locations.

17 “(b) ELEMENTS.—Each report under subsection (a)
18 shall include the following:

19 “(1) For the year covered by the report, the fol-
20 lowing:

21 “(A) A description of the progress made to
22 achieve the goals of the Energy Policy Act of
23 2005 (Public Law 109–58), section 2911(g) of
24 this title, and the Energy Independence and Se-
25 curity Act of 2007 (Public Law 110–140).

1 “(B) A description of the energy savings,
2 return on investment, and enhancements to in-
3 stallation mission assurance realized by the ful-
4 fillment of the goals described in paragraph (1).

5 “(C) A description of and progress towards
6 the energy security, resilience, and performance
7 goals and master planning for the Department
8 of Defense, including associated metrics pursu-
9 ant to subsections (c) and (d) of section 2911
10 of this title and requirements under section
11 2688(g) of this title.

12 “(D) An evaluation of progress made by
13 the Department in implementing the oper-
14 ational energy strategy of the Department, in-
15 cluding the progress of key initiatives and tech-
16 nology investments related to operational en-
17 ergy demand and management.

18 “(E) Details of the amounts of any funds
19 transferred by the Secretary of Defense pursu-
20 ant to section 2912 of this title, including a de-
21 tailed description of the purpose for which such
22 amounts have been used.

23 “(2) Statistical information on operational en-
24 ergy demands of the Department, in terms of ex-
25 penditures and consumption, for the preceding five

1 fiscal years, including information on funding made
2 available in regular defense appropriations Acts and
3 any supplemental appropriation Acts.

4 “(3) A description of each initiative related to
5 the operational energy strategy of the Department
6 and a summary of funds appropriated for each ini-
7 tiative in the previous fiscal year and current fiscal
8 year and requested for each initiative for the next
9 five fiscal years.

10 “(4) Such recommendations as the Secretary
11 considers appropriate for additional changes in orga-
12 nization or authority within the Department to en-
13 able further implementation of the energy strategy
14 and such other comments and recommendations as
15 the Secretary considers appropriate.

16 “(c) CLASSIFIED FORM.—If a report under sub-
17 section (a) is submitted in classified form, the Secretary
18 of Defense shall, concurrently with such report, submit to
19 the congressional defense committees an unclassified
20 version of the report.

21 “(d) CONSOLIDATION.—The Secretary of Defense
22 may consolidate or attach with or otherwise include in any
23 report required under subsection (a) any annual report or
24 other requirement that is aligned or associated with, or
25 would be better understood if presented as part of a con-

1 consolidated report addressing energy performance, resilience,
2 and readiness.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of subchapter III of chapter
5 173 of such title is amended by striking the item re-
6 lating to section 2925 and inserting the following
7 new item:

“2925. Annual report on energy performance, resilience, and readiness of De-
partment of Defense.”.

8 (c) TREATMENT OF TERMINATION OF REPORTING
9 REQUIREMENTS.—

10 (1) IN GENERAL.—Section 1061(c) of National
11 Defense Authorization Act for Fiscal Year 2017
12 (Public Law 114–328; 10 U.S.C. 111 note) is
13 amended by striking paragraphs (51) and (54).

14 (2) RULE OF CONSTRUCTION.—The reports re-
15 quired by sections 2711 and 2925 of title 10, United
16 States Code, as amended by this section, shall not
17 be considered to be covered reports for purposes of
18 section 1080 of the National Defense Authorization
19 Act for Fiscal Year 2016 (Public Law 114–92; 10
20 U.S.C. 111 note).

1 **SEC. 321. REPORT ON FEASIBILITY OF TERMINATING EN-**
2 **ERGY PROCUREMENT FROM FOREIGN ENTI-**
3 **TIES OF CONCERN.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Assistant Secretary
6 of Defense for Energy, Installations, and Environment
7 shall submit to the Committees on Armed Services of the
8 Senate and the House of Representatives a report on the
9 feasibility and advisability of terminating energy procure-
10 ment by the Department of Defense from foreign entities
11 of concern.

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

14 (1) An assessment of the reliance by the De-
15 partment of Defense on foreign entities of concern
16 for the procurement of energy.

17 (2) An identification of the number of energy
18 contracts in force between the Director of the De-
19 fense Logistics Agency and a foreign entity of con-
20 cern or an entity headquartered in a country that is
21 a foreign entity of concern.

22 (3) Such proposals as the Assistant Secretary
23 of Defense for Energy, Installations, and Environ-
24 ment may have for divestment of resourcing of en-
25 ergy for the Department of Defense from entities de-
26 scribed in subparagraph (B) and reconfiguring such

1 resourcing instead from allies of the United States
2 in the North Atlantic Treaty Organization and other
3 major allies of the United States.

4 (c) FOREIGN ENTITY OF CONCERN DEFINED.—In
5 this section, the term “foreign entity of concern” has the
6 meaning given that term in section 9901 of the William
7 M. (Mac) Thornberry National Defense Authorization Act
8 for Fiscal Year 2021 (15 U.S.C. 4651).

9 **Subtitle C—Treatment of**
10 **Perfluoroalkyl Substances and**
11 **Polyfluoroalkyl Substances**

12 **SEC. 331. INCREASE OF TRANSFER AUTHORITY FOR FUND-**
13 **ING OF STUDY AND ASSESSMENT ON HEALTH**
14 **IMPLICATIONS OF PER- AND**
15 **POLYFLUOROALKYL SUBSTANCES CONTAMI-**
16 **NATION IN DRINKING WATER BY AGENCY**
17 **FOR TOXIC SUBSTANCES AND DISEASE REG-**
18 **ISTRY.**

19 Section 316(a)(2)(B) of the National Defense Au-
20 thorization Act for Fiscal Year 2018 (Public Law 115–
21 91; 131 Stat. 1350), as amended by section 315(a) of the
22 John S. McCain National Defense Authorization Act for
23 Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1713),
24 section 321 of the National Defense Authorization Act for
25 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1307),

1 section 337 of the William M. (Mac) Thornberry National
2 Defense Authorization Act for Fiscal Year 2021 (Public
3 Law 116–283; 134 Stat. 3533), and section 342 of the
4 National Defense Authorization Act for Fiscal Year 2022
5 (Public Law 117–81; 135 Stat. 1643), is further amend-
6 ed—

7 (1) in clause (ii), by striking “2023” and in-
8 serting “2022”; and

9 (2) by adding at the end the following new
10 clause:

11 “(iii) Without regard to section 2215 of
12 title 10, United States Code, the Secretary of
13 Defense may transfer not more than
14 \$20,000,000 in fiscal year 2023 to the Sec-
15 retary of Health and Human Services to pay
16 for the study and assessment required by this
17 section.”.

18 **SEC. 332. MODIFICATION OF LIMITATION ON DISCLOSURE**
19 **OF RESULTS OF TESTING FOR**
20 **PERFLUOROALKYL OR POLYFLUOROALKYL**
21 **SUBSTANCES ON PRIVATE PROPERTY.**

22 Section 345(a)(2) of the National Defense Authoriza-
23 tion Act for Fiscal Year 2022 (Public Law 117–81; 10
24 U.S.C. 2715 note) is amended by inserting “personally

1 identifiable information in connection with” after “pub-
2 licly disclose”.

3 **SEC. 333. DEPARTMENT OF DEFENSE RESEARCH RELATING**
4 **TO PERFLUOROALKYL OR**
5 **POLYFLUOROALKYL SUBSTANCES.**

6 (a) PUBLICATION OF INFORMATION.—

7 (1) IN GENERAL.—Beginning not later than
8 180 days after the date of the enactment of this Act,
9 Secretary of Defense shall publish on the publicly
10 available website established under section 331(b) of
11 the National Defense Authorization Act for Fiscal
12 Year 2020 (Public Law 116–92; 10 U.S.C. 2701
13 note) timely and regularly updated information on
14 the research efforts of the Department of Defense
15 relating to perfluoroalkyl or polyfluoroalkyl sub-
16 stances, which shall include the following:

17 (A) A description of any research collabo-
18 rations and data sharing by the Department
19 with the Department of Veterans Affairs, the
20 Agency for Toxic Substances and Disease Reg-
21 istry, or any other agency (as defined in section
22 551 title 5, United States Code), States, aca-
23 demic institutions, nongovernmental organiza-
24 tions, or any other entity.

1 (B) Regularly updated information on re-
2 search projects supported or conducted by the
3 Department of Defense pertaining to the devel-
4 opment, testing, and evaluation of a fluorine-
5 free firefighting foam or any other alternative
6 to aqueous film forming foam that contains
7 perfluoroalkyl or polyfluoroalkyl substances, ex-
8 cluding any proprietary information that is
9 business confidential.

10 (C) Regularly updated information on re-
11 search projects supported or conducted by the
12 Department pertaining to the health effects of
13 perfluoroalkyl or polyfluoroalkyl substances, in-
14 cluding information relating to the impact of
15 such substances on firefighters, veterans, and
16 military families and excluding any personally
17 identifiable information.

18 (D) Regularly updated information on re-
19 search projects supported or conducted by the
20 Department pertaining to treatment options for
21 drinking water, surface water, ground water,
22 and the safe disposal of perfluoroalkyl or
23 polyfluoroalkyl substances.

24 (E) Budget information, including specific
25 spending information for the research projects

1 relating to perfluoroalkyl or polyfluoroalkyl sub-
2 stances that are supported or conducted by the
3 Department.

4 (F) Such other matters as may be relevant
5 to ongoing research projects supported or con-
6 ducted by the Department to address the use of
7 perfluoroalkyl or polyfluoroalkyl substances and
8 the health effects of the use of such substances.

9 (2) FORMAT.—The information published under
10 paragraph (1) shall be made available in a
11 downloadable, machine-readable, open, and a user-
12 friendly format.

13 (3) DEFINITIONS.—In this subsection:

14 (A) MILITARY INSTALLATION.—The term
15 “military installation” includes active, inactive,
16 and former military installations.

17 (B) PERFLUOROALKYL SUBSTANCE.—The
18 term “perfluoroalkyl substance” means a man-
19 made chemical of which all of the carbon atoms
20 are fully fluorinated carbon atoms.

21 (C) POLYFLUOROALKYL SUBSTANCE.—The
22 term “polyfluoroalkyl substance” means a man-
23 made chemical containing a mix of fully
24 fluorinated carbon atoms, partially fluorinated

1 carbon atoms, and nonfluorinated carbon
2 atoms.

3 (b) INCLUSION OF RESEARCH DUTIES IN
4 PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL
5 SUBSTANCES TASK FORCE.—Section 2714(e) of title 10,
6 United States Code, is amended by adding at the end the
7 following new paragraphs:

8 “(5) Supporting research efforts relating to
9 perfluoroalkyl substances or polyfluoroalkyl sub-
10 stances.

11 “(6) Establishing practices to ensure the timely
12 and complete dissemination of research findings and
13 related data relating to perfluoroalkyl substances or
14 polyfluoroalkyl substances to the general public.”.

15 **Subtitle D—Logistics and**
16 **Sustainment**

17 **SEC. 351. IMPLEMENTATION OF COMPTROLLER GENERAL**
18 **RECOMMENDATIONS REGARDING SHIPYARD**
19 **INFRASTRUCTURE OPTIMIZATION PLAN OF**
20 **THE NAVY.**

21 (a) IN GENERAL.—Not later than March 1, 2023, the
22 Secretary of the Navy shall—

23 (1) develop metrics for assessing progress of the
24 Secretary toward improved shipyard capacity and
25 performance in carrying out the Shipyard Infra-

1 structure Optimization Plan of the Navy, including
2 by measuring the effectiveness of capital invest-
3 ments;

4 (2) ensure that the shipyard optimization pro-
5 gram office of the Navy—

6 (A) includes all costs, such as inflation,
7 program office activities, utilities, roads, envi-
8 ronmental remediation, historic preservation,
9 and alternative workspace when developing a
10 detailed cost estimate; and

11 (B) uses cost estimating best practices in
12 developing a detailed cost estimate, including—

13 (i) a program baseline;

14 (ii) a work breakdown structure;

15 (iii) a description of the methodology
16 and key assumptions;

17 (iv) a consideration of inflation;

18 (v) a full assessment of risk and un-
19 certainty; and

20 (vi) a sensitivity analysis; and

21 (3) obtain an independent cost estimate for the
22 shipyard optimization program before starting the
23 prioritization of projects under such program.

24 (b) BRIEFING.—If the Secretary of the Navy is un-
25 able to implement the requirements under subsection (a)

1 by March 1, 2023, the Secretary shall brief the Commit-
2 tees on Armed Services of the Senate and the House of
3 Representatives before such date on—

4 (1) the current progress of the Secretary to-
5 wards implementing those requirements;

6 (2) any hindrance to implementing those re-
7 quirements; and

8 (3) any additional resources necessary to imple-
9 ment those requirements.

10 **SEC. 352. RESEARCH AND ANALYSIS ON THE CAPACITY OF**
11 **PRIVATE SHIPYARDS IN THE UNITED STATES**
12 **AND THE EFFECT OF THOSE SHIPYARDS ON**
13 **NAVAL FLEET READINESS.**

14 (a) IN GENERAL.—Not later than 60 days after the
15 date of the enactment of this Act, the Secretary of the
16 Navy shall enter into an agreement with a nonprofit entity
17 or a federally funded research and development center to
18 conduct research and analysis regarding the capacity and
19 capability of private shipyards in the United States to re-
20 pair, maintain, and modernize surface combatants and
21 support ships of the Navy to ensure fleet readiness.

22 (b) ELEMENTS.—The research and analysis con-
23 ducted under subsection (a) shall include the following:

24 (1) An assessment of the maintenance needs of
25 the Navy during the five-year period preceding the

1 date of the enactment of this Act, including fre-
2 quency of unplanned maintenance and average time
3 it takes to repair ships.

4 (2) An assessment of the projected maintenance
5 needs of the Navy during the 10-year period fol-
6 lowing such date of enactment.

7 (3) An assessment of whether current private
8 shipyards in the United States have the capacity to
9 meet current and anticipated needs of the Navy to
10 maintain and repair ships, include whether there are
11 adequate ship repair facilities and a sufficient
12 trained workforce.

13 (4) An identification of barriers limiting success
14 of intermediate-level and depot-level maintenance
15 availabilities, including constraints of adding private
16 depot capacity and capability.

17 (5) Recommendations based on the findings of
18 paragraphs (1) through (4) regarding actions the
19 Secretary of the Navy can take to ensure there is an
20 industrial base of private ship repair facilities to
21 meet the needs of the Navy and ensure fleet readi-
22 ness, including whether the Secretary should insti-
23 tute a new force generation model, establish addi-
24 tional homeport facilities, or establish new hub-type
25 maintenance facilities.

1 (c) INPUT FROM PRIVATE SHIPYARDS.—In con-
2 ducting research and analysis under subsection (a), the
3 nonprofit entity or federally funded research and develop-
4 ment center with whom the Secretary of the Navy entered
5 into an agreement under subsection (a) shall consult with
6 private shipyards regarding—

7 (1) the fleet maintenance needs of surface com-
8 batant and support ships of the Navy;

9 (2) private shipyard capacity, including work-
10 force; and

11 (3) additional investment in private shipyards
12 necessary to meet the needs of the Navy.

13 (d) REPORT.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the non-
16 profit entity or federally funded research and devel-
17 opment center with whom the Secretary of the Navy
18 entered into an agreement under subsection (a) shall
19 submit to the Secretary a report on the results of
20 the research and analysis undertaken under such
21 subsection.

22 (2) TRANSMITTAL TO CONGRESS.—Not later
23 than 30 days after the Secretary receives the report
24 under paragraph (1), the Secretary shall transmit to

1 the congressional defense committees a copy of the
2 report.

3 **SEC. 353. LIMITATION ON FUNDS FOR THE JOINT MILITARY**
4 **INFORMATION SUPPORT OPERATIONS WEB**
5 **OPERATIONS CENTER.**

6 Not more than 50 percent of the amount authorized
7 to be appropriated for the Joint Military Information Sup-
8 port Operations Web Operations Center for Operation and
9 Maintenance, Defense-Wide, may be obligated and ex-
10 pended until the Secretary of Defense submits to the con-
11 gressional defense committees a plan for—

12 (1) appropriately scoping and tailoring mes-
13 saging activities to foreign target audiences;

14 (2) ensuring messages serve a valid military
15 purpose;

16 (3) effectively managing risk associated with
17 web-based military information support operations;

18 (4) maintaining alignment with policies and
19 procedures of the Department of Defense;

20 (5) adequately overseeing and approving the
21 work of contractors;

22 (6) ensuring alignment with policy guidance
23 and procedures of the Department; and

1 (7) coordinating activities with the Global En-
2 gagement Center of the Department of State and
3 other relevant non-Department of Defense entities.

4 **SEC. 354. NOTIFICATION OF INCREASE IN RETENTION**
5 **RATES FOR NAVY SHIP REPAIR CONTRACTS.**

6 (a) IN GENERAL.—Not later than 30 days before
7 making a change to increase the level of retention rates
8 for a Navy ship repair contract, the Secretary of the Navy
9 shall notify the congressional defense committees.

10 (b) MATTERS TO BE INCLUDED.—A notification
11 under subsection (a) with respect to a change to increase
12 the level of retention rates for a Navy ship repair contract
13 shall include the following information:

14 (1) An identification of any considerations that
15 informed the decision to increase such rates.

16 (2) The desired effect the change will have on
17 the Navy ship repair industrial base.

18 **SEC. 355. INAPPLICABILITY OF ADVANCE BILLING DOLLAR**
19 **LIMITATION FOR RELIEF EFFORTS FOL-**
20 **LOWING MAJOR DISASTERS OR EMER-**
21 **GENCIES.**

22 Section 2208(l)(3) of title 10, United States Code,
23 is amended—

1 (1) by striking “The total” and inserting “(A)
2 Except as provided in subparagraph (B), the total”;
3 and

4 (2) by adding at the end the following new sub-
5 paragraph:

6 “(B) The dollar limitation under subparagraph (A)
7 shall not apply with respect to advance billing for relief
8 efforts following a declaration of a major disaster or emer-
9 gency under the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5121 et seq.).”.

11 **SEC. 356. REPEAL OF COMPTROLLER GENERAL REVIEW ON**
12 **TIME LIMITATIONS ON DURATION OF PUB-**
13 **LIC-PRIVATE COMPETITIONS.**

14 Subsection (c) of section 322 of the National Defense
15 Authorization Act for Fiscal Year 2010 (Public Law 111–
16 84; 123 Stat. 2252) is repealed.

17 **Subtitle E—Reports**

18 **SEC. 371. INCLUSION OF INFORMATION REGARDING JOINT**
19 **MEDICAL ESTIMATES IN READINESS RE-**
20 **PORTS.**

21 Section 482(b) of title 10, United States Code, is
22 amended—

23 (1) by redesignating paragraph (11) as para-
24 graph (12); and

1 (2) by inserting after paragraph (10) the fol-
2 lowing new paragraph:

3 “(11) A summary of the joint medical estimate
4 under section 732(b)(1) of the John S. McCain Na-
5 tional Defense Authorization Act for Fiscal Year
6 2019 (Public Law 115–232; 132 Stat. 1817) pre-
7 pared by the Joint Staff Surgeon with a mitigation
8 plan to correct any readiness problem or deficiency
9 and the timeline, cost, and any legislative action re-
10 quired to correct any such problem or deficiency.”.

11 **Subtitle F—Other Matters**

12 **SEC. 381. IMPLEMENTATION OF RECOMMENDATIONS RE-**
13 **LATING TO ANIMAL FACILITY SANITATION**
14 **AND MASTER PLAN FOR HOUSING AND CARE**
15 **OF HORSES.**

16 (a) IMPLEMENTATION BY SECRETARY OF THE ARMY
17 OF CERTAIN RECOMMENDATIONS RELATING TO ANIMAL
18 FACILITY SANITATION.—Not later than March 1, 2023,
19 the Secretary of the Army shall implement the rec-
20 ommendations contained in the memorandum of the De-
21 partment of the Army dated February 25, 2022, the sub-
22 ject of which is “Animal Facility Sanitation Inspection
23 Findings for the Fort Myer Caisson Barns/Paddocks and
24 the Fort Belvoir Caisson Pasture Facility” (MHCB–RN).

1 (b) MASTER PLAN FOR THE HOUSING AND CARE OF
2 ALL HORSES WITHIN THE CARE OF THE OLD GUARD.—

3 (1) IN GENERAL.—Not later than March 1,
4 2023, the Secretary of the Army shall submit to
5 Congress a master plan for the housing and care of
6 all horses within the care of the 3rd United States
7 Infantry (commonly known as the “Old Guard”).

8 (2) ELEMENTS.—The plan required by para-
9 graph (1) shall—

10 (A) describe all modifications planned or
11 underway at the Fort Myer Caisson Barns/Pad-
12 docks, the Fort Belvoir Caisson Pasture Facil-
13 ity, and any other facility or location under con-
14 sideration for stabling of the horses described in
15 paragraph (1);

16 (B) identify adequate space at Fort Myer,
17 Virginia, to properly care for the horses de-
18 scribed in paragraph (1);

19 (C) prioritize the allotment of the space
20 identified under subparagraph (B) over other
21 functions of Fort Myer that could be placed
22 elsewhere;

23 (D) include projected timelines and re-
24 source requirements to execute the plan; and

25 (E) describe—

- 1 (i) immediate remedies for the unsani-
2 tary and unsafe conditions present at the
3 locations described in subparagraph (A);
4 and
5 (ii) how long-term quality of life im-
6 provements will be provided for the horses
7 described in paragraph (1).

8 **SEC. 382. INCLUSION OF LAND UNDER JURISDICTION OF**
9 **DEPARTMENT OF DEFENSE SUBJECT TO**
10 **LONG-TERM REAL ESTATE AGREEMENT AS**
11 **COMMUNITY INFRASTRUCTURE FOR PUR-**
12 **POSES OF DEFENSE COMMUNITY INFRA-**
13 **STRUCTURE PILOT PROGRAM.**

14 Section 2391(e)(4)(A)(i) of title 10, United States
15 Code, is amended by inserting before the semicolon the
16 following: “or on land under the jurisdiction of a Secretary
17 of a military department subject to a long-term real estate
18 agreement, such as a lease or an easement”.

19 **SEC. 383. RESTRICTION ON PROCUREMENT OR PUR-**
20 **CHASING BY DEPARTMENT OF DEFENSE OF**
21 **TURNOUT GEAR FOR FIREFIGHTERS CON-**
22 **TAINING PERFLUOROALKYL SUBSTANCES OR**
23 **POLYFLUOROALKYL SUBSTANCES.**

24 (a) PROHIBITION ON PROCUREMENT AND PUR-
25 CHASING.—Beginning on October 1, 2026, the Secretary

1 of Defense may not enter into a contract to procure or
2 purchase covered personal protective firefighting equip-
3 ment for use by Federal or civilian firefighters if such
4 equipment contains an intentionally added perfluoroalkyl
5 substance or polyfluoroalkyl substance.

6 (b) IMPLEMENTATION.—

7 (1) INCLUSION IN CONTRACTS.—The Secretary
8 of Defense shall include the prohibition under sub-
9 section (a) in any contract entered into by the De-
10 partment of Defense to procure covered personal
11 protective firefighting equipment for use by Federal
12 or civilian firefighters.

13 (2) NO OBLIGATION TO TEST.—In carrying out
14 the prohibition under subsection (a), the Secretary
15 shall not have an obligation to test covered personal
16 protective firefighting equipment to confirm the ab-
17 sence of perfluoroalkyl substances or polyfluoroalkyl
18 substances.

19 (c) EXISTING INVENTORY.—Nothing in this section
20 shall impact existing inventories of covered personal pro-
21 tective firefighting equipment.

22 (d) AVAILABILITY OF ALTERNATIVES.—

23 (1) IN GENERAL.—The requirement under sub-
24 section (a) shall be subject to the availability of suf-
25 ficiently protective covered personal protective fire-

1 fighting equipment that does not contain inten-
2 tionally added perfluoroalkyl substances or
3 polyfluoroalkyl substances.

4 (2) EXTENSION OF EFFECTIVE DATE.—If the
5 Secretary of Defense determines that no sufficiently
6 protective covered personal protective firefighting
7 equipment that does not contain intentionally added
8 perfluoroalkyl substances or polyfluoroalkyl sub-
9 stances is available, the deadline under subsection
10 (a) shall be extended until the Secretary determines
11 that such covered personal protective firefighting
12 equipment is available.

13 (e) DEFINITIONS.—In this section:

14 (1) COVERED PERSONAL PROTECTIVE FIRE-
15 FIGHTING EQUIPMENT.—The term “covered per-
16 sonal protective firefighting equipment” means—

17 (A) any product that provides protection to
18 the upper and lower torso, arms, legs, head,
19 hands, and feet; or

20 (B) any other personal protective fire-
21 fighting equipment, as determined by the Sec-
22 retary of Defense.

23 (2) PERFLUOROALKYL SUBSTANCE.—The term
24 “perfluoroalkyl substance” means a man-made

1 chemical of which all of the carbon atoms are fully
2 fluorinated carbon atoms.

3 (3) POLYFLUOROALKYL SUBSTANCE.—The
4 term “polyfluoroalkyl substance” means a man-made
5 chemical containing at least one fully fluorinated
6 carbon atom and at least one non-fully fluorinated
7 carbon atom.

8 **SEC. 384. CONTINUED DESIGNATION OF SECRETARY OF**
9 **THE NAVY AS EXECUTIVE AGENT FOR NAVAL**
10 **SMALL CRAFT INSTRUCTION AND TECHNICAL**
11 **TRAINING SCHOOL.**

12 The Secretary of the Navy shall continue, through
13 fiscal year 2023—

14 (1) to perform the responsibilities of the De-
15 partment of Defense executive agent for the Naval
16 Small Craft Instruction and Technical Training
17 School pursuant to section 352(b) of title 10, United
18 States Code; and

19 (2) to provide such support, as necessary, for
20 the continued operation of such school.

21 **SEC. 385. PROHIBITION ON USE OF FUNDS TO DIS-**
22 **CONTINUE THE MARINE MAMMAL SYSTEM**
23 **PROGRAM.**

24 (a) PROHIBITION.—Except as provided in subsection
25 (b), the Secretary of the Navy may not obligate or expend

1 funds to discontinue or prepare to discontinue, including
2 through substantive reduction in training and operational
3 employment, the Marine Mammal System program that
4 has been or is currently being used for—

5 (1) port security at installations of the Navy,
6 commonly known as Mark–6 systems; or

7 (2) mine search capabilities, commonly known
8 as Mark–7 systems.

9 (b) WAIVER.—The Secretary of the Navy may waive
10 the prohibition under subsection (a) if the Secretary, with
11 the concurrence of the Director of Operational Test and
12 Evaluation of the Department of Defense, certifies to the
13 congressional defense committees in writing that the Sec-
14 retary has—

15 (1) identified a replacement capability and the
16 necessary quantity of systems to carry out such ca-
17 pability to meet all operational requirements cur-
18 rently being met by the Marine Mammal System
19 program with a detailed explanation of such capa-
20 bility and quantity;

21 (2) achieved initial operational capability of all
22 systems described in paragraph (1) with a detailed
23 explanation of such achievement; and

24 (3) deployed a sufficient quantity of systems de-
25 scribed in paragraph (1) that have achieved initial

1 operational capability to continue to meet or exceed
2 all operational requirements currently being met by
3 the Marine Mammal System program with a detailed
4 explanation of such deployment.

5 **SEC. 386. LIMITATION ON REPLACEMENT OF NON-TAC-**
6 **TICAL VEHICLE FLEET OF THE DEPARTMENT**
7 **OF DEFENSE WITH ELECTRIC VEHICLES, AD-**
8 **VANCED-BIOFUEL-POWERED VEHICLES, OR**
9 **HYDROGEN-POWERED VEHICLES.**

10 (a) IN GENERAL.—Until the date on which the Sec-
11 retary of Defense submits to the Committees on Armed
12 Services of the Senate and House of Representatives the
13 report described in subsection (b), the Secretary may not
14 enter into an indefinite delivery indefinite quantity con-
15 tract to procure and replace the existing non-tactical vehi-
16 cle fleet of the Department of Defense with electric vehi-
17 cles, advanced-biofuel-powered vehicles, or hydrogen-pow-
18 ered vehicles.

19 (b) ELEMENTS.—The report described in this sub-
20 section shall include the following:

21 (1) A complete cost estimate for the acquisition
22 by the Department of Defense, or through contract
23 mechanisms used by the Department, such as energy
24 savings performance contracts, of electric non-tac-

1 tical vehicles to replace the existing non-tactical ve-
2 hicle fleet of the Department, which shall include—

3 (A) the cost per unit and number of units
4 to be procured of each type of electric non-tac-
5 tical vehicle (trucks, buses, vans, etc.);

6 (B) the cost associated with building the
7 required infrastructure to support electric non-
8 tactical vehicles, including charging stations
9 and electric grid requirements;

10 (C) a per-unit lifecycle cost comparison be-
11 tween electric vehicles and combustion engine
12 vehicles of each type (electric truck versus con-
13 ventional truck, etc.);

14 (D) maintenance requirements of electric
15 vehicles compared to combustion engine vehi-
16 cles; and

17 (E) for each military department, a cost
18 comparison over periods of three, five, 10, and
19 15 years of pursuing an electric non-tactical ve-
20 hicle fleet versus continuing with combustion
21 engine non-tactical vehicles.

22 (2) An assessment of the current and projected
23 sourcing shortfalls for lithium, cobalt, and nickel
24 from Taiwan, India, member countries of the North

1 Atlantic Treaty Organization, and major allies of the
2 North Atlantic Treaty Organization.

3 (3) An assessment of the current and projected
4 supply chain shortfalls for electric vehicles, set forth
5 by industry.

6 (4) An assessment of the cost associated with
7 building the required infrastructure to support elec-
8 tric non-tactical vehicles, including charging stations
9 and electric grid requirements.

10 (5) An assessment of the security risks associ-
11 ated with data collection conducted with respect to
12 electric vehicles and related computer systems.

13 (6) An assessment of the current range require-
14 ments for electric vehicle compared to combustion
15 engine vehicles and the average life of vehicles of the
16 Department necessary to maintain current readiness
17 requirements of the Department.

18 (7) An assessment of maintenance requirements
19 of electric vehicles compared to combustion engine
20 vehicles.

21 (8) A cost-benefit analysis of the cost, time, and
22 manpower associated with maintenance of electric
23 non-tactical vehicles compared to combustion engine
24 non-tactical vehicles.

1 (9) An assessment of the effect transitioning to
2 electric non-tactical vehicles would have on the Na-
3 tional Defense Stockpile administered by the De-
4 fense Logistics Agency and current and future re-
5 quirements relating to such stockpile.

6 (10) An identification of components for electric
7 non-tactical vehicles that are currently being sourced
8 from the People's Republic of China.

9 (11) An assessment of the long-term cost and
10 benefit to the Department of being an early adopter
11 of hydrogen-powered vehicles and advanced-biofuel-
12 powered vehicles.

13 (12) An assessment of the long-term availability
14 to the Department of internal combustion engines
15 and spare parts for such engines, including whether
16 or not they will be manufactured in the United
17 States or repairable with parts made in the United
18 States and labor in the United States.

19 (13) A comparison of the relative risk to per-
20 sonnel of the Department, budgetary impacts, and
21 impacts on the supply chain between different fuel
22 types to determine the tradeoffs associated with the
23 adoption and use of any particular fuel type.

24 (c) ADDITIONAL PROHIBITION.—No funds may be
25 obligated or expended for the Department of Defense for

1 the procurement of non-tactical electric vehicles, ad-
2 vanced-biofuel-powered vehicles, hydrogen-powered vehi-
3 cles, or any components or spare parts associated with
4 such vehicles that are not in compliance with subpart
5 22.15 of the Federal Acquisition Regulation maintained
6 under section 1303(a)(1) of title 41, United States Code
7 (or any successor regulations), on the Prohibition of Ac-
8 quisition of Products Produced by Forced or Indentured
9 Child Labor.

10 (d) DEFINITIONS.—In this section:

11 (1) ADVANCED-BIOFUEL-POWERED VEHICLE.—

12 The term “advanced-biofuel-powered vehicle” in-
13 cludes a vehicle that uses a fuel described in section
14 9001(3)(A) of the Farm Security and Rural Invest-
15 ment Act of 2202 (7 U.S.C. 8101(3)(A)).

16 (2) CHARGING STATION.—The term “charging
17 station” means a parking space with electric vehicle
18 supply equipment that supplies electric energy for
19 the recharging of electric vehicles with at least a
20 level 2 charger.

21 (3) ELECTRIC GRID REQUIREMENTS.—The
22 term “electric grid requirements” means the power
23 grid and infrastructure requirements needed to sup-
24 port plug-in electric vehicles and vehicle-to-grid re-
25 quirements.

1 (4) HYDROGEN-POWERED VEHICLE.—The term
2 “hydrogen-powered vehicle” means a vehicle that
3 uses hydrogen as the main source of motive power,
4 either through a fuel cell or internal combustion.

5 (5) NON-TACTICAL VEHICLE.—The term “non-
6 tactical vehicle” means any commercial motor vehi-
7 cle, trailer, material handling equipment, or engi-
8 neering equipment that carries passengers or cargo
9 acquired for the administrative, direct mission, or
10 operational support of military functions.

11 **SEC. 387. LIMITATION ON USE OF CHARGING STATIONS**
12 **FOR PERSONAL ELECTRIC VEHICLES.**

13 The Secretary of Defense may not permit the charg-
14 ing of personal electric vehicles through the use of charg-
15 ing stations provided by the Department of Defense unless
16 the charging infrastructure for such stations allows for the
17 receipt of payment for such charging.

18 **SEC. 388. PILOT PROGRAMS FOR TACTICAL VEHICLE SAFE-**
19 **TY DATA COLLECTION.**

20 (a) IN GENERAL.—Not later than October 1, 2023,
21 the Secretary of the Army and the Secretary of the Navy
22 shall each initiate a pilot program to evaluate the utility
23 of using data recorders to monitor, assess, and improve
24 readiness and the safe operation of military tactical vehi-
25 cles in the Army and the Marine Corps, respectively.

1 (b) DURATION.—Each pilot program initiated under
2 subsection (a) shall be carried out for a period of not less
3 than two years.

4 (c) REQUIREMENTS.—In carrying out a pilot pro-
5 gram under this section, the Secretary of the Army and
6 the Secretary of the Navy shall—

7 (1) carry out the pilot program at not fewer
8 than one military installation in the United States
9 selected by the Secretary concerned that contains
10 the necessary forces, equipment, and maneuver
11 training ranges to collect data on drivers and mili-
12 tary tactical vehicles during training and routine op-
13 eration;

14 (2) install data recorders on a sufficient num-
15 ber of each type of military tactical vehicle specified
16 in subsection (d) to gain statistically significant re-
17 sults;

18 (3) select a data recorder capable of collecting
19 and exporting telemetry data, event data, and driver
20 identification data during operation and accidents;

21 (4) establish and maintain a data repository for
22 operation and event data captured by the data re-
23 corder; and

24 (5) establish processes to leverage operation
25 and event data to improve individual vehicle operator

1 performance, identify installation hazards that
2 threaten safe vehicle operation, and identify vehicle-
3 type specific operating conditions that increase the
4 risk of accidents or mishaps.

5 (d) MILITARY TACTICAL VEHICLES SPECIFIED.—

6 Military tactical vehicles specified in this subsection are
7 the following:

8 (1) High Mobility Multipurpose Wheeled Vehi-
9 cles.

10 (2) Family of Medium Tactical Vehicles.

11 (3) Medium Tactical Vehicle Replacements.

12 (4) Heavy Expanded Mobility Tactical Trucks.

13 (5) Light Armored Vehicles.

14 (6) Stryker armored combat vehicles.

15 (7) Such other military tactical vehicles as the
16 Secretary of the Army or the Secretary of the Navy
17 considers appropriate.

18 (e) IMPLEMENTATION PLAN.—Not later than 180
19 days after the date of the enactment of this Act, the Sec-
20 retary of the Army and the Secretary of the Navy shall
21 each—

22 (1) develop plans for implementing the pilot
23 programs under this section; and

1 (2) provide to the congressional defense com-
2 mittees a briefing on those plans and the estimated
3 cost of implementing those plans.

4 (f) REPORT REQUIRED.—Not later than December
5 15, 2024, the Secretary of the Army and the Secretary
6 of the Navy shall each submit to the congressional defense
7 committees a report on the pilot program carried out
8 under this section by the Secretary concerned, including—

9 (1) insights and findings regarding the utility of
10 using data recorders to monitor, assess, and improve
11 readiness and the safe operation of military tactical
12 vehicles;

13 (2) adjustments made, or to be made, to the
14 implementation plans developed under subsection
15 (e); and

16 (3) any other matters as determined appro-
17 priate by the Secretary concerned.

18 (g) ASSESSMENT REQUIRED.—Not later than De-
19 cember 15, 2025, the Secretary of the Army and the Sec-
20 retary of the Navy shall jointly submit to the congressional
21 defense committees an assessment of the pilot programs
22 carried out under this section, including—

23 (1) insights and findings regarding the utility of
24 using data recorders to monitor, assess, and improve

1 readiness and the safe operation of military tactical
2 vehicles;

3 (2) an assessment of the utility of establishing
4 an enduring program to use data recorders to mon-
5 itor, assess, and improve readiness and the safe op-
6 eration of military tactical vehicles;

7 (3) an assessment of the scope, size, and esti-
8 mated cost of such an enduring program; and

9 (4) such other matters as the Secretary of the
10 Army and the Secretary of the Navy determine ap-
11 propriate.

12 **TITLE IV—MILITARY**
13 **PERSONNEL AUTHORIZATIONS**
14 **Subtitle A—Active Forces**

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

16 The Armed Forces are authorized strengths for active
17 duty personnel as of September 30, 2023, as follows:

18 (1) The Army, 473,000.

19 (2) The Navy, 354,000.

20 (3) The Marine Corps, 177,000.

21 (4) The Air Force, 325,344.

22 (5) The Space Force, 8,600.

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

24 (a) STRENGTH LEVELS TO SUPPORT NATIONAL DE-
25 FENSE STRATEGY.—

1 (1) IN GENERAL.—Section 691 of title 10,
2 United States Code, is repealed.

3 (2) TABLE OF SECTIONS.—The table of sections
4 at the beginning of chapter 39 of such title is
5 amended by striking the item relating to section
6 691.

7 (b) CERTAIN ACTIVE-DUTY AND SELECTED RESERVE
8 STRENGTHS.—Section 115 of such title is amended—

9 (1) in subsection (f), by striking “increase”
10 each place it appears and inserting “vary”; and

11 (2) in subsection (g)—

12 (A) in paragraph (1), by striking subpara-
13 graphs (A) and (B) and inserting the following
14 new subparagraphs:

15 “(A) vary the end strength pursuant to sub-
16 section (a)(1)(A) for a fiscal year for the armed
17 force or forces under the jurisdiction of that Sec-
18 retary by a number not equal to more than 2 per-
19 cent of such authorized end strength; and

20 “(B) vary the end strength pursuant to sub-
21 section (a)(2) for a fiscal year for the Selected Re-
22 serve of the reserve component of the armed force
23 or forces under the jurisdiction of that Secretary by
24 a number equal to nor more than 2 percent of such
25 authorized end strength.”; and

1 (B) in paragraph (2), by striking “in-
2 crease” each place it appears and inserting
3 “variance”.

4 **SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE**
5 **END STRENGTH.**

6 (a) IN GENERAL.—Notwithstanding section 115(g)
7 of title 10, United States Code, upon determination by the
8 Secretary of the Air Force that such action would enhance
9 manning and readiness in essential units or in critical spe-
10 cialties, the Secretary may vary the end strength author-
11 ized by Congress for each fiscal year as follows:

12 (1) Increase the end strength authorized pursu-
13 ant to section 115(a)(1)(A) for a fiscal year for the
14 Space Force by a number equal to not more than 5
15 percent of such authorized end strength.

16 (2) Decrease the end strength authorized pur-
17 suant to section 115(a)(1)(A) for a fiscal year for
18 the Space Force by a number equal to not more
19 than 10 percent of such authorized end strength.

20 (b) TERMINATION.—The authority provided under
21 subsection (a) shall terminate on December 31, 2023.

1 **Subtitle B—Reserve Forces**

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

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2023, as follows:

6 (1) The Army National Guard of the United
7 States, 336,000.

8 (2) The Army Reserve, 189,500.

9 (3) The Navy Reserve, 57,700.

10 (4) The Marine Corps Reserve, 33,000.

11 (5) The Air National Guard of the United
12 States, 108,400.

13 (6) The Air Force Reserve, 70,000.

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

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

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

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve for any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2023, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 30,845.
- 23 (2) The Army Reserve, 16,511.
- 24 (3) The Navy Reserve, 10,077.
- 25 (4) The Marine Corps Reserve, 2,388.

1 (5) The Air National Guard of the United
2 States, 25,333.

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

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 (a) IN GENERAL.—The minimum number of military
7 technicians (dual status) as of the last day of fiscal year
8 2023 for the reserve components of the Army and the Air
9 Force (notwithstanding section 129 of title 10, United
10 States Code) shall be the following:

11 (1) For the Army National Guard of the United
12 States, 22,294.

13 (2) For the Army Reserve, 6,492.

14 (3) For the Air National Guard of the United
15 States, 10,994.

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

17 (b) LIMITATION ON NUMBER OF TEMPORARY MILI-
18 TARY TECHNICIANS (DUAL STATUS).—The number of
19 temporary military technicians (dual-status) employed
20 under the authority of subsection (a) may not exceed 25
21 percent of the total authorized number specified in such
22 subsection.

23 (c) LIMITATION.—Under no circumstances may a
24 military technician (dual status) employed under the au-
25 thority of this section be coerced by a State into accepting

1 an offer of realignment or conversion to any other military
2 status, including as a member of the Active, Guard, and
3 Reserve program of a reserve component. If a military
4 technician (dual status) declines to participate in such re-
5 alignment or conversion, no further action will be taken
6 against the individual or the individual's position.

7 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
8 **THORIZED TO BE ON ACTIVE DUTY FOR**
9 **OPERATIONAL SUPPORT.**

10 During fiscal year 2023, the maximum number of
11 members of the reserve components of the Armed Forces
12 who may be serving at any time on full-time operational
13 support duty under section 115(b) of title 10, United
14 States Code, is the following:

15 (1) The Army National Guard of the United
16 States, 17,000.

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

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

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

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

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

1 **Subtitle C—Authorization of**
2 **Appropriations**

3 **SEC. 421. MILITARY PERSONNEL.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
5 are hereby authorized to be appropriated for fiscal year
6 2023 for the use of the Armed Forces and other activities
7 and agencies of the Department of Defense for expenses,
8 not otherwise provided for, for military personnel, as spec-
9 ified in the funding table in section 4401.

10 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
11 thorization of appropriations in subsection (a) supersedes
12 any other authorization of appropriations (definite or in-
13 definite) for such purpose for fiscal year 2023.

14 **TITLE V—MILITARY PERSONNEL**
15 **POLICY**

16 **Subtitle A—Officer Personnel**
17 **Policy**

18 **SEC. 501. CONSIDERATION OF ADVERSE INFORMATION.**

19 Section 628a(a)(1) of title 10, United States Code,
20 is amended—

21 (1) by inserting “(A)” before “If the Secretary
22 concerned”; and

23 (2) by adding at the end the following new sub-
24 paragraph:

“(B) Nothing in this section shall be construed to prevent a Secretary concerned from deferring consideration of adverse information concerning an officer subject to this section until the next regularly scheduled promotion board applicable to such officer, in lieu of furnishing such adverse information to a special selection review board under this section.”.

8 SEC. 502. EXTENSION OF TIME LIMITATION FOR GRADE RE-
9 TENTION WHILE AWAITING RETIREMENT.

Section 601(b)(5) of title 10, United States Code, is amended by striking “retirement, but not for more than 60 days.” and inserting the following: “retirement, but—

13 “(A) subject to subparagraph (B), not for
14 more than 60 days; and

“(B) with respect to an officer awaiting retirement following not less than one year of consecutive deployment outside of the United States to a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986) or in support of a contingency operation, not for more than 90 days.”.

1 **SEC. 503. REALIGNMENT IN NAVY DISTRIBUTION OF FLAG**
2 **OFFICERS SERVING IN THE GRADES OF O-8**
3 **AND O-9.**

4 Section 525(a)(3) of title 10, United States Code, is
5 amended—

6 (1) in subparagraph (B), by striking “33” and
7 inserting “34”; and

8 (2) in subparagraph (C), by striking “50” and
9 inserting “49”.

10 **SEC. 504. UPDATING WARRANT OFFICER SELECTION AND**
11 **PROMOTION AUTHORITY.**

12 (a) CONVENING OF SELECTION BOARDS.—Section
13 573 of title 10, United States Code, is amended by adding
14 at the end the following new subsection:

15 “(g)(1) Upon the request of a warrant officer, the
16 Secretary of the military department with jurisdiction over
17 the officer may exclude the officer from consideration by
18 a selection board convened under this section to consider
19 warrant officers for promotion to the next higher grade.

20 “(2) The Secretary concerned may approve a request
21 of a warrant officer under paragraph (1) only if—

22 “(A) the basis for the request is to allow the of-
23 ficer to complete a deepening assignment in support
24 of career progression, advanced education, another
25 assignment of significant value to the Department of

1 Defense, or a career progression requirement de-
2 layed by an assignment or education;

3 “(B) it is determined the exclusion from consid-
4 eration is in the best interest of the military depart-
5 ment concerned; and

6 “(C) the officer has not previously failed of se-
7 lection for promotion to the grade for which the offi-
8 cer requests the exclusion from consideration.”.

9 (b) PROMOTIONS: EFFECT OF FAILURE OF SELEC-
10 TION FOR.—Section 577 of title 10, United States Code,
11 is amended by striking the period at the end of the second
12 sentence and inserting “, or a warrant officer excluded
13 under section 573(g) of this title.”.

14 (c) RECOMMENDATION FOR PROMOTION BY SELEC-
15 TION BOARDS.—Section 575 of title 10, United States
16 Code, is amended by adding at the end the following new
17 subsection:

18 “(e)(1) In selecting the warrant officers to be rec-
19 ommended for promotion, a selection board may, when au-
20 thorized by the Secretary concerned, recommend warrant
21 officers of particular merit, from among those warrant of-
22 ficers selected for promotion, to be placed higher on the
23 promotion list contained in the board’s report under sec-
24 tion 576(c) of this title.

1 “(2) A warrant officer may be recommended to be
2 placed higher on a promotion list under paragraph (1)
3 only if the warrant officer receives the recommendation
4 of at least a majority of the members of the board, unless
5 the Secretary concerned establishes an alternative require-
6 ment. Any such alternate requirement shall be furnished
7 to the board as part of the guidelines furnished to the
8 board under section 576 of this title.

9 “(3) For the warrant officers recommended to be
10 placed higher on a promotion list under paragraph (1),
11 the board shall recommend the order in which those war-
12 rant officers should be placed on the list.”.

13 (d) INFORMATION TO BE FURNISHED TO SELECTION
14 BOARDS; SELECTION PROCEDURES.—Section 576(c) of
15 title 10, United States Code, is amended to read as fol-
16 lows:

17 “(c) A selection board convened under section 573(a)
18 of this title shall, when authorized under section 575(e)
19 of this title, include in its report to the Secretary con-
20 cerned the names of those warrant officers recommended
21 by the board to be placed higher on the promotion list
22 and the order in which those officers should be placed on
23 the list. The names of all other warrant officers rec-
24 ommended for promotion under this section shall be ar-

1 ranged in the board's report in the order of seniority on
2 the warrant officer active-duty list.”.

3 (e) PROMOTIONS: HOW MADE; EFFECTIVE DATE.—
4 Section 578(a) of title 10, United States Code, is amend-
5 ed—

6 (1) by striking “, in the order of the seniority
7 of such officers on the warrant officer active-duty
8 list”; and

9 (2) by adding at the end the following new sen-
10 tence: “Warrant officers of particular merit who
11 were recommended by the board to be placed higher
12 on the promotion list under section 576(c) of this
13 title shall be listed first and, amongst themselves, in
14 the order recommended by the board, followed by
15 the other warrant officers approved for promotion in
16 order of the seniority of such officers on the warrant
17 officer active-duty list.”.

18 **SEC. 505. AUTHORIZED STRENGTHS FOR SPACE FORCE OF-**
19 **FICERS ON ACTIVE DUTY IN GRADES OF**
20 **MAJOR, LIEUTENANT COLONEL, AND COLO-**
21 **NEL.**

22 The table in subsection (a)(1) of section 523 of title
23 10, United States Code, is amended by inserting after the
24 items relating to the Marine Corps new items relating to
25 the total number of commissioned officers (excluding offi-

1 cers in categories specified in subsection (b) of such sec-
 2 tion) serving on active duty in the Space Force in the
 3 grades of major, lieutenant colonel, and colonel, respec-
 4 tively, as follows:

“3,900	1,016	782	234
4,300	1,135	873	262
5,000	1,259	845	315
7,000	1,659	1,045	415
10,000	2,259	1,345	565”.

5 **SEC. 506. REPEAL OF REQUIREMENT FOR INSPECTOR GEN-**
 6 **ERAL OF THE DEPARTMENT OF DEFENSE TO**
 7 **CONDUCT CERTAIN REVIEWS.**

8 Section 847(b) of the National Defense Authorization
 9 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
 10 1701 note) is amended—

- 11 (1) by striking “REQUIREMENT.—” and all that
 12 follows through “Each request” and inserting “RE-
 13 QUIREMENT.—Each request”; and
 14 (2) by striking paragraph (2).

15 **SEC. 507. MODIFICATION OF REPORTS ON AIR FORCE PER-**
 16 **SONNEL PERFORMING DUTIES OF A NU-**
 17 **CLEAR AND MISSILE OPERATIONS OFFICER**
 18 **(13N).**

19 Section 506(b) of the National Defense Authorization
 20 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
 21 1682) is amended—

- 22 (1) by redesignating paragraph (8) as para-
 23 graph (9); and

1 (2) by inserting after paragraph (7) the fol-
2 lowing new paragraph (8):

3 “(8) A staffing plan for managing personnel
4 within the 13N career field as the Air Force transi-
5 tions from the Minuteman III weapon system to the
6 Sentinel weapon system.”.

7 **Subtitle B—Reserve Component**
8 **Management**

9 **SEC. 511. AUTHORITY TO WAIVE REQUIREMENT THAT PER-**
10 **FORMANCE OF ACTIVE GUARD AND RESERVE**
11 **DUTY AT THE REQUEST OF A GOVERNOR MAY**
12 **NOT INTERFERE WITH CERTAIN DUTIES.**

13 (a) IN GENERAL.—Section 328(b) of title 32, United
14 States Code, is amended by adding at the end the fol-
15 lowing new subsection:

16 “(c) WAIVER AUTHORITY.—(1) Notwithstanding sec-
17 tion 101(d)(6)(A) of title 10 and subsection (b) of this
18 section, the Governor of a State or the Commonwealth of
19 Puerto Rico, Guam, or the Virgin Islands, or the com-
20 manding general of the District of Columbia National
21 Guard, as the case may be, may, at the request of the
22 Secretary concerned, order a member of the National
23 Guard to perform Active Guard and Reserve duty for pur-
24 poses of performing training of the regular components
25 of the armed forces as the primary duty.

1 “(2) Training performed under paragraph (1) must
2 be in compliance with the requirements of section
3 502(f)(2)(B)(i) of this title.

4 “(3) No more than 100 personnel may be granted
5 a waiver by a Secretary concerned under paragraph (1)
6 at a time.

7 “(4) The authority under paragraph (1) shall termi-
8 nate on October 1, 2024.”.

9 (b) BRIEFING ON PERFORMANCE OF TRAINING AS
10 PRIMARY DUTY.—Not later than March 1, 2023, the Sec-
11 retary of the Army and the Secretary of the Air Force
12 shall each submit to the Committee on Armed Services
13 of the Senate and the Committee on Armed Services of
14 the House of Representatives a briefing describing how
15 many members of the National Guard are performing Ac-
16 tive Guard and Reserve duty for purposes of performing
17 training of the regular components of the Armed Forces
18 as the primary duty.

19 (c) BRIEFING ON END STRENGTH REQUIRE-
20 MENTS.—Not later than October 1, 2024, the Secretary
21 of the Army and the Secretary of the Air Force shall each
22 submit to the Committee on Armed Services of the Senate
23 and the Committee on Armed Services of the House of
24 Representatives a briefing outlining the end strength re-
25 quirement going forward for Active Guard and Reserve

1 forces of the National Guard impacted by subsection (c)
2 of section 328(b) of title 32, United States Code, as added
3 by subsection (a) of this section.

4 **SEC. 512. SELECTED RESERVE AND READY RESERVE**
5 **ORDER TO ACTIVE DUTY TO RESPOND TO A**
6 **SIGNIFICANT CYBER INCIDENT.**

7 Section 12304 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a) in the heading, by striking
10 “**AUTHORITY**” and inserting “**OPERATIONAL MIS-**
11 **SIONS AND CERTAIN OTHER EMERGENCIES**”;

12 (2) by redesignating subsections (c) through (j)
13 as subsections (d) through (k), respectively;

14 (3) by inserting after subsection (b) the fol-
15 lowing new subsection:

16 “(c) **SIGNIFICANT CYBER INCIDENTS.**—The Sec-
17 retary of Defense may, without the consent of the member
18 affected, order any unit, and any member not assigned
19 to a unit organized to serve as a unit, of the Selected Re-
20 serve or Individual Ready Reserve to active duty for a con-
21 tinuous period of not more than 365 days when the Sec-
22 retary of Defense determines it is necessary to augment
23 the active forces for a Department of Defense response
24 to a covered incident.”;

1 (4) in paragraph (1) of subsection (d), as redese-
2 ignated 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

18 “(B) law.”; and

19 (6) in subsection (k) (as so redesignated)—

20 (A) by redesignating paragraph (2) as
21 paragraph (3); and

22 (B) by inserting after paragraph (1) the
23 following new paragraph:

24 “(2) The term ‘covered incident’ means—

1 “(A) a cyber incident involving a Depart-
2 ment of Defense information system or a
3 breach of a Department of Defense system that
4 involves personally identifiable information, that
5 the Secretary of Defense determines is likely to
6 result in demonstrable harm to the national se-
7 curity interests, foreign relations, or the econ-
8 omy of the United States, or to the public con-
9 fidence, civil liberties, or public health and safe-
10 ty of the people of the United States;

11 “(B) a cyber incident or collection of re-
12 lated cyber incidents that are determined by the
13 President to be likely to result in demonstrable
14 harm to the national security interests, foreign
15 relations, or economy of the United States or to
16 the public confidence, civil liberties, or public
17 health and safety of the people of the United
18 States; or

19 “(C) a significant incident declared pursu-
20 ant to section 2233 of the Homeland Security
21 Act of 2002 (6 U.S.C. 677b).”.

1 **SEC. 513. BACKDATING OF EFFECTIVE DATE OF RANK FOR**
2 **RESERVE OFFICERS IN THE NATIONAL**
3 **GUARD DUE TO UNDUE DELAYS IN FEDERAL**
4 **RECOGNITION.**

5 Paragraph (2) of section 14308(f) of title 10, United
6 States Code, is amended to read as follows:

7 “(2) If there is a delay in extending Federal recogni-
8 tion in the next higher grade in the Army National Guard
9 or the Air National Guard to a reserve commissioned offi-
10 cer of the Army or the Air Force that exceeds 100 days
11 from the date the National Guard Bureau determines such
12 officer’s application for Federal recognition to be com-
13 pletely submitted by the State and ready for review at the
14 National Guard Bureau, and the delay was not attrib-
15 utable to the action or inaction of such officer—

16 “(A) in the event of State promotion with an
17 effective date before January 1, 2024, the effective
18 date of the promotion concerned under paragraph
19 (1) may be adjusted to a date determined by the
20 Secretary concerned, but not earlier than the effec-
21 tive date of the State promotion; and

22 “(B) in the event of State promotion with an
23 effective date on or after January 1, 2024, the effec-
24 tive date of the promotion concerned under para-
25 graph (1) shall be adjusted by the Secretary con-
26 cerned to the later of—

1 “(i) the date the National Guard Bureau
2 deems such officer’s application for Federal rec-
3 ognition to be completely submitted by the
4 State and ready for review at the National
5 Guard Bureau; and

6 “(ii) the date on which the officer occupies
7 a billet in the next higher grade.”.

8 **SEC. 514. INDEPENDENT STUDY ON FEDERAL RECOGNI-**
9 **TION PROCESS.**

10 (a) INDEPENDENT STUDY.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of the enactment of this Act, the Secretary
13 of Defense shall seek to enter into a contract with
14 a federally funded research and development center
15 to conduct a study on the National Guard commis-
16 sioned officer and warrant officer promotion system
17 and provide recommendations to the Department of
18 Defense, the Department of the Air Force, the De-
19 partment of the Army, the National Guard Bureau,
20 and individual State National Guard commands.

21 (2) ELEMENTS.—The study referred to in para-
22 graph (1) shall include a comprehensive review and
23 assessment of the following:

1 (A) Reasons for delays in processing per-
2 sonnel actions for Federal recognition of State
3 National Guard member promotions.

4 (B) The Federal recognition process used
5 to extend Federal recognition to State pro-
6 motions.

7 (C) Best practices among the various State
8 National Guards for managing their require-
9 ments under the existing National Guard pro-
10 motion system.

11 (D) Possible improvements to require-
12 ments, policies, procedures, workflow, or re-
13 sources to reduce the processing time for Fed-
14 eral recognition of state promotions.

15 (E) An assessment of the feasibility of de-
16 veloping or adopting a commercially available
17 solution for an integrated enterprise informa-
18 tion technology system for managing National
19 Guard officer and warrant officer promotions
20 that allows seamless transition for promotions
21 as they move through review at the National
22 Guard Bureau, the Department of the Army,
23 the Department of the Air Force, and the De-
24 partment of Defense.

1 (F) Possible metrics to evaluate effective-
2 ness of any recommendations made.

3 (G) Possible remedies for undue delays in
4 Federal recognition, including adjustment to
5 the effective date of promotion beyond current
6 statutory authorities.

7 (H) Any other matters the federally fund-
8 ed research and development center determines
9 relevant.

10 (3) REPORT.—

11 (A) IN GENERAL.—The contract under
12 paragraph (1) shall require the federally funded
13 research and development center that conducts
14 the study under the contract to submit to the
15 Secretary of Defense, the Secretary of the
16 Army, the Secretary of the Air Force, and the
17 Chief of the National Guard Bureau a report
18 on the results of the study.

19 (B) SUBMISSION TO CONGRESS.—Upon re-
20 ceiving the report required under subparagraph
21 (A), the Secretary of Defense shall submit an
22 unedited copy of the report results to the con-
23 gressional defense committees within 30 days of
24 receiving the report from the federally funded
25 research and development corporation.

1 (b) REPORTING REQUIREMENT.—

2 (1) IN GENERAL.—Not later than one year
3 after the date of the enactment of this Act, and an-
4 nually thereafter until the date specified in para-
5 graph (3), the Secretary of Defense, in consultation
6 with the Secretary of the Army and the Secretary of
7 the Air Force as appropriate, shall submit to the
8 Committee on Armed Services of the Senate and the
9 Committee on Armed Services of the House of Rep-
10 resentatives a report detailing the current status of
11 the Federal recognition process for National Guard
12 promotions.

13 (2) ELEMENTS.—The report required under
14 paragraph (1) shall include the following elements:

15 (A) An update on efforts to transition to
16 fully digital processes in accordance with rec-
17 ommendations made pursuant to subsection (a).

18 (B) The average processing time for per-
19 sonnel actions related to Federal recognition of
20 reserve commissioned officer promotions in the
21 Army and Air National Guards, respectively, in-
22 cluding the time in days from the date at which
23 the National Guard Bureau received the pro-
24 motion until the date at which Federal recogni-
25 tion was granted.

1 (C) The average time it took during the
2 previous fiscal year to extend Federal recogni-
3 tion.

4 (D) The number of Army and Air National
5 Guard officers who experienced Federal recogni-
6 tion delays greater than 90 days in the previous
7 fiscal year.

8 (E) A summary of any additional resources
9 or authorities needed to further streamline the
10 Federal recognition processes to reduce average
11 Federal recognition processing time to 90 days
12 or fewer.

13 (F) Any other information that the Secre-
14 taries concerned deem relevant.

15 (3) EXPIRATION OF ANNUAL REPORTING RE-
16 QUIREMENT.—The date referred to in paragraph (1)
17 is such time as the average processing time for per-
18 sonnel actions described under this subsection is re-
19 duced to 90 days or fewer for each of the Army and
20 Air National Guards.

21 **SEC. 515. CONTINUED NATIONAL GUARD SUPPORT FOR**
22 **FIREGUARD PROGRAM.**

23 (a) REQUIRED SUPPORT THROUGH FISCAL YEAR
24 2028.—Until September 30, 2028, the Secretary of De-
25 fense shall continue to support the FireGuard program

1 with National Guard personnel, including personnel from
2 the California National Guard and Colorado National
3 Guard, to aggregate, analyze, and assess multi-source re-
4 mote sensing information for interagency partnerships in
5 the initial detection and monitoring of wildfires across the
6 United States.

7 (b) NOTICE AND WAIT REQUIREMENT AFTER FIS-
8 CAL YEAR 2028.—Beginning on October 1, 2028, the Sec-
9 retary of Defense may not reduce the support described
10 under subsection (a), or transfer responsibility for such
11 support to an interagency partner, until 30 days after the
12 date on which the Secretary submits to the Committee on
13 Armed Services of the Senate and the Committee on
14 Armed Services of the House of Representatives written
15 notice of the proposed change, and reasons for the change.

16 **SEC. 516. INCLUSION OF UNITED STATES NAVAL SEA**
17 **CADET CORPS AMONG YOUTH AND CHARI-**
18 **TABLE ORGANIZATIONS AUTHORIZED TO RE-**
19 **CEIVE ASSISTANCE FROM THE NATIONAL**
20 **GUARD.**

21 Section 508(d) of title 32, United States Code, is
22 amended—

23 (1) by redesignating paragraph (14) as para-
24 graph (15); and

1 (2) by inserting after paragraph (13) the fol-
2 lowing new paragraph:

3 “(14) The United States Naval Sea Cadet
4 Corps.”.

5 **Subtitle C—General Service**
6 **Authorities and Military Records**

7 **SEC. 521. MODERNIZATION OF THE SELECTIVE SERVICE**
8 **SYSTEM.**

9 (a) REFERENCE.—Except as expressly provided oth-
10 erwise, any reference in this section to a section or other
11 provision shall be deemed to be a reference to that section
12 or other provision of the Military Selective Service Act (50
13 U.S.C. 3801 et seq.).

14 (b) PURPOSE OF SELECTIVE SERVICE.—Subsection
15 (b) of section 1 (50 U.S.C. 3801) is amended to read as
16 follows:

17 “(b) The Congress declares that the security of the
18 Nation requires that adequate military strength be
19 achieved and maintained by ensuring a requisite number
20 of personnel with the necessary capabilities to meet the
21 diverse mobilization needs of the Department of Defense
22 during a time of war.”.

23 (c) SOLEMNITY OF MILITARY SERVICE.—Section 3
24 (50 U.S.C. 3802) is amended by adding at the end the
25 following:

1 “(c) Regulations prescribed pursuant to subsection
2 (a) shall include methods to convey to every person re-
3 quired to register the solemn obligation for military service
4 if called into training or service under this Act.”.

5 (d) EXPANDED REGISTRATION TO ALL AMERI-
6 CANS.—

7 (1) Section 3(a) (50 U.S.C. 3802(a)) is amend-
8 ed—

9 (A) by striking “male citizen” and insert-
10 ing “citizen”;

11 (B) by striking “male person” and insert-
12 ing “person”;

13 (C) by striking “present himself” and in-
14 serting “appear”; and

15 (D) by striking “so long as he” and insert-
16 ing “so long as such alien”.

17 (2) Section 4(e) (50 U.S.C. 3803(e)) is amend-
18 ed by striking “enlisted men” and inserting “en-
19 listed persons”.

20 (3) Section 5 (50 U.S.C. 3805) is amended—

21 (A) in subsection (a)(1)—

22 (i) by striking “on account of race or
23 color” and inserting “on any basis set
24 forth in section 703(a) of the Civil Rights
25 Act of 1964 (42 U.S.C. 2002e–2(a))”; and

1 (ii) by striking “call for men” and in-
2 serting “call for persons”; and

3 (B) in subsection (b), by striking “men”
4 each place it appears and inserting “persons”.

5 (4) Section 6 (50 U.S.C. 3806) is amended—

6 (A) in subsection (a)(1)—

7 (i) by striking “enlisted men” and in-
8 serting “enlisted persons”; and

9 (ii) by striking “accrue to him” and
10 inserting “accrue to such alien”; and

11 (B) in subsection (h)—

12 (i) by striking “(other than wives
13 alone, except in cases of extreme hard-
14 ship)”; and

15 (ii) by striking “wives and children”
16 and inserting “spouses and children”.

17 (5) Section 10(b)(3) (50 U.S.C. 3809(b)(3)) is
18 amended by striking “the President is requested”
19 and all that follows through “race or national ori-
20 gin” and inserting “the President is requested to ap-
21 point the membership of each local board so that
22 each board has both male and female members and,
23 to the maximum extent practicable, it is proportion-
24 ately representative of those registrants within its
25 jurisdiction in each applicable basis set forth in sec-

1 tion 703(a) of the Civil Rights Act of 1964 (42
2 U.S.C. 2002e-2(a)), but no action by any board
3 shall be declared invalid on the ground that such
4 board failed to conform to such representation
5 quota”.

6 (6) Section 16(a) (50 U.S.C. 3814(a)) is
7 amended by striking “men” and inserting “persons”.

8 (e) MAINTAINING THE HEALTH OF THE SELECTIVE
9 SERVICE SYSTEM.—Section 10(a) (50 U.S.C. 3809(a)) is
10 amended by adding at the end the following new para-
11 graph:

12 “(5) The Selective Service System shall conduct
13 exercises periodically of all mobilization plans, sys-
14 tems, and processes to evaluate and test the effec-
15 tiveness of such plans, systems, and processes. Once
16 every 4 years, the exercise shall include the full
17 range of internal and interagency procedures to en-
18 sure functionality and interoperability and may take
19 place as part of the Department of Defense mobili-
20 zation exercise under section 10208 of title 10,
21 United States Code. The Selective Service System
22 shall conduct a public awareness campaign in con-
23 junction with each exercise to communicate the pur-
24 pose of the exercise to the public.”.

1 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

2 The Military Selective Service Act is amended—

3 (1) in section 4 (50 U.S.C. 3803)—

4 (A) in subsection (a) in the third undesig-
5 nated paragraph—

6 (i) by striking “his acceptability in all
7 respects, including his” and inserting
8 “such person’s acceptability in all respects,
9 including such person’s”; and

10 (ii) by striking “he may prescribe”
11 and inserting “the President may pre-
12 scribe”;

13 (B) in subsection (c)—

14 (i) in paragraph (2), by striking “any
15 enlisted member” and inserting “any per-
16 son who is an enlisted member”; and

17 (ii) in paragraphs (3), (4), and (5), by
18 striking “in which he resides” and insert-
19 ing “in which such person resides”;

20 (C) in subsection (g), by striking “coordi-
21 nate with him” and inserting “coordinate with
22 the Director”; and

23 (D) in subsection (k)(1), by striking “find-
24 ing by him” and inserting “finding by the
25 President”;

1 (2) in section 5(d) (50 U.S.C. 3805(d)), by
2 striking “he may prescribe” and inserting “the
3 President may prescribe”;

4 (3) in section 6 (50 U.S.C. 3806)—

5 (A) in subsection (c)(2)(D), by striking
6 “he may prescribe” and inserting “the Presi-
7 dent may prescribe”;

8 (B) in subsection (d)(3), by striking “he
9 may deem appropriate” and inserting “the
10 President considers appropriate”; and

11 (C) in subsection (h), by striking “he may
12 prescribe” each place it appears and inserting
13 “the President may prescribe”;

14 (4) in section 10 (50 U.S.C. 3809)—

15 (A) in subsection (b)—

16 (i) in paragraph (3)—

17 (I) by striking “He shall create”
18 and inserting “The President shall
19 create”; and

20 (II) by striking “upon his own
21 motion” and inserting “upon the
22 President’s own motion”;

23 (ii) in paragraph (4), by striking “his
24 status” and inserting “such individual’s
25 status”; and

1 (iii) in paragraphs (4), (6), (8), and
2 (9), by striking “he may deem” each place
3 it appears and inserting “the President
4 considers”; and

5 (B) in subsection (c), by striking “vested
6 in him” and inserting “vested in the Presi-
7 dent”;

8 (5) in section 13(b) (50 U.S.C. 3812(b)), by
9 striking “regulation if he” and inserting “regulation
10 if the President”;

11 (6) in section 15 (50 U.S.C. 3813)—

12 (A) in subsection (b), by striking “his”
13 each place it appears and inserting “the reg-
14 istrant’s”; and

15 (B) in subsection (d), by striking “he may
16 deem” and inserting “the President considers”;

17 (7) in section (16)(g) (50 U.S.C. 3814(g))—

18 (A) in paragraph (1), by striking “who as
19 his regular and customary vocation” and insert-
20 ing “who, as such person’s regular and cus-
21 tomary vocation,”; and

22 (B) in paragraph (2)—

23 (i) by striking “one who as his cus-
24 tomary vocation” and inserting “a person

1 who, as such person’s customary voca-
2 tion,”; and

3 (ii) by striking “he is a member” and
4 inserting “such person is a member”;

5 (8) in section (18)(a) (50 U.S.C. 3816(a)), by
6 striking “he is authorized” and inserting “the Presi-
7 dent is authorized”;

8 (9) in section 21 (50 U.S.C. 3819)—

9 (A) by striking “he is sooner” and insert-
10 ing “sooner”;

11 (B) by striking “he” each subsequent place
12 it appears and inserting “such member”; and

13 (C) by striking “his consent” and inserting
14 “such member’s consent”;

15 (10) in section 22(b) (50 U.S.C. 3820(b)), in
16 paragraphs (1) and (2), by striking “his” each place
17 it appears and inserting “the registrant’s”; and

18 (11) except as otherwise provided in this sec-
19 tion—

20 (A) by striking “he” each place it appears
21 and inserting “such person”;

22 (B) by striking “his” each place it appears
23 and inserting “such person’s”;

24 (C) by striking “him” each place it ap-
25 pears and inserting “such person”; and

1 (D) by striking “present himself” each
2 place it appears in section 12 (50 U.S.C. 3811)
3 and inserting “appear”.

4 (g) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date of the enactment
6 of this Act, except that the amendments made by sub-
7 section (d) shall take effect 1 year after such date of en-
8 actment.

9 **SEC. 522. PROHIBITION ON INDUCTION UNDER THE MILI-**
10 **TARY SELECTIVE SERVICE ACT WITHOUT EX-**
11 **PRESS AUTHORIZATION.**

12 Section 9 of the Military Selective Service Act (50
13 U.S.C. 3809) is amended by adding at the end the fol-
14 lowing new subsection:

15 “(i) No person shall be inducted for training and
16 service in the Armed Forces under this title unless Con-
17 gress first passes and there is enacted a law expressly au-
18 thorizing such induction into service.”.

19 **SEC. 523. EXTENSION OF TEMPORARY AUTHORITY FOR**
20 **TARGETED RECRUITMENT INCENTIVES.**

21 Section 522(h) of the National Defense Authorization
22 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
23 503) is amended—

24 (1) by striking the semicolon and inserting a
25 comma; and

1 (2) by striking “2020” and inserting “2025”.

2 **SEC. 524. HOME LEAVE DEMONSTRATION PROGRAM.**

3 (a) IN GENERAL.—During the period specified in
4 subsection (f), the Secretary of a military department may
5 reimburse an eligible member of the armed forces for the
6 cost of airfare for that member to travel to the home of
7 record of the member.

8 (b) ELIGIBLE MEMBERS.—A member of the armed
9 forces is eligible for a reimbursement under subsection (a)
10 with respect to travel described in that subsection if—

11 (1) the member—

12 (A) is assigned to a duty location in Alas-
13 ka; and

14 (B) as of any date during the period speci-
15 fied in subsection (f), has been assigned to a
16 duty location in Alaska for a period of one year
17 or more;

18 (2) after an evaluation of the member by a
19 mental health provider, that provider recommends,
20 in writing, that the member use leave to which the
21 member is entitled under section 704 of title 10,
22 United States Code, to travel away from Alaska for
23 the health and well-being of the member; and

1 (3) an officer with the grade of O–6 or higher
2 in the chain of command of the member authorizes
3 the travel of the member.

4 (c) TREATMENT OF TIME AS LEAVE.—The time dur-
5 ing which a member who receives a reimbursement under
6 subsection (a) with respect to travel described in that sub-
7 section is absent from duty for such travel shall be treated
8 as leave for purposes of section 704 of title 10, United
9 States Code.

10 (d) AUTHORIZED DESTINATION.—Reimbursement
11 under subsection (a) is authorized only for the cost of air-
12 fare for a member to travel to the home of record of the
13 member. If a member travels to any other location pursu-
14 ant to an authorization under subsection (b), the amount
15 the member is reimbursed under subsection (a) may not
16 exceed the cost the member would have incurred for air-
17 fare if the member had traveled to the home of record
18 of the member.

19 (e) BRIEFING REQUIRED.—Not later than February
20 1, 2024, the Secretary shall provide to the Committees
21 on Armed Services of the Senate and the House of Rep-
22 resentatives a briefing on the use and effectiveness of re-
23 imbursements authorized by subsection (a).

24 (f) PERIOD SPECIFIED.—The period specified in this
25 subsection is the period—

1 (1) beginning on the date of the enactment of
2 this Act; and

3 (2) ending on December 31, 2023.

4 (g) MENTAL HEALTH PROVIDER DEFINED.—In this
5 section, the term “mental health provider” means—

6 (1) a health care provider of the Department of
7 the Defense at a facility of the Department; or

8 (2) a non-Departmental health care provider
9 (as defined in section 717 of the National Defense
10 Authorization Act for Fiscal Year 2016 (Public Law
11 114–92; 129 Stat 868; 10 U.S.C. 1073 note)).

12 **SEC. 525. PROHIBITION ON CONSIDERING STATE LAWS AND**
13 **REGULATIONS WHEN DETERMINING INDIVIDUAL DUTY ASSIGNMENTS.**
14

15 The Secretary of Defense may not use the agreement
16 or disagreement of a member of the Armed Forces with
17 the State laws and regulations applicable to any duty sta-
18 tion when determining the duty assignment of the mem-
19 ber.

20 **SEC. 526. MODIFICATION TO LIMITATIONS ON DISCHARGE**
21 **OR RELEASE FROM ACTIVE DUTY.**

22 Section 1168(a) of title 10, United States Code, is
23 amended by striking “A member of an armed force” and
24 inserting “A member of an active or reserve component
25 of an armed force”.

1 **SEC. 527. SEX-NEUTRAL HIGH FITNESS STANDARDS FOR**
2 **ARMY COMBAT MILITARY OCCUPATIONAL**
3 **SPECIALTIES.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of the Army shall—

6 (1) establish sex-neutral fitness standards for
7 combat Military Occupational Specialties (MOSs)
8 that are higher than those for non-combat MOSs;
9 and

10 (2) provide a briefing to the Committee on
11 Armed Services of the Senate and the Committee on
12 Armed Service of the House of Representatives de-
13 scribing—

14 (A) the list of combat MOSs established
15 for purposes of paragraph (1); and

16 (B) the methodology used to determine
17 whether to include a MOS on such list.

18 **Subtitle D—Military Justice and**
19 **Other Legal Matters**

20 **SEC. 541. BRIEFING AND REPORT ON RESOURCING RE-**
21 **QUIRED FOR IMPLEMENTATION OF MILITARY**
22 **JUSTICE REFORM.**

23 (a) BRIEFING AND REPORT REQUIRED.—

24 (1) BRIEFING.—Not later than March 1, 2023,
25 and no less frequently than once every 180 days
26 thereafter through December 31, 2024, each Sec-

1 retary concerned shall provide to the appropriate
2 congressional committees a briefing that details the
3 resourcing necessary to implement subtitle D of title
4 V of the National Defense Authorization Act for
5 Fiscal Year 2022 (Public Law 117–81) and the
6 amendments made by that subtitle.

7 (2) REPORT.—Not later than one year after the
8 date of the enactment of this Act, each Secretary
9 concerned shall submit to the appropriate congres-
10 sional committees a report that details the
11 resourcing necessary to implement subtitle D of title
12 V of the National Defense Authorization Act for
13 Fiscal Year 2022 (Public Law 117–81) and the
14 amendments made by that subtitle.

15 (3) FORM OF BRIEFING AND REPORT.—The
16 Secretaries concerned may provide the briefings and
17 report required under paragraphs (1) and (2) joint-
18 ly, or separately, as determined appropriate by such
19 Secretaries.

20 (b) ELEMENTS.—The briefing and report required
21 under subsection (a) shall address the following:

22 (1) The number of personnel and personnel au-
23 thorizations (military and civilian) required by the
24 Armed Forces to implement and execute the provi-
25 sions of subtitle D of title V of the National Defense

1 Authorization Act for Fiscal Year 2022 (Public Law
2 117–81) and the amendments made by that subtitle.

3 (2) The basis for the numbers provided pursu-
4 ant to paragraph (1), including the following:

5 (A) A description of the organizational
6 structure in which such personnel or groups of
7 personnel are or will be aligned.

8 (B) The nature of the duties and functions
9 to be performed by any such personnel or
10 groups of personnel across the domains of pol-
11 icy-making, execution, assessment, and over-
12 sight.

13 (C) The optimum caseload goal assigned to
14 the following categories of personnel who are or
15 will participate in the military justice process:
16 criminal investigators of different levels and ex-
17 pertise, laboratory personnel, defense counsel,
18 special trial counsel, military defense counsel,
19 military judges, military magistrates, and para-
20 legals.

21 (D) Any required increase in the number
22 of personnel currently authorized in law to be
23 assigned to the Armed Force concerned.

24 (3) The nature and scope of any contract re-
25 quired by the Armed Force concerned to implement

1 and execute the provisions of subtitle D of title V of
2 the National Defense Authorization Act for Fiscal
3 Year 2022 (Public Law 117–81) and the amend-
4 ments made by that subtitle.

5 (4) The amount and types of additional funding
6 required by the Armed Force concerned to imple-
7 ment the provisions of subtitle D of title V of the
8 National Defense Authorization Act for Fiscal Year
9 2022 (Public Law 117–81) and the amendments
10 made by that subtitle.

11 (5) Any additional authorities required to im-
12 plement the provisions of subtitle D of title V of the
13 National Defense Authorization Act for Fiscal Year
14 2022 (Public Law 117–81) and the amendments
15 made by that subtitle.

16 (6) Any additional information the Secretary
17 concerned determines is necessary to ensure the
18 manning, equipping, and resourcing of the Armed
19 Forces to implement and execute the provisions of
20 subtitle D of title V of the National Defense Author-
21 ization Act for Fiscal Year 2022 (Public Law 117–
22 81) and the amendments made by that subtitle.

23 (c) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services, the
5 Committee on Commerce, Science, and Trans-
6 portation, and the Committee on Appropria-
7 tions of the Senate; and

8 (B) the Committee on Armed Services, the
9 Committee on Transportation and Infrastruc-
10 ture, and the Committee on Appropriations of
11 the House of Representatives.

12 (2) SECRETARY CONCERNED.—The term “Sec-
13 retary concerned” has the meaning given that term
14 in section 101(a) of title 10, United States Code.

15 **SEC. 542. RANDOMIZATION OF COURT-MARTIAL PANELS.**

16 (a) IN GENERAL.—Section 825(e) of title 10, United
17 States Code (article 25(e) of the Uniform Code of Military
18 Justice), is amended by adding at the end the following
19 new paragraph:

20 “(4) When convening a court-martial, the convening
21 authority shall detail as members thereof members of the
22 armed forces under such regulations as the President may
23 prescribe for the randomized selection of qualified per-
24 sonnel, to the maximum extent practicable.”.

1 (b) REGULATIONS.—Not later than 2 years after the
2 date of the enactment of this Act, the President shall pre-
3 scribe regulations implementing the requirement under
4 paragraph (4) of section 825(e) of title 10, United States
5 Code (article 25(e) of the Uniform Code of Military Jus-
6 tice), as added by subsection (a).

7 **SEC. 543. MATTERS IN CONNECTION WITH SPECIAL TRIAL**
8 **COUNSEL.**

9 (a) DEFINITION OF COVERED OFFENSE.—

10 (1) IN GENERAL.—Paragraph (17)(A) of sec-
11 tion 801 of title 10, United States Code (article 1
12 of the Uniform Code of Military Justice), as added
13 by section 533 of the National Defense Authoriza-
14 tion Act for Fiscal Year 2022 (Public Law 117–81;
15 135 Stat. 1695), is amended—

16 (A) by striking “section 920 (article 120)”
17 and inserting “section 919a (article 119a), sec-
18 tion 919b (article 119b), section 920 (article
19 120), section 920a (article 120a)”; and

20 (B) by striking “the standalone offense of
21 child pornography” and inserting “the stand-
22 alone offenses of child pornography, indecent
23 conduct, indecent language to a child under the
24 age of 16, and pandering and prostitution”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall—

3 (A) take effect on the date that is two
4 years after the date of the enactment of the
5 National Defense Authorization Act for Fiscal
6 Year 2022 (Public Law 117–81); and

7 (B) apply with respect to any offenses that
8 occur after that date.

9 (b) RESIDUAL PROSECUTORIAL DUTIES AND OTHER
10 JUDICIAL FUNCTIONS OF CONVENING AUTHORITIES IN
11 COVERED CASES.—The President shall prescribe regula-
12 tions to ensure that residual prosecutorial duties and other
13 judicial functions of convening authorities, including but
14 not limited to granting immunity, ordering depositions,
15 and hiring experts, with respect to charges and specifica-
16 tions over which a special trial counsel exercises authority
17 pursuant to section 824a of title 10, United States Code
18 (article 24a of the Uniform Code of Military Justice), are
19 transferred to the military judge, the special trial counsel,
20 or other authority as appropriate in such cases by no later
21 than the effective date established in section 539C of the
22 National Defense Authorization Act for Fiscal Year 2022
23 (Public Law 117–81; 10 U.S.C. 801 note), in consider-
24 ation of due process for all parties involved in such a case.

1 (c) AMENDMENT TO THE RULES FOR COURTS-MAR-
2 TIAL.—The President shall prescribe in regulation such
3 modifications to Rule 813 of the Rules for Courts-Martial
4 and other Rules as appropriate to ensure that at the be-
5 ginning of each court-martial convened, the presentation
6 of orders does not in open court specify the name, rank,
7 or position of the convening authority convening such
8 court, unless such convening authority is the Secretary
9 concerned, the Secretary of Defense, or the President.

10 (d) BRIEFING REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall brief the Committees on Armed Services
13 of the Senate and the House of Representatives on the
14 progress of the Department of Defense in implementing
15 this section, including an identification of—

16 (1) the duties to be transferred under sub-
17 section (b);

18 (2) the positions to which those duties will be
19 transferred; and

20 (3) any provisions of law or Rules for Courts
21 Martial that must be amended or modified to fully
22 complete the transfer.

23 (e) ADDITIONAL REPORTING RELATIVE TO IMPL-
24 EMENTATION OF SUBTITLE D OF TITLE V OF THE NA-
25 TIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL

1 YEAR 2022.—Not later than February 1, 2025, and annu-
2 ally thereafter for five years, the Secretary of Defense
3 shall submit to the Committees on Armed Services of the
4 Senate and the House of Representatives a report assess-
5 ing the holistic effect of the reforms contained in subtitle
6 D of title V of the National Defense Authorization Act
7 for Fiscal Year 2022 (Public Law 117–81) on the military
8 justice system. The report shall include the following ele-
9 ments:

10 (1) An overall assessment of the effect such re-
11 forms have had on the military justice system and
12 the maintenance of good order and discipline in the
13 ranks.

14 (2) The percentage of caseload and courts-mar-
15 tial assessed as meeting, or having been assessed as
16 potentially meeting, the definition of “covered of-
17 fense”, disaggregated by offense and military service
18 where possible.

19 (3) An assessment of prevalence and data con-
20 cerning disposition of cases by commanders after
21 declination of prosecution by special trial counsel,
22 disaggregated by offense and military service when
23 possible.

24 (4) Assessment of the effect, if any, the reforms
25 contained in such subtitle have had on non-judicial

1 punishment concerning covered and non-covered of-
2 fenses.

3 (5) A description of the resources and personnel
4 required to maintain and execute the reforms made
5 by such subtitle during the reporting period relative
6 to fiscal year 2022.

7 (6) A description of any other factors or mat-
8 ters considered by the Secretary to be important to
9 a holistic assessment of these reforms on the mili-
10 tary justice system.

11 **SEC. 544. JURISDICTION OF COURTS OF CRIMINAL AP-**
12 **PEALS.**

13 (a) JURISDICTION.—Section 866 of title 10, United
14 States Code (article 66 of the Uniform Code of Military
15 Justice), is amended—

16 (1) in subsection (b)(1), by striking “shall have
17 jurisdiction over” and all that follows through the
18 period at the end of subparagraph (D) and inserting
19 the following: “shall have jurisdiction over—

20 “(A) a timely appeal from the judgment of a
21 court-martial, entered into the record under section
22 860c(a) of this title (article 60c(a)), that includes a
23 finding of guilty; and

24 “(B) a summary court-martial case in which
25 the accused filed an application for review with the

1 Court under section 869(d)(1)(B) of this title (arti-
2 cle 69(d)(1)(B)) and for which the application has
3 been granted by the Court.”; and

4 (2) in subsection (c), by striking “is timely if”
5 and all that follows through the period at the end
6 of paragraph (2) and inserting the following: “is
7 timely if—

8 “(1) in the case of an appeal under subpara-
9 graph (A) of such subsection, it is filed before the
10 later of—

11 “(A) the end of the 90-day period begin-
12 ning on the date the accused is provided notice
13 of appellate rights under section 865(c) of this
14 title (article 65(c)); and

15 “(B) the date set by the Court of Criminal
16 Appeals by rule or order; and

17 “(2) in the case of an appeal under subpara-
18 graph (B) of such subsection, an application for re-
19 view with the Court is filed not later than the earlier
20 of the dates established under section 869(d)(2)(B)
21 of this title (article 69(d)(2)(B)).”.

22 (b) REVIEW BY JUDGE ADVOCATE GENERAL.—Sec-
23 tion 869 of title 10, United States Code (article 69 of the
24 Uniform Code of Military Justice) is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) IN GENERAL.—Upon application by the accused
4 or receipt of the record pursuant to section 864(c)(3) of
5 this title (article 64(c)(3)) and subject to subsections (b),
6 (c), and (d), the Judge Advocate General may—

7 “(1) with respect to a summary court-martial,
8 modify or set aside, in whole or in part, the findings
9 and sentence; or

10 “(2) with respect to a general or special court-
11 martial, order such court-martial to be reviewed
12 under section 866 of this title (article 66).”; and

13 (2) in subsection (b)—

14 (A) by inserting “(1)” before “To qualify”;
15 and

16 (B) by striking “not later than one year
17 after” and all that follows through the period at
18 the end and inserting the following: “not later
19 than—

20 “(A) for a summary court-martial, one year
21 after the date of completion of review under section
22 864 of this title (article 64); or

23 “(B) for a general or special court-martial, one
24 year after the end of the 90-day period beginning on
25 the date the accused is provided notice of appellate

1 rights under section 865(c) of this title (article
2 65(c)), unless the accused submitted a waiver or
3 withdrawal of appellate review under section 861 of
4 this title (article 61) before being provided notice of
5 appellate rights, in which case the application must
6 be submitted to the Judge Advocate General not
7 later than one year after the entry of judgment
8 under section 860c of this title (article 60c).

9 “(2) The Judge Advocate General may, for good
10 cause shown, extend the period for submission of an appli-
11 cation, but may not consider an application submitted
12 more than three years after the completion date referred
13 to in paragraph (1)(A).”;

14 (3) in subsection (c)—

15 (A) in paragraph (1)(A), by striking “sec-
16 tion 864 or 865(b) of this title (article 64 or
17 65(b))” and inserting “section 864 of this title
18 (article 64)”; and

19 (B) in paragraph (2), by striking “the
20 Judge Advocate General shall order appropriate
21 corrective action under rules prescribed by the
22 President” and inserting “the Judge Advocate
23 General shall send the case to the Court of
24 Criminal Appeals”; and

1 (4) in subsection (d)(1), by striking “under
2 subsection (c)—” and all that follows through “(B)
3 in a case submitted” and inserting “under sub-
4 section (c)(1) in a case submitted”.

5 (c) **WAIVER OF RIGHT TO APPEAL; WITHDRAWAL OF**
6 **APPEAL.**—Section 861(d) of title 10, United States Code
7 (article 61(d) of the Uniform Code of Military Justice),
8 is amended by striking “A waiver” and inserting “Except
9 as provided by section 869(c)(2) of this title (article
10 69(c)(2)), a waiver”.

11 **SEC. 545. SPECIAL TRIAL COUNSEL.**

12 (a) **TECHNICAL CORRECTIONS.**—Section 824a(c)(3)
13 of title 10, United States Code (article 24A(c)(3) of the
14 Uniform Code of Military Justice), is amended—

15 (1) by striking “Subject to paragraph (4)” and
16 inserting “Subject to paragraph (5)”; and

17 (2) in subparagraph (D), by striking “an or-
18 dered rehearing” and inserting “an authorized re-
19 hearing”.

20 (b) **EFFECTIVE DATE.**—The amendments made by
21 subsection (a) shall take effect immediately after the com-
22 ing into effect of the amendments made by section 531
23 of the National Defense Authorization Act for Fiscal Year
24 2022 (Public Law 117–81) as provided in section 539C
25 of that Act.

1 **SEC. 546. EXCLUSION OF OFFICERS SERVING AS LEAD SPE-**
2 **CIAL TRIAL COUNSEL FROM LIMITATIONS ON**
3 **AUTHORIZED STRENGTHS FOR GENERAL**
4 **AND FLAG OFFICERS.**

5 During the two-year period beginning on the date of
6 the enactment of this Act, the limitations in section
7 526a(a) of title 10, United States Code, shall not apply
8 to a general or flag officer serving in the position of lead
9 special trial counsel pursuant to an appointment under
10 section 1044f(a)(2) of such title.

11 **SEC. 547. SPECIAL TRIAL COUNSEL OF DEPARTMENT OF**
12 **THE AIR FORCE.**

13 (a) IN GENERAL.—Section 1044f of title 10, United
14 States Code, is amended—

15 (1) in subsection (a), in the matter preceding
16 paragraph (1), by striking “The policies shall” and
17 inserting “Subject to subsection (c), the policies
18 shall”;

19 (2) by redesignating subsection (c) as sub-
20 section (d); and

21 (3) by inserting after subsection (b) the fol-
22 lowing new subsection:

23 “(c) SPECIAL TRIAL COUNSEL OF DEPARTMENT OF
24 THE AIR FORCE.—In establishing policies under sub-
25 section (a), the Secretary of Defense shall—

1 “(1) in lieu of providing for separate offices for
2 the Air Force and Space Force under subsection
3 (a)(1), provide for the establishment of a single dedi-
4 cated office from which office the activities of the
5 special trial counsel of the Department of the Air
6 Force shall be supervised and overseen; and

7 “(2) in lieu of providing for separate lead spe-
8 cial trial counsels for the Air Force and Space Force
9 under subsection (a)(2), provide for the appointment
10 of one lead special trial counsel who shall be respon-
11 sible for the overall supervision and oversight of the
12 activities of the special trial counsel of the Depart-
13 ment of the Air Force.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 subsection (a) shall take effect immediately after the com-
16 ing into effect of the amendments made by section 532
17 of the National Defense Authorization Act for Fiscal Year
18 2022 (Public Law 117–81; 135 Stat. 1694) as provided
19 in section 539C of such Act (10 U.S.C. 801 note).

1 **SEC. 548. RESTRICTED REPORTING OPTION FOR DEPART-**
2 **MENT OF DEFENSE CIVILIAN EMPLOYEES**
3 **CHOOSING TO REPORT EXPERIENCING**
4 **ADULT SEXUAL ASSAULT.**

5 (a) IN GENERAL.—Chapter 81 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 1599j. Restricted reports of incidents of adult sex-**
9 **ual assault**

10 “(a) RESTRICTED REPORTS.—The Secretary of De-
11 fense may provide a civilian employee of the Department
12 of Defense an opportunity to submit to an individual de-
13 scribed in subsection (d) a restricted report of an alleged
14 incident of adult sexual assault for the purpose of assist-
15 ing the employee in obtaining information and access to
16 authorized victim support services provided by the Depart-
17 ment.

18 “(b) RESTRICTIONS ON DISCLOSURES AND INITI-
19 ATING INVESTIGATIONS.—Unless the Secretary deter-
20 mines that a disclosure is necessary to prevent or mitigate
21 a serious and imminent safety threat to the employee sub-
22 mitting the report or to another person, a restricted report
23 submitted pursuant to subsection (a) shall not—

24 “(1) be disclosed to the supervisor of the em-
25 ployee or any other management official; or

1 “(2) cause the initiation of a Federal civil or
2 criminal investigation.

3 “(c) DUTIES UNDER OTHER LAWS.—The receipt of
4 a restricted report submitted under subsection (a) shall
5 not be construed as imputing actual or constructive knowl-
6 edge of an alleged incident of sexual assault to the Depart-
7 ment of Defense for any purpose.

8 “(d) INDIVIDUALS AUTHORIZED TO RECEIVE RE-
9 STRICTED REPORTS.—An individual described in this sub-
10 section is an individual who performs victim advocate du-
11 ties under a program for one or more of the following pur-
12 poses (or any other program designated by the Secretary):

13 “(1) Sexual assault prevention and response.

14 “(2) Victim advocacy.

15 “(3) Equal employment opportunity.

16 “(4) Workplace violence prevention and re-
17 sponse.

18 “(5) Employee assistance.

19 “(6) Family advocacy.

20 “(e) DEFINITIONS.—In this section:

21 “(1) CIVILIAN EMPLOYEE.—The term ‘civilian
22 employee’ has the meaning given the term ‘employee’
23 in section 2105 of title 5.

24 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
25 sault’ has the meaning given that term in Article

1 120, Uniform Code of Military Justice (10 U.S.C.
2 920), and includes penetrative offenses and sexual
3 contact offenses.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 at the end the following new item:

 “1599j. Restricted reports of incidents of adult sexual assault.”.

7 **SEC. 549. IMPROVEMENTS TO DEPARTMENT OF DEFENSE**
8 **TRACKING OF AND RESPONSE TO INCIDENTS**
9 **OF CHILD ABUSE, ADULT CRIMES AGAINST**
10 **CHILDREN, AND SERIOUS HARMFUL BEHAV-**
11 **IOR BETWEEN CHILDREN AND YOUTH IN-**
12 **VOLVING MILITARY DEPENDENTS ON MILI-**
13 **TARY INSTALLATIONS.**

14 (a) EXPANSION OF DATABASE.—Section
15 549B(b)(2)(A) of the William M. (Mac) Thornberry Na-
16 tional Defense Authorization Act for Fiscal Year 2021
17 (Public Law 116–283; 10 U.S.C. 1787) is amended—

18 (1) by striking “problematic sexual behavior in
19 children and youth” and inserting “incidents”; and

20 (2) by striking “, regardless of whether the al-
21 leged offender was another child, an adult, or some-
22 one in a noncaregiving role at the time of the inci-
23 dent”.

1 (b) RESPONSE PROCEDURES FOR INCIDENTS OF SE-
2 RIOUS HARM TO CHILDREN.—Subsection (c) of such sec-
3 tion is amended—

4 (1) in the subsection heading, by striking “RE-
5 PORTED TO FAMILY ADVOCACY PROGRAMS”;

6 (2) by redesignating paragraph (1) as subpara-
7 graph (A) and moving such subparagraph, as so re-
8 designated, 2 ems to the right;

9 (3) by inserting before subparagraph (A), as so
10 redesignated, the following:

11 “(1) RESPONSE GROUPS.—”;

12 (4) by inserting after subparagraph (A), as so
13 redesignated, the following new subparagraph:

14 “(B) SERIOUS HARMFUL BEHAVIORS BE-
15 TWEEN CHILDREN AND YOUTH MULTIDISCI-
16 PLINARY TEAM.—The Secretary of Defense
17 shall establish guidance for each Serious Harm-
18 ful Behaviors Between Children and Youth
19 Multidisciplinary Team, as defined in para-
20 graph (8), on a military installation to address
21 reported incidents of serious harmful behaviors
22 between children and youth, as described in
23 subsection (a)(2)(C).”;

24 (5) in paragraph (2)A—

1 (A) by striking “shall develop a standard-
2 ized process by which the Family Advocacy Pro-
3 grams” and inserting the following: “shall de-
4 velop standardized processes by which—

5 “(i) the Family Response Programs”;

6 (B) by inserting “under subsection
7 (a)(2)(A) and (a)(2)(B)” after “reported cov-
8 ered incidents of serious harm to children”; and

9 (C) by striking “Incident Determination
10 Committee.” and inserting the following: “Inci-
11 dent Determination Committee; and

12 “(ii) military departments screen inci-
13 dents of serious harmful behavior between
14 children and youth under subsection
15 (a)(2)(C) to determine whether to convene
16 the Serious Harmful Behavior Between
17 Children and Youth Multidisciplinary
18 Team.”;

19 (6) in paragraph (7), by inserting “, as de-
20 scribed in subsection (a)(2)(A) and (a)(2)(B),” after
21 “reported incidents of child abuse”; and

22 (7) by adding at the end the following new
23 paragraph:

24 “(8) SERIOUS HARMFUL BEHAVIORS BETWEEN
25 CHILDREN AND YOUTH MULTIDISCIPLINARY TEAM

1 DEFINED.—In this subsection, the term ‘Serious
2 Harmful Behaviors Between Children and Youth
3 Multidisciplinary Team’ means a coordinated com-
4 munity response team on a military installation—

5 “(A) composed of designated members
6 with the requisite experience, qualifications, and
7 skills to address serious harmful behaviors be-
8 tween children and youth from a develop-
9 mentally appropriate and trauma-informed per-
10 spective; and

11 “(B) with objectives that include develop-
12 ment of procedures for information sharing, col-
13 laborative and coordinated response, restorative
14 resolution, effective investigations and assess-
15 ments, evidence-based clinical interventions and
16 rehabilitation, and prevention of serious harm-
17 ful behavior between children and youth.”.

18 **SEC. 550. PRIMARY PREVENTION.**

19 (a) ANNUAL PRIMARY PREVENTION RESEARCH
20 AGENDA.—Section 549A(c) of the National Defense Au-
21 thorization Act for Fiscal Year 2022 (Public Law 117–
22 81) is amended—

23 (1) by redesignating paragraphs (2), (3), and
24 (4) as paragraphs (5), (6), and (7), respectively;

1 (2) by inserting after paragraph (1) the fol-
2 lowing new paragraphs:

3 “(2) include a focus on whether and to what ex-
4 tent sub-populations of the military community may
5 be targeted for interpersonal violence more than oth-
6 ers;

7 “(3) seek to identify factors that influence the
8 prevention, perpetration, and victimization of inter-
9 personal and self-directed violence;

10 “(4) seek to improve the collection and dissemi-
11 nation of data on hazing and bullying related to
12 interpersonal and self-directed violence;”;

13 (3) in paragraph (6), as redesignated by para-
14 graph (1) of this section, by amending the text to
15 read as follows:

16 “(6) incorporate collaboration with other Fed-
17 eral departments and agencies, including the De-
18 partment of Health and Human Services and the
19 Centers for Disease Control and Prevention, State
20 governments, academia, industry, Federally funded
21 research and development centers, nonprofit organi-
22 zations, and other organizations outside of the De-
23 partment of Defense, including civilian institutions
24 that conduct similar data-driven studies, collection,
25 and analysis; and”.

1 (b) PRIMARY PREVENTION WORKFORCE.—Section
2 549B of the National Defense Authorization Act for Fis-
3 cal Year 2022 (Public Law 117–81) is amended—

4 (1) in subsection (c), by adding at the end the
5 following new paragraph:

6 “(3) COMPTROLLER GENERAL REPORT.—Not
7 later than one year after the date of the enactment
8 of this paragraph, the Comptroller General of the
9 United States shall submit to the congressional de-
10 fense committees a report comparing the sexual har-
11 assment and prevention training of the Department
12 of Defense with similar programs at other Federal
13 departments and agencies and including data col-
14 lected by colleges and universities and other relevant
15 outside entities.”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(e) INCORPORATION OF RESEARCH AND FIND-
19 INGS.—The Primary Prevention Workforce established
20 under subsection (a) shall, on a regular basis, incorporate
21 findings and conclusions from the primary prevention re-
22 search agenda established under section 549A, as appro-
23 priate, into the work of the workforce.”.

1 **SEC. 551. DISSEMINATION OF CIVILIAN LEGAL SERVICES**
2 **INFORMATION.**

3 Not later than one year after the date of the enact-
4 ment of this Act, the Secretary of Defense shall ensure,
5 through the Sexual Assault Prevention and Response Of-
6 fice, the coordinated distribution and referral of informa-
7 tion on the availability of resources provided by civilian
8 legal service organizations to military-connected sexual as-
9 sault victims.

10 **Subtitle E—Member Education,**
11 **Training, and Transition**

12 **SEC. 561. REVIEW OF CERTAIN SPECIAL OPERATIONS PER-**
13 **SONNEL POLICIES.**

14 (a) REVIEW REQUIRED.—Not later than 180 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall require the military departments and the
17 United States Special Operations Command to complete
18 a review and appropriately update departmental guidance
19 and processes consistent with section 167(e)(2)(J) of title
20 10 , United States Code, with respect to the authority of
21 the Commander of the United States Special Operations
22 Command to monitor the promotions of special operations
23 forces and coordinate with the military departments re-
24 garding the assignment, retention, training, professional
25 military education, and special and incentive pays of spe-
26 cial operations forces.

1 (b) ELEMENTS OF REVIEW.—The review and updates
2 to departmental guidance and processes required under
3 subsection (a) shall address the respective roles of the
4 military departments and the United States Special Oper-
5 ations Command with respect to—

6 (1) the recruiting, retention, professional mili-
7 tary education, and promotion of special operations
8 personnel;

9 (2) the sharing of personnel data between the
10 military departments and the United States Special
11 Operations Command; and

12 (3) any other matters the Secretary of Defense
13 determines necessary.

14 (c) REPORT REQUIRED.—Not later than 90 days
15 after the completion of the review and updates to depart-
16 mental guidance and processes required under subsection
17 (a), the Secretary of Defense shall submit to the congres-
18 sional defense committees a report on the review and any
19 resulting updates to departmental guidance and processes.
20 The report shall also include any recommended changes
21 to law or resources deemed appropriate by the Secretary.

1 **SEC. 562. EXPANDED ELIGIBILITY TO PROVIDE JUNIOR RE-**
2 **SERVE OFFICERS' TRAINING CORPS (JROTC)**
3 **INSTRUCTION.**

4 Section 2031 of title 10, United States Code, is
5 amended—

6 (1) by redesignating subsections (f) and (g) as
7 subsections (g) and (h), respectively; and

8 (2) by inserting after subsection (e) the fol-
9 lowing new subsection:

10 “(f)(1) Instead of, or in addition to, detailing officers
11 and noncommissioned officers on active duty under sub-
12 section (e)(1) and authorizing the employment of retired
13 officers and noncommissioned officers who are in receipt
14 of retired pay and members of the Fleet Reserve and Fleet
15 Marine Corps Reserve under subsections (d) and (e), the
16 Secretary of the military department concerned may au-
17 thorize qualified institutions to employ as administrators
18 and instructors in the program certain officers and non-
19 commissioned officers who—

20 “(A)(i) are separated under honorable condi-
21 tions within the past 5 years with at least 8 years
22 of service, or

23 “(ii) are active participating members of the se-
24 lected reserve at the time of application, for pur-
25 poses of section 101(d) of this title, and have not yet
26 reached retirement eligibility; and

1 “(B) are approved by the Secretary and the in-
2 stitution concerned and who request such employ-
3 ment.

4 “(2) Employment under this subsection shall be sub-
5 ject to the following conditions:

6 “(A) The Secretary concerned shall pay to the
7 institution an amount equal to one-half of the De-
8 partment’s prescribed JROTC Instructor Pay Scale
9 amount paid to the member by the institution for
10 any period.

11 “(B) The Secretary concerned may pay to the
12 institution more than one-half of the amount paid to
13 the member by the institution if (as determined by
14 the Secretary)—

15 “(i) the institution is in an educationally
16 and economically deprived area; and

17 “(ii) the Secretary determines that such
18 action is in the national interest.

19 “(C) Payments by the Secretary concerned
20 under this subsection shall be made from funds ap-
21 propriated for that purpose.

22 “(D) The Secretary concerned may require suc-
23 cessful applicants to transfer to the Individual
24 Ready Reserve (IRR).”.

1 **SEC. 563. PRE-SERVICE EDUCATION DEMONSTRATION PRO-**
2 **GRAM.**

3 (a) PRE-SERVICE EDUCATION DEMONSTRATION PRO-
4 GRAM AUTHORIZED.—The Secretary of each military de-
5 partment may establish and carry out a demonstration
6 program to determine the advisability and feasibility of
7 paying all or a portion of the charges of an education insti-
8 tution for the tuition of an individual who is enrolled in
9 such educational institution for a technical or vocational
10 degree, certificate, or certification program to meet a crit-
11 ical need in that military department.

12 (b) ELIGIBILITY.—The Secretary shall limit eligi-
13 bility under the program to individuals who meet the fol-
14 lowing criteria:

15 (1) Must be between the age of 17 and 25.

16 (2) Must be a category I recruit.

17 (3) Must sign a written agreement consenting
18 to the requirements under subsection (c).

19 (c) DEMONSTRATION PROGRAM REQUIREMENTS.—
20 Under regulations prescribed by the Secretary concerned,
21 each demonstration program created under this section
22 shall adhere to the following requirements:

23 (1) The educational program authorized under
24 subsection (a) may not exceed a period of 3 years.

25 (2) Funds may not be provided under the pro-
26 gram to an eligible individual unless the individual

1 signs an enlistment contract for active duty military
2 service upon the completion of the educational pro-
3 gram for which the funds were provided.

4 (3) Individuals participating in the demonstra-
5 tion program shall be evaluated annually to ensure
6 continued eligibility for military service.

7 (4) Individuals participating in the program
8 shall be required to enroll in an ongoing, pre-service
9 course of instruction in order to prepare such indi-
10 viduals for military service and ensure their contin-
11 ued fitness and eligibility for service. The course of
12 instruction may be administered either remotely or
13 in-person, as the Secretary shall direct. The pre-
14 service instruction shall be concurrent with the de-
15 gree program authorized pursuant to subsection (a).

16 (5) Individuals who do not maintain eligibility
17 for military service may be required to repay any
18 funds provided by the Secretary concerned under
19 this program, as the Secretary shall direct.

20 (d) REPORT.—For any demonstration programs initi-
21 ated under this section, the Secretary concerned shall sub-
22 mit an annual report to the Committees on Armed Serv-
23 ices of the Senate and the House of Representatives that
24 includes—

25 (1) a description of the demonstration program;

1 (2) a statement of the goals or anticipated out-
2 comes of the demonstration program;

3 (3) a description of the method and metrics
4 used to evaluate the effectiveness of this demonstra-
5 tion program; and

6 (4) any other matters the Secretary concerned
7 determines relevant.

8 (e) SUNSET.—The authority under this section ex-
9 pires on October 1, 2028.

10 **Subtitle F—Military Family Readi-**
11 **ness and Dependents’ Education**

12 **SEC. 571. 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 2023 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 2023 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 2023 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, \$10,000,000
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, 2023,
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. 572. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**

15 **THAT BENEFIT DEPENDENTS OF MEMBERS**
16 **OF THE ARMED FORCES WITH ENROLLMENT**
17 **CHANGES DUE TO BASE CLOSURES, FORCE**
18 **STRUCTURE CHANGES, OR FORCE RELOCA-**
19 **TIONS.**

20 (a) ASSISTANCE AUTHORIZED.—To assist commu-
21 nities in making adjustments resulting from changes in
22 the size or location of the Armed Forces, the Secretary
23 of Defense shall provide financial assistance to an eligible
24 local educational agency described in subsection (b) if,
25 during the period between the end of the school year pre-

1 ceding the fiscal year for which the assistance is author-
2 ized and the beginning of the school year immediately pre-
3 ceding that school year, the local educational agency—

4 (1) had (as determined by the Secretary of De-
5 fense in consultation with the Secretary of Edu-
6 cation) an overall increase or reduction of—

7 (A) not less than five percent in the aver-
8 age daily attendance of military dependent stu-
9 dents in the schools of the local educational
10 agency; or

11 (B) not less than 500 military dependent
12 students in average daily attendance in the
13 schools of the local educational agency; or

14 (2) is projected to have an overall increase, be-
15 tween fiscal years 2023 and 2028, of not less than
16 500 military dependent students in average daily at-
17 tendance in the schools of the local educational
18 agency as the result of a signed record of decision.

19 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A
20 local educational agency is eligible for assistance under
21 subsection (a) for a fiscal year if—

22 (1) 20 percent or more of students enrolled in
23 schools of the local educational agency are military
24 dependent students; and

1 (2) in the case of assistance described in sub-
2 section (a)(1), the overall increase or reduction in
3 military dependent students in schools of the local
4 educational agency is the result of one or more of
5 the following:

6 (A) The global rebasing plan of the De-
7 partment of Defense.

8 (B) The official creation or activation of
9 one or more new military units.

10 (C) The realignment of forces as a result
11 of the base closure process.

12 (D) A change in the number of housing
13 units on a military installation.

14 (E) A signed record of decision.

15 (c) CALCULATION OF AMOUNT OF ASSISTANCE.—

16 (1) PRO RATA DISTRIBUTION.—The amount of
17 the assistance provided under subsection (a) to a
18 local educational agency that is eligible for such as-
19 sistance for a fiscal year shall be equal to the prod-
20 uct obtained by multiplying—

21 (A) the per-student rate determined under
22 paragraph (2) for that fiscal year; by

23 (B) the net of the overall increases and re-
24 ductions in the number of military dependent

1 students in schools of the local educational
2 agency, as determined under subsection (a).

3 (2) PER-STUDENT RATE.—For purposes of
4 paragraph (1)(A), the per-student rate for a fiscal
5 year shall be equal to the dollar amount obtained by
6 dividing—

7 (A) the total amount of funds made avail-
8 able for that fiscal year to provide assistance
9 under subsection (a); by

10 (B) the sum of the overall increases and
11 reductions in the number of military dependent
12 students in schools of all eligible local edu-
13 cational agencies for that fiscal year under that
14 subsection.

15 (3) MAXIMUM AMOUNT OF ASSISTANCE.—A
16 local educational agency may not receive more than
17 \$15,000,000 in assistance under subsection (a) for
18 any fiscal year.

19 (d) DURATION.—Assistance may not be provided
20 under subsection (a) after September 30, 2028.

21 (e) NOTIFICATION.—Not later than June 30, 2023,
22 and June 30 of each fiscal year thereafter for which funds
23 are made available to carry out this section, the Secretary
24 of Defense shall notify each local educational agency that

1 is eligible for assistance under subsection (a) for that fis-
2 cal year of—

3 (1) the eligibility of the local educational agency
4 for the assistance; and

5 (2) the amount of the assistance for which the
6 local educational agency is eligible.

7 (f) DISBURSEMENT OF FUNDS.—The Secretary of
8 Defense shall disburse assistance made available under
9 subsection (a) for a fiscal year not later than 30 days after
10 the date on which notification to the eligible local edu-
11 cational agencies is provided pursuant to subsection (e)
12 for that fiscal year.

13 (g) BRIEFING REQUIRED.—Not later than March 1,
14 2023, the Secretary of Defense shall brief the Committees
15 on Armed Services of the Senate and the House of Rep-
16 resentatives on the estimated cost of providing assistance
17 to local educational agencies under subsection (a) through
18 September 30, 2028.

19 (h) FUNDING FOR FISCAL YEAR 2023.—Of the
20 amount authorized to be appropriated by this Act for oper-
21 ation and maintenance for Defense-wide activities
22 \$15,000,000 shall be available only for the purpose of pro-
23 viding assistance to local educational agencies under sub-
24 section (a).

1 (i) ELIGIBLE USES.—Amounts disbursed to a local
2 education agency under subsection (f) may be used by
3 such local educational agency for—

4 (1) general fund purposes;

5 (2) special education;

6 (3) school maintenance and operation;

7 (4) school expansion; or

8 (5) new school construction.

9 (j) DEFINITIONS.—In this section:

10 (1) BASE CLOSURE PROCESS.—The term “base
11 closure process” means any base closure and realign-
12 ment process conducted after the date of the enact-
13 ment of this Act under section 2687 of title 10,
14 United States Code, or any other similar law en-
15 acted after that date.

16 (2) LOCAL EDUCATIONAL AGENCY.—The term
17 “local educational agency” has the meaning given
18 that term in section 7013(9) of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C.
20 7713(9)).

21 (3) MILITARY DEPENDENT STUDENTS.—The
22 term “military dependent students” means—

23 (A) elementary and secondary school stu-
24 dents who are dependents of members of the
25 Armed Forces; and

1 (B) elementary and secondary school stu-
2 dents who are dependents of civilian employees
3 of the Department of Defense.

4 (4) STATE.—The term “State” means each of
5 the 50 States and the District of Columbia.

6 **SEC. 573. PILOT PROGRAM ON HIRING OF SPECIAL EDU-**
7 **CATION INCLUSION COORDINATORS FOR DE-**
8 **PARTMENT OF DEFENSE CHILD DEVELOP-**
9 **MENT CENTERS.**

10 (a) IN GENERAL.—The Secretary of Defense, in co-
11 ordination with the Secretaries of the military depart-
12 ments, shall carry out a pilot program to hire special edu-
13 cation inclusion coordinators at child development centers
14 selected by the Secretary under subsection (b).

15 (b) SELECTION OF CENTERS.—The Secretary of De-
16 fense shall select the child development centers at which
17 the pilot program required by subsection (a) will be car-
18 ried out based on—

19 (1) the number of dependent children enrolled
20 in the Exceptional Family Member Program at the
21 military installation on which the center is located;

22 (2) the number of children with special needs
23 enrolled in the center; and

1 (3) such other considerations as the Secretary,
2 in consultation with the Secretaries of the military
3 departments, considers appropriate.

4 (c) FUNCTIONS.—Each special education inclusion
5 coordinator assigned to a child development center under
6 the pilot program required by subsection (a) shall—

7 (1) coordinate intervention and inclusion serv-
8 ices at the center;

9 (2) provide direct classroom support; and

10 (3) provide guidance and assistance relating to
11 the increased complexity of working with the behav-
12 iors of children with special needs.

13 (d) BRIEFINGS REQUIRED.—

14 (1) BRIEFING ON ANTICIPATED COSTS.—Not
15 later than March 1, 2023, the Secretary of Defense
16 shall provide to the Committees on Armed Services
17 of the Senate and the House of Representatives a
18 briefing on the anticipated costs for the pilot pro-
19 gram required by subsection (a).

20 (2) BRIEFING ON EFFECTIVENESS OF PRO-
21 GRAM.—Not later than September 30, 2025, the
22 Secretary of Defense shall submit provide to the
23 Committees on Armed Services of the Senate and
24 the House of Representatives a briefing on the pilot
25 program required by subsection (a) that includes—

1 (A) the number of special education inclu-
2 sion coordinators hired under the pilot program;

3 (B) a description of any issues relating to
4 the retention of those coordinators;

5 (C) a recommendation with respect to
6 whether the pilot program should be made per-
7 manent or expanded to other military installa-
8 tions; and

9 (D) an assessment of the amount of fund-
10 ing required to make the pilot program perma-
11 nent or expand the pilot program to other mili-
12 tary installations, as the Secretary recommends
13 under subparagraph (C).

14 (e) DURATION OF PILOT PROGRAM.—The pilot pro-
15 gram required by subsection (a) shall—

16 (1) commence not later than January 1, 2024;
17 and

18 (2) terminate on December 31, 2026.

19 (f) CHILD DEVELOPMENT CENTER DEFINED.—In
20 this section, the term “child development center” has the
21 meaning given that term in section 2871(2) of title 10,
22 United States Code, and includes a facility identified as
23 a child care center or day care center.

1 **SEC. 574. EXTENSION OF AND REPORT ON PILOT PROGRAM**
2 **TO EXPAND ELIGIBILITY FOR ENROLLMENT**
3 **AT DOMESTIC DEPENDENT ELEMENTARY**
4 **AND SECONDARY SCHOOLS.**

5 (a) IN GENERAL.—Section 589C(e) of the William
6 M. (Mac) Thornberry National Defense Authorization Act
7 for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
8 2164 note) is amended by striking “four years after the
9 date of the enactment of this Act” and inserting “on July
10 1, 2029”.

11 (b) REPORT REQUIRED.—

12 (1) IN GENERAL.—Not later than December 31,
13 2028, the Secretary of Defense shall submit to the
14 Committees on Armed Services of the Senate and
15 the House of Representatives a report on the con-
16 duct of the pilot program under section 589C(e) of
17 the William M. (Mac) Thornberry National Defense
18 Authorization Act for Fiscal Year 2021 (Public Law
19 116–283; 10 U.S.C. 2164 note).

20 (2) ELEMENTS.—The report required by para-
21 graph (1) shall include a description of—

22 (A) the locations at which the pilot pro-
23 gram described in paragraph (1) is carried out;

24 (B) the number of students participating
25 in the program for each academic year by loca-
26 tion; and

1 (C) the outcome measures used to gauge
2 the value of the program to the Department of
3 Defense.

4 **Subtitle G—Decorations and**
5 **Awards, Miscellaneous Reports,**
6 **and Other Matters**

7 **SEC. 581. TEMPORARY EXEMPTION FROM END STRENGTH**
8 **GRADE RESTRICTIONS FOR THE SPACE**
9 **FORCE.**

10 Sections 517 and 523 of title 10, United States Code,
11 shall not apply to the Space Force until January 1, 2024.

12 **SEC. 582. REPORT ON OFFICER PERSONNEL MANAGEMENT**
13 **AND THE DEVELOPMENT OF THE PROFES-**
14 **SIONAL MILITARY ETHIC IN THE SPACE**
15 **FORCE.**

16 (a) REPORT REQUIRED.—Not later than June 1,
17 2023, the Secretary of the Air Force shall submit to the
18 Committee on Armed Services of the Senate and the Com-
19 mittee on Armed Services of the House of Representatives
20 a report on officer personnel management and the develop-
21 ment of the professional military ethic in the Space Force.

22 (b) ELEMENTS.—The report required under sub-
23 section (a) shall include the following elements:

24 (1) A description of issues related to officer de-
25 velopment in the Space Force, including—

1 (A) the professional military education
2 (PME) model for professional education and
3 continual learning of officers in the Space
4 Force;

5 (B) the career development model for offi-
6 cers in the Space Force, including key knowl-
7 edge, skills, and attributes expected of Space
8 Force officers at each of the company grade,
9 field grade, and general officer levels;

10 (C) desired career trajectories for Space
11 Force officers, including key assignments
12 throughout identified Space Force career tracks
13 and how the flexibilities in the Space Force
14 Component proposal will be used to achieve
15 these desired career paths;

16 (D) how proposed constructive credit for
17 civilian education and non-military experience
18 in related space industry or government sectors
19 will fit in with the proposed PME and career
20 development models; and

21 (E) how the Space Force Component pro-
22 posal will enable officers to achieve joint quali-
23 fications required for promotion to general offi-
24 cer.

1 (2) A description of issues related to officer ac-
2 cessions in the Space Force, including—

3 (A) the expected sources of commissioning
4 for officers in the Space Force, including the
5 desired proportions of officer assessments from
6 the Reserve Officer Training Corps (ROTC),
7 Service Academies, Officer Training School
8 (OTS), and direct commissionees at each grade
9 above second lieutenant;

10 (B) the role of proposed constructive credit
11 for civilian education and non-military experi-
12 ence in accessing officers at each grade higher
13 than second lieutenant and the extent to which
14 the Space Force plans to grant constructive
15 credit in determining an officer's entry grade at
16 each grade above second lieutenant; and

17 (C) the role of targeted recruiting as de-
18 scribed in the Guardian Ideal in officer acces-
19 sions, including how it will work, how frequently
20 it will be used, for what positions, and how it
21 will fit into overall officer accessions.

22 (3) A description of issues related to the profes-
23 sional military ethic in the Space Force, including—

24 (A) how the proposed talent management
25 system, career development model, PME model,

1 and proposed Space Force Component structure
2 will affect the development of a uniquely mili-
3 tary culture in the Space Force as a military
4 service with Space as a warfighting domain;

5 (B) the role of the professional military
6 ethic in the Space Force, including expectations
7 of commissioned officers as public servants and
8 military leaders;

9 (C) the expected role of Space Force civil-
10 ians in the development and stewardship of the
11 Space Force as a professional military service
12 and how those are distinct from military mem-
13 bers in the Space Force;

14 (D) the ethical implications of creating a
15 force that is designed to “partner effectively
16 with other space interested entities,” as de-
17 scribed in the Guardian Ideal, and how the
18 Space Force intends to address any ethical con-
19 flicts arising from its desired close partnership
20 with non-military and non-government entities
21 in private industry; and

22 (E) the specific barriers between officers,
23 enlisted, and civilian guardians that are de-
24 scribed as “unnecessary” in the Guardian Ideal,
25 how and why such barriers are unnecessary for

1 the Space Force, and any statutory or policy
2 changes the Space Force proposes to remove
3 such barriers, including any proposed changes
4 to the Uniform Code of Military Justice.

5 (4) Any other issues related to personnel man-
6 agement and professional development of officers in
7 the Space Force that the Secretary concerned deter-
8 mines relevant.

9 **SEC. 583. REPORT ON INCIDENCE OF SUICIDE BY MILITARY**
10 **JOB CODE IN THE DEPARTMENT OF DE-**
11 **FENSE.**

12 (a) REPORT.—Not later than December 31, 2023,
13 the Secretary of Defense shall conduct a review and sub-
14 mit to the Committee on Armed Services of the Senate
15 and the Committee on Armed Services of the House of
16 Representatives a report on the rates of suicides in the
17 Armed Forces, beginning after September 11, 2001,
18 disaggregated by year, military job code (Air Force Spe-
19 cialty Code (AFSC), Army Military Occupational Spe-
20 cialty (MOS), Navy Enlisted Classification (NEC)/Billet,
21 and Coast Guard Ratings), and status as active duty,
22 guard, and reserve (as applicable per service).

23 (b) ELEMENTS.—The report required under sub-
24 section (a) shall include the following elements:

1 (1) A compilation of suicide data by military
2 job code to determine which military career fields
3 have a higher per capita suicide rate compared to—

4 (A) other military career fields for the
5 same period;

6 (B) the overall suicide rate for each service
7 for the same period;

8 (C) the overall suicide rate for the Depart-
9 ment of Defense for the same period; and

10 (D) the national suicide rate for the same
11 period.

12 (2) A disaggregation of suicide data by age cat-
13 egories consistent with the Department of Defense
14 Annual Suicide Report age categories.

15 (c) INTERIM BRIEFING.—Not later than June 1,
16 2023, the Secretary of Defense shall provide to the Com-
17 mittee on Armed Services of the Senate and the Com-
18 mittee on Armed Services of the House of Representatives
19 a briefing on the preliminary findings of the review con-
20 ducted under this section.

21 **SEC. 584. WAIVER OF TIME LIMITATIONS FOR ACT OF**
22 **VALOR DURING WORLD WAR II.**

23 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
24 standing the time limitations specified in section 7274 of
25 title 10, United States Code, or any other time limitation

1 with respect to the awarding of certain medals to persons
2 who served in the Armed Forces, the President may award
3 the Medal of Honor under section 7271 of such title to
4 Master Sergeant Roderick W. Edmonds for the acts of
5 valor described in subsection (b).

6 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
7 referred to in subsection (a) are the actions of Master Ser-
8 geant Roderick W. Edmonds on January 27, 1945, as a
9 prisoner of war and member of the Army serving in Ger-
10 many in support of the Battle of the Bulge, for which he
11 has never been recognized by the United States Army.

12 **SEC. 585. AUTHORIZATION TO AWARD MEDAL OF HONOR**
13 **TO SERGEANT MAJOR DAVID R. HALBRUNER**
14 **FOR ACTS OF VALOR IN SUPPORT OF AN**
15 **UNNAMED OPERATION IN 2012.**

16 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
17 standing the time limitations specified in section 7274 of
18 title 10, United States Code, or any other time limitation
19 with respect to the awarding of certain medals to persons
20 who served in the Armed Forces, the President may award
21 the Medal of Honor under section 7271 of such title to
22 Sergeant Major David R. Halbruner for the acts of valor
23 described in subsection (b).

24 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
25 referred to in subsection (a) are the actions of then-Master

1 Sergeant Halbruner for his valorous actions on September
2 11–12, 2012, in support of an unnamed operation.

3 **SEC. 586. RECOGNITION OF SERVICE OF LIEUTENANT GEN-**
4 **ERAL FRANK MAXWELL ANDREWS.**

5 (a) FINDINGS.—The Senate makes the following
6 findings:

7 (1) Lieutenant General Frank Maxwell An-
8 drews was born in Nashville, Tennessee, in 1884,
9 and graduated from the United States Military
10 Academy, West Point, in 1906, where he received a
11 commission in the cavalry.

12 (2) In 1917, Lieutenant General Andrews was
13 transferred to the aviation section of the Army Sig-
14 nal Corps, where he commanded various airfields
15 around the United States, serving in a number of
16 leadership positions, including—

17 (A) Commander of the Advanced Flying
18 School at Kelly Field in Texas;

19 (B) Commander of the 1st Pursuit Group
20 at Selfridge Field in Michigan; and

21 (C) Chief of the Army Air Corps' Training
22 and Operations Division.

23 (3) Following World War I, Lieutenant General
24 Andrews served as the Air Officer for the Army of
25 Occupation in Germany.

1 (4) In 1935, Lieutenant General Andrews was
2 selected to command the new General Headquarters
3 Aviation, where he had oversight of all Air Corps
4 units and led the development of the Army Air
5 Force.

6 (5) In 1939, Lieutenant General Andrews was
7 chosen as Army G3, the Assistant Chief of Staff for
8 Operations and Training, making him responsible
9 for preparing operational plans for the entire Army
10 for the impending war.

11 (6) During World War II, Lieutenant General
12 Andrews led a number of global critical commands,
13 the only general to command 3 theaters of oper-
14 ations during the war, serving as commander of—

15 (A) the Caribbean Defense Command,
16 which held responsibility for defending the
17 United States' southern borders;

18 (B) all United States forces in the Middle
19 East, where he helped to defeat Rommel's
20 Afrika Corps; and

21 (C) all United States troops in the Euro-
22 pean Theater of Operation, where he succeeded
23 General Dwight D. Eisenhower and oversaw
24 plans for the future invasion of Western Eu-
25 rope.

1 (7) Lieutenant General Andrews was killed in
2 an B-24 bomber crash during an inspection tour of
3 Iceland.

4 (8) A number of Lieutenant General Andrews’
5 colleagues and subordinates have been posthumously
6 promoted to the rank of four-star general for their
7 contributions during World War II.

8 (9) Lieutenant General Andrews was considered
9 one of General Douglas MacArthur’s “great cap-
10 tains” due to his strong leadership capabilities,
11 which empowered future leaders to lead United
12 States ground and air forces to victory during World
13 War II.

14 (10) Joint Base Andrews, a United States mili-
15 tary base previously known as Andrews Air Force
16 Base, was named for Lieutenant General Andrews
17 on February 7, 1945, for his leadership as com-
18 mander of the Air Force General Headquarters and
19 Commanding General of the United States forces in
20 the European Theater of Operations.

21 (11) In addition to Joint Base Andrews, addi-
22 tional military facilities and installations were named
23 after Lieutenant General Andrews for his contribu-
24 tion to the United States forces, including—

1 (A) Royal Air Force (RAF) Andrews Field,
2 a former RAF station, in England;

3 (B) Andrews Avenue, a major road leading
4 to the Philippines' International Airport in
5 Metro Manila, Philippines; and

6 (C) Andrews Theater, a theater previously
7 serving the Naval Air Station Keflavik in Ice-
8 land.

9 (12) Lieutenant General Andrews is considered
10 one of the founders of the United States Army Air
11 Forces, known today as the United States Air Force,
12 due to his efforts to pursue and empower a separate
13 and independent Air Force.

14 (13) Lieutenant General Andrews served honor-
15 ably in the United States military for over 37 years.

16 (14) Lieutenant General Andrews is considered
17 one of the United States' key military commanders
18 of World War II.

19 (b) RECOGNITION OF SERVICE.—The Senate honors
20 and recognizes Lieutenant General Frank Maxwell An-
21 drews for—

22 (1) his 37 years of loyal service to the United
23 States Army and Army Air Corps;

24 (2) his heroic leadership during World War I
25 and World War II; and

1 (3) his lasting legacy and selfless sacrifice on
2 behalf of the United States.

3 **SEC. 587. POSTHUMOUS APPOINTMENT OF ULYSSES S.**
4 **GRANT TO GRADE OF GENERAL OF THE AR-**
5 **MIES OF THE UNITED STATES.**

6 The President is authorized to appoint Ulysses S.
7 Grant posthumously to the grade of General of the Armies
8 of the United States equivalent to the rank and precedence
9 held by General John J. Pershing pursuant to the Act en-
10 titled “An Act Relating to the creation of the office of
11 General of the Armies of the United States”, approved
12 September 3, 1919 (41 Stat. 283, chapter 56).

13 **SEC. 588. MODIFICATION TO NOTIFICATION ON MANNING**
14 **OF AFLOAT NAVAL FORCES.**

15 (a) CREWING REQUIREMENT.—Subsection (e) of sec-
16 tion 597 of the National Defense Authorization Act for
17 Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 8013
18 note) is amended to read as follows:

19 “(e) SURFACE COMBATANT CREWING REQUIRE-
20 MENT.—Beginning October 1, 2025, the Secretary of the
21 Navy may not assign more than one crew to a covered
22 surface combatant vessel if any surface combatant vessel
23 is included on a report required under subsection (a) in
24 the most recent 12 months.”.

1 (b) SURFACE COMBATANT VESSEL DEFINITION.—
2 Subsection (d) of such section is amended by adding at
3 the end the following new paragraph:

4 “(4) SURFACE COMBATANT VESSEL.—The term
5 ‘surface combatant vessel’ means any littoral combat
6 ship (including the LCS–1 and LCS–2 classes), frig-
7 ate (including the FFG–62 class), destroyer (includ-
8 ing the DDG–51 and DDG–1000 classes), or cruiser
9 (including the CG–47 class).”.

10 **TITLE VI—COMPENSATION AND**
11 **OTHER PERSONNEL BENEFITS**
12 **Subtitle A—Pay and Allowances**

13 **SEC. 601. TEMPORARY CONTINUATION OF BASIC ALLOW-**
14 **ANCE FOR HOUSING FOR MEMBERS WHOSE**
15 **SOLE DEPENDENT DIES WHILE RESIDING**
16 **WITH THE MEMBER.**

17 (a) IN GENERAL.—Section 403 of title 37, United
18 States Code, is amended—

19 (1) by redesignating subsections (m) through
20 (p) as subsections (n) through (q), respectively; and

21 (2) by inserting after subsection (l) the fol-
22 lowing new subsection (m):

23 “(m) TEMPORARY CONTINUATION OF ALLOWANCE
24 FOR MEMBERS WHOSE SOLE DEPENDENT DIES WHILE
25 RESIDING WITH THE MEMBER.—(1) Notwithstanding

1 subsection (a)(2) or any other provision of law, the Sec-
2 retary of Defense, or the Secretary of Homeland Security
3 in the case of the Coast Guard when not operating as a
4 service in the Navy, may continue to pay to a member
5 described in paragraph (2) for the period described in
6 paragraph (3) a basic allowance for housing at the rate
7 to which the member was entitled on the day before the
8 date of the death of the dependent of the member.

9 “(2) A member described in this paragraph is a mem-
10 ber of the uniformed services whose sole dependent dies
11 while—

12 “(A) the member is on active duty; and

13 “(B) the dependent resides with the member,
14 unless separated—

15 “(i) by the necessity of military service;

16 “(ii) to receive institutional care as a result
17 of disability or incapacitation; or

18 “(iii) under such other circumstances as
19 the Secretary concerned may by regulation pre-
20 scribe.

21 “(3)(A) Except as provided by subparagraph (B), the
22 period described in this paragraph is the 365-day period
23 beginning on the date of the death of the dependent of
24 a member described in paragraph (2).

1 “(B) A member described in paragraph (2) who re-
2 ceives, during the 365-day period described in subpara-
3 graph (A), an order for a permanent change of station
4 or permanent change of assignment with movement of per-
5 sonal property and household goods authorized under sec-
6 tion 453(c) may not continue to receive a basic allowance
7 for housing at the rate provided for under paragraph (1)
8 after the permanent change of station or permanent
9 change of assignment.”.

10 (b) CONFORMING AMENDMENT.—Section
11 2881a(c)(1) of title 10, United States Code, is amended
12 by striking “section 403(n)” and inserting “section
13 403(o)”.

14 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR MEMBERS**
15 **WITHOUT DEPENDENTS WHEN HOME PORT**
16 **CHANGE WOULD FINANCIALLY DISADVAN-**
17 **TAGE MEMBER.**

18 Subsection (p) of section 403 of title 37, United
19 States Code, as redesignated by section 601(a)(1), is fur-
20 ther amended—

21 (1) in the subsection heading, by striking
22 “LOW-COST AND NO-COST” and inserting “CER-
23 TAIN”;

24 (2) by inserting “(1)” before “In the case of a
25 member who is assigned”; and

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

3 “(2)(A) In the case of a member without dependents
4 who is assigned to a unit that undergoes a change of home
5 port or a change of permanent duty station, if the Sec-
6 retary concerned determines that it would be inequitable
7 to base the member’s entitlement to, and amount of, a
8 basic allowance for housing on the new home port or per-
9 manent duty station, the Secretary concerned may—

10 “(i) waive the requirement to base the mem-
11 ber’s entitlement to, and amount of, a basic allow-
12 ance for housing on the new home port or perma-
13 nent duty station member; and

14 “(ii) treat that member for the purposes of this
15 section as if the unit to which the member is as-
16 signed did not undergo such a change.

17 “(B) The Secretary concerned may grant a waiver
18 under subparagraph (A) to not more than 100 members
19 in a calendar year.

20 “(C) Not later than March 1 of each calendar year,
21 the Secretary concerned shall provide a briefing to the
22 Committees on Armed Services of the Senate and the
23 House of Representatives on the use of the authority pro-
24 vided by subparagraph (A) during the preceding calendar
25 year that includes—

1 “(i) the number of members granted a waiver
2 under subparagraph (A) during that year; and

3 “(ii) for each such waiver, an identification of—

4 “(I) the grade of the member;

5 “(II) the home port or permanent duty
6 station of the unit to which the member is as-
7 signed before the change described in subpara-
8 graph (A); and

9 “(III) the new home port or permanent
10 duty station of that unit.

11 “(D) This paragraph shall cease to be effective on
12 December 31, 2027.”.

13 **SEC. 603. EXTENSION OF AUTHORITY TO TEMPORARILY AD-**
14 **JUST BASIC ALLOWANCE FOR HOUSING IN**
15 **CERTAIN AREAS.**

16 Section 403(b)(8)(C) of title 37, United States Code,
17 is amended by striking “2022” and inserting “2024”.

18 **SEC. 604. INCREASE IN INCOME FOR PURPOSES OF ELIGI-**
19 **BILITY FOR BASIC NEEDS ALLOWANCE.**

20 (a) IN GENERAL.—Section 402b(b) of title 37,
21 United States Code, is amended by striking “130 percent”
22 both places it appears and inserting “150 percent”.

23 (b) IMPLEMENTATION.—Not later than January 1,
24 2024, the Secretary concerned (as defined in section 101
25 of title 37, United States Code) shall modify the calcula-

tion of the basic needs allowance under section 402b of title 37, United States Code, to implement the amendment made by subsection (a).

SEC. 605. CONFORMING AMENDMENTS TO UPDATE REFERENCES TO TRAVEL AND TRANSPORTATION AUTHORITIES.

(a) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 256(g)(2)(B)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(g)(2)(B)(ii)) is amended by striking “sections 403a and 475” and inserting “sections 403b and 405”.

(b) TITLE 5.—Title 5, United States Code, is amended—

(1) in section 4109(a)(2)—

(A) in subparagraph (A), by striking “sections 474 and 475” and inserting “sections 405 and 452”; and

(B) in subparagraph (B), by striking “sections 476 and 479” and inserting “sections 452 and 453(c)”;

(2) in section 5725(c)(2)(B), by striking “section 476(b)(1)(H)(iii)” and inserting “subsections (c) and (d) of section 453”; and

(3) in section 5760—

1 (A) in subsection (c), by striking “section
2 481h(b)” and inserting “section 451(a)”; and

3 (B) in subsection (d)—

4 (i) in paragraph (2), by striking “sec-
5 tion 474(d)” and inserting “section 464”;
6 and

7 (ii) in paragraph (3), by striking “sec-
8 tion 481h(d)(1)” and inserting “section
9 452(d)”.

10 (c) TITLE 10.—Title 10, United States Code, is
11 amended—

12 (1) in section 710—

13 (A) in subsection (f)(4)(A), in the matter
14 preceding clause (i), by striking “section 474”
15 and inserting “section 452”; and

16 (B) in subsection (h)(4), by striking “sec-
17 tion 481f” and inserting “section 453(f)”;

18 (2) in section 1174a(b)(2)(B), by striking “sec-
19 tions 474 and 476” and inserting “sections 452 and
20 453(c)”;

21 (3) in section 1175(j), by striking “sections 474
22 and 476” and inserting “sections 452 and 453(c)”;

23 (4) in section 1175a(e)(2)(B), by striking “sec-
24 tions 474 and 476” and inserting “sections 452 and
25 453(c)”;

1 (5) in section 1491(d)(3), by striking “section
2 495(a)(2)” and inserting “section 435(a)(2”;

3 (6) in section 2013(b)(2)—

4 (A) in subparagraph (A), by striking “sec-
5 tions 474 and 475” and inserting “sections 405
6 and 452”; and

7 (B) in subparagraph (B), by striking “sec-
8 tions 476 and 479” and inserting “sections 452
9 and 453(c)”;

10 (7) in section 2493(a)(4)(B)(ii), by striking
11 “section 481f(d)” and inserting “section 453(f”;

12 (8) in section 2613(g), by striking “section
13 481h(b)” and inserting “section 451(a)”;

14 (9) in section 12503—

15 (A) in subsection (a), in the second sen-
16 tence, by striking “sections 206 and 495” and
17 inserting “sections 206 and 435”;

18 (B) in subsection (b)(2)(A), by striking
19 “section 495” and inserting “section 435”; and

20 (C) in subsection (c), by striking “chapter
21 7” and inserting “section 452”.

22 (d) TITLE 14.—Section 2764 of title 14, United
23 States Code, is amended, in the first and third sentences,
24 by striking “subsection (b) of section 476” and inserting
25 “section 453(c)”.

1 (e) TITLE 32.—Section 115 of title 32, United States
2 Code, is amended—

3 (1) in subsection (a), in the third sentence, by
4 striking “sections 206 and 495” and inserting “sec-
5 tions 206 and 435”;

6 (2) in subsection (b)(2)(A), by striking “section
7 495” and inserting “section 435”; and

8 (3) in subsection (c), by striking “chapter 7”
9 and inserting “section 452”.

10 (f) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
11 ISTRATION COMMISSIONED OFFICER CORPS ACT OF
12 2002.—Section 236(f)(4)(A) of the National Oceanic and
13 Atmospheric Administration Commissioned Officer Corps
14 Act of 2002 (33 U.S.C. 3036(f)(4)(A)) is amended, in the
15 matter preceding clause (i), by striking “section 474” and
16 inserting “section 452”.

17 (g) TITLE 36.—Section 2101(b)(2) of title 36,
18 United States Code, is amended by striking “section 475”
19 and inserting “section 405”.

20 (h) TITLE 37.—Title 37, United States Code, is
21 amended—

22 (1) in section 403—

23 (A) in subsection (d)(2)(A), by striking
24 “section 476” and inserting “section 452”; and

25 (B) in subsection (g)—

1 (i) in paragraph (2), in the second
2 sentence, by striking “section 474” and in-
3 serting “section 452”; and

4 (ii) in paragraph (3), by striking “sec-
5 tion 476” and inserting “section 453(c)”;

6 (2) in section 420(b), by striking “sections
7 474–481” and inserting “section 452”;

8 (3) in section 422(a), by striking “section 480”
9 and inserting “section 452”;

10 (4) in section 427—

11 (A) in subsection (a)(1)(A), by striking
12 “section 476” and inserting “section 452”; and

13 (B) in subsection (c)(1), by striking “sec-
14 tion 476” and inserting “section 452”;

15 (5) in section 433(b), by striking “section
16 474(d)(2)(A)” and inserting “section 452”;

17 (6) in section 451(a)(2)(H)—

18 (A) in clause (i), by striking “section
19 481f” and inserting “section 453(f)”;

20 (B) in clause (ii), by striking “section
21 481h” and inserting “section 452(b)(12)”;

22 (C) in clause (iii), by striking “section
23 481j” and inserting “section 452(b)(13)”;

24 (D) in clause (iv), by striking “section
25 481k” and inserting “section 452(b)(14)”;

1 (E) in clause (v), by striking “section
2 481l” and inserting “section 452(b)(15”;

3 (7) in section 1002(b)(1), by striking “section
4 474(a)–(d), and (f),” and inserting “section 452”;

5 (8) in section 1003, by striking “sections 402–
6 403b, 474–477, 479–481, and 414” and inserting
7 “sections 402 through 403b, 405, 414, 452, and
8 453”; and

9 (9) in section 1006(g)—

10 (A) by striking “section 477” and insert-
11 ing “section 452(c)(2)”;

12 (B) by striking “section 475a(a)” and in-
13 serting “section 452(b)(11)”.

14 (i) CHILD NUTRITION ACT OF 1966.—Section
15 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42
16 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking “section
17 475” and inserting “section 405”.

18 **Subtitle B—Bonus and Incentive**
19 **Pays**

20 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
21 **BONUS AND SPECIAL PAY AUTHORITIES.**

22 (a) AUTHORITIES RELATING TO RESERVE
23 FORCES.—Section 910(g) of title 37, United States Code,
24 relating to income replacement payments for reserve com-
25 ponent members experiencing extended and frequent mo-

1 bilization for active duty service, is amended by striking
2 “December 31, 2022” and inserting “December 31,
3 2023”.

4 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
5 CARE PROFESSIONALS.—The following sections of title
6 10, United States Code, are amended by striking “Decem-
7 ber 31, 2022” and inserting “December 31, 2023”:

8 (1) Section 2130a(a)(1), relating to nurse offi-
9 cer candidate accession program.

10 (2) Section 16302(d), relating to repayment of
11 education loans for certain health professionals who
12 serve in the Selected Reserve.

13 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-
14 CERS.—Section 333(i) of title 37, United States Code, is
15 amended by striking “December 31, 2022” and inserting
16 “December 31, 2023”.

17 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
18 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
19 THORITIES.—The following sections of title 37, United
20 States Code, are amended by striking “December 31,
21 2022” and inserting “December 31, 2023”:

22 (1) Section 331(h), relating to general bonus
23 authority for enlisted members.

24 (2) Section 332(g), relating to general bonus
25 authority for officers.

1 (3) Section 334(i), relating to special aviation
2 incentive pay and bonus authorities for officers.

3 (4) Section 335(k), relating to special bonus
4 and incentive pay authorities for officers in health
5 professions.

6 (5) Section 336(g), relating to contracting
7 bonus for cadets and midshipmen enrolled in the
8 Senior Reserve Officers' Training Corps.

9 (6) Section 352(g), relating to assignment pay
10 or special duty pay.

11 (7) Section 353(i), relating to skill incentive
12 pay or proficiency bonus.

13 (8) Section 355(h), relating to retention incen-
14 tives for members qualified in critical military skills
15 or assigned to high priority units.

16 (e) AUTHORITY TO PROVIDE TEMPORARY ADJUST-
17 MENTS IN RATES OF BASIC ALLOWANCE FOR HOUSING.—
18 Section 403(b) of title 37, United States Code, is amend-
19 ed—

20 (1) in paragraph (7)(E), by striking “December
21 31, 2022” and inserting “December 31, 2023”; and

22 (2) in paragraph (8)(C), by striking “Sep-
23 tember 30, 2022” and inserting “December 31,
24 2023”.

1 **SEC. 612. REPEAL OF SUNSET OF HAZARDOUS DUTY PAY.**

2 Subsection (h) of section 351 of title 37, United
3 States Code, is repealed.

4 **SEC. 613. AUTHORIZATION OF ASSIGNMENT PAY OR SPE-**
5 **CIAL DUTY PAY BASED ON CLIMATE IN**
6 **WHICH A MEMBER'S DUTIES ARE PER-**
7 **FORMED.**

8 Section 352(a)(2) of title 37, United States Code, is
9 amended by inserting “climate,” after “location,”.

10 **Subtitle C—Leave**

11 **SEC. 621. MODIFICATION OF AUTHORITY TO ALLOW MEM-**
12 **BERS OF THE ARMED FORCES TO ACCUMU-**
13 **LATE LEAVE IN EXCESS OF 60 DAYS.**

14 (a) IN GENERAL.—Section 701(f) of title 10, United
15 States Code, is amended to read as follows:

16 “(f)(1) The Secretary concerned, under uniform reg-
17 ulations to be prescribed by the Secretary of Defense, may
18 authorize a member described in paragraph (2) who, ex-
19 cept for this subsection, would lose at the end of the fiscal
20 year any accumulated leave in excess of the number of
21 days of leave authorized to be accumulated under sub-
22 section (b), to retain an accumulated total of 90 days
23 leave.

24 “(2) This subsection applies to a member who—

25 “(A) serves on active duty for a continuous pe-
26 riod of at least 120 days in an area in which the

1 member is entitled to special pay under section
2 310(a) of title 37;

3 “(B) is assigned to a deployable ship or mobile
4 unit or to other duty designated for the purpose of
5 this section; or

6 “(C) serves on active duty in a duty assignment
7 in support of a contingency operation.

8 “(3) Leave accumulated by a member under this sub-
9 section in excess of the number of days of such leave au-
10 thorized under subsection (b) is forfeited unless it is used
11 by the member before the end of the second fiscal year
12 after the fiscal year in which the service or assignment
13 described in paragraph (B) of the member terminated.”.

14 (b) TRANSITION RULE.—Notwithstanding paragraph
15 (3) of section 701(f) of title 10, United States Code, as
16 amended by subsection (a), leave in excess of 90 days ac-
17 cumulated by a member under section 701(f) of title 10,
18 United States Code, on or before September 30, 2022, is
19 forfeited unless it is used by the member on or before Sep-
20 tember 30, 2025, or the retention of such leave is author-
21 ized under another provision of law.

22 (c) EFFECTIVE DATE.—The amendment made by
23 subsection (a) takes effect on January 1, 2023.

1 **SEC. 622. TECHNICAL AMENDMENTS TO LEAVE ENTITLE-**
2 **MENT AND ACCUMULATION.**

3 (a) REPEAL OF OBSOLETE AUTHORITY.—Section
4 701 of title 10, United States Code, is amended—

5 (1) by striking subsection (d); and

6 (2) by redesignating subsections (e) through
7 (m) as subsections (d) through (l).

8 (b) CONFORMING AMENDMENTS TO SECTION 701 OF
9 TITLE 10.—Section 701 of title 10, United States Code,
10 is amended—

11 (1) in subsection (b), by striking “subsections
12 (d), (f), and (g)” and inserting “subsections (e) and
13 (f)”;

14 (2) in subsection (f), as redesignated by sub-
15 section (a)(2), in the first sentence, by striking
16 “subsections (b), (d), and (f)” and inserting “sub-
17 sections (b) and (e)”;

18 (3) in subsection (i), as so redesignated, in the
19 first sentence, by striking “subsections (b), (d), and
20 (f)” and inserting “subsections (b) and (e)”.

21 (c) CONFORMING AMENDMENTS TO OTHER PROVI-
22 SIONS OF LAW.—

23 (1) TITLE 14.—Section 2508(a) of title 14,
24 United States Code, is amended by striking “section
25 701(f)(2)” and inserting “section 701(e)”.

1 (2) TITLE 37.—Title 37, United States Code, is
2 amended—

3 (A) in section 501—

4 (i) in subsection (b)(6), by striking
5 “120 days of leave under section
6 701(f)(1)” and inserting “90 days of leave
7 under section 701(e)”; and

8 (ii) in subsection (h), by striking “sec-
9 tion 701(g)” and inserting “section
10 701(f)”; and

11 (B) in section 502(b), by striking “section
12 701(h)” and inserting “section 701(g)”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section take effect on January 1, 2023.

15 **SEC. 623. CONVALESCENT LEAVE FOR MEMBERS OF THE**
16 **ARMED FORCES.**

17 (a) IN GENERAL.—Section 701 of title 10, United
18 States Code, as amended by section 622(a), is further
19 amended by adding at the end the following new sub-
20 section:

21 “(m)(1) Except as provided by subsection (h)(3), and
22 under regulations prescribed by the Secretary of Defense,
23 a member of the armed forces diagnosed with a medical
24 condition is allowed convalescent leave if—

1 “(A) the medical or behavioral health provider
2 of the member—

3 “(i) determines that the member is not yet
4 fit for duty as a result of that condition; and

5 “(ii) recommends such leave for the mem-
6 ber to provide for the convalescence of the
7 member from that condition; and

8 “(B) the commanding officer of the member or
9 the commander of the military medical treatment fa-
10 cility authorizes such leave for the member.

11 “(2) A member may take not more than 30 days of
12 convalescent leave under paragraph (1) with respect to a
13 condition described in that paragraph unless—

14 “(A) such leave in excess of 30 days is author-
15 ized by—

16 “(i) the Secretary concerned; or

17 “(ii) an individual at the level designated
18 by the Secretary concerned, but not below the
19 grade of O-5 or the civilian equivalent; or

20 “(B) the member is authorized to receive con-
21 valescent leave under subsection (h)(3) in conjunc-
22 tion with the birth of a child.

23 “(3)(A) Convalescent leave may be authorized under
24 paragraph (1) only for a medical condition of a member
25 and may not be authorized for a member in connection

1 with a condition of a dependent or other family member
2 of the member.

3 “(B) In authorizing convalescent leave for a member
4 under paragraph (1) with respect to a condition described
5 in that paragraph, the commanding officer of the member
6 or the commander of the military medical treatment facil-
7 ity, as the case may be, shall—

8 “(i) limit the duration of such leave to the min-
9 imum necessary in relation to the diagnosis, prog-
10 nosis, and probable final disposition of the condition
11 of the member; and

12 “(ii) authorize leave tailored to the specific
13 medical needs of the member rather than (except for
14 convalescent leave provided for under subsection
15 (h)(3)) authorizing leave based on a predetermined
16 formula.

17 “(4) A member taking convalescent leave under para-
18 graph (1) shall not have the member’s leave account re-
19 duced as a result of taking such leave.

20 “(5) In this subsection, the term ‘military medical
21 treatment facility’ means a facility described in subsection
22 (b), (c), or (d) of section 1073d.”.

23 (b) TREATMENT OF CONVALESCENT LEAVE FOR
24 BIRTH OF CHILD.—Paragraph (3) of subsection (h) of

1 such section, as redesignated by section 622(a), is amend-
2 ed—

3 (1) by redesignating subparagraphs (A) and
4 (B) as clauses (i) and (ii), respectively, and by mov-
5 ing such clauses, as so redesignated, two ems to the
6 right;

7 (2) by inserting “(A)” after “(3)”; and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(B) Convalescent leave may be authorized under
11 subparagraph (A) only for a medical condition of a mem-
12 ber and may not be authorized for a member in connection
13 with a condition of a dependent or other family member
14 of the member.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on January 1, 2023.

17 **Subtitle D—Other Matters**

18 **SEC. 631. AIR FORCE RATED OFFICER RETENTION DEM-** 19 **ONSTRATION PROGRAM.**

20 (a) PROGRAM REQUIREMENT.—The Secretary shall
21 establish and carry out within the Department of the Air
22 Force a demonstration program to assess and improve re-
23 tention on active duty in the Air Force of rated officers
24 described in subsection (b).

1 (b) RATED OFFICERS DESCRIBED.—Rated officers
2 described in this subsection are rated officers serving on
3 active duty in the Air Force, excluding rated officers with
4 a reserve appointment in the Air National Guard or Air
5 Force Reserve—

6 (1) whose continued service on active duty
7 would be in the best interest of the Department of
8 the Air Force, as determined by the Secretary; and

9 (2) who have not more than three years and not
10 less than one year remaining on an active duty serv-
11 ice obligation under section 653 of title 10, United
12 States Code.

13 (c) WRITTEN AGREEMENT.—

14 (1) IN GENERAL.—Under the demonstration
15 program required under subsection (a), the Sec-
16 retary shall offer retention incentives under sub-
17 section (d) to a rated officer described in subsection
18 (b) who executes a written agreement to remain on
19 active duty in a regular component of the Air Force
20 for not less than four years after the completion of
21 the active duty service obligation of the officer under
22 section 653 of title 10, United States Code.

23 (2) EXCEPTION.—If the Secretary of the Air
24 Force determines that an assignment previously
25 guaranteed under subsection (d)(1) to a rated officer

1 described in subsection (b) cannot be fulfilled, the
2 agreement of the officer under paragraph (1) to re-
3 main on active duty shall expire not later than one
4 year after that determination.

5 (d) RETENTION INCENTIVES.—

6 (1) GUARANTEE OF FUTURE ASSIGNMENT LO-
7 CATION.—Under the demonstration program re-
8 quired under subsection (a), the Secretary may offer
9 to a rated officer described in subsection (b) a guar-
10 antee of future assignment locations based on the
11 preference of the officer.

12 (2) AVIATION BONUS.—Under the demonstra-
13 tion program required under subsection (a), notwith-
14 standing section 334(c) of title 37, United States
15 Code, the Secretary may pay to a rated officer de-
16 scribed in subsection (b) an aviation bonus not to
17 exceed an average annual amount of \$50,000 (sub-
18 ject to paragraph (3)(B)).

19 (3) COMBINATION OF INCENTIVES.—The Sec-
20 retary may offer to a rated officer described in sub-
21 section (b) a combination of incentives under para-
22 graphs (1) and (2).

23 (e) ANNUAL BRIEFING.—Not later than December
24 31, 2023, and annually thereafter until the termination
25 of the demonstration program required under subsection

1 (a), the Secretary shall provide to the Committees on
2 Armed Services of the Senate and the House of Represent-
3 atives a briefing describing the use of such demonstration
4 program and its effects on the retention on active duty
5 in the Air Force of rated officers described in subsection
6 (b).

7 (f) DEFINITIONS.—In this section:

8 (1) RATED OFFICER.—The term “rated officer”
9 means an officer specified in section 9253 of title
10 10, United States Code.

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

13 (g) TERMINATION.—This section shall terminate on
14 December 31, 2028.

15 **TITLE VII—HEALTH CARE**
16 **PROVISIONS**

17 **Subtitle A—TRICARE and Other**
18 **Health Care Benefits**

19 **SEC. 701. IMPROVEMENTS TO THE TRICARE DENTAL PRO-**
20 **GRAM.**

21 (a) IN GENERAL.—Section 1076a of title 10, United
22 States Code, is amended—

23 (1) in subsection (b)—

24 (A) by striking “The plans” and inserting
25 the following:

1 “(1) IN GENERAL.—The plans”; and

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

4 “(2) PREMIUM SHARING PLANS.—The regula-
5 tions required by paragraph (1) shall include, with
6 respect to premium sharing plans referred to in sub-
7 section (d)(1), the following elements:

8 “(A) A third party administrator shall
9 manage the administrative features of such
10 plans, including eligibility, enrollment, plan
11 change and premium payment processes, sub-
12 mission of qualifying life events changes, and
13 address changes.

14 “(B) Such plans shall include the following
15 three enrollment options:

16 “(i) Self.

17 “(ii) Self plus one.

18 “(iii) Family.

19 “(C) In the United States, to the extent
20 practicable, individuals eligible to enroll in such
21 a plan shall be offered options to enroll in plans
22 of not fewer than four national dental insurance
23 carriers.

24 “(D) To the extent practicable, each car-
25 rier described in subparagraph (C)—

1 “(i) shall manage dental care delivery
2 matters, including claims adjudication
3 (with required electronic submission of
4 claims), coordination of benefits, covered
5 services, enrollment verification, and pro-
6 vider networks;

7 “(ii) shall, in addition to offering a
8 standard option plan consistent with the
9 requirements of this section, offer a high
10 option plan that provides more covered
11 services;

12 “(iii) may offer an additional plan
13 managed as a dental health maintenance
14 organization plan;

15 “(iv) shall establish and operate den-
16 tal provider networks that provide—

17 “(I) accessible care with a pre-
18 vention or wellness focus;

19 “(II) continuity of care;

20 “(III) coordinated care (including
21 appropriate dental and medical refer-
22 rals);

23 “(IV) patient-centered care (in-
24 cluding effective communications, in-

1 dividualized care, and shared decision-
2 making); and

3 “(V) high-quality, safe care;

4 “(v) shall develop and implement
5 adult and pediatric dental quality meas-
6 ures, including effective measurements
7 for—

8 “(I) access to care;

9 “(II) continuity of care;

10 “(III) cost;

11 “(IV) adverse patient events;

12 “(V) oral health outcomes; and

13 “(VI) patient experience; and

14 “(vi) shall conduct in their provider
15 networks, to the extent practicable, pilot
16 programs on the development of a model of
17 care based on the model of care referred to
18 as patient-centered dental homes.”;

19 (2) in subsection (d)(1)—

20 (A) in subparagraph (B), by striking the
21 second sentence;

22 (B) by striking subparagraph (C) and in-
23 serting the following new subparagraph (C):

24 “(C) The amount of the premium required
25 under subparagraph (A)—

1 “(i) for standard option plans described in
2 subsection (b)(2)(C)(ii), shall be established by
3 the Secretary annually such that in the aggre-
4 gate (taking into account the adjustments
5 under subparagraph (D) and subsection
6 (e)(2)(C)), the Secretary’s share of each pre-
7 mium is 60 percent of the premium for each en-
8 rollment category (self, self plus one, and fam-
9 ily) of each standard option plan; and

10 “(ii) for non-standard option plans de-
11 scribed in clauses (ii) and (iii) of subsection
12 (b)(2)(C), shall be equal to the amount deter-
13 mined under clause (i) plus 100 percent of the
14 additional premium amount applicable to such
15 non-standard option plan.”; and

16 (C) by striking subparagraph (D) and in-
17 serting the following new subparagraph (D):

18 “(D) The Secretary of Defense shall reduce the
19 monthly premium required to be paid under para-
20 graph (1) in the case of enlisted members in pay
21 grade E-1, E-2, E-3, or E-4.”;

22 (3) in subsection (e), by adding at the end the
23 following new paragraph:

24 “(3) The Secretary of Defense shall reduce copay-
25 ments required to be paid under paragraph (1) in the case

1 of enlisted members in pay grade E–1, E–2, E–3, or E–
2 4.”; and

3 (4) in subsection (j), by striking “plan estab-
4 lished under this section” and inserting “standard
5 option plan described in subsection (b)(2)(C)(ii).”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall take effect on January 1, 2025.

8 (c) RULE MAKING AUTHORITY.—

9 (1) IN GENERAL.—In order to implement the
10 dental program improvements on the date specified
11 in subsection (b), the Secretary of Defense shall, not
12 later than January 1, 2024, issue an interim final
13 regulation consistent with the provisions of section
14 1076a of title 10, United States Code, as amended
15 by subsection (a), that will be in effect on the date
16 specified in subsection (b).

17 (2) MAINTENANCE OF COVERED SERVICES.—
18 The regulation required by paragraph (1) shall en-
19 sure that covered services under standard option
20 plans described in subsection (b)(2)(C)(ii) of section
21 1076a of title 10, United States Code, as added by
22 subsection (a), shall be no less than those services
23 under the premium sharing plans under such section
24 in effect as of the date of the enactment of this Act.

1 **SEC. 702. HEALTH BENEFITS FOR MEMBERS OF THE NA-**
2 **TIONAL GUARD FOLLOWING REQUIRED**
3 **TRAINING OR OTHER DUTY TO RESPOND TO**
4 **A NATIONAL EMERGENCY.**

5 (a) TRANSITIONAL HEALTH CARE.—Subsection
6 (a)(2) of section 1145 of title 10, United States Code, is
7 amended by adding at the end the following new subpara-
8 graph:

9 “(G) A member of the National Guard who is
10 separated from full-time National Guard Duty to
11 which called or ordered under section 502(f) of title
12 32 for a period of active service of more than 30
13 days to perform duties that are authorized by the
14 President or the Secretary of Defense for the pur-
15 pose of responding to a national emergency declared
16 by the President and supported by Federal funds.”.

17 (b) CONFORMING AMENDMENTS.—Such section is
18 further amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A), by striking “active
22 duty” and inserting “active service”;

23 (B) in paragraph (3), by striking “para-
24 graph (2)(B)” and inserting “subparagraph (B)
25 or (G) of paragraph (2)”;

26 (C) in paragraph (4)—

1 (i) by striking “active duty” each
2 place it appears and inserting “active serv-
3 ice”; and

4 (ii) in the second sentence, by striking
5 “or (D)” and inserting “(D), or (G)”;

6 (D) in paragraph (5), in subparagraphs
7 (A) and (B), by striking “active duty” each
8 place it appears and inserting “active service”;
9 and

10 (E) in paragraph (7)(A)—

11 (i) by striking “service on active
12 duty” and inserting “active service”; and

13 (ii) by striking “active duty for” and
14 inserting “active service for”;

15 (2) in subsection (b)(1), by striking “active
16 duty” and inserting “active service”; and

17 (3) in subsection (d)(1)(A), by striking “active
18 duty” and inserting “active service”.

19 **SEC. 703. CONFIDENTIALITY REQUIREMENTS FOR MENTAL**
20 **HEALTH CARE SERVICES FOR MEMBERS OF**
21 **THE ARMED FORCES.**

22 (a) IN GENERAL.—In order to reinforce the policies
23 of eliminating stigma in obtaining mental health care serv-
24 ices and further encouraging help-seeking behavior by

1 members of the Armed Forces, not later than July 1,
2 2023, the Secretary of Defense shall—

3 (1) update and reissue Department of Defense
4 Instruction 6490.08, entitled “Command Notifica-
5 tion Requirements to Dispel Stigma in Providing
6 Mental Health Care to Service Members” and issued
7 on August 17, 2011, taking into account—

8 (A) experience implementing the Instruc-
9 tion; and

10 (B) opportunities to more effectively dispel
11 stigma in obtaining mental health care services
12 and encourage help-seeking behavior; and

13 (2) develop standards within the Department of
14 Defense that—

15 (A) ensure, except in cases in which there
16 are exigent circumstances, confidentiality of
17 mental health care services provided to mem-
18 bers who voluntarily seek such services; and

19 (B) in cases in which there are exigent cir-
20 cumstances, prevent health care providers from
21 disclosing more than the minimum amount of
22 information necessary to address the exigent
23 circumstances.

24 (b) ELEMENTS.—The standards required by sub-
25 section (a)(2) shall include the following elements:

1 (1) Requirements for confidentiality regarding
2 the request and receipt by a member of the Armed
3 Forces of mental health care services under the self-
4 initiated referral process under section 1090a(e) of
5 title 10, United States Code.

6 (2) Requirements for confidentiality regarding
7 the results of any drug testing incident to mental
8 health care services.

9 (3) Procedures that reflect best practices of the
10 mental health profession with respect to suicide pre-
11 vention.

12 (4) Prohibition on retaliating against a member
13 of the Armed Forces who requests mental health
14 care services.

15 (5) Such other elements as the Secretary deter-
16 mines will most effectively support the policies of—

17 (A) eliminating stigma in obtaining mental
18 health care services; and

19 (B) encouraging help-seeking behavior by
20 members of the Armed Forces.

21 (c) JOINT POLICY WITH THE SECRETARY OF VET-
22 ERANS AFFAIRS.—

23 (1) IN GENERAL.—Not later than July 1, 2023,
24 the Secretary of Defense and the Secretary of Vet-
25 erans Affairs shall issue a joint policy that provides,

1 except in the case of exigent circumstances, for con-
2 fidentiality of mental health care services provided
3 by the Department of Veterans Affairs to members
4 of the Armed Forces, including members of reserve
5 components of the Armed Forces, under sections
6 1712A, 1720F, 1720H, and 1789 of title 38, United
7 States Code, and other applicable law.

8 (2) ELEMENTS.—The joint policy issued under
9 paragraph (1) shall, to the extent practicable, estab-
10 lish standards comparable to the standards devel-
11 oped under subsection (a)(2).

12 (d) REPORT.—Not later than July 1, 2023, the Sec-
13 retary of Defense shall submit to the Committees on
14 Armed Services of the Senate and the House of Represent-
15 atives a copy of the standards developed under subsection
16 (a)(2) and the joint policy issued under subsection (c).

17 (e) EXIGENT CIRCUMSTANCE DEFINED.—In this sec-
18 tion, the term “exigent circumstance” means a cir-
19 cumstance in which the Secretary of Defense determines
20 the need to prevent serious harm to individuals or essen-
21 tial military functions clearly outweighs the need for con-
22 fidentiality of information obtained by a health care pro-
23 vider incident to mental health care services voluntarily
24 sought by a member of the Armed Forces.

1 **SEC. 704. IMPROVEMENT OF REFERRALS FOR SPECIALTY**
2 **CARE UNDER TRICARE PRIME DURING PER-**
3 **MANENT CHANGES OF STATION.**

4 (a) IN GENERAL.—Section 714 of the John S.
5 McCain National Defense Authorization Act for Fiscal
6 Year 2019 (Public Law 115–232; 10 U.S.C. 1095f) is
7 amended—

8 (1) by redesignating subsection (e) as sub-
9 section (f); and

10 (2) by inserting after subsection (d) the fol-
11 lowing new subsection (e):

12 “(e) IMPROVEMENT OF SPECIALTY CARE REFER-
13 RALS DURING PERMANENT CHANGES OF STATION.—In
14 conducting evaluations and improvements under sub-
15 section (d) to the referral process described in subsection
16 (a), the Secretary shall ensure beneficiaries enrolled in
17 TRICARE Prime who are undergoing a permanent
18 change of station receive referrals from their primary care
19 manager to such specialty care providers in the new loca-
20 tion as the beneficiary may need before undergoing the
21 permanent change of station.”.

22 (b) BRIEFING.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of Defense
24 shall provide to the Committees on Armed Services of the
25 Senate and the House of Representatives a briefing on the
26 contractual and technical barriers preventing record shar-

1 ing between civilian provider networks under the
2 TRICARE program that lead to increased wait times for
3 care for members of the Armed Forces and their depend-
4 ents undergoing permanent changes of station across pro-
5 vider network regions.

6 **SEC. 705. STUDY ON PROVIDING BENEFITS UNDER**
7 **TRICARE RESERVE SELECT AND TRICARE**
8 **DENTAL PROGRAM TO MEMBERS OF THE SE-**
9 **LECTED RESERVE AND THEIR DEPENDENTS.**

10 (a) STUDY.—The Secretary of Defense may conduct
11 a study on the feasibility, potential cost effects to the
12 budget of the Department of Defense, changes in out-of-
13 pocket costs to beneficiaries, and effects on other Federal
14 programs of expanding eligibility for TRICARE Reserve
15 Select and the TRICARE dental program to include all
16 members of the Selected Reserve of the Ready Reserve of
17 a reserve component of the Armed Forces, their depend-
18 ents, and their non-dependent children under the age of
19 26.

20 (b) SPECIFICATIONS.—If the Secretary conducts the
21 study under subsection (a), the Secretary shall include in
22 the study an assessment of the following:

23 (1) Cost-shifting to the Department of Defense
24 to support the expansion of TRICARE Reserve Se-
25 lect and the TRICARE dental program from—

1 (A) health benefit plans under chapter 89
2 of title 5, United States Code;

3 (B) employer-sponsored health insurance;

4 (C) private health insurance;

5 (D) insurance under a State health care
6 exchange; and

7 (E) the Medicaid program under title XIX
8 of the Social Security Act (42 U.S.C. 1396 et
9 seq.).

10 (2) New costs for the Department of Defense to
11 enroll in TRICARE Reserve Select and the
12 TRICARE dental program members of the Selected
13 Reserve of the Ready Reserve of a reserve compo-
14 nent of the Armed Forces who were previously unin-
15 sured.

16 (3) The resources needed to implement
17 TRICARE Reserve Select and the TRICARE dental
18 program for all such members, their dependents, and
19 their non-dependent children under the age of 26.

20 (4) Cost-savings, if any, resulting from the ex-
21 pansion of TRICARE Reserve Select and the
22 TRICARE dental program with regard to increased
23 training days performed in support of mass medical
24 events during battle assemblies of the reserve com-

1 ponents, including an assessment of the impact of
2 such expansion on—

3 (A) medical readiness;

4 (B) overall deployability rates;

5 (C) deployability timelines;

6 (D) fallout rates at mobilization sites;

7 (E) cross-leveling of members of the re-
8 serve components to backfill medical fallouts at
9 mobilization sites; and

10 (F) any other readiness metrics affected by
11 such expansion.

12 (5) Any impact of such expansion on recruit-
13 ment and retention of members of the Armed
14 Forces, including members of the Ready Reserve of
15 the reserve components of the Armed Forces.

16 (6) Cost-savings, if any, in contracts that imple-
17 ment the Reserve Health Readiness Program of the
18 Department of Defense.

19 (c) DETERMINATION OF COST EFFECTS.—If the Sec-
20 retary of Defense studies the potential cost effects to the
21 budget of the Department of Defense under subsection
22 (a), the Secretary shall study the cost effects for the fol-
23 lowing scenarios of expanded eligibility for TRICARE Re-
24 serve Select and the TRICARE dental program:

1 (1) Premium free for members of the Selected
2 Reserve of the Ready Reserve of a reserve compo-
3 nent of the Armed Forces, their dependents, and
4 their non-dependent children under the age of 26.

5 (2) Premium free for such members and sub-
6 sidized premiums for such dependents and non-de-
7 pendent children.

8 (3) Subsidized premiums for such members, de-
9 pendents, and non-dependent children.

10 (d) USE OF A FEDERALLY FUNDED RESEARCH AND
11 DEVELOPMENT CENTER.—The Secretary may contract
12 with a federally funded research and development center
13 that is qualified and appropriate to conduct the study
14 under subsection (a).

15 (e) BRIEFING; REPORT.—

16 (1) BRIEFING.—If the Secretary conducts the
17 study under subsection (a), not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary shall provide to the Committees on Armed
20 Services of the Senate and the House of Representa-
21 tives a briefing on the methodology and approach of
22 the study.

23 (2) REPORT.—If the Secretary conducts the
24 study under subsection (a), not later than two years
25 after the date of the enactment of this Act, the Sec-

1 retary shall submit to the Committees on Armed
2 Services of the Senate and the House of Representa-
3 tives a report on the results of the study.

4 (f) DEFINITIONS.—In this section:

5 (1) TRICARE DENTAL PROGRAM.—The term
6 “TRICARE dental program” means dental benefits
7 under section 1076a of title 10, United States Code.

8 (2) TRICARE RESERVE SELECT.—The term
9 “TRICARE Reserve Select” means health benefits
10 under section 1076d of such title.

11 **Subtitle B—Health Care**
12 **Administration**

13 **SEC. 721. IMPROVEMENTS TO ORGANIZATION OF MILITARY**
14 **HEALTH SYSTEM.**

15 (a) FEASIBILITY STUDY FOR SUPERSEDING ORGANI-
16 ZATION FOR DEFENSE HEALTH AGENCY.—

17 (1) STUDY AND REPORT REQUIRED.—Not later
18 than 180 days after the date of the enactment of
19 this Act, the Secretary of Defense (referred to in
20 this section as the “Secretary”) shall submit to the
21 Committees on Armed Services of the Senate and
22 the House of Representatives a report on a study,
23 conducted by the Secretary for purposes of the re-
24 port, of the feasibility of and requirements for the
25 establishment of a defense health and medical readi-

1 ness command (referred to in this subsection as the
2 “command”) as a superseding organization to the
3 Defense Health Agency.

4 (2) ELEMENTS.—The report required under
5 paragraph (1) shall include the following:

6 (A) A description of the responsibilities of
7 the commander of the command.

8 (B) A description of any organizations that
9 support the Defense Health Agency, such as
10 the medical departments and medical logistics
11 organizations of each military department.

12 (C) A description of any authorities re-
13 quired for the leadership and direction of the
14 command.

15 (D) A description of the organizational
16 structure of the command, including any subor-
17 dinate commands.

18 (E) A description of resourcing executive
19 leadership of the command.

20 (F) A description of the location or loca-
21 tions of headquarters elements of the command.

22 (G) A description of how the current De-
23 fense Health Agency functions as a provider of
24 optimally trained, clinically proficient health

1 care professionals to support combatant com-
2 mands.

3 (H) A description of how the command
4 may further serve as a provider of optimally
5 trained, clinically proficient health care profes-
6 sionals to support combatant commands.

7 (I) A description of the relationship of the
8 command to the military departments, the com-
9 batant commands, and the Joint Staff.

10 (J) A timeline for the establishment of the
11 command.

12 (K) A description of additional funding re-
13 quired to establish the command.

14 (L) A description of any additional legisla-
15 tive action required for the establishment of the
16 command.

17 (M) Any other matters in connection with
18 the establishment, operations, and activities of
19 the command that the Secretary considers ap-
20 propriate.

21 (b) ESTABLISHMENT OF MILITARY HEALTH SYSTEM
22 EDUCATION AND TRAINING DIRECTORATE.—

23 (1) PLAN REQUIRED.—Not later than 180 days
24 after the date of the enactment of this Act, the Sec-
25 retary shall submit to the Committees on Armed

1 Services of the Senate and the House of Representa-
2 tives a plan to establish within the Defense Health
3 Agency a subordinate organization, to be called the
4 Military Health System Education and Training Di-
5 rectorate (referred to in this subsection as the “Di-
6 rectorate”).

7 (2) ELEMENTS.—The plan required under
8 paragraph (1) shall include the following:

9 (A) A description of any authorities re-
10 quired for the leadership and direction of the
11 Directorate.

12 (B) A description of the organizational
13 structure of the Directorate, including any sub-
14 ordinate organizations.

15 (C) A description of resourcing executive
16 leadership of the Directorate.

17 (D) A description of the location or loca-
18 tions of elements of the Directorate.

19 (E) A description of the ability of the Di-
20 rectorate to address the training requirements
21 of the military departments, the combatant
22 commands, and the Joint Staff.

23 (F) A description of additional funding re-
24 quired to establish the Directorate.

1 (G) A description of any additional legisla-
2 tive action required for the establishment of the
3 Directorate.

4 (H) Any other matters in the connection
5 with the establishment, operations, and activi-
6 ties of the Directorate that the Secretary con-
7 siderers appropriate.

8 (3) ESTABLISHMENT.—

9 (A) IN GENERAL.—Not later than one year
10 after the submission of the plan required under
11 paragraph (1), the Secretary shall establish the
12 Directorate within the Defense Health Agency.

13 (B) LEADERSHIP.—The Directorate shall
14 be led by the President of the Uniformed Serv-
15 ices University of the Health Sciences.

16 (C) STRUCTURE.—The Directorate shall
17 be composed of the following:

18 (i) The Medical Education and Train-
19 ing Campus.

20 (ii) The College of Allied Health
21 Sciences.

22 (iii) The Uniformed Services Univer-
23 sity of the Health Sciences.

1 (iv) The medical education and train-
2 ing commands and organizations of the
3 military departments.

4 (v) Training programs of military de-
5 partments affiliated with civilian academic
6 institutions.

7 (vi) Such other elements, facilities,
8 and commands of the Department of De-
9 fense as the Secretary considers appro-
10 priate.

11 **SEC. 722. INCLUSION OF LEVEL THREE TRAUMA CARE CA-**
12 **PABILITIES IN REQUIREMENTS FOR MEDICAL**
13 **CENTERS.**

14 Section 1073d(b)(3) of title 10, United States Code,
15 is amended by striking “or level two” and inserting “, level
16 two, or level three”

17 **SEC. 723. EXTENSION OF ACCOUNTABLE CARE ORGANIZA-**
18 **TION DEMONSTRATION AND ANNUAL RE-**
19 **PORT REQUIREMENT.**

20 (a) IN GENERAL.—The Secretary of Defense, acting
21 through the Director of the Defense Health Agency, shall
22 extend the duration of the Accountable Care Organization
23 demonstration carried out by the Secretary, notice of
24 which was published in the Federal Register on August

1 16, 2019 (84 Fed. Reg. 41974), (in this section referred
2 to as the “Demonstration”) through December 31, 2028.

3 (b) ANNUAL REPORT REQUIRED.—

4 (1) IN GENERAL.—Not later than March 1 of
5 each year during which the Demonstration is carried
6 out, beginning in 2023, the Secretary shall submit
7 to the Committees on Armed Services of the Senate
8 and the House of Representatives a report that de-
9 scribes the conduct of the Demonstration for the
10 one-year period preceding the date of the report.

11 (2) ELEMENTS.—Each report submitted under
12 paragraph (1) shall include the following:

13 (A) A description of how the Demonstra-
14 tion delivered performance of better health, bet-
15 ter care, and lower cost.

16 (B) A description of the results of the
17 Demonstration with respect to the following
18 outcome measures:

19 (i) Clinical performance.

20 (ii) Utilization improvement.

21 (iii) Beneficiary engagement.

22 (iv) Membership growth and reten-
23 tion.

24 (v) Case management.

25 (vi) Continuity of care.

1 (vii) Telehealth utilization.

2 (C) A description of how the Demonstra-
3 tion shifted financial risk from the TRICARE
4 program to health care providers.

5 (D) A description of how investment in the
6 Demonstration serves as a bridge to competitive
7 demonstrations by the Department of Defense
8 with accountable care organizations in the fu-
9 ture.

10 (E) A detailed description of locations for
11 future competitive demonstrations by the De-
12 partment with accountable care organizations.

13 (3) TRICARE PROGRAM DEFINED.—In this
14 subsection, the term “TRICARE program” has the
15 meaning given that term in section 1072(7) of title
16 10, United States Code.

17 **SEC. 724. MODIFICATION OF REQUIREMENT TO TRANSFER**
18 **PUBLIC HEALTH FUNCTIONS TO DEFENSE**
19 **HEALTH AGENCY.**

20 (a) TEMPORARY RETENTION OF PUBLIC HEALTH
21 FUNCTIONS.—At the determination of the Secretary of
22 Defense, a military department may retain, until not later
23 than September 30, 2023, a public health function that
24 would otherwise become part of the Defense Health Agen-

1 cy Public Health under section 1073c(e)(2)(B) of title 10,
2 United States Code, if such function—

3 (1) addresses a need that is unique to the mili-
4 tary department; and

5 (2) is in direct support of operating forces and
6 necessary to execute strategies relating to national
7 security and defense.

8 (b) REPORT.—

9 (1) IN GENERAL.—Not later than March 1,
10 2023, the Secretary of Defense shall submit to the
11 Committees on Armed Services of the Senate and
12 the House of Representatives a report on public
13 health functions that the Secretary has determined
14 may be retained by a military department pursuant
15 to subsection (a).

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

18 (A) A description of each public health
19 function that the Secretary has determined may
20 be retained by a military department pursuant
21 to subsection (a).

22 (B) The rationale for each such determina-
23 tion.

24 (C) Recommendations for amendments to
25 section 1073c of title 10, United States Code,

1 to permit ongoing retention of public health
2 functions by military departments.

3 (c) MODIFICATION TO NAMES OF PUBLIC HEALTH
4 COMMANDS.—Section 1073c(e)(2)(B) of title 10, United
5 States Code, is amended by striking “Army Public Health
6 Command, the Navy–Marine Corps Public Health Com-
7 mand” and inserting “Army Public Health Center, the
8 Navy–Marine Corps Public Health Center”.

9 **SEC. 725. ESTABLISHMENT OF MILITARY HEALTH SYSTEM**
10 **MEDICAL LOGISTICS DIRECTORATE.**

11 (a) PLAN REQUIRED.—Not later than 180 days after
12 the date of the enactment of this Act, the Secretary of
13 Defense shall submit to the Committees on Armed Serv-
14 ices of the Senate and the House of Representatives a plan
15 to establish within the Defense Health Agency a subordi-
16 nate organization to be called the Military Health System
17 Medical Logistics Directorate (in this section referred to
18 as the “Directorate”).

19 (b) ELEMENTS.—The plan required under subsection
20 (a) shall include the following:

21 (1) A description of any authorities required for
22 the leadership and direction of the Directorate.

23 (2) A description of the organizational structure
24 of the Directorate, including any subordinate organi-
25 zations, to include incorporation into the Directorate

1 of existing organizations of the military departments
2 that provide operational theater medical materiel
3 support.

4 (3) A description of resourcing by the Secretary
5 of the executive leadership of the Directorate.

6 (4) A description of the location or locations of
7 elements of the Directorate.

8 (5) A description of how the medical research
9 and development organization within the Defense
10 Health Agency will coordinate with the Directorate.

11 (6) A description of the ability of the Direc-
12 torate to address the medical logistics requirements
13 of the military departments, the combatant com-
14 mands, and the Joint Staff.

15 (7) A description of additional funding required
16 to establish the Directorate.

17 (8) A description of any additional legislative
18 action required for the establishment of the Direc-
19 torate.

20 (9) Any other matters in connection with the
21 establishment, operations, and activities of the Di-
22 rectorate that the Secretary considers appropriate.

23 (c) ESTABLISHMENT.—Not later than one year after
24 the submission of the plan required under subsection (a),

1 the Secretary shall establish the Directorate within the
2 Defense Health Agency.

3 **SEC. 726. ESTABLISHMENT OF CENTERS OF EXCELLENCE**
4 **FOR SPECIALTY CARE IN THE MILITARY**
5 **HEALTH SYSTEM.**

6 (a) CENTERS OF EXCELLENCE.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall establish regional centers of
10 excellence for the provision of military specialty care
11 to eligible beneficiaries at existing major medical
12 centers of the Department of Defense.

13 (2) SATELLITE CENTERS.—The Secretary may
14 establish satellite centers of excellence to provide
15 specialty care for certain conditions, such as—

16 (A) post-traumatic stress;

17 (B) traumatic brain injury; and

18 (C) such other conditions as the Secretary
19 considers appropriate.

20 (3) READINESS AND IMPROVEMENT OF CARE.—

21 Centers of excellence established under this sub-
22 section shall—

23 (A) ensure the military medical force read-
24 iness of the Department and the medical readi-
25 ness of the Armed Forces;

1 (B) improve the quality of health care re-
2 ceived by eligible beneficiaries from the Depart-
3 ment; and

4 (C) improve health outcomes for eligible
5 beneficiaries.

6 (b) TYPES OF CENTERS OF EXCELLENCE.—

7 (1) IN GENERAL.—Centers of excellence shall
8 be established under subsection (a) for the following
9 areas of specialty care:

10 (A) Oncology.

11 (B) Burn injuries and wound care.

12 (C) Rehabilitation medicine.

13 (D) Psychological health and traumatic
14 brain injury.

15 (E) Amputations and prosthetics.

16 (F) Neurosurgery.

17 (G) Orthopedic care.

18 (H) Substance abuse.

19 (I) Transplants.

20 (J) Cardiothoracic surgery.

21 (K) Such other areas of specialty care as
22 the Secretary considers appropriate to ensure
23 the military medical force readiness of the De-
24 partment and the medical readiness of the
25 Armed Forces.

1 (2) MULTIPLE SPECIALTIES.—A major medical
2 center of the Department may be established as a
3 center of excellence for more than one area of spe-
4 cialty care.

5 (c) PRIMARY SOURCE FOR SPECIALTY CARE.—

6 (1) IN GENERAL.—Centers of excellence estab-
7 lished under subsection (a) shall be the primary
8 source within the military health system for the re-
9 ceipt by eligible beneficiaries of specialty care.

10 (2) REFERRAL.—Eligible beneficiaries seeking
11 specialty care services through the military health
12 system shall be referred to a center of excellence es-
13 tablished under subsection (a) or to an appropriate
14 specialty care provider in the private sector if health
15 care services at such a center are unavailable.

16 (d) REPORT.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the Committees on
20 Armed Services of the Senate and the House of Rep-
21 resentatives a report that sets forth a plan for the
22 Department to establish centers of excellence under
23 this section.

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

1 (A) A list of the centers of excellence to be
2 established under this section and the locations
3 of such centers.

4 (B) A description of the specialty care
5 services to be provided at each such center and
6 a staffing plan for each such center.

7 (C) A description of how each such center
8 will improve—

9 (i) the military medical force readi-
10 ness of the Department and the medical
11 readiness of the Armed Forces;

12 (ii) the quality of care received by eli-
13 gible beneficiaries; and

14 (iii) the health outcomes of eligible
15 beneficiaries.

16 (D) A comprehensive plan to refer eligible
17 beneficiaries for specialty care services at cen-
18 ters of excellence established under this section
19 and centers of excellence in the private sector.

20 (E) A plan to assist eligible beneficiaries
21 with travel and lodging, if necessary, in connec-
22 tion with the receipt of specialty care services at
23 centers of excellence established under this sec-
24 tion or centers of excellence in the private sec-
25 tor.

1 (F) A plan to transfer specialty care pro-
2 viders of the Department to centers of excel-
3 lence established under this section, in a num-
4 ber as determined by the Secretary to be re-
5 quired to provide specialty care services to eligi-
6 ble beneficiaries at such centers.

7 (G) A plan to monitor access to care, bene-
8 ficiary satisfaction, experience of care, and clin-
9 ical outcomes to understand better the impact
10 of such centers on the health care of eligible
11 beneficiaries.

12 (e) NOTIFICATION.—The Secretary of Defense shall
13 notify the Committees on Armed Services of the Senate
14 and the House of Representatives not later than 90 days
15 prior to the establishment of a center of excellence under
16 this section.

17 (f) ELIGIBLE BENEFICIARY DEFINED.—In this sec-
18 tion, the term “eligible beneficiary” means a beneficiary
19 under chapter 55 of title 10, United States Code.

20 **SEC. 727. REQUIREMENT TO ESTABLISH ACADEMIC**
21 **HEALTH SYSTEM.**

22 Section 2113b(a) of title 10, United States Code, is
23 amended by striking “may” and inserting “shall”.

1 **SEC. 728. ADHERENCE TO POLICIES RELATING TO MILD**
2 **TRAUMATIC BRAIN INJURY AND POST-TRAU-**
3 **MATIC STRESS DISORDER.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Secretary of Defense shall—

6 (1) direct the Secretary of the Navy and the
7 Secretary of the Air Force to address inconsistencies
8 between the policies of the Department of Defense,
9 the Department of the Navy, and the Department of
10 the Air Force relating to the training of members of
11 the Armed Forces on the identification of symptoms
12 of mild traumatic brain injury in deployed locations;
13 and

14 (2) ensure the Secretary of each military de-
15 partment routinely monitors the adherence of mem-
16 bers of the Armed Forces under the jurisdiction of
17 such Secretary to policies of the Department of De-
18 fense relating to post-traumatic stress disorder and
19 traumatic brain injury, including policies related
20 to—

21 (A) screening certain members of the
22 Armed Forces for post-traumatic stress dis-
23 order and traumatic brain injury prior to any
24 separation of such a member from the Armed
25 Forces for misconduct; and

1 (B) providing counseling to members of
2 the Armed Forces during the process of such
3 separation regarding services and benefits that
4 may be provided by the Department of Veterans
5 Affairs to members after such separation.

6 **SEC. 729. POLICY ON ACCOUNTABILITY FOR WOUNDED**
7 **WARRIORS UNDERGOING DISABILITY EVAL-**
8 **UATION.**

9 (a) IN GENERAL.—Not later than April 1, 2023, the
10 Secretary of Defense shall establish a policy to ensure ac-
11 countability for actions taken under the authorities of the
12 Defense Health Agency and the military departments con-
13 cerning wounded, ill, and injured members of the Armed
14 Forces during the integrated disability evaluation system
15 process of the Department of Defense.

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

18 (1) A requirement that determination of fitness
19 for duty under chapter 61 of title 10, United States
20 Code, of a member of the Armed Forces falls under
21 the jurisdiction of the Secretary of the military de-
22 partment concerned.

23 (2) A requirement that medical evaluation pro-
24 vided under the authority of the Defense Health
25 Agency shall—

1 (A) comply with applicable law and regula-
2 tions of the Department of Defense; and

3 (B) be considered by the Secretary of the
4 military department concerned in determining
5 fitness for duty under chapter 61 of such title.

6 (3) A requirement that wounded, ill, and in-
7 jured members of the Armed Forces shall not be de-
8 nied the protections, privileges, or right to due proc-
9 ess afforded under applicable law and regulations of
10 the Department of Defense and the military depart-
11 ment concerned.

12 (c) CLARIFICATION OF RESPONSIBILITIES REGARD-
13 ING MEDICAL EVALUATION BOARDS.—Section 1073c of
14 title 10, United States Code, is amended by—

15 (1) redesignating subsection (h) as subsection
16 (i); and

17 (2) by inserting after subsection (g) the fol-
18 lowing new subsection (h):

19 “(h) AUTHORITIES RESERVED TO THE SECRETARIES
20 OF THE MILITARY DEPARTMENTS CONCERNING THE DIS-
21 ABILITY EVALUATION SYSTEM.—

22 “(1) IN GENERAL.—Notwithstanding the re-
23 sponsibilities and authorities of the Director of the
24 Defense Health Agency with respect to the adminis-
25 tration of military medical treatment facilities as set

1 forth in this section, including medical evaluations of
2 members of the armed forces, the Secretary of each
3 military department shall maintain personnel au-
4 thority over and responsibility for any member of
5 the armed forces under the jurisdiction of the Sec-
6 retary concerned while the member is being consid-
7 ered by a medical evaluation board.

8 “(2) RESPONSIBILITY DESCRIBED.—The re-
9 sponsibility of the Secretary of a military depart-
10 ment described in paragraph (1) shall include the
11 following:

12 “(A) Responsibility for administering the
13 morale and welfare of members of the armed
14 forces under the jurisdiction of the Secretary
15 concerned.

16 “(B) Responsibility for determinations of
17 fitness for duty of such members under chapter
18 61 of this title.”.

1 **Subtitle C—Reports and Other**
2 **Matters**

3 **SEC. 741. THREE-YEAR EXTENSION OF AUTHORITY TO CON-**
4 **TINUE DOD-VA HEALTH CARE SHARING IN-**
5 **CENTIVE FUND.**

6 Section 8111(d)(3) of title 38, United States Code,
7 is amended by striking “September 30, 2023” and insert-
8 ing “September 30, 2026”.

9 **SEC. 742. EXTENSION OF AUTHORITY FOR JOINT DEPART-**
10 **MENT OF DEFENSE-DEPARTMENT OF VET-**
11 **ERANS AFFAIRS MEDICAL FACILITY DEM-**
12 **ONSTRATION FUND.**

13 Section 1704(e) of the National Defense Authoriza-
14 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
15 Stat. 2567), as most recently amended by section 715 of
16 the National Defense Authorization Act for Fiscal Year
17 2022 (Public Law 117–81), is amended by striking “Sep-
18 tember 30, 2023” and inserting “September 30, 2024”.

19 **SEC. 743. AUTHORIZATION OF PERMANENT PROGRAM TO**
20 **IMPROVE OPIOID MANAGEMENT IN THE MILI-**
21 **TARY HEALTH SYSTEM.**

22 Section 716 of the John S. McCain National Defense
23 Authorization Act for Fiscal Year 2019 (Public Law 115–
24 232; 10 U.S.C. 1090 note), is amended—

1 (1) in subsection (a)(1), by striking “Beginning
2 not” and inserting “Except as provided in sub-
3 section (e), beginning not”;

4 (2) by redesignating subsection (e) as sub-
5 section (f); and

6 (3) by inserting after subsection (d) the fol-
7 lowing new subsection (e):

8 “(e) ALTERNATIVE INITIATIVE TO IMPROVE OPIOID
9 MANAGEMENT.—As an alternative to the pilot program
10 under this section, the Director of the Defense Health
11 Agency, not later than January 1, 2023—

12 “(1) may implement a permanent program to
13 improve opioid management for beneficiaries under
14 the TRICARE program; and

15 “(2) if the Director decides to implement such
16 a permanent program, shall submit to the Commit-
17 tees on Armed Services of the Senate and the House
18 of Representatives the specifications of and reasons
19 for implementing such program.”.

1 **SEC. 744. CLARIFICATION OF MEMBERSHIP REQUIRE-**
2 **MENTS AND COMPENSATION AUTHORITY FOR**
3 **INDEPENDENT SUICIDE PREVENTION AND**
4 **RESPONSE REVIEW COMMITTEE.**

5 Section 738 of the National Defense Authorization
6 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
7 1801) is amended—

8 (1) in subsection (b)(3), by inserting “(except
9 for a former member of an Armed Force)” after
10 “Armed Force”;

11 (2) by redesignating subsections (f) through (h)
12 as subsections (g) through (i), respectively; and

13 (3) by inserting after subsection (e) the fol-
14 lowing new subsection (f):

15 “(f) COMPENSATION.—

16 “(1) IN GENERAL.—The Secretary may com-
17 pensate members of the committee established under
18 subsection (a) for the work of such members for the
19 committee.

20 “(2) TREATMENT OF COMPENSATION.—A mem-
21 ber of the committee established under subsection
22 (a) who receives compensation under paragraph (1)
23 shall not be considered a civilian employee of the
24 Department of Defense for purposes of subsection
25 (b)(3).”.

1 **SEC. 745. TERMINATION OF VETERANS' ADVISORY BOARD**
2 **ON RADIATION DOSE RECONSTRUCTION.**

3 Section 601 of the Veterans Benefit Act of 2003
4 (Public Law 108–183; 38 U.S.C. 1154 note) is amend-
5 ed—

6 (1) in subsection (b), by striking “, including
7 the establishment of the advisory board required by
8 subsection (c)”; and

9 (2) by striking subsection (c).

10 **SEC. 746. SCHOLARSHIP-FOR-SERVICE PILOT PROGRAM**
11 **FOR CIVILIAN BEHAVIORAL HEALTH PRO-**
12 **VIDERS.**

13 (a) IN GENERAL.—Commencing not later than two
14 years after the date of the enactment of this Act, the Sec-
15 retary of Defense shall carry out a pilot program under
16 which—

17 (1) the Secretary may provide—

18 (A) scholarships to cover tuition and re-
19 lated fees at an institution of higher education
20 to an individual enrolled in a program of study
21 leading to a graduate degree in clinical psy-
22 chology, social work, counseling, or a related
23 field (as determined by the Secretary); and

24 (B) student loan repayment assistance to a
25 credentialed behavioral health provider who has
26 a graduate degree in clinical psychology, social

1 work, counseling, or a related field (as deter-
2 mined by the Secretary); and

3 (2) in exchange for such assistance, the recipi-
4 ent shall commit to work as a covered civilian behav-
5 ioral health provider in the direct care component of
6 the military health system in accordance with sub-
7 section (c).

8 (b) DURATION.—The Secretary of Defense shall
9 carry out the pilot program under subsection (a) during
10 the 10-year period beginning on the commencement of the
11 pilot program.

12 (c) POST-AWARD EMPLOYMENT OBLIGATIONS.—

13 (1) IN GENERAL.—Subject to paragraph (2), as
14 a condition of receiving assistance under subsection
15 (a), the recipient of such assistance shall enter into
16 an agreement with the Secretary of Defense pursu-
17 ant to which the recipient agrees to work on a full-
18 time basis as a covered civilian behavioral health
19 provider in the direct care component of the military
20 health system for a period that is at least equivalent
21 to the period during which the recipient received as-
22 sistance under such paragraph.

23 (2) OTHER TERMS AND CONDITIONS.—An
24 agreement entered into pursuant to paragraph (1)
25 may include such other terms and conditions as the

1 Secretary of Defense may determine necessary to
2 protect the interests of the United States or other-
3 wise appropriate for purposes of this section, includ-
4 ing terms and conditions providing for limited excep-
5 tions from the post-award employment obligation
6 specified in such subparagraph.

7 (d) REPAYMENT.—

8 (1) IN GENERAL.—An individual who receives
9 assistance under subsection (a) and does not com-
10 plete the employment obligation required under the
11 agreement entered into pursuant to subsection (c)
12 shall repay to the Secretary of Defense a prorated
13 portion of the financial assistance received by the in-
14 dividual under subsection (a).

15 (2) DETERMINATION OF AMOUNT.—The
16 amount of any repayment required under paragraph
17 (1) shall be determined by the Secretary.

18 (e) IMPLEMENTATION PLAN.—Not later than one
19 year after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the Committees on
21 Armed Services of the Senate and the House of Represent-
22 ative a plan for the implementation of this section.

23 (f) REPORTS.—

24 (1) IN GENERAL.—Not later than each of one
25 year, five years, and nine years after the commence-

1 ment of the pilot program under subsection (a), the
2 Secretary of Defense shall submit to the Committees
3 on Armed Services of the Senate and the House of
4 Representative a report on the pilot program.

5 (2) ELEMENTS.—Each report under paragraph
6 (1) shall include, with respect to the pilot program
7 under subsection (a), the following:

8 (A) The number of students receiving
9 scholarships under the pilot program.

10 (B) The locations of such students.

11 (C) The amount of total scholarship money
12 expended per academic school year under the
13 pilot program.

14 (D) The average scholarship amount per
15 student under the pilot program.

16 (E) The number of students hired as be-
17 havioral health providers by the Department of
18 Defense under the pilot program.

19 (F) Any recommendations for terminating
20 the pilot program, extending the pilot program,
21 or making the pilot program permanent.

22 (g) DEFINITIONS.—In this section:

23 (1) BEHAVIORAL HEALTH.—The term “behav-
24 ioral health” includes psychiatry, clinical psychology,
25 social work, counseling, and related fields.

1 (2) CIVILIAN BEHAVIORAL HEALTH PRO-
2 VIDER.—The term “civilian behavioral health pro-
3 vider” means a behavioral health provider who is a
4 civilian employee of the Department of Defense.

5 (3) COVERED CIVILIAN BEHAVIORAL HEALTH
6 PROVIDER.—The term “covered civilian behavioral
7 health provider” means a civilian behavioral health
8 provider whose employment by the Secretary of De-
9 fense involves the provision of behavioral health serv-
10 ices at a military medical treatment facility.

11 (4) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given that term in section 101 of the High-
14 er Education Act of 1965 (20 U.S.C. 1001).

15 **SEC. 747. EXPANSION OF EXTRAMEDICAL MATERNAL**
16 **HEALTH PROVIDERS DEMONSTRATION**
17 **PROJECT TO INCLUDE MEMBERS OF THE**
18 **ARMED FORCES ON ACTIVE DUTY AND**
19 **OTHER INDIVIDUALS RECEIVING CARE AT**
20 **MILITARY MEDICAL TREATMENT FACILITIES.**

21 Section 746 of the William M. (Mac) Thornberry Na-
22 tional Defense Authorization Act for Fiscal Year 2021
23 (Public Law 116–283; 10 U.S.C. 1073 note) is amend-
24 ed—

1 (1) in subsection (a), by inserting “, including
2 coverage of such providers at military medical treat-
3 ment facilities” before the period at the end;

4 (2) in subsection (c), by striking “covered bene-
5 ficiaries” and inserting “covered individuals”;

6 (3) in subsection (f)(2), by striking “covered
7 beneficiaries” each place it appears and inserting
8 “covered individuals”; and

9 (4) in subsection (h)—

10 (A) by amending paragraph (1) to read as
11 follows:

12 “(1) The term ‘covered individual’ means a ben-
13 eficiary under chapter 55 of title 10, United States
14 Code.”; and

15 (B) by adding at the end the following
16 paragraph:

17 “(3) The term ‘TRICARE program’ has the
18 meaning given that term in section 1072 of title 10,
19 United States Code.”.

1 **SEC. 748. AUTHORITY TO CARRY OUT STUDIES AND DEM-**
2 **ONSTRATION PROJECTS RELATING TO DE-**
3 **LIVERY OF HEALTH AND MEDICAL CARE**
4 **THROUGH USE OF OTHER TRANSACTION AU-**
5 **THORITY.**

6 (a) IN GENERAL.—Section 1092(b) of title 10,
7 United States Code, is amended by inserting “or trans-
8 actions (other than contracts, cooperative agreements, and
9 grants)” after “contracts”.

10 (b) BRIEFING.—Not later than 180 days after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall brief the Committees on Armed Services of the Sen-
13 ate and the House of Representatives on how the Sec-
14 retary intends to use the authority to enter into trans-
15 actions under section 1092(b) of title 10, United States
16 Code, as amended by subsection (a).

17 **SEC. 749. CAPABILITY ASSESSMENT AND ACTION PLAN**
18 **WITH RESPECT TO EFFECTS OF EXPOSURE**
19 **TO OPEN BURN PITS AND OTHER ENVIRON-**
20 **MENTAL HAZARDS.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of Defense
23 shall—

24 (1) conduct a capability assessment of potential
25 improvements to activities of the Department of De-
26 fense to reduce the effects of environmental expo-

1 sures with respect to members of the Armed Forces;
2 and

3 (2) develop an action plan to implement such
4 improvements assessed under paragraph (1) as the
5 Secretary considers appropriate.

6 (b) ELEMENTS.—The capability assessment required
7 by subsection (a)(1) shall include the following elements:

8 (1) With respect to the conduct of periodic
9 health assessments, the following:

10 (A) An assessment of the feasibility and
11 advisability of adding additional screening ques-
12 tions relating to environmental and occupa-
13 tional exposures to current health assessments
14 of members of the Armed Forces conducted by
15 the Department of Defense, including pre- and
16 post-deployment assessments and pre-separa-
17 tion assessments.

18 (B) An assessment of the potential value
19 and feasibility of regularly requiring spirometry
20 or other pulmonary function testing pre- and
21 post-deployment for all members, or selected
22 members, of the Armed Forces.

23 (2) With respect to the conduct of outreach and
24 education, the following:

1 (A) An evaluation of clinician training on
2 the health effects of airborne hazards and how
3 to document exposure information in health
4 records maintained by the Department of De-
5 fense and the Department of Veterans Affairs.

6 (B) An assessment of the adequacy of cur-
7 rent actions by the Secretary of Defense and
8 the Secretary of Veterans Affairs to increase
9 awareness among members of the Armed
10 Forces and veterans of the purposes and uses
11 of the Airborne Hazards and Open Burn Pit
12 Registry and the effect of a potential require-
13 ment that individuals meeting applicable cri-
14 teria be automatically enrolled in the registry
15 unless they opt out of enrollment.

16 (C) An assessment of operational plans for
17 deployment with respect to the adequacy of
18 educational activities for and evaluations of per-
19 formance of command authorities, medical per-
20 sonnel, and members of the Armed Forces on
21 deployment on anticipated environmental expo-
22 sures and potential means to minimize and
23 mitigate any adverse health effects of such ex-
24 posures, including through the use of moni-

1 toring, personal protective equipment, and med-
2 ical responses.

3 (D) An evaluation of potential means to
4 improve the education of health care providers
5 of the Department of Defense with respect to
6 the diagnosis and treatment of health condi-
7 tions associated with environmental exposures.

8 (3) With respect to monitoring of exposure dur-
9 ing deployment operations, the following:

10 (A) An evaluation of potential means to
11 strengthen tactics, techniques, and procedures
12 used in deployment operations to document—

13 (i) specific locations where members
14 of the Armed Forces served;

15 (ii) environmental exposures in such
16 locations; and

17 (iii) any munitions involved during
18 such service in such locations.

19 (B) An assessment of potential improve-
20 ments in the acquisition and use of wearable
21 monitoring technology and remote sensing capa-
22 bilities to record environmental exposures by ge-
23 ographic location.

24 (C) An analysis of the potential value and
25 feasibility of maintaining a repository of frozen

1 soil samples from each deployment location to
2 be later tested as needed when concerns relat-
3 ing to environmental exposures are identified.

4 (4) With respect to the use of the Individual
5 Longitudinal Exposure Record (referred to in this
6 paragraph as “ILER”), the following:

7 (A) An assessment of feasibility and advis-
8 ability of recording individual clinical diagnosis
9 and treatment information in ILER to be inte-
10 grated with exposure data.

11 (B) An evaluation of—

12 (i) the progress toward making ILER
13 operationally capable and accessible to
14 members of the Armed Forces and vet-
15 erans by 2023; and

16 (ii) the integration of ILER data with
17 the electronic health records of the Depart-
18 ment of Defense and the Department of
19 Veterans Affairs.

20 (C) An assessment of the feasibility and
21 advisability of making ILER data accessible to
22 the surviving family members of members of
23 the Armed Forces and veterans.

24 (5) With respect to the conduct of research, the
25 following:

1 (A) An assessment of the potential use of
2 the Airborne Hazards and Open Burn Pit Reg-
3 istry for research on monitoring and identifying
4 the health consequences of exposure to open
5 burn pits.

6 (B) An analysis of options for increasing
7 the amount and the relevance of additional re-
8 search into the health effects of open burn pits
9 and effective treatments for such health effects.

10 (C) An evaluation of potential research of
11 biomarker monitoring to document environ-
12 mental exposures during deployment or
13 throughout the military career of a member of
14 the Armed Forces.

15 (D) An analysis of potential organizational
16 strengthening with respect to the management
17 of research on environmental exposure hazards,
18 including the establishment of a joint program
19 executive office for such management.

20 (E) An assessment of the findings and rec-
21 ommendations of the 2020 report entitled “Res-
22 piratory Health Effects of Airborne Hazards
23 Exposures in the Southwest Asia Theater of
24 Military Operations” by the National Acad-
25 emies of Science, Engineering, and Medicine.

1 (6) An evaluation of such other matters as the
2 Secretary determines appropriate to ensure a com-
3 prehensive review of activities relating to the effects
4 of exposure to open burn pits and other environ-
5 mental hazards.

6 (c) SUBMISSION OF PLAN AND REPORT.—Not later
7 than 240 days after the date of the enactment of this Act,
8 the Secretary shall submit to the Committees on Armed
9 Services of the Senate and the House of Representatives—

10 (1) the action plan required by subsection
11 (a)(2); and

12 (2) a report on the results of the capability as-
13 sessment required by subsection (a)(1).

14 (d) DEFINITIONS.—In this section:

15 (1) AIRBORNE HAZARDS AND OPEN BURN PIT
16 REGISTRY.—The term “Airborne Hazards and Open
17 Burn Pit Registry” means the registry established
18 under section 201 of the Dignified Burial and Other
19 Veterans’ Benefits Improvement Act of 2012 (Public
20 Law 112–260; 38 U.S.C. 527 note).

21 (2) ENVIRONMENTAL EXPOSURES.—The term
22 “environmental exposures” means exposure to open
23 burn pits and other environmental hazards as the
24 Secretary determines.

1 (3) OPEN BURN PIT.—The term “open burn
2 pit” has the meaning given that term in section
3 201(c) of the Dignified Burial and Other Veterans’
4 Benefits Improvement Act of 2012 (Public Law
5 112–260; 38 U.S.C. 527 note).

6 **SEC. 750. INDEPENDENT ANALYSIS OF DEPARTMENT OF**
7 **DEFENSE COMPREHENSIVE AUTISM CARE**
8 **DEMONSTRATION PROGRAM.**

9 Section 737 of the National Defense Authorization
10 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
11 1800) is amended—

12 (1) in subsection (b)(2)—

13 (A) in subparagraph (A)—

14 (i) by inserting “broadly” after “dis-
15 order”; and

16 (ii) by striking “demonstration
17 project” and inserting “demonstration pro-
18 gram”

19 (B) in subparagraph (B), by striking
20 “demonstration project” and inserting “dem-
21 onstration program”;

22 (C) in subparagraph (C), by inserting “pa-
23 rental involvement in applied behavioral anal-
24 ysis treatment, and” after “including”;

1 (D) in subparagraph (D), by striking “for
2 an individual who has” and inserting “, includ-
3 ing mental health outcomes, for individuals who
4 have”;

5 (E) in subparagraph (E), by inserting
6 “since its inception” after “demonstration pro-
7 gram”;

8 (F) in subparagraph (F), by inserting
9 “cost effectiveness, program effectiveness, and
10 clinical” after “measure the”;

11 (G) in subparagraph (G), by inserting
12 “than in the general population” after “fami-
13 lies”;

14 (H) by redesignating subparagraph (H) as
15 subparagraph (I); and

16 (I) by inserting after subparagraph (G) the
17 following new subparagraph (H):

18 “(H) An analysis of whether the diagnosis
19 and treatment of autism is higher among the
20 children of military families than in the general
21 population.”; and

22 (2) in subsection (c), in the matter preceding
23 paragraph (1), by striking “nine” and inserting
24 “31”.

1 **SEC. 751. REPORT ON SUICIDE PREVENTION REFORMS FOR**
2 **MEMBERS OF THE ARMED FORCES.**

3 (a) IN GENERAL.—Not later than March 1, 2023, the
4 Secretary of Defense shall submit to the Committees on
5 Armed Services of the Senate and the House of Represent-
6 atives a report on the feasibility and advisability of imple-
7 menting the following reforms related to suicide preven-
8 tion among members of the Armed Forces:

9 (1) Eliminating mental health history as a dis-
10 qualifier for service in the Armed Forces, including
11 eliminating restrictions related to mental health his-
12 tory that are specific to military occupational spe-
13 cialties.

14 (2) Requiring comprehensive in-person annual
15 mental health assessments of members of the Armed
16 Forces.

17 (3) Requiring behavioral health providers under
18 the TRICARE program, including providers con-
19 tracted through such program, to undergo evidence-
20 based and suicide-specific training.

21 (4) Requiring leaders at all levels of the Armed
22 Forces to be trained on the following:

23 (A) Total wellness.

24 (B) Suicide warning signs and risk factors.

25 (C) Evidence-based, suicide-specific inter-
26 ventions.

1 (D) Effectively communicating with med-
2 ical and behavioral health providers.

3 (E) Communicating with family members,
4 including extended family members who are not
5 co-located with a member of the Armed Forces,
6 on support and access to resources for members
7 of the Armed Forces and their dependents.

8 (5) Requiring mandatory referral to Warriors in
9 Transition programs or transitional programs for
10 members of the Armed Forces who are eligible for
11 such programs.

12 (b) DEFINITIONS.—In this section—

13 (1) TRICARE PROGRAM.—The term
14 “TRICARE program” has the meaning given that
15 term in section 1072(7) of title 10, United States
16 Code.

17 (2) WARRIORS IN TRANSITION PROGRAM.— The
18 term “Warriors in Transition program” has the
19 meaning given that term in section 738(e) of the
20 National Defense Authorization Act for Fiscal Year
21 2013 (Public Law 112–239; 10 U.S.C. 1071 note).

1 **SEC. 752. REPORT ON BEHAVIORAL HEALTH WORKFORCE**
2 **AND PLAN TO ADDRESS SHORTFALLS IN PRO-**
3 **VIDERS.**

4 (a) REPORT ON BEHAVIORAL HEALTH WORK-
5 FORCE.—

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 conduct an analysis of the
9 behavioral health workforce under the direct care
10 component of the military health system and submit
11 to the Committees on Armed Services of the Senate
12 and the House of Representatives a report con-
13 taining the results of such analysis.

14 (2) ELEMENTS.—The report required under
15 paragraph (1) shall include, with respect to the
16 workforce specified in such paragraph, the following:

17 (A) The number of positions authorized for
18 military behavioral health providers within such
19 workforce, and the number of such positions
20 filled, disaggregated by the professions de-
21 scribed in paragraph (3).

22 (B) The number of positions authorized for
23 civilian behavioral health providers within such
24 workforce, and the number of such positions
25 filled, disaggregated by the professions de-
26 scribed in paragraph (3).

1 (C) For each military department, the
2 ratio of military behavioral health providers as-
3 signed to military medical treatment facilities
4 compared to civilian behavioral health providers
5 so assigned, disaggregated by the professions
6 described in paragraph (3).

7 (D) For each military department, the
8 number of military behavioral health providers
9 authorized to be embedded within an oper-
10 ational unit, and the number of such positions
11 filled, disaggregated by the professions de-
12 scribed in paragraph (3).

13 (E) Data on the historical demand for be-
14 havioral health services by members of the
15 Armed Forces.

16 (F) An estimate of the number of health
17 care providers necessary to meet the demand by
18 such members for behavioral health services
19 under the direct care component of the military
20 health system, disaggregated by provider type.

21 (G) An identification of any shortfall be-
22 tween the estimated number under subpara-
23 graph (F) and the total number of positions for
24 behavioral health providers filled within such
25 workforce.

1 (H) Such other information as the Sec-
2 retary may determine appropriate.

3 (3) PROVIDER TYPES.—The professions de-
4 scribed in this paragraph are as follows:

5 (A) Clinical psychologists.

6 (B) Social workers.

7 (C) Counselors.

8 (D) Such other professions as the Sec-
9 retary may determine appropriate.

10 (b) PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL
11 HEALTH WORKFORCE.—

12 (1) IN GENERAL.—Not later than one year
13 after the date of the enactment of this Act, the Sec-
14 retary of Defense shall submit to the Committees on
15 Armed Services of the Senate and the House of Rep-
16 resentatives a plan to address any shortfall of the
17 behavioral health workforce identified under sub-
18 section (a)(2)(G).

19 (2) ELEMENTS.—The plan required by para-
20 graph (1) shall—

21 (A) address, with respect to any shortfall
22 of military behavioral health providers (ad-
23 dressed separately with respect to such pro-
24 viders assigned to military medical treatment

1 facilities and such providers assigned to be em-
2 bedded within operational units)—

3 (i) recruitment;

4 (ii) accession;

5 (iii) retention;

6 (iv) special pay and other aspects of
7 compensation;

8 (v) workload;

9 (vi) the role of the Uniformed Services
10 University of the Health Sciences and the
11 Armed Forces Health Professions Scholar-
12 ship Program under chapter 105 of title
13 10, United States Code;

14 (vii) any additional authorities or re-
15 sources necessary for the Secretary to in-
16 crease the number of such providers; and

17 (viii) such other considerations as the
18 Secretary may consider appropriate;

19 (B) address, with respect to any shortfall
20 of civilian behavioral health providers—

21 (i) recruitment;

22 (ii) hiring;

23 (iii) retention;

24 (iv) pay and benefits;

25 (v) workload;

1 (vi) educational scholarship programs;

2 (vii) any additional authorities or re-

3 sources necessary for the Secretary to in-

4 crease the number of such providers; and

5 (viii) such other considerations as the

6 Secretary may consider appropriate;

7 (C) recommend whether the number of

8 military behavioral health providers in each

9 military department should be increased, and if

10 so, by how many;

11 (D) include a plan to expand access to be-

12 havioral health services under the military

13 health system through the use of telehealth;

14 (E) include a plan by each military depart-

15 ment to allocate additional uniformed mental

16 health providers in military medical treatment

17 facilities at remote installations; and

18 (F) assess the feasibility of hiring civilian

19 mental health providers at remote installations

20 to augment the provision of mental health care

21 services by uniformed mental health providers.

22 (c) DEFINITIONS.—In this section:

23 (1) BEHAVIORAL HEALTH.—The term “behav-

24 ioral health” includes psychiatry, clinical psychology,

25 social work, counseling, and related fields.

1 (2) CIVILIAN BEHAVIORAL HEALTH PRO-
2 VIDER.—The term “civilian behavioral health pro-
3 vider” means a behavioral health provider who is a
4 civilian employee of the Department of Defense.

5 (3) MILITARY BEHAVIORAL HEALTH PRO-
6 VIDER.—The term “military behavioral health pro-
7 vider” means a behavioral health provider who is a
8 member of the Armed Forces.

9 (4) UNIFORMED SERVICES UNIVERSITY OF THE
10 HEALTH SCIENCES.—The term “Uniformed Services
11 University of the Health Sciences” means the uni-
12 versity established under section 2112 of title 10,
13 United States Code.

14 **TITLE VIII—ACQUISITION POL-**
15 **ICY, ACQUISITION MANAGE-**
16 **MENT, AND RELATED MAT-**
17 **TERS**

18 **Subtitle A—Acquisition Policy and**
19 **Management**

20 **SEC. 801. MODIFICATIONS TO MIDDLE TIER ACQUISITION**
21 **AUTHORITY.**

22 Section 804 of the National Defense Authorization
23 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
24 321 note prec.) is amended by adding at the end the fol-
25 lowing new subsection:

1 “(e) ACQUISITION PLANNING.—Within one year of a
2 program being designated as either a rapid prototyping
3 or rapid fielding program, as defined by this section, the
4 component acquisition executive concerned shall approve
5 an acquisition plan that includes—

6 “(1) the potential transition pathway or path-
7 ways to an existing or planned program of record;

8 “(2) a life-cycle cost estimate; and

9 “(3) a test plan to verify desired performance
10 goals.”.

11 **SEC. 802. EXTENSION OF DEFENSE MODERNIZATION AC-**
12 **COUNT AUTHORITY.**

13 Section 3136 of title 10, United States Code, as
14 transferred by section 1809(g)(1) of the William M. (Mac)
15 Thornberry National Defense Authorization Act for Fiscal
16 Year 2021 (Public Law 116–283; 134 Stat. 4161), is
17 amended by striking subsection (j).

18 **SEC. 803. PROHIBITION ON CERTAIN PROCUREMENTS OF**
19 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

20 (a) PROHIBITION ON PROCUREMENT.—The Sec-
21 retary of Defense may not enter into, extend, or renew
22 a contract to procure any major defense acquisition pro-
23 gram that contains covered items.

24 (b) CERTIFICATION REQUIRED.—The Secretary of
25 Defense shall include in any solicitation for contract pro-

1 posals, extensions, or renewals a requirement for prime
2 contractors to certify compliance with subsection (a) based
3 on the prime contractor's performance of vendor
4 verification of all suppliers or potential suppliers in all
5 tiers of such prime contractor's supply chain.

6 (c) WAIVER AUTHORITY.—The Secretary may, on a
7 one-time basis, waive the requirements under subsection
8 (a) with respect to a prime contractor that requests such
9 a waiver. The waiver may be provided, for a period of not
10 more than five years after the effective date described in
11 subsection (d), if the prime contractor seeking the waiv-
12 er—

13 (1) provides a sufficient justification for the ad-
14 ditional time to implement the requirements under
15 such subsection, as determined by the Secretary; and

16 (2) submits to the Secretary, who shall not
17 later than 30 days thereafter submit to the congres-
18 sional defense committees, a full and complete
19 laydown of the presence of covered items in the
20 prime contractor's supply chain and a phase-out
21 plan to eliminate such covered items from the enti-
22 ty's systems.

23 (d) EFFECTIVE DATE.—Subsections (a), (b), and (c)
24 shall take effect one year after the date of the enactment
25 of this Act.

1 (e) RULEMAKING.—Not later than 180 days after the
2 date of the enactment of this Act, the Secretary of Defense
3 shall issue rules to implement this section.

4 (f) DEFINITIONS.—In this section:

5 (1) COVERED FOREIGN COUNTRY.—The term
6 “covered foreign country” means the People’s Re-
7 public of China.

8 (2) COVERED ITEMS.—The term “covered
9 item” means an item produced or provided by an en-
10 tity—

11 (A) owned or controlled by the government
12 of a covered foreign country; or

13 (B) where the place of performance is in a
14 covered foreign country.

15 (3) MAJOR DEFENSE ACQUISITION PROGRAM.—
16 The term “major defense acquisition program” has
17 the meaning given the term in section 4201 of title
18 10, United States Code.

19 **SEC. 804. REVISION OF AUTHORITY FOR PROCEDURES TO**
20 **ALLOW RAPID ACQUISITION AND DEPLOY-**
21 **MENT OF CAPABILITIES NEEDED UNDER**
22 **SPECIFIED HIGH-PRIORITY CIRCUMSTANCES.**

23 (a) REVISION AND CODIFICATION OF RAPID ACQUI-
24 TION AUTHORITY.—Chapter 253 of part V of title 10,
25 United States Code, is amended to read as follows:

1 **“CHAPTER 253—RAPID ACQUISITION**
2 **PROCEDURES**

“Sec.

“3601. Procedures for urgent acquisition and deployment of capability needed
in response to urgent operational needs or vital national security interest.

3 **“§ 3601. Procedures for urgent acquisition and de-**
4 **ployment of capability needed in re-**
5 **sponse to urgent operational needs or**
6 **vital national security interest**

7 “(a) PROCEDURES.—

8 “(1) IN GENERAL.—The Secretary of Defense
9 shall prescribe procedures for the urgent acquisition
10 and deployment of capability needed in response to
11 urgent operational needs. The capabilities for which
12 such procedures may be used in response to an ur-
13 gent operational need are those—

14 “(A) that, subject to such exceptions as
15 the Secretary considers appropriate for pur-
16 poses of this section—

17 “(i) can be fielded within a period of
18 two to 24 months;

19 “(ii) do not require substantial devel-
20 opment effort;

21 “(iii) are based on technologies that
22 are proven and available; and

1 “(iv) can appropriately be acquired
2 under fixed price contracts; or

3 “(B) that can be developed or procured
4 under a section 804 rapid acquisition pathway.

5 “(2) DEFINITION.—In this section, the term
6 ‘section 804 rapid acquisition pathway’ means the
7 rapid fielding acquisition pathway or the rapid
8 prototyping acquisition pathway authorized under
9 section 804 of the National Defense Authorization
10 Act for Fiscal Year 2016 (Public Law 114–92; 10
11 U.S.C. 321 prec.).

12 “(b) MATTERS TO BE INCLUDED.—The procedures
13 prescribed under subsection (a) shall include the following:

14 “(1) A process for streamlined communications
15 between the Chairman of the Joint Chiefs of Staff,
16 the acquisition community, and the research and de-
17 velopment community, including—

18 “(A) a process for the commanders of the
19 combatant commands and the Chairman of the
20 Joint Chiefs of Staff to communicate their
21 needs to the acquisition community and the re-
22 search and development community; and

23 “(B) a process for the acquisition commu-
24 nity and the research and development commu-
25 nity to propose capability that meet the needs

1 communicated by the combatant commands and
2 the Chairman of the Joint Chiefs of Staff.

3 “(2) Procedures for demonstrating, rapidly ac-
4 quiring, and deploying a capability proposed pursu-
5 ant to paragraph (1)(B), including—

6 “(A) a process for demonstrating perform-
7 ance and evaluating for current operational
8 purposes the performance of the capability;

9 “(B) a process for developing an acquisi-
10 tion and funding strategy for the deployment of
11 the capability; and

12 “(C) a process for making deployment and
13 utilization determinations based on information
14 obtained pursuant to subparagraphs (A) and
15 (B).

16 “(3) A process to determine the disposition of
17 a capability, including termination (demilitarization
18 or disposal), continued sustainment, or transition to
19 a program of record.

20 “(4) Specific procedures in accordance with the
21 guidance developed under section 804(a) of the Na-
22 tional Defense Authorization Act for Fiscal Year
23 2016 (Public Law 114–92; 10 U.S.C. 321 prec.).

24 “(c) RESPONSE TO COMBAT EMERGENCIES AND
25 CERTAIN URGENT OPERATIONAL NEEDS.—

1 “(1) DETERMINATION OF NEED FOR URGENT
2 ACQUISITION AND DEPLOYMENT.—(A) In the case of
3 any capability that, as determined in writing by the
4 Secretary of Defense, is urgently needed to eliminate
5 a documented deficiency that has resulted in combat
6 casualties, or is likely to result in combat casualties,
7 the Secretary may use the procedures developed
8 under this section in order to accomplish the urgent
9 acquisition and deployment of the needed capability.

10 “(B) In the case of any capability that, as de-
11 termined in writing by the Secretary of Defense, is
12 urgently needed to eliminate a documented defi-
13 ciency that impacts an ongoing or anticipated con-
14 tingency operation and that, if left unfulfilled, could
15 potentially result in loss of life or critical mission
16 failure, the Secretary may use the procedures devel-
17 oped under this section in order to accomplish the
18 urgent acquisition and deployment of the needed ca-
19 pability.

20 “(C)(i) In the case of any cyber capability that,
21 as determined in writing by the Secretary of De-
22 fense, is urgently needed to eliminate a deficiency
23 that as the result of a cyber attack has resulted in
24 critical mission failure, the loss of life, property de-
25 struction, or economic effects, or if left unfilled is

1 likely to result in critical mission failure, the loss of
2 life, property destruction, or economic effects, the
3 Secretary may use the procedures developed under
4 this section in order to accomplish the urgent acqui-
5 sition and deployment of the needed offensive or de-
6 fensive cyber capability.

7 “(ii) In this subparagraph, the term ‘cyber at-
8 tack’ means a deliberate action to alter, disrupt, de-
9 ceive, degrade, or destroy computer systems or net-
10 works or the information or programs resident in or
11 transiting these systems or networks.

12 “(2) DESIGNATION OF SENIOR OFFICIAL RE-
13 SPONSIBLE.—(A)(i) Except as provided under clause
14 (ii), whenever the Secretary makes a determination
15 under subparagraph (A), (B), or (C) of paragraph
16 (1) that a capability is urgently needed to eliminate
17 a deficiency described in that subparagraph, the Sec-
18 retary shall designate a senior official of the Depart-
19 ment of Defense to ensure that the needed capability
20 is acquired and deployed as quickly as possible, with
21 a goal of awarding a contract for the acquisition of
22 the capability within 15 days.

23 “(ii) Clause (i) does not apply to an acquisition
24 initiated in the case of a determination by the Sec-
25 retary that funds are necessary to immediately ini-

1 tiate a project under a section 804 rapid acquisition
2 pathway if the designated official for acquisitions
3 using such pathway is a service acquisition execu-
4 tive.

5 “(B) Upon designation of a senior official under
6 subparagraph (A) with respect to a needed capa-
7 bility, the Secretary shall authorize that official to
8 waive any provision of law or regulation described in
9 subsection (d) that such official determines in writ-
10 ing would unnecessarily impede the urgent acquisi-
11 tion and deployment of the needed capability. In a
12 case in which the needed capability cannot be ac-
13 quired without an extensive delay, the senior official
14 shall require that an interim solution be imple-
15 mented and deployed using the procedures developed
16 under this section to minimize adverse consequences
17 resulting from the urgent need.

18 “(3) USE OF FUNDS.—(A) In any fiscal year in
19 which the Secretary makes a determination de-
20 scribed in subparagraph (A), (B), or (C) of para-
21 graph (1), or upon the Secretary making a deter-
22 mination that funds are necessary to immediately
23 initiate a project under a section 804 rapid acquisi-
24 tion pathway based on a compelling national security
25 need, the Secretary may use any funds available to

1 the Department of Defense if the determination in-
2 cludes a written finding that the use of such funds
3 is necessary to address in a timely manner the defi-
4 ciency documented or identified under such subpara-
5 graph (A), (B), or (C) or the compelling national se-
6 curity need identified for purposes of such section
7 804 pathway, respectively.

8 “(B) The authority provided by this section
9 may only be used to acquire capability—

10 “(i) in the case of determinations by the
11 Secretary under paragraph (1)(A), in an
12 amount aggregating not more than
13 \$200,000,000 during any fiscal year;

14 “(ii) in the case of determinations by the
15 Secretary under paragraph (1)(B), in an
16 amount aggregating not more than
17 \$200,000,000 during any fiscal year;

18 “(iii) in the case of determinations by the
19 Secretary under paragraph (1)(C), in an
20 amount aggregating not more than
21 \$200,000,000 during any fiscal year; and

22 “(iv) in the case of a determination by the
23 Secretary that funds are necessary to imme-
24 diately initiate a project under a section 804
25 rapid acquisition pathway, in an amount aggre-

1 gating not more than \$50,000,000 during any
2 fiscal year.

3 “(C) In exercising the authority under this
4 section, the use of funds is limited as follows:

5 “(i) When operation and maintenance
6 (O&M) funds are utilized as a source, spe-
7 cial O&M funds established for a dedicated
8 or proscribed purpose may not be used.

9 “(ii) When funds are utilized for
10 sustainment purposes, this authority may
11 not be used for more than 2 years.

12 “(4) NOTIFICATION TO CONGRESSIONAL DE-
13 FENSE COMMITTEES.—(A) In the case of a deter-
14 mination by the Secretary under subparagraph (A)
15 or (C) of paragraph (1), the Secretary shall notify
16 the congressional defense committees of the deter-
17 mination within 15 days after the date of the deter-
18 mination.

19 “(B) In the case of a determination by the Sec-
20 retary under paragraph (1)(B), the Secretary shall
21 notify the congressional defense committees of the
22 determination at least 10 days before the date on
23 which the determination is effective.

24 “(C) In the case of a determination by the Sec-
25 retary under paragraph (3)(A) that funds are nec-

1 essary to immediately initiate a project under a sec-
2 tion 804 rapid acquisition pathway, the Secretary
3 shall notify the congressional defense committees of
4 the determination within 10 days after the date of
5 the use of such funds.

6 “(D) A notice under this paragraph shall in-
7 clude the following:

8 “(i) Identification of the capability to be
9 acquired.

10 “(ii) The amount anticipated to be ex-
11 pended for the acquisition.

12 “(iii) The source of funds for the acquisi-
13 tion.

14 “(E) A notice under this paragraph shall fulfill
15 any requirement to provide notification to Congress
16 for a program (referred to as a ‘new start program’)
17 that has not previously been specifically authorized
18 by law or for which funds have not previously been
19 appropriated.

20 “(F) A notice under this paragraph shall be
21 provided in consultation with the Director of the Of-
22 fice of Management and Budget.

23 “(5) LIMITATION ON OFFICERS WITH AUTHOR-
24 ITY.—The authority to make determinations under
25 subparagraph (A), (B), or (C) of paragraph (1) and

1 under paragraph (3)(A) that funds are necessary to
2 immediately initiate a project under a section 804
3 rapid acquisition pathway, to designate a senior offi-
4 cial responsible under paragraph (3), and to provide
5 notification to the congressional defense committees
6 under paragraph (4) may be exercised only by the
7 Secretary or Deputy Secretary of Defense.

8 “(d) AUTHORITY TO WAIVE CERTAIN LAWS AND
9 REGULATIONS.—

10 “(1) AUTHORITY.—The Secretary or Deputy
11 Secretary of Defense, for a capability required to ad-
12 dress the needs described in subsection (c)(1) or,
13 upon a determination described in subsection (c)(1),
14 and the senior official designated in accordance with
15 subsection (c)(2), with respect to that designation, is
16 authorized to waive any provision of law or regula-
17 tion addressing—

18 “(A) the establishment of a requirement or
19 specification for the capability to be acquired;

20 “(B) the research, development, test, and
21 evaluation of the capability to be acquired;

22 “(C) the production, fielding, and
23 sustainment of the capability to be acquired; or

1 “(D) the solicitation, selection of sources,
2 and award of the contracts for procurement of
3 the capability to be acquired.

4 “(2) LIMITATIONS.—Nothing in this subsection
5 authorizes the waiver of—

6 “(A) the requirements of this section;

7 “(B) any provision of law imposing civil or
8 criminal penalties; or

9 “(C) any provision of law governing the
10 proper expenditure of appropriated funds.

11 “(e) OPERATIONAL ASSESSMENTS.—

12 “(1) IN GENERAL.—The process prescribed
13 under subsection (b)(2)(A) for demonstrating per-
14 formance and evaluating the current operational per-
15 formance of a capability proposed pursuant to sub-
16 section (b)(1)(B) shall include the following:

17 “(A) An operational assessment in accord-
18 ance with procedures prescribed by the Director
19 of Operational Test and Evaluation.

20 “(B) A requirement to provide information
21 about any deficiency of the capability in meet-
22 ing the original requirements for the capability
23 (as stated in a statement of the urgent oper-
24 ational need or similar document) to the deploy-
25 ment decision-making authority.

1 “(2) LIMITATION.—The process may not in-
2 clude a requirement for any deficiency of capability
3 identified in the operational assessment to be the de-
4 termining factor in deciding whether to deploy the
5 capability.

6 “(3) DIRECTOR OF OPERATIONAL TEST AND
7 EVALUATION ACCESS.—If a capability is deployed
8 under the procedures prescribed pursuant to this
9 section, or under any other authority, before oper-
10 ational test and evaluation of the capability is com-
11 pleted, the Director of Operational Test and Evalua-
12 tion shall have access to operational records and
13 data relevant to such capability in accordance with
14 section 139(e)(3) of this title for the purpose of
15 completing operational test and evaluation of the ca-
16 pability. Such access shall be provided in a time and
17 manner determined by the Secretary of Defense con-
18 sistent with requirements of operational security and
19 other relevant operational requirements.”.

20 (b) CLERICAL AMENDMENT.—The table of chapters
21 at the beginning of subtitle A, and at the beginning of
22 part V of subtitle A, of title 10, United States Code, are
23 each amended by striking the item relating to chapter 253
24 and inserting the following:

“253. Rapid Acquisition Procedures 3601”.

1 (c) CONFORMING REPEALS.—The following provi-
2 sions of law are repealed:

3 (1) Section 804 of the Ike Skelton National De-
4 fense Authorization Act for Fiscal Year 2011 (Pub-
5 lic Law 111–383).

6 (2) Section 806 of the Bob Stump National De-
7 fense Authorization Act for Fiscal Year 2003 (Pub-
8 lic Law 107–314).

9 **SEC. 805. ACQUISITION REPORTING SYSTEM.**

10 (a) IN GENERAL.—The Secretary of Defense shall in-
11 stitute a defense acquisition reporting system to replace
12 the requirements of section 4351 of title 10, United States
13 Code, as soon as practicable but not later than June 30,
14 2023.

15 (b) ELEMENTS.—The reporting system required
16 under subsection (a) may include such elements as deter-
17 mined by the Secretary to support the acquisition informa-
18 tion reporting needs of the Department, and at a min-
19 imum shall—

20 (1) continue to produce the information nec-
21 essary to carry out the actions specified in chapter
22 325 of title 10, United States Code;

23 (2) continue to produce the information nec-
24 essary to carry out the actions specified in sections

1 4217 and 4311 of the Atomic Energy Defense Act
2 (50 U.S.C. 2537, 2577);

3 (3) incorporate the findings of section 805 of
4 the National Defense Authorization Act for Fiscal
5 Year 2022 (Public Law 117–81); and

6 (4) provide the congressional defense commit-
7 tees and other designated Government entities with
8 access to updated acquisition reporting on a not less
9 than quarterly basis.

10 **SEC. 806. MODIFICATION OF REPORTING REQUIREMENT IN**
11 **CONNECTION WITH REQUESTS FOR**
12 **MULTIYEAR PROCUREMENT AUTHORITY FOR**
13 **LARGE DEFENSE ACQUISITIONS.**

14 Section 3501(i)(2) of title 10, United States Code,
15 is amended—

16 (1) by striking “shall include in the request the
17 following:” and all that follows through “(A) A re-
18 port” and inserting “shall include in the request a
19 report”; and

20 (2) by striking subparagraph (B).

1 **SEC. 807. MODIFICATION OF LIMITATION ON CANCELLA-**
2 **TION OF DESIGNATION OF EXECUTIVE AGENT**
3 **FOR A CERTAIN DEFENSE PRODUCTION ACT**
4 **PROGRAM.**

5 Section 226 of the National Defense Authorization
6 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
7 1335) is amended—

8 (1) in subsection (a), by striking “The Sec-
9 retary” and inserting “Except as provided for under
10 subsection (e), the Secretary”;

11 (2) by redesignating subsection (e) as sub-
12 section (f); and

13 (3) by inserting after subsection (d) the fol-
14 lowing new subsection:

15 “(e) DESIGNATION OF OTHER EXECUTIVE
16 AGENTS.—The Secretary of Defense may designate other
17 Executive Agents within the Department to implement
18 Defense Production Act transactions entered into under
19 the authority of sections 4002, 4003 and 4004 of title 10,
20 United States Code.”.

21 **SEC. 808. COMPTROLLER GENERAL ASSESSMENT OF AC-**
22 **QUISITION PROGRAMS AND RELATED EF-**
23 **FORTS.**

24 (a) IN GENERAL.—Section 3072 of title 10, United
25 States Code, is amended—

1 (1) in the section heading, by striking “**initia-**
2 **tives**” and inserting “**efforts**”;

3 (2) by striking “initiatives” each place it ap-
4 pears and inserting “efforts”;

5 (3) in subsection (a), by striking “through
6 2023” and inserting “through 2026”; and

7 (4) in subsection (c), in the subsection heading,
8 by striking “INITIATIVES” and inserting “EF-
9 FORTS”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 203 of title 10, United States
12 Code, is amended in the item relating to section 3072 by
13 striking “initiatives” and inserting “efforts”.

14 **Subtitle B—Amendments to Gen-**
15 **eral Contracting Authorities,**
16 **Procedures, and Limitations**

17 **SEC. 821. TREATMENT OF CERTAIN CLAUSES IMPL-**
18 **EMENTING EXECUTIVE ORDER MANDATES.**

19 (a) IN GENERAL.—Section 3862 of title 10, United
20 States Code, is amended—

21 (1) in the section heading, by striking “: **cer-**
22 **tification**”;

23 (2) by redesignating subsection (c) as sub-
24 section (d);

1 (3) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c) TREATMENT OF CERTAIN CLAUSES IMPLE-
4 MENTING EXECUTIVE ORDER MANDATES.—(1) The in-
5 section of a covered clause into an existing Department
6 of Defense contract, order, or other transaction shall be
7 treated as a change directed by the contracting officer
8 pursuant to, and subject to, the Changes clause of the un-
9 derlying contractual instrument.

10 “(2) In this subsection, the term ‘covered clause’
11 means any clause implementing the requirements of an
12 Executive order issued by the President.”; and

13 (4) in subsection (d), as redesignated by para-
14 graph (2)—

15 (A) in the subsection heading, by striking
16 “DEFINITION” and inserting “DEFINITIONS”;

17 (B) by striking “section, the term” and in-
18 serting the following: “section:

19 “(1) The term”; and

20 (C) by adding at the end the following new
21 paragraph:

22 “(2) The term ‘Changes clause’ means the
23 clause described in part 52.243–4 of the Federal Ac-
24 quisition Regulation or any successor regulation.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 281 of title 10, United States
3 Code, is amended by striking the item relating to section
4 3862 and inserting the following:

“3862. Requests for equitable adjustment or other relief.”.

5 (c) CONFORMING REGULATIONS.—Not later than
6 120 days after the date of the enactment of this Act, the
7 Secretary of Defense shall revise the Department of De-
8 fense Supplement to the Federal Acquisition Regulation
9 to conform with the amendments to section 3862 of title
10 10, United States Code, made by subsection (a).

11 (d) CONFORMING POLICY GUIDANCE.—Not later
12 than 120 days after the date of the enactment of this Act,
13 the Secretary of Defense shall revise applicable policy
14 guidance on other transactions to conform with the
15 amendments to section 3862 of title 10, United States
16 Code, made by subsection (a).

17 **SEC. 822. DATA REQUIREMENTS FOR COMMERCIAL PROD-**
18 **UCTS FOR MAJOR WEAPON SYSTEMS.**

19 (a) AMENDMENTS RELATING TO SUBSYSTEMS OF
20 MAJOR WEAPONS SYSTEMS.—Section 3455(b) of title 10,
21 United States Code is amended—

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

24 (2) by inserting “(1)” before “A subsystem of
25 a major weapon system”; and

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

3 “(2) For subsystems proposed as commercial as de-
4 fined in section 103(1) of title 41 and that have not been
5 previously determined commercial in accordance with sec-
6 tion 3703(d) of this title, the offeror shall be required to
7 identify the comparable commercial product that is cus-
8 tomarily used by the general public or non-governmental
9 entities that serves as the basis for the ‘of a type’ asser-
10 tion. The offeror shall submit a comparison of the essen-
11 tial physical characteristics and functionality between the
12 proposed ‘of a type’ product and the comparable commer-
13 cial product in support of the ‘of a type’ assertion. The
14 offeror shall also provide the National Stock Numbers for
15 both the comparable commercial product used by the gen-
16 eral public, if one is assigned, and the product proposed
17 to meet the Government’s requirement, if one is as-
18 signed.”.

19 (b) AMENDMENTS RELATING TO COMPONENTS AND
20 SPARE PARTS.—Section 3455(c) of such title is amend-
21 ed—

22 (1) by redesignating paragraph (2) as para-
23 graph (3);

24 (2) by inserting after paragraph (1) the fol-
25 lowing new paragraph (2):

1 “(2) For components or spare parts proposed as com-
2 mercial as defined in section 103(1) of title 41 and that
3 have not previously been determined commercial in accord-
4 ance with section 3703(d) of this title, the offeror shall
5 be required to identify the comparable commercial product
6 that is customarily used by the general public or non-gov-
7 ernmental entities that serves as the basis for the ‘of a
8 type’ assertion. The offeror shall submit a comparison of
9 the essential physical characteristics and functionality be-
10 tween the proposed ‘of a type’ product and the comparable
11 commercial product in support of the ‘of a type’ assertion.
12 The offeror shall also provide the National Stock Numbers
13 for both the comparable commercial product used by the
14 general public, if one is assigned, and the product pro-
15 posed to meet the Government’s requirement, if one is as-
16 signed.”; and

17 (3) in paragraph (3), as so redesignated—

18 (A) by striking “only”; and

19 (B) by striking “on which the prime con-
20 tractor adds no, or negligible, value”.

21 (c) AMENDMENTS RELATING TO INFORMATION SUB-
22 MITTED.—Section 3455(d) of such title is amended—

23 (1) in the subsection heading, by inserting after

24 “SUBMITTED” the following: “FOR PROCUREMENTS

1 THAT ARE NOT COVERED BY THE EXCEPTIONS IN
2 SECTION 3703(A)(1) OF THIS TITLE”;

3 (2) in paragraph (1)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “the contracting officer shall
6 require the offeror to submit—” and inserting
7 “the offeror shall be required, on an unredacted
8 basis, to submit to the contracting officer or
9 provide access to—”;

10 (B) in subparagraph (A)—

11 (i) by inserting “all” before “prices
12 paid”; and

13 (ii) by inserting “, and the terms and
14 conditions,” after “terms and conditions”;

15 (C) in subparagraph (B)—

16 (i) by striking clauses (ii), (iii), and
17 (iv); and

18 (ii) by striking “information on—”
19 and all that follows through “terms and
20 conditions;” and inserting “information on
21 all prices for the same or similar items sold
22 under different terms and conditions, and
23 the terms and conditions; and”; and

24 (D) in subparagraph (C), by inserting
25 after “reasonableness of price” the following:

1 “because either the comparable products pro-
2 vided by the offeror are not a valid basis for a
3 price analysis or the contracting officer deter-
4 mines the proposed price is not reasonable after
5 evaluating sales data”; and

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

8 “(4) A request for cost data under paragraph (1)(C)
9 must be approved at a level above the contracting offi-
10 cer.”.

11 **SEC. 823. TASK AND DELIVERY ORDER CONTRACTING FOR**
12 **ARCHITECTURAL AND ENGINEERING SERV-**
13 **ICES.**

14 Section 3406 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(h) ARCHITECTURAL AND ENGINEERING SERV-
18 ICES.—(1) Task or delivery orders for architectural and
19 engineering services issued under section 3403 or 3405
20 of this title shall be qualification-based selections executed
21 in accordance with chapter 11 of title 40.

22 “(2) When issuing a task or delivery orders for archi-
23 tectural and engineering services under a multiple award
24 contract, the head of an agency shall not routinely request
25 additional information from contractors, but may request

1 additional information or conduct discussions with con-
2 tractors when available information is insufficient, in
3 order to determine the most highly qualified contractor to
4 perform the work in accordance with chapter 11 of title
5 40.”.

6 **SEC. 824. EXTENSION OF PILOT PROGRAM FOR DISTRIBU-**
7 **TION SUPPORT AND SERVICES FOR WEAPONS**
8 **SYSTEMS CONTRACTORS.**

9 Section 883 of the National Defense Authorization
10 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
11 4292 note prec.) is amended—

12 (1) in subsection (a), by striking “six-year pilot
13 program” and inserting “seven-year pilot program”;
14 and

15 (2) in subsection (g), by striking “six years”
16 and inserting “seven years”.

17 **SEC. 825. PILOT PROGRAM TO ACCELERATE CONTRACTING**
18 **AND PRICING PROCESSES.**

19 Section 890(c) of the John S. McCain National De-
20 fense Authorization Act for Fiscal Year 2019 (Public Law
21 115–232; 10 U.S.C. 2306a note) is amended by striking
22 “January 2, 2023” and inserting “January 2, 2024”.

1 **SEC. 826. EXTENSION OF NEVER CONTRACT WITH THE**
2 **ENEMY.**

3 Section 841(n) of the National Defense Authorization
4 Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat.
5 3455) is amended by striking “December 31, 2023” and
6 inserting “December 31, 2025”.

7 **SEC. 827. PROGRESS PAYMENT INCENTIVE PILOT.**

8 (a) PILOT PROGRAM.—The Secretary of Defense,
9 acting through the Under Secretary of Defense for Acqui-
10 sition and Sustainment, shall establish and implement a
11 pilot program, to be known as the “Progress Payment In-
12 centive Pilot Program”, to make accelerated progress pay-
13 ments contingent upon responsiveness to Department of
14 Defense goals for effectiveness, efficiency, and increasing
15 small business contract opportunities.

16 (b) PURPOSE.—The purpose of the pilot program is
17 to reward Department of Defense contractors who meet
18 contract delivery dates, respond to Department solicita-
19 tions for required certified cost or pricing data, meet small
20 business contracting goals, and provide subcontracting op-
21 portunities for AbilityOne contracts.

22 (c) PROGRESS PAYMENTS.—

23 (1) LIMITATIONS FOR LARGE CONTRACTORS.—

24 Except as provided under paragraph (2), under the
25 pilot program, the Department of Defense may not

1 award to large business contractors progress pay-
2 ments in excess of 50 percent.

3 (2) EXCEPTIONS.—The Department of Defense
4 may increase the rate of progress payments, up to
5 a total of 95 percent, by the following percentages:

6 (A) 10 percent if the relevant division of
7 the contractor met contract delivery dates for
8 contract end items and contract data require-
9 ment lists or performance milestone schedule,
10 as the case may be, at least 95 percent of the
11 time during the preceding Government fiscal
12 year.

13 (B) 10 percent if the division does not
14 have open level III or IV corrective action re-
15 quests.

16 (C) 10 percent if all applicable contractor
17 business systems are acceptable, without signifi-
18 cant deficiencies.

19 (D) 7.5 percent if at least 95 percent of
20 the time during the preceding Government fis-
21 cal year, when responding to solicitations that
22 required submission of certified cost or pricing
23 data, the division met the due date in the re-
24 quest for proposal.

1 (E) 5 percent if the contractor has met its
2 small business subcontracting goals during the
3 preceding Government fiscal year.

4 (F) 2.5 percent if the contractor has pro-
5 vided subcontracting opportunities for the blind
6 and severely disabled.

7 (d) SUNSET.—The authority to make accelerated
8 payments under the pilot program shall terminate on the
9 date that is four years after the date of the enactment
10 of the National Defense Authorization Act for Fiscal Year
11 2023.

12 (e) DEFINITIONS.—In this section:

13 (1) LARGE DEFENSE CONTRACTOR.—The term
14 “large defense contractor” means a contractor
15 (other than an institution of higher education or a
16 federally funded research and development center)
17 that received more than \$10,000,000 in annual rev-
18 enue from the Department of Defense contracts or
19 licenses in any of the previous three years.

20 (2) PROGRESS PAYMENTS.—The term
21 “progress payments” means payments provided for
22 under section 3804 of title 10, United States Code.

1 **SEC. 828. REPORT ON DEPARTMENT OF DEFENSE STRA-**
2 **TEGIC CAPABILITIES OFFICE CONTRACTING**
3 **CAPABILITIES.**

4 (a) REPORT REQUIRED.—Not later than March 1,
5 2023, the Secretary of Defense, in coordination with the
6 Under Secretary of Defense for Acquisition and
7 Sustainment, the Under Secretary of Defense for Re-
8 search and Engineering, and the Director of the Strategic
9 Capabilities Office (SCO), shall submit to the congres-
10 sional defense committees a report on the adequacy of
11 SCO contracting authorities.

12 (b) ELEMENTS.—The report required under sub-
13 section (a) shall include—

14 (1) a summary of the existing authorities of the
15 SCO, including the mechanisms for contracting in
16 support of existing programs;

17 (2) an assessment of the average amount of
18 time needed to conduct contracting actions through
19 current mechanisms described in paragraph (1);

20 (3) an assessment of the pros and cons of the
21 current contracting processes for SCO in relation to
22 their ability to rapidly develop and deploy technology
23 in support of Department of Defense operational
24 units;

25 (4) an assessment of the type or types of con-
26 tracting authority that would be most beneficial to

1 the SCO in carrying out its mission in order to
2 achieve desired speed and scale for the organization,
3 including any limits or oversight measures that
4 should be put into place;

5 (5) an assessment of structural changes that
6 may be needed in order to accommodate the pre-
7 ferred contracting approach for SCO; and

8 (6) the Secretary of Defense's recommendations
9 for future authorities for the SCO.

10 **Subtitle C—Industrial Base**
11 **Matters**

12 **SEC. 841. ANALYSES OF CERTAIN ACTIVITIES FOR ACTION**
13 **TO ADDRESS SOURCING AND INDUSTRIAL CA-**
14 **PACITY.**

15 (a) ANALYSIS REQUIRED.—

16 (1) IN GENERAL.—The Secretary of Defense,
17 acting through the Under Secretary of Defense for
18 Acquisition and Sustainment and other appropriate
19 officials, shall review the items under subsection (c)
20 to determine and develop appropriate actions, con-
21 sistent with the policies, programs, and activities re-
22 quired under subpart I of part V of subtitle A of
23 title 10, United States Code, chapter 83 of title 41,
24 United States Code, and the Defense Production Act
25 of 1950 (50 U.S.C. 4501 et seq.), including—

1 (A) restricting procurement, with appro-
2 priate waivers for cost, emergency require-
3 ments, and non-availability of suppliers, includ-
4 ing restricting procurement to—

5 (i) suppliers in the United States;

6 (ii) suppliers in the national tech-
7 nology and industrial base (as defined in
8 section 4801 of title 10, United States
9 Code);

10 (iii) suppliers in other allied nations;

11 or

12 (iv) other suppliers;

13 (B) increasing investment through use of
14 research and development or procurement ac-
15 tivities and acquisition authorities to—

16 (i) expand production capacity;

17 (ii) diversify sources of supply; or

18 (iii) promote alternative approaches
19 for addressing military requirements;

20 (C) prohibiting procurement from selected
21 sources or nations;

22 (D) taking a combination of actions de-
23 scribed under subparagraphs (A), (B), and (C);

24 or

25 (E) taking no action.

1 (2) CONSIDERATIONS.—The analyses conducted
2 pursuant to paragraph (1) shall consider national se-
3 curity, economic, and treaty implications, as well as
4 impacts on current and potential suppliers of goods
5 and services.

6 (b) REPORTING ON ANALYSES, RECOMMENDATIONS,
7 AND ACTIONS.—

8 (1) INTERIM BRIEF.—Not later than January
9 15, 2024, the Secretary of Defense shall submit to
10 the congressional defense committees—

11 (A) a summary of the findings of the anal-
12 yses undertaken for each item pursuant to sub-
13 section (a);

14 (B) relevant recommendations resulting
15 from the analyses; and

16 (C) descriptions of specific activities under-
17 taken as a result of the analyses, including
18 schedule and resources allocated for any
19 planned actions.

20 (2) REPORTING.—The Secretary of Defense
21 shall include the analyses conducted under sub-
22 section (a), and any relevant recommendations and
23 descriptions of activities resulting from such anal-
24 yses, as appropriate, in each of the following sub-
25 mitted during the 2024 calendar year:

1 (A) The annual or quarterly reports to
2 Congress required under section 4814 of title
3 10, United States Code.

4 (B) The annual report on unfunded prior-
5 ities of the national technology and industrial
6 base required under section 4815 of such title.

7 (C) Department of Defense technology and
8 industrial base policy guidance prescribed under
9 section 4811(c) of such title.

10 (D) Activities to modernize acquisition
11 processes to ensure the integrity of the indus-
12 trial base pursuant to section 4819 of such
13 title.

14 (E) Defense memoranda of understanding
15 and related agreements considered in accord-
16 ance with section 4851 of such title.

17 (F) Industrial base or acquisition policy
18 changes.

19 (G) Legislative proposals for changes to
20 relevant statutes which the Department shall
21 consider, develop, and submit to the Committee
22 on Armed Services of the Senate and the Com-
23 mittee on Armed Services of the House of Rep-
24 resentatives not less frequently than once per
25 fiscal year.

1 (H) Other actions as the Secretary of De-
2 fense determines appropriate.

3 (c) LIST OF GOODS AND SERVICES FOR ANALYSES,
4 RECOMMENDATIONS, AND ACTIONS.—The items described
5 in this subsection are the following:

6 (1) Solar components for satellites.

7 (2) Satellite ground station service contracts.

8 **SEC. 842. MODIFICATION TO MISCELLANEOUS LIMITA-**
9 **TIONS ON THE PROCUREMENT OF GOODS**
10 **OTHER THAN UNITED STATES GOODS.**

11 Section 4864 of title 10, United States Code, is
12 amended by inserting after subsection (j) the following
13 new subsection:

14 “(k) PERIODIC REVIEW REQUIREMENT.—

15 “(1) REQUIRED DETERMINATION.—Not later
16 than November 1, 2024, and every five years there-
17 after, the Under Secretary of Defense for Acquisi-
18 tion and Sustainment shall review each item de-
19 scribed in subsections (a) and (e) of this section and
20 make and submit to the congressional defense com-
21 mittees a written determination with one of the fol-
22 lowing recommendations:

23 “(A) Recommend continued inclusion of
24 the item under this section.

1 “(B) Recommend continued inclusion of
2 the item under this section with modifications.

3 “(C) Recommend discontinuing inclusion
4 of the item under this section.

5 “(2) ELEMENTS.—The review required under
6 paragraph (1) shall include the following elements
7 for the most recent five-year period:

8 “(A) The criticality of the item to a mili-
9 tary unit’s mission accomplishment or other na-
10 tional security objectives.

11 “(B) The extent to which such item is
12 fielded in current programs of record.

13 “(C) The number of such items to be pro-
14 cured by current programs of record.

15 “(D) The extent to which cost and pricing
16 data for such item has been deemed fair and
17 reasonable.

18 “(3) JUSTIFICATION.—The determination re-
19 quired under paragraph (1) shall also include the
20 findings of the review conducted under such para-
21 graph and other key justifications for the determina-
22 tion.”.

1 **SEC. 843. DEMONSTRATION EXERCISE OF ENHANCED PLAN-**
2 **NING FOR INDUSTRIAL MOBILIZATION AND**
3 **SUPPLY CHAIN MANAGEMENT.**

4 (a) DEMONSTRATION EXERCISE REQUIRED.—Not
5 later than December 31, 2024, the Secretary of Defense
6 shall conduct a demonstration exercise of industrial mobi-
7 lization and supply chain management planning capabili-
8 ties in support of an operational or contingency plan use
9 case, as selected in consultation with the Chairman of the
10 Joint Chiefs of Staff and the Under Secretary of Defense
11 for Acquisition and Sustainment. The demonstration exer-
12 cise shall identify a current program that is both fielded
13 and still in production from each military service, Defense
14 Agency, and Department of Defense Field Activity in
15 order to model a notional plan for mobilization or supply
16 chain management, as associated with the selected oper-
17 ational or contingency plan.

18 (b) ELEMENTS.—The demonstration exercise re-
19 quired under subsection (a) shall include the following ele-
20 ments:

21 (1) The exercise of processes and authorities
22 that support the Department for industrial mobiliza-
23 tion in support of declared hostilities or other con-
24 tingency operations.

25 (2) The identification of process improvements
26 or gaps in resources, capabilities, or authorities that

1 require remediation, including those related to gov-
2 ernment or contractor production facilities, tooling,
3 or workforce development.

4 (3) The implementation of analytical tools and
5 processes to monitor and assess the health of the in-
6 dustrial base and use near real-time data and visual-
7 ization capabilities in making production and dis-
8 tribution decisions, with an emphasis on identifying,
9 assessing, and demonstrating commercially available
10 tools.

11 (4) The establishment and tracking of goals
12 and metrics to support institutionalization of defense
13 industrial base health assessment and planning.

14 (c) BRIEFING REQUIRED.—Not later than November
15 1, 2023, the Secretary shall provide to the congressional
16 defense committees an interim briefing on the demonstra-
17 tion exercise required under subsection (a), including—

18 (1) an identification of the programs and use
19 cases to be demonstrated;

20 (2) a description of methodology for executing
21 the demonstration exercise, including analytical tools
22 or metrics identified to support the process; and

23 (3) any preliminary findings.

24 (d) ASSESSMENT.—Not later than March 1, 2025,
25 the Secretary shall submit to the congressional defense

1 committees a final assessment report of the demonstration
2 exercise, including a description of—

3 (1) the use cases considered in this demonstra-
4 tion exercise;

5 (2) the elements required under subsection (b);

6 (3) outcomes and conclusions;

7 (4) lessons learned; and

8 (5) any recommendations for legislative action
9 that may be required as a result.

10 (e) DEFINITIONS.—In this section, the terms “mili-
11 tary department”, “Defense Agency”, and Defense Field
12 Activity” have the meanings given those terms in section
13 101 of title 10, United States Code.

14 **SEC. 844. PROCUREMENT REQUIREMENTS RELATING TO**
15 **RARE EARTH ELEMENTS AND STRATEGIC**
16 **AND CRITICAL MATERIALS.**

17 (a) DISCLOSURES CONCERNING RARE EARTH ELE-
18 MENTS AND STRATEGIC AND CRITICAL MATERIALS BY
19 CONTRACTORS OF DEPARTMENT OF DEFENSE.—

20 (1) REQUIREMENT.—Beginning on the date
21 that is 30 months after the date of the enactment
22 of this Act, the Secretary of Defense shall require
23 that any contractor that provides to the Department
24 of Defense a system with a permanent magnet that
25 contains rare earth elements or strategic and critical

1 materials disclose, along with delivery of the system,
2 the provenance of the magnet.

3 (2) ELEMENTS.—A disclosure under paragraph
4 (1) shall include an identification of the country or
5 countries in which—

6 (A) any rare earth elements and strategic
7 and critical materials used in the magnet were
8 mined;

9 (B) such elements and minerals were re-
10 fined into oxides;

11 (C) such elements and minerals were made
12 into metals and alloys; and

13 (D) the magnet was sintered or bonded
14 and magnetized.

15 (3) IMPLEMENTATION OF SUPPLY CHAIN
16 TRACKING SYSTEM.—If a contractor cannot make
17 the disclosure required by paragraph (1) with re-
18 spect to a system described in that paragraph, the
19 Secretary shall require the contractor to establish
20 and implement a supply chain tracking system in
21 order to make the disclosure not later than 180 days
22 after providing the system to the Department of De-
23 fense.

24 (4) WAIVERS.—

1 (A) IN GENERAL.—The Secretary may
2 waive a requirement under paragraph (1) or (3)
3 with respect to a system described in paragraph
4 (1) for a period of not more than 180 days if
5 the Secretary certifies to the Committees on
6 Armed Services of the Senate and the House of
7 Representatives that—

8 (i) the continued procurement of the
9 system is necessary to meet the demands
10 of a national emergency declared under
11 section 201 of the National Emergencies
12 Act (50 U.S.C. 1621); or

13 (ii) the contractor cannot currently
14 make the disclosure required by paragraph
15 (1) but is making significant efforts to
16 comply with the requirements of that para-
17 graph.

18 (B) WAIVER RENEWALS.—The Secretary—

19 (i) may renew a waiver under sub-
20 paragraph (A)(i) as many times as the
21 Secretary considers appropriate; and

22 (ii) may not renew a waiver under
23 subparagraph (A)(ii) more than twice.

24 (5) BRIEFING REQUIRED.—Not later than 30
25 days after the submission of each report required by

1 subsection (c)(3), the Secretary of Defense shall pro-
2 vide to the Committees on Armed Services of the
3 Senate and the House of Representatives a briefing
4 that includes—

5 (A) a summary of the disclosures made
6 under this subsection;

7 (B) an assessment of the extent of reliance
8 by the United States on foreign countries, and
9 especially countries that are not allies of the
10 United States, for rare earth elements and stra-
11 tegic and critical materials;

12 (C) a determination with respect to which
13 systems described in paragraph (1) are of the
14 greatest concern for interruptions of supply
15 chains with respect to rare earth elements and
16 strategic and critical materials; and

17 (D) any suggestions for legislation or fund-
18 ing that would mitigate security gaps in such
19 supply chains.

20 (b) EXPANSION OF RESTRICTIONS ON PROCURE-
21 MENT OF MILITARY AND DUAL-USE TECHNOLOGIES BY
22 CHINESE MILITARY COMPANIES.—Section 1211 of the
23 National Defense Authorization Act for Fiscal Year 2006
24 (Public Law 109–163; 10 U.S.C. 4651 note prec.) is
25 amended—

1 (1) in the section heading, by striking “**COM-**
2 **MUNIST CHINESE MILITARY COMPANIES**” and
3 inserting “**CHINESE MILITARY COMPANIES**”;

4 (2) in subsection (a), by inserting after “mili-
5 tary company” the following: “, any Chinese military
6 company, or any Non-SDN Chinese military-indus-
7 trial complex company”;

8 (3) by amending subsection (b) to read as fol-
9 lows:

10 “(b) GOODS AND SERVICES COVERED.—

11 “(1) IN GENERAL.—For purposes of subsection
12 (a), and except as provided in paragraph (2), the
13 goods and services described in this subsection are
14 goods and services—

15 “(A) on the munitions list of the Inter-
16 national Traffic in Arms Regulations; or

17 “(B) on the Commerce Control List that—

18 “(i) are classified in the 600 series; or

19 “(ii) contain strategic and critical ma-
20 terials, rare earth elements, or energetic
21 materials used to manufacture missiles or
22 munitions.

23 “(2) EXCEPTIONS.—Goods and services de-
24 scribed in this subsection do not include goods or
25 services procured—

1 “(A) in connection with a visit by a vessel
2 or an aircraft of the United States Armed
3 Forces to the People’s Republic of China;

4 “(B) for testing purposes; or

5 “(C) for purposes of gathering intel-
6 ligence.”; and

7 (4) in subsection (e)—

8 (A) by striking paragraph (3);

9 (B) by redesignating paragraphs (1) and
10 (2) as paragraphs (3) and (5), respectively;

11 (C) by inserting before paragraph (3), as
12 redesignated by subparagraph (B), the fol-
13 lowing:

14 “(1) The term ‘Chinese military company’ has
15 the meaning given that term by section 1260H(d)(1)
16 of the William M. (Mac) Thornberry National De-
17 fense Authorization Act for Fiscal Year 2021 (Pub-
18 lic Law 116–283; 10 U.S.C. 113 note).

19 “(2) The term ‘Commerce Control List’ means
20 the list maintained by the Bureau of Industry and
21 Security and set forth in Supplement No. 1 to part
22 774 of the Export Administration Regulations.”;

23 (D) by inserting after paragraph (3), as so
24 redesignated, the following:

1 “(4) The term ‘Export Administration Regula-
2 tions’ has the meaning given that term in section
3 1742 of the Export Control Reform Act of 2018 (50
4 U.S.C. 4801).”; and

5 (E) by adding at the end the following:

6 “(6) The term ‘Non-SDN Chinese military-in-
7 dustrial complex company’ means any entity on the
8 Non-SDN Chinese Military-Industrial Complex Com-
9 panies List—

10 “(A) established pursuant to Executive
11 Order 13959 (50 U.S.C. 1701 note; relating to
12 addressing the threat from securities invest-
13 ments that finance Communist Chinese military
14 companies), as amended before, on, or after the
15 date of the enactment of the National Defense
16 Authorization Act for Fiscal Year 2023; and

17 “(B) maintained by the Office of Foreign
18 Assets Control of the Department of the Treas-
19 ury.

20 “(7) The term ‘strategic and critical materials’
21 means materials designated as strategic and critical
22 under section 3(a) of the Strategic and Critical Ma-
23 terials Stock Piling Act (50 U.S.C. 98b(a)).”.

24 (c) REVIEW OF COMPLIANCE WITH CONTRACTING
25 REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, and peri-
3 odically thereafter until the termination date speci-
4 fied in paragraph (5), the Comptroller General of
5 the United States shall assess the extent of the ef-
6 forts of the Department of Defense to comply with
7 the requirements of—

8 (A) subsection (a);

9 (B) section 1211 of the National Defense
10 Authorization Act for Fiscal Year 2006, as
11 amended by subsection (b); and

12 (C) section 4872 of title 10, United States
13 Code.

14 (2) BRIEFING REQUIRED.—The Comptroller
15 General shall periodically, until the termination date
16 specified in paragraph (5), provide to the Commit-
17 tees on Armed Services of the Senate and the House
18 of Representatives a briefing on the results of the
19 assessments conducted under paragraph (1) that in-
20 cludes an assessment of—

21 (A) the inclusion by the Department of
22 Defense of necessary contracting clauses in rel-
23 evant contracts to meet the requirements de-
24 scribed in subparagraphs (A), (B), and (C) of
25 paragraph (1); and

1 (B) the efforts of the Department of De-
2 fense to assess the compliance of contractors
3 with such clauses.

4 (3) REPORT REQUIRED.—The Comptroller Gen-
5 eral shall, not less frequently than every 2 years
6 until the termination date specified in paragraph
7 (5), submit to the Committees on Armed Services of
8 the Senate and the House of Representatives a re-
9 port on the results of the assessments conducted
10 under paragraph (1) that includes an assessment
11 of—

12 (A) the inclusion by the Department of
13 Defense of necessary contracting clauses in rel-
14 evant contracts to meet the requirements de-
15 scribed in subparagraphs (A), (B), and (C) of
16 paragraph (1); and

17 (B) the efforts of the Department of De-
18 fense to assess the compliance of contractors
19 with such clauses.

20 (4) REFERRAL.—If, in conducting an assess-
21 ment under paragraph (1), the Comptroller General
22 determines that a contractor has failed to comply
23 with any of the requirements described in subpara-
24 graphs (A), (B), and (C) of paragraph (1), the
25 Comptroller General shall refer the matter to the

1 Department of Justice, relevant Inspectors General,
2 or other enforcement agencies, as appropriate, for
3 further examination and possible enforcement ac-
4 tions.

5 (5) TERMINATION.—The requirements of this
6 subsection shall terminate on the date that is 10
7 years after the date of the enactment of this Act.

8 (d) STRATEGIC AND CRITICAL MATERIALS DE-
9 FINED.—In this section, the term “strategic and critical
10 materials” means materials designated as strategic and
11 critical under section 3(a) of the Strategic and Critical
12 Materials Stock Piling Act (50 U.S.C. 98b(a)).

13 **SEC. 845. MODIFICATION TO THE NATIONAL TECHNOLOGY**
14 **AND INDUSTRIAL BASE.**

15 Section 4801(1) of title 10, United States Code, is
16 amended by inserting “New Zealand,” after “Australia,”.

17 **SEC. 846. MODIFICATION OF PROHIBITION ON OPERATION**
18 **OR PROCUREMENT OF FOREIGN-MADE UN-**
19 **MANNED AIRCRAFT SYSTEMS.**

20 Section 848(d)(1) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2020 (10 U.S.C. 4871 note; Pub-
22 lic Law 116–92) is amended by striking “means the Peo-
23 ple’s Republic of China.” and inserting “means any of the
24 following:

25 “(A) The People’s Republic of China.

1 “(B) The Russian Federation.

2 “(C) The Islamic Republic of Iran.

3 “(D) The Democratic People’s Republic of
4 Korea.”.

5 **SEC. 847. ANNUAL REPORT ON INDUSTRIAL BASE CON-**
6 **STRAINTS FOR MUNITIONS.**

7 (a) BRIEFING ON FULFILLMENT OF MUNITIONS RE-
8 QUIREMENTS.—Not later than 30 days after the date of
9 the enactment of this Act, the Secretary of Defense and
10 the Chairman of the Joint Chiefs of Staff shall deliver a
11 briefing to the congressional defense committees regarding
12 the current process for fulfilling the requirements of sec-
13 tion 222c of title 10, United States Code, in a timely fash-
14 ion with standardization across the Department of De-
15 fense.

16 (b) ANNUAL REPORT ON INDUSTRIAL BASE CON-
17 STRAINTS FOR MUNITIONS.—

18 (1) IN GENERAL.—Chapter 9 of title 10, United
19 States Code, is amended by inserting after section
20 222c the following new section:

21 **“§ 222d. Annual report on industrial base constraints**
22 **for munitions**

23 “(a) IN GENERAL.—Not later than 30 days after the
24 submission of all reports required under section 222c(a)
25 of this title, the Under Secretary of Defense for Acquisi-

1 tion and Sustainment, in coordination with the Service Ac-
2 quisition Executive for each military service, shall submit
3 to the congressional defense committees a report setting
4 forth in detail the industrial base constraints for each mu-
5 nition identified in the Out-Year Unconstrained Total Mu-
6 nitions Requirement.

7 “(b) ELEMENTS.—The report required under sub-
8 section (a) shall include the following elements, by muni-
9 tion:

10 “(1) Programmed purchase quantities per year.

11 “(2) Average procurement unit cost per year.

12 “(3) Contract type.

13 “(4) Current minimum sustaining rate of pro-
14 duction per month and year.

15 “(5) Current maximum rate of production per
16 month and year.

17 “(6) Expected date to meet the total require-
18 ment in section 222c of this title under the current
19 programmed purchase profile.

20 “(7) A description of industrial base constraints
21 on increased production.

22 “(8) A description of investments or policy
23 changes made by the contractor to increase produc-
24 tion, enable more efficient production, or mitigate
25 significant loss of stability in potential production.

1 “(9) A description of investments or policy
2 changes made by the United States Government to
3 increase production, enable more efficient produc-
4 tion, or mitigate significant loss of stability in poten-
5 tial production.

6 “(10) A description of potential investments or
7 policy changes identified by the contractor or the
8 United States Government to increase production,
9 enable more efficient production, or mitigate signifi-
10 cant loss of stability in potential production.

11 “(11) A list of contracts for munitions with DX
12 or DO ratings under the Defense Priorities and Allo-
13 cations System.

14 “(12) A prioritized list of munitions or capabili-
15 ties judged to have high value for export for which
16 additional work would be necessary to enable export,
17 including a description of required investments to
18 enhance exportability.

19 “(c) WORKING DEFINITION OF MUNITION.—The
20 Under Secretary may define munition for the purposes of
21 this section given the multiple subtypes of munitions.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 9 of title 10,
24 United States Code, is amended by inserting after

1 the item relating to section 222c the following new
2 item:

“222d. Annual report on industrial base constraints for munitions.”.

3 **Subtitle D—Small Business Matters**

4 **SEC. 861. MODIFICATIONS TO THE DEFENSE RESEARCH**

5 **AND DEVELOPMENT RAPID INNOVATION**

6 **PROGRAM.**

7 (a) IN GENERAL.—Section 4061 of title 10, United
8 States Code, is amended—

9 (1) in subsection (a)(1), by striking “fielding of
10 technologies developed pursuant to phase II Small
11 Business Innovation Research Program projects,
12 phase II Small Business Technology Transfer Pro-
13 gram projects” and inserting “fielding of tech-
14 nologies developed pursuant to other programs with-
15 in the Department of Defense or the Federal Gov-
16 ernment to mature fundamental or applied tech-
17 nology”;

18 (2) in subsection (b)—

19 (A) by striking the first sentence and in-
20 serting the following: “The Secretary shall di-
21 rect the Director of the Office of Small Busi-
22 ness Programs to issue guidelines for the oper-
23 ation of the program in coordination with the
24 Under Secretary of Defense for Research and
25 Engineering.”;

1 (B) by striking paragraph (3) and redesignig-
2 nating paragraphs (4) through (7) as para-
3 graphs (3) through (6), respectively;

4 (C) in paragraph (1), by adding at the end
5 the following: “This may include candidate pro-
6 posals that have been previously selected
7 through other agency competitive procedures.”;

8 (D) in paragraph (2), by adding at the end
9 the following: “Projects that have been selected
10 through this competitive process are eligible to
11 receive sole-source awards subsequently for pro-
12 duction or integration into a system of record.”;

13 (E) in paragraph (3), as redesignated by
14 subparagraph (B), by striking “No project shall
15 receive more than a total of two years of fund-
16 ing under the program” and inserting “Projects
17 may be funded to develop an initial concept
18 (Phase I), mature a technology (Phase II), or
19 integrate the technology in a system of record
20 or operational environment (Phase III). No
21 project shall receive more than a total of one
22 year of funding under the program for Phase I,
23 four years for Phase II, or three years for
24 Phase III”;

1 (F) in paragraph (6), as so redesignated,
2 by inserting “and universities that make pro-
3 posals with significant small business participa-
4 tion” after “small business concerns”; and

5 (G) by adding at the end the following new
6 paragraph:

7 “(7) A requirement that no agreement may be
8 entered into unless the Secretary of the military de-
9 partment concerned certifies in writing that the suc-
10 cessful transition of the program to Phase III and
11 into the acquisition process is expected to meet high
12 priority military requirements of such military de-
13 partment.”;

14 (3) in subsection (c), by inserting “congres-
15 sional” before “earmark”;

16 (4) by amending subsection (d) to read as fol-
17 lows:

18 “(d) FUNDING.—(1) Not less than 3.2 percent of the
19 extramural budget for research, development, test, and
20 evaluation of the Department of Defense in excess of
21 \$100,000,000 shall be used to field technologies under the
22 program.

23 “(2) Up to 0.5 percent of the amount required under
24 paragraph (1) may be used to cover administrative costs
25 associated with the program.”; and

1 (5) by adding at the end the following new sub-
2 section:

3 “(f) GOAL FOR TECHNOLOGY INSERTION.—The Di-
4 rector of the Office of Small Business Programs shall—

5 “(1) set a goal to increase the number of con-
6 tracts awarded by the Secretary that lead to tech-
7 nology transition into programs of record or fielded
8 systems;

9 “(2) use incentives in effect on December 31,
10 2021, or create new incentives, to encourage agency
11 program managers and prime contractors to meet
12 the goal under paragraph (1); and

13 “(3) submit to the congressional defense com-
14 mittees —

15 “(A) the number and percentage of con-
16 tracts awarded by the Secretary that led to
17 technology transition into programs of record or
18 fielded systems;

19 “(B) information on the status of each
20 project that received funding the program and
21 efforts to transition those projects into pro-
22 grams of record or fielded systems; and

23 “(C) a description of each incentive that
24 has been used by the Secretary under para-
25 graph (2) and the effectiveness of that incentive

1 with respect to meeting the goal under para-
2 graph (1).”.

3 (b) PUBLIC-PRIVATE PARTNERSHIP TECHNOLOGY
4 INVESTMENT PILOT PROGRAM.—

5 (1) IN GENERAL.—Chapter 303 of title 10,
6 United States Code, is amended by inserting after
7 section 4062 the following new section:

8 “§ 4063. **Public-private partnership technology invest-**
9 **ment pilot program**

10 “(a) ESTABLISHMENT.—(1) Subject to the avail-
11 ability of appropriations for this purpose, the Secretary
12 of Defense shall, acting through the Under Secretary of
13 Defense for Research and Engineering and in coordination
14 with the Under Secretary of Defense for Acquisition and
15 Sustainment, carry out a pilot program, for no less than
16 five years, to accelerate the development of advanced tech-
17 nology for national security by creating incentives for
18 trusted private capital to invest in domestic small busi-
19 nesses or nontraditional businesses that are developing
20 technology that the Secretary considers necessary to sup-
21 port the modernization of the Department of Defense and
22 national security priorities.

23 “(2) The purposes of the program required by para-
24 graph (1) are as follows:

1 “(A) To promote the global superiority of the
2 United States in advanced technologies of impor-
3 tance to national security, which are not adequately
4 supported by private sector investment.

5 “(B) To accelerate the transition and deploy-
6 ment of advanced technologies into the Armed
7 Forces.

8 “(C) To inform Department investment
9 through coordinating planning consideration, tech-
10 nology roadmaps, and other analysis, as appropriate.

11 “(b) PUBLIC-PRIVATE PARTNERSHIP.—(1) In car-
12 rying out subsection (a), the Secretary shall enter into a
13 public-private partnership with one or more for-profit per-
14 sons using criteria that the Secretary shall establish for
15 purposes of this subsection.

16 “(2) The criteria established under paragraph (1) for
17 entering into a public-private partnership with a person
18 shall include the following:

19 “(A) The person shall be independent.

20 “(B) The person shall be free from foreign
21 oversight, control, influence, or beneficial ownership.

22 “(C) The person shall have commercial private
23 capital fund experience with technology development
24 in the defense and commercial sectors.

1 “(D) The person shall be eligible for access to
2 classified information (as defined in the procedures
3 established pursuant to section 801(a) of the Na-
4 tional Security Act of 1947 (50 U.S.C. 3161(a))).

5 “(3) The Secretary and a person with whom the Sec-
6 retary enters a partnership under paragraph (1) shall
7 enter into an operating agreement that sets forth the
8 roles, responsibilities, authorities, reporting requirements,
9 and governance framework for the partnership and its op-
10 erations.

11 “(c) INVESTMENT AND RAISING OF CAPITAL.—
12 (1)(A) Pursuant to a public-private partnership entered
13 into under subsection (b), a person with whom the Sec-
14 retary has entered the partnership shall invest equity in
15 domestic small businesses or nontraditional businesses
16 consistent with subsection (a).

17 “(B) Investments under subparagraph (A) shall be
18 selected based on their technical merit, economic consider-
19 ations, and ability to support modernization goals of the
20 Department.

21 “(2) Pursuant to a public-private partnership entered
22 into under subsection (b), a person described in paragraph
23 (1)(A) shall, in order to support investment of equity
24 under paragraph (1), raise private capital only from trust-
25 ed capital sources.

1 “(3) A person described in subparagraph (A) shall
2 have sole authority to raise funds for, operate, manage,
3 and invest capital raised under such subparagraph.

4 “(d) BRIEFINGS.—(1) Not later than one year after
5 the date of the enactment of this section, the Secretary
6 shall provide to the congressional defense committees—

7 “(A) a briefing on the implementation of this
8 section; and

9 “(B) a report on the feasibility of implementing
10 loan guarantees as an aspect to enhance the effec-
11 tiveness of this program, including—

12 “(i) a detailed description of how loan
13 guarantees would be vetted, approved, and
14 managed, including mechanisms to protect the
15 government’s interests; and

16 “(ii) how such loan guarantees would be
17 coordinated with other government invest mech-
18 anisms or other private sector financing.

19 “(2) Not later than five years after the date of the
20 enactment of this section, the Secretary shall provide the
21 congressional defense committees a briefing on the out-
22 comes of the pilot program and the feasibility and advis-
23 ability of making it permanent.

24 “(e) DEFINITIONS.—In this section:

1 “(1) The term ‘domestic business’ has the
2 meaning given the term ‘U.S. business’ in section
3 800.252 of title 31, Code of Federal Regulations, or
4 successor regulation.

5 “(2) The term ‘domestic small businesses or
6 nontraditional businesses’ means—

7 “(A) a small businesses that is a domestic
8 business; or

9 “(B) a nontraditional business that is a
10 domestic business.

11 “(3) The term ‘free from foreign oversight, con-
12 trol, influence, or beneficial ownership’, with respect
13 to a person, means a person who has not raised and
14 managed capital from a person or entity that is not
15 trusted and is otherwise free from foreign oversight,
16 control, influence, or beneficial ownership.

17 “(4) The term ‘independent’, with respect to a
18 person, means a person who lacks a conflict of inter-
19 est accomplished by not having entity or manager
20 affiliation or ownership with an existing fund.

21 “(5) The term ‘nontraditional business’ has the
22 meaning given the term ‘nontraditional defense con-
23 tractors’ in section 3014 of this title.

1 “(6) The term ‘small business’ has the meaning
2 given the term ‘small business concern’ in section 3
3 of the Small Business Act (15 U.S.C. 632).”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is amended
6 by inserting after the item relating to section 4062
7 the following new item:

“4063. Public-private partnership technology investment program.”.

8 **SEC. 862. PERMANENT EXTENSION AND MODIFICATION OF**
9 **MENTOR-PROTEGE PROGRAM.**

10 (a) PERMANENT EXTENSION AND MODIFICATION.—
11 Chapter 387 of title 10, United States Code, is amended
12 by adding at the end the following new section:

13 **“§ 4902. Mentor-Protege Program**

14 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
15 of Defense shall establish a program to be known as the
16 ‘Mentor-Protege Program’.

17 “(b) PURPOSE.—The purpose of the program is to
18 provide incentives for major Department of Defense con-
19 tractors to furnish disadvantaged small business concerns
20 with assistance designed to—

21 “(1) enhance the capabilities of disadvantaged
22 small business concerns to perform as subcontract-
23 tors and suppliers under Department of Defense
24 contracts and other contracts and subcontracts; and

1 “(2) increase the participation of such business
2 concerns as subcontractors and suppliers under De-
3 partment of Defense contracts, other Federal Gov-
4 ernment contracts, and commercial contracts.

5 “(c) PROGRAM PARTICIPANTS.—(1) A business con-
6 cern meeting the eligibility requirements set out in sub-
7 section (d) may enter into agreements under subsection
8 (e) and furnish assistance to disadvantaged small business
9 concerns upon making application to the Secretary of De-
10 fense and being approved for participation in the program
11 by the Secretary. A business concern participating in the
12 program pursuant to such an approval shall be known, for
13 the purposes of the program, as a ‘mentor firm’.

14 “(2) A disadvantaged small business concern eligible
15 for the award of Federal contracts may obtain assistance
16 from a mentor firm upon entering into an agreement with
17 the mentor firm as provided in subsection (e). A disadvan-
18 taged small business concern may not be a party to more
19 than one agreement concurrently, and the authority to
20 enter into agreements under subsection (e) shall only be
21 available to such concern during the 5-year period begin-
22 ning on the date such concern enters into the first such
23 agreement. A disadvantaged small business concern receiv-
24 ing such assistance shall be known, for the purposes of
25 the program, as a ‘protege firm’.

1 “(3) In entering into an agreement pursuant to sub-
2 section (e), a mentor firm may rely in good faith on a
3 written representation of a business concern that such
4 business concern is a disadvantaged small business con-
5 cern. The Small Business Administration shall determine
6 the status of such business concern as a disadvantaged
7 small business concern in the event of a protest regarding
8 the status of such business concern. If at any time the
9 business concern is determined by the Small Business Ad-
10 ministration not to be a disadvantaged small business con-
11 cern, assistance furnished such business concern by the
12 mentor firm after the date of the determination may not
13 be considered assistance furnished under the program.

14 “(d) MENTOR FIRM ELIGIBILITY.—(1) Subject to
15 subsection (c)(1), a mentor firm may enter into an agree-
16 ment with one or more protege firms under subsection (e)
17 and provide assistance under the program pursuant to
18 that agreement if the mentor firm—

19 “(A) is eligible for award of Federal contracts;
20 and

21 “(B) demonstrates that it—

22 “(i) is qualified to provide assistance that
23 will contribute to the purpose of the program;

1 “(ii) is of good financial health and char-
2 acter and does not appear on a Federal list of
3 debarred or suspended contractors; and

4 “(iii) can impart value to a protege firm
5 because of experience gained as a Department
6 of Defense contractor or through knowledge of
7 general business operations and government
8 contracting, as demonstrated by evidence
9 that—

10 “(I) during the fiscal year preceding
11 the fiscal year in which the mentor firm
12 enters into the agreement, the total
13 amount of the Department of Defense con-
14 tracts awarded such mentor firm and the
15 subcontracts awarded such mentor firm
16 under Department of Defense contracts
17 was equal to or greater than
18 \$100,000,000; or

19 “(II) the mentor firm demonstrates
20 the capability to assist in the development
21 of protege firms, and is approved by the
22 Secretary of Defense pursuant to criteria
23 specified in the regulations prescribed pur-
24 suant to subsection (j).

1 “(2) A mentor firm may not enter into an agreement
2 with a protege firm if the Administrator of the Small
3 Business Administration has made a determination find-
4 ing affiliation between the mentor firm and the protege
5 firm.

6 “(3) If the Administrator of the Small Business Ad-
7 ministration has not made such a determination and if
8 the Secretary has reason to believe (based on the regula-
9 tions promulgated by the Administrator regarding affili-
10 ation) that the mentor firm is affiliated with the protege
11 firm, the Secretary shall request a determination regard-
12 ing affiliation from the Administrator of the Small Busi-
13 ness Administration.

14 “(e) MENTOR-PROTEGE AGREEMENT.—Before pro-
15 viding assistance to a protege firm under the program, a
16 mentor firm shall enter into a mentor-protege agreement
17 with the protege firm regarding the assistance to be pro-
18 vided by the mentor firm. The agreement shall include the
19 following:

20 “(1) A developmental program for the protege
21 firm, in such detail as may be reasonable, includ-
22 ing—

23 “(A) factors to assess the protege firm’s
24 developmental progress under the program;

1 “(B) a description of the quantitative and
2 qualitative benefits to the Department of De-
3 fense from the agreement, if applicable;

4 “(C) goals for additional awards that the
5 protege firm can compete for outside the Men-
6 tor-Protege Program; and

7 “(D) the assistance the mentor firm will
8 provide to the protege firm in understanding
9 contract regulations of the Federal Government
10 and the Department of Defense (including the
11 Federal Acquisition Regulation and the Defense
12 Federal Acquisition Regulation Supplement)
13 after award of a subcontract under this section,
14 if applicable.

15 “(2) A program participation term for any pe-
16 riod of not more than three years, except that the
17 term may be a period of up to five years if the Sec-
18 retary of Defense determines in writing that unusual
19 circumstances justify a program participation term
20 in excess of three years.

21 “(3) Procedures for the protege firm to termi-
22 nate the agreement voluntarily and for the mentor
23 firm to terminate the agreement for cause.

24 “(f) FORMS OF ASSISTANCE.—A mentor firm may
25 provide a protege firm the following:

1 “(1) Assistance, by using mentor firm per-
2 sonnel, in—

3 “(A) general business management, includ-
4 ing organizational management, financial man-
5 agement, and personnel management, mar-
6 keting, and overall business planning;

7 “(B) engineering and technical matters
8 such as production, inventory control, and qual-
9 ity assurance; and

10 “(C) any other assistance designed to de-
11 velop the capabilities of the protege firm under
12 the developmental program referred to in sub-
13 section (e).

14 “(2) Award of subcontracts on a noncompetitive
15 basis to the protege firm under the Department of
16 Defense or other contracts.

17 “(3) Payment of progress payments for per-
18 formance of the protege firm under such a sub-
19 contract in amounts as provided for in the sub-
20 contract, but in no event may any such progress
21 payment exceed 100 percent of the costs incurred by
22 the protege firm for the performance.

23 “(4) Advance payments under such sub-
24 contracts.

25 “(5) Loans.

1 “(6) Assistance obtained by the mentor firm for
2 the protege firm from one or more of the following—

3 “(A) small business development centers
4 established pursuant to section 21 of the Small
5 Business Act (15 U.S.C. 648);

6 “(B) entities providing procurement tech-
7 nical assistance pursuant to this chapter;

8 “(C) a historically Black college or univer-
9 sity or a minority institution of higher edu-
10 cation; or

11 “(D) women’s business centers described
12 in section 29 of the Small Business Act (15
13 U.S.C. 656).

14 “(g) INCENTIVES FOR MENTOR FIRMS.—(1) The
15 Secretary of Defense may provide to a mentor firm reim-
16 bursement for the total amount of any progress payment
17 or advance payment made under the program by the men-
18 tor firm to a protege firm in connection with a Depart-
19 ment of Defense contract awarded the mentor firm.

20 “(2)(A) The Secretary of Defense may provide to a
21 mentor firm reimbursement for the costs of the assistance
22 furnished to a protege firm pursuant to paragraphs (1)
23 and (6) of subsection (f) (except as provided in subpara-
24 graph (D)) as provided for in a line item in a Department
25 of Defense contract under which the mentor firm is fur-

1 nishing products or services to the Department, subject
2 to a maximum amount of reimbursement specified in such
3 contract, except that this sentence does not apply in a case
4 in which the Secretary of Defense determines in writing
5 that unusual circumstances justify reimbursement using
6 a separate contract.

7 “(B) The determinations made in annual perform-
8 ance reviews of a mentor firm’s mentor-protege agreement
9 shall be a major factor in the determinations of amounts
10 of reimbursement, if any, that the mentor firm is eligible
11 to receive in the remaining years of the program participa-
12 tion term under the agreement.

13 “(C) The total amount reimbursed under this para-
14 graph to a mentor firm for costs of assistance furnished
15 in a fiscal year to a protege firm may not exceed
16 \$1,000,000, except in a case in which the Secretary of De-
17 fense determines in writing that unusual circumstances
18 justify a reimbursement of a higher amount.

19 “(D) The Secretary may not reimburse any fee as-
20 sessed by the mentor firm for services provided to the pro-
21 tege firm pursuant to subsection (f)(6) or for business de-
22 velopment expenses incurred by the mentor firm under a
23 contract awarded to the mentor firm while participating
24 in a joint venture with the protege firm.

1 “(3)(A) Costs incurred by a mentor firm in providing
2 assistance to a protege firm that are not reimbursed pur-
3 suant to paragraph (2) shall be recognized as credit in
4 lieu of subcontract awards for purposes of determining
5 whether the mentor firm attains a subcontracting partici-
6 pation goal applicable to such mentor firm under a De-
7 partment of Defense contract, under a contract with an-
8 other executive agency, or under a divisional or company-
9 wide subcontracting plan negotiated with the Department
10 of Defense or another executive agency.

11 “(B) The amount of the credit given a mentor firm
12 for any such unreimbursed costs shall be equal to—

13 “(i) four times the total amount of such costs
14 attributable to assistance provided by entities de-
15 scribed in subsection (f)(6);

16 “(ii) three times the total amount of such costs
17 attributable to assistance furnished by the mentor
18 firm’s employees; and

19 “(iii) two times the total amount of any other
20 such costs.

21 “(C) Under regulations prescribed pursuant to sub-
22 section (j), the Secretary of Defense shall adjust the
23 amount of credit given a mentor firm pursuant to sub-
24 paragraphs (A) and (B) if the Secretary determines that
25 the firm’s performance regarding the award of sub-

1 contracts to disadvantaged small business concerns has
2 declined without justifiable cause.

3 “(4) A mentor firm shall receive credit toward the
4 attainment of a subcontracting participation goal applica-
5 ble to such mentor firm for each subcontract for a product
6 or service awarded under such contract by a mentor firm
7 to a business concern that, except for its size, would be
8 a small business concern owned and controlled by socially
9 and economically disadvantaged individuals, but only if—

10 “(A) the size of such business concern is not
11 more than two times the maximum size specified by
12 the Administrator of the Small Business Administra-
13 tion for purposes of determining whether a business
14 concern furnishing such product or service is a small
15 business concern; and

16 “(B) the business concern formerly had a men-
17 tor-protege agreement with such mentor firm that
18 was not terminated for cause.

19 “(h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1)
20 For purposes of the Small Business Act (15 U.S.C. 631
21 et seq.), no determination of affiliation or control (either
22 direct or indirect) may be found between a protege firm
23 and its mentor firm on the basis that the mentor firm
24 has agreed to furnish (or has furnished) to its protege firm

1 pursuant to a mentor-protege agreement any form of de-
2 velopmental assistance described in subsection (f).

3 “(2) Notwithstanding section 8 of the Small Business
4 Act (15 U.S.C. 637), the Small Business Administration
5 may not determine a disadvantaged small business con-
6 cern to be ineligible to receive any assistance authorized
7 under the Small Business Act on the basis that such busi-
8 ness concern has participated in the Mentor-Protege Pro-
9 gram or has received assistance pursuant to any develop-
10 mental assistance agreement authorized under such pro-
11 gram.

12 “(3) The Small Business Administration may not re-
13 quire a firm that is entering into, or has entered into, an
14 agreement under subsection (e) as a protege firm to sub-
15 mit the agreement, or any other document required by the
16 Secretary of Defense in the administration of the Mentor-
17 Protege Program, to the Small Business Administration
18 for review, approval, or any other purpose.

19 “(i) PARTICIPATION IN MENTOR-PROTEGE PROGRAM
20 NOT TO BE A CONDITION FOR AWARD OF A CONTRACT
21 OR SUBCONTRACT.—A mentor firm may not require a
22 business concern to enter into an agreement with the men-
23 tor firm pursuant to subsection (e) as a condition for
24 being awarded a contract by the mentor firm, including

1 a subcontract under a contract awarded to the mentor
2 firm.

3 “(j) REGULATIONS.—The Secretary of Defense shall
4 prescribe regulations to carry out the Mentor-Protege Pro-
5 gram. Such regulations shall include the requirements set
6 forth in section 8(d) of the Small Business Act (15 U.S.C.
7 637(d)) and shall prescribe procedures by which mentor
8 firms may terminate participation in the program. The
9 Department of Defense policy regarding the Mentor-Pro-
10 tege Program shall be published and maintained as an ap-
11 pendix to the Department of Defense Supplement to the
12 Federal Acquisition Regulation.

13 “(k) REPORT BY MENTOR FIRMS.—To comply with
14 section 8(d)(7) of the Small Business Act (15 U.S.C.
15 637(d)(7)), each mentor firm shall submit a report to the
16 Secretary not less than once each fiscal year that includes,
17 for the preceding fiscal year—

18 “(1) all technical or management assistance
19 provided by mentor firm personnel for the purposes
20 described in subsection (f)(1);

21 “(2) any new awards of subcontracts on a com-
22 petitive or noncompetitive basis to the protege firm
23 under Department of Defense contracts or other
24 contracts, including the value of such subcontracts;

1 “(3) any extensions, increases in the scope of
2 work, or additional payments not previously reported
3 for prior awards of subcontracts on a competitive or
4 noncompetitive basis to the protege firm under De-
5 partment of Defense contracts or other contracts, in-
6 cluding the value of such subcontracts;

7 “(4) the amount of any payment of progress
8 payments or advance payments made to the protege
9 firm for performance under any subcontract made
10 under the Mentor-Protege Program;

11 “(5) any loans made by the mentor firm to the
12 protege firm;

13 “(6) all Federal contracts awarded to the men-
14 tor firm and the protege firm as a joint venture, des-
15 ignating whether the award was a restricted com-
16 petition or a full and open competition;

17 “(7) any assistance obtained by the mentor
18 firm for the protege firm from one or more—

19 “(A) small business development centers
20 established pursuant to section 21 of the Small
21 Business Act (15 U.S.C. 648);

22 “(B) entities providing procurement tech-
23 nical assistance pursuant to this chapter; or

1 “(C) historically Black colleges or univer-
2 sities or minority institutions of higher edu-
3 cation;

4 “(8) whether there have been any changes to
5 the terms of the mentor-protege agreement; and

6 “(9) a narrative describing the success assist-
7 ance provided under subsection (f) has had in ad-
8 dressing the developmental needs of the protege
9 firm, the impact on Department of Defense con-
10 tracts, and addressing any problems encountered.

11 “(l) REVIEW OF REPORT BY THE OFFICE OF SMALL
12 BUSINESS PROGRAMS.—The Office of Small Business
13 Programs of the Department of Defense shall review the
14 report required by subsection (k) and, if the Office finds
15 that the mentor-protege agreement is not furthering the
16 purpose of the Mentor-Protege Program, decide not to ap-
17 prove any continuation of the agreement.

18 “(m) ESTABLISHMENT OF PERFORMANCE GOALS
19 AND PERIODIC REVIEWS.—The Office of Small Business
20 Programs of the Department of Defense shall—

21 “(1) establish performance goals consistent with
22 the stated purpose of the Mentor-Protege Program
23 and outcome-based metrics to measure progress in
24 meeting those goals; and

1 “(2) submit to the congressional defense com-
2 mittees, not later than February 1, 2020, a report
3 on progress made toward implementing these per-
4 formance goals and metrics, based on periodic re-
5 views of the procedures used to approve mentor-pro-
6 tege agreements.

7 “(n) DEFINITIONS.—In this section:

8 “(1) The term ‘affiliation’, with respect to a re-
9 lationship between a mentor firm and a protege
10 firm, means a relationship described under section
11 121.103 of title 13, Code of Federal Regulations (or
12 any successor regulation).

13 “(2) The term ‘disadvantaged small business
14 concern’ means a firm that is not more than the size
15 standard corresponding to its primary North Amer-
16 ican Industry Classification System code, is not
17 owned or managed by individuals or entities that di-
18 rectly or indirectly have stock options or convertible
19 securities in the mentor firm, and is—

20 “(A) a small business concern owned and
21 controlled by socially and economically dis-
22 advantaged individuals;

23 “(B) a business entity owned and con-
24 trolled by an Indian tribe as defined by section

1 8(a)(13) of the Small Business Act (15 U.S.C.
2 637(a)(13));

3 “(C) a business entity owned and con-
4 trolled by a Native Hawaiian Organization as
5 defined by section 8(a)(15) of the Small Busi-
6 ness Act (15 U.S.C. 637(a)(15));

7 “(D) a qualified organization employing se-
8 verely disabled individuals;

9 “(E) a small business concern owned and
10 controlled by women, as defined in section
11 8(d)(3)(D) of the Small Business Act (15
12 U.S.C. 637(d)(3)(D));

13 “(F) a small business concern owned and
14 controlled by service-disabled veterans (as de-
15 fined in section 8(d)(3) of the Small Business
16 Act (15 U.S.C. 637(d)(3)));

17 “(G) a qualified HUBZone small business
18 concern (as defined in section 31(b) of the
19 Small Business Act (15 U.S.C. 657a(b))); or

20 “(H) a small business concern that—

21 “(i) is a nontraditional defense con-
22 tractor, as such term is defined in section
23 3014 of this title; or

24 “(ii) currently provides goods or serv-
25 ices in the private sector that are critical

1 to enhancing the capabilities of the defense
2 supplier base and fulfilling key Depart-
3 ment of Defense needs.

4 “(3) The term ‘historically Black college and
5 university’ means any of the historically Black col-
6 leges and universities referred to in section 2323 of
7 this title, as in effect on March 1, 2018.

8 “(4) The term ‘minority institution of higher
9 education’ means an institution of higher education
10 with a student body that reflects the composition
11 specified in section 312(b)(3), (4), and (5) of the
12 Higher Education Act of 1965 (20 U.S.C.
13 1058(b)(3), (4), and (5)).

14 “(5) The term ‘qualified organization employing
15 the severely disabled’ means a business entity oper-
16 ated on a for-profit or nonprofit basis that—

17 “(A) uses rehabilitative engineering to pro-
18 vide employment opportunities for severely dis-
19 abled individuals and integrates severely dis-
20 abled individuals into its workforce;

21 “(B) employs severely disabled individuals
22 at a rate that averages not less than 20 percent
23 of its total workforce;

1 “(C) employs each severely disabled indi-
2 vidual in its workforce generally on the basis of
3 40 hours per week; and

4 “(D) pays not less than the minimum wage
5 prescribed pursuant to section 6 of the Fair
6 Labor Standards Act (29 U.S.C. 206) to those
7 employees who are severely disabled individuals.

8 “(6) The term ‘severely disabled individual’
9 means an individual who is blind (as defined in sec-
10 tion 8501 of title 41) or a severely disabled indi-
11 vidual (as defined in such section).

12 “(7) The term ‘small business concern’ has the
13 meaning given such term under section 3 of the
14 Small Business Act (15 U.S.C. 632).

15 “(8) The term ‘small business concern owned
16 and controlled by socially and economically disadvan-
17 taged individuals’ has the meaning given such term
18 in section 8(d)(3)(C) of the Small Business Act (15
19 U.S.C. 637(d)(3)(C)).

20 “(9) The term ‘subcontracting participation
21 goal’, with respect to a Department of Defense con-
22 tract, means a goal for the extent of the participa-
23 tion by disadvantaged small business concerns in the
24 subcontracts awarded under such contract, as estab-

1 lished pursuant to section 8(d) of the Small Busi-
2 ness Act (15 U.S.C. 637(d)).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 387 of title 10, United States
5 Code, is amended by inserting after the item relating to
6 section 4901 the following new item:

“4902. Mentor-Protege Program.”.

7 (c) REPEAL OF OBSOLETE AUTHORITY.—Section
8 831 of the National Defense Authorization Act for Fiscal
9 Year 1991 (Public Law 101–510; 10 U.S.C. 4901 note
10 prec.) is repealed.

11 **SEC. 863. SMALL BUSINESS INTEGRATION WORKING**
12 **GROUP.**

13 (a) IN GENERAL.—The Secretary of Defense shall
14 create a small business integration working group, to be
15 led by the Director of the Department of Defense Office
16 of Small Business Programs, which convenes at least four
17 times per year to better ensure the integration of depart-
18 ment-wide small business efforts, including by—

19 (1) improving the alignment between disparate
20 small business and industrial base programs across
21 the Department of Defense;

22 (2) providing oversight of small business efforts
23 department-wide;

24 (3) unifying small business policy, acquisition
25 workforce development, and transition of emerging

1 technologies into programs of record as required
2 under the Small Business Strategy; and

3 (4) reducing barriers to entry for small busi-
4 nesses and non-traditional vendors into the defense
5 industrial base.

6 (b) MEMBERSHIP.—The integration working group
7 shall be comprised of representatives from each of the fol-
8 lowing organizations:

9 (1) Each of the military service’s small business
10 offices.

11 (2) Each of the military service’s small business
12 innovation research and small business technology
13 transfer programs.

14 (3) The office of the Under Secretary of De-
15 fense for Acquisition and Sustainment.

16 (4) The office of the Under Secretary of De-
17 fense for Research and Engineering.

18 (c) BRIEFING REQUIRED.—Not later than March 1,
19 2023, the Director of the Office of Small Business Pro-
20 grams shall brief the Committee on Armed Services of the
21 Senate and the Committee on Armed Services of the
22 House of Representatives on the establishment and activi-
23 ties of the working group, policies enacted to allow for the
24 sharing of best practices, and practices for conducting
25 oversight.

1 **SEC. 864. DEMONSTRATION OF COMMERCIAL DUE DILI-**
2 **GENCE FOR SMALL BUSINESS PROGRAMS.**

3 (a) DEMONSTRATION REQUIRED.—Not later than
4 December 31, 2027, the Secretary of Defense shall con-
5 duct a demonstration of commercial due diligence tools,
6 techniques, and processes in order to support small busi-
7 nesses in identifying attempts by malicious foreign actors
8 to gain undue access or foreign oversight, control, and in-
9 fluence over technology they are developing on behalf of
10 the Department of Defense.

11 (b) ELEMENTS.—The demonstration required under
12 subsection (a) shall include the following elements:

13 (1) Identification of an entity to be responsible
14 for the commercial due diligence process, including
15 interfacing with small business and law enforcement
16 community.

17 (2) An assessment of existing commercial due
18 diligence processes conducted by component small
19 business offices.

20 (3) Development of tactics, techniques, and pro-
21 cedures for tools and processes that support com-
22 mercial due diligence analysis to monitor and assess
23 attempts by malicious foreign actors to gain undue
24 access or foreign oversight, control, and influence
25 over technologies under development by the small
26 business community, including—

1 (A) providing a feedback loop with small
2 business to provide two-way information shar-
3 ing; and

4 (B) identifying, assessing, and dem-
5 onstrating commercially available tools and
6 services.

7 (4) Identification of process improvements or
8 gaps in resources, capabilities, or authorities, as well
9 as other lessons learned.

10 (5) Development of training and awareness ma-
11 terial for small businesses that can be shared di-
12 rectly or through the Procurement Technical Assist-
13 ance Centers.

14 (6) Implementation of metrics or measures of
15 performance that can be tracked to assess the effec-
16 tiveness of the commercial due diligence demonstra-
17 tion.

18 (c) BRIEFING REQUIRED.—Not later than April 1,
19 2023, the Secretary of Defense shall provide to the con-
20 gressional defense committees an interim briefing on the
21 demonstration required under subsection (a), including—

22 (1) identification of the designated organization
23 for conducting the demonstration;

1 (2) a description of the methodology for exe-
2 cuting the demonstration, including any analytical
3 tools or metrics identified to support the process;

4 (3) a description of any identified instances of
5 attempts by malicious foreign actors to gain undue
6 access or foreign oversight, control, and influence
7 over small business technology, and

8 (4) any preliminary findings.

9 (d) ASSESSMENT.—Not later than March 1, 2028,
10 the Secretary shall provide a final assessment report of
11 the demonstration required under subsection (a), includ-
12 ing any identified instances of attempts by malicious for-
13 eign actors to gain undue access or foreign oversight, con-
14 trol, and influence over small business technology, any
15 general lessons learned, and any recommendations for leg-
16 islative action that may be required as a result.

17 **SEC. 865. IMPROVEMENTS TO PROCUREMENT TECHNICAL**
18 **ASSISTANCE CENTER PROGRAM.**

19 (a) FUNDING LIMIT APPLICABLE TO PROGRAMS OP-
20 ERATING ON STATEWIDE BASIS.—Section 4955(a)(1) of
21 title 10, United States Code, is amended by striking
22 “\$1,000,000” and inserting “\$1,500,000”.

23 (b) ADMINISTRATIVE COSTS.—Section 4961 of title
24 10, United States Code, is amended—

1 (1) by striking “Director of the Defense Logis-
2 tics Agency” and inserting “Secretary”;

3 (2) in paragraph (1), by striking “three per-
4 cent” and inserting “four percent”; and

5 (3) in paragraph (2)—

6 (A) by striking “Director” and inserting
7 “Secretary”; and

8 (B) in subparagraph (A), by inserting “,
9 including meetings of any association of such
10 entities,” after “for meetings”.

11 **Subtitle E—Other Matters**

12 **SEC. 871. RISK MANAGEMENT FOR DEPARTMENT OF DE-** 13 **FENSE PHARMACEUTICAL SUPPLY CHAINS.**

14 (a) RISK MANAGEMENT FOR ALL DEPARTMENT OF
15 DEFENSE PHARMACEUTICAL SUPPLY CHAINS.—Not later
16 than one year after the date of the enactment of this Act,
17 the Under Secretary of Defense for Acquisition and
18 Sustainment shall—

19 (1) develop and issue implementing guidance
20 for risk management for Department of Defense
21 supply chains for pharmaceutical materiel for the
22 Department;

23 (2) identify, in coordination with the Secretary
24 of Health and Human Services, supply chain infor-
25 mation gaps regarding the Department’s reliance on

1 foreign suppliers of drugs, including active pharma-
2 ceutical ingredients and final drug products; and

3 (3) submit to Congress a report regarding—

4 (A) existing information streams, if any,
5 that may be used to assess the reliance by the
6 Department of Defense on high-risk foreign
7 suppliers of drugs;

8 (B) vulnerabilities in the drug supply
9 chains of the Department of Defense; and

10 (C) any recommendations to address—

11 (i) information gaps identified under
12 paragraph (2); and

13 (ii) any risks related to such reliance
14 on foreign suppliers.

15 (b) RISK MANAGEMENT FOR DEPARTMENT OF DE-
16 FENSE PHARMACEUTICAL SUPPLY CHAIN.—The Director
17 of the Defense Health Agency shall—

18 (1) not later than one year after the issuance
19 of the guidance required under subsection (a)(1), de-
20 velop and publish implementing guidance for risk
21 management for the Department of Defense supply
22 chain for pharmaceuticals; and

23 (2) establish a working group—

24 (A) to assess risks to the Department's
25 pharmaceutical supply chain;

1 (B) to identify the pharmaceuticals most
2 critical to beneficiary care at military treatment
3 facilities; and

4 (C) to establish policies for allocating
5 scarce pharmaceutical resources of the Depart-
6 ment of Defense in case of a supply disruption.

7 **SEC. 872. KEY ADVANCED SYSTEM DEVELOPMENT INDUS-**
8 **TRY DAYS.**

9 (a) IN GENERAL.—Not later than March 1, 2023,
10 and every 180 days thereafter, the Secretary of each of
11 the military departments and the Commanders of the
12 United States Special Operations Command and the
13 United States Cyber Command shall ensure that each
14 such department and Command conducts an industry
15 day—

16 (1) to raise awareness within the private sector
17 of—

18 (A) key advanced system development
19 areas; and

20 (B) capability needs and existing and po-
21 tential requirements related to the key ad-
22 vanced system development areas; and

23 (2) to raise awareness within such departments
24 and Commands of potential material solutions for
25 capability needs and existing and potential require-

1 ments related to key advanced system development
2 areas.

3 (b) RESPONSIBILITIES.—

4 (1) CHIEFS OF ARMED FORCES.—The chief of
5 each of the armed forces residing in a military de-
6 partment and the Commanders of the United States
7 Special Operations Command and the United States
8 Cyber Command shall have primary responsibility
9 for the following tasks at the industry days required
10 under subsection (a) for each key advanced system
11 development area:

12 (A) Identifying related or potentially re-
13 lated existing, planned, or potential military re-
14 quirements, including urgent and emergent
15 operational needs.

16 (B) Identifying and describing related or
17 potentially related capability needs or gaps in
18 warfighting mission areas.

19 (C) Identifying and describing related or
20 potentially related capability needs or gaps in
21 non-warfighting support areas.

22 (D) Identifying and describing related or
23 potentially related exercise, demonstration, or
24 experimentation opportunities.

1 (2) ACQUISITION EXECUTIVES.—Each service
2 acquisition executive and the acquisition executives
3 of the United States Special Operations Command
4 and the United States Cyber Command shall have
5 primary responsibility for the following tasks at the
6 industry days required under subsection (a) for each
7 key advanced system development area:

8 (A) Identifying and describing related or
9 potentially related existing, planned, or poten-
10 tial acquisition plans and strategies.

11 (B) Identifying and describing related or
12 potentially related existing, planned, or poten-
13 tial funding opportunities, including—

- 14 (i) broad agency announcements;
15 (ii) requests for information;
16 (iii) funding opportunity announce-
17 ments;
18 (iv) special program announcements;
19 (v) requests for proposals;
20 (vi) requests for quotes;
21 (vii) special notices;
22 (viii) transactions pursuant to sections
23 4002, 4003, and 4004 of title 10, United
24 States Code;
25 (ix) unsolicited proposals; and

1 (x) other methods.

2 (c) FORM.— The industry days required under sub-
3 section (a) shall seek to maximize industry and govern-
4 ment participation, while minimizing cost to the maximum
5 extent practicable, by—

6 (1) being held at the unclassified security level
7 with classified portions only as necessary;

8 (2) being publicly accessible through teleconfer-
9 ence or other virtual means; and

10 (3) having supporting materials posted on a
11 publicly accessible website.

12 (d) DEFINITIONS.— In this section:

13 (1) MILITARY DEPARTMENTS; ARMED FORCES;
14 SERVICE ACQUISITION EXECUTIVE.—The terms
15 “military departments”, “armed forces”, and “serv-
16 ice acquisition executive” have the meanings given
17 the terms in section 101 of title 10, United States
18 Code.

19 (2) KEY ADVANCED SYSTEM DEVELOPMENT
20 AREA.— The term “key advanced system develop-
21 ment area” means the following:

22 (A) For the Department of the Navy—

23 (i) unmanned surface vessels;

24 (ii) unmanned underwater vessels;

- 1 (iii) unmanned deployable mobile
2 ocean systems;
3 (iv) unmanned deployable fixed ocean
4 systems; and
5 (v) autonomous unmanned aircraft
6 systems.

7 (B) For the Department of the Air Force,
8 autonomous unmanned aircraft systems.

9 (C) For the Department of the Army, au-
10 tonomous unmanned aircraft systems.

11 (D) For the United States Special Oper-
12 ations Command, autonomous unmanned air-
13 craft systems.

14 (E) For the United States Cyber Com-
15 mand, cybersecurity situational awareness sys-
16 tems.

17 **SEC. 873. MODIFICATION OF PROVISION RELATING TO DE-**
18 **TERMINATION OF CERTAIN ACTIVITIES WITH**
19 **UNUSUALLY HAZARDOUS RISKS.**

20 Section 1684 of the National Defense Authorization
21 Act for Fiscal Year 2022 (Public Law 117–81) is amend-
22 ed—

- 23 (1) in subsection (a), by striking “2022 and
24 2023” and inserting “2022 through 2024”; and

1 (2) in subsection (b), by striking “September
2 30, 2023” and inserting “September 30, 2024”.

3 **SEC. 874. INCORPORATION OF CONTROLLED UNCLASSI-**
4 **FIED INFORMATION GUIDANCE INTO PRO-**
5 **GRAM CLASSIFICATION GUIDES AND PRO-**
6 **GRAM PROTECTION PLANS.**

7 (a) UPDATES REQUIRED.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall, acting through the Under Secretary of De-
10 fense for Intelligence and Security and the Under
11 Secretary of Defense for Research and Engineering,
12 ensure that all program classification guides (for
13 classified programs) and all program protection
14 plans (for unclassified programs) include guidance
15 for the proper marking for controlled unclassified in-
16 formation (CUI) at their next regularly scheduled
17 update.

18 (2) ELEMENTS.—Guidance under paragraph
19 (1) shall include the following:

20 (A) A requirement to use document por-
21 tion markings for controlled unclassified infor-
22 mation

23 (B) A process to ensure controlled unclas-
24 sified information document portion markings
25 are used properly and consistently.

1 (b) MONITORING OF PROGRESS.—In tracking the
2 progress in carrying out subsection (a), the Under Sec-
3 retary of Defense for Intelligence and Security and the
4 Under Secretary of Defense for Research and Engineering
5 shall implement a process for monitoring progress that in-
6 cludes the following:

7 (1) Tracking of all program classification
8 guides and program protection plans so they include
9 document portion marking for controlled unclassified
10 information, and the dates when controlled unclassi-
11 fied information guidance updates are completed.

12 (2) Updated training in order to ensure that all
13 government and contractor personnel using the
14 guides described in subsection (a)(1) receive instruc-
15 tion, as well as periodic spot checks, to ensure that
16 training is sufficient and properly implemented to
17 ensure consistent application of document portion
18 marking guidance.

19 (3) A process for feedback to ensure that any
20 identified gaps or lessons learned are incorporated
21 into guidance and training instructions.

22 (c) REQUIRED COMPLETION.—The Secretary shall
23 ensure that the updates required by subsection (a) are
24 completed before January 1, 2029.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **Subtitle A—Office of the Secretary**
5 **of Defense and Related Matters**

6 **SEC. 901. INCREASE IN AUTHORIZED NUMBER OF ASSIST-**
7 **ANT AND DEPUTY ASSISTANT SECRETARIES**
8 **OF DEFENSE.**

9 (a) ASSISTANT SECRETARY OF DEFENSE FOR CYBER
10 POLICY.—

11 (1) IN GENERAL.—Section 138(b) of title 10,
12 United States Code, is amended by adding at the
13 end the following new paragraph:

14 “(8) One of the Assistant Secretaries is the Assistant
15 Secretary of Defense for Cyber Policy. The principal duty
16 of the Assistant Secretary shall be the overall supervision
17 of policy and matters relating to cyber activities of the
18 Department of Defense. The Assistant Secretary is the
19 Principal Cyber Advisor described in section 932(c) of the
20 National Defense Authorization Act for Fiscal Year 2014
21 (Public Law 113–66; 10 U.S.C. 2224 note).”.

22 (2) CONFORMING AMENDMENTS.—

23 (A) Section 932(c) of the National Defense
24 Authorization Act for Fiscal Year 2014 (Public

1 Law 113–66; 10 U.S.C. 2224 note) is amend-
2 ed—

3 (i) by striking paragraph (1); and
4 (ii) by redesignating paragraphs (2)
5 and (3) as paragraphs (1) and (2), respec-
6 tively.

7 (B) Section 1643(b) of the National De-
8 fense Authorization Act for Fiscal Year 2017
9 (Public Law 114–328; 10 U.S.C. 2224 note) is
10 amended by striking “by section 932(c)(3)” and
11 inserting “by section 932(c)(2)”.

12 (b) INCREASE IN AUTHORIZED NUMBER OF ASSIST-
13 ANT SECRETARIES OF DEFENSE.—

14 (1) INCREASE.—Section 138(a)(1) of title 10,
15 United States Code, is amended by striking “15”
16 and inserting “18”.

17 (2) CONFORMING AMENDMENT.—Section 5315
18 of title 5, United States Code, is amended by strik-
19 ing “Assistant Secretaries of Defense (14).” and in-
20 serting “Assistant Secretaries of Defense (18).”.

21 (c) INCREASE IN AUTHORIZED NUMBER OF DEPUTY
22 ASSISTANT SECRETARIES OF DEFENSE.—

23 (1) INCREASE.—Section 138 of title 10, United
24 States Code, is amended by adding at the end the
25 following new subsection:

1 “(e) The number of Deputy Assistant Secretaries of
2 Defense may not exceed 57.”.

3 (2) CONFORMING REPEAL.—Section 908 of the
4 National Defense Authorization Act for Fiscal Year
5 2018 (Public Law 115–91; 131 Stat. 1514; 10
6 U.S.C. 138 note) is repealed.

7 (d) ADDITIONAL AMENDMENTS.—Section 138(b) of
8 title 10, United States Code, is amended—

9 (1) in paragraph (2)(A)—

10 (A) in the second sentence in the matter
11 preceding clause (i), by striking “He shall have
12 as his principal duty” and inserting “The prin-
13 cipal duty of the Assistant Secretary shall be”;
14 and

15 (B) in clause (ii), by striking subclause
16 (III);

17 (2) in paragraph (3), in the second sentence, by
18 striking “He shall have as his principal duty” and
19 inserting “The principal duty of the Assistant Sec-
20 retary shall be”;

21 (3) in paragraph (4)—

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

24 (B) in subparagraph (B), by striking “;
25 and” inserting a period; and

1 (C) by striking subparagraph (C); and
2 (4) in paragraph (6), by striking “shall—” and
3 all that follows and inserting “shall advise the Under
4 Secretary of Defense for Acquisition and
5 Sustainment on industrial base policies.”.

6 **SEC. 902. CONFORMING AMENDMENTS RELATING TO RE-**
7 **PEAL OF POSITION OF CHIEF MANAGEMENT**
8 **OFFICER.**

9 Section 2222 of title 10, United States Code, is
10 amended—

11 (1) in subsection (c)(2), by striking “the Chief
12 Management Officer of the Department of Defense,
13 the Under Secretary of Defense for Acquisition and
14 Sustainment, the Chief Information Officer, and the
15 Chief Management Officer” and inserting “the Chief
16 Information Officer of the Department of Defense,
17 the Under Secretary of Defense for Acquisition and
18 Sustainment, and the Chief Information Officer”;

19 (2) in subsection (e)—

20 (A) in paragraph (1), by striking “the
21 Chief Management Officer” and inserting “the
22 Chief Information Officer”; and

23 (B) in paragraph (6)—

24 (i) in subparagraph (A), in the matter
25 preceding clause (i)—

1 (I) in the first sentence, by strik-
2 ing “the Chief Management Officer of
3 the Department of Defense” and in-
4 serting “the Chief Information Officer
5 of the Department of Defense, in co-
6 ordination with the Chief Data and
7 Artificial Intelligence Officer,”; and

8 (II) in the second sentence, by
9 striking “the Chief Management Offi-
10 cer shall” and inserting “the Chief In-
11 formation Officer shall”; and

12 (ii) in subparagraph (B), in the mat-
13 ter preceding clause (i), by striking “the
14 Chief Management Officer” and inserting
15 “the Chief Information Officer”;

16 (3) in subsection (f)—

17 (A) in paragraph (1), in the second sen-
18 tence, by striking “the Chief Management Offi-
19 cer and”; and

20 (B) in paragraph (2)—

21 (i) by redesignating subparagraphs
22 (A) and (B) as subparagraphs (B) and
23 (C), respectively;

1 (ii) by inserting before subparagraph
2 (B), as redesignated by clause (i), the fol-
3 lowing new subparagraph (A):

4 “(A) The Chief Information Officers of the
5 military departments, or their designees.”; and

6 (iii) in subparagraph (C), as so redes-
7 ignated, by adding at the end the following
8 new clause:

9 “(iv) The Chief Data and Artificial
10 Intelligence Officer of the Department of
11 Defense.”;

12 (4) in subsection (g)(2), by striking “the Chief
13 Management Officer” each place it appears and in-
14 serting “the Chief Information Officer”; and

15 (5) in subsection (i)(5)(B), by striking “the
16 Chief Management Officer” and inserting “the Chief
17 Information Officer”.

18 **SEC. 903. LIMITATION ON AVAILABILITY OF FUNDS FOR OP-**
19 **ERATION AND MAINTENANCE FOR OFFICE OF**
20 **SECRETARY OF DEFENSE.**

21 Of the funds authorized to be appropriated by this
22 Act for fiscal year 2023 for operation and maintenance,
23 Defense-wide, and available for the Office of the Secretary
24 of Defense, not more than 75 percent may be obligated
25 or expended until the date that is 15 days after the date

1 on which the Secretary of Defense submits the information
2 operations strategy and posture review, including the des-
3 ignation of Information Operations Force Providers and
4 Information Operations Joint Force Trainers for the De-
5 partment of Defense, to the Committee on Armed Services
6 of the Senate and the Committee on Armed Services of
7 the House of Representatives as required by section
8 1631(g) of the National Defense Authorization Act for
9 Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397
10 note).

11 **SEC. 904. LIMITATION ON USE OF FUNDS UNTIL DEM-**
12 **ONSTRATION OF PRODUCT TO IDENTIFY,**
13 **TASK, AND MANAGE CONGRESSIONAL RE-**
14 **PORTING REQUIREMENTS.**

15 Of the funds authorized to be appropriated by section
16 301 for fiscal year 2023 for operation and maintenance,
17 Defense-wide, and available as specified in the funding
18 table in section 4301 for the Office of the Secretary of
19 Defense, not more than 75 percent may be obligated or
20 expended until the Secretary of Defense demonstrates a
21 minimum viable product—

22 (1) to optimize and modernize the process de-
23 scribed in section 908(a) of the William M. (Mac)
24 Thornberry National Defense Authorization Act for
25 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.

1 111 note) for identifying reports to Congress re-
2 quired by annual national defense authorization
3 Acts, assigning responsibility for preparation of such
4 reports, and managing the completion and delivery
5 of such reports to Congress; and

6 (2) that includes capabilities to enable—

7 (A) direct access by the congressional de-
8 fense committees to the follow-on system to
9 that process using secure credentials;

10 (B) rapid automatic ingestion of data pro-
11 vided by those committees with respect to re-
12 ports and briefings required to be submitted to
13 Congress in a comma-separated value spread-
14 sheet;

15 (C) sortable and exportable database views
16 for tracking and research purposes;

17 (D) automated notification of relevant con-
18 gressional staff and archival systems; and

19 (E) integration with Microsoft Office.

20 **SEC. 905. LIMITATION ON USE OF FUNDS UNTIL DEPART-**
21 **MENT OF DEFENSE COMPLIES WITH RE-**
22 **QUIREMENTS RELATING TO ALIGNMENT OF**
23 **CLOSE COMBAT LETHALITY TASK FORCE.**

24 Of the funds authorized to be appropriated by section
25 301 for fiscal year 2023 for operation and maintenance,

1 Defense-wide, and available as specified in the funding
2 table in section 4301 for the Office of the Secretary of
3 Defense, not more than 75 percent may be obligated or
4 expended until the Department of Defense complies with
5 the requirements of section 911 of the National Defense
6 Authorization Act for Fiscal Year 2022 (Public Law 117–
7 81; 135 Stat. 1878) (relating to alignment of the Close
8 Combat Lethality Task Force).

9 **Subtitle B—Other Department of**
10 **Defense Organization and Man-**
11 **agement Matters**

12 **SEC. 911. MODIFICATION OF REQUIREMENTS THAT ARE RE-**
13 **SPONSIBILITY OF ARMED FORCES NOT JOINT**
14 **REQUIREMENTS OVERSIGHT COUNCIL.**

15 Section 181(e) of title 10, United States Code, is
16 amended to read as follows:

17 “(e) PERFORMANCE REQUIREMENTS AS RESPONSI-
18 BILITY OF ARMED FORCES.—

19 “(1) IN GENERAL.—The Chief of Staff of an
20 armed force is responsible for—

21 “(A) all performance requirements for that
22 armed force; and

23 “(B) except as provided in paragraph (3),
24 all inventory objective requirements for that

1 armed force, including categories of weapons
2 systems and overall levels of weapons systems.

3 “(2) REQUIREMENTS NOT REQUIRED TO BE
4 VALIDATED.—Except for requirements specified in
5 subsections (b)(4) and (b)(5), requirements de-
6 scribed in paragraph (1) are not required to be vali-
7 dated by the Joint Requirements Oversight Council.

8 “(3) INVENTORY OBJECTIVE REQUIREMENTS
9 FOR NAVAL VESSELS TO TRANSPORT MARINES.—The
10 Commandant of the Marine Corps shall be respon-
11 sible for inventory objective requirements for naval
12 vessels with the primary mission of transporting Ma-
13 rines.”.

14 **SEC. 912. BRIEFING ON REVISIONS TO UNIFIED COMMAND**
15 **PLAN.**

16 Section 161(b)(2) of title 10, United States Code, is
17 amended—

18 (1) by redesignating subparagraphs (A) and
19 (B) as clauses (i) and (ii), respectively, and by mov-
20 ing such clauses, as so redesignated, two ems to the
21 right;

22 (2) by striking “the President shall notify” and
23 inserting the following: “the President shall—

24 “(A) notify”;

1 (3) in clause (ii), as redesignated by paragraph
2 (1), by striking the period at the end and inserting
3 “; and”; and

4 (4) by adding at the end the following new sub-
5 paragraph:

6 “(B) during that 60-day period, provide to the
7 congressional defense committees a briefing on the
8 revisions described in subparagraph (A)(ii).”.

9 **SEC. 913. UPDATES TO MANAGEMENT REFORM FRAME-**
10 **WORK.**

11 Section 125a of title 10, United States Code, is
12 amended—

13 (1) in subsection (c)—

14 (A) in paragraph (1), by striking “2022”
15 and inserting “2023”; and

16 (B) in paragraph (3), by inserting “the Di-
17 rector for Administration and Management of
18 the Department of Defense,” after “the Chief
19 Information Officer of the Department of De-
20 fense,”; and

21 (2) in subsection (d)—

22 (A) by redesignating paragraph (6) as
23 paragraph (9); and

24 (B) by inserting after paragraph (5) the
25 following new paragraphs:

1 “(6) Development and implementation of a uni-
2 form methodology for tracking and assessing cost
3 savings and cost avoidance from reform initiatives.

4 “(7) Implementation of reform-focused research
5 to improve management and administrative science.

6 “(8) Tracking and implementation of techno-
7 logical approaches to improve management decision-
8 making, such as artificial intelligence tools.”.

9 **SEC. 914. STRATEGIC MANAGEMENT DASHBOARD DEM-**
10 **ONSTRATION.**

11 (a) IN GENERAL.—The Secretary of Defense shall
12 conduct a demonstration of a strategic management dash-
13 board to automate the data collection and visualization of
14 the primary management goals of the Department of De-
15 fense.

16 (b) ELEMENTS.—The Secretary shall ensure that the
17 strategic management dashboard demonstrated under
18 subsection (a) includes the following:

19 (1) The capability for real-time monitoring of
20 the performance of the Department in meeting the
21 management goals of the Department.

22 (2) An integrated analytics capability, including
23 the ability to dynamically add or upgrade new capa-
24 bilities when needed.

1 (3) Integration with the framework required by
2 subsection (c) of section 125a of title 10, United
3 States Code, for measuring the progress of the De-
4 partment toward covered elements of reform (as de-
5 fined in subsection (d) of that section).

6 (4) Incorporation of the elements of the stra-
7 tegic management plan required by section 904(d) of
8 the National Defense Authorization Act of Fiscal
9 Year 2008 (Public Law 110–181; 10 U.S.C. 2201
10 note prec.), as derived from automated data feeds
11 from existing information systems and databases.

12 (5) Incorporation of the elements of the most
13 recent annual performance plan of the Department
14 required by section 1115(b) of title 31, United
15 States Code, and the most recent update on per-
16 formance of the Department required by section
17 1116 of that title.

18 (6) Use of artificial intelligence and machine
19 learning tools to improve decision making and as-
20 sessment relating to data analytics.

21 (7) Adoption of leading and lagging indicators
22 for key strategic management goals.

23 (c) AUTHORITIES.—

24 (1) IN GENERAL.—In conducting the dem-
25 onstration required by subsection (a), the Secretary

1 may use the authorities described in paragraph (2),
2 and such other authorities as the Secretary con-
3 siders appropriate—

4 (A) to help spur innovative technological or
5 process approaches; and

6 (B) to attract new entrants to solve the
7 data management and visualization challenges
8 of the Department.

9 (2) AUTHORITIES DESCRIBED.—The authorities
10 described in this paragraph are the authorities pro-
11 vided under the following provisions of law:

12 (A) Section 4025 of title 10, United States
13 Code (relating to prizes for advanced technology
14 achievements).

15 (B) Section 217 of the National Defense
16 Authorization Act for Fiscal Year 2016 (Public
17 Law 114–92; 10 U.S.C. 2222 note) (relating to
18 science and technology activities to support
19 business systems information technology acqui-
20 sition programs).

21 (C) Section 908 of the National Defense
22 Authorization Act for Fiscal Year 2022 (Public
23 Law 117–81; 10 U.S.C. 129a note) (relating to
24 management innovation activities).

1 (d) USE OF BEST PRACTICES.—In conducting the
2 demonstration required by subsection (a), the Secretary
3 shall leverage commercial best practices in management
4 and leading research in management and data science.

5 **SEC. 915. DEMONSTRATION PROGRAM FOR COMPONENT**
6 **CONTENT MANAGEMENT SYSTEMS.**

7 (a) IN GENERAL.—Not later than July 1, 2023, the
8 Chief Information Officer of the Department of Defense,
9 in coordination with the Chief Digital and Artificial Intel-
10 ligence Officer and the Director of the Joint Artificial In-
11 telligence Center, shall complete a pilot program to dem-
12 onstrate the application of component content manage-
13 ment systems to a distinct set of data of the Department.

14 (b) SELECTION OF DATA SET.—In selecting a dis-
15 tinct set of data of the Department for purposes of the
16 pilot program required by subsection (a), the Chief Infor-
17 mation Officer shall consult with, at a minimum, the fol-
18 lowing:

19 (1) The Office of the Secretary of Defense with
20 respect to directives, instructions, and other regu-
21 latory documents of the Department.

22 (2) The Office of the Secretary of Defense and
23 the Joint Staff with respect to execution orders.

1 (3) The Office of the Under Secretary of De-
2 fense for Research and Engineering and the military
3 departments with respect to technical manuals.

4 (4) The Office of the Under Secretary of De-
5 fense for Acquisition and Sustainment with respect
6 to Contract Data Requirements List documents.

7 (c) AUTHORITY TO ENTER INTO CONTRACTS.—Sub-
8 ject to the availability of appropriations, the Secretary of
9 Defense may enter into contracts or transactions with
10 public or private entities to conduct studies and dem-
11 onstration projects under the pilot program required by
12 subsection (a).

13 (d) BRIEFING REQUIRED.—Not later than 60 days
14 after the date of the enactment of this Act, the Chief In-
15 formation Officer shall provide to the congressional de-
16 fense committees a briefing on plans to implement the
17 pilot program required by subsection (a).

18 **Subtitle C—Space Force Matters**

19 **SEC. 921. VICE CHIEF OF SPACE OPERATIONS.**

20 (a) CODIFICATION OF POSITION OF VICE CHIEF OF
21 SPACE OPERATIONS.—Chapter 908 of title 10, United
22 States Code, is amended by inserting after section 9082
23 the following new section:

1 **“§ 9082a. Vice Chief of Space Operations**

2 “(a) APPOINTMENT.—There is a Vice Chief of Space
3 Operations, appointed by the President, by and with the
4 advice and consent of the Senate, from officers on the ac-
5 tive-duty list of the Space Force not restricted in the per-
6 formance of duty.

7 “(b) GRADE.—The Vice Chief of Space Operations,
8 while so serving, has the grade of general without vacating
9 his permanent grade.

10 “(c) AUTHORITY AND DUTIES.—The Vice Chief has
11 such authority and duties with respect to the Space Force
12 as the Chief, with the approval of the Secretary of the
13 Air Force, may delegate to or prescribe for the Vice Chief.
14 Orders issued by the Vice Chief in performing such duties
15 have the same effect as those issued by the Chief.

16 “(d) VACANCIES.—When there is a vacancy in the of-
17 fice of the Chief of Space Operations, or during the ab-
18 sence or disability of the Chief—

19 “(1) the Vice Chief of the Space Operations
20 shall perform the duties of the Chief until a suc-
21 cessor is appointed or the absence or disability
22 ceases; or

23 “(2) if there is a vacancy in the office of the
24 Vice Chief of Space Operations or the Vice Chief is
25 absent or disabled, unless the President directs oth-
26 erwise, the most senior officer of the Space Force in

1 the Headquarters, Space Force, who is not absent or
2 disabled and who is not restricted in performance of
3 duty shall perform the duties of the Chief until a
4 successor to the Chief or the Vice Chief is appointed
5 or until the absence or disability of the Chief or Vice
6 Chief ceases, whichever occurs first.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 908 of title 10, United States
9 Code, is amended by inserting after the item relating to
10 section 9082 the following new item:

“9082a. Vice Chief of Space Operations.”.

11 **SEC. 922. ESTABLISHMENT OF FIELD OPERATING AGEN-**
12 **CIES AND DIRECT REPORTING UNITS OF**
13 **SPACE FORCE.**

14 (a) IN GENERAL.—Chapter 908 of title 10, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 9087. Field operating agencies and direct reporting**
18 **units**

19 “(a) AUTHORITY.—The Secretary of the Air Force
20 may establish within the Space Force the following:

21 “(1) An Enterprise Talent Management Office
22 to provide whole-of-life-cycle talent management
23 aligned to the needs of the Space Force.

24 “(2) A Space Warfighting Analysis Center to
25 conduct analysis, modeling, wargaming, and experi-

1 mentation to create operational concepts and develop
 2 future force design options.

3 “(b) ORGANIZATION.—

4 “(1) ENTERPRISE TALENT MANAGEMENT OF-
 5 FICE.—If, pursuant to the authority provided by
 6 subsection (a)(1), the Secretary establishes a Enter-
 7 prise Talent Management Office, the Office shall op-
 8 erate as a field operating agency of the headquarters
 9 of the Space Force.

10 “(2) SPACE WARFIGHTING ANALYSIS CEN-
 11 TER.—If, pursuant to the authority provided by sub-
 12 section (a)(2), the Secretary establishes a Space
 13 Warfighting Analysis Center, the Center shall oper-
 14 ate as a direct reporting unit of the Chief of Space
 15 Operations.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 908 of such title is amended
 18 by adding at the end the following new item:

“9087. Field operating agencies and direct reporting units.”.

19 **SEC. 923. FRAMEWORK FOR NEW SUBTITLE F OF TITLE 10,**
 20 **UNITED STATES CODE, ON SPACE COMPO-**
 21 **NENT.**

22 (a) IN GENERAL.—Title 10, United States Code, is
 23 amended by adding at the end the following new subtitle:

24 **“Subtitle F—Space Component**

“Chap.

“2001. [Reserved]	20101
“2002. [Reserved]	20201
“2003. [Reserved]	20301
“2004. [Reserved]	20401
“2005. [Reserved]	20501

1 **“CHAPTER 2001—[RESERVED]**

“Sec.
“20101. [Reserved].

2 **“§ 20101. [Reserved]**

3 “[Reserved].

4 **“CHAPTER 2002—[RESERVED]**

“Sec.
“20201. [Reserved].

5 **“§ 20201. [Reserved]**

6 “[Reserved].

7 **“CHAPTER 2003—[RESERVED]**

“Sec.
“20301. [Reserved].

8 **“§ 20301. [Reserved]**

9 “[Reserved].

10 **“CHAPTER 2004—[RESERVED]**

“Sec.
“20401. [Reserved].

11 **“§ 20401. [Reserved]**

12 “[Reserved].

13 **“CHAPTER 2005—[RESERVED]**

“Sec.
“20501. [Reserved].

14 **“§ 20501. [Reserved]**

15 “[Reserved].”.

1 (b) CLERICAL AMENDMENTS.—

2 (1) TABLE OF SUBTITLES.—The table of sub-
3 titles at the beginning of title 10, United States
4 Code, is amended by adding at the end the following
5 new item:

“F. Space Component 20101”.

6 (c) CONTINGENT REPEAL.—If subtitle F of title 10,
7 United States Code, as added by subsection (a), or any
8 chapter of that subtitle, as so added, is not amended dur-
9 ing the period beginning on the day after the date of the
10 enactment of this Act and ending on December 31, 2026,
11 such subtitle or chapter, as the case may be, is repealed
12 effective on January 1, 2027.

13 **SEC. 924. STUDY OF PROPOSED SPACE FORCE REORGA-**
14 **NIZATION.**

15 (a) IN GENERAL.—Not later than 60 days after the
16 date of the enactment of this Act, the Secretary of Defense
17 shall seek to enter into a contract with one or more feder-
18 ally funded research and development centers to conduct
19 a study on the proposed reorganization of the Space Force
20 and the establishment of the Space Component.

21 (b) ELEMENTS.—The study referred to in subsection
22 (a) shall include a comprehensive review and assessment
23 of—

24 (1) the feasibility and advisability of—

1 (A) exempting the proposed Space Compo-
2 nent from the existing “up or out” system of
3 officer career advancement first established by
4 the amendments to title 10, United States
5 Code, made by the Defense Officer Personnel
6 Management Act (Public Law 96–513; 94 Stat.
7 2835);

8 (B) combining active and reserve compo-
9 nents in a new, single Space Component and
10 whether a similar outcome could be achieved
11 using the existing active and reserve component
12 frameworks with modest statutory changes to
13 allow reserve officers to serve on sustained ac-
14 tive duty;

15 (C) creating career flexibility for reserve
16 members of the Space Component, including in
17 shifting retirement points earned from one year
18 to the next and allowing members of the Space
19 Component to move back and forth between ac-
20 tive and reserve status for prolonged periods of
21 time across a career;

22 (2) the implications of the proposed reorganiza-
23 tion of the Space Force on the development of space
24 as a warfighting domain in the profession of arms,

1 particularly with respect to officer leadership, devel-
2 opment, and stewardship of the profession;

3 (3) whether existing government ethics regula-
4 tions are adequate to address potential conflicts of
5 interest for Space Component officers who seek to
6 move back and forth between sustained active duty
7 and working for private sector organizations in the
8 space industry as reserve officers in the Space Com-
9 ponent;

10 (4) whether the proposed Space Component
11 framework is consistent with the joint service re-
12 quirements of chapter 38 of title 10, United States
13 Code;

14 (5) budgetary implications of the establishment
15 of the Space Component;

16 (6) the nature of the relationship with private
17 industry and civilian employers that would be re-
18 quired and consistent with professional ethics to suc-
19 cessfully implement the Space Component; and

20 (7) any other issues the Secretary or the feder-
21 ally funded research and development center con-
22 siders relevant.

23 (c) DIVERSITY AND INCLUSION.—The study referred
24 to in subsection (a) shall include an assessment of the pro-
25 posed reorganization of the Space Force and the establish-

1 ment of the Space Component on advancing diversity and
2 inclusion in the Space Component.

3 (d) LIMITATION ON DELEGATION.—The authority of
4 the Secretary to enter into a contract under subsection
5 (a) may not be delegated below the level the Under Sec-
6 retary of Defense for Personnel and Readiness.

7 (e) REPORT REQUIRED.—Not later than December
8 31, 2023, the Secretary shall submit to the Committees
9 on Armed Services of the Senate and the House of Rep-
10 resentatives a report on the results of the study referred
11 to in subsection (a).

12 **TITLE X—GENERAL PROVISIONS**

13 **Subtitle A—Financial Matters**

14 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

15 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

16 (1) AUTHORITY.—Upon determination by the
17 Secretary of Defense that such action is necessary in
18 the national interest, the Secretary may transfer
19 amounts of authorizations made available to the De-
20 partment of Defense in this division for fiscal year
21 2023 between any such authorizations for that fiscal
22 year (or any subdivisions thereof). Amounts of au-
23 thorizations so transferred shall be merged with and
24 be available for the same purposes as the authoriza-
25 tion to which transferred.

1 (2) LIMITATION.—Except as provided in para-
2 graph (3), the total amount of authorizations that
3 the Secretary may transfer under the authority of
4 this section may not exceed \$6,000,000,000.

5 (3) EXCEPTION FOR TRANSFERS BETWEEN
6 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
7 fer of funds between military personnel authoriza-
8 tions under title IV shall not be counted toward the
9 dollar limitation in paragraph (2).

10 (b) LIMITATIONS.—The authority provided by sub-
11 section (a) to transfer authorizations—

12 (1) may only be used to provide authority for
13 items that have a higher priority than the items
14 from which authority is transferred; and

15 (2) may not be used to provide authority for an
16 item that has been denied authorization by Con-
17 gress.

18 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
19 transfer made from one account to another under the au-
20 thority of this section shall be deemed to increase the
21 amount authorized for the account to which the amount
22 is transferred by an amount equal to the amount trans-
23 ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary shall
2 promptly notify Congress of each transfer made under
3 subsection (a).

4 **SEC. 1002. REPORT ON BUDGETARY EFFECTS OF INFLA-**
5 **TION.**

6 (a) ANNUAL REPORT.—Not later than 30 days fol-
7 lowing the submission of the President’s budget under sec-
8 tion 1105 of title 31, United States Code, the Secretary
9 of Defense shall deliver to the congressional defense com-
10 mittees a report on observed and anticipated budgetary
11 effects related to inflation, including—

12 (1) the relevant inflation index used and the es-
13 timated and actual inflationary budgetary effects by
14 sub-appropriation account for the previous two fiscal
15 years and the current budget year;

16 (2) the enacted or requested appropriation
17 amount by sub-appropriation;

18 (3) a calculation of estimated budgetary effects
19 due to inflation using the previous fiscal year’s esti-
20 mated indices compared to those of the current fis-
21 cal year;

22 (4) a summary of any requests for equitable ad-
23 justment, exercising of economic price adjustment
24 (EPA) clauses, or bilateral contract modifications to
25 include an EPA, including the contract type and fis-

1 cal year and type and amount of appropriation used
2 for the contract;

3 (5) a summary of any methodological changes
4 in Department of Defense cost estimation practices
5 for inflationary budgetary effects; and

6 (6) any other matters the Secretary determines
7 appropriate.

8 (b) PERIODIC BRIEFING.—Not later than 60 days
9 following the conclusion of the Department of Defense
10 budget mid-year review, the Secretary of Defense shall
11 provide the congressional defense committees with a brief-
12 ing on—

13 (1) any changes in the observed or anticipated
14 inflation indices included in the report required
15 under subsection (a);

16 (2) any actions taken by the Department of De-
17 fense to respond to changes discussed in such report,
18 with specific dollar value figures; and

19 (3) any requests for equitable adjustment re-
20 ceived by the Department of Defense, economic price
21 adjustment clauses exercised, or bilateral contract
22 modifications to include an EPA made since the
23 transmission of the report required under subsection
24 (a).

1 **Subtitle B—Counterdrug Activities**

2 **SEC. 1011. EXTENSION OF AUTHORITY AND ANNUAL RE-**
3 **PORT ON UNIFIED COUNTERDRUG AND**
4 **COUNTERTERRORISM CAMPAIGN IN COLOM-**
5 **BIA.**

6 Section 1021 of the Ronald W. Reagan National De-
7 fense Authorization Act for Fiscal Year 2005 (Public Law
8 108–375; 118 Stat. 2042), as most recently amended by
9 section 1007 of the National Defense Authorization Act
10 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
11 1889), is further amended—

12 (1) in subsection (a)(1), by striking “2023” and
13 inserting “2024”;

14 (2) in subsection (c), in the matter preceding
15 paragraph (1), by striking “2023” and inserting
16 “2024”; and

17 (3) by adding at the end the following:

18 “(h) ANNUAL REPORT ON PLAN COLOMBIA.—During
19 each of fiscal years 2023 and 2024, the Secretary of De-
20 fense shall submit to Congress a report that includes the
21 following:

22 “(1) An assessment of the threat to Colombia
23 from narcotics trafficking and activities by organiza-
24 tions designated as foreign terrorist organizations

1 under section 219(a) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1189(a)).

3 “(2) A description of the plan of the Govern-
4 ment of Colombia for the unified campaign described
5 in subsection (a).

6 “(3) A description of the activities supported
7 using the authority provided by subsection (a).

8 “(4) An assessment of the effectiveness of the
9 activities described in paragraph (3) in addressing
10 the threat described in paragraph (1).”.

11 **Subtitle C—Naval Vessels**

12 **SEC. 1021. MODIFICATION TO ANNUAL NAVAL VESSEL CON-** 13 **STRUCTION PLAN.**

14 Section 231(b)(2) of title 10, United States Code, is
15 amended by adding at the end the following new subpara-
16 graph:

17 “(J) For any class of battle force ship for which
18 the procurement of the final ship of the class is pro-
19 posed in the relevant future-years defense program
20 submitted under section 221 of this title, a detailed
21 plan that includes a description of specific impacts
22 with respect to the transition of such class and the
23 associated industrial base to a new program, a modi-
24 fied existing program, or no program. Each plan re-
25 quired by the preceding sentence shall include a de-

1 tailed schedule with planned decision points, solicita-
2 tions, and contract awards.”.

3 **SEC. 1022. AMPHIBIOUS WARSHIP FORCE STRUCTURE.**

4 Section 8062 of title 10, United States Code, is
5 amended—

6 (1) in subsection (b)—

7 (A) in the first sentence, by inserting “and
8 not less than 31 operational amphibious war-
9 fare ships, of which not less than 10 shall be
10 amphibious assault ships” before the period;
11 and

12 (B) in the second sentence—

13 (i) by inserting “or amphibious war-
14 fare ship” before “includes”; and

15 (ii) by inserting “or amphibious war-
16 fare ship” before “that is temporarily un-
17 available”;

18 (2) in subsection (e)—

19 (A) in paragraph (2) by striking “; and”
20 and inserting a semicolon;

21 (B) in paragraph (3) by striking the period
22 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 (3) by adding at the end the following new sub-
6 section:

7 “(g) In this section, the term ‘amphibious warfare
8 ship’ means a ship that is classified as an amphibious as-
9 sault ship (general purpose) (LHA), an amphibious as-
10 sault ship (multi-purpose) (LHD), an amphibious trans-
11 port dock (LPD), or a dock landing ship (LSD).”.

12 **SEC. 1023. MODIFICATION TO LIMITATION ON DECOMMIS-**
13 **SIONING OR INACTIVATING A BATTLE FORCE**
14 **SHIP BEFORE THE END OF EXPECTED SERV-**
15 **ICE LIFE.**

16 (a) IN GENERAL.—Section 8678a(b) of title 10,
17 United States Code, is amended—

18 (1) in paragraph (1), by inserting “with the
19 budget materials submitted by the President under
20 section 1105(a) of title 31, United States Code, for
21 the fiscal year in which such waiver is sought” after
22 “such ship”; and

23 (2) in paragraph (2), by striking “such certifi-
24 cation was submitted” and inserting “the National

1 Defense Authorization Act for such fiscal year is en-
2 acted”.

3 (b) NO EFFECT ON CERTAIN SHIPS.—The amend-
4 ments made by subsection (a) shall have no effect on bat-
5 tle force ships (as defined in section 8678a(e) of title 10,
6 United States Code) proposed for decommissioning or in-
7 activation in fiscal year 2023.

8 **SEC. 1024. CONTRACT REQUIREMENTS RELATING TO MAIN-**
9 **TENANCE AND MODERNIZATION AVAILABIL-**
10 **ITIES FOR CERTAIN NAVAL VESSELS.**

11 (a) SUBMARINE MAINTENANCE AND MODERNIZA-
12 TION AVAILABILITIES.—The Secretary of the Navy may
13 only enter into a contract with a private entity for a main-
14 tenance and modernization availability for a fast attack
15 submarine that requires drydocking the submarine if the
16 following conditions are met:

17 (1) The submarine is a Virginia-class sub-
18 marine.

19 (2) The submarine has not conducted a pre-
20 vious drydock availability.

21 (3) The work package for the contract is suffi-
22 ciently detailed and provided to the private entity
23 with sufficient time to enable a high-confidence con-
24 tracting strategy for—

25 (A) planning;

- 1 (B) material procurement;
- 2 (C) cost;
- 3 (D) schedule; and
- 4 (E) performance.

5 (4) At least 70 percent of the work package for
6 the contract is common to the work packages for
7 previous contracts entered into under this sub-
8 section.

9 (b) SURFACE SHIP MAINTENANCE AND MODERNIZA-
10 TION AVAILABILITIES.—In awarding contracts for mainte-
11 nance and modernization availabilities for surface ships,
12 issuing task orders for such availabilities, or carrying out
13 other contracting actions with respect to such availabil-
14 ities, the Secretary of the Navy may not limit evaluation
15 factors to price only.

16 **SEC. 1025. PROHIBITION ON RETIREMENT OF CERTAIN**
17 **NAVAL VESSELS.**

18 None of the funds authorized to be appropriated by
19 this Act for fiscal year 2023 may be obligated or expended
20 to retire, prepare to retire, or place in storage any of the
21 following naval vessels:

- 22 (1) USS Vicksburg (CG 69).
- 23 (2) USS Sioux City (LCS 11).
- 24 (3) USS Wichita (LCS 13).
- 25 (4) USS Billings (LCS 15).

- 1 (5) USS Indianapolis (LCS 17).
- 2 (6) USS St. Louis (LCS 19).
- 3 (7) USS Germantown (LSD 42).
- 4 (8) USS Gunston Hall (LSD 44).
- 5 (9) USS Tortuga (LSD 46).
- 6 (10) USS Ashland (LSD 48).
- 7 (11) USNS Montford Point (T-ESD 1).
- 8 (12) USNS John Glenn (T-ESD 2).

9 **Subtitle D—Counterterrorism**

10 **SEC. 1031. MODIFICATION AND EXTENSION OF PROHIBI-** 11 **TION ON USE OF FUNDS FOR TRANSFER OR** 12 **RELEASE OF INDIVIDUALS DETAINED AT** 13 **UNITED STATES NAVAL STATION, GUANTA-** 14 **NAMO BAY, CUBA, TO CERTAIN COUNTRIES.**

15 Section 1035 of the John S. McCain National De-
16 fense Authorization Act for Fiscal Year 2019 (Public Law
17 115–232; 132 Stat. 1954), as most recently amended by
18 section 1032 of the National Defense Authorization Act
19 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
20 1901), is further amended—

- 21 (1) by striking “December 31, 2022” and in-
22 serting “December 31, 2023”;
- 23 (2) by redesignating paragraphs (1) through
24 (4) as paragraphs (2) through (5), respectively; and

1 (3) by inserting before paragraph (2), as so re-
2 designated, the following new paragraph:

3 “(1) Afghanistan.”.

4 **SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS**
5 **FOR TRANSFER OR RELEASE OF INDIVID-**
6 **UALS DETAINED AT UNITED STATES NAVAL**
7 **STATION, GUANTANAMO BAY, CUBA, TO THE**
8 **UNITED STATES.**

9 Section 1033 of the John S. McCain National De-
10 fense Authorization Act for Fiscal Year 2019 (Public Law
11 115–232; 132 Stat. 1953), as most recently amended by
12 section 1033 of the National Defense Authorization Act
13 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
14 1901), is further amended by striking “December 31,
15 2022” and inserting “December 31, 2023”.

16 **SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS**
17 **TO CONSTRUCT OR MODIFY FACILITIES IN**
18 **THE UNITED STATES TO HOUSE DETAINEES**
19 **TRANSFERRED FROM UNITED STATES NAVAL**
20 **STATION, GUANTANAMO BAY, CUBA.**

21 Section 1034(a) of the John S. McCain National De-
22 fense Authorization Act for Fiscal Year 2019 (Public Law
23 115–232; 132 Stat. 1954), as most recently amended by
24 section 1034 of the National Defense Authorization Act
25 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.

1 1901), is further amended by striking “December 31,
2 2022” and inserting “December 31, 2023”.

3 **SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS**
4 **TO CLOSE OR RELINQUISH CONTROL OF**
5 **UNITED STATES NAVAL STATION, GUANTA-**
6 **NAMO BAY, CUBA.**

7 Section 1036 of the National Defense Authorization
8 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
9 1551), as most recently amended by section 1035 of the
10 National Defense Authorization Act for Fiscal Year 2022
11 (Public Law 117–81; 135 Stat. 1901), is further amended
12 by striking “2022” and inserting “2023”.

13 **Subtitle E—Miscellaneous**
14 **Authorities and Limitations**

15 **SEC. 1041. DEPARTMENT OF DEFENSE-DEPARTMENT OF**
16 **VETERANS AFFAIRS DISCHARGE REVIEW**
17 **BOARD COMMITTEE.**

18 (a) ESTABLISHMENT OF JOINT EXECUTIVE COM-
19 MITTEE.—

20 (1) IN GENERAL.—There is established an
21 interagency committee to advise the Under Secretary
22 of Defense for Personnel and Readiness and the
23 Deputy Secretary of Veterans Affairs on matters re-
24 lating to the review boards under section 1553 of
25 title 10, United States Code.

1 (2) DESIGNATION.—The interagency committee
2 established under paragraph (1) shall be known as
3 the “Department of Defense-Department of Vet-
4 erans Affairs Discharge Review Board Committee”
5 (hereinafter in this section referred to as the “Com-
6 mittee”).

7 (b) MEMBERSHIP.—The Committee shall be com-
8 posed of the following:

9 (1) The Under Secretary of Defense for Per-
10 sonnel and Readiness, the Assistant Secretary of
11 Manpower and Reserve Affairs for each of the mili-
12 tary services, and such other officers and employees
13 of the Department of Defense as the Secretary of
14 Defense may designate.

15 (2) The Deputy Secretary of Veterans Affairs
16 and such other officers and employees of the Depart-
17 ment of Veterans Affairs as the Secretary of Vet-
18 erans Affairs may designate.

19 (c) ADMINISTRATIVE MATTERS.—

20 (1) IN GENERAL.—The Under Secretary and
21 the Deputy Secretary shall jointly determine the size
22 and structure of the Committee, as well as the ad-
23 ministrative and procedural guidelines for the oper-
24 ation of the Committee.

1 (2) SUBCOMMITTEES.—The Committee may es-
2 tablish subcommittees to assist the Committee in
3 carrying out subsections (d) and (e), including the
4 following:

5 (A) A subcommittee on outreach and edu-
6 cation.

7 (B) A subcommittee on training for mem-
8 bers of the review boards under section 1553 of
9 title 10, United States Code.

10 (3) SUPPORT.—The Under Secretary and the
11 Deputy Secretary shall jointly supply appropriate
12 staff and resources to provide administrative support
13 and services for the Committee. Support for such
14 purposes shall be provided at a level that the Under
15 Secretary and the Deputy Secretary jointly deter-
16 mine sufficient for the efficient operation of the
17 Committee, including any subcommittees established
18 under paragraph (2).

19 (d) RECOMMENDATIONS.—

20 (1) IN GENERAL.—The Committee shall provide
21 the Secretary of Defense and the Secretary of Vet-
22 erans Affairs with recommendations on the strategic
23 direction for the joint coordination and sharing ef-
24 forts between and within the Department of Defense
25 and the Department of Veterans Affairs on matters

1 regarding the review boards described in subsection
2 (a)(1).

3 (2) ANNUAL REPORT.—Not less frequently than
4 once each year, the Committee shall submit to the
5 two Secretaries and to Congress an annual report
6 containing such recommendations regarding the re-
7 view boards described in subsection (a)(1) as the
8 Committee considers appropriate.

9 (e) FUNCTIONS.—In order to enable the Committee
10 to make recommendations in its annual report under sub-
11 section (c)(2), the Committee shall do the following:

12 (1) Review existing policies, procedures, and
13 practices regarding reviews under section 1553 of
14 title 10, United States Code, with respect to matters
15 that pertain to the coordination and sharing of re-
16 sources between the Department of Defense and the
17 Department of Veterans Affairs.

18 (2) Identify changes in policies, procedures, and
19 practices that, in the judgment of the Committee,
20 would promote mutually beneficial coordination, use,
21 or exchange of use of services and resources of the
22 two Departments, with the goal of improving the
23 quality, efficiency, and effectiveness of the review
24 boards under section 1553 of such title for veterans,
25 members of the Armed Forces, individuals who re-

1 tired from service in the Armed Forces, and their
2 families through an enhanced partnership between
3 the two Departments.

4 (3) Identify and assess further opportunities for
5 the coordination and collaboration between the De-
6 partments that, in the judgment of the Committee,
7 would positively affect the review process under sec-
8 tion 1553 of such title.

9 (4) Review the implementation of activities de-
10 signed to promote the coordination and sharing of
11 resources between the Departments for matters re-
12 lating to the review process under section 1553 of
13 such title.

14 (5) Identify and assess strategies, which either
15 or both Departments may implement, that would in-
16 crease outreach to former members of the Armed
17 Forces described in subsection (d)(3)(B) of section
18 1553 of such title who may qualify for relief under
19 such section.

1 **SEC. 1042. MODIFICATION OF PROVISIONS RELATING TO**
2 **CROSS-FUNCTIONAL TEAM FOR EMERGING**
3 **THREAT RELATING TO ANOMALOUS HEALTH**
4 **INCIDENTS.**

5 Section 910 of the National Defense Authorization
6 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
7 111 note) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (1), by striking “and any
10 other” and all that follows through “necessary;
11 and” and inserting “, including the causation,
12 attribution, mitigation, identification, and treat-
13 ment for such incidents;”;

14 (B) in paragraph (2)—

15 (i) by inserting “and deconflict” after
16 “integrate”;

17 (ii) by striking “agency” and inserting
18 “agencies”; and

19 (iii) by striking the period at the end
20 and inserting “; and”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(3) any other efforts regarding such incidents
24 that the Secretary considers appropriate.”; and

25 (2) in subsection (e)(2), by striking “90 days”
26 and all that follows through “of enactment” and in-

1 serting “March 1, 2023, and not less frequently
2 than once every 180 days thereafter until March 1,
3 2026”.

4 **SEC. 1043. CIVILIAN CASUALTY PREVENTION, MITIGATION,**
5 **AND RESPONSE.**

6 (a) ESTABLISHMENT OF OFFICE FOR CIVILIAN CAS-
7 UALTY PREVENTION, MITIGATION, AND RESPONSE.—

8 (1) IN GENERAL.—Chapter 4 of title 10, United
9 States Code, is amended by adding at the end the
10 following new section:

11 **“§ 148. Office for Civilian Casualty Prevention, Miti-**
12 **gation, and Response**

13 “(a) ESTABLISHMENT.—The Secretary of Defense
14 shall establish an office within the Department of Defense,
15 to be known as the ‘Office for Civilian Casualty Preven-
16 tion, Mitigation, and Response’ (in this section referred
17 to as the ‘Office’), to serve as the focal point for matters
18 related to civilian casualties and other forms of civilian
19 harm resulting from military operations involving the
20 United States Armed Forces.

21 “(b) RESPONSIBILITIES.—Subject to the authority,
22 direction, and control of the Secretary, the Office shall be
23 responsible for—

24 “(1) collecting data and reports of investiga-
25 tions related to civilian casualty incidents;

1 “(2) analyzing data and trends with respect to
2 civilian casualties;

3 “(3) conducting regular reviews of civilian harm
4 prevention, mitigation, and response policies and
5 practices across the Department of Defense;

6 “(4) referring civilian casualty incidents for in-
7 vestigation by appropriate components within the
8 Department of Defense, when necessary;

9 “(5) making recommendations to the Secretary
10 and the Joint Chiefs of Staff to improve civilian
11 harm prevention, mitigation, and response;

12 “(6) ensuring lessons learned from investiga-
13 tions of civilian casualty incidents are captured and
14 institutionalized within policy, training, and tactics,
15 techniques, and procedures of the Department of
16 Defense;

17 “(7) coordinating and synchronizing efforts
18 across combatant commands, the Department of
19 State, and other relevant United States Government
20 departments and agencies to prevent, mitigate, and
21 respond to civilian casualty incidents;

22 “(8) engaging with nongovernmental organiza-
23 tions and civilian casualty experts; and

24 “(9) such other responsibilities as are directed
25 by the Secretary.

1 “(c) DIRECTOR.—The head of the Office shall be the
2 Director, who shall be appointed by the Secretary from
3 among individuals qualified to serve as the Director who
4 have significant experience and expertise relating to the
5 protection of civilians.

6 “(d) ANALYSIS REQUIRED.—

7 “(1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this section, the
9 Office shall complete and submit to the Secretary an
10 analysis of a representative sample of civilian cas-
11 ualty assessment reports and other reports of inves-
12 tigations of civilian casualty incidents on or after
13 August 1, 2014—

14 “(A) to identify trends in civilian casualty
15 incidents;

16 “(B) to identify factors contributing to ci-
17 vilian casualties;

18 “(C) to capture lessons learned from civil-
19 ian casualty incidents; and

20 “(D) to evaluate the extent to which such
21 lessons have been incorporated into policy,
22 training, and tactics, techniques, and proce-
23 dures of the Department of Defense.

24 “(2) RECOMMENDATIONS.—The analysis re-
25 quired by paragraph (1) shall include recommenda-

1 tions to the Secretary for improving civilian harm
2 prevention, mitigation, and response.

3 “(e) SEMIANNUAL REPORTS.—Not later than 180
4 days after the date of the enactment of this section, and
5 every 180 days thereafter until the date is 2 years after
6 such date of enactment, the Director shall submit to the
7 congressional defense committees a report on the status
8 of the implementation by the Department of Defense of
9 recommendations included in—

10 “(1) the Civilian Casualty Review released by
11 the Joint Staff in April 2018;

12 “(2) the independent assessment of Department
13 of Defense standards, processes, procedures, and
14 policy relating to civilian casualties resulting from
15 United States military operations required by section
16 1721 of the National Defense Authorization Act for
17 Fiscal Year 2020 (Public Law 116–92; 133 Stat.
18 1809); and

19 “(3) the Civilian Harm Mitigation and Re-
20 sponse Action Plan the Secretary of Defense di-
21 rected to be developed on January 27, 2022.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 4 of such title is
24 amended by adding at the end the following new
25 item:

“148. Office for Civilian Casualty Prevention, Mitigation, and Response.”.

1 (b) LIMITATION ON USE OF FUNDS.—Of the amount
2 authorized to be appropriated by section 301 for operation
3 and maintenance, Defense-wide, and available as specified
4 in the funding table in section 4301 for the Office of the
5 Secretary of Defense, not more than 75 percent may be
6 obligated or expended until the date that is 15 days after
7 the date on which the Secretary submits to the congres-
8 sional defense committees the report required by section
9 1077 of the William M. (Mac) Thornberry National De-
10 fense Authorization Act for Fiscal Year 2021 (Public Law
11 116–283; 134 Stat. 3867) relating to civilian casualty
12 resourcing and authorities.

13 **SEC. 1044. PROHIBITION ON DELEGATION OF AUTHORITY**
14 **TO DESIGNATE FOREIGN PARTNER FORCES**
15 **AS ELIGIBLE FOR THE PROVISION OF COL-**
16 **LECTIVE SELF-DEFENSE SUPPORT BY**
17 **UNITED STATES ARMED FORCES.**

18 (a) PROHIBITION ON DELEGATION.—The authority
19 to designate foreign partner forces as eligible for the provi-
20 sion of collective self-defense support by the United States
21 Armed Forces may not be delegated below the Secretary
22 of Defense.

23 (b) REVIEW.—Not later than 90 days after the date
24 of the enactment of this Act, the Secretary of Defense
25 shall review existing designations of foreign partner forces

1 as eligible for the provision of collective self-defense sup-
2 port by the United States Armed Forces and provide the
3 congressional defense committees a certification that such
4 designations remain valid.

5 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed as invalidating a designation of for-
7 eign partner forces as eligible for the provision of collective
8 self-defense support by the United States Armed Forces
9 that is in effect as of the date of the enactment of this
10 Act.

11 (d) COLLECTIVE SELF-DEFENSE DEFINED.—In this
12 section, the term “collective self-defense” means the use
13 of United States military force to defend designated for-
14 eign partner forces, their facilities, and their property.

15 **SEC. 1045. PERSONNEL SUPPORTING THE OFFICE OF THE**
16 **ASSISTANT SECRETARY OF DEFENSE FOR**
17 **SPECIAL OPERATIONS AND LOW INTENSITY**
18 **CONFLICT.**

19 (a) PLAN REQUIRED.—Not later than 90 days after
20 the date of the enactment of this Act, the Secretary of
21 Defense shall submit to the congressional defense commit-
22 tees a plan for adequately staffing the Office of the Assist-
23 ant Secretary of Defense for Special Operations and Low
24 Intensity Conflict to fulfill the requirements of section
25 138(b)(2)(A)(i) of title 10, United States Code, for exer-

1 cising authority, direction, and control of all special-oper-
2 ations peculiar administrative matters relating to the or-
3 ganization, training, and equipping of special operations
4 forces.

5 (b) ADDITIONAL INFORMATION.—The Secretary shall
6 ensure the plan required under subsection (a) is informed
7 by the manpower study required by the Joint Explanatory
8 Statement accompanying the National Defense Authoriza-
9 tion Act for Fiscal Year 2022 (Public Law 117–81).

10 (c) ELEMENTS.—The plan required under subsection
11 (a) shall include the following elements:

12 (1) A validated number of personnel necessary
13 to fulfill the responsibilities of the Secretariat for
14 Special Operations outlined in section 139b of title
15 10, United States Code, and associated funding
16 across the future years defense plan.

17 (2) A hiring plan with milestones for gradually
18 increasing the number of required personnel.

19 (3) A breakdown of the optimal mix of required
20 military, civilian, and contractor personnel.

21 (4) An analysis of the feasibility and advis-
22 ability of assigning a member of the Senior Execu-
23 tive Service as the Deputy Director of the Secre-
24 tariat for Special Operations.

1 (5) An identification of any anticipated funding
2 shortfalls for personnel supporting the Secretariat
3 for Special Operations across the future years de-
4 fense plan.

5 (6) Any other matters the Secretary determines
6 relevant.

7 **SEC. 1046. JOINT ALL DOMAIN COMMAND AND CONTROL.**

8 (a) DIRECTION AND CONTROL OF CROSS-FUNC-
9 TIONAL TEAM FOR JOINT ALL DOMAIN COMMAND AND
10 CONTROL.—The cross-functional team (CFT) tasked with
11 joint all domain command and control (JADC2) shall re-
12 main under the direction of the Director, Information,
13 Command, Control, Communications and Computers
14 (IC4) of the Joint Chiefs of Staff to ensure—

15 (1) close collaboration with the Joint Require-
16 ments Oversight Council, the combatant commands,
17 and the military services regarding operational re-
18 quirements and requirements satisfaction; and

19 (2) objective assessments and reporting to the
20 Deputy Secretary of Defense and the Vice Chairman
21 of the Joint Chiefs of Staff about Joint All Domain
22 Command and Control implementation plan execu-
23 tion by offices of primary responsibility.

24 (b) DEMONSTRATIONS AND FIELDING OF EFFECTS
25 CHAINS.—In support of the emphasis of the National De-

1 fense Strategy on adversary-specific deterrence postures,
2 in support of actions that can be taken within the Future
3 Years Defense Program focused on critical kill chains and
4 integrated concepts of operation, in support of demonstra-
5 tions and experimentation, and to achieve objectives of the
6 joint all domain command and control strategy and imple-
7 mentation plan that was approved by the Deputy Sec-
8 retary of Defense in the United States Indo-Pacific Com-
9 mand area of operations, the Deputy Secretary and the
10 Vice Chairman of the Joint Chiefs of Staff shall take the
11 following actions:

12 (1) In consultation with the Commander of
13 United States Indo-Pacific Command
14 (INDOPACOM)—

15 (A) identify a prioritized list of difficult
16 mission-critical operational challenges specific
17 to the area of operations of such command;

18 (B) design, using existing systems and ca-
19 pabilities and resource through the Office of
20 Cost Analysis and Program Evaluation and the
21 Management Action Group of the Deputy Sec-
22 retary, a series of multi-domain, multi-service
23 and multi-agency, multi-platform, and multi-
24 system end-to-end integrated kinetic and non-
25 kinetic effects chains, including necessary battle

1 management functions, to solve the operational
2 challenges identified in subparagraph (A);

3 (C) using mission command principles of
4 joint all domain command and control, dem-
5 onstrate the ability to execute the integrated ef-
6 fects chains identified in subparagraph (B) in
7 realistic conditions on a repeatable basis, in-
8 cluding the ability to achieve interoperability
9 among effects chain components that do not
10 conform to common interface standards, includ-
11 ing through the use of the System of Systems
12 Technology Integration Tool Chain for Hetero-
13 geneous Electronic Systems (STITCHES) man-
14 aged by the 350th Spectrum Warfare Wing of
15 the Department of the Air Force; and

16 (D) create a plan to deploy the effects
17 chains to the area of operations of United
18 States Indo-Pacific Command and execute them
19 at the scale and pace required to solve the iden-
20 tified operational challenges, including nec-
21 essary logistics and sustainment capabilities.

22 (2) Designate the Commander of United States
23 Indo-Pacific Command to serve as the transition
24 partner for the integrated effects chains, and to

1 maintain and exercise them as operational capabili-
2 ties.

3 (3) Designate the Strategic Capabilities Office
4 and such other organizations as the Deputy Sec-
5 retary deems appropriate to be responsible for—

6 (A) composing and demonstrating the inte-
7 grated effects chains under the mission man-
8 agement pilot program established by section
9 871 of the National Defense Authorization Act
10 for Fiscal Year 2022 (Public Law 117–81); and

11 (B) providing continuing support and
12 sustainment for, and training and exercising of,
13 the integrated effects chains under the oper-
14 ational command of the Commander of United
15 States Indo-Pacific Command.

16 (4) Integrate the planning and demonstrations
17 of the effects chains with—

18 (A) the Production, Exploitation, and Dis-
19 semination Center in United States Indo-Pacific
20 Command;

21 (B) the Family of Integrated Targeting
22 Cells; and

23 (C) the tactical dissemination and informa-
24 tion sharing systems for the Armed Forces and
25 allies of the United States, including the Mis-

1 sion Partner Environment and the Maven
2 Smart System.

3 (c) PERFORMANCE GOALS.—The Deputy Secretary,
4 the Vice Chairman, and the Commander shall seek to—

5 (1) demonstrate at least one new integrated ef-
6 fects chain on a quarterly basis, beginning with the
7 third quarter of fiscal year 2023; and

8 (2) include such demonstrations, as feasible, in
9 Valiant Shield, Northern Edge, the Large Scale
10 Global Exercise, the quarterly Scarlet Dragon exer-
11 cises, the Global Information Dominance Experi-
12 ments (GIDE), and annual force exercises in the
13 area of responsibility of United States Indo-Pacific
14 Command.

15 (d) IMPLEMENTATION PLAN AND ESTABLISHMENT
16 OF JOINT FORCE HEADQUARTERS.—

17 (1) IMPLEMENTATION PLAN.—Not later than
18 180 days after the date of the enactment of this Act,
19 the Commander, in consultation and coordination
20 with the Deputy Secretary and the Vice Chairman,
21 shall submit to the congressional defense committees
22 an implementation plan for the establishment of a
23 joint force headquarters to serve as an operational
24 command, including for —

1 (A) integrating joint all domain command
2 and control effects chains and mission com-
3 mand and control, including in conflicts that
4 arise with minimal warning;

5 (B) integrating the capabilities of Assault
6 Breaker II, developed by the Defense Advanced
7 Research Projects Agency, and related develop-
8 mental efforts as they transition to operational
9 deployment;

10 (C) exercising other joint all domain com-
11 mand and control capabilities and functions;
12 and

13 (D) such other missions and operational
14 tasks as the Commander may assign.

15 (2) ELEMENTS.—The plan shall required by
16 paragraph (1) shall include the following:

17 (A) A description of the operational chain
18 of command of the joint force headquarters to
19 be established.

20 (B) An identification of the manning and
21 resourcing required for the joint force head-
22 quarters, relative to assigned missions, particu-
23 larly the sources of personnel required.

24 (C) A description of the mission and lines
25 of effort of the joint force headquarters.

1 (D) A description of the relationship with
2 existing entities in United States Indo-Pacific
3 Command, including an assessment of com-
4plementary and duplicative activities with such
5 entities and the joint force headquarters.

6 (E) An identification of infrastructure re-
7quired to support the joint force headquarters.

8 (F) Such other matters as the Commander
9 considers appropriate.

10 (3) ESTABLISHMENT.—Not later than October
11 1, 2024, the Commander shall, in consultation and
12 coordination with the Deputy Secretary and the Vice
13 Chairman, establish a joint force headquarters as
14 described in paragraph (1).

15 (e) SUPPORT FOR JOINT FORCE HEADQUARTERS.—
16 The commander of the joint force headquarters estab-
17 lished under subsection (d)(3) shall be supported by the
18 United States Indo-Pacific Command subordinate unified
19 commands, subordinate component commands, standing
20 joint task force, and the military services.

21 (f) ANNUAL REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than one year
23 after the date of the enactment of this Act and not
24 less frequently than once each year thereafter until
25 December 31, 2028, the Deputy Secretary and Vice

1 Chairman, in coordination with the Commander of
2 the United States Indo-Pacific Command, and the
3 commander of the joint force headquarters estab-
4 lished under subsection (d)(3), shall submit to the
5 congressional defense committees an annual report
6 on such joint force headquarters.

7 (2) CONTENTS.—Each report submitted under
8 paragraph (1) shall include the following:

9 (A) A description of the mission and lines
10 of effort of the joint force headquarters.

11 (B) An accounting of the personnel and
12 other resources supporting the joint force head-
13 quarters, including support external to the
14 headquarters.

15 (C) A description of the operational chain
16 of command of the joint force headquarters.

17 (D) An assessment of the manning and
18 resourcing of the joint force headquarters, rel-
19 ative to assigned missions.

20 (E) A description of the relationship with
21 existing entities in Indo-Pacific Command, in-
22 cluding an assessment of complementary and
23 duplicative activities with such entities and the
24 joint force headquarters.

1 (3) FORM.—Each report submitted under para-
2 graph (1) shall be submitted in unclassified form,
3 but may include a classified annex.

4 (g) DEFINITIONS.—In this section:

5 (1) The term “Family of Integrated Targeting
6 Cells” means the Maritime Targeting Cell-Afloat,
7 the Maritime Targeting Cell-Expeditionary, the Tac-
8 tical Intelligence Targeting Access Node, and other
9 interoperable tactical ground stations able to task
10 the collection of, receive, process, and disseminate
11 track and targeting information from many sensing
12 systems in austere communications conditions.

13 (2) The term “joint all domain command and
14 control” means the warfighting capability to sense,
15 make sense, and act at all levels and phases of war,
16 across all domains, and with partners, to deliver in-
17 formation advantage at the speed of relevance.

18 (3) The term “mission command” means pre-
19 determined, pre-approved, operational event-driven
20 authorities and capabilities that ensure decentralized
21 mission execution and operational effectiveness dur-
22 ing situations where communications are denied, dis-
23 connected, intermittent, and limited.

1 **SEC. 1047. EXTENSION OF ADMISSION TO GUAM OR THE**
2 **COMMONWEALTH OF THE NORTHERN MAR-**
3 **IANA ISLANDS FOR CERTAIN NONIMMIGRANT**
4 **H-2B WORKERS.**

5 Section 6(b)(1)(B) of the Joint Resolution entitled
6 “A Joint Resolution to approve the ‘Covenant to Establish
7 a Commonwealth of the Northern Mariana Islands in Po-
8 litical Union with the United States of America’, and for
9 other purposes”, approved March 24, 1976 (48 U.S.C.
10 1806(b)(1)(B)), is amended, in the matter preceding
11 clause (i), by striking “December 31, 2023” and inserting
12 “December 31, 2029”.

13 **SEC. 1048. DEPARTMENT OF DEFENSE SUPPORT FOR CIVIL**
14 **AUTHORITIES TO ADDRESS THE ILLEGAL IM-**
15 **MIGRATION CRISIS AT THE SOUTHWEST BOR-**
16 **DER.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) The Department of Defense has provided
19 critical support to U.S. Customs and Border Protec-
20 tion along the southwest border.

21 (2) The Department of Defense’s presence
22 along the southwest border assisted U.S. Customs
23 and Border Protection in deterring illegal crossings
24 at the southwest border.

25 (b) SENSE OF THE SENATE.—It is the sense of the
26 Senate that—

1 (1) Department of Defense personnel have pro-
2 vided outstanding support to U.S. Customs and Bor-
3 der Protection along the southwest border; and

4 (2) the Department of Defense's Support of
5 Civil Authority Mission has significantly contributed
6 to mitigating the impact of the current security chal-
7 lenges along the southwest border of the United
8 States.

9 (c) QUARTERLY BRIEFINGS.—Not later than 30 days
10 after the date of the enactment of this Act, and every 90
11 days thereafter through December 31, 2024, the Under-
12 secretary of Defense for Policy shall provide an unclassi-
13 fied briefing to the Committee on Armed Services of the
14 Senate and the Committee on Armed Services of the
15 House of Representatives, with a classified component, if
16 necessary, regarding—

17 (1) Department of Defense planning to address
18 current and anticipated border support mission re-
19 quirements as part of the Department of Defense's
20 annual planning, programming, budgeting, and exe-
21 cution process;

22 (2) the security situation along the southwest
23 border of the United States;

1 (3) any Department of Defense efforts, or up-
2 dates to existing efforts, to cooperate with Mexico
3 with respect to border security;

4 (4) the type of support that is currently being
5 provided by the Department of Defense along the
6 southwest border of the United States;

7 (5) the impact of such efforts and support on
8 National Guard readiness; and

9 (6) any recommendations for whether the
10 southwest border mission of the Department of De-
11 fense should be expanded to respond to the security
12 situation referred to in paragraph (2).

13 **SEC. 1049. DEPARTMENT OF DEFENSE SUPPORT FOR FU-**
14 **NERALS AND MEMORIAL EVENTS FOR MEM-**
15 **BERS AND FORMER MEMBERS OF CONGRESS.**

16 (a) IN GENERAL.—Chapter 3 of title 10, United
17 States Code, is amended by inserting after section 130 the
18 following new section:

19 **“§ 130a. Department of Defense support for funerals**
20 **and related memorial events for Members**
21 **and former Members of Congress**

22 “(a) SUPPORT FOR FUNERALS.—The Secretary of
23 Defense may provide such support as the Secretary con-
24 siders appropriate for the funeral or related memorial
25 events of a Member or former Member of Congress, in-

1 cluding support with respect to transportation to and from
2 the funeral or other memorial events, in accordance with
3 this section.

4 “(b) REQUESTS FOR SUPPORT; SECRETARY DETER-
5 MINATION.—The Secretary may provide support under
6 this section—

7 “(1) upon request from the Speaker of the
8 House of Representatives, the Minority Leader of
9 the House of Representatives, the Majority Leader
10 of the Senate, or the Minority Leader of the Senate;
11 or

12 “(2) if the Secretary determines such support is
13 necessary to carry out duties or responsibilities of
14 the Department of Defense.

15 “(c) USE OF FUNDS.—The Secretary may use funds
16 authorized to be appropriated for operations and mainte-
17 nance to provide support under this section.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 130 the following new
21 item:

“130a. Department of Defense support for funerals and memorial events for
Members and former Members of Congress.”.

1 **SEC. 1050. EXPANSION OF ELIGIBILITY FOR DIRECT AC-**
2 **CEPTANCE OF GIFTS BY MEMBERS OF THE**
3 **ARMED FORCES AND DEPARTMENT OF DE-**
4 **FENSE AND COAST GUARD EMPLOYEES AND**
5 **THEIR FAMILIES.**

6 Section 2601a of title 10, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) in paragraph (2), by striking “; or”
10 and inserting a semicolon;

11 (B) by redesignating paragraph (3) as
12 paragraph (4); and

13 (C) by inserting after paragraph (2) the
14 following new paragraph:

15 “(3) that results in enrollment in a Warriors in
16 Transition program, as defined in section 738(e) of
17 the National Defense Authorization Act for Fiscal
18 Year 2013 (Public Law 112–239; 10 U.S.C. 1071
19 note); or”; and

20 (2) in subsection (c), by striking “or (3)” and
21 inserting “, (3), or (4)”.

22 **SEC. 1051. TECHNICAL AMENDMENTS RELATED TO RE-**
23 **CENTLY ENACTED COMMISSIONS.**

24 (a) ASSISTANCE FROM DEPARTMENT OF DE-
25 FENSE.—The Department of Defense may provide to each
26 covered commission on a reimbursable basis such services,

1 funds, facilities, staff, and other support services as nec-
2 essary for the performance of such commission's func-
3 tions, at the request of such commission, and amounts
4 may be paid to a covered commission for the purposes of
5 funding such commission from amounts appropriated to
6 the Department of Defense, as provided in advance in ap-
7 propriations Acts.

8 (b) COVERED COMMISSION DEFINED.—In this sec-
9 tion , the term “covered commission” means a commission
10 established pursuant to the following sections of the Na-
11 tional Defense Authorization Act for Fiscal Year 2022
12 (Public Law 117–81):

13 (1) Section 1004 (Commission on Planning,
14 Programming, Budgeting, and Execution Reform).

15 (2) section 1091 (National Security Commis-
16 sion on Emerging Biotechnology).

17 (3) section 1094 (Afghanistan War Commis-
18 sion).

19 (4) section 1095 (Commission on the National
20 Defense Strategy).

21 (5) section 1687 (Congressional Commission on
22 the Strategic Posture of the United States).

1 **Subtitle F—Studies and Reports**

2 **SEC. 1061. SUBMISSION OF NATIONAL DEFENSE STRATEGY** 3 **IN CLASSIFIED AND UNCLASSIFIED FORM.**

4 Section 113(g)(1)(D) of title 10, United States Code,
5 is amended by striking “in classified form with an unclas-
6 sified summary.” and inserting “in both classified and un-
7 classified form. The unclassified form may not be a sum-
8 mary of the classified document.”.

9 **SEC. 1062. REPORT ON IMPACT OF CERTAIN ETHICS RE-** 10 **QUIREMENTS ON DEPARTMENT OF DEFENSE** 11 **HIRING, RETENTION, AND OPERATIONS.**

12 (a) STUDY.—

13 (1) IN GENERAL.—The Secretary of Defense
14 shall seek to enter into an agreement with a feder-
15 ally funded research and development center to con-
16 duct a study assessing whether the statutory ethics
17 requirements unique to the Department of Defense
18 and as set forth in paragraph (3) have had an im-
19 pact on the hiring or retention of personnel at the
20 Department of Defense, particularly those with spe-
21 cialized experience or training.

22 (2) ELEMENTS.—The study required under
23 paragraph (1) shall include the following elements:

24 (A) An examination of how the statutory
25 ethics requirements set forth in paragraph (3)

1 are inconsistent or incongruent with ethics stat-
2 utes that apply to all executive branch employ-
3 ees.

4 (B) An examination of how the statutory
5 ethics requirements set forth in paragraph (3)
6 have impacted hiring and retention of per-
7 sonnel, particularly those with specialized expe-
8 rience or training, at the Department of De-
9 fense in comparison to other executive branch
10 agencies not subject to such requirements.

11 (C) An examination of how any confusion
12 in the interpretation of the statutory ethics re-
13 quirements set forth in paragraph (3)(B) may
14 have impacted the hiring or retention of per-
15 sonnel, particularly those with specialized expe-
16 rience or training, at the Department of De-
17 fense.

18 (D) An examination of how the statutory
19 restrictions set forth in subparagraphs (B) and
20 (C) of paragraph (3) may impact the ability of
21 the Department of Defense to obtain expertise
22 from industry and other groups in support of
23 technology development, supply chain security,
24 and other national security matters.

1 (E) Any suggested changes to the statu-
2 tory ethics requirements set forth in paragraph
3 (3) to further the goals behind the requirements
4 while also supporting the Department of De-
5 fense’s ability to hire and retain personnel, and
6 obtain expertise from academia, think tanks, in-
7 dustry, and other groups to support national se-
8 curity.

9 (3) COVERED ETHICS REQUIREMENTS.—The
10 ethics requirements referred to in paragraph (1) are
11 the following provisions of law:

12 (A) Section 847 of the National Defense
13 Authorization Act for Fiscal Year 2008 (Public
14 Law 110–181; 10 U.S.C. 1701 note).

15 (B) Section 1045 of the National Defense
16 Authorization Act for Fiscal Year 2018 (Public
17 Law 115–91; 10 U.S.C. 971 note prec.).

18 (C) Section 1117 of the National Defense
19 Authorization Act for Fiscal Year 2022 (10
20 U.S.C. 971 note prec.).

21 (D) Section 988 of title 10, United States
22 Code.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than one year
25 after the date of the enactment of this Act, the fed-

1 erally funded research and development center with
2 which the Secretary contracts under subsection (a)
3 shall submit to the Secretary a report containing the
4 results of the study conducted pursuant to that sub-
5 section.

6 (2) TRANSMITTAL TO CONGRESS.—Not later
7 than 30 days after the Secretary receives the report
8 under paragraph (1), the Secretary shall transmit a
9 copy of the report to the Committee on Armed Serv-
10 ices of the Senate and the Committee on Armed
11 Services of the House of Representatives.

12 **SEC. 1063. EXTENSION OF CERTAIN REPORTING DEAD-**
13 **LINES.**

14 (a) COMMISSION ON PLANNING, PROGRAMMING,
15 BUDGETING, AND EXECUTION REFORM.—Section
16 1004(g) of the National Defense Authorization Act for
17 Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1886)
18 is amended—

19 (1) in paragraph (1), by striking “February 6,
20 2023” and inserting “August 6, 2023”; and

21 (2) in paragraph (2), by striking “September 1,
22 2023” and inserting “March 1, 2024”.

23 (b) NATIONAL SECURITY COMMISSION ON EMERGING
24 BIOTECHNOLOGY.—Section 1091(g) of the National De-

1 fense Authorization Act for Fiscal Year 2022 (Public Law
2 117–81; 135 Stat. 1931) is amended—

3 (1) in paragraph (1), by striking “2 years
4 after” and inserting “2 years and 6 months after”;
5 and

6 (2) in paragraph (2), by striking “1 year after”
7 and inserting “1 year and 6 months after”.

8 (c) COMMISSION ON THE NATIONAL DEFENSE
9 STRATEGY.—Section 1095(g) of the National Defense Au-
10 thorization Act for Fiscal Year 2022 (Public Law 117–
11 81; 135 Stat. 1945) is amended—

12 (1) in paragraph (1), by striking “one year
13 after” and inserting “one year and 6 months after”;
14 and

15 (2) in paragraph (2), by striking “180 days
16 after” and inserting “one year after”.

17 (d) CONGRESSIONAL COMMISSION ON THE STRA-
18 TEGIC POSTURE OF THE UNITED STATES.—Section
19 1687(d) of the National Defense Authorization Act for
20 Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2128)
21 is amended—

22 (1) in paragraph (1), by striking “December
23 31, 2022” and inserting “June 30, 2023”; and

24 (2) in paragraph (3), by striking “180 days
25 after” and inserting “one year after”.

1 **Subtitle G—Other Matters**

2 **SEC. 1071. ANNUAL RISK ASSESSMENT.**

3 Section 222a of title 10, United States Code, is
4 amended—

5 (1) in the section heading, by inserting “**and**
6 **risk assessment**” after “**priorities**”;

7 (2) in subsection (a), by inserting “and risk as-
8 sessment” after “priorities”;

9 (3) in subsection (c)—

10 (A) in the subsection heading, by striking
11 “ELEMENTS” and inserting “UNFUNDED PRI-
12 ORITY REPORT ELEMENTS”; and

13 (B) by striking “report under this sub-
14 section” and inserting “unfunded priority re-
15 port required under subsection (a)”;

16 (4) by redesignating subsection (d) as sub-
17 section (e); and

18 (5) by inserting after subsection (c) the fol-
19 lowing new subsection:

20 “(d) RISK ASSESSMENT ELEMENTS.—Each risk as-
21 sessment required under subsection (a) shall specify, in
22 writing, the following:

23 “(1) An assessment of the risks associated with
24 the most current National Military Strategy (or up-
25 date) under section 153(b)(1) of this title.

1 “(2) Any changes to the strategic environment,
2 threats, objectives, force planning and sizing con-
3 structs, assessments, and assumptions.

4 “(3) Military strategic risks to United States
5 interests and military risks in executing the National
6 Military Strategy (or update).

7 “(4) Identification and definition of levels of
8 risk, including an identification of what constitutes
9 ‘significant’ risk in the judgment of the officer.

10 “(5) Identification and assessment of risk in
11 the National Military Strategy (or update) by cat-
12 egory and level and the ways in which risk might
13 manifest itself, including how risk is projected to in-
14 crease, decrease, or remain stable over time.

15 “(6) For each category of risk, an assessment
16 of the extent to which current or future risk in-
17 creases, decreases, or is stable as a result of budg-
18 etary priorities, tradeoffs, or fiscal constraints or
19 limitations as currently estimated and applied in the
20 current future-years defense program under section
21 221 of this title.

22 “(7) Identification and assessment of risks as-
23 sociated with the assumptions or plans of the Na-
24 tional Military Strategy (or update) about the con-
25 tributions of external support, as appropriate.

1 “(8) Identification and assessment of the crit-
2 ical deficiencies and strengths in force capabilities
3 (including manpower, logistics, intelligence, and mo-
4 bility support) and identification and assessment of
5 the effect of such deficiencies and strengths for the
6 National Military Strategy (or update).

7 “(9) Identification and assessment of risk re-
8 sulting from, or likely to result from, current or pro-
9 jected effects on military installation resilience.”.

10 **SEC. 1072. JOINT CONCEPT FOR COMPETING.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of the enactment of this Act, the Secretary of Defense
13 shall develop a Joint Concept for Competing.

14 (b) PURPOSES.—The purposes of the Joint Concept
15 for Competing are to—

16 (1) define the role of the United States Armed
17 Forces in long-term strategic competition with spe-
18 cific adversaries;

19 (2) conceptualize the campaigning of Depart-
20 ment of Defense joint forces and employment of ca-
21 pabilities to eliminate opportunities for adversary ag-
22 gression during day-to-day competition, deter adver-
23 sary military action, and set conditions for victory
24 during sustained conflict;

1 (3) describe the manner in which the Depart-
2 ment of Defense will utilize its forces, capabilities,
3 posture, indications and warning systems, and au-
4 thorities to protect United States national interests,
5 including integration with other instruments of na-
6 tional power and through security cooperation with
7 partners and allies and operations, particularly
8 below the threshold of traditional armed conflict;

9 (4) identify priority lines of effort and assign
10 responsibility to relevant military services, combat-
11 ant commands, and other elements of the Depart-
12 ment of Defense for each specified line of effort in
13 support of the Joint Concept for Competing; and

14 (5) provide a means for integrating and con-
15 tinuously improving the Department's ability to en-
16 gage in long-term strategic competition.

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, and
20 every 180 days thereafter for 2 years, the Secretary
21 of Defense shall provide a report to the congres-
22 sional defense committees on the implementation of
23 the Joint Concept for Competing.

24 (2) ELEMENTS.—The report required under
25 paragraph (1) shall include the following elements:

1 (A) A detailed description of actions taken
2 by the Department of Defense relative to the
3 purposes specified under subsection (b).

4 (B) An articulation of any new concepts or
5 strategies necessary to support the Joint Con-
6 cept for Competing.

7 (C) An articulation of any capabilities, re-
8 sources, or authorities necessary to implement
9 the Joint Concept for Competing.

10 (D) An explanation of the manner in which
11 the Joint Concept for Competing relates to and
12 integrates with the Joint Warfighting Concept.

13 (E) An explanation of the manner in which
14 the Joint Concept for Competing synchronizes
15 and integrates with efforts of other depart-
16 ments and agencies of the United States Gov-
17 ernment to address long-term strategic competi-
18 tion.

19 (F) Any other matters the Secretary of
20 Defense determines relevant.

1 **SEC. 1073. PRIORITIZATION AND ACCELERATION OF IN-**
2 **VESTMENTS TO ATTAIN THREAT MATRIX**
3 **FRAMEWORK LEVEL 4 CAPABILITY AT TRAIN-**
4 **ING RANGES SUPPORTING F-35 OPERATIONS.**

5 (a) SENSE OF CONGRESS.—It is the sense of the Sen-
6 ate that—

7 (1) the Air Force must train to fight and win
8 in highly contested and competitive environments
9 against technologically advanced adversaries;

10 (2) in order for the Air Force to be proficient
11 in tactics, techniques, and procedures and effectively
12 execute at an operational level, the Air Force must
13 train in an accurately replicated multi-domain envi-
14 ronment for joint operations;

15 (3) the Air Force can emulate only a fraction
16 of existing and emerging threats to a level suitable
17 for advanced sensors and cannot provide a contested
18 or degraded environment with the threats available
19 at the two major training ranges of the Air Force;
20 and

21 (4) since the Secretary of the Air Force says
22 the Air Force cannot afford to allocate advanced ca-
23 pabilities across all ranges, the Air Force must
24 prioritize developments and upgrades for ranges to
25 ensure that one or more ranges have a complete

1 suite of capability to conduct advanced F-35 train-
2 ing.

3 (b) UPGRADE OF FACILITIES.—

4 (1) IN GENERAL.—The Secretary of the Air
5 Force shall prioritize and accelerate investments to
6 develop and upgrade one or more ranges to attain
7 threat matrix framework level 4 capability, such as
8 peer capability, by not later than fiscal year 2026.

9 (2) ELEMENTS.—In carrying out paragraph
10 (1), the Secretary of the Air Force shall prioritize—

11 (A) advanced radar threat systems;

12 (B) live mission operations capability com-
13 mon architecture;

14 (C) infrastructure, including roads, site
15 preparation, secure facilities, power and com-
16 munications infrastructure, and modernized
17 range operations centers;

18 (D) advanced integrated air defense sys-
19 tems;

20 (E) air combat maneuvering instrumenta-
21 tion modernization;

22 (F) global positioning system jamming
23 suites;

24 (G) contested-degraded operations jam-
25 ming suites;

1 (H) higher fidelity targets with more ad-
2 vanced characteristics;

3 (I) modernized weapons scoring systems;
4 and

5 (J) secure, live-virtual-constructive ad-
6 vanced air combat training systems.

7 **SEC. 1074. MODIFICATION OF ARCTIC SECURITY INITIA-**
8 **TIVE.**

9 Section 1090(b)(2) of the National Defense Author-
10 ization Act for Fiscal Year 2022 (Public Law 117–81) is
11 amended—

12 (1) in subparagraph (A), by striking “the Sec-
13 retary may” and inserting “the Secretary shall”;
14 and

15 (2) in subparagraph (B)(i), by striking “If the
16 Initiative is established” and inserting “On the es-
17 tablishment of the Initiative”.

18 **SEC. 1075. PILOT PROGRAM ON SAFE STORAGE OF PERSON-**
19 **ALLY OWNED FIREARMS.**

20 (a) ESTABLISHMENT.—The Secretary of Defense
21 shall establish a pilot program to promote the safe storage
22 of personally owned firearms.

23 (b) ELEMENTS.—Under the pilot program under sub-
24 section (a), the Secretary of Defense shall furnish to mem-
25 bers of the Armed Forces who are participating in the

1 pilot program at military installations selected under sub-
2 section (e) locking devices or firearm safes, or both, for
3 the purpose of securing personally owned firearms when
4 not in use (including by directly providing, subsidizing, or
5 otherwise making available such devices or safes).

6 (c) PARTICIPATION.—

7 (1) VOLUNTARY PARTICIPATION.—Participation
8 by members of the Armed Forces in the pilot pro-
9 gram under subsection (a) shall be on a voluntary
10 basis.

11 (2) LOCATION OF PARTICIPANTS.—A member
12 of the Armed Forces may participate in the pilot
13 program under subsection (a) carried out at a mili-
14 tary installation selected under subsection (e) re-
15 gardless of whether the member resides at the mili-
16 tary installation.

17 (d) PLAN.—Not later than one year after the date
18 of the enactment of this Act, the Secretary of Defense
19 shall submit to the Committees on Armed Services of the
20 Senate and the House of Representatives a plan for the
21 implementation of the pilot program under subsection (a).

22 (e) SELECTION OF INSTALLATIONS.—Not later than
23 two years after the date of the enactment of this Act, the
24 Secretary of Defense shall select not fewer than five mili-

1 tary installations at which to carry out the pilot program
2 under subsection (a).

3 (f) EFFECT ON EXISTING POLICIES.—Nothing in
4 this section shall be construed to circumvent or undermine
5 any existing safe storage policies, laws, or regulations on
6 military installations.

7 (g) REPORT.—Upon the termination under sub-
8 section (f) of the pilot program under subsection (a), the
9 Secretary of Defense shall submit to the congressional de-
10 fense committees a report containing the following infor-
11 mation:

12 (1) The number and type of locking devices and
13 firearm safes furnished to members of the Armed
14 Forces under the pilot program.

15 (2) The cost of carrying out the pilot program.

16 (3) An analysis of the effect of the pilot pro-
17 gram on suicide prevention.

18 (4) Such other information as the Secretary
19 may determine appropriate, which shall exclude any
20 personally identifiable information about partici-
21 pants in the pilot program.

22 (h) TERMINATION.—The pilot program under sub-
23 section (a) shall terminate on the date that is six years
24 after the date of the enactment of this Act.

1 **SEC. 1076. SENSE OF THE SENATE ON REDESIGNATION OF**
2 **THE AFRICA CENTER FOR STRATEGIC STUD-**
3 **IES AS THE JAMES M. INHOFE CENTER FOR**
4 **AFRICA STRATEGIC STUDIES.**

5 It is the sense of the Senate that—

6 (1) Senator James M. Inhofe—

7 (A) has, during his more than three dec-
8 ades of service in the United States Congress—

9 (i) demonstrated a profound commit-
10 ment to strengthening United States-Afri-
11 ca relations; and

12 (ii) been one of the foremost leaders
13 in Congress on matters related to United
14 States-Africa relations;

15 (B) was a key advocate for the establish-
16 ment of United States Africa Command; and

17 (C) has conducted 170 visits to countries
18 in Africa; and

19 (2) as a recognition of Senator Inhofe's long
20 history of engaging with, and advocating for, Africa,
21 the Department of Defense Africa Center for Stra-
22 tegic Studies should be renamed the James M.
23 Inhofe Center for Africa Strategic Studies.

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

3 **SEC. 1101. ELIGIBILITY OF DEPARTMENT OF DEFENSE EM-**
4 **PLOYEES IN TIME-LIMITED APPOINTMENTS**
5 **TO COMPETE FOR PERMANENT APPOINT-**
6 **MENTS.**

7 Section 3304 of title 5, United States Code, is
8 amended by adding at the end the following:

9 “(g) ELIGIBILITY OF DEPARTMENT OF DEFENSE
10 EMPLOYEES IN TIME-LIMITED APPOINTMENTS TO COM-
11 PETE FOR PERMANENT APPOINTMENTS.—

12 “(1) DEFINITIONS.—In this subsection—

13 “(A) the term ‘Department’ means the De-
14 partment of Defense; and

15 “(B) the term ‘time-limited appointment’
16 means a temporary or term appointment in the
17 competitive service.

18 “(2) ELIGIBILITY.—Notwithstanding any other
19 provision of this chapter or any other provision of
20 law relating to the examination, certification, and
21 appointment of individuals in the competitive serv-
22 ice, an employee of the Department serving under a
23 time-limited appointment is eligible to compete for a
24 permanent appointment in the competitive service
25 when the Department is accepting applications from

1 individuals within its own workforce, or from indi-
2 viduals outside its own workforce, under merit pro-
3 motion procedures, if—

4 “(A) the employee was appointed initially
5 under open, competitive examination under sub-
6 chapter I of this chapter to the time-limited ap-
7 pointment;

8 “(B) the employee has served under 1 or
9 more time-limited appointments within the De-
10 partment for a period or periods totaling more
11 than 2 years without a break of 2 or more
12 years; and

13 “(C) the employee’s performance has been
14 at an acceptable level of performance through-
15 out the period or periods referred to in sub-
16 paragraph (B).

17 “(3) CAREER-CONDITIONAL STATUS; COMPETI-
18 TIVE STATUS.—An individual appointed to a perma-
19 nent position under this section—

20 “(A) becomes a career-conditional em-
21 ployee, unless the employee has otherwise com-
22 pleted the service requirements for career ten-
23 ure; and

24 “(B) acquires competitive status upon ap-
25 pointment.

1 “(4) FORMER EMPLOYEES.—If the Department
2 is accepting applications as described in paragraph
3 (2), a former employee of the Department who
4 served under a time-limited appointment and who
5 otherwise meets the requirements of this section
6 shall be eligible to compete for a permanent position
7 in the competitive service under this section if—

8 “(A) the employee applies for a position
9 covered by this section not later than 2 years
10 after the most recent date of separation; and

11 “(B) the employee’s most recent separation
12 was for reasons other than misconduct or per-
13 formance.

14 “(5) REGULATIONS.—The Office of Personnel
15 Management shall prescribe regulations necessary
16 for the administration of this subsection.”.

17 **SEC. 1102. EMPLOYMENT AUTHORITY FOR CIVILIAN FAC-**
18 **ULTY AT CERTAIN MILITARY DEPARTMENT**
19 **SCHOOLS.**

20 (a) ADDITION OF ARMY UNIVERSITY AND ADDI-
21 TIONAL FACULTY.—

22 (1) IN GENERAL.—Section 7371 of title 10,
23 United States Code, is amended—

24 (A) in subsection (a), by striking “the
25 Army War College or the United States Army

1 Command and General Staff College” and in-
2 serting “the Army War College, the United
3 States Army Command and General Staff Col-
4 lege, and the Army University”; and

5 (B) by striking subsection (c).

6 (2) CONFORMING AMENDMENTS.—

7 (A) SECTION HEADING.—The heading of
8 such section is amended to read as follows:

9 **“§ 7371. Army War College, United States Army Com-**
10 **mand and General Staff College, and**
11 **Army University: civilian faculty mem-**
12 **bers”.**

13 (B) TABLE OF SECTIONS.—The table of
14 sections at the beginning of chapter 747 of such
15 title is amended by striking the item relating to
16 section 7371 and inserting the following new
17 item:

“7371. Army War College, United States Army Command and General Staff
College, and Army University: civilian faculty members.”.

18 (b) NAVAL WAR COLLEGE AND MARINE CORPS UNI-
19 VERSITY.—Section 8748 of such title is amended by strik-
20 ing subsection (c).

21 (c) AIR UNIVERSITY.—Section 9371 of such title is
22 amended by striking subsection (c).

1 **SEC. 1103. EMPLOYMENT AND COMPENSATION OF CIVILIAN**
2 **FACULTY MEMBERS AT INTER-AMERICAN DE-**
3 **FENSE COLLEGE.**

4 (a) IN GENERAL.—Subsection (c) of section 1595 of
5 title 10, United States Code, is amended by adding at the
6 end the following new paragraph:

7 “(9) The United States Element of the Inter-
8 American Defense College.”.

9 (b) CONFORMING AMENDMENTS.—Such section is
10 further amended—

11 (1) in subsection (a), by striking “institutions”
12 and inserting “organizations”; and

13 (2) in subsection (c)—

14 (A) in the subsection heading, by striking
15 “INSTITUTIONS” and inserting “ORGANIZA-
16 TIONS”; and

17 (B) in the matter preceding paragraph (1),
18 by striking “institutions” and inserting “orga-
19 nizations”.

20 **SEC. 1104. MODIFICATION TO PERSONNEL MANAGEMENT**
21 **AUTHORITY TO ATTRACT EXPERTS IN**
22 **SCIENCE AND ENGINEERING.**

23 Section 4092 of title 10, United States Code, is
24 amended—

1 (1) in subsection (a)(8), in the second sentence,
2 by striking “December 31, 2025” and inserting
3 “December 31, 2030”;

4 (2) in subsection (b)—

5 (A) in paragraph (1)(H)—

6 (i) by striking “10 positions” and in-
7 serting “15 positions”; and

8 (ii) by striking “3 such positions” and
9 inserting “5 such positions”; and

10 (B) in paragraph (2)(A)—

11 (i) in the matter preceding clause (i),
12 by striking “paragraph (1)(B)” and insert-
13 ing “subparagraphs (B) and (H) of para-
14 graph (1)”;

15 (ii) in clause (i)—

16 (I) by striking “to any of” and
17 inserting “to any of the”; and

18 (II) by inserting “and any of the
19 5 positions designated by the Director
20 of the Space Development Agency”
21 after “Projects Agency”; and

22 (iii) in clause (ii), by striking “the Di-
23 rector” and inserting “the Director of the
24 Defense Advanced Research Projects Agen-

1 cy or the Director of the Space Develop-
2 ment Agency”; and

3 (3) in subsection (c)(2), by inserting “the Space
4 Development Agency,” after “Intelligence Center,”.

5 **SEC. 1105. ENHANCED PAY AUTHORITY FOR CERTAIN RE-**
6 **SEARCH AND TECHNOLOGY POSITIONS IN**
7 **SCIENCE AND TECHNOLOGY REINVENTION**
8 **LABORATORIES.**

9 (a) IN GENERAL.—Chapter 303 of title 10, United
10 States Code, is amended by inserting after section 4093
11 the following new section:

12 **“§ 4094. Enhanced pay authority for certain research**
13 **and technology positions in science and**
14 **technology reinvention laboratories**

15 “(a) IN GENERAL.—The Secretary of Defense may
16 carry out a program using the pay authority specified in
17 subsection (d) to fix the rate of basic pay for positions
18 described in subsection (c) in order to assist the military
19 departments in attracting and retaining high quality ac-
20 quisition and technology experts in positions responsible
21 for managing and performing complex, high-cost research
22 and technology development efforts in the science and
23 technology reinvention laboratories of the Department of
24 Defense.

1 “(b) APPROVAL REQUIRED.—The program may be
2 carried out in a military department only with the ap-
3 proval of the service acquisition executive of the military
4 department concerned.

5 “(c) POSITIONS.—The positions described in this
6 subsection are positions in the science and technology re-
7 invention laboratories of the Department of Defense
8 that—

9 “(1) require expertise of an extremely high level
10 in a scientific, technical, professional, or acquisition
11 management field; and

12 “(2) are critical to the successful accomplish-
13 ment of an important research or technology devel-
14 opment mission.

15 “(d) RATE OF BASIC PAY.—The pay authority speci-
16 fied in this subsection is authority as follows:

17 “(1) Authority to fix the rate of basic pay for
18 a position at a rate not to exceed 150 percent of the
19 rate of basic pay payable for level I of the Executive
20 Schedule, upon the approval of the service acquisi-
21 tion executive concerned.

22 “(2) Authority to fix the rate of basic pay for
23 a position at a rate in excess of 150 percent of the
24 rate of basic pay payable for level I of the Executive

1 Schedule, upon the approval of the Secretary of the
2 military department concerned.

3 “(e) LIMITATIONS.—

4 “(1) IN GENERAL.—The authority in subsection
5 (a) may be used only to the extent necessary to com-
6 petitively recruit or retain individuals exceptionally
7 well qualified for positions described in subsection
8 (c).

9 “(2) NUMBER OF POSITIONS.—The authority in
10 subsection (a) may not be used with respect to more
11 than five positions in each military department at
12 any one time, unless the Under Secretary of Defense
13 for Research and Engineering, in concurrence with
14 the Secretaries of the military departments con-
15 cerned, authorizes the transfer of positions from one
16 military department to another.

17 “(3) TERM OF POSITIONS.—The authority in
18 subsection (a) may be used only for positions having
19 a term of less than five years.

20 “(f) SCIENCE AND TECHNOLOGY REINVENTION LAB-
21 ORATORIES OF THE DEPARTMENT OF DEFENSE DE-
22 FINED.—In this section, the term ‘science and technology
23 reinvention laboratories of the Department of Defense’
24 means the laboratories designated as science and tech-

1 nology reinvention laboratories by section 4121(b) of this
2 title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 303 of such title is amended
5 by inserting after the item relating to section 4093 the
6 following new item:

“4094. Enhanced pay authority for certain research and technology positions in
science and technology reinvention laboratories.”.

7 **SEC. 1106. MODIFICATION AND EXTENSION OF PILOT PRO-**
8 **GRAM ON DYNAMIC SHAPING OF THE WORK-**
9 **FORCE TO IMPROVE THE TECHNICAL SKILLS**
10 **AND EXPERTISE AT CERTAIN DEPARTMENT**
11 **OF DEFENSE LABORATORIES.**

12 (a) REPEAL OF OBSOLETE PROVISION.—Section
13 1109(b)(1) of the National Defense Authorization Act for
14 Fiscal Year 2016 (Public Law 114–92) is amended by
15 striking subparagraph (D).

16 (b) EXTENSION OF AUTHORITY.—Section 1109(d)(1)
17 of such Act is amended by striking “December 31, 2023”
18 and inserting “December 31, 2027”.

19 **SEC. 1107. MODIFICATION OF EFFECTIVE DATE OF REPEAL**
20 **OF TWO-YEAR PROBATIONARY PERIOD FOR**
21 **EMPLOYEES.**

22 Section 1106 of the National Defense Authorization
23 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
24 1950) is amended—

1 (1) in subsection (a)(1), by striking “December
2 31, 2022” and inserting “December 31, 2024”; and

3 (2) in subsection (b), by adding at the end the
4 following new paragraph:

5 “(3) EFFECTIVE DATE.—The amendments
6 made by paragraphs (1) and (2) shall take effect on
7 December 31, 2024.”.

8 **SEC. 1108. MODIFICATION AND EXTENSION OF AUTHORITY**
9 **TO WAIVE ANNUAL LIMITATION ON PREMIUM**
10 **PAY AND AGGREGATE LIMITATION ON PAY**
11 **FOR FEDERAL CIVILIAN EMPLOYEES WORK-**
12 **ING OVERSEAS.**

13 Subsection (a) of section 1101 of the Duncan Hunter
14 National Defense Authorization Act for Fiscal Year 2009
15 (Public Law 110–417; 122 Stat. 4615), as most recently
16 amended by section 1112 of the National Defense Author-
17 ization Act for Fiscal Year 2022 (Public Law 117–81; 135
18 Stat. 1953), is further amended—

19 (1) by striking “that is in the area of responsi-
20 bility” and all that follows through “United States
21 Africa Command,”; and

22 (2) by striking “through 2022” and inserting
23 “through 2023”.

1 **SEC. 1109. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
2 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
3 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
4 **FICIAL DUTY IN A COMBAT ZONE.**

5 Paragraph (2) of section 1603(a) of the Emergency
6 Supplemental Appropriations Act for Defense, the Global
7 War on Terror, and Hurricane Recovery, 2006 (Public
8 Law 109–234; 120 Stat. 443), as added by section 1102
9 of the Duncan Hunter National Defense Authorization
10 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
11 4616) and as most recently amended by section 1114 of
12 the National Defense Authorization Act for Fiscal Year
13 2022 (Public Law 117–81; 135 Stat. 1954), is further
14 amended by striking “2023” and inserting “2024”.

15 **SEC. 1110. MODIFICATION OF TEMPORARY EXPANSION OF**
16 **AUTHORITY FOR NONCOMPETITIVE APPOINT-**
17 **MENTS OF MILITARY SPOUSES BY FEDERAL**
18 **AGENCIES.**

19 (a) EXTENSION OF SUNSET.—Subsection (e) of sec-
20 tion 573 of the John S. McCain National Defense Author-
21 ization Act for Fiscal Year 2019 (Public Law 115–232;
22 5 U.S.C. 3330d note) is amended, in the matter preceding
23 paragraph (1), by striking “the date that is 5 years after
24 the date of the enactment of this Act” and inserting “De-
25 cember 31, 2028”.

1 (b) REPEAL OF OPM LIMITATION AND REPORTS.—

2 Subsection (d) of such section is repealed.

3 **SEC. 1111. DEPARTMENT OF DEFENSE CYBER AND DIGITAL**
4 **SERVICE ACADEMY.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—The Secretary of Defense, in
7 consultation with the Secretary of Homeland Secu-
8 rity and the Director of the Office of Personnel and
9 Management, shall establish a program to provide fi-
10 nancial support for pursuit of programs of education
11 at institutions of high education in covered dis-
12 ciplines.

13 (2) COVERED DISCIPLINES.—For purposes of
14 the Program, a covered discipline is a discipline that
15 the Secretary of Defense determines is critically
16 needed and is cyber- or digital technology-related,
17 including the following:

18 (A) Computer-related arts and sciences.

19 (B) Cyber-related engineering.

20 (C) Cyber-related law and policy.

21 (D) Applied analytics related sciences, data
22 management, and digital engineering, including
23 artificial intelligence and machine learning.

24 (E) Such other disciplines relating to
25 cyber, cybersecurity, digital technology, or sup-

1 porting functions as the Secretary of Defense
2 considers appropriate.

3 (3) DESIGNATION.—The program established
4 under paragraph (1) shall be known as the “Depart-
5 ment of Defense Cyber and Digital Service Acad-
6 emy” (in this section the “Program”).

7 (b) PROGRAM DESCRIPTION AND COMPONENTS.—
8 The Program shall—

9 (1) provide scholarships through institutions of
10 higher education to students who are enrolled in pro-
11 grams of education at such institutions leading to
12 degrees or specialized program certifications in cov-
13 ered disciplines; and

14 (2) prioritize the placement of scholarship re-
15 cipients fulfilling the post-award employment obliga-
16 tion under this section.

17 (c) SCHOLARSHIP AMOUNTS.—

18 (1) AMOUNT OF ASSISTANCE.—(A) Each schol-
19 arship under the Program shall be in such amount
20 as the Secretary determines necessary—

21 (i) to pay all educational expenses incurred
22 by that person, including tuition, fees, cost of
23 books, and laboratory expenses, for the pursuit
24 of the program of education for which the as-
25 sistance is provided under the Program; and

1 (ii) to provide a stipend for room and
2 board.

3 (B) The Secretary shall ensure that expenses
4 paid are limited to those educational expenses nor-
5 mally incurred by students at the institution of high-
6 er education involved.

7 (2) SUPPORT FOR INTERNSHIP ACTIVITIES.—
8 The financial assistance for a person under this sec-
9 tion may also be provided to support internship ac-
10 tivities of the person in the Department of Defense
11 and combat support agencies in periods between the
12 academic years leading to the degree or specialized
13 program certification for which assistance is pro-
14 vided the person under the Program.

15 (3) PERIOD OF SUPPORT.—Each scholarship
16 under the Program shall be for not more than 5
17 years.

18 (4) ADDITIONAL STIPEND.—Students dem-
19 onstrating financial need, as determined by the Sec-
20 retary, may be provided with an additional stipend
21 under the Program.

22 (d) POST-AWARD EMPLOYMENT OBLIGATIONS.—
23 Each scholarship recipient, as a condition of receiving a
24 scholarship under the Program, shall enter into an agree-
25 ment under which the recipient agrees to work for a period

1 equal to the length of the scholarship, following receipt
2 of the student's degree or specialized program certifi-
3 cation, in the cyber- and digital technology-related mis-
4 sions of the Department, in accordance with the terms and
5 conditions specified by the Secretary in regulations the
6 Secretary shall promulgate to carry out this subsection.

7 (e) **HIRING AUTHORITY.**—In carrying out this sec-
8 tion, specifically with respect to enforcing the obligations
9 and conditions of employment under subsection (d), the
10 Secretary may use any authority otherwise available to the
11 Secretary for the recruitment, employment, and retention
12 of civilian personnel within the Department, including au-
13 thority under section 1599f of title 10, United States
14 Code.

15 (f) **ELIGIBILITY.**—To be eligible to receive a scholar-
16 ship under the Program, an individual shall—

17 (1) be a citizen or lawful permanent resident of
18 the United States;

19 (2) demonstrate a commitment to a career in
20 improving the security of information technology or
21 advancing the development and application of digital
22 technology;

23 (3) have demonstrated a high level of com-
24 petency in relevant knowledge, skills, and abilities,
25 as defined by the national cybersecurity awareness

1 and education program under section 303 of the Cy-
2 bersecurity Enhancement Act of 2014 (15 U.S.C.
3 7443);

4 (4) be a full-time student, or have been accept-
5 ed as a full-time student, in a program leading to a
6 degree or specialized program certification in a cov-
7 ered discipline at an institution of higher education;

8 (5) enter into an agreement accepting and ac-
9 knowledging the post award employment obligations,
10 pursuant to section (d);

11 (6) accept and acknowledge the conditions of
12 support under section (g); and

13 (7) meet such other requirements for a scholar-
14 ship as determined appropriate by the Secretary.

15 (g) CONDITIONS OF SUPPORT.—

16 (1) IN GENERAL.—As a condition of receiving a
17 scholarship under this section, a recipient shall agree
18 to provide the Office of Personnel Management (in
19 coordination with the Department of Defense) and
20 the institutions of higher education described in sub-
21 section (a)(1) with annual verifiable documentation
22 of post-award employment and up-to-date contact in-
23 formation.

1 (2) TERMS.—A scholarship recipient under the
2 Program shall be liable to the United States as pro-
3 vided in subsection (i) if the individual—

4 (A) fails to maintain an acceptable level of
5 academic standing at the applicable institution
6 of higher education, as determined by the Sec-
7 retary;

8 (B) is dismissed from the applicable insti-
9 tution of higher education for disciplinary rea-
10 sons;

11 (C) withdraws from the eligible degree pro-
12 gram before completing the Program;

13 (D) declares that the individual does not
14 intend to fulfill the post-award employment ob-
15 ligation under this section;

16 (E) fails to maintain or fulfill any of the
17 post-graduation or post-award obligations or re-
18 quirements of the individual; or

19 (F) fails to fulfill the requirements of para-
20 graph (1).

21 (h) MONITORING COMPLIANCE.—As a condition of
22 participating in the Program, an institution of higher edu-
23 cation shall—

24 (1) enter into an agreement with the Secretary
25 to monitor the compliance of scholarship recipients

1 with respect to their post-award employment obliga-
2 tions; and

3 (2) provide to the Secretary and the Director of
4 the Office of Personnel Management, on an annual
5 basis, the post-award employment documentation re-
6 quired under subsection (g)(1) for scholarship recipi-
7 ents through the completion of their post-award em-
8 ployment obligations.

9 (i) AMOUNT OF REPAYMENT.—

10 (1) LESS THAN 1 YEAR OF SERVICE.—If a cir-
11 cumstance described in subsection (g)(2) occurs be-
12 fore the completion of 1 year of a post-award em-
13 ployment obligation under the Program, the total
14 amount of scholarship awards received by the indi-
15 vidual under the Program shall be considered a debt
16 to the Government and repaid in its entirety.

17 (2) 1 OR MORE YEARS OF SERVICE.—If a cir-
18 cumstance described in subparagraph (D) or (E) of
19 subsection (g)(2) occurs after the completion of 1 or
20 more years of a post-award employment obligation
21 under the Program, the total amount of scholarship
22 awards received by the individual under the Pro-
23 gram, reduced by the ratio of the number of years
24 of service completed divided by the number of years
25 of service required, shall be considered a debt to the

1 Government and repaid in accordance with sub-
2 section (j).

3 (j) REPAYMENTS.—A debt described subsection (i)
4 shall be subject to repayment, together with interest there-
5 on accruing from the date of the scholarship award, in
6 accordance with terms and conditions specified by the Sec-
7 retary in regulations promulgated to carry out this sub-
8 section.

9 (k) COLLECTION OF REPAYMENT.—

10 (1) IN GENERAL.—In the event that a scholar-
11 ship recipient is required to repay the scholarship
12 award under the Program, the institution of higher
13 education providing the scholarship shall—

14 (A) determine the repayment amounts and
15 notify the recipient, the Secretary, and the Di-
16 rector of the Office of Personnel Management
17 of the amounts owed; and

18 (B) collect the repayment amounts within
19 a period of time as determined by the Sec-
20 retary.

21 (2) RETURNED TO TREASURY.—Except as pro-
22 vided in paragraph (3), any repayment under this
23 subsection shall be returned to the Treasury of the
24 United States.

1 (3) RETAIN PERCENTAGE.—An institution of
2 higher education may retain a percentage of any re-
3 payment the institution collects under this sub-
4 section to defray administrative costs associated with
5 the collection. The Secretary shall establish a single,
6 fixed percentage that will apply to all eligible enti-
7 ties.

8 (1) PUBLIC INFORMATION.—

9 (1) EVALUATION.—The Secretary, in coordina-
10 tion with the Director of the Office of Personnel
11 Management, shall periodically evaluate and make
12 public, in a manner that protects the personally
13 identifiable information of scholarship recipients, in-
14 formation on the success of recruiting individuals for
15 scholarships under the Program and on hiring and
16 retaining those individuals in the Department of De-
17 fense workforce, including information on—

18 (A) placement rates;

19 (B) where students are placed, including
20 job titles and descriptions;

21 (C) salary ranges for students not released
22 from obligations under this section;

23 (D) how long after graduation students are
24 placed;

1 (E) how long students stay in the positions
2 they enter upon graduation;

3 (F) how many students are released from
4 obligations; and

5 (G) what, if any, remedial training is re-
6 quired.

7 (2) REPORTS.—The Secretary, in consultation
8 with the Office of Personnel Management, shall sub-
9 mit, not less frequently than once every two years,
10 to Congress a report, including—

11 (A) the results of the evaluation under
12 paragraph (1);

13 (B) the disparity in any reporting between
14 scholarship recipients and their respective insti-
15 tutions of higher education; and

16 (C) any recent statistics regarding the size,
17 composition, and educational requirements of
18 the relevant Department of Defense workforce.

19 (3) RESOURCES.—The Secretary, in coordina-
20 tion with the Director of the Office of Personnel
21 Management, shall provide consolidated and user-
22 friendly online resources for prospective scholarship
23 recipients, including, to the extent practicable—

24 (A) searchable, up-to-date, and accurate
25 information about participating institutions of

1 higher education and job opportunities relating
2 to covered disciplines; and

3 (B) a modernized description of careers in
4 covered disciplines.

5 (m) ALLOCATION OF FUNDING.—

6 (1) IN GENERAL.—Not less than 50 percent of
7 the amount available for financial assistance under
8 this section for a fiscal year shall be available only
9 for providing financial assistance for the pursuit of
10 programs of education referred to in subsection
11 (b)(1) at institutions of higher education that have
12 established, improved, or are administering pro-
13 grams of education in disciplines under the grant
14 program established in section 2200b of title 10,
15 United States Code, as determined by the Secretary.

16 (2) ASSOCIATE DEGREES.—Not less than five
17 percent of the amount available for financial assist-
18 ance under this section for a fiscal year shall be
19 available for providing financial assistance for the
20 pursuit of an associate degree at an institution de-
21 scribed in paragraph (1).

22 (n) BOARD OF DIRECTORS.—In order to help identify
23 workforce needs and trends relevant to the Program, the
24 Secretary may establish a board of directors for the Pro-

1 gram that consists of representatives of Federal depart-
2 ments and agencies.

3 (o) COMMENCEMENT OF PROGRAM.—The Secretary
4 shall commence the Program as early as practicable, with
5 the first scholarships awarded under the Program for the
6 academic year beginning no later than the Fall semester
7 of 2024.

8 **SEC. 1112. CIVILIAN CYBERSECURITY RESERVE PILOT**
9 **PROJECT.**

10 (a) DEFINITIONS.—In this section:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Homeland Security
15 and Governmental Affairs of the Senate;

16 (B) the Committee on Armed Services of
17 the Senate;

18 (C) the Committee on Homeland Security
19 of the House of Representatives; and

20 (D) the Committee on Armed Services of
21 the House of Representatives.

22 (2) COMPETITIVE SERVICE.—The term “com-
23 petitive service” has the meaning given the term in
24 section 2102 of title 5, United States Code.

1 (3) EXCEPTED SERVICE.—The term “excepted
2 service” has the meaning given the term in section
3 2103 of title 5, United States Code.

4 (4) SIGNIFICANT INCIDENT.—The term “sig-
5 nificant incident”—

6 (A) means an incident or a group of re-
7 lated incidents that results, or is likely to re-
8 sult, in demonstrable harm to—

9 (i) the national security interests, for-
10 eign relations, or economy of the United
11 States; or

12 (ii) the public confidence, civil lib-
13 erties, or public health and safety of the
14 people of the United States; and

15 (B) does not include an incident or a por-
16 tion of a group of related incidents that occurs
17 on—

18 (i) a national security system, as de-
19 fined in section 3552 of title 44, United
20 States Code; or

21 (ii) an information system described
22 in paragraph (2) or (3) of section 3553(e)
23 of title 44, United States Code.

1 (5) TEMPORARY POSITION.—The term “tem-
2 porary position” means a position in the competitive
3 or excepted service for a period of 180 days or less.

4 (6) UNIFORMED SERVICES.—The term “uni-
5 formed services” has the meaning given the term in
6 section 2101 of title 5, United States Code.

7 (b) PILOT PROJECT.—

8 (1) IN GENERAL.—The Secretary of the Army
9 shall carry out a pilot project to establish a Civilian
10 Cybersecurity Reserve.

11 (2) PURPOSE.—The purpose of the Civilian Cy-
12 bersecurity Reserve is to enable the Army to provide
13 manpower to the cyberspace operations forces of the
14 United States Cyber Command to effectively respond
15 to significant incidents.

16 (3) ALTERNATIVE METHODS.—Consistent with
17 section 4703 of title 5, United States Code, in car-
18 rying out the pilot project required under paragraph
19 (1), the Secretary may, without further authoriza-
20 tion from the Office of Personnel Management, pro-
21 vide for alternative methods of—

22 (A) establishing qualifications require-
23 ments for, recruitment of, and appointment to
24 positions; and

25 (B) classifying positions.

1 (4) APPOINTMENTS.—Under the pilot project
2 required under paragraph (1), upon occurrence of a
3 significant incident, the Secretary—

4 (A) may activate members of the Civilian
5 Cybersecurity Reserve by—

6 (i) noncompetitively appointing mem-
7 bers of the Civilian Cybersecurity Reserve
8 to temporary positions in the competitive
9 service; or

10 (ii) appointing members of the Civil-
11 ian Cybersecurity Reserve to temporary po-
12 sitions in the excepted service;

13 (B) shall notify Congress whenever a mem-
14 ber is activated under subparagraph (A); and

15 (C) may appoint not more than 50 mem-
16 bers to the Civilian Cybersecurity Reserve
17 under subparagraph (A) at any time.

18 (5) STATUS AS EMPLOYEES.—An individual ap-
19 pointed under paragraph (4) shall be considered a
20 Federal civil service employee under section 2105 of
21 title 5, United States Code.

22 (6) ADDITIONAL EMPLOYEES.—Individuals ap-
23 pointed under paragraph (4) shall be in addition to
24 any employees of the United States Cyber Command
25 who provide cybersecurity services.

1 (7) EMPLOYMENT PROTECTIONS.—The Sec-
2 retary of Labor shall prescribe such regulations as
3 necessary to ensure the reemployment, continuation
4 of benefits, and non-discrimination in reemployment
5 of individuals appointed under paragraph (4), pro-
6 vided that such regulations shall include, at a min-
7 imum, those rights and obligations set forth under
8 chapter 43 of title 38, United States Code.

9 (8) STATUS IN RESERVE.—During the period
10 beginning on the date on which an individual is re-
11 cruited to serve in the Civilian Cybersecurity Reserve
12 and ending on the date on which the individual is
13 appointed under paragraph (4), and during any pe-
14 riod in between any such appointments, the indi-
15 vidual shall not be considered a Federal employee.

16 (c) ELIGIBILITY; APPLICATION AND SELECTION.—

17 (1) IN GENERAL.—Under the pilot project re-
18 quired under subsection (b)(1), the Secretary of the
19 Army shall establish criteria for—

20 (A) individuals to be eligible for the Civil-
21 ian Cybersecurity Reserve; and

22 (B) the application and selection processes
23 for the Civilian Cybersecurity Reserve.

1 (2) REQUIREMENTS FOR INDIVIDUALS.—The
2 criteria established under paragraph (1)(A) with re-
3 spect to an individual shall include—

4 (A) if the individual has previously served
5 as a member of the Civilian Cybersecurity Re-
6 serve, that the previous appointment ended not
7 less than 60 days before the individual may be
8 appointed for a subsequent temporary position
9 in the Civilian Cybersecurity Reserve; and

10 (B) cybersecurity expertise.

11 (3) PRESCREENING.—The Secretary shall—

12 (A) conduct a prescreening of each indi-
13 vidual prior to appointment under subsection
14 (b)(4) for any topic or product that would cre-
15 ate a conflict of interest; and

16 (B) require each individual appointed
17 under subsection (b)(4) to notify the Secretary
18 if a potential conflict of interest arises during
19 the appointment.

20 (4) AGREEMENT REQUIRED.—An individual
21 may become a member of the Civilian Cybersecurity
22 Reserve only if the individual enters into an agree-
23 ment with the Secretary to become such a member,
24 which shall set forth the rights and obligations of
25 the individual and the Army.

1 (5) EXCEPTION FOR CONTINUING MILITARY
2 SERVICE COMMITMENTS.—A member of the Selected
3 Reserve under section 10143 of title 10, United
4 States Code, may not be a member of the Civilian
5 Cybersecurity Reserve.

6 (6) PROHIBITION.—Any individual who is an
7 employee of the executive branch may not be re-
8 cruited or appointed to serve in the Civilian Cyberse-
9 curity Reserve.

10 (d) SECURITY CLEARANCES.—

11 (1) IN GENERAL.—The Secretary of the Army
12 shall ensure that all members of the Civilian Cyber-
13 security Reserve undergo the appropriate personnel
14 vetting and adjudication commensurate with the du-
15 ties of the position, including a determination of eli-
16 gibility for access to classified information where a
17 security clearance is necessary, according to applica-
18 ble policy and authorities.

19 (2) COST OF SPONSORING CLEARANCES.—If a
20 member of the Civilian Cybersecurity Reserve re-
21 quires a security clearance in order to carry out the
22 duties of the member, the Army shall be responsible
23 for the cost of sponsoring the security clearance of
24 the member.

25 (e) STUDY AND IMPLEMENTATION PLAN.—

1 (1) STUDY.—Not later than 60 days after the
2 date of the enactment of this Act, the Secretary of
3 the Army shall begin a study on the design and im-
4 plementation of the pilot project required under sub-
5 section (b)(1), including—

6 (A) compensation and benefits for mem-
7 bers of the Civilian Cybersecurity Reserve;

8 (B) activities that members may undertake
9 as part of their duties;

10 (C) methods for identifying and recruiting
11 members, including alternatives to traditional
12 qualifications requirements;

13 (D) methods for preventing conflicts of in-
14 terest or other ethical concerns as a result of
15 participation in the pilot project and details of
16 mitigation efforts to address any conflict of in-
17 terest concerns;

18 (E) resources, including additional fund-
19 ing, needed to carry out the pilot project;

20 (F) possible penalties for individuals who
21 do not respond to activation when called, in ac-
22 cordance with the rights and procedures set
23 forth under title 5, Code of Federal Regula-
24 tions; and

1 (G) processes and requirements for train-
2 ing and onboarding members.

3 (2) IMPLEMENTATION PLAN.—Not later than
4 one year after beginning the study required under
5 paragraph (1), the Secretary shall—

6 (A) submit to the appropriate congres-
7 sional committees an implementation plan for
8 the pilot project required under subsection
9 (b)(1); and

10 (B) provide to the appropriate congres-
11 sional committees a briefing on the implementa-
12 tion plan.

13 (3) PROHIBITION.—The Secretary may not take
14 any action to begin implementation of the pilot
15 project required under subsection (b)(1) until the
16 Secretary fulfills the requirements under paragraph
17 (2).

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 of the enactment of this Act, and every year
3 thereafter until the date on which the pilot project
4 required under subsection (b)(1) terminates under
5 subsection (i), the Secretary of the Army shall pro-
6 vide to the appropriate congressional committees a
7 briefing on activities carried out under the pilot
8 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 during significant inci-
19 dents; and

20 (D) an evaluation of the eligibility require-
21 ments for the pilot project.

22 (2) REPORT.—Not earlier than 180 days and
23 not later than 90 days before the date on which the
24 pilot project required under subsection (b)(1) termi-
25 nates under subsection (i), the Secretary shall sub-

1 mit to the appropriate congressional committees a
2 report and provide a briefing on recommendations
3 relating to the pilot project, including recommenda-
4 tions for—

5 (A) whether the pilot project should be
6 modified, extended in duration, or established
7 as a permanent program, and if so, an appro-
8 priate scope for the program;

9 (B) how to attract participants, ensure a
10 diversity of participants, and address any bar-
11 riers to recruitment or retention of members of
12 the Civilian Cybersecurity Reserve;

13 (C) the ethical requirements of the pilot
14 project and the effectiveness of mitigation ef-
15 forts to address any conflict of interest con-
16 cerns; and

17 (D) an evaluation of the eligibility require-
18 ments for the pilot project.

19 (h) EVALUATION.—Not later than three years after
20 the pilot project required under subsection (b)(1) is estab-
21 lished, the Comptroller General of the United States
22 shall—

23 (1) conduct a study evaluating the pilot project;
24 and

25 (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 (j) NO ADDITIONAL FUNDS.—

10 (1) IN GENERAL.—No additional funds are au-
11 thorized to be appropriated for the purpose of car-
12 rying out this section.

13 (2) EXISTING AUTHORIZED AMOUNTS.—Funds
14 to carry out this section may, as provided in advance
15 in appropriations Acts, only come from amounts au-
16 thorized to be appropriated to the Army.

17 **SEC. 1113. MODIFICATION TO PILOT PROGRAM FOR THE**
18 **TEMPORARY ASSIGNMENT OF CYBER AND IN-**
19 **FORMATION TECHNOLOGY PERSONNEL TO**
20 **PRIVATE SECTOR ORGANIZATIONS.**

21 Section 1110(d) of the National Defense Authoriza-
22 tion Act for Fiscal Year 2010 (5 U.S.C. 3702 note; Public
23 Law 111–84) is amended by striking “September 30,
24 2022” and inserting “December 31, 2026”.

1 **SEC. 1114. REPORT ON CYBER EXCEPTED SERVICE.**

2 (a) **REPORT REQUIRED.**—Not later than one year
3 after the date of the enactment of this Act and not less
4 frequently than once each year thereafter until September
5 30, 2028, the Secretary of Defense shall submit to the
6 Committee on Armed Services of the Senate and the Com-
7 mittee on Armed Services of the House of Representatives
8 a detailed report on cyber excepted service positions dur-
9 ing the most recent one-year period.

10 (b) **CONTENTS.**—Each report submitted under sub-
11 section (a) shall include, for the period covered by the re-
12 port, the following:

13 (1) A discussion of the process used in accept-
14 ing applications, assessing candidates, process for
15 and effect of adhering to provisions of law estab-
16 lishing preferences for hiring preference eligible vet-
17 erans, and selecting applicants for vacancies to be
18 filled by an individual for a cyber excepted service
19 position.

20 (2) A description of the following:

21 (A) How the Secretary plans to recruit and
22 retain employees in cyber excepted service posi-
23 tions.

24 (B) Cyber excepted service performance
25 metrics.

1 (C) Any actions taken during the reporting
2 period to improve cyber excepted service imple-
3 mentation.

4 (3) A discussion of how the planning and ac-
5 tions taken described in paragraph (2) are inte-
6 grated into the strategic workforce planning of the
7 Department.

8 (4) The metrics on actions occurring during the
9 reporting period, including the following:

10 (A) The number of employees in cyber ex-
11 cepted service positions hired, disaggregated by
12 occupation, grade, and level or pay band.

13 (B) The placement of employees in cyber
14 excepted service positions, disaggregated by
15 military department, Defense agency, or other
16 component within the Department.

17 (C) The total number of veterans hired.

18 (D) The number of separations of employ-
19 ees in cyber excepted service positions,
20 disaggregated by occupation, grade, and level or
21 pay band.

22 (E) The number of retirements of employ-
23 ees in cyber excepted service positions,
24 disaggregated by occupation, grade, and level or
25 pay band.

1 (F) The number and amounts of recruit-
2 ment, relocation, and retention incentives paid
3 to employees in cyber excepted service positions,
4 disaggregated by occupation, grade, and level or
5 pay band.

6 (G) The number of employees who declined
7 transition to qualified cyber excepted service po-
8 sitions.

9 (5) An assessment of the training provided to
10 supervisors of employees in cyber excepted service
11 positions at the Department on the use of the new
12 authorities.

13 (6) An assessment of the implementation of sec-
14 tion 1599f(a)(1)(A) of title 10, United States Code,
15 including—

16 (A) how each military department, Defense
17 agency, or other component within the Depart-
18 ment is incorporating or intends to incorporate
19 cyber excepted service personnel in their cyber
20 mission workforce; and

21 (B) how the cyber excepted service has al-
22 lowed each military department, Defense agen-
23 cy, or other component within the Department
24 to establish, recruit for, and retain personnel to
25 fill cyber mission workforce needs.

1 (7) An assessment of the effect of section 1599f
2 of title 10, United States Code, on the ability of the
3 Department to recruit, retain, and develop cyber
4 professionals in the Department.

5 (8) An assessment of barriers to participation
6 in cyber excepted service positions, including chal-
7 lenges to transition between general and excepted
8 service, differences between compensation, incen-
9 tives, and benefits, access to career broadening expe-
10 riences, or any other barriers as determined by the
11 Secretary.

12 (9) Proposed modifications to the cyber ex-
13 cepted service.

14 (10) Such other matters as the Secretary con-
15 siders appropriate.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “cyber excepted service” consists
18 of those positions established under section
19 1599f(a)(1)(A) of title 10, United States Code.

20 (2) The term “cyber excepted service position”
21 means a position in the cyber excepted service.

1 **TITLE XII—MATTERS RELATING**
2 **TO FOREIGN NATIONS**
3 **Subtitle A—Assistance and**
4 **Training**

5 **SEC. 1201. EXTENSION OF AUTHORITY TO SUPPORT BOR-**
6 **DER SECURITY OPERATIONS OF CERTAIN**
7 **FOREIGN COUNTRIES.**

8 Subsection (h) of section 1226 of the National De-
9 fense Authorization Act for Fiscal Year 2016 (22 U.S.C.
10 2151 note) is amended by striking “December 31, 2023”
11 and inserting “December 31, 2025”.

12 **SEC. 1202. MODIFICATION OF REPORTING REQUIREMENT**
13 **FOR PROVISION OF SUPPORT TO FRIENDLY**
14 **FOREIGN COUNTRIES FOR CONDUCT OF OP-**
15 **ERATIONS.**

16 Section 331(d)(2) of title 10, United States Code, is
17 amended—

18 (1) by redesignating subparagraph (E) as sub-
19 paragraph (F); and

20 (2) by inserting after subparagraph (D) the fol-
21 lowing new subparagraph (E):

22 “(E) A description of the one or more enti-
23 ties with which the applicable friendly foreign
24 country is engaged in hostilities and whether

1 each such entity is covered by an authorization
2 for the use of military force.”.

3 **SEC. 1203. PAYMENT OF PERSONNEL EXPENSES NEC-**
4 **CESSARY FOR PARTICIPATION IN TRAINING**
5 **PROGRAM CONDUCTED BY COLOMBIA**
6 **UNDER THE UNITED STATES-COLOMBIA AC-**
7 **TION PLAN FOR REGIONAL SECURITY.**

8 (a) IN GENERAL.—Subchapter IV of chapter 16 of
9 title 10, United States Code, is amended by adding at the
10 end the following new section 335:

11 **“§ 335. Payment of personnel expenses necessary for**
12 **participation in training program con-**
13 **ducted by Colombia under the United**
14 **States-Colombia Action Plan for Regional**
15 **Security**

16 “(a) AUTHORITY.—The Secretary of Defense may
17 pay the expendable training supplies, travel, subsistence,
18 and similar personnel expenses of, and special compensa-
19 tion for, the following that the Secretary considers nec-
20 essary for participation in the training program conducted
21 by Colombia under the United States-Colombia Action
22 Plan for Regional Security:

23 “(1) Defense personnel of friendly foreign gov-
24 ernments.

1 “(2) With the concurrence of the Secretary of
2 State, other personnel of friendly foreign govern-
3 ments and nongovernmental personnel.

4 “(b) LIMITATION.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), the authority provided in subsection (a)
7 may only be used for the payment of such expenses
8 of, and special compensation for, such personnel
9 from developing countries.

10 “(2) EXCEPTION.— The Secretary may author-
11 ize the payment of such expenses of, and special
12 compensation for, such personnel from a country
13 other than a developing country if the Secretary de-
14 termines that such payment is—

15 “(A) necessary to respond to extraordinary
16 circumstances; and

17 “(B) in the national security interest of
18 the United States.”.

19 (b) ANNUAL REPORT.—Paragraph (1) of section
20 386(c) of title 10, United States Code, is amended to read
21 as follows:

22 “(1) Sections 311, 321, 331, 332, 333, 335,
23 341, 344, 348, 349, and 350 of this title.”.

24 (c) CONFORMING AMENDMENT.—The table of sec-
25 tions at the beginning of subchapter IV of chapter 16 of

1 title 10, United States Code, is amended by adding at the
2 end the following new item:

“335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.”.

3 **SEC. 1204. MODIFICATION OF AUTHORITY FOR PARTICIPA-**
4 **TION IN MULTINATIONAL CENTERS OF EX-**
5 **CELLENCE.**

6 Section 344(f) of title 10, United States Code, is
7 amended—

8 (1) in paragraph (1)(D), by striking “and” at
9 the end;

10 (2) in paragraph (2), by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(3) the International Special Training Centre,
15 established in 1979 and located in Pfullendorf, Ger-
16 many.”.

17 **SEC. 1205. MODIFICATION OF REGIONAL DEFENSE COM-**
18 **BATING TERRORISM AND IRREGULAR WAR-**
19 **FARE FELLOWSHIP PROGRAM AND PLAN FOR**
20 **IRREGULAR WARFARE CENTER.**

21 (a) MODIFICATION OF REGIONAL DEFENSE COM-
22 BATING TERRORISM AND IRREGULAR WARFARE FELLOW-
23 SHIP PROGRAM.—

1 (1) IN GENERAL.—Section 345 of title 10,
2 United States Code, is amended—

3 (A) in the section heading, by striking
4 **“Regional Defense Combating Ter-**
5 **rorism and Irregular Warfare Fellow-**
6 **ship Program”** and inserting **“Irregular**
7 **Warfare Security Cooperation”**;

8 (B) in subsection (a)—

9 (i) in the subsection heading, by strik-
10 ing **“PROGRAM AUTHORIZED”** and insert-
11 ing **“AUTHORITY”**;

12 (ii) in paragraph (1), in the matter
13 preceding subparagraph (A), by inserting
14 **“operate and administer a Center for Se-**
15 **curity Studies in Irregular Warfare, to be**
16 **known as the ‘Irregular Warfare Center’,**
17 **and”** after **“The Secretary of Defense**
18 **may”**;

19 (iii) by amending paragraph (2) to
20 read as follows:

21 **“(2) COVERED COSTS.—**

22 **“(A) IN GENERAL.—Costs for which pay-**
23 **ment may be made under this section include**
24 **the costs of—**

1 “(i) transportation, travel, and sub-
2 sistence costs of foreign national personnel
3 and United States governmental personnel
4 necessary for administration and execution
5 of the authority granted to the Secretary
6 of Defense under this section;

7 “(ii) strategic engagement with alum-
8 ni of the program referred to in paragraph
9 (1) to address Department of Defense ob-
10 jectives and planning on irregular warfare
11 and combating terrorism topics; and

12 “(iii) administration and operation of
13 the Irregular Warfare Center, including ex-
14 penses associated with—

15 “(I) research, communication,
16 the exchange of ideas, curriculum de-
17 velopment and review, and training of
18 military and civilian participants of
19 the United States and other countries,
20 as the Secretary considers necessary;
21 and

22 “(II) maintaining an inter-
23 national network of irregular warfare
24 policymakers and practitioners to
25 achieve the objectives of the Depart-

1 ment of Defense and the Department
2 of State.

3 “(B) PAYMENT BY OTHERS PERMITTED.—

4 Payment of costs described in subparagraph
5 (A)(i) may be made by the Secretary of De-
6 fense, the foreign national participant, the gov-
7 ernment of such participant, or by the head of
8 any other Federal department or agency.”;

9 (iv) by striking paragraph (3);

10 (C) in subsection (b)(1), by striking “The
11 program authorized by” and inserting “The au-
12 thority granted to the Secretary of Defense
13 under”;

14 (D) by redesignating subsections (e) and
15 (d) as subsections (e) and (g), respectively;

16 (E) by inserting after subsection (b) the
17 following new paragraphs (c) and (d):

18 “(c) EMPLOYMENT AND COMPENSATION OF FAC-
19 ULTY.—With respect to the Irregular Warfare Center, the
20 Secretary of Defense may employ a Director, a Deputy
21 Director, and such civilians as professors, instructors, and
22 lecturers, as the Secretary considers necessary.

23 “(d) ACADEMIC COOPERATION ON IRREGULAR WAR-
24 FARE.—To promote integration across the United States
25 Government and with allies in activities across the irreg-

1 ular warfare competition and conflict spectrum, the Sec-
2 retary of Defense may enter into partnerships and re-
3 source sharing agreements with academic institutions of
4 the Department of Defense and other academic institu-
5 tions engaged in irregular warfare security studies.”;

6 (F) in subsection (e), as so redesignated,
7 in the first sentence, by striking “\$35,000,000”
8 and inserting “\$40,000,000”; and

9 (G) by inserting after subsection (e), as so
10 redesignated, the following new subsection:

11 “(f) ANNUAL REVIEW.—The Secretary of Defense—

12 “(1) shall conduct an annual review of the
13 structure and activities of the Irregular Warfare
14 Center and the program referred to in subsection (a)
15 to determine whether such structure and activities
16 are appropriately aligned with the strategic priorities
17 of the Department of Defense and the applicable
18 combatant commands; and

19 “(2) may, after an annual review under para-
20 graph (1), revise the relevant structure and activities
21 so as to more appropriately align such structure and
22 activities with the strategic priorities and combatant
23 commands.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of subchapter V of chapter 16

1 of title 10, United States Code, is amended by strik-
2 ing the item relating to section 345 and inserting
3 the following:

“345. Irregular Warfare Security Cooperation.”.

4 (b) PLAN FOR IRREGULAR WARFARE CENTER.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense shall submit to the Committees on
8 Armed Services of the Senate and the House of Rep-
9 resentatives a plan for establishing the structure, op-
10 erations, and administration of the Irregular War-
11 fare Center described in section 345(a)(1) of title
12 10, United States Code.

13 (2) ELEMENTS.—The plan required by para-
14 graph (1) shall include—

15 (A) a timeline and milestones for the es-
16 tablishment of the Irregular Warfare Center;
17 and

18 (B) steps to enter into partnerships and
19 resource agreements with academic institutions
20 of the Department of Defense or other aca-
21 demic institutions, including any agreement for
22 hosting or operating the Irregular Warfare Cen-
23 ter.

24 (c) SENSE OF THE SENATE.—It is the sense of the
25 Senate that a Center for Security Studies in Irregular

1 Warfare established under section 345 of title 10, United
2 States Code, should be known as the “John S. McCain
3 III Center for Security Studies in Irregular Warfare”.

4 **SEC. 1206. MODIFICATION OF AUTHORITY FOR HUMANI-**
5 **TARIAN DEMINING ASSISTANCE AND STOCK-**
6 **PILED CONVENTIONAL MUNITIONS ASSIST-**
7 **ANCE.**

8 (a) EXPANSION OF AUTHORITY.—Subsection (a)(1)
9 of section 407 of title 10, United States Code, is amend-
10 ed—

11 (1) in the matter preceding subparagraph (A)—

12 (A) by striking “carry out” and inserting
13 “provide”; and

14 (B) by striking “in a country” and insert-
15 ing “to a country”; and

16 (2) in subparagraph (A), by striking “in which
17 the activities are to be carried out” and inserting
18 “to which the assistance is to be provided”.

19 (b) EXPENSES.—Subsection (c) of such section is
20 amended—

21 (1) in paragraph (2), by adding at the end the
22 following new subparagraph:

23 “(C) Travel, transportation, and subsist-
24 ence expenses of foreign personnel to attend

1 training provided by the Department of Defense
2 under this section.”; and

3 (2) in paragraph (3), by striking
4 “\$15,000,000” and inserting “\$20,000,000”.

5 (c) ANNUAL REPORT.—Subsection (d) of such sec-
6 tion is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “include in the annual report under section
9 401 of this title a separate discussion of” and insert-
10 ing “submit to the Committee on Armed Services
11 and the Committee on Foreign Relations of the Sen-
12 ate and the Committee on Armed Services and the
13 Committee on Foreign Affairs of the House of Rep-
14 resentatives a report on”;

15 (2) in paragraph (1)—

16 (A) by striking “in which” and inserting
17 “to which”; and

18 (B) by striking “carried out” and inserting
19 “provided”;

20 (3) in paragraph (2), by striking “carried out
21 in” and inserting “provided to”;

22 (4) in paragraph (3)—

23 (A) by striking “in which” and inserting
24 “to which”; and

1 (B) by striking “carried out” and inserting
2 “provided”; and
3 (5) in paragraph (4), by striking “in carrying
4 out such assistance in each such country” and in-
5 serting “in providing such assistance to each such
6 country”.

7 **SEC. 1207. EXTENSION AND MODIFICATION OF AUTHORITY**
8 **FOR REIMBURSEMENT OF CERTAIN COALI-**
9 **TION NATIONS FOR SUPPORT PROVIDED TO**
10 **UNITED STATES MILITARY OPERATIONS.**

11 (a) EXTENSION.—Subsection (a) of section 1233 of
12 the National Defense Authorization Act for Fiscal Year
13 2008 (Public Law 110–181; 122 Stat. 393) is amended
14 by striking “beginning on October 1, 2021, and ending
15 on December 31, 2022” and inserting “beginning on Octo-
16 ber 1, 2022, and ending on December 31, 2023”.

17 (b) MODIFICATION TO LIMITATION.—Subsection
18 (d)(1) of such section is amended—

19 (1) by striking “beginning on October 1, 2021,
20 and ending on December 31, 2022” and inserting
21 “beginning on October 1, 2022, and ending on De-
22 cember 31, 2023”; and

23 (2) by striking “\$60,000,000” and inserting
24 “\$30,000,000”.

1 **SEC. 1208. MODIFICATIONS TO HUMANITARIAN ASSIST-**
2 **ANCE.**

3 Section 2561 of title 10, United States Code, is
4 amended to read as follows:

5 **“§ 2561. Humanitarian assistance**

6 “(a) AUTHORIZED ASSISTANCE.—To the extent pro-
7 vided in defense authorization Acts, funds authorized to
8 be appropriated to the Department of Defense for a fiscal
9 year for humanitarian assistance shall be used for collabo-
10 rative Department of Defense engagements with partner
11 country government authorities in permissive environ-
12 ments to achieve the objectives of—

13 “(1) directly relieving or reducing human suf-
14 fering, disease, hunger, or privation; and

15 “(2) increasing partner country capacity—

16 “(A) to provide essential human services to
17 vulnerable populations; and

18 “(B) to address disaster risk reduction,
19 mitigation, and preparedness.

20 “(b) PURPOSES.—The Secretary of Defense may use
21 funds authorized under subsection (a) for the following
22 purposes:

23 “(1) Procurement, transportation, and pre-posi-
24 tioning of supplies and equipment.

25 “(2) Small-scale construction and renovation of
26 facilities and basic infrastructure.

1 “(3) Health-related projects and activities.

2 “(4) Any other activity the Secretary of De-
3 fense considers necessary to achieve the objectives
4 described in subsection (a).

5 “(c) AVAILABILITY OF FUNDS.—To the extent pro-
6 vided in appropriations Acts, funds appropriated for hu-
7 manitarian assistance for purposes of this section shall re-
8 main available until expended.

9 “(d) STATUS REPORTS.—(1) The Secretary of De-
10 fense shall submit to the appropriate committees of Con-
11 gress an annual report on the provision of humanitarian
12 assistance pursuant to this section for the prior fiscal
13 year. The report shall be submitted each year at the time
14 of the budget submission by the President for the next
15 fiscal year.

16 “(2) Each report required by paragraph (1) shall
17 cover all provisions of law that authorize appropriations
18 for humanitarian assistance to be available from the De-
19 partment of Defense for purposes of this section.

20 “(3) Each report under this subsection shall set forth
21 the following information regarding activities during the
22 preceding fiscal year:

23 “(A) The total amount of funds obligated for
24 humanitarian assistance under this section.

1 “(B) A comprehensive list of funded humani-
2 tarian assistance efforts, disaggregated by foreign
3 partner country, amount obligated, and purpose
4 specified in subsection (b).

5 “(C) A description of the manner in which such
6 expenditures address—

7 “(i) the humanitarian needs of the foreign
8 partner country; and

9 “(ii) United States national security objec-
10 tives.

11 “(D) A description of any transfer of excess
12 nonlethal supplies of the Department of Defense
13 made available for humanitarian relief purposes
14 under section 2557 of this title. The description
15 shall include the date of the transfer, the entity to
16 whom the transfer is made, and the quantity of
17 items transferred.

18 “(e) NOTIFICATION.—In the case of activities under
19 a program that results in the provision of small-scale con-
20 struction under subsection (b)(2) costing more than
21 \$750,000, not later than 15 days before the commence-
22 ment of such activities, the Secretary of Defense shall sub-
23 mit to the appropriate committees of Congress a notifica-
24 tion that includes the location, project title, and cost of

1 each small-scale construction project that will be carried
2 out.

3 “(f) DEFINITIONS.—In this section:

4 “(1) APPROPRIATE COMMITTEES OF CON-
5 GRESS.—The term ‘appropriate committees of Con-
6 gress’ means—

7 “(A) the Committee on Armed Services,
8 the Committee on Appropriations, and the
9 Committee on Foreign Relations of the Senate;
10 and

11 “(B) the Committee on Armed Services,
12 the Committee on Appropriations, and the
13 Committee on Foreign Affairs of the House of
14 Representatives.

15 “(2) DEFENSE AUTHORIZATION ACT.—The
16 term ‘defense authorization Act’ means an Act that
17 authorizes appropriations for one or more fiscal
18 years for military activities of the Department of
19 Defense, including authorizations of appropriations
20 for the activities described in paragraph (7) of sec-
21 tion 114(a) of this title.”.

22 **SEC. 1209. DEFENSE ENVIRONMENTAL INTERNATIONAL CO-**
23 **OPERATION PROGRAM.**

24 (a) ESTABLISHMENT.—The Secretary of Defense, in
25 coordination with the commanders of the geographic com-

1 batant commands, shall establish a program, to be known
2 as the “Defense Environmental International Cooperation
3 Program”, to support engagement with partner countries
4 on defense-related environmental and operational energy
5 issues in support of the theater campaign plans of the geo-
6 graphic combatant commands.

7 (b) OBJECTIVES.—The Defense Environmental
8 International Cooperation Program shall be carried out to
9 achieve the following objectives:

10 (1) To build military-to-military relationships in
11 support of the Department of Defense’s efforts to
12 engage in long-term strategic competition.

13 (2) To sustain the mission capability and for-
14 ward posture of the United States Armed Forces.

15 (3) To enhance the capability, capacity, and re-
16 silience of the military forces of partner countries.

17 (c) FUNDING.—Of amounts authorized to be appro-
18 priated for a fiscal year for the Department and available
19 for operation and maintenance, the Secretary may make
20 available \$10,000,000 for purposes of supporting the De-
21 fense Environmental International Cooperation Program,
22 consistent with the priorities of the commanders of the
23 geographic combatant commands.

24 (d) ANNUAL REPORT.—

1 (1) IN GENERAL.—Not later than March 1 each
2 year, the Secretary shall submit to the congressional
3 defense committees a report on obligations and ex-
4 penditures made to carry out the Defense Environ-
5 mental International Cooperation Program during
6 the preceding fiscal year.

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

9 (A) An accounting of each obligation and
10 expenditure made to carry out the Defense En-
11 vironmental International Cooperation Pro-
12 gram, by partner country and military force.

13 (B) An explanation of the manner in which
14 each such obligation or expenditure supports
15 the objectives described in subsection (b).

16 (C) Any other matter the Secretary con-
17 siders relevant.

18 **SEC. 1210. SECURITY COOPERATION PROGRAMS WITH FOR-**
19 **EIGN PARTNERS TO ADVANCE WOMEN,**
20 **PEACE, AND SECURITY.**

21 (a) IN GENERAL.—The Secretary of Defense, in con-
22 sultation with the Secretary of State, may, in fiscal years
23 2023 through 2025, conduct or support security coopera-
24 tion programs and activities involving the national military
25 or national-level security forces of a foreign country or

1 other covered personnel to advise, train, and educate such
2 forces or such other covered personnel with respect to—

3 (1) the recruitment, employment, development,
4 retention, promotion, and meaningful participation
5 in decisionmaking of women;

6 (2) sexual harassment, sexual assault, domestic
7 abuse, and other forms of violence that dispropor-
8 tionately impact women;

9 (3) the requirements of women, including pro-
10 viding appropriate equipment and facilities; and

11 (4) the implementation of activities described in
12 this subsection, including the integration of such ac-
13 tivities into security-sector policy, planning, exer-
14 cises, and trainings, as appropriate.

15 (b) ANNUAL REPORT.—Not later than 90 days after
16 the end of each of fiscal years 2023, 2024, and 2025, the
17 Secretary of Defense shall submit to the congressional de-
18 fense committees a report detailing the assistance pro-
19 vided under this section and the recipients of such assist-
20 ance.

21 (c) OTHER COVERED PERSONNEL DEFINED.—In
22 this section, the term “other covered personnel” means
23 personnel of—

- 1 (1) the ministry of defense, or a governmental
2 entity with a similar function, of a foreign country;
3 or
4 (2) a regional organization with a security mis-
5 sion.

6 **SEC. 1211. REVIEW OF IMPLEMENTATION OF PROHIBITION**
7 **ON USE OF FUNDS FOR ASSISTANCE TO**
8 **UNITS OF FOREIGN SECURITY FORCES THAT**
9 **HAVE COMMITTED A GROSS VIOLATION OF**
10 **HUMAN RIGHTS.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that the promotion of human rights is a critical ele-
13 ment of Department of Defense security cooperation pro-
14 grams and activities that advance United States national
15 security interests and values.

16 (b) REVIEW.—

17 (1) IN GENERAL.—Not later than 60 days after
18 the date of the enactment of this Act, the Secretary
19 of Defense, in consultation with the commanders of
20 the geographic combatant commands, shall initiate a
21 review of the policies, guidance, and processes for
22 Department of Defense-wide implementation of sec-
23 tion 362 of title 10, United States Code.

1 (2) ELEMENTS.—The review required by para-
2 graph (1) shall include an assessment of the fol-
3 lowing:

4 (A) The standards and procedures by
5 which the Secretary, before making a decision
6 to provide assistance to a unit of a foreign secu-
7 rity force under section 362 of title 10, United
8 States Code, gives full consideration to credible
9 information that the unit has committed a
10 gross violation of human rights, including cred-
11 ible information available to the Department of
12 State relating to human rights violations by
13 such unit.

14 (B) The roles and responsibilities of De-
15 partment of Defense components in imple-
16 menting such section, including the Under Sec-
17 retary of Defense for Policy, the Deputy Assist-
18 ant Secretary of Defense for Global Partner-
19 ships, the geographic combatant commands,
20 and the Office of the General Counsel, and
21 whether such components are adequately fund-
22 ed to carry out their respective roles and re-
23 sponsibilities.

24 (C) The standards and procedures by
25 which the Secretary implements the exception

1 under subsection (b) of such section based on a
2 determination that all necessary corrective steps
3 have been taken.

4 (D) The standards and procedures by
5 which the Secretary exercises the waiver au-
6 thority under subsection (c) of such section
7 based on a determination that a waiver is re-
8 quired by extraordinary circumstances.

9 (E) The policies, standards, and processes
10 for the remediation of units of foreign security
11 forces described in such section and resumption
12 of assistance consistent with such section, and
13 the effectiveness of such remediation process.

14 (F) The process by which the Secretary de-
15 termines whether a unit of a foreign security
16 force designated to receive training, equipment,
17 or other assistance under such section is new or
18 fundamentally different from its predecessor for
19 which there was determined to be credible infor-
20 mation that the unit had committed a gross vio-
21 lation of human rights.

22 (c) REPORTS.—

23 (1) FINDINGS OF REVIEW.—Not later than 180
24 days after the date of the enactment of this Act, the
25 Secretary shall submit to the congressional defense

1 committees a report on the findings of the review
2 conducted under subsection (b) that includes any
3 recommendations or corrective actions necessary
4 with respect to the policies, guidance, and processes
5 for Department of Defense-wide implementation of
6 section 362 of title 10, United States Code.

7 (2) REMEDIATION PROCESS.—

8 (A) IN GENERAL.—Not later than 180
9 days after the date of the enactment of this
10 Act, and every 180 days thereafter through fis-
11 cal year 2025, the Secretary shall submit to the
12 appropriate committees of Congress a report on
13 the remediation process under section 362 of
14 title 10, United States Code, and resumption of
15 assistance consistent with such section.

16 (B) ELEMENTS.—Each report required by
17 subparagraph (A) shall include the following:

18 (i) An identification of the units of
19 foreign security forces that currently have
20 been determined under section 362 of title
21 10, United States Code, to be ineligible to
22 receive Department of Defense training,
23 equipment, or other assistance.

1 (ii) With respect to each unit identi-
2 fied under clause (i), the date on which
3 such determination was made.

4 (iii) The number of requests sub-
5 mitted by geographic combatant commands
6 for review by a remediation review panel
7 with respect to resumption of assistance to
8 a unit of a foreign security force that has
9 been denied assistance under such section,
10 disaggregated by geographic combatant
11 command.

12 (iv) For the preceding reporting pe-
13 riod, the number of —

14 (I) remediation review panels
15 convened; and

16 (II) cases resolved.

17 (C) APPROPRIATE COMMITTEES OF CON-
18 GRESS DEFINED.—In this paragraph, the term
19 “appropriate committees of Congress” means—

20 (i) the Committee on Armed Services,
21 the Committee on Foreign Relations, and
22 the Committee on Appropriations of the
23 Senate; and

24 (ii) the Committee on Armed Services,
25 the Committee on Foreign Affairs, and the

1 Committee on Appropriations of the House
2 of Representatives.

3 **SEC. 1212. INDEPENDENT ASSESSMENT OF UNITED STATES**
4 **EFFORTS TO TRAIN, ADVISE, ASSIST, AND**
5 **EQUIP THE MILITARY FORCES OF SOMALIA.**

6 (a) IN GENERAL.—The Secretary of Defense shall
7 provide for an independent assessment of Department of
8 Defense efforts to train, advise, assist, and equip the mili-
9 tary forces of Somalia.

10 (b) CONDUCT OF ASSESSMENT.—To conduct the as-
11 sessment required by subsection (a), the Secretary shall
12 select—

13 (1) a federally funded research and development
14 center; or

15 (2) an independent, nongovernmental institute
16 described in section 501(c)(3) of the Internal Rev-
17 enue Code of 1986 and exempt from tax under sec-
18 tion 501(a) of such Code that has recognized creden-
19 tials and expertise in national security and military
20 affairs appropriate for the assessment.

21 (c) ELEMENTS.—The assessment required by sub-
22 section (a) shall include an assessment of the following:

23 (1) The evolution of United States approaches
24 to training, advising, assisting, and equipping the
25 military forces of Somalia.

1 (2) The extent to which—

2 (A) the Department has an established
3 plan, with objectives and milestones, for the ef-
4 fort to train, advise, assist, and equip such
5 forces;

6 (B) advisory efforts are meeting objectives,
7 including whether and the manner in which—

8 (i) advisors track the operational ef-
9 fectiveness of such forces; and

10 (ii) any such data informs future
11 training and advisory efforts;

12 (C) the Department sufficiently engages,
13 collaborates, and deconflicts with—

14 (i) other Federal departments and
15 agencies that conduct assistance and advi-
16 sory engagements with such forces; and

17 (ii) international and multilateral enti-
18 ties that conduct assistance and advisory
19 engagements with such forces; and

20 (D) the Department has established and
21 enforced a policy, processes, and procedures for
22 accountability relating to equipment provided
23 by the United States to such forces.

1 (3) Factors that have hindered, or may in the
2 future hinder, the development of professional, sus-
3 tainable, and capable such forces.

4 (4) With respect to the effort to train, advise,
5 assist, and equip such forces, the extent to which the
6 December 2020 decision to reduce and reposition
7 outside Somalia the majority of the members of the
8 United States Armed Forces assigned to carry out
9 the effort has impacted the effectiveness of the ef-
10 fort.

11 (d) REPORT.—Not later than one year after the date
12 of the enactment of this Act, the entity selected to conduct
13 the assessment required by subsection (a) shall submit to
14 the Secretary and the congressional defense committees
15 a report containing the findings of the assessment.

16 (e) FUNDING.—Of the amounts authorized to be ap-
17 propriated for fiscal year 2023 and available for operation
18 and maintenance for Defense-wide activities, up to
19 \$1,000,000 shall be made available for the assessment re-
20 quired by subsection (a).

1 **SEC. 1213. ASSESSMENT AND REPORT ON ADEQUACY OF**
2 **AUTHORITIES TO PROVIDE ASSISTANCE TO**
3 **MILITARY AND SECURITY FORCES IN AREA**
4 **OF RESPONSIBILITY OF UNITED STATES AF-**
5 **RICA COMMAND.**

6 (a) ASSESSMENT.—

7 (1) IN GENERAL.—The Secretary of Defense, in
8 consultation with the Commander of the United
9 States Africa Command, shall conduct an assess-
10 ment of the adequacy of authorities available to the
11 Secretary for the purpose of providing support, in-
12 cluding training, equipment, supplies and services,
13 facility and infrastructure repair and renovation,
14 and sustainment, to military and other security
15 forces of governments in the area of responsibility of
16 the United States Africa Command that are actively
17 engaged in defending their territory and people from
18 the threat posed by ISIS and al-Qaeda.

19 (2) ELEMENT.—The assessment required by
20 paragraph (1) shall identify any gaps in existing au-
21 thorities and associated resourcing that would in-
22 hibit the ability of the Secretary to support the
23 United States Africa Command theater campaign
24 plan objectives.

25 (b) REPORT.—Not later than December 31, 2022,
26 the Secretary shall submit to the Committees on Armed

1 Services of the Senate and the House of Representatives
2 a report on the findings of the assessment required by sub-
3 section (a).

4 **Subtitle B—Matters Relating to**
5 **Syria, Iraq, and Iran**

6 **SEC. 1221. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**
7 **ANCE TO VETTED SYRIAN GROUPS AND INDI-**
8 **VIDUALS.**

9 (a) EXTENSION.—Subsection (a) of section 1209 of
10 the Carl Levin and Howard P. “Buck” McKeon National
11 Defense Authorization Act for Fiscal Year 2015 (Public
12 Law 113–291; 128 Stat. 3541) is amended, in the matter
13 preceding paragraph (1), by striking “December 31,
14 2022” and inserting “December 31, 2023”.

15 (b) LIMITATION ON COST OF CONSTRUCTION AND
16 REPAIR PROJECTS.—Subsection (l)(3)(D) of such section
17 is amended by striking “December 31, 2022” and insert-
18 ing “December 31, 2023”.

19 **SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY**
20 **TO SUPPORT OPERATIONS AND ACTIVITIES**
21 **OF THE OFFICE OF SECURITY COOPERATION**
22 **IN IRAQ.**

23 (a) LIMITATION ON AMOUNT.—Subsection (c) of sec-
24 tion 1215 of the National Defense Authorization Act for
25 Fiscal Year 2012 (10 U.S.C. 113 note)) is amended—

1 (1) by striking “fiscal year 2022” and inserting
2 “fiscal year 2023”; and

3 (2) by striking “\$25,000,000” and inserting
4 “\$20,000,000”.

5 (b) SOURCE OF FUNDS.—Subsection (d) of such sec-
6 tion is amended by striking “fiscal year 2022” and insert-
7 ing “fiscal year 2023”.

8 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**
9 **TO PROVIDE ASSISTANCE TO COUNTER THE**
10 **ISLAMIC STATE OF IRAQ AND SYRIA.**

11 (a) IN GENERAL.—Subsection (a) of section 1236 of
12 the Carl Levin and Howard P. “Buck” McKeon National
13 Defense Authorization Act for Fiscal Year 2015 (Public
14 Law 113–291; 128 Stat. 3558) is amended, in the matter
15 preceding paragraph (1), by striking “December 31,
16 2022” and inserting “December 31, 2023”.

17 (b) FUNDING.—Subsection (g) of such section is
18 amended—

19 (1) by striking “fiscal year 2022” and inserting
20 “fiscal year 2023”; and

21 (2) by striking “\$345,000,000” and inserting
22 “\$358,000,000”.

23 (c) LIMITATION ON COST OF CONSTRUCTION AND
24 REPAIR PROJECTS.—Subsection (o)(5) of such section is

1 amended by striking “December 31, 2022” and inserting
2 “December 31, 2023”.

3 **SEC. 1224. ASSESSMENT OF SUPPORT TO IRAQI SECURITY**
4 **FORCES AND KURDISH PESHMERGA FORCES**
5 **TO COUNTER AIR AND MISSILE THREATS.**

6 (a) IN GENERAL.—Not later than April 1, 2023, the
7 Secretary of Defense shall submit to the congressional de-
8 fense committees a report on support to Iraqi Security
9 Forces and Kurdish Peshmerga Forces to counter air and
10 missile threats.

11 (b) CONTENTS.—The report submitted under sub-
12 section (a) shall include the following:

13 (1) An assessment of the threat from missiles,
14 rockets, and unmanned aerial systems (UAS) to
15 United States and coalition armed forces located in
16 Iraq, including the Iraqi Kurdistan Region.

17 (2) An assessment of the current state of air
18 defense capabilities of United States and coalition
19 armed forces located in Iraq, including the Iraqi
20 Kurdistan Region.

21 (3) Identification of perceived gaps in air de-
22 fense capabilities of United States and coalition
23 armed forces and the implications for the security of
24 such forces in Iraq, including the Iraqi Kurdistan
25 Region.

1 (4) Recommendations for training or equipment
2 needed to overcome the assessed air defense defi-
3 ciencies of United States and coalition armed forces
4 in Iraq, including the Iraqi Kurdistan Region.

5 (5) An assessment of the current state of the
6 air defense capabilities of partner armed forces in
7 Iraq, including the Iraqi Security Forces and Kurd-
8 ish Peshmerga Forces.

9 (6) An assessment of the perceived gaps in air
10 defense capabilities of partner armed forces in Iraq,
11 including the Iraqi Security Forces and Kurdish
12 Peshmerga Forces.

13 (7) An assessment of recommended training
14 and equipment and available level of equipment to
15 maximize air defense capabilities of partner armed
16 forces in Iraq, including the Iraqi Security Forces
17 and Kurdish Peshmerga Forces.

18 (8) Such other matters as the Secretary con-
19 siders appropriate.

20 **SEC. 1225. UPDATES TO ANNUAL REPORT ON MILITARY**
21 **POWER OF IRAN.**

22 (a) IN GENERAL.—Section 1245(b)(3) of the Na-
23 tional Defense Authorization Act for Fiscal Year 2010
24 (Public Law 111–84) is amended—

1 (1) in subparagraph (B), by striking “and the
2 Special Groups in Iraq,” and inserting “Houthis,
3 and the Special Groups in Iraq, including Kata’ib
4 Hezbollah and Asa’ib Ahl al-Haq,”;

5 (2) by redesignating subparagraphs (C) and
6 (D) as subparagraphs (D) and (E), respectively;

7 (3) by inserting after subparagraph (B) the fol-
8 lowing:

9 “(C) the threat from Special Groups in
10 Iraq, including Kata’ib Hezbollah and Asa’ib
11 Ahl al-Haq, to United States and coalition
12 forces located in Iraq and Syria.”; and

13 (4) in subparagraph (D), as redesignated, by
14 striking “and” at the end;

15 (5) in subparagraph (E), as redesignated, by
16 striking the period at the end and inserting “; and”;
17 and

18 (6) by adding at the end the following:

19 “(F) all formal or informal agreements in-
20 volving a strategic military or security partner-
21 ship with the Russian Federation, the People’s
22 Republic of China, or any proxies of either such
23 country.”.

1 **Subtitle C—Matters Relating to Eu-**
2 **rope and the Russian Federa-**
3 **tion**

4 **SEC. 1231. MODIFICATION OF LIMITATION ON MILITARY**
5 **COOPERATION BETWEEN THE UNITED**
6 **STATES AND THE RUSSIAN FEDERATION.**

7 Section 1232 of the National Defense Authorization
8 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
9 2488) is amended—

10 (1) in subsection (a), in the matter preceding
11 paragraph (1)—

12 (A) by striking “for fiscal year 2017,
13 2018, 2019, 2020, 2021, or 2022” and insert-
14 ing “for any fiscal year”; and

15 (B) by striking “in the fiscal year con-
16 cerned”; and

17 (2) in subsection (c), in the matter preceding
18 paragraph (1), by striking “with respect to funds for
19 a fiscal year”.

20 **SEC. 1232. EXTENSION OF PROHIBITION ON AVAILABILITY**
21 **OF FUNDS RELATING TO SOVEREIGNTY OF**
22 **THE RUSSIAN FEDERATION OVER CRIMEA.**

23 Section 1234(a) of the National Defense Authoriza-
24 tion Act for Fiscal Year 2022 (Public Law 117–81; 135
25 Stat. 1974) is amended by striking “None of the funds”

1 and all that follows through “2022” and inserting “None
2 of the funds authorized to be appropriated for fiscal year
3 2022 or 2023”.

4 **SEC. 1233. EXTENSION AND MODIFICATION OF UKRAINE SE-**
5 **CURITY ASSISTANCE INITIATIVE.**

6 (a) AUTHORITY TO PROVIDE ASSISTANCE.—Sub-
7 section (a) of section 1250 of the National Defense Au-
8 thorization Act for Fiscal Year 2016 (Public Law 114–
9 92; 129 Stat. 1608) is amended to read as follows:

10 “(a) AUTHORITY TO PROVIDE ASSISTANCE.—

11 “(1) IN GENERAL.—Amounts available for a
12 fiscal year under subsection (f) shall be available to
13 the Secretary of Defense, with the concurrence of
14 the Secretary of State, to provide, for the purposes
15 described in paragraph (2), appropriate security as-
16 sistance and intelligence support, including training,
17 equipment, logistics support, supplies and services,
18 salaries and stipends, and sustainment to—

19 “(A) the military and national security
20 forces of Ukraine; and

21 “(B) other forces or groups recognized by,
22 and under the authority of, the Government of
23 Ukraine, including governmental entities within
24 Ukraine, that are engaged in resisting Russian
25 aggression.

1 “(2) PURPOSES DESCRIBED.—The purposes de-
2 scribed in this paragraph are as follows:

3 “(A) To enhance the capabilities of the
4 military and other security forces of the Gov-
5 ernment of Ukraine to defend against further
6 aggression.

7 “(B) To assist Ukraine in developing the
8 combat capability to defend its sovereignty and
9 territorial integrity.

10 “(C) To replace, from the inventory of the
11 United States, weapons and articles provided to
12 the Government of Ukraine.

13 “(D) To recover or dispose of equipment
14 procured using funds made available under this
15 section.”.

16 (b) UNITED STATES INVENTORY AND OTHER
17 SOURCES.—Subsection (d) of such section is amended by
18 adding at the end the following new paragraph:

19 “(3) ACCEPTANCE OF RETURNED EQUIP-
20 MENT.—

21 “(A) IN GENERAL.—The Secretary of De-
22 fense may accept equipment procured under the
23 authority of this section that was transferred to
24 the military or national security forces of
25 Ukraine or to other assisted entities and has

1 been returned by such forces to the United
2 States.

3 “(B) TREATMENT AS STOCKS OF THE DE-
4 PARTMENT.—Equipment procured under the
5 authority of this section that has not been
6 transferred to the military or national security
7 forces of Ukraine or to other assisted entities,
8 or that has been returned by such forces or
9 other assisted entities to the United States,
10 may, upon written notification by the Secretary
11 of Defense to the congressional defense commit-
12 tees, be treated as stocks of the Department.”.

13 (c) FUNDING.—Subsection (f) of such section is
14 amended by adding at the end the following new para-
15 graph:

16 “(8) For fiscal year 2023, \$800,000,000.”.

17 (d) NOTICE TO CONGRESS; REPORTS.—Such section
18 is further amended—

19 (1) by striking the second subsection (g);

20 (2) by redesignating the first subsection (g) (as
21 added by section 1237(d) of the National Defense
22 Authorization Act for Fiscal Year 2017 (Public Law
23 114–328; 130 Stat. 2496)) and subsection (h) as
24 subsections (i) and (j), respectively; and

1 (3) by inserting after subsection (f) the fol-
2 lowing new subsections (g) and (h):

3 “(g) NOTICE TO CONGRESS.—

4 “(1) IN GENERAL.—Not less than 15 days be-
5 fore providing assistance or support under this sec-
6 tion (or if the Secretary of Defense determines, on
7 a case-by-case basis, that extraordinary cir-
8 cumstances exist that impact the national security of
9 the United States, as far in advance as is prac-
10 ticable), the Secretary of Defense shall submit to the
11 congressional defense committees a written notifica-
12 tion of the details of such assistance or support.

13 “(2) SUPPORT TO OTHER FORCES OR
14 GROUPS.—Not less than 15 days before providing
15 assistance or support under this section to other
16 forces or groups described in subsection (a)(1)(B)
17 (or if the Secretary of Defense determines, on a
18 case-by-case basis, that extraordinary circumstances
19 exist that impact the national security of the United
20 States, as far in advance as is practicable but not
21 later than 48 hours in advance) the Secretary of De-
22 fense shall submit to the Committees on Armed
23 Services of the Senate and the House of Representa-
24 tives a written notification detailing the intended re-
25 cipient forces or groups, the command and control

1 relationship that each such entity has with the Gov-
2 ernment of Ukraine, and the assistance or support
3 to be provided.

4 “(h) QUARTERLY REPORTS.—Not less frequently
5 than quarterly, the Secretary of Defense shall submit to
6 the congressional defense committees a report on the use
7 of the authority under this section.”.

8 (e) TERMINATION OF AUTHORITY.—Subsection (i) of
9 such subsection, as redesignated, is amended by striking
10 “December 31, 2024” and inserting “December 31,
11 2025”.

12 **SEC. 1234. NORTH ATLANTIC TREATY ORGANIZATION SPE-**
13 **CIAL OPERATIONS HEADQUARTERS.**

14 (a) IN GENERAL.—Subchapter II of chapter 138 of
15 title 10, United States Code, is amended by adding at the
16 end the following new section 2350r:

17 **“§ 2350r. North Atlantic Treaty Organization Special**
18 **Operations Headquarters**

19 “(a) AUTHORIZATION.—Of the amounts authorized
20 to be appropriated for each fiscal year for operation and
21 maintenance for the Army, to be derived from amounts
22 made available for support of North Atlantic Treaty Orga-
23 nization (referred to in this section as ‘NATO’) oper-
24 ations, the Secretary of Defense is authorized to use up

1 to \$50,000,000 for each such fiscal year for the purposes
2 set forth in subsection (b).

3 “(b) PURPOSES.—The Secretary shall provide funds
4 for the NATO Special Operations Headquarters—

5 “(1) to improve coordination and cooperation
6 between the special operations forces of NATO na-
7 tions and nations approved by the North Atlantic
8 Council as NATO partner nations;

9 “(2) to facilitate joint operations by the special
10 operations forces of NATO nations and such NATO
11 partner nations;

12 “(3) to support special operations forces pecu-
13 liar command, control, and communications capabili-
14 ties;

15 “(4) to promote special operations forces intel-
16 ligence and informational requirements within the
17 NATO structure; and

18 “(5) to promote interoperability through the de-
19 velopment of common equipment standards, tactics,
20 techniques, and procedures, and through execution
21 of a multinational education and training program.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of subchapter II of chapter 138 of title
24 10, United States Code, is amended by adding at the end
25 the following new item:

“2350r. North Atlantic Treaty Organization Special Operations Headquarters.”.

1 (c) REPEAL.—Section 1244 of the National Defense
2 Authorization Act for Fiscal Year 2010 (Public Law 111–
3 84; 123 Stat. 2541) is repealed.

4 **SEC. 1235. REPORT ON UNITED STATES MILITARY FORCE**
5 **POSTURE AND RESOURCING REQUIREMENTS**
6 **IN EUROPE.**

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 submit to the congressional defense committees a re-
10 port containing an assessment of the United States mili-
11 tary force posture requirements for the United States Eu-
12 ropean Command to support the following objectives:

13 (1) Implementation of the National Defense
14 Strategy with respect to the area of responsibility of
15 the United States European Command.

16 (2) Fulfillment of the commitments of the
17 United States to NATO operations, missions, and
18 activities, as modified and agreed upon at the 2022
19 Madrid Summit.

20 (3) Reduction of the risk of executing the con-
21 tingency plans of the Department of Defense.

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

24 (1) For each military service and warfighting
25 domain, a description of the force structure and pos-

1 ture of assigned and allocated forces in Europe, in-
2 cluding consideration of the balance of permanently
3 stationed forces and forces rotating from the United
4 States, to support the objectives described in sub-
5 section (a).

6 (2) An assessment of the military training and
7 all domain exercises to support such objectives, in-
8 cluding—

9 (A) training and exercises on interoper-
10 ability; and

11 (B) joint activities with allies and partners.

12 (3) An assessment of logistics requirements, in-
13 cluding personnel, equipment, supplies, pre-posi-
14 tioned storage, host country support and agree-
15 ments, and maintenance needs, to support such ob-
16 jectives.

17 (4) An identification of required infrastructure,
18 facilities, and military construction investments to
19 support such objectives.

20 (5) A description of the requirements for
21 United States European Command integrated air
22 and missile defense throughout the area of responsi-
23 bility of the United States European Command.

1 (6) An assessment of United States security co-
2 operation activities and resources required to sup-
3 port such objectives.

4 (7) A detailed assessment of the resources nec-
5 essary to address the elements described in para-
6 graphs (1) through (6), categorized by the budget
7 accounts for—

8 (A) procurement;

9 (B) research, development, test, and eval-
10 uation;

11 (C) operation and maintenance;

12 (D) military personnel; and

13 (E) military construction.

14 (8) The projected timeline to achieve fulfillment
15 of each such element.

16 (9) Any other information the Secretary con-
17 siders relevant.

18 (c) FORM.—The report required by subsection (a)
19 may be submitted in classified form but shall include an
20 unclassified summary.

21 **SEC. 1236. SENSE OF THE SENATE AND REPORT ON CIVIL-**

22 **IAN HARM.**

23 (a) SENSE OF THE SENATE.—It is the sense of the
24 Senate that—

1 (1) the members of the Armed Forces of the
2 United States—

3 (A) uphold the highest standards of profes-
4 sionalism during the conduct of effective, effi-
5 cient, and decisive military operations around
6 the world in defense of the people of the United
7 States; and

8 (B) go to great lengths to minimize civilian
9 harm during the conduct of military operations;
10 and

11 (2) the Russian Federation has demonstrated a
12 complete disregard for the safety of civilians during
13 its unlawful and unprovoked invasion of Ukraine,
14 which has involved indiscriminate bombing of civilian
15 areas and executions of noncombatants.

16 (b) REPORT.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the congressional
20 defense committees a report detailing the atrocities
21 committed by the Russian Federation against civil-
22 ians in Ukraine since February 24, 2022.

23 (2) FORM.—The report required by paragraph
24 (1) shall be submitted in unclassified form.

1 **SEC. 1237. SENSE OF THE SENATE ON THE NORTH ATLAN-**
2 **TIC TREATY ORGANIZATION.**

3 It is the sense of the Senate that—

4 (1) the success of the North Atlantic Treaty
5 Organization (NATO) is critical to advancing United
6 States national security objectives in Europe and
7 around the world;

8 (2) NATO remains the strongest and most suc-
9 cessful military alliance in the world, founded on a
10 commitment by its members to uphold the principles
11 of democracy, individual liberty, and the rule of law;

12 (3) the contributions of NATO to the collective
13 defense are indispensable to the security, prosperity,
14 and freedom of its members;

15 (4) the United States reaffirms its ironclad
16 commitment—

17 (A) to NATO as the foundation of trans-
18 atlantic security; and

19 (B) to upholding the obligations of the
20 United States under the North Atlantic Treaty,
21 done at Washington, DC, April 4, 1949, includ-
22 ing Article 5 of the Treaty;

23 (5) the 2022 National Defense Strategy cor-
24 rectly highlights the criticality of alliances and part-
25 nerships, stating that “[m]utually-beneficial alliances
26 and partnerships are an enduring strength for the

1 United States, and are critical to achieving our ob-
2 jectives, as the unified response to Russia’s further
3 invasion of Ukraine has demonstrated”;

4 (6) the Russian Federation’s premeditated and
5 unprovoked invasion of Ukraine poses the most di-
6 rect threat to security and stability in Europe since
7 the end of World War II and requires the full atten-
8 tion of the NATO alliance;

9 (7) the unprovoked and illegal war conducted
10 by the Russian Federation against Ukraine has fun-
11 damentally altered the concept of transatlantic secu-
12 rity and requires—

13 (A) a reinvigorated commitment to the
14 shared principles of the NATO alliance; and

15 (B) a commensurate response to deter fur-
16 ther revanchism by the Russian Federation in
17 the Euro-Atlantic region;

18 (8) as NATO refocuses its deterrence and de-
19 fense posture to respond to the Russian Federation’s
20 escalatory actions, allies must simultaneously ad-
21 dress threats posed across all domains and all areas
22 of the Euro-Atlantic region, including—

23 (A) threats posed by predatory investments
24 and influence operations carried out by the Peo-
25 ple’s Republic of China;

1 (B) border disruptions emanating from
2 Belarus; and

3 (C) the persistent threat of violent extrem-
4 ist organizations;

5 (9) to respond to aggression by the Russian
6 Federation and address other threats, the NATO al-
7 liance should—

8 (A) assess opportunities to further bolster
9 the NATO enhanced Forward Presence and en-
10 hanced Vigilance Activity battlegroups;

11 (B) focus efforts on burden sharing agree-
12 ments made in the Wales Pledge, capability tar-
13 gets, contributions to NATO missions and oper-
14 ations, and resilience commitments;

15 (C) consider force posture adjustments to
16 address emerging security concerns highlighted
17 by the Russian Federation's invasion of
18 Ukraine;

19 (D) explore additional opportunities to
20 strengthen cooperation with non-NATO coun-
21 tries to counter malign activities carried out by
22 the Russian Federation;

23 (E) continue efforts to identify, coordinate,
24 and deliver humanitarian aid and security as-
25 sistance to Ukraine;

1 (F) intensify efforts to work with NATO
2 allies to establish and enhance rapid and as-
3 sured movement of military forces throughout
4 the North Atlantic region and across the con-
5 tinent of Europe on land, on and under the sea,
6 and in the air, including through increased in-
7 vestment, coordination, and standardization in-
8 tended to identify and reduce obstacles to the
9 movement of United States and allied military
10 forces in a time of crisis or conflict;

11 (G) reaffirm the open-door policy of NATO
12 to allow any European country to apply for
13 membership and be considered on its merits for
14 admission, including—

15 (i) aspirants such as Ukraine, Geor-
16 gia, and Bosnia and Herzegovina; and

17 (ii) Finland and Sweden, which in the
18 wake of the Russian Federation's invasion
19 of Ukraine, have sought NATO member-
20 ship to further bolster their own security
21 and the security of the Euro-Atlantic re-
22 gion; and

23 (H) continue efforts to evaluate whether
24 the NATO alliance is sufficiently funded and
25 resourced to carry out its objectives;

1 (10) the United States and fellow NATO allies
2 should continue long-term efforts—

3 (A) to improve interoperability among the
4 military forces of NATO allies and non-NATO
5 allies so as to enhance effective and efficient
6 collective operations, including by the divest-
7 ment of Soviet-era platforms;

8 (B) to strive for continued progress on key
9 initiatives set forth in recent NATO summits,
10 including readiness, military mobility, multi-do-
11 main operations, and resilience;

12 (C) to enhance security sector cooperation
13 and explore opportunities to reinforce civil sec-
14 tor preparedness and resilience measures, which
15 may be likely targets of malign influence and
16 hybrid campaigns;

17 (D) to mitigate the impact of hybrid war-
18 fare operations, particularly such operations in
19 the information and cyber domains;

20 (E) to expand joint research and develop-
21 ment initiatives, with a focus on emerging tech-
22 nologies such as quantum computing, artificial
23 intelligence, and machine learning;

24 (F) to enhance interoperability, build insti-
25 tutional capacity, and strengthen the collective

1 ability of NATO allies to resist malign influence
2 from the Russian Federation and the People's
3 Republic of China; and

4 (G) to coordinate and de-conflict security
5 efforts and the dedication of resources with the
6 European Union—

7 (i) to ensure the fulfilment of Euro-
8 pean Union and NATO common interests
9 and objectives; and

10 (ii) to minimize unnecessary overlaps;

11 (11) the European Deterrence Initiative re-
12 mains critically important, including for purposes of
13 strengthening allied and partner capability and
14 power projection along the eastern flank of NATO,
15 and has demonstrated its unique value during the
16 current Russian Federation attack on Ukraine;

17 (12) NATO should maintain cooperation on
18 COVID-19 pandemic response efforts and expand
19 cooperation for future pandemic and disaster pre-
20 paredness;

21 (13) the policy of the United States should be
22 to work with NATO and other allies and partners to
23 build permanent mechanisms to strengthen supply
24 chains, enhance supply chain security, fill supply
25 chain gaps, and maintain commitments made at the

1 June 2020 NATO Defense Ministerial, particularly
2 with respect to pandemic response preparations;

3 (14) the United States and NATO should ex-
4 pand cooperation efforts on cybersecurity issues to
5 prevent adversaries and criminals from compro-
6 mising critical systems and infrastructure; and

7 (15) the adoption by NATO of a robust strat-
8 egy toward the Black Sea is in the interest of the
9 United States, and the United States should con-
10 sider collaborating with interested allies and partner
11 countries to advance a coordinated strategy that in-
12 cludes diverse elements of the transatlantic security
13 architecture.

14 **SEC. 1238. SENSE OF THE SENATE ON UKRAINE.**

15 It is the sense of the Senate that—

16 (1) the United States stands with the people of
17 Ukraine as they defend their freedom and sov-
18 ereignty and the pursuit of further Euro-Atlantic in-
19 tegration;

20 (2) the Russian Federation's premeditated and
21 unprovoked invasion of Ukraine—

22 (A) willfully violates the territorial sov-
23 ereignty of Ukraine and the democratic aspira-
24 tions of the people of Ukraine; and

1 (B) presents the gravest threat to trans-
2 atlantic security since World War II;

3 (3) the Russian Federation continues to commit
4 heinous acts against Ukrainian civilians and mem-
5 bers of the military forces of Ukraine;

6 (4) the Russian Federation has no right or au-
7 thority to veto Ukraine's pursuit of membership in
8 the North Atlantic Treaty Organization (NATO), or
9 the determination of any country to make its own
10 decision to pursue such membership in accordance
11 with NATO's open door policy;

12 (5) the United States, fellow NATO allies and
13 partners, and the international community have—

14 (A) rallied support and coordinated assist-
15 ance for Ukraine;

16 (B) bolstered NATO presence and engage-
17 ment along NATO's eastern flank; and

18 (C) imposed a severe and far-reaching set
19 of economic measures to respond to the Russia
20 Federation's violation of the sovereignty and
21 territorial integrity of Ukraine; and

22 (6) the United States should—

23 (A) continue to work closely with NATO
24 allies and non-NATO allies and partners to
25 support the ability of Ukraine to repel and re-

1 build from the Russian Federation's invasion,
2 including by—

3 (i) continuing to provide the Govern-
4 ment of Ukraine with targeted security, in-
5 telligence, and humanitarian assistance to
6 strengthen the defenses of Ukraine and
7 mitigate suffering wrought by the Russian
8 Federation's brutality, consistent with the
9 security interests of the United States;

10 (ii) coordinating sanctions, export re-
11 strictions, and other economic penalties
12 against the Russian Federation and any
13 country that enables the Russian Federa-
14 tion's invasion of Ukraine; and

15 (iii) supporting efforts to enhance the
16 cybersecurity capabilities of Ukraine;

17 (B) consider whether further adjustments
18 to United States strategy or military force pos-
19 ture within the area of responsibility of the
20 United States European Command are neces-
21 sitated by the upheaval of the security environ-
22 ment caused by the Russian Federation;

23 (C) explore opportunities to further
24 strengthen partnerships with non-NATO part-
25 ners in Europe;

- 1 (D) continue to support—
2 (i) efforts to counter disinformation;
3 and
4 (ii) free media sources such as Voice
5 of America and Radio Free Europe/Radio
6 Liberty; and
7 (E) support energy diversification efforts
8 across the Euro-Atlantic region to reduce the
9 dependency on energy from the Russian Fed-
10 eration.

11 **Subtitle D—Matters Relating to the**
12 **Indo-Pacific Region**

13 **SEC. 1241. EXTENSION AND MODIFICATION OF PACIFIC DE-**
14 **TERRENCE INITIATIVE.**

15 (a) EXTENSION.—Subsection (c) of section 1251 of
16 the National Defense Authorization Act for Fiscal Year
17 2021 (10 U.S.C. 113 note) is amended—

18 (1) by striking “the National Defense Author-
19 ization Act for Fiscal Year 2022” and inserting “the
20 National Defense Authorization Act for Fiscal Year
21 2023”; and

22 (2) by striking “fiscal year 2022” and inserting
23 “fiscal year 2023”.

24 (b) REPORT ON RESOURCING UNITED STATES DE-
25 FENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION

1 AND STUDY ON COMPETITIVE STRATEGIES.—Subsection
2 (d)(1) of such section is amended—

3 (1) in subparagraph (A), by striking “fiscal
4 years 2023 and 2024” and inserting “fiscal years
5 2024 and 2025”; and

6 (2) in subparagraph (B)—

7 (A) in clause (vi)(I)(aa)—

8 (i) in subitem (AA), by striking “to
9 modernize and strengthen the” and insert-
10 ing “to improve the posture and”; and

11 (ii) in subitem (FF)—

12 (I) by striking “to improve” and
13 inserting “to modernize and improve”;

14 (II) by striking the semicolon
15 and inserting “; and”; and

16 (B) by adding at the end the following new
17 clause:

18 “(vii) A budget display that compares
19 the independent assessment of the Com-
20 mander of the United States Pacific Com-
21 mand with the amounts contained in the
22 budget display for the applicable fiscal year
23 under subsection (f).”.

1 **SEC. 1242. EXTENSION OF AUTHORITY TO TRANSFER**
2 **FUNDS FOR BIEN HOA DIOXIN CLEANUP.**

3 Section 1253(b) of the William M. (Mac) Thornberry
4 National Defense Authorization Act for Fiscal Year 2021
5 (Public Law 116–283; 134 Stat. 3955) is amended by
6 striking “fiscal year 2022” and inserting “fiscal year
7 2023”.

8 **SEC. 1243. MODIFICATION OF INDO-PACIFIC MARITIME SE-**
9 **CURITY INITIATIVE TO AUTHORIZE USE OF**
10 **FUNDS FOR THE COAST GUARD.**

11 Section 1263 of the National Defense Authorization
12 Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended
13 by striking subsection (f) and inserting the following new
14 subsection (f):

15 “(f) AVAILABILITY OF FUNDS FOR COAST GUARD
16 PERSONNEL AND CAPABILITIES.—The Secretary of De-
17 fense may use funds made available under this section to
18 facilitate the participation of Coast Guard personnel in,
19 and the use of Coast Guard capabilities for, trainings, ex-
20 ercises, and other activities with foreign partners under
21 this section.”.

22 **SEC. 1244. DEFENSE OF TAIWAN.**

23 (a) DEFINITIONS.—In this section:

24 (1) DENY.—The term “deny” means to use
25 combined joint operations to delay, degrade, and ul-
26 timately defeat an attempt by the People’s Republic

1 of China to execute a fait accompli against Taiwan,
2 resulting in—

3 (A) the termination of hostilities or at
4 least the attempted fait accompli; or

5 (B) the neutralization of the ability of the
6 People's Republic of China to execute a fait
7 accompli against Taiwan.

8 (2) FAIT ACCOMPLI.—The term “fait accompli”
9 refers to the strategy of the People's Republic of
10 China for invading and seizing control of Taiwan be-
11 fore the United States Armed Forces can respond
12 effectively, while simultaneously deterring an effec-
13 tive combined joint response by the United States
14 Armed Forces by convincing the United States that
15 mounting such a response would be prohibitively dif-
16 ficult or costly.

17 (b) STATEMENT OF POLICY.—Consistent with the
18 Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301
19 et seq.), it shall be the policy of the United States to main-
20 tain the ability of the United States Armed Forces to deny
21 a fait accompli against Taiwan in order to deter the Peo-
22 ple's Republic of China from using military force to unilat-
23 erally change the status quo with Taiwan.

1 **SEC. 1245. MULTI-YEAR PLAN TO FULFILL DEFENSIVE RE-**
2 **QUIREMENTS OF MILITARY FORCES OF TAI-**
3 **WAN AND MODIFICATION OF ANNUAL RE-**
4 **PORT ON TAIWAN ASYMMETRIC CAPABILI-**
5 **TIES AND INTELLIGENCE SUPPORT.**

6 (a) MULTI-YEAR PLAN.—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense, in coordination with the Secretary of State
9 and the American Institute in Taiwan, shall seek to en-
10 gage with appropriate officials of Taiwan to develop and
11 implement a multi-year plan to provide for the acquisition
12 of appropriate defensive capabilities by Taiwan and to en-
13 gage with Taiwan in a series of combined trainings, exer-
14 cises, and planning activities, consistent with the Taiwan
15 Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

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

18 (1) An identification of the defensive capability
19 gaps and capacity shortfalls of Taiwan.

20 (2) An assessment of the relative priority as-
21 signed by appropriate officials of Taiwan to address
22 such capability gaps and capacity shortfalls.

23 (3) An explanation of the annual resources
24 committed by Taiwan to address such capability
25 gaps and capacity shortfalls.

26 (4) An assessment of—

1 (A) the defensive capability gaps and ca-
2 pacity shortfalls that could be addressed in a
3 sufficient and timely manner by unilateral ef-
4 forts of Taiwan; and

5 (B) the defensive capability gaps and ca-
6 pacity shortfalls that are unlikely to be ad-
7 dressed in a sufficient and timely manner solely
8 through unilateral efforts.

9 (5) An assessment of the capability gaps and
10 capacity shortfalls described in paragraph (4)(B)
11 that could be addressed in a sufficient and timely
12 manner by—

13 (A) Department of Defense security assist-
14 ance authorized by chapter 16 of title 10,
15 United States Code;

16 (B) the Foreign Military Financing and
17 Foreign Military Sales programs of the Depart-
18 ment of State;

19 (C) the provision of excess defense articles
20 pursuant to the requirements of the Arms Ex-
21 port Control Act (22 U.S.C. 2751 et seq.);

22 (D) section 614(a)(1) of the Foreign As-
23 sistance Act of 1961; or

24 (E) any other authority available to the
25 Secretary of Defense or the Secretary of State.

1 (6) An identification of opportunities to build
2 interoperability, combined readiness, joint planning
3 capability, and share situational awareness among
4 the United States, Taiwan, and other foreign part-
5 ners and allies, as appropriate, through combined
6 trainings, exercises, and planning activities, includ-
7 ing—

8 (A) table-top exercises and wargames that
9 allow operational commands to improve joint
10 and combined war planning for contingencies
11 involving a well-equipped adversary in a
12 counter-intervention campaign;

13 (B) joint and combined exercises that test
14 the feasibility of counter-intervention strategies,
15 develop interoperability across services, and de-
16 velop the lethality and survivability of combined
17 forces against a well-equipped adversary;

18 (C) logistics exercises that test the feasi-
19 bility of expeditionary logistics in an extended
20 campaign with a well-equipped adversary;

21 (D) service-to-service exercise programs
22 that build functional mission skills for address-
23 ing challenges posed by a well-equipped adver-
24 sary in a counter-intervention campaign; and

1 (E) any other combined training, exercise,
2 or planning activity with the military forces of
3 Taiwan that the Secretary of Defense considers
4 relevant.

5 (c) MODIFICATION OF ANNUAL REPORT.—Section
6 1248 of the National Defense Authorization Act for Fiscal
7 Year 2022 (Public Law 117–81; 135 Stat. 1988) is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking paragraph (7);

11 (B) by redesignating paragraph (6) as
12 paragraph (7);

13 (C) by inserting after paragraph (5) the
14 following new paragraph (6):

15 “(6) With respect to capabilities and capacities
16 the Secretary of Defense assesses to be most effective
17 in deterring, defeating, or delaying military aggression
18 by the People’s Republic of China, a prioritized list of capability gaps and capacity short-
19 falls of the military forces of Taiwan, including—

21 “(A) an identification of—

22 “(i) any United States, Taiwan, or
23 ally or partner country defense production
24 timeline challenge related to potential ma-
25 teriel solutions to such capability gaps;

1 “(ii) the associated investment costs
2 of enabling expanded production for items
3 currently at maximum production;

4 “(iii) the associated investment costs
5 of, or mitigation strategies for, enabling
6 export for items currently not exportable;
7 and

8 “(iv) existing stocks of such capabili-
9 ties in the United States and ally and part-
10 ner countries;

11 “(B) the feasibility and advisability of pro-
12 curing solutions to such gaps and shortfalls
13 through United States allies and partners, in-
14 cluding through co-development or co-produc-
15 tion;

16 “(C) the feasibility and advisability of as-
17 sisting Taiwan in the domestic production of so-
18 lutions to capability gaps, including through—

19 “(i) the transfer of intellectual prop-
20 erty; and

21 “(ii) co-development or co-production
22 arrangements;

23 “(D) the estimated costs, expressed in a
24 range of options, of procuring sufficient capa-

1 bilities and capacities to address such gaps and
2 shortfalls;

3 “(E) an assessment of the relative priority
4 assigned by appropriate officials of Taiwan to
5 each such gap and shortfall; and

6 “(F) a detailed explanation of the extent to
7 which Taiwan is prioritizing the development,
8 production, or fielding of solutions to such gaps
9 and shortfalls within its overall defense bud-
10 et.”;

11 (D) by redesignating paragraph (11) as
12 paragraph (15); and

13 (E) by inserting after paragraph (10) the
14 following new paragraphs:

15 “(11) An assessment of the implications of cur-
16 rent levels of pre-positioned war reserve materiel on
17 the ability of the United States to respond to a crisis
18 or conflict involving Taiwan with respect to—

19 “(A) providing military or non-military aid
20 to the Government of Taiwan; and

21 “(B) sustaining military installations and
22 other infrastructure of the United States in the
23 Indo-Pacific region.

1 “(12) An evaluation of the feasibility and advis-
2 ability of establishing war reserve stockpiles for al-
3 lies and pre-positioned facilities in Taiwan.

4 “(13) An assessment of the current intelligence,
5 surveillance, and reconnaissance capabilities of Tai-
6 wan, including any existing gaps in such capabilities
7 and investments in such capabilities by Taiwan since
8 the preceding report.

9 “(14) A summary of changes to pre-positioned
10 war reserve materiel of the United States in the
11 Indo-Pacific region since the preceding report.”;

12 (2) in subsection (b)—

13 (A) in the subsection heading, by striking
14 “PLAN” and inserting “PLANS”;

15 (B) by redesignating paragraphs (1)
16 through (3) as subparagraphs (A) through (C),
17 respectively, and moving such subparagraphs 2
18 ems to the right;

19 (C) in the matter preceding subparagraph
20 (A), as so redesignated, by striking “The Sec-
21 retary” and inserting the following:

22 “(1) ASSISTANCE TO IMPROVE TAIWAN’S DE-
23 FENSIVE ASYMMETRIC CAPABILITIES.—The Sec-
24 retary”; and

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

3 “(2) EXPEDITED MILITARY ASSISTANCE.—

4 “(A) IN GENERAL.—The Secretary of De-
5 fense, in coordination with the heads of other
6 relevant Federal departments and agencies,
7 shall develop options for the United States to
8 use, to the maximum extent practicable, exist-
9 ing authorities or programs to expedite military
10 assistance to Taiwan in the event of a crisis or
11 conflict.

12 “(B) ELEMENTS.—The plan required by
13 subparagraph (A) shall include the following:

14 “(i) A list of defense articles of the
15 United States that may be transferred to
16 Taiwan during a crisis or conflict.

17 “(ii) A list of authorities that may be
18 used to provide expedited military assist-
19 ance to Taiwan during a crisis or conflict.

20 “(iii) An assessment of methods that
21 could be used to deliver such assistance to
22 Taiwan during a crisis or conflict, includ-
23 ing—

611

1 “(I) the feasibility of employing
2 such methods in different scenarios;
3 and

4 “(II) recommendations for im-
5 proving the ability of the Armed
6 Forces to deliver such assistance to
7 Taiwan.

8 “(iv) An assessment of any challenges
9 in providing such assistance to Taiwan in
10 the event of a crisis or conflict and rec-
11 ommendations for addressing such chal-
12 lenges.”;

13 (3) in subsection (c)—

14 (A) in paragraph (1), by striking “; and”
15 and inserting a semicolon;

16 (B) by amending paragraph (2) to read as
17 follows:

18 “(2) the plans required by subsection (b), and
19 any updates to such plans, as determined by the
20 Secretary of Defense; and”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(3) a report on—

24 “(A) the status of efforts to develop and
25 implement a joint multi-year plan to provide for

1 the acquisition of appropriate defensive capa-
2 bilities by Taiwan and to engage with Taiwan
3 in a series of combined trainings, exercises, and
4 planning activities consistent with the Taiwan
5 Relations Act (Public Law 96–8; 22 U.S.C.
6 3301 et seq.); and

7 “(B) any other matter the Secretary con-
8 siders necessary.”; and

9 (4) in subsection (d), by striking “report” and
10 inserting “reports”.

11 **SEC. 1246. ENHANCING MAJOR DEFENSE PARTNERSHIP**
12 **WITH INDIA.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of the enactment of this Act, the Secretary of Defense
15 shall direct appropriate personnel within the Department
16 of Defense to seek to engage their counterparts within the
17 Ministry of Defence of India for the purpose of expanding
18 cooperation on emerging technologies, readiness, and lo-
19 gistics.

20 (b) TOPICS.—At a minimum, the personnel described
21 in subsection (a) shall seek to engage their counterparts
22 in the Ministry of Defense of India on the following topics:

23 (1) Intelligence collection capabilities.

24 (2) Unmanned aerial vehicles.

25 (3) Fourth and fifth generation aircraft.

1 (4) Depot-level maintenance.

2 (5) Joint research and development.

3 (6) 5G and Open Radio Access Network tech-
4 nologies.

5 (7) Cyber.

6 (8) Cold-weather capabilities.

7 (9) Any other matter the Secretary considers
8 relevant.

9 (c) BRIEFING.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary shall pro-
11 vide a briefing to the appropriate committees of Congress
12 that includes—

13 (1) an assessment of the feasibility and advis-
14 ability of expanding cooperation with the Ministry of
15 Defence of India on the topics described in sub-
16 section (b);

17 (2) a description of other opportunities to ex-
18 pand cooperation with the Ministry of Defence of
19 India on topics other than the topics described in
20 such subsection;

21 (3) a description of any challenges, including
22 agreements, authorities, and resourcing, that need to
23 be addressed so as to expand cooperation with the
24 Ministry of Defence of India on the topics described
25 in such subsection;

1 (4) an articulation of security considerations to
2 ensure the protection of research and development,
3 intellectual property, and United States-provided
4 equipment from being stolen or exploited by adver-
5 saries;

6 (5) an identification of opportunities for aca-
7 demia and private industry to participate in ex-
8 panded cooperation with the Ministry of Defence of
9 India; and

10 (6) any other matter the Secretary considers
11 relevant.

12 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committee on Armed Services, the
16 Committee on Appropriations, and the Committee on
17 Foreign Relations of the Senate; and

18 (2) the Committee on Armed Services, the
19 Committee on Appropriations, and the Committee on
20 Foreign Affairs of the House of Representatives.

21 **SEC. 1247. ENHANCED INDICATIONS AND WARNING FOR DE-**
22 **TERRENCE AND DISSUASION.**

23 (a) ESTABLISHMENT OF PROGRAM FOR ENHANCED
24 INDICATIONS AND WARNING.—

1 (1) IN GENERAL.—The Director of the Defense
2 Intelligence Agency shall establish a program to in-
3 crease warning time of potential aggression by ad-
4 versary nation states, focusing especially on the
5 United States Indo-Pacific Command and United
6 States European Command areas of operations.

7 (2) DESIGNATION.—The program established
8 under paragraph (1) shall be known as the “Pro-
9 gram for Enhanced Indications and Warning” (in
10 this section the “Program”).

11 (3) PURPOSE.—The purpose of the Program is
12 to gain increased warning time to provide time for
13 the Department to mount deterrence and dissuasion
14 actions to persuade adversaries to refrain from ag-
15 gression, including through potential revelations or
16 demonstrations of capabilities and actions to create
17 doubt in the minds of adversary leaders regarding
18 the prospects for military success.

19 (b) HEAD OF PROGRAM.—

20 (1) IN GENERAL.—The Director shall appoint a
21 defense intelligence officer to serve as the mission
22 manager for the Program.

23 (2) DESIGNATION.—The mission manager for
24 the Program shall be known as the “Program Man-

1 ager for Enhanced Indications and Warning” (in
2 this section the “Program Manager”).

3 (c) SOURCES OF INFORMATION AND ANALYSIS.—The
4 Program Manager shall ensure that the Program makes
5 use of all available sources of information, from public,
6 commercial, and classified sources across the intelligence
7 community and the Department of Defense, as well as ad-
8 vanced analytics, including artificial intelligence, to estab-
9 lish a system capable of discerning deviations from normal
10 patterns of behavior and activity that may indicate prep-
11 arations for military actions.

12 (d) INTEGRATION WITH OTHER PROGRAMS.—

13 (1) SUPPORT.—The Program shall be sup-
14 ported by the Chief Digital and Artificial Intel-
15 ligence Officer, the Maven project, by capabilities
16 sponsored by the Office of the Under Secretary of
17 Defense for Intelligence and Security, and programs
18 already underway within the Defense Intelligence
19 Agency.

20 (2) AGREEMENTS.—The Director shall seek to
21 engage in agreements to integrate information and
22 capabilities from other components of the intel-
23 ligence community to facilitate the purpose of the
24 Program.

1 (e) BRIEFINGS.—Not later than 180 days after the
2 date of the enactment of this Act and not less frequently
3 than once each year thereafter through 2027, the Program
4 Manager shall provide the appropriate committees of Con-
5 gress a briefing on the status of the activities of the Pro-
6 gram.

7 (f) DEFINITIONS.—In this section:

8 (1) The term “appropriate committees of Con-
9 gress” means—

10 (A) the congressional defense committees;

11 and

12 (B) the congressional intelligence commit-
13 tees (as defined in section 3 of the National Se-
14 curity Act of 1947 (50 U.S.C. 3003)).

15 (2) The term “intelligence community” has the
16 meaning given such term in section 3 of the Na-
17 tional Security Act of 1947 (50 U.S.C. 3003).

18 **SEC. 1248. PILOT PROGRAM TO DEVELOP YOUNG CIVILIAN**
19 **DEFENSE LEADERS IN THE INDO-PACIFIC RE-**
20 **GION.**

21 (a) IN GENERAL.—The Secretary of Defense may es-
22 tablish, using existing authorities of the Department of
23 Defense, a pilot program to enhance engagement of the
24 Department with young civilian defense and security lead-
25 ers in the Indo-Pacific region.

1 (b) PURPOSES.—The activities of the pilot program
2 under subsection (a) shall include training of, and engage-
3 ment with, young civilian leaders from foreign partner
4 ministries of defense and other appropriate ministries with
5 a national defense mission in the Indo-Pacific region for
6 purposes of—

7 (1) enhancing bilateral and multilateral co-
8 operation between—

9 (A) civilian leaders in the Department; and

10 (B) civilian leaders in foreign partner min-
11 istries of defense; and

12 (2) building the capacity of young civilian lead-
13 ers in foreign partner ministries of defense to pro-
14 mote civilian control of the military, respect for
15 human rights, and adherence to the law of armed
16 conflict.

17 (c) PRIORITY.—In carrying out the pilot program
18 under subsection (a), the Secretary of Defense shall
19 prioritize engagement with civilian defense leaders from
20 foreign partner ministries of defense who are 40 years of
21 age or younger.

22 (d) BRIEFINGS.—

23 (1) DESIGN OF PILOT PROGRAM.—Not later
24 than June 1, 2023, the Secretary of Defense, in con-
25 sultation with the Secretary of State, shall provide

1 a briefing to the appropriate committees of Congress
2 on the design of the pilot program under subsection
3 (a).

4 (2) PROGRESS BRIEFING.—Not later than De-
5 cember 31, 2023, and annually thereafter until the
6 date on which the pilot program terminates under
7 subsection (e), the Secretary of Defense, in consulta-
8 tion with the Secretary of State, shall provide a
9 briefing to the appropriate committees of Congress
10 on the pilot program that includes—

11 (A) a description of the activities con-
12 ducted and the results of such activities;

13 (B) an identification of existing authorities
14 used to carry out the pilot program;

15 (C) any recommendations related to new
16 authorities or modifications to existing authori-
17 ties necessary to more effectively achieve the
18 objectives of the pilot program; and

19 (D) any other matter the Secretary of De-
20 fense considers relevant.

21 (e) TERMINATION.—The pilot program under sub-
22 section (a) shall terminate on December 31, 2026.

23 (f) APPROPRIATE COMMITTEES OF CONGRESS DE-
24 FINED.—In this section, the term “appropriate commit-
25 tees of Congress” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Relations of the Senate; and

3 (2) the Committee on Armed Services and the
4 Committee on Foreign Affairs of the House of Rep-
5 resentatives.

6 **SEC. 1249. CROSS-FUNCTIONAL TEAM FOR MATTERS RE-**
7 **LATING TO THE PEOPLE'S REPUBLIC OF**
8 **CHINA.**

9 (a) ESTABLISHMENT.—Using the authority provided
10 pursuant to section 911(c) of the National Defense Au-
11 thorization Act for Fiscal Year 2017 (Public Law 114–
12 328; 10 U.S.C. 111 note), the Secretary of Defense shall
13 establish a cross-functional team—

14 (1) to integrate Department of Defense efforts
15 to address national security challenges posed by the
16 People's Republic of China; and

17 (2) to ensure alignment across Department
18 strategies, policies, resourcing, and fielding of rel-
19 evant capabilities.

20 (b) DUTIES.—The duties of the cross-functional team
21 established under subsection (a) shall be—

22 (1) to assist the Secretary with integrating De-
23 partment efforts to address national security chal-
24 lenges posed by the People's Republic of China;

1 (2) to integrate the efforts of the Department
2 regarding the People's Republic of China with the
3 efforts of other relevant Federal departments and
4 agencies; and

5 (3) to streamline and strengthen cooperation
6 with United States allies and partners, particularly
7 such allies and partners in the Indo-Pacific region.

8 (c) TEAM LEADERSHIP.—

9 (1) IN GENERAL.—The Secretary shall select an
10 appropriate civilian official to lead the cross-func-
11 tional team and a senior military officer to serve as
12 the deputy to the civilian official so selected.

13 (2) DIRECT REPORTING.—The leadership of the
14 cross-functional team shall report directly to the
15 Secretary and the Deputy Secretary of Defense.

16 (d) BRIEFING.—Not later than 45 days after the date
17 of the enactment of this Act, the Secretary shall provide
18 to the congressional defense committees a briefing on—

19 (1) the progress of the Secretary in establishing
20 the cross-functional team; and

21 (2) the progress the team has made in—

22 (A) determining the roles and responsibil-
23 ities of the organizations and elements of the
24 Department with respect to the cross-functional
25 team; and

1 (B) carrying out the duties under sub-
2 section (b).

3 **SEC. 1250. REPORT ON BILATERAL AGREEMENTS SUP-**
4 **PORTING UNITED STATES MILITARY POS-**
5 **TURE IN THE INDO-PACIFIC REGION.**

6 (a) REPORT REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the congressional defense com-
9 mittees a report on the adequacy of existing bilateral
10 agreements between the United States and foreign govern-
11 ments that support the existing and planned military pos-
12 ture of the United States in the Indo-Pacific region.

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

15 (1) An accounting of existing bilateral agree-
16 ments that support the military posture of the
17 United States in the Indo-Pacific region, by country
18 and type.

19 (2) An articulation of the need for new bilateral
20 agreements, by country and type, to support a more
21 distributed United States military posture in the
22 Indo-Pacific region, as outlined by the Global Force
23 Posture Review, including agreements necessary—

24 (A) to establish new cooperative security
25 locations, forward operating locations, and

1 other locations in support of distributed oper-
2 ations; and

3 (B) to enable exercises and a more rota-
4 tional force presence.

5 (3) A description of the relative priority of the
6 agreements articulated under paragraph (2).

7 (4) Any specific request, financial or otherwise,
8 made by a foreign government or a Federal agency
9 other than the Department of Defense that com-
10 plicates the completion of such agreements.

11 (5) A description of Department activities
12 planned for the current and subsequent fiscal year
13 that are intended to contribute to the completion of
14 such agreements.

15 (6) A description of the manner in which the
16 necessity for such agreements is communicated to,
17 and coordinated with, the Secretary of State.

18 (7) Any other matter the Secretary of Defense
19 considers relevant.

20 **SEC. 1251. SENSE OF THE SENATE ON SUPPORTING**
21 **PRIORITIZATION OF THE PEOPLE’S REPUB-**
22 **LIC OF CHINA, THE INDO-PACIFIC REGION,**
23 **AND TAIWAN.**

24 It is the sense of the Senate that the Senate—

1 (1) supports the designations by the Depart-
2 ment of Defense, as reflected in the 2022 National
3 Defense Strategy and statements by Secretary of
4 Defense Lloyd Austin and other senior Department
5 officials, of—

6 (A) the People’s Republic of China as the
7 Department’s pacing challenge;

8 (B) the Indo-Pacific as the Department’s
9 priority theater; and

10 (C) a Taiwan contingency as the Depart-
11 ment’s pacing scenario;

12 (2) underscores the importance of the Depart-
13 ment continuing to prioritize the deterrence of ag-
14 gression by the People’s Republic of China, particu-
15 larly in the form of an invasion of Taiwan by the
16 People’s Republic of China, as the Government of
17 the People’s Republic of China expands and modern-
18 izes the People’s Liberation Army; and

19 (3) strongly urges the Department to manage
20 force allocations across theaters to ensure, consistent
21 with the Taiwan Relations Act (Public Law 96–8;
22 22 U.S.C. 3301 et seq.), that the United States
23 Armed Forces maintain the ability to deny a fait
24 accompli against Taiwan by the People’s Republic of
25 China in order to deter the People’s Republic of

1 China from using force to unilaterally change the
2 status quo with Taiwan.

3 **SEC. 1252. SENSE OF CONGRESS ON DEFENSE ALLIANCES**
4 **AND PARTNERSHIPS IN THE INDO-PACIFIC**
5 **REGION.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The United States Indo-Pacific strategy
9 states, “we will prioritize our single greatest asym-
10 metric strength: our network of security alliances
11 and partnerships. Across the region, the United
12 States will work with allies and partners to deepen
13 our interoperability and develop and deploy advanced
14 warfighting capabilities as we support them in de-
15 fending their citizens and their sovereign interests.”.

16 (2) The fact sheet accompanying the National
17 Defense Strategy states, “[m]utually-beneficial Alli-
18 ances and partnerships are an enduring strength for
19 the United States, and are critical to achieving our
20 objectives . . . the Department [of Defense] will in-
21 corporate ally and partner perspectives, com-
22 petencies, and advantages at every stage of defense
23 planning.”.

24 (3) Chairman of the Joint Chiefs of Staff Gen-
25 eral Milley testified on April 7, 2022, that “our alli-

1 ances and partnerships are our most significant
2 asymmetric advantages and are key to maintaining
3 the international rules-based order that offers the
4 best opportunities for peace and prosperity for
5 America and the globe.”.

6 (4) Commander of the United States Indo-Pa-
7 cific Command Admiral Aquilino testified on March
8 10, 2022, that “a key U.S. asymmetric advantage
9 that our security challengers do not possess is our
10 network of strong alliances and partnerships. Be-
11 cause these relationships are based on shared values
12 and people-to-people ties, they provide significant
13 advantages such as long-term mutual trust, under-
14 standing, respect, interoperability, and a common
15 commitment to a free and open Indo-Pacific.”.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Secretary of Defense should continue efforts
18 that strengthen United States defense alliances and part-
19 nerships in the Indo-Pacific region so as to further the
20 comparative advantage of the United States in strategic
21 competition with the People’s Republic of China, including
22 by—

23 (1) enhancing cooperation with Japan, con-
24 sistent with the Treaty of Mutual Cooperation and
25 Security Between the United States of America and

1 Japan, signed at Washington, January 19, 1960, in-
2 cluding by developing advanced military capabilities,
3 fostering interoperability across all domains, and im-
4 proving sharing of information and intelligence;

5 (2) reinforcing the United States alliance with
6 the Republic of Korea, including by maintaining the
7 presence of approximately 28,500 members of the
8 United States Armed Forces deployed to the country
9 and affirming the United States commitment to ex-
10 tended deterrence using the full range of United
11 States defense capabilities, consistent with the Mu-
12 tual Defense Treaty Between the United States and
13 the Republic of Korea, signed at Washington, Octo-
14 ber 1, 1953, in support of the shared objective of a
15 peaceful and stable Korean Peninsula;

16 (3) fostering bilateral and multilateral coopera-
17 tion with Australia, consistent with the Security
18 Treaty Between Australia, New Zealand, and the
19 United States of America, signed at San Francisco,
20 September 1, 1951, and through the partnership
21 among Australia, the United Kingdom, and the
22 United States (commonly known as “AUKUS”)—

23 (A) to advance shared security objectives;

24 (B) to accelerate the fielding of advanced
25 military capabilities; and

1 (C) to build the capacity of emerging part-
2 ners;

3 (4) advancing United States alliances with the
4 Philippines and Thailand and United States partner-
5 ships with other partners in the Association of
6 Southeast Asian Nations to enhance maritime do-
7 main awareness, promote sovereignty and territorial
8 integrity, leverage technology and promote innova-
9 tion, and support an open, inclusive, and rules-based
10 regional architecture;

11 (5) broadening United States engagement with
12 India, including through the Quadrilateral Security
13 Dialogue—

14 (A) to advance the shared objective of a
15 free and open Indo-Pacific region through bilat-
16 eral and multilateral engagements and partici-
17 pation in military exercises, expanded defense
18 trade, and collaboration on humanitarian aid
19 and disaster response; and

20 (B) to enable greater cooperation on mari-
21 time security and the threat of global
22 pandemics, including COVID–19;

23 (6) strengthening the United States partnership
24 with Taiwan, consistent with the Three Commu-
25 niques, the Taiwan Relations Act (Public Law 96–

1 8; 22 U.S.C. 3301 et seq.), and the Six Assurances,
2 with the goal of improving Taiwan's asymmetric de-
3 fensive capabilities and promoting peaceful cross-
4 strait relations;

5 (7) reinforcing the status of the Republic of
6 Singapore as a Major Security Cooperation Partner
7 of the United States and continuing to strengthen
8 defense and security cooperation between the mili-
9 tary forces of the Republic of Singapore and the
10 Armed Forces of the United States, including
11 through participation in combined exercises and
12 training;

13 (8) engaging with the Federated States of Mi-
14 cronesia, the Republic of the Marshall Islands, the
15 Republic of Palau, and other Pacific Island coun-
16 tries, with the goal of strengthening regional secu-
17 rity and addressing issues of mutual concern, includ-
18 ing protecting fisheries from illegal, unreported, and
19 unregulated fishing;

20 (9) collaborating with Canada, the United
21 Kingdom, France, and other members of the Euro-
22 pean Union and the North Atlantic Treaty Organi-
23 zation to build connectivity and advance a shared vi-
24 sion for the region that is principled, long-term, and
25 anchored in democratic resilience; and

1 (10) investing in enhanced military posture and
2 capabilities in the area of responsibility of the
3 United States Indo-Pacific Command and strength-
4 ening cooperation in bilateral relationships, multilat-
5 eral partnerships, and other international fora to up-
6 hold global security and shared principles, with the
7 goal of ensuring the maintenance of a free and open
8 Indo-Pacific region.

9 **SEC. 1253. PROHIBITION ON USE OF FUNDS TO SUPPORT**
10 **ENTERTAINMENT PROJECTS WITH TIES TO**
11 **THE GOVERNMENT OF THE PEOPLE'S REPUB-**
12 **LIC OF CHINA.**

13 None of the funds authorized to be appropriated by
14 this Act may be used to knowingly provide active and di-
15 rect support to any film, television, or other entertainment
16 project with respect to which any producer or other person
17 associated with the project—

18 (1) seeks pre-approval of the content of the
19 project from any entity of the Government of the
20 People's Republic of China or the Chinese Com-
21 munist Party; or

22 (2) modifies or deletes in any way the content
23 of the project as a result of any direction from any
24 entity of the Government of the People's Republic of
25 China or the Chinese Communist Party.

1 **Subtitle E—Reports**
2 **SEC. 1261. REPORT ON FIFTH FLEET CAPABILITIES UP-**
3 **GRADES.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall submit to the congressional defense committees a re-
7 port on—

8 (1) capabilities upgrades necessary to enable
9 the Fifth Fleet to address emerging threats in its
10 area of responsibility; and

11 (2) any costs associated with such upgrades.

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

14 (1) An assessment of seaborne threats posed by
15 Iran, and groups linked to Iran, to the military
16 forces of United States allies and partners operating
17 in the waters in and around the broader Middle
18 East.

19 (2) A description of any capabilities upgrades
20 necessary to enable the Fifth Fleet to address such
21 threats.

22 (3) An estimate of the costs associated with any
23 such upgrades.

24 (4) A description of any United States plan to
25 deepen cooperation with other member countries of

1 the Combined Maritime Forces at the strategic, pol-
2 icy, and functional levels for the purpose of address-
3 ing such threats, including by—

4 (A) enhancing coordination on defense
5 planning;

6 (B) improving intelligence sharing; and

7 (C) deepening maritime interoperability.

8 (c) BROADER MIDDLE EAST DEFINED.—In this sec-
9 tion, the term “broader Middle East” means—

10 (1) the land around the southern and eastern
11 shores of the Mediterranean Sea;

12 (2) the Arabian Peninsula;

13 (3) Iran; and

14 (4) North Africa.

15 **Subtitle F—Other Matters**

16 **SEC. 1271. PROHIBITION ON PARTICIPATION IN OFFENSIVE** 17 **MILITARY OPERATIONS AGAINST THE** 18 **HOUTHIS IN YEMEN.**

19 (a) IN GENERAL.—None of the funds authorized to
20 be appropriated by this Act shall be made available to pro-
21 vide for Department of Defense participation in offensive
22 operations against the Houthis in Yemen by the coalition
23 led by Saudi Arabia, unless a specific statutory authoriza-
24 tion for such use of the United States Armed Forces has
25 been enacted.

1 (b) WAIVER.—The Secretary of Defense may waive
2 the prohibition under subsection (a) if the Secretary—

3 (1) determines that such a waiver is in the na-
4 tional security interests of the United States;

5 (2) issues the waiver in writing; and

6 (3) not more than 5 days after issuing the
7 waiver, submits to the Committees on Armed Serv-
8 ices of the Senate and the House of Representatives
9 a notification that includes the text of the waiver
10 and a justification for the waiver.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to limit—

13 (1) United States counterterrorism cooperation
14 with Saudi Arabia or the United Arab Emirates
15 against al-Qaeda, the Islamic State of Iraq and
16 Syria, or associated forces;

17 (2) support intended to assist Saudi Arabia, the
18 United Arab Emirates, or other members of the
19 Saudi-led coalition in defending against threats ema-
20 nating from Yemen to their sovereignty or territorial
21 integrity, the sovereignty or territorial integrity of
22 any other United States partner or ally, or the safe-
23 ty of United States persons or property, including—

24 (A) threats from ballistic missiles, cruise
25 missiles, or unmanned aerial vehicles; and

- 1 (B) explosive boat threats to international
2 maritime traffic;
3 (3) the provision of humanitarian assistance; or
4 (4) the preservation of freedom of navigation.

5 (d) EXTENSION OF PROHIBITION ON IN-FLIGHT RE-
6 FUELING TO NON-UNITED STATES AIRCRAFT THAT EN-
7 GAGE IN HOSTILITIES IN THE ONGOING CIVIL WAR IN
8 YEMEN.—Section 1273 of the National Defense Author-
9 ization Act for Fiscal Year 2020 (Public Law 116–92; 133
10 Stat. 1699) is amended to read as follows:

11 **“SEC. 1273. PROHIBITION ON IN-FLIGHT REFUELING TO**
12 **NON-UNITED STATES AIRCRAFT THAT EN-**
13 **GAGE IN HOSTILITIES IN THE ONGOING CIVIL**
14 **WAR IN YEMEN.**

15 “For the two-year period beginning on the date of
16 the enactment of the National Defense Authorization Act
17 for Fiscal Year 2023, the Department of Defense may not
18 provide in-flight refueling pursuant to section 2342 of title
19 10, United States Code, or any other applicable statutory
20 authority, to non-United States aircraft that engage in
21 hostilities in the ongoing civil war in Yemen unless and
22 until a declaration of war or a specific statutory authoriza-
23 tion for such use of United States Armed Forces has been
24 enacted.”.

1 **SEC. 1272. EXTENSION OF AUTHORITY FOR UNITED**
2 **STATES-ISRAEL COOPERATION TO COUNTER**
3 **UNMANNED AERIAL SYSTEMS.**

4 Section 1278(f) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
6 Stat. 1702; 22 U.S.C. 8606 note) is amended by striking
7 “December 31, 2024” and inserting “December 31,
8 2026”.

9 **SEC. 1273. EXTENSION OF AUTHORITY FOR CERTAIN PAY-**
10 **MENTS TO REDRESS INJURY AND LOSS.**

11 Section 1213(a) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is
13 amended by striking “December 31, 2023” and inserting
14 “December 31, 2024”.

15 **SEC. 1274. MODIFICATION OF SECRETARY OF DEFENSE**
16 **STRATEGIC COMPETITION INITIATIVE.**

17 (a) **AUTHORITY.**—Subsection (a) of section 1332 of
18 the National Defense Authorization Act for Fiscal Year
19 2022 (Public Law 117–81; 135 Stat. 2007; 10 U.S.C. 301
20 note) is amended by striking “that advance” and all that
21 follows through the period at the end and inserting
22 “that—

23 “(1) advance United States national security
24 objectives for strategic competition by supporting
25 Department of Defense efforts to compete below the
26 threshold of armed conflict; or

1 “(2) support other Federal departments and
2 agencies in advancing United States interests relat-
3 ing to strategic competition.”.

4 (b) AUTHORIZED ACTIVITIES AND PROGRAMS.—Sub-
5 section (b) of such section is amended by adding at the
6 end the following new paragraph:

7 “(5) Other activities or programs of the De-
8 partment of Defense, including activities to coordi-
9 nate with or support other Federal departments and
10 agencies, that the Secretary of Defense determines
11 would advance United States national security objec-
12 tives for strategic competition.”.

13 **SEC. 1275. ASSESSMENT OF CHALLENGES TO IMPLEMENTA-**
14 **TION OF THE PARTNERSHIP AMONG AUS-**
15 **TRALIA, THE UNITED KINGDOM, AND THE**
16 **UNITED STATES.**

17 (a) IN GENERAL.—The Secretary of Defense shall
18 seek to enter into an agreement with a federally funded
19 research and development center for the conduct of an
20 independent assessment of resourcing, policy, and process
21 challenges to implementing the partnership among Aus-
22 tralia, the United Kingdom, and United States (commonly
23 known as the “AUKUS partnership”) announced on Sep-
24 tember 21, 2021.

1 (b) MATTERS TO BE CONSIDERED.—In conducting
2 the assessment required by subsection (a), the federally
3 funded research and development center shall consider the
4 following with respect to each of Australia, the United
5 Kingdom, and the United States:

6 (1) Potential resourcing and personnel short-
7 falls.

8 (2) Information sharing, including foreign dis-
9 closure policy and processes.

10 (3) Statutory, regulatory, and other policies and
11 processes.

12 (4) Intellectual property, including patents.

13 (5) Export controls, including technology trans-
14 fer and protection.

15 (6) Security protocols and practices, including
16 personnel, operational, physical, facility, cybersecu-
17 rity, counterintelligence, marking and classifying in-
18 formation, and handling and transmission of classi-
19 fied material.

20 (7) Any other matter the Secretary considers
21 appropriate.

22 (c) RECOMMENDATIONS.—The federally funded re-
23 search and development center selected to conduct the as-
24 sessment under this section shall include, as part of such
25 assessment, recommendations for improvements to

1 resourcing, policy, and process challenges to implementing
2 the AUKUS partnership.

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than January 1,
5 2024, the Secretary shall submit to the congres-
6 sional defense committees a report that includes an
7 unaltered copy of such assessment, together with the
8 views of the Secretary on the assessment and on the
9 recommendations included in the assessment pursu-
10 ant to subsection (c).

11 (2) FORM OF REPORT.—The report required by
12 paragraph (1) shall be submitted in unclassified
13 form but may contain a classified annex.

14 **TITLE XIII—COOPERATIVE**
15 **THREAT REDUCTION**

16 **SEC. 1301. COOPERATIVE THREAT REDUCTION FUNDS.**

17 (a) FUNDING ALLOCATION.—Of the \$341,598,000
18 authorized to be appropriated to the Department of De-
19 fense for fiscal year 2023 in section 301 and made avail-
20 able by the funding table in division D for the Department
21 of Defense Cooperative Threat Reduction Program estab-
22 lished under section 1321 of the Department of Defense
23 Cooperative Threat Reduction Act (50 U.S.C. 3711), the
24 following amounts may be obligated for the purposes spec-
25 ified:

1 (1) For strategic offensive arms elimination,
2 \$6,860,000.

3 (2) For chemical weapons destruction,
4 \$15,000,000.

5 (3) For global nuclear security, \$18,090,000.

6 (4) For cooperative biological engagement,
7 \$225,000,000.

8 (5) For proliferation prevention, \$45,890,000.

9 (6) For activities designated as Other Assess-
10 ments/Administrative Costs, \$30,760,000.

11 (b) SPECIFICATION OF COOPERATIVE THREAT RE-
12 Duction FUNDS.—Funds appropriated pursuant to the
13 authorization of appropriations in section 301 and made
14 available by the funding table in division D for the Depart-
15 ment of Defense Cooperative Threat Reduction Program
16 shall be available for obligation for fiscal years 2023,
17 2024, and 2025.

18 **TITLE XIV—OTHER**
19 **AUTHORIZATIONS**
20 **Subtitle A—Military Programs**

21 **SEC. 1401. WORKING CAPITAL FUNDS.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2023 for the use of the Armed Forces and other
24 activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds,
2 as specified in the funding table in section 4501.

3 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
4 **TION, DEFENSE.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated for the Depart-
7 ment of Defense for fiscal year 2023 for expenses, not oth-
8 erwise provided for, for Chemical Agents and Munitions
9 Destruction, Defense, as specified in the funding table in
10 section 4501.

11 (b) USE.—Amounts authorized to be appropriated
12 under subsection (a) are authorized for—

13 (1) the destruction of lethal chemical agents
14 and munitions in accordance with section 1412 of
15 the Department of Defense Authorization Act, 1986
16 (50 U.S.C. 1521); and

17 (2) the destruction of chemical warfare materiel
18 of the United States that is not covered by section
19 1412 of such Act.

20 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
21 **TIVITIES, DEFENSE-WIDE.**

22 Funds are hereby authorized to be appropriated for
23 the Department of Defense for fiscal year 2023 for ex-
24 penses, not otherwise provided for, for Drug Interdiction

1 and Counter-Drug Activities, Defense-wide, as specified in
2 the funding table in section 4501.

3 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

4 Funds are hereby authorized to be appropriated for
5 the Department of Defense for fiscal year 2023 for ex-
6 penses, not otherwise provided for, for the Office of the
7 Inspector General of the Department of Defense, as speci-
8 fied in the funding table in section 4501.

9 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2023 for the Defense Health Program for use
12 of the Armed Forces and other activities and agencies of
13 the Department of Defense for providing for the health
14 of eligible beneficiaries, as specified in the funding table
15 in section 4501.

16 **Subtitle B—National Defense**
17 **Stockpile**

18 **SEC. 1411. MODIFICATION OF ACQUISITION AUTHORITY**
19 **UNDER STRATEGIC AND CRITICAL MATE-**
20 **RIALS STOCK PILING ACT.**

21 (a) IN GENERAL.—Section 5 of the Strategic and
22 Critical Materials Stock Piling Act (50 U.S.C. 98d) is
23 amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) in the first sentence, by inserting
2 “under the authority of paragraph (3) or”
3 after “Except for acquisitions made”; and

4 (ii) in the second sentence, by striking
5 “for such acquisition” and inserting “for
6 any acquisition of materials under this
7 Act”; and

8 (B) by adding at the end the following:

9 “(3) Using funds appropriated for acquisition of ma-
10 terials under this Act, the National Defense Stockpile
11 Manager may acquire materials determined to be strategic
12 and critical under section 3(a) without regard to the re-
13 quirement of the first sentence of paragraph (1) if the
14 Stockpile Manager determines there is a shortfall of such
15 materials in the stockpile.”; and

16 (2) in subsection (c), by striking “to carry out
17 the purposes for which appropriated for a period of
18 two fiscal years, if so provided in the appropriations
19 Acts” and inserting “until expended, unless other-
20 wise provided in appropriations Acts”.

21 (b) INCREASE IN QUANTITIES OF MATERIALS TO BE
22 STOCKPILED.—Section 3(c)(2) of the Strategic and Crit-
23 ical Materials Stock Piling Act (50 U.S.C. 98b(c)(2)) is
24 amended—

1 (1) by amending the first sentence to read as
2 follows: “The President shall notify Congress in
3 writing of any increase proposed to be made in the
4 quantity of any material to be stockpiled that in-
5 volves the acquisition of additional materials for the
6 stockpile.”;

7 (2) in the second sentence, by striking “the
8 change after the end of the 45-day period” and in-
9 serting “the increase after the end of the 30-day pe-
10 riod”; and

11 (3) in the third sentence, by striking “change”
12 and inserting “increase”.

13 **SEC. 1412. BRIEFINGS ON SHORTFALLS IN NATIONAL DE-**
14 **FENSE STOCKPILE.**

15 Section 14 of the Strategic and Critical Materials
16 Stock Piling Act (50 U.S.C. 98h–5) is amended by adding
17 at the end the following new subsection:

18 “(f)(1) Not later than March 1 each year, the Na-
19 tional Defense Stockpile Manager shall provide to the con-
20 gressional defense committees a briefing on strategic and
21 critical materials that—

22 “(A) are determined to be in shortfall in the
23 most recent report on stockpile requirements sub-
24 mitted under subsection (a); and

1 “(B) the acquisition or disposal of which is in-
2 cluded in the annual materials plan for the operation
3 of the stockpile during the next fiscal year submitted
4 under section 11(b).

5 “(2) Each briefing required by paragraph (1) shall
6 include—

7 “(A) a description of each material described in
8 that paragraph, including the objective to be
9 achieved if funding is provided, in whole or in part,
10 for the acquisition of the material to remedy the
11 shortfall;

12 “(B) an estimate of additional amounts re-
13 quired to provide such funding, if any; and

14 “(C) an assessment of the supply chain for each
15 such material, including any assessment of any rel-
16 evant risk in any such supply chain.”.

17 **SEC. 1413. AUTHORITY TO ACQUIRE MATERIALS FOR THE**
18 **NATIONAL DEFENSE STOCKPILE.**

19 (a) ACQUISITION AUTHORITY.—Of the funds appro-
20 priated into the National Defense Stockpile Transaction
21 Fund pursuant to the authorization of appropriations
22 under subsection (c), the National Defense Stockpile Man-
23 ager may use up to \$1,003,500,000 for acquisition of the
24 following materials determined to be strategic and critical

1 materials required to meet the defense, industrial, and es-
2 sential civilian needs of the United States:

3 (1) Neodymium oxide, praseodymium oxide, and
4 neodymium iron boron (NdFeB) magnet block.

5 (2) Titanium.

6 (3) Energetic materials.

7 (4) Iso-molded graphite.

8 (5) Grain-oriented electric steel.

9 (6) Tire cord steel.

10 (7) Cadmium zinc telluride.

11 (8) Any additional materials identified as stock-
12 pile requirements in the most recent report sub-
13 mitted to Congress under section 14 of the Strategic
14 and Critical Materials Stock Piling Act (50 U.S.C.
15 98h-5).

16 (b) FISCAL YEAR LIMITATION.—The authority under
17 subsection (a) is available for purchases during fiscal
18 years 2023 through 2032.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the National Defense
21 Stockpile Transaction Fund \$1,003,500,000 for the acqui-
22 sition of strategic and critical materials under section 6(a)
23 of the Strategic and Critical Materials Stock Piling Act
24 (50 U.S.C. 98e(a)).

1 (d) COMPLIANCE WITH STRATEGIC AND CRITICAL
2 MATERIALS STOCK PILING ACT.—Any acquisition using
3 funds appropriated pursuant to the authorization of ap-
4 propriations under subsection (c) shall be carried out in
5 accordance with the provisions of the Strategic and Crit-
6 ical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

7 **Subtitle C—Other Matters**

8 **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR**
9 **ARMED FORCES RETIREMENT HOME.**

10 There is hereby authorized to be appropriated for fis-
11 cal year 2023 from the Armed Forces Retirement Home
12 Trust Fund the sum of \$152,360,000 for the operation
13 of the Armed Forces Retirement Home.

14 **SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
15 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
16 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
17 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
18 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

19 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
20 funds authorized to be appropriated by section 1405 and
21 available for the Defense Health Program for operation
22 and maintenance, \$167,600,000 may be transferred by the
23 Secretary of Defense to the Joint Department of Defense—
24 Department of Veterans Affairs Medical Facility Dem-
25 onstration Fund established by subsection (a)(1) of sec-

tion 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

(b) TREATMENT OF TRANSFERRED FUNDS.—For purposes of subsection (a)(2) of such section 1704, any funds transferred under subsection (a) shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(c) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

1 **TITLE XV—SPACE ACTIVITIES,**
2 **STRATEGIC PROGRAMS, AND**
3 **INTELLIGENCE MATTERS**

4 **Subtitle A—Space Activities**

5 **SEC. 1501. ADDITIONAL AUTHORITIES OF CHIEF OF SPACE**
6 **OPERATIONS.**

7 Section 9082(d) of title 10, United States Code, is
8 amended—

9 (1) in paragraph (5), by striking “; and” and
10 inserting a semicolon;

11 (2) in paragraph (6), by striking the period at
12 the end and inserting “; and”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(7) be the force design architect for space sys-
16 tems of the armed forces.”.

17 **SEC. 1502. COMPREHENSIVE STRATEGY FOR THE SPACE**
18 **FORCE.**

19 (a) STRATEGIC OBJECTIVES.—The Secretary of the
20 Air Force and the Chief of Space Operations shall jointly
21 develop strategic objectives required to organize, train,
22 and equip the Space Force, including objectives that em-
23 phasize achieving and maintaining—

24 (1) United States space superiority;

(2) global communications, command and control, and intelligence, surveillance, and reconnaissance for the combatant commands and the respective components of the combatant commands; and

(3) the retention, development, and deployment of Space Force capabilities to meet the full range of joint warfighting space requirements of the combatant commands.

9 (b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2023, the Secretary and the Chief shall jointly submit to the congressional defense committees a report on the strategic objectives developed under subsection (a).

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

(A) A description of the strategic objectives developed under subsection (a).

19 (B) A specific and detailed plan for achiev-
20 ing such strategic objectives that includes—

21 (i) a budget plan;

(ii) a ground-based infrastructure
plan;

24 (iii) a space architecture plan; and

25 (iv) a systems acquisitions plan.

1 (C) An identification of units and re-
2 sources from other Department of Defense or-
3 ganizations, as applicable, required by the
4 Space Force to achieve and implement such
5 strategic objectives efficiently and effectively.

6 (D) A plan to provide the number of gen-
7 eral officer and senior executive service posi-
8 tions required to meet the needs of the Space
9 Force, and a justification for such number.

10 (3) FORM.—The report required by paragraph
11 (1) shall be submitted in unclassified form but may
12 include a classified annex.

13 (4) PUBLIC AVAILABILITY.—Not later than 5
14 days after the date on which the report is submitted,
15 the Secretary and the Chief shall make the unclassi-
16 fied form of the report available to the public on an
17 internet website of the Department of Defense.

18 (c) BRIEFING.—Not later than 30 days after the date
19 on which the report is submitted, the Secretary and the
20 Chief shall provide a briefing to the congressional defense
21 committees on—

22 (1) the information contained in the report; and

23 (2) the plan of the Department of the Air Force
24 to provide the Space Force with the resources re-

1 quired to achieve the objectives described in the re-
2 port.

3 (d) SPACE SUPERIORITY DEFINED.—In this section,
4 the term “space superiority” means the degree of control
5 in space of one force over any others that permits the con-
6 duct of its operations at a given time and place without
7 prohibitive interference from terrestrial or space-based
8 threats.

9 **SEC. 1503. REVIEW OF SPACE DEVELOPMENT AGENCY EX-**
10 **EMPTION FROM JOINT CAPABILITIES INTE-**
11 **GRATION AND DEVELOPMENT SYSTEM.**

12 (a) IN GENERAL.—Not later than March 31, 2023,
13 the Secretary of Defense shall complete a review of the
14 exemption of the Space Development Agency from the
15 Joint Capabilities Integration and Development System.

16 (b) RECOMMENDATION.—Not later than 30 days
17 after the date on which the review under subsection (a)
18 is completed, the Secretary of Defense shall submit to the
19 congressional defense committees a recommendation as to
20 whether such exemption should continue to apply to the
21 Space Development Agency.

22 (c) IMPLEMENTATION.—Not later than 60 days after
23 the date on which the recommendation is submitted under
24 subsection (b), the Secretary of the Air Force and the Di-

1 rector of the Space Development Agency shall implement
2 the recommendation.

3 **SEC. 1504. APPLIED RESEARCH AND EDUCATIONAL ACTIVI-**
4 **TIES TO SUPPORT SPACE TECHNOLOGY DE-**
5 **VELOPMENT.**

6 (a) IN GENERAL.—The Secretary of the Air Force
7 and the Chief of Space Operations, in coordination with
8 the Chief Technology and Innovation Office of the Space
9 Force, may carry out applied research and educational ac-
10 tivities to support space technology development.

11 (b) ACTIVITIES.—Activities carried out under sub-
12 section (a) shall support the applied research, develop-
13 ment, and demonstration needs of the Space Force, in-
14 cluding by addressing and facilitating the advancement of
15 capabilities related to—

- 16 (1) space domain awareness;
- 17 (2) positioning, navigation, and timing;
- 18 (3) communications;
- 19 (4) hypersonics;
- 20 (5) cybersecurity; and
- 21 (6) any other matter the Secretary of the Air
22 Force considers relevant.

23 (c) EDUCATION AND TRAINING.—Activities carried
24 out under subsection (a) shall—

(1) promote education and training for students
so as to support the future national security space
workforce of the United States; and

4 (2) explore opportunities for international col-
5 laboration.

(d) **TERMINATION.**—The authority provided by this section shall expire on December 31, 2027.

8 SEC. 1505. CONTINUED REQUIREMENT FOR NATIONAL SE-
9 CURITY SPACE LAUNCH PROGRAM.

In carrying out Phase 2 of the acquisition strategy for the National Security Space Launch program, the Secretary of the Air Force shall ensure that launch services are procured only from launch service providers that use launch vehicles meeting Federal requirements with respect to required payloads to reference orbits.

16 SEC. 1506. EXTENSION OF ANNUAL REPORT ON SPACE COM-
17 MAND AND CONTROL.

Section 1613(a)(2) of the National Defense Author-
ization Act for Fiscal Year 2020 (Public Law 116–92; 133
Stat. 1731) is amended by striking “2025” and inserting
“2030”.

1 **SEC. 1507. MODIFICATION OF REPORTS ON INTEGRATION**
2 **OF ACQUISITION AND CAPABILITY DELIVERY**
3 **SCHEDULES FOR SEGMENTS OF MAJOR SAT-**
4 **ELLITE ACQUISITIONS PROGRAMS AND**
5 **FUNDING FOR SUCH PROGRAMS.**

6 Section 2275(f) of title 10, United States Code, is
7 amended by striking paragraph (3).

8 **SEC. 1508. UPDATE TO PLAN TO MANAGE INTEGRATED TAC-**
9 **TICAL WARNING AND ATTACK ASSESSMENT**
10 **SYSTEM AND MULTI-DOMAIN SENSORS.**

11 (a) UPDATE REQUIRED.—Not later than one year
12 after the date of the enactment of this Act, the Secretary
13 of the Air Force shall update the plan that was developed
14 pursuant to section 1669 of the National Defense Author-
15 ization Act for Fiscal Year 2018 (Public Law 115–91).

16 (b) COORDINATION WITH OTHER AGENCIES.—In de-
17 veloping the update required by subsection (a), the Sec-
18 retary shall—

19 (1) coordinate with the Secretary of the Army,
20 the Secretary of the Navy, the Director of the Mis-
21 sile Defense Agency, the Director of the National
22 Reconnaissance Office, and the Director of the
23 Space Development Agency; and

24 (2) solicit comments on the plan, if any, from
25 the Commander of United States Strategic Com-
26 mand, the Commander of United States Northern

1 Command, and the Commander of United States
2 Space Command.

3 (c) SUBMITTAL TO CONGRESS.—Not later than 90
4 days after the update required by subsection (a) is com-
5 plete, the Secretary of the Air Force shall submit to the
6 congressional defense committees—

7 (1) the plan updated pursuant to subsection
8 (a); and

9 (2) the comments from the Commander of
10 United States Strategic Command, the Commander
11 of United States Northern Command, and the Com-
12 mander of United States Space Command, if any,
13 solicited under subsection (b)(2).

14 **Subtitle B—Nuclear Forces**

15 **SEC. 1511. MATTERS RELATING TO ROLE OF NUCLEAR**
16 **WEAPONS COUNCIL WITH RESPECT TO BUDG-**
17 **ET FOR NUCLEAR WEAPONS PROGRAMS.**

18 (a) REPEAL OF TERMINATION OF NUCLEAR WEAP-
19 ONS COUNCIL CERTIFICATION AND REPORTING REQUIRE-
20 MENT.—Section 1061(c) of the National Defense Author-
21 ization Act for Fiscal Year 2017 (Public Law 114–328;
22 10 U.S.C. 111 note) is amended by striking paragraph
23 (10).

24 (b) MODIFICATION TO RESPONSIBILITIES OF NU-
25 CLEAR WEAPONS COUNCIL.—Section 179(d)(9) of title

1 10, United States Code, is amended by inserting “, in co-
2 ordination with the Joint Requirements Oversight Coun-
3 cil,” after “capabilities, and”.

4 (c) AMENDMENT TO BUDGET AND FUNDING MAT-
5 TERS FOR NUCLEAR WEAPONS PROGRAMS.—

6 (1) IN GENERAL.—Section 179(f) of title 10,
7 United States Code, is amended—

8 (A) by redesignating paragraphs (1)
9 through (7) as paragraphs (2) through (8), re-
10 spectively;

11 (B) striking the heading and inserting the
12 following:

13 “BUDGET AND FUNDING MATTERS.—(1)(A) The
14 Council shall review each budget request transmitted by
15 the Secretary of Energy to the Council under section 4717
16 of the Atomic Energy Defense Act (50 U.S.C. 2757) and
17 make a determination regarding the adequacy of each
18 such request.

19 “(B) Not later than 30 days after making a deter-
20 mination described in subparagraph (A), the Council shall
21 notify Congress that such a determination has been
22 made.”; and

23 (C) by striking paragraph (7), as so redес-
24 ignated, and inserting the following new para-
25 graph (7):

1 “(7) If a House of Congress adopts a bill authorizing
2 or appropriating funds for the Department of Defense
3 that, as determined by the Council, provides funds in an
4 amount that will result in a delay in the nuclear certifi-
5 cation or delivery of F-35A dual-capable aircraft, the Sen-
6 tinel weapon system, the Columbia class ballistic missile
7 submarine, the Long Range Standoff Weapon, the B-21
8 Raider long range bomber, a modernized nuclear com-
9 mand, control, and communications system, or other such
10 nuclear weapons delivery or communications systems in
11 development as of January 1, 2022, the Council shall no-
12 tify the congressional defense committees of the deter-
13 mination.”.

14 (2) TRANSFER OF DETERMINATION OF ADE-
15 QUACY REQUIREMENT.—Subparagraph (B) of sec-
16 tion 4717(a)(2) of the Atomic Energy Defense Act
17 (50 U.S.C. 2757) is—

18 (A) transferred to section 179(f) of title
19 10, United States Code, as amended by para-
20 graph (1);

21 (B) inserted after paragraph (1)(A) of
22 such section; and

23 (C) amended—

24 (i) by moving such subparagraph 4
25 ems to the left;

1 (ii) by striking “DETERMINATION OF
2 ADEQUACY.—” and all that follows through
3 “(i) INADEQUATE REQUESTS.—” and in-
4 serting “(i)”;

5 (iii) in clause (i), by striking “para-
6 graph (1)” and inserting “section 4717 of
7 the Atomic Energy Defense Act (50 U.S.C.
8 2757)”;

9 (iv) in clause (ii)—

10 (I) by moving such clause 6 ems
11 to the left;

12 (II) by striking the heading; and

13 (III) by striking “paragraph (1)”
14 and inserting “section 4717 of the
15 Atomic Energy Defense Act (50
16 U.S.C. 2757)”;

17 (v) in clause (iii)—

18 (I) by moving such clause 6 ems
19 to the left; and

20 (II) by striking the heading.

21 (d) MODIFICATION OF BUDGET REVIEW BY NU-
22 CLEAR WEAPONS COUNCIL.—Section 4717 of the Atomic
23 Energy Defense Act (50 U.S.C. 2757) is amended—

24 (1) in subsection (a)—

1 (A) by striking paragraph (2) and insert-
2 ing the following new paragraph (2):

3 “(2) REVIEW.—The Council shall review each
4 budget request transmitted to the Council under
5 paragraph (1) in accordance with section 179(f) of
6 title 10, United States Code.”; and

7 (B) in paragraph (3)(A)—

8 (i) in the matter preceding clause (i),
9 by striking “paragraph (2)(B)(i)” and in-
10 serting “section 179(f)(1)(B)(i) of title 10,
11 United States Code,”; and

12 (ii) in clause (i), by striking “the de-
13 scription under paragraph (2)(B)(i)” and
14 inserting “that description”; and

15 (2) in subsection (b)—

16 (A) by striking “COUNCIL.—” in the head-
17 ing and all that follows through “At the time”
18 and inserting “COUNCIL.—At the time”; and

19 (B) by striking paragraph (2).

20 **SEC. 1512. DEVELOPMENT OF RISK MANAGEMENT FRAME-**
21 **WORK FOR THE UNITED STATES NUCLEAR**
22 **ENTERPRISE.**

23 (a) FRAMEWORK.—Not later than June 1, 2023, the
24 Under Secretary of Defense for Acquisition and
25 Sustainment and the Administrator for Nuclear Security,

1 in coordination with the other members of the Nuclear
2 Weapons Council, shall develop a joint risk management
3 framework—

4 (1) to periodically identify, analyze, and re-
5 spond to risks that affect the nuclear enterprise of
6 the United States; and

7 (2) to report, internally to other members of
8 the Nuclear Weapons Council and externally to rel-
9 evant stakeholders, such risks and any associated
10 mitigation efforts.

11 (b) ELEMENTS.—The framework required by sub-
12 section (a) shall address—

13 (1) programs to sustain and modernize the nu-
14 clear weapons stockpile of the United States;

15 (2) efforts to sustain and recapitalize infra-
16 structure and facilities of the National Nuclear Se-
17 curity Administration that support programs of the
18 Department of Defense;

19 (3) programs to sustain and modernize nuclear
20 weapons delivery systems of the Department of De-
21 fense; and

22 (4) programs to sustain and modernize the nu-
23 clear command, control, and communications infra-
24 structure of the United States.

1 (c) SUBJECT MATTER EXPERTISE.—The Under Sec-
2 retary and the Administrator shall draw upon public and
3 private sector resources to inform the development of the
4 framework required by subsection (a), including by
5 leveraging, to the maximum extent possible, the program
6 management expertise within the Defense Acquisition
7 University.

8 (d) BRIEFINGS.—The Under Secretary and the Ad-
9 ministrator shall jointly brief the congressional defense
10 committees—

11 (1) not later than February 1, 2023, on the
12 progress made toward developing the framework re-
13 quired by subsection (a); and

14 (2) not later than June 30, 2023, on the com-
15 pleted framework.

16 **SEC. 1513. BIANNUAL BRIEFING ON NUCLEAR WEAPONS**
17 **AND RELATED ACTIVITIES.**

18 Chapter 24 of title 10, United States Code, is amend-
19 ed by inserting after section 492a the following new sec-
20 tion:

21 **“SEC. 492b. BIANNUAL BRIEFING ON NUCLEAR WEAPONS**
22 **AND RELATED ACTIVITIES.**

23 “(a) IN GENERAL.—On or about May 1 and Novem-
24 ber 1 of each calendar year, the officials specified in sub-
25 section (b) shall brief the Committees on Armed Services

1 of the Senate and the House of Representatives on mat-
2 ters relating to nuclear weapons policies, operations, tech-
3 nology development, and other similar topics as requested
4 by such committees.

5 “(b) OFFICIALS SPECIFIED.—The officials specified
6 in this subsection are the following:

7 “(1) the Assistant Secretary of Defense for Ac-
8 quisition.

9 “(2) the Assistant Secretary of Defense for Nu-
10 clear, Chemical, and Biological Defense Programs.

11 “(3) the Assistant Secretary of Defense for
12 Space Policy.

13 “(4) the Deputy Administrator for Defense
14 Programs of the National Nuclear Security Adminis-
15 tration.

16 “(5) the Director for Strategy, Plans, and Pol-
17 icy (J5) of the Joint Staff.

18 “(6) the Director for Capability and Resource
19 Integration (J8) for the United States Strategic
20 Command.

21 “(c) DELEGATION.—An official specified in sub-
22 section (b) may delegate the authority to provide a brief-
23 ing required by subsection (a) to any employee of such
24 official who is a member of the Senior Executive Service.

1 “(d) TERMINATION.—This section terminates on
2 January 1, 2028.”.

3 **SEC. 1514. PLAN FOR DEVELOPMENT OF REENTRY VEHI-**
4 **CLES.**

5 (a) IN GENERAL.—The Under Secretary of Defense
6 for Acquisition and Sustainment, in consultation with the
7 Administrator for Nuclear Security and the Under Sec-
8 retary of Defense for Research and Engineering, shall
9 produce a plan for the development, during the 20 year
10 period beginning on the date of the enactment of this Act,
11 of—

12 (1) the Mark 21A reentry vehicle for the Air
13 Force;

14 (2) the Mark 7 reentry vehicle for the Navy;
15 and

16 (3) any other reentry vehicles for—

17 (A) the Sentinel intercontinental ballistic
18 missile weapon system;

19 (B) the Trident II (D5) submarine-
20 launched ballistic missile, or subsequent missile;
21 and

22 (C) any other long range ballistic or
23 hypersonic strike missile that may rely upon
24 technologies similar to the technologies used in

1 the missiles described in subparagraphs (A) and
2 (B).

3 (b) ELEMENTS.—The plan required by subsection (a)
4 shall—

5 (1) with respect to the development of each re-
6 entry vehicle described in subsection (a), describe—

7 (A) timed phases of production for the re-
8 entry aeroshell and the planned production and
9 fielding of the reentry vehicle;

10 (B) the required developmental and oper-
11 ational testing capabilities and capacities, in-
12 cluding such capabilities and capacities of the
13 reentry vehicle;

14 (C) the technology development and manu-
15 facturing capabilities that may require use of
16 authorities under the Defense Production Act of
17 1950 (50 U.S.C. 4501 et seq.); and

18 (D) the industrial base capabilities and ca-
19 pacities, including the availability of sufficient
20 critical materials and staffing to ensure ade-
21 quate competition between entities developing
22 the reentry vehicle;

23 (2) provide estimated cost projections for the
24 development of the first operational reentry vehicle

1 and the production of subsequent reentry vehicles to
2 meet Navy and Air Force requirements; and

3 (3) provide for the coordination with and ac-
4 count for the needs of the development by the De-
5 partment of Defense of hypersonic systems using
6 materials, staffing, and an industrial base similar to
7 that required for the development of reentry vehicles
8 described in subsection (a).

9 (c) ASSESSMENTS.—

10 (1) COST PROJECTIONS.—The Director of the
11 Office of Cost Assessment and Program Evaluation
12 of the Department of Defense and the Director of
13 the Office of Cost Estimating and Program Evalua-
14 tion of the National Nuclear Security Administration
15 shall jointly conduct an assessment of the costs of
16 the plan required by subsection (a).

17 (2) TECHNOLOGY AND MANUFACTURING READI-
18 NESS.—The Under Secretary of Defense for Acquisi-
19 tion and Sustainment shall enter into an agreement
20 with a federally funded research and development
21 center to conduct an assessment of the technology
22 and manufacturing readiness levels with respect to
23 the plan required by subsection (a).

24 (d) SUBMISSION TO CONGRESS.—Not later than one
25 year after the date of the enactment of this Act, the Under

1 Secretary of Defense for Acquisition and Sustainment
2 shall submit to the congressional defense committees the
3 plan required by subsection (a) and the assessments re-
4 quired by subsection (c).

5 **SEC. 1515. INDUSTRIAL BASE MONITORING FOR B-21 AND**
6 **SENTINEL PROGRAMS.**

7 (a) IN GENERAL.—The Secretary of the Air Force,
8 acting through the Assistant Secretary of the Air Force
9 for Acquisition, Technology, and Logistics, shall designate
10 a senior official to monitor the combined industrial base
11 supporting the acquisition of B-21 aircraft and Sentinel
12 programs.

13 (b) REQUIREMENTS FOR MONITORING.—In moni-
14 toring the combined industrial base described in sub-
15 section (a), the senior official designated under that sub-
16 section shall—

17 (1) appoint individuals to key staff positions;

18 (2) monitor the acquisition of—

19 (A) personnel with critical skills;

20 (B) materials, technologies, and compo-
21 nents associated with nuclear weapons systems;
22 and

23 (C) commodities purchased on a large
24 scale; and

1 (3) assess whether public and private personnel
2 with critical skills and knowledge, intellectual prop-
3 erty on manufacturing processes, and facilities and
4 equipment necessary to design, develop, manufac-
5 ture, repair, and support a program are available
6 and affordable within the scopes of the B-21 air-
7 craft and Sentinel programs.

8 (c) ANNUAL REPORT.—Contemporaneously with the
9 submission of the budget of the President pursuant to sec-
10 tion 1105(a) of title 31 for a fiscal year, the Secretary
11 shall submit to the congressional defense committees a re-
12 port with respect to the status of the combined industrial
13 base described in subsection (a).

14 **SEC. 1516. ESTABLISHMENT OF INTERCONTINENTAL BAL-**
15 **LISTIC MISSILE SITE ACTIVATION TASK**
16 **FORCE FOR SENTINEL PROGRAM.**

17 (a) ESTABLISHMENT.—

18 (1) IN GENERAL.—There is established within
19 the Air Force Global Strike Command a directorate
20 to be known as the Sentinel Intercontinental Bal-
21 listic Missile Site Activation Task Force (referred to
22 in this section as the “Task Force”).

23 (2) SITE ACTIVATION TASK FORCE.—The Task
24 Force shall serve as the Site Activation Task Force
25 (as that term is defined in Air Force Instruction 10–

1 503, updated October 14, 2020) for purposes of
2 overseeing the construction of fixed facilities and
3 emplacements and the installation and checkout of
4 supporting subsystems and equipment leading to the
5 deployment and achievement of full operational ca-
6 pability of the LGM-35A Sentinel intercontinental
7 ballistic missile weapon system at each interconti-
8 nental ballistic missile wing for use by the Air Force
9 Global Strike Command in support of plans and op-
10 erations of the United States Strategic Command.

11 (b) DIRECTOR.—

12 (1) IN GENERAL.—The Task Force shall be
13 headed by the Director of Intercontinental Ballistic
14 Missile Modernization (referred to in this section as
15 the “Director”).

16 (2) APPOINTMENT.—

17 (A) IN GENERAL.—The Secretary of the
18 Air Force shall appoint the Director from
19 among general officers (as defined in section
20 101(b) of title 10, United States Code) of the
21 Air Force.

22 (B) QUALIFICATIONS.—In appointing the
23 Director, the Secretary of the Air Force shall
24 give preference to individuals with expertise in
25 large construction projects.

1 (3) TERM OF OFFICE.—

2 (A) TERM.—The Director shall be ap-
3 pointed for a term of three years. The Sec-
4 retary may reappoint the Director for one addi-
5 tional three-year term.

6 (B) REMOVAL.—The Secretary may re-
7 move the Director for cause at any time.

8 (4) DUTIES OF THE DIRECTOR.—The Director
9 shall—

10 (A) oversee—

11 (i) the deployment of the LGM-35A
12 Sentinel intercontinental ballistic missile
13 weapon system; and

14 (ii) the retirement of the LGM-30G
15 Minuteman III intercontinental ballistic
16 missile weapon system; and

17 (B) subject to the authority, direction, and
18 control of the Commander of the Air Force
19 Global Strike Command, the Chief of Staff of
20 the Air Force, and the Secretary of the Air
21 Force, prepare, justify, and execute the per-
22 sonnel, operation and maintenance, and con-
23 struction budgets for such deployment and re-
24 tirement.

25 (c) REPORTS.—

1 (1) REPORT TO SECRETARIES.—Not later than
2 one year after the date of the enactment of this Act,
3 and annually thereafter, the Director, in consulta-
4 tion with the milestone decision authority (as de-
5 fined in section 2366a(d) of title 10, United States
6 Code) for the LGM-35A Sentinel intercontinental
7 ballistic missile program, shall submit to the Sec-
8 retary of the Air Force and the Secretary of Defense
9 a report on the progress of the Air Force in achiev-
10 ing initial and full operational capability for the
11 LGM-35A Sentinel intercontinental ballistic missile
12 weapon system.

13 (2) REPORT TO CONGRESS.—Not later than 30
14 days after receiving a report required by paragraph
15 (1), the Secretary of the Air Force and the Sec-
16 retary of Defense jointly shall transmit the report to
17 the congressional defense committees.

18 (3) FORM.—The report required by paragraph
19 (1) shall be submitted in unclassified form, but may
20 include a classified annex.

21 (4) QUARTERLY BRIEFING.—Not later than one
22 year after the date of the enactment of this Act, and
23 every 90 days thereafter, the Secretary of the Air
24 Force shall brief the congressional defense commit-
25 tees with respect to progress made on activities by

1 the Task Force to bring the LGM-35A Sentinel
2 intercontinental ballistic missile weapon system to
3 operational capability at each intercontinental bal-
4 listic missile wing.

5 (d) WEAPON SYSTEM DESIGNATION.—

6 (1) IN GENERAL.—For purposes of nomen-
7 clature and life cycle maintenance, each wing level
8 configuration of the LGM-35A Sentinel interconti-
9 nental ballistic missile shall be considered a weapon
10 system.

11 (2) DEFINITIONS.—In this subsection:

12 (A) WEAPON SYSTEM.—The term “weapon
13 system” has the meaning given the term in De-
14 partment of the Air Force Pamphlet 63-128,
15 updated February 3, 2021.

16 (B) WING LEVEL CONFIGURATION.—The
17 term “wing level configuration” means the com-
18 plete arrangement of subsystems and equipment
19 of the LGM-35A Sentinel intercontinental bal-
20 listic missile required to function as a wing.

21 (e) TERMINATION.—The Task Force shall terminate
22 not later than 90 days after the Commander of the United
23 States Strategic Command and the Commander of the Air
24 Force Global Strike Command (or the heads of successor
25 agencies of the United States Strategic Command and the

1 Air Force Global Strike Command) jointly declare that the
2 LGM-35A Sentinel intercontinental ballistic missile weap-
3 on system has achieved full operational capability.

4 **SEC. 1517. SENSE OF THE SENATE AND BRIEFING ON NU-**
5 **CLEAR COOPERATION BETWEEN THE UNITED**
6 **STATES AND THE UNITED KINGDOM.**

7 (a) SENSE OF THE SENATE.—It is the sense of the
8 Senate that—

9 (1) the United States strategic nuclear deter-
10 rent, and the independent strategic nuclear deter-
11 rents of the United Kingdom and the French Repub-
12 lic, are the supreme guarantee of the security of the
13 North Atlantic Treaty Organization (commonly re-
14 ferred to as “NATO”) and continue to underwrite
15 peace and security for all members of the NATO al-
16 liance;

17 (2) the security of the NATO alliance also relies
18 upon nuclear sharing arrangements that predate,
19 and are fully consistent with, the Treaty on the
20 Non-Proliferation of Nuclear Weapons, done at
21 Washington, London, and Moscow July 1, 1968, and
22 entered into force March 5, 1960 (commonly re-
23 ferred to as the “Nuclear Non-Proliferation Trea-
24 ty”);

1 (3) such arrangements provide for the forward
2 deployment of United States nuclear weapons in Eu-
3 rope, along with the supporting capabilities, infra-
4 structure, and dual-capable aircraft dedicated to the
5 delivery of United States nuclear weapons, provided
6 by European NATO allies;

7 (4) in parallel to the independent commitments
8 of the United States and the United Kingdom to the
9 enduring security of NATO, the nuclear programs of
10 the United States and the United Kingdom have en-
11 joyed significant collaborative benefits as a result of
12 the cooperative relationship formalized in the Agree-
13 ment for Cooperation on the Uses of Atomic Energy
14 for Mutual Defense Purposes, signed at Washington
15 July 3, 1958, and entered into force August 4,
16 1958, between the United States and the United
17 Kingdom (commonly referred to as the “Mutual De-
18 fense Agreement”);

19 (5) the unique partnership between the United
20 States and the United Kingdom has enhanced sov-
21 ereign military and scientific capabilities, strength-
22 ened bilateral ties, and resulted in the sharing of
23 costs;

24 (6) as the international security environment
25 deteriorates and potential adversaries expand and

1 enhance their nuclear forces, the extended deter-
2 rence commitments of the United Kingdom play an
3 increasingly important role in supporting the secu-
4 rity interests of the United States and allies of the
5 United States and the United Kingdom;

6 (7) additionally, the extension of the nuclear de-
7 terrence commitments of the United Kingdom to
8 members of the NATO alliance strengthens collective
9 security while reducing the burden placed on United
10 States nuclear forces to deter potential adversaries
11 and assure allies of the United States;

12 (8) it is in the national security interest of the
13 United States to support the United Kingdom with
14 respect to the decision of the Government of the
15 United Kingdom to maintain its nuclear forces to
16 deter countries that are “significantly increasing and
17 diversifying their nuclear arsenals” and “investing in
18 novel nuclear technologies and developing new
19 ‘warfighting’ nuclear systems” that could threaten
20 NATO allies, as outlined in the March 2021 report
21 of the Government of the United Kingdom entitled,
22 “Global Britain in a Competitive Age: The Inte-
23 grated Review of Security, Defence, Development
24 and Foreign Policy”;

1 (9) as the United States continues to modernize
2 its aging nuclear forces to ensure its ability to con-
3 tinue to field a nuclear deterrent that is safe, secure,
4 and effective, the United Kingdom faces a similar
5 challenge;

6 (10) bilateral cooperation on such programs as
7 the Trident II D5 weapons system, the common mis-
8 sile compartment for the future Dreadnought and
9 Columbia classes of submarines, and the parallel de-
10 velopment of the W93/Mk7 warhead of the United
11 States and the replacement warhead of the United
12 Kingdom, will allow the United States and the
13 United Kingdom to responsibly address challenges
14 within their legacy nuclear forces in a cost-effective
15 manner that—

16 (A) preserves independent, sovereign con-
17 trol;

18 (B) is consistent with each country's obli-
19 gations under the Nuclear Non-Proliferation
20 Treaty; and

21 (C) supports nonproliferation objectives;
22 and

23 (11) continued cooperation between the nuclear
24 programs of United States and the United Kingdom
25 is essential to ensuring that the NATO alliance con-

1 continues to be supported by credible nuclear forces ca-
2 pable of preserving peace, preventing coercion, and
3 deterring aggression.

4 (b) BRIEFING.—Not later than March 4, 2023, the
5 Under Secretary of Defense for Acquisition and
6 Sustainment shall brief the Committees on Armed Serv-
7 ices of the Senate and the House of Representatives on
8 opportunities to further enhance and strengthen the bilat-
9 eral partnership between the nuclear enterprises of the
10 United States and the United Kingdom, including poten-
11 tial cooperation in areas such as advanced manufacturing,
12 microelectronics, supercomputing, and production mod-
13 ernization.

14 **SEC. 1518. LIMITATION ON USE OF FUNDS UNTIL SUBMIS-**
15 **SION OF REPORTS ON INTERCONTINENTAL**
16 **BALLISTIC MISSILE FORCE.**

17 (a) LIMITATION.—Of the funds authorized to be ap-
18 propriated by this Act for fiscal year 2023 for the Office
19 of the Under Secretary of Defense for Policy, not more
20 than 50 percent may be obligated or expended until the
21 Secretary of Defense submits to the congressional defense
22 committees the reports and documents required under sec-
23 tion 1647 of the National Defense Authorization Act for
24 Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2097).

25 (b) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than the date
2 specified in paragraph (2), the Secretary of Defense
3 shall submit to the congressional defense commit-
4 tees—

5 (A) any covered review completed in 2021
6 or 2022; and

7 (B) a report summarizing any policy, pro-
8 grammatic, operational, or budgetary decisions
9 of the Secretary of Defense arising from the re-
10 sults of any covered review completed in 2021
11 or 2022.

12 (2) DATE SPECIFIED.—The date specified in
13 this paragraph is the latter of—

14 (A) the date that is 15 days after the date
15 of the enactment of this Act; or

16 (B) the date that is 15 days after the
17 President submits to Congress a budget for fis-
18 cal year 2023 pursuant to section 1105 of title
19 31, United States Code.

20 (3) COVERED REVIEW DEFINED.—In this sec-
21 tion, the term “covered review” means any review
22 initiated in 2021 or 2022 by an entity pursuant to
23 an agreement or contract with the Federal Govern-
24 ment regarding—

1 (A) a service life extension program for
2 LGM-30G Minuteman III intercontinental bal-
3 listic missiles; or

4 (B) the future of the intercontinental bal-
5 listic missile force.

6 **SEC. 1519. PROHIBITION ON REDUCTION OF THE INTER-**
7 **CONTINENTAL BALLISTIC MISSILES OF THE**
8 **UNITED STATES.**

9 (a) PROHIBITION.—Except as provided in subsection
10 (b), none of the funds authorized to be appropriated by
11 this Act for fiscal year 2023 for the Department of De-
12 fense may be obligated or expended for the following, and
13 the Department may not otherwise take any action to do
14 the following:

15 (1) Reduce, or prepare to reduce, the respon-
16 siveness or alert level of the intercontinental ballistic
17 missiles of the United States.

18 (2) Reduce, or prepare to reduce, the quantity
19 of deployed intercontinental ballistic missiles of the
20 United States to a number less than 400.

21 (b) EXCEPTION.—The prohibition in subsection (a)
22 shall not apply to any of the following activities:

23 (1) The maintenance, sustainment, or replace-
24 ment of intercontinental ballistic missiles.

1 (2) Ensuring the safety, security, or reliability
2 of intercontinental ballistic missiles.

3 **SEC. 1520. LIMITATION ON USE OF FUNDS FOR B83-1 RE-**
4 **TIREMENT AND REPORT ON DEFEATING**
5 **HARD AND DEEPLY BURIED TARGETS.**

6 (a) LIMITATION ON USE OF FUNDS.—Except as pro-
7 vided in subsection (c), none of the funds authorized to
8 be appropriated by this Act for fiscal year 2023 for the
9 Department of Defense or the Department of Energy for
10 the purpose of deactivating, dismantling, or retiring the
11 B83-1 nuclear gravity bomb may be obligated or expended
12 until the Secretary of Defense and the Secretary of En-
13 ergy submit to the Committees on Armed Services of the
14 Senate and the House of Representatives the report re-
15 quired by subsection (b).

16 (b) REPORT REQUIRED.—

17 (1) IN GENERAL.—The Secretary of Defense
18 and the Secretary of Energy, acting through the Nu-
19 clear Weapons Council established under section 179
20 of title 10, United States Code, and the Joint Re-
21 quirements Oversight Council and in consultation
22 with the Director of National Intelligence, shall sub-
23 mit to the Committees on Armed Services of the
24 Senate and the House of Representatives a report on
25 the defeat of hard and deeply buried targets.

1 (2) ELEMENTS.—The report required by para-
2 graph (1) shall include—

3 (A) a review of Department of Defense re-
4 quirements for defeating hard and deeply bur-
5 ied targets, including facilities designed for the
6 storage or manufacture of nuclear, chemical,
7 and biological weapons and their precursors;

8 (B) an evaluation of the sufficiency of cur-
9 rent and planned conventional and nuclear mili-
10 tary capabilities to satisfy such requirements;

11 (C) an identification of likely future trajec-
12 tories in the worldwide use and proliferation of
13 hard and deeply buried targets;

14 (D) an assessment of the resources, re-
15 search and development efforts, and capability
16 options needed to ensure that the United States
17 maintains the ability to defeat hard and deeply
18 buried targets and other related requirements;
19 and

20 (E) a determination of the capability and
21 cost of each resource, effort, and option as-
22 sessed under subparagraph (D).

23 (3) ASSESSMENT.—In order to perform the as-
24 sessment required by paragraph (2)(D), the Sec-
25 retary of Defense and the Secretary of Energy may

1 conduct any limited research and development that
2 either such Secretary determines is necessary to per-
3 form the assessment.

4 (4) FORM.—The report required under this
5 subsection shall be submitted in unclassified form,
6 but may include a classified annex if necessary.

7 (c) EXCEPTION.—The limitation on the use of funds
8 under subsection (a) does not apply to the deactivation,
9 dismantling, or retirement of B83–1 nuclear gravity
10 bombs for the express purpose of supporting sustainment,
11 life extension, or modification programs for other weapons
12 currently in, or planned to become part of, the United
13 States nuclear weapons stockpile.

14 **SEC. 1521. LIMITATION ON USE OF FUNDS FOR NAVAL NU-**
15 **CLEAR FUEL SYSTEMS BASED ON LOW-EN-**
16 **RICED URANIUM.**

17 (a) LIMITATION.— None of the funds authorized to
18 be appropriated for fiscal year 2023 for the National Nu-
19 clear Security Administration for the purposes of con-
20 ducting research and development of an advanced naval
21 nuclear fuel system based on low-enriched uranium may
22 be obligated or expended until the following determina-
23 tions are submitted to the congressional defense commit-
24 tees:

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 (b) REPORT REQUIRED.—Not later than 60 days
20 after the date of the enactment of this Act, the Adminis-
21 trator for Nuclear Security shall submit to the congres-
22 sional defense committees a report on activities conducted
23 using amounts made available for fiscal year 2022 for non-
24 proliferation fuels development, including a description of

1 any progress made toward technological or nonprolifera-
2 tion goals as a result of such activities.

3 **SEC. 1522. FURTHER LIMITATION ON USE OF FUNDS UNTIL**
4 **SUBMISSION OF ANALYSIS OF ALTERNATIVES**
5 **FOR NUCLEAR SEA-LAUNCHED CRUISE MIS-**
6 **SILE.**

7 Of the funds authorized to be appropriated by this
8 Act for fiscal year 2023 for the Office of the Under Sec-
9 retary of Defense for Policy, not more than 75 percent
10 may be obligated or expended until the Secretary of De-
11 fense submits to the congressional defense committees the
12 analysis and provides to such committees the briefing re-
13 quired by section 1641 of the National Defense Authoriza-
14 tion Act for Fiscal Year 2022 (Public Law 117–81; 135
15 Stat. 2092).

16 **SEC. 1523. MODIFICATION OF REPORTS ON NUCLEAR POS-**
17 **TURE REVIEW IMPLEMENTATION.**

18 Section 491(c) of title 10, United States Code is
19 amended—

20 (1) in the heading, by striking “2010” and in-
21 serting “2022”;

22 (2) in the matter preceding paragraph (1)—

23 (A) by striking “2012 through 2021” and
24 inserting “2022 through 2031”; and

1 (B) by striking “2010” and inserting
2 “2022”; and

3 (3) by striking paragraph (1) and inserting the
4 following new paragraph (1.):

5 “(1) ensure that the report required by section
6 492a of this title is transmitted to Congress, if so
7 required under such section;”.

8 **SEC. 1524. MODIFICATION OF REQUIREMENTS FOR PLUTO-**
9 **NIUM PIT PRODUCTION CAPACITY PLAN.**

10 (a) NOTIFICATION REQUIRED.—Section 4219(c) of
11 the Atomic Energy Defense Act (50 U.S.C. 2538a(c)) is
12 amended—

13 (1) by striking “that subsection, by” and insert-
14 ing the following: “that subsection—”

15 “(1) by not later than March 5 of such year,
16 the Chairman of the Nuclear Weapons Council shall
17 notify the congressional defense committees whether
18 the Administration has provided the Nuclear Weap-
19 ons Council with sufficient information to develop
20 the plan required by paragraph (2); and

21 “(2) by”; and

22 (2) by striking “subsection (a). Such plan” and
23 inserting “subsection (a), which”.

24 (b) LIMITATION ON USE OF FUNDS.—Of the funds
25 authorized to be appropriated by this Act for fiscal year

1 2023 for the Office of the Under Secretary of Defense for
2 Acquisition and Sustainment, not more than 75 percent
3 may be obligated or expended until the Chairman of the
4 Nuclear Weapons Council submits to the congressional de-
5 fense committees a plan required by section 4219(c)(2) of
6 the Atomic Energy Defense Act, as amended by subsection
7 (a).

8 **SEC. 1525. EXTENSION OF REQUIREMENT TO REPORT ON**
9 **NUCLEAR WEAPONS STOCKPILE.**

10 Section 492a(a)(1) of title 10, United States Code,
11 is amended by striking “2024” and inserting “2029”.

12 **SEC. 1526. EXTENSION OF REQUIREMENT FOR ANNUAL AS-**
13 **SESSMENT OF CYBER RESILIENCY OF NU-**
14 **CLEAR COMMAND AND CONTROL SYSTEM.**

15 Section 499(e) of title 10, United States Code, is
16 amended by striking “December 31, 2027” and inserting
17 “December 31, 2032”.

18 **SEC. 1527. EXTENSION OF REQUIREMENT FOR**
19 **UNENCUMBERED URANIUM PLAN.**

20 Section 4221(a) of the Atomic Energy Defense Act
21 (50 U.S.C. 2538c(a)) is amended by striking “2026” and
22 inserting “2030”.

1 **SEC. 1528. EXTENSION OF PIT PRODUCTION ANNUAL CER-**
2 **TIFICATION.**

3 Section 3120(e) of the John S. McCain National De-
4 fense Authorization Act for Fiscal Year 2019 (Public Law
5 115–232; 132 Stat. 2294) is amended in the matter pre-
6 ceding paragraph (1) by striking “2025” and inserting
7 “2030”.

8 **SEC. 1529. ELIMINATION OF OBSOLETE REPORTING RE-**
9 **QUIREMENTS RELATING TO PLUTONIUM PIT**
10 **PRODUCTION.**

11 Section 3120 of the John S. McCain National De-
12 fense Authorization Act for Fiscal Year 2019 (Public Law
13 115–232; 132 Stat. 2292) is amended—

14 (1) by striking subsections (b), (c), (d), and (g);

15 (2) by redesignating subsections (e) and (f) as
16 subsections (b) and (c), respectively;

17 (3) in subsection (b), as so redesignated—

18 (A) in the matter preceding paragraph (1),
19 by striking “2025” and inserting “2029”; and

20 (B) in paragraph (3), by inserting “, as in
21 effect on the day before the date of the enact-
22 ment of the National Defense Authorization Act
23 for Fiscal Year 2023” after “subsection
24 (c)(1)”; and

1 (4) in subsection (c), as so redesignated, by
2 striking “subsection (e)” each place it appears and
3 inserting “subsection (b)”.

4 **SEC. 1530. TECHNICAL AMENDMENT TO ADDITIONAL RE-**
5 **PORT MATTERS ON STRATEGIC DELIVERY**
6 **SYSTEMS.**

7 Section 495(b) of title 10, United States Code, is
8 amended in the matter preceding paragraph (1) by strik-
9 ing “1043 of the National Defense Authorization Act for
10 Fiscal Year 2012” and inserting “492a of this title”.

11 **Subtitle C—Missile Defense**

12 **SEC. 1541. PERSISTENT CYBERSECURITY OPERATIONS FOR**
13 **BALLISTIC MISSILE DEFENSE SYSTEMS AND**
14 **NETWORKS.**

15 (a) PLAN.—Not later than May 1, 2023, the Director
16 of the Missile Defense Agency, in coordination with the
17 Director for Operational Test and Evaluation, shall de-
18 velop a plan to conduct persistent cybersecurity operations
19 across all networks and information systems supporting
20 the Ballistic Missile Defense System.

21 (b) ELEMENTS.—The plan required by subsection (a)
22 shall include the following:

23 (1) An inventory of all networks and informa-
24 tion systems that support the Ballistic Missile De-
25 fense System.

1 (2) A strategy—

2 (A) for coordinating with the applicable
3 Combatant Commands on persistent cybersecu-
4 rity operations; and

5 (B) in which the Director for Operational
6 Test and Evaluation monitors and reviews such
7 operations and provides independent assess-
8 ments of their adequacy and sufficiency.

9 (3) A plan for how the Missile Defense Agency
10 will respond to cybersecurity testing recommenda-
11 tions made by the Director for Operational Test and
12 Evaluation.

13 (4) The timeline required to execute the plan.

14 (c) BRIEFINGS.—The Director of the Missile Defense
15 Agency shall provide to the congressional defense commit-
16 tees a briefing—

17 (1) not later than May 15, 2023, on the plan
18 developed under subsection (a); and

19 (2) not later than December 30, 2023, on
20 progress made towards implementing such plan.

21 **SEC. 1542. MIDDLE EAST INTEGRATED AIR AND MISSILE**
22 **DEFENSE.**

23 (a) IN GENERAL.—The Secretary of Defense shall
24 seek to cooperate with allies and partners in the Middle
25 East to identify an architecture and develop an acquisition

1 approach for the countries specified in subsection (b) to
2 implement an integrated air and missile defense capability
3 to protect the people, infrastructure, and territory of such
4 countries from cruise and ballistic missiles, manned and
5 unmanned aerial systems, and rocket attacks from Iran
6 and groups linked to Iran.

7 (b) COUNTRIES SPECIFIED.—The countries specified
8 in this subsection are as follows:

- 9 (1) Countries of the Gulf Cooperation Council.
10 (2) Iraq.
11 (3) Israel.
12 (4) Jordan.
13 (5) Egypt.
14 (6) Such other regional allies or partners of the
15 United States as the Secretary may identify.

16 (c) STRATEGY.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary shall submit to the congressional defense com-
20 mittees a strategy on cooperation with allies and
21 partners in the Middle East to identify an architec-
22 ture and develop an acquisition approach for the
23 countries specified in subsection (b) to implement an
24 integrated air and missile defense capability to pro-
25 tect the people, infrastructure, and territory of such

1 countries from cruise and ballistic missiles, manned
2 and unmanned aerial systems, and rocket attacks
3 from Iran and groups linked to Iran.

4 (2) CONTENTS.—The strategy submitted under
5 paragraph (1) shall include the following:

6 (A) An assessment of the threat of ballistic
7 and cruise missiles, manned and unmanned aer-
8 ial systems, and rocket attacks from Iran and
9 groups linked to Iran to the countries specified
10 in subsection (b).

11 (B) A description of current efforts to co-
12 ordinate indicators and warnings from such at-
13 tacks with the countries specified in subsection
14 (b).

15 (C) A description of current systems to de-
16 fend against attacks in coordination with the
17 countries specified in subsection (b).

18 (D) An explanation of how an integrated
19 air and missile defense architecture would im-
20 prove collective security in the region covered by
21 the countries specified in subsection (b).

22 (E) A description of efforts to engage spec-
23 ified foreign partners in establishing such an
24 architecture.

1 (F) An identification of elements of the in-
2 tegrated air and missile defense architecture
3 that—

4 (i) can be acquired and operated by
5 specified foreign partners; and

6 (ii) can only be provided and operated
7 by members of the Armed Forces.

8 (G) An identification of any challenges in
9 establishing an integrated air and missile de-
10 fense architecture with specified foreign part-
11 ners.

12 (H) An assessment of progress, and key
13 challenges, in the implementation of the strat-
14 egy using such metrics identified under para-
15 graph (4).

16 (I) Recommendations for improvements in
17 the implementation of the strategy based on the
18 metrics identified under paragraph (4).

19 (J) Such other matters as the Secretary
20 considers relevant.

21 (3) PROTECTION OF SENSITIVE INFORMA-
22 TION.—Any activity carried out under paragraph (1)
23 shall be conducted in a manner that appropriately
24 protects sensitive information and the national secu-
25 rity interests of the United States.

1 (4) METRICS.—The Secretary shall identify
2 metrics to assess progress in the implementation of
3 the strategy required in paragraph (1).

4 (5) FORMAT.—The strategy submitted under
5 paragraph (1) shall be submitted in unclassified
6 form, but may include a classified annex.

7 (d) FEASIBILITY STUDY.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this act, the Sec-
10 retary of Defense shall—

11 (A) complete a study on the feasibility and
12 advisability of establishing a fund for an inte-
13 grated air and missile defense system to
14 counter the threats from cruise and ballistic
15 missiles, manned and unmanned aerial systems,
16 and rocket attacks for the countries specified in
17 subsection (b) from Iran and groups linked with
18 Iran; and

19 (B) submit to the congressional defense
20 committees the findings of the Secretary with
21 respect to the study completed under subpara-
22 graph (A).

23 (2) ASSESSMENT OF CONTRIBUTIONS.—The
24 study completed under paragraph (1)(A) shall in-
25 clude an assessment of funds that could be contrib-

1 uted by allies of the United States and countries
2 that are partners with the United States.

3 **SEC. 1543. DESIGNATION OF A DEPARTMENT OF DEFENSE**
4 **INDIVIDUAL RESPONSIBLE FOR MISSILE DE-**
5 **FENSE OF GUAM.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall designate a senior Department of Defense individual
9 responsible for the missile defense of Guam.

10 (b) DUTIES.—The duties of the individual designated
11 under subsection (a) shall include the following:

12 (1) Designing the architecture of the missile de-
13 fense system for defending Guam.

14 (2) Overseeing development of an integrated
15 missile defense acquisition strategy for the missile
16 defense of Guam.

17 (3) Ensuring the military service and Defense
18 agency component budgets are appropriate for the
19 strategy described in paragraph (2).

20 (4) Siting the integrated missile defense system
21 described in paragraph (2).

22 (5) Overseeing long-term acquisition and
23 sustainment of the missile defense system for Guam.

24 (6) Such other duties as the Secretary considers
25 appropriate.

1 (c) PROGRAM TREATMENT.—The integrated missile
2 defense system referred to in subsection (b) shall be des-
3 ignated as special interest acquisition category 1D pro-
4 gram and shall be managed as consistent with Department
5 of Defense Instruction 5000.85 “Major Capability Acqui-
6 sition”.

7 (d) REPORT.—Concurrent with the submittal of each
8 budget of the President under section 1105(a) of title 31,
9 United States Code, the individual designated under sub-
10 section (a) shall submit to the congressional defense com-
11 mittees a report on the actions taken by the individual
12 to carry out the duties set forth under subsection (b).

13 (e) TERMINATION.—Subsections (a) and (d) shall
14 terminate on the date that is three years after the date
15 on which the individual designated under subsection (a)
16 determines that the integrated missile defense system de-
17 scribed in subsection (b)(2) has achieved initial oper-
18 ational capability.

19 **SEC. 1544. MODIFICATION OF PROVISION REQUIRING**
20 **FUNDING PLAN FOR NEXT GENERATION**
21 **INTERCEPTORS FOR MISSILE DEFENSE OF**
22 **UNITED STATES HOMELAND.**

23 Section 1668 of the National Defense Authorization
24 Act for Fiscal Year 2022 (Public Law 117–81) is amend-
25 ed—

1 (1) in subsection (a)(2), by striking “at least
2 20” and inserting “no fewer than 64”;

3 (2) in subsection (b), by striking “fiscal year
4 2023” and inserting “fiscal year 2024”; and

5 (3) in subsection (c)—

6 (A) in the matter before paragraph (1)—

7 (i) by striking “30 days prior to any”
8 and inserting “90 days prior to implemen-
9 tation of a”; and

10 (ii) by striking “Director” and insert-
11 ing “Secretary of Defense”; and

12 (B) in paragraph (2), by striking “Direc-
13 tor” and inserting “Secretary”.

14 **SEC. 1545. BIENNIAL BRIEFING ON MISSILE DEFENSE AND**
15 **RELATED ACTIVITIES.**

16 (a) IN GENERAL.—On or about June 1 and Decem-
17 ber 1 of each calendar year, the officials specified in sub-
18 section (b) shall brief the Committees on Armed Services
19 of the Senate and the House of Representatives on mat-
20 ters relating to missile defense policies, operations, tech-
21 nology development, and other similar topics as requested
22 by such committees.

23 (b) OFFICIALS SPECIFIED.—The officials specified in
24 this subsection are the following:

1 (1) The Assistant Secretary of Defense for Ac-
2 quisition.

3 (2) The Assistant Secretary of Defense for
4 Space Policy.

5 (3) The Director of the Missile Defense Agency.

6 (4) The Director for Strategy, Plans, and Pol-
7 icy (J5) of the Joint Staff.

8 (c) DELEGATION.—An official specified in subsection
9 (b) may delegate the authority to provide a briefing re-
10 quired by subsection (a) to any employee of such official
11 who is a member of the Senior Executive Service.

12 (d) TERMINATION.—This section terminates on Jan-
13 uary 1, 2028.

14 **SEC. 1546. IMPROVING ACQUISITION ACCOUNTABILITY RE-**
15 **PORTS ON THE BALLISTIC MISSILE DEFENSE**
16 **SYSTEM.**

17 Section 225 of title 10, United States Code, is
18 amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1)(C), by striking “and
21 flight” and inserting “, flight, and cybersecu-
22 rity”;

23 (B) in paragraph (2), by striking subpara-
24 graph (C) and inserting the following new sub-
25 paragraph (C):

1 “(C) how the proposed capability satisfies
2 a capability requirement or performance at-
3 tribute identified through—

4 “(i) the missile defense warfighter in-
5 volvement process, as governed by United
6 States Strategic Command Instruction
7 538-03 or the document that amends or
8 replaces it; or

9 “(ii) processes and products approved
10 by the Joint Chiefs of Staff or Joint Re-
11 quirements Oversight Council;”;

12 (C) in paragraph (3)—

13 (i) in subparagraph (C), by striking “;
14 and” and inserting a semicolon;

15 (ii) in subparagraph (D), by striking
16 the period at the end and inserting “;
17 and”; and

18 (iii) by adding at the end the fol-
19 lowing new subparagraph:

20 “(E) an explanation for why a program
21 joint cost analysis requirements description has
22 not been prepared and approved, and, if a pro-
23 gram joint cost analysis requirements descrip-
24 tion is not applicable, the rationale.”;

25 (2) in subsection (c)(2)—

1 (A) in subparagraph (B)(ii)—

2 (i) in subclause (I)—

3 (I) by striking “initial” and in-
4 serting “original”; and

5 (II) by striking “; and” and in-
6 serting a semicolon;

7 (ii) in subclause (II), by striking the
8 period at the ending and inserting “; and”;
9 and

10 (iii) by adding at the end the fol-
11 lowing new subclause:

12 “(III) the most recent adjusted or revised
13 acquisition baseline for such program element
14 or major subprogram under subsection (d).”;
15 and

16 (B) by adding at the end the following new
17 subparagraph:

18 “(C)(i) In this paragraph, the term ‘original acquisi-
19 tion baseline’ means the first acquisition baseline created.

20 “(ii) An original acquisition baseline has no previous
21 iterations; it has not been adjusted or revised.

22 “(iii) Any acquisition baselines resulting from adjust-
23 ments or revisions to the original acquisition baseline shall
24 not be considered the original acquisition baseline for the
25 purposes of reporting under this section.

1 “(iv) Any acquisition baseline adjusted or revised
2 pursuant to subsection (d) shall not be considered an
3 original acquisition baseline.”;

4 (3) in subsection (e)—

5 (A) in paragraph (1), by striking “; and”
6 and inserting a semicolon;

7 (B) by paragraph (2), by striking the pe-
8 riod at the end and inserting a semicolon; and

9 (C) by adding at the end the following new
10 paragraphs:

11 “(3) the amount of operations and sustainment
12 costs (dollar value and base year) for which the mili-
13 tary department or other Department entity is re-
14 sponsible; and

15 “(4)(A) a citation to the source (such as a joint
16 cost estimate or one or more military department es-
17 timates) that captures the operations and
18 sustainment costs for which a military department
19 or other Department entity is responsible;

20 “(B) the date the source was prepared; and

21 “(C) if and when the source was independently
22 verified by the Office for Cost Assessment and Pro-
23 gram Evaluation.”; and

24 (4) by adding at the end the following new sub-
25 sections:

1 “(f) TOTAL SYSTEM COSTS.—(1) The Director shall
2 identify the total system costs for each element that com-
3 prises the missile defense system, without regard to fund-
4 ing source or management control (such as the Missile De-
5 fense Agency, a military department, or other Department
6 entity), in annual reports submitted under subsection (c).

7 “(2) The elements referred to in paragraph (1) shall
8 include the following:

9 “(A) Research and development.

10 “(B) Procurement.

11 “(C) Military construction.

12 “(D) Operations and sustainment.

13 “(E) Disposal.

14 “(3) In this subsection, the term ‘total system costs’
15 means all combined costs from closed, canceled, and active
16 acquisition baselines, as well as any costs shifted to or a
17 part of future efforts without an established acquisition
18 baseline, and any costs under the responsibility of a mili-
19 tary department or other Department entity.”.

20 **SEC. 1547. IRON DOME SHORT-RANGE ROCKET DEFENSE**
21 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
22 **DEFENSE PROGRAM CO-DEVELOPMENT AND**
23 **CO-PRODUCTION.**

24 (a) IRON DOME SHORT-RANGE ROCKET DEFENSE
25 SYSTEM.—

1 (1) AVAILABILITY OF FUNDS.—Of the funds
2 authorized to be appropriated by this Act for fiscal
3 year 2023 for procurement, Defense-wide, and avail-
4 able for the Missile Defense Agency, not more than
5 \$80,000,000 may be provided to the Government of
6 Israel to procure components for the Iron Dome
7 short-range rocket defense system through co-pro-
8 duction of such components in the United States by
9 industry of the United States.

10 (2) CONDITIONS.—

11 (A) AGREEMENT.—Funds described in
12 paragraph (1) for the Iron Dome short-range
13 rocket defense program shall be available sub-
14 ject to the terms and conditions in the Agree-
15 ment Between the Department of Defense of
16 the United States of America and the Ministry
17 of Defense of the State of Israel Concerning
18 Iron Dome Defense System Procurement,
19 signed on March 5, 2014, as amended to in-
20 clude co-production for Tamir interceptors.

21 (B) CERTIFICATION.—Not later than 30
22 days prior to the initial obligation of funds de-
23 scribed in paragraph (1), the Under Secretary
24 of Defense for Acquisition and Sustainment

1 shall submit to the appropriate congressional
2 committees—

3 (i) a certification that the amended bi-
4 lateral international agreement specified in
5 subparagraph (A) is being implemented as
6 provided in such agreement;

7 (ii) an assessment detailing any risks
8 relating to the implementation of such
9 agreement; and

10 (iii) for system improvements result-
11 ing in modified Iron Dome components
12 and Tamir interceptor sub-components, a
13 certification that the Government of Israel
14 has demonstrated successful completion of
15 Production Readiness Reviews, including
16 the validation of production lines, the
17 verification of component conformance,
18 and the verification of performance to
19 specification as defined in the Iron Dome
20 Defense System Procurement Agreement,
21 as further amended.

22 (b) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
23 GRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUC-
24 TION.—

1 (1) IN GENERAL.—Subject to paragraph (3), of
2 the funds authorized to be appropriated for fiscal
3 year 2023 for procurement, Defense-wide, and avail-
4 able for the Missile Defense Agency not more than
5 \$40,000,000 may be provided to the Government of
6 Israel to procure the David’s Sling Weapon System,
7 including for co-production of parts and components
8 in the United States by United States industry.

9 (2) AGREEMENT.—Provision of funds specified
10 in paragraph (1) shall be subject to the terms and
11 conditions in the bilateral co-production agreement,
12 including—

13 (A) a one-for-one cash match is made by
14 Israel or in another matching amount that oth-
15 erwise meets best efforts (as mutually agreed to
16 by the United States and Israel); and

17 (B) co-production of parts, components,
18 and all-up rounds (if appropriate) in the United
19 States by United States industry for the Da-
20 vid’s Sling Weapon System is not less than 50
21 percent.

22 (3) CERTIFICATION AND ASSESSMENT.—The
23 Under Secretary of Defense for Acquisition and
24 Sustainment shall submit to the appropriate con-
25 gressional committees—

1 (A) a certification that the Government of
2 Israel has demonstrated the successful comple-
3 tion of the knowledge points, technical mile-
4 stones, and Production Readiness Reviews re-
5 quired by the research, development, and tech-
6 nology agreement and the bilateral co-produc-
7 tion agreement for the David's Sling Weapon
8 System; and

9 (B) an assessment detailing any risks re-
10 lating to the implementation of such agreement.

11 (c) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
12 GRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM
13 CO-PRODUCTION.—

14 (1) IN GENERAL.—Subject to paragraph (2), of
15 the funds authorized to be appropriated for fiscal
16 year 2023 for procurement, Defense-wide, and avail-
17 able for the Missile Defense Agency not more than
18 \$80,000,000 may be provided to the Government of
19 Israel for the Arrow 3 Upper Tier Interceptor Pro-
20 gram, including for co-production of parts and com-
21 ponents in the United States by United States in-
22 dustry.

23 (2) CERTIFICATION.—The Under Secretary of
24 Defense for Acquisition and Sustainment shall sub-

1 mit to the appropriate congressional committees a
2 certification that—

3 (A) the Government of Israel has dem-
4 onstrated the successful completion of the
5 knowledge points, technical milestones, and
6 Production Readiness Reviews required by the
7 research, development, and technology agree-
8 ment for the Arrow 3 Upper Tier Interceptor
9 Program;

10 (B) funds specified in paragraph (1) will
11 be provided on the basis of a one-for-one cash
12 match made by Israel or in another matching
13 amount that otherwise meets best efforts (as
14 mutually agreed to by the United States and
15 Israel);

16 (C) the United States has entered into a
17 bilateral international agreement with Israel
18 that establishes, with respect to the use of such
19 funds—

20 (i) in accordance with subparagraph
21 (D), the terms of co-production of parts
22 and components on the basis of the great-
23 est practicable co-production of parts, com-
24 ponents, and all-up rounds (if appropriate)
25 by United States industry and minimizes

1 nonrecurring engineering and facilitization
2 expenses to the costs needed for co-produc-
3 tion;

4 (ii) complete transparency on the re-
5 quirement of Israel for the number of
6 interceptors and batteries that will be pro-
7 cured, including with respect to the pro-
8 curement plans, acquisition strategy, and
9 funding profiles of Israel;

10 (iii) technical milestones for co-pro-
11 duction of parts and components and pro-
12 curement;

13 (iv) a joint affordability working
14 group to consider cost reduction initiatives;
15 and

16 (v) joint approval processes for third-
17 party sales; and

18 (D) the level of co-production described in
19 subparagraph (C)(i) for the Arrow 3 Upper
20 Tier Interceptor Program is not less than 50
21 percent.

22 (d) NUMBER.—In carrying out paragraph (2) of sub-
23 section (b) and paragraph (2) of subsection (c), the Under
24 Secretary may submit—

1 (1) one certification covering both the David's
2 Sling Weapon System and the Arrow 3 Upper Tier
3 Interceptor Program; or

4 (2) separate certifications for each respective
5 system.

6 (e) TIMING.—The Under Secretary shall submit to
7 the congressional defense committees the certification and
8 assessment under subsection (b)(3) and the certification
9 under subsection (c)(2) no later than 30 days before the
10 funds specified in paragraph (1) of subsections (b) and
11 (c) for the respective system covered by the certification
12 are provided to the Government of Israel.

13 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means the following:

16 (1) The congressional defense committees.

17 (2) The Committee on Foreign Relations of the
18 Senate and the Committee on Foreign Affairs of the
19 House of Representatives.

20 **SEC. 1548. MAKING PERMANENT PROHIBITIONS RELATING**
21 **TO MISSILE DEFENSE INFORMATION AND**
22 **SYSTEMS.**

23 Section 130h of title 10, United States Code, is
24 amended by striking subsection (e).

1 **SEC. 1549. LIMITATION ON USE OF FUNDS UNTIL MISSILE**
2 **DEFENSE DESIGNATIONS HAVE BEEN MADE.**

3 Of the funds authorized to be appropriated by this
4 Act for fiscal year 2023 for operation and maintenance,
5 Defense-wide, and available for the Office of the Secretary
6 of Defense, not more than 90 percent may be obligated
7 or expended until the date on which the Secretary notifies
8 the congressional defense committees that designations re-
9 quired by section 1684(e) of the National Defense Author-
10 ization Act for Fiscal Year 2017 (Public Law 114–328)
11 have been made.

12 **Subtitle D—Other Matters**

13 **SEC. 1551. INTEGRATION OF ELECTRONIC WARFARE INTO**
14 **TIER 1 AND TIER 2 JOINT TRAINING EXER-**
15 **CISES.**

16 (a) IN GENERAL.—During fiscal years 2023 through
17 2027, the Chairman of the Joint Chiefs of Staff shall re-
18 quire that offensive and defensive electronic warfare capa-
19 bilities be integrated into Tier 1 and Tier 2 joint training
20 exercises.

21 (b) REQUIREMENT TO INCLUDE OPPOSING FORCE.—
22 The Chairman shall require exercises conducted under
23 subsection (a) to include an opposing force design based
24 on a current intelligence assessment of the electronic war-
25 fare order of battle and capabilities of an adversary.

1 (c) WAIVER.—The Chairman may waive the require-
2 ment under subsection (a) with respect to an exercise if
3 the Chairman determines that—

4 (1) the exercise does not require—

5 (A) a demonstration of electronic warfare
6 capabilities; or

7 (B) a militarily significant threat from
8 electronic warfare attack; or

9 (2) the integration of offensive and defensive
10 electronic warfare capabilities into the exercise is
11 cost prohibitive or not technically feasible based on
12 the overall goals of the exercise.

13 (d) BRIEFING REQUIRED.—Concurrent with the sub-
14 mission of the budget of the President to Congress pursu-
15 ant to section 1105(a) of title 31, United States Code,
16 for fiscal years 2023 through 2027, the Chairman shall
17 provide to the congressional defense committees a briefing
18 on exercises conducted under subsection (a) that in-
19 cludes—

20 (1) a description of such exercises planned and
21 included in the budget submission for that fiscal
22 year; and

23 (2) the results of each such exercise conducted
24 in the preceding fiscal year, including—

1 (A) the extent to which offensive and de-
2 fensive electronic warfare capabilities were inte-
3 grated into the exercise;

4 (B) an evaluation and assessment of the
5 exercise to determine the impact of the adver-
6 sary on the participants in the exercise, includ-
7 ing—

8 (i) joint lessons learned;

9 (ii) high interest training issues; and

10 (iii) high interest training require-
11 ments; and

12 (C) whether offensive and defense elec-
13 tronic warfare capabilities were part of an over-
14 all joint fires and, if so, a description of how.

15 (e) DEFINITIONS.—In this section:

16 (1) JOINT FIRES.—The term “joint fires” has
17 the meaning of that term as used in the publication
18 of the Joint Staff entitled, “Insights and Best Prac-
19 tices Focus Paper on Integration and Synchroni-
20 zation of Joint Fires”, and dated July 2018.

21 (2) TIER 1; TIER 2.—The term “Tier 1” and
22 “Tier 2”, with respect to joint training exercises,
23 have the meanings given those terms in the Joint
24 Training Manual for the Armed Forces of the

1 United States (Document No. CJCSM 3500.03E),
2 dated April 20, 2015.

3 **SEC. 1552. RESPONSIBILITIES AND FUNCTIONS RELATING**
4 **TO ELECTROMAGNETIC SPECTRUM OPER-**
5 **ATIONS.**

6 Section 1053(g) of the John S. McCain National De-
7 fense Authorization Act for Fiscal Year 2019 (Public Law
8 115–232; 10 U.S.C. 113 note), as amended by section 907
9 of the National Defense Authorization Act for Fiscal Year
10 2022 (Public Law 117–81), is further amended—

11 (1) by striking paragraphs (1) and (2);

12 (2) by inserting the following new paragraph

13 (1):

14 “(1) REPORT REQUIRED.—(A) Not later than
15 March 31, 2023, the Secretary of Defense shall sub-
16 mit to the congressional defense committees a report
17 on the appropriate alignment of electromagnetic
18 spectrum operations responsibilities and functions.

19 “(B) CONSIDERATIONS.—In developing the re-
20 port required by subparagraph (A), the Secretary
21 shall consider the following:

22 “(i) All appropriate entities that are in ef-
23 fect, including elements of the Joint Staff, the
24 functional and geographic combatant com-
25 mands, the offices and agencies of the Depart-

1 ment of Defense, and other organizations and
2 the establishment of a new entity for electro-
3 magnetic spectrum operations within any of the
4 entities currently in effect.

5 “(ii) Whether electromagnetic spectrum
6 operations organization should have unitary
7 structure or hybrid structure (in which oper-
8 ational and capability development and direc-
9 tion are headed by separate organizations).

10 “(C) The resources required to fulfill the speci-
11 fied responsibilities and functions.”;

12 (3) by redesignating paragraphs (3) through
13 (5) as paragraphs (2) through (4), respectively; and

14 (4) in the subsection heading, by inserting “RE-
15 PORTS AND PLANS CONCERNING” before “TRANS-
16 FER”.

17 **SEC. 1553. EXTENSION OF AUTHORIZATION FOR PROTEC-**
18 **TION OF CERTAIN FACILITIES AND ASSETS**
19 **FROM UNMANNED AIRCRAFT.**

20 Section 130I(i) of title 10, United States Code, is
21 amended by striking “2023” both places it appears and
22 inserting “2026”.

1 **SEC. 1554. DEPARTMENT OF DEFENSE SUPPORT FOR RE-**
2 **QUIREMENTS OF THE WHITE HOUSE MILI-**
3 **TARY OFFICE.**

4 (a) MEMBERSHIP ON COUNCIL ON OVERSIGHT OF
5 THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND
6 COMMUNICATIONS SYSTEM.—Section 171a(b) of title 10,
7 United States Code, is amended by—

8 (1) redesignating paragraph (7) as paragraph
9 (8); and

10 (2) inserting after paragraph (6) the following
11 new paragraph (7):

12 “(7) The Director of the White House Military
13 Office.”.

14 (b) ACQUISITION PORTFOLIO MANAGER.—The Sec-
15 retary of Defense, acting through the Under Secretary of
16 Defense for Acquisition and Sustainment, shall designate
17 a senior official to oversee, coordinate, and advocate for
18 the portfolio of Department of Defense acquisitions in
19 support of requirements of the White House Military Of-
20 fice.

21 (c) ACCESSIBILITY OF INFORMATION.—The pro-
22 grammatic and budgetary information required to assess
23 the efficacy of Department of Defense acquisitions sup-
24 porting requirements of the White House Military Office
25 shall be provided to the senior official designated under
26 subsection (b) by the following officials:

1 (1) The Secretary of each military department.

2 (2) The Under Secretary of Defense for Policy.

3 (3) The Under Secretary of Defense for Re-
4 search and Engineering.

5 (4) The Chairman of the Joint Chiefs of Staff.

6 (5) The Director of Cost Assessment and Pro-
7 gram Evaluation.

8 (d) ANNUAL BRIEFING.—Not later than 30 days
9 after the date on which the President submits to Congress
10 a budget for each of fiscal years 2024 through 2027 pur-
11 suant to section 1105(a) of title 31, United States Code,
12 the Under Secretary of Defense for Acquisition and
13 Sustainment and the Director of the White House Military
14 Office shall jointly brief the congressional defense commit-
15 tees on acquisition programs, plans, and other activities
16 supporting the requirements of the White House Military
17 Office.

1 **TITLE XVI—CYBERSPACE-**
2 **RELATED MATTERS**
3 **Subtitle A—Matters Relating to**
4 **Cyber Operations and Cyber**
5 **Forces**

6 **SEC. 1601. ANNUAL ASSESSMENTS AND REPORTS ON AS-**
7 **SIGNMENT OF CERTAIN BUDGET CONTROL**
8 **RESPONSIBILITY TO COMMANDER OF**
9 **UNITED STATES CYBER COMMAND.**

10 (a) ANNUAL ASSESSMENTS.—

11 (1) IN GENERAL.—In fiscal year 2023 and not
12 less frequently than once each fiscal year thereafter
13 through fiscal year 2028, the Commander of United
14 States Cyber Command, in coordination with the
15 Principal Cyber Advisor of the Department of De-
16 fense, shall assess the implementation of the transi-
17 tion of responsibilities assigned to the Commander
18 by section 1507(a)(1) of the National Defense Au-
19 thorization Act for Fiscal Year 2022 (Public Law
20 117–81).

21 (2) ELEMENTS.—Each assessment carried out
22 under paragraph (1) shall include the following:

23 (A) Assessment of the operational and or-
24 ganizational effect of the transition on the

1 training, equipping, operation, sustainment, and
2 readiness of the Cyber Mission Forces.

3 (B) Development of a description of the
4 cyber systems, activities, capabilities, resources,
5 and functions that have been transferred from
6 the military departments to control of the Com-
7 mander and those that have not been
8 transitioned.

9 (C) Formulation of an opinion by the Com-
10 mander as to whether the cyber systems, activi-
11 ties, capabilities, resources, and functions that
12 have not been transitioned should be
13 transitioned.

14 (D) Assessment of the adequacy of re-
15 sources, authorities, and policies required to im-
16 plement the transition, including organizational,
17 functional, and personnel matters.

18 (E) Assessment of reliance on resources,
19 authorities, policies, or personnel external to
20 United States Cyber Command in support of
21 the budget control of the Commander.

22 (F) Identification of any outstanding areas
23 for transition.

24 (G) Such other matters as the Commander
25 considers appropriate.

1 (b) ANNUAL REPORTS.—For each fiscal year in
2 which the Commander conducted an assessment under
3 subsection (a)(1), the Commander shall, not later than 90
4 days after the end of such fiscal year, 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 a report on the findings of the Commander with respect
8 to such assessment.

9 **SEC. 1602. ALIGNMENT OF DEPARTMENT OF DEFENSE**
10 **CYBER INTERNATIONAL STRATEGY WITH NA-**
11 **TIONAL DEFENSE STRATEGY AND DEPART-**
12 **MENT OF DEFENSE CYBER STRATEGY.**

13 (a) ALIGNMENT REQUIRED.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary of Defense shall, acting through the Under Sec-
16 retary of Defense for Policy and in coordination with the
17 Commander of United States Cyber Command, the Direc-
18 tor of the Joint Staff J5, and the commanders of geo-
19 graphic combatant commands, undertake efforts to align
20 the Department of Defense cybersecurity cooperation en-
21 terprise and the Department's cyberspace operational
22 partnerships with the National Defense Strategy, Depart-
23 ment of Defense Cyber Strategy, and the 2019 Depart-
24 ment of Defense International Cyberspace Security Co-
25 operation Guidance.

1 (b) ELEMENTS.—The alignment efforts required by
2 subsection (a) shall include the following efforts within the
3 Department of Defense:

4 (1) Efforts to build the Department’s internal
5 capacity to support international strategy policy en-
6 gagements with allies and partners.

7 (2) Efforts to coordinate and align cyberspace
8 operations with foreign partners, including align-
9 ment between hunt forward missions and other
10 cyber international strategy activities conducted by
11 the Department, including identification of proc-
12 esses, working groups, and methods to facilitate co-
13 ordination between geographic combatant commands
14 and United States Cyber Command.

15 (3) Efforts to deliberately cultivate operational
16 and intelligence-sharing partnerships with key allies
17 and partners to advance the cyberspace operations
18 objectives of the Department.

19 (4) Efforts to identify key allied and partner
20 networks, infrastructure, and systems that the Joint
21 Force will rely upon for warfighting and to—

22 (A) support the cybersecurity and cyber
23 defense of those networks, infrastructure, and
24 systems;

1 (B) build partner capacity to actively de-
2 fend those networks, infrastructure, and sys-
3 tems;

4 (C) eradicate malicious cyber activity that
5 has compromised those networks, infrastruc-
6 ture, and systems, such as when identified
7 through hunt forward operations; and

8 (D) leverage United States commercial and
9 military cybersecurity technology and services
10 to harden and defend those networks, infra-
11 structure, and systems.

12 (5) Efforts to secure United States mission
13 partner environments and networks used to hold
14 United States origin intelligence and information.

15 (6) Prioritization schemas, funding require-
16 ments, and efficacy metrics to drive cyberspace secu-
17 rity investments in the tools, technologies, and ca-
18 pacity-building efforts that will have the greatest
19 positive impact on the ability of the Department's
20 resilience and ability to execute its operational plans
21 and achieve integrated deterrence.

22 (c) ORGANIZATION.—The Under Secretary of De-
23 fense for Policy shall lead efforts to implement this sec-
24 tion. In doing so, the Under Secretary shall consult with
25 the Secretary of State, the National Cyber Director, the

1 Director of Cybersecurity and Infrastructure Security
2 Agency, and the Director of the Federal Bureau of Inves-
3 tigation, to align plans and programs as appropriate.

4 (d) ANNUAL BRIEFINGS.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act and not
7 less frequently than once each fiscal year until Sep-
8 tember 30, 2025, the Under Secretary of Defense
9 for Policy shall provide to the Committee on Armed
10 Services of the Senate and the Committee on Armed
11 Services of the House of Representatives annual
12 briefings on the implementation of this section.

13 (2) CONTENTS.—The briefing required by para-
14 graph (1) shall include the following:

15 (A) An overview of efforts undertaken pur-
16 suant to this section.

17 (B) An accounting of all the Department's
18 security cooperation activities germane to cyber-
19 space and changes made pursuant to implemen-
20 tation of this section.

21 (C) A detailed schedule with target mile-
22 stones and required expenditures for all planned
23 activities related to the efforts described in sub-
24 section (b).

1 (D) Interim and final metrics for building
2 the cyberspace security cooperation enterprise
3 of the Department.

4 (E) Identification of such additional fund-
5 ing, authorities, and policies, as the Under Sec-
6 retary determines may be required.

7 (F) Such recommendations as the Under
8 Secretary may have for legislative action to im-
9 prove the effectiveness of cyberspace security
10 cooperation of the Department with foreign
11 partners and allies.

12 (e) ANNUAL REPORT.—Not later than 90 days after
13 the date of the enactment of this Act and not less fre-
14 quently than once each year thereafter until January 1,
15 2025, the Under Secretary of Defense for Policy shall sub-
16 mit to the Committee on Armed Services of the Senate
17 and the Committee on Armed Services of the House of
18 Representatives an annual report summarizing the cyber
19 international strategy activities of the Department, includ-
20 ing within the cybersecurity cooperation enterprise of the
21 Department and the cyber operational partnerships of the
22 Department.

1 **SEC. 1603. CORRECTING CYBER MISSION FORCE READI-**
2 **NESS SHORTFALLS.**

3 (a) PLAN AND BRIEFING REQUIRED.—Not later than
4 180 days after the date of the enactment of this Act, the
5 Secretary of Defense and the Chairman of the Joint
6 Chiefs of Staff shall jointly—

7 (1) develop a plan to correct readiness short-
8 falls in the Cyber Mission Forces;

9 (2) develop recommendations for such legisla-
10 tive action as the Secretary and the Chairman joint-
11 ly consider appropriate to correct the readiness
12 shortfalls described in paragraph (1); and

13 (3) provide the congressional defense commit-
14 tees a briefing on the plan developed under para-
15 graph (1) and the recommendations developed under
16 paragraph (2).

17 (b) IMPLEMENTATION.—Not later than 30 days after
18 the date of the briefing provided under paragraph (3) of
19 subsection (a), the Secretary and the Chairman shall com-
20 mence implementation of the aspects of the plan developed
21 under paragraph (1) of such subsection that are not de-
22 pendent upon legislative action.

23 (c) MATTERS TO BE ADDRESSED.—In developing the
24 plan, the Secretary and the Chairman shall consider and
25 explicitly address through analysis the following potential

1 courses of action, singly and in combination, to increase
2 the availability of personnel in key work roles:

3 (1) Determining the correct number of per-
4 sonnel necessary to fill key work roles, including the
5 proper force mix of civilian, military, and contractor
6 personnel, and the means necessary to meet those
7 requirements.

8 (2) Employing civilians rather than military
9 personnel in key work roles.

10 (3) Expanding training capacity.

11 (4) Modifying or creating new training models.

12 (5) Maximizing use of compensation and incen-
13 tive authorities, including increasing bonuses and
14 special pays, and alternative compensation mecha-
15 nisms.

16 (6) Modifying career paths and service policies
17 to permit consecutive assignments in key work roles
18 without jeopardizing promotion opportunities.

19 (7) Increasing service commitments following
20 training commensurate with the value of the key
21 work role training.

22 (8) Standardizing compensation models across
23 the services.

24 (9) Requiring multiple rotations within the
25 Cyber Mission Forces for key work roles.

1 (10) Adopting and implementing what are
2 known as “rank in person” policies that enable civil-
3 ian personnel to be promoted on the basis of skills
4 and abilities demonstrated in a given position.

5 (d) KEY WORK ROLES DEFINED.—In this section,
6 the term “key work roles” means work roles that consist
7 of access development, tool development, and exploitation
8 analysis.

9 **SEC. 1604. CYBERSECURITY COOPERATION TRAINING AT**
10 **JOINT MILITARY ATTACHÉ SCHOOL.**

11 (a) REFINING AND EXPANDING TRAINING.—Not
12 later than 270 days after the date of the enactment of
13 this Act, the Under Secretary of Defense for Intelligence
14 and Security shall, in coordination with the Commander
15 of United States Cyber Command and the Under Sec-
16 retary of Defense for Policy, refine and expand current
17 cybersecurity cooperation training at the Joint Military
18 Attaché School.

19 (b) ELEMENTS.—The cybersecurity cooperation
20 training developed under subsection (a) shall include the
21 following:

22 (1) An overview of the different purposes of
23 cyberspace engagements with partners and allies, in-
24 cluding threat awareness, cybersecurity, mission as-
25 surance, and operations.

1 (2) An overview of the types of cybersecurity
2 cooperation available for partners and allies of the
3 United States, including bilateral and multilateral
4 cyberspace engagements, information and intel-
5 ligence sharing, training, and exercises.

6 (3) An overview of the United States Cyber
7 Command cyberspace operations with partners, in-
8 cluding an overview of the Hunt Forward mission
9 and process.

10 (4) Description of roles and responsibilities of
11 United States Cyber Command, the geographic com-
12 batant commands, and the Defense Security Co-
13 operation Agency for cybersecurity cooperation with-
14 in the Department of Defense.

15 (5) Such other matters as the Under Secretary
16 of Defense for Intelligence and Security, in coordina-
17 tion with the Under Secretary of Defense for Policy
18 and the Commander of United States Cyber Com-
19 mand, consider appropriate.

20 (c) REQUIREMENTS.—The training developed under
21 subsection (a) shall be a required element for all partici-
22 pants in the Attaché Training Program and the Attaché
23 Staff Training Program of the Joint Military Attaché
24 School.

1 (d) BRIEFING.—Not later than 30 days after com-
2 pleting development of the training under subsection (a),
3 the Under Secretary of Defense for Intelligence and Secu-
4 rity shall, in coordination with the Commander of United
5 States Cyber Command and the Under Secretary of De-
6 fense for Policy, provide a briefing to the Committee on
7 Armed Services of the Senate and the Committee on
8 Armed Services of the House of Representatives on the
9 training and the timeline for implementation within the
10 program specified in subsection (c). Such briefing shall
11 also include a plan for future updates and sustainment
12 of the training developed in subsection (a).

13 **SEC. 1605. STRATEGY, FORCE, AND CAPABILITY DEVELOP-**
14 **MENT FOR CYBER EFFECTS AND SECURITY**
15 **IN SUPPORT OF OPERATIONAL FORCES.**

16 (a) STRATEGY REQUIRED.—

17 (1) IN GENERAL.—The Deputy Secretary of
18 Defense shall, in coordination with the Vice Chair-
19 man of the Joint Chiefs of Staff and in consultation
20 with the Director of National Intelligence, develop a
21 strategy for converged cyber and electronic warfare
22 conducted by and through deployed military and in-
23 telligence assets operating in the radiofrequency do-
24 main to provide strategic, operational, and tactical
25 effects in support of combatant commanders.

1 (2) MEANS.—The strategy developed under
2 paragraph (1) shall specify means for supporting the
3 strategy that include apertures and emitters that are
4 space-based, airborne, ground-based, and sea-based.

5 (3) TARGETS.—The strategy developed under
6 paragraph (1) may specify targets of the strategy
7 that include the range of electronic systems embed-
8 ded in adversary space-based, airborne, ground-
9 based, and maritime forces.

10 (4) ACCESS TO INFORMATION.—In developing
11 the strategy required by paragraph (1), the Deputy
12 Secretary shall ensure that the strategy development
13 team has access to all relevant programs, activities,
14 and capabilities ongoing within the Department of
15 Defense, including special access programs and
16 other compartmented access programs.

17 (b) RECOMMENDATIONS FOR DECONFLICTION AND
18 COORDINATION.—The Vice Chairman shall, in consulta-
19 tion with the geographic combatant commanders, the
20 Commander of United States Cyber Command, and the
21 Commander of Strategic Command, submit to the Deputy
22 Secretary and the Chairman of the Joint Chiefs of Staff
23 recommendations regarding command and control,
24 deconfliction, and coordination relationships and processes
25 between combatant commanders and the Commander of

1 United States Cyber Command regarding tactical cyber
2 operations and converged cyber and electronic warfare op-
3 erations conducted prior to and during armed conflict.

4 (c) REQUIREMENTS FOR SERVICE RETAINED CYBER
5 FORCES.—In parallel and in coordination with the devel-
6 opment of the strategy under subsection (a), the Deputy
7 Secretary and the Vice Chairman shall develop require-
8 ments for service-retained tactical cyber forces for offen-
9 sive and defensive cyber missions—

10 (1) to defend deployed information technology
11 and operational technology networks, intelligence
12 systems, command and control nodes, tactical data
13 networks, and weapon platforms and systems;

14 (2) to conduct offensive actions to achieve ef-
15 fects against adversary weapons systems, platforms,
16 sensor systems, and tactical and operational com-
17 mand and control networks and communications sys-
18 tems; and

19 (3) to develop the intelligence requirements,
20 strategy, and requisite data flows to support con-
21 verged cyber and electronic warfare operations.

22 (d) CAPABILITY DEVELOPMENT AND TRANSITION
23 PROCESSES.—The Deputy Secretary shall identify, des-
24 ignate, and create organizational constructs and processes
25 to continuously generate and deliver cyber and converged

1 cyber and electronic warfare capabilities into the Cyber
2 Mission Forces, service-retained cyber forces, and other
3 appropriate platforms and systems that can—

4 (1) achieve effects against adversary weapons
5 systems, sensor systems, and tactical and oper-
6 ational command and control networks and commu-
7 nications systems; and

8 (2) enhance the cybersecurity of deployed infor-
9 mation technology and operational technology net-
10 works, and weapon platforms and systems operating
11 in or from space, air, ground, and maritime do-
12 mains.

13 (e) BRIEFING REQUIRED.—Not later than one year
14 after the date of the enactment of this Act, the Deputy
15 Secretary shall brief the congressional defense committees
16 and the congressional intelligence committees (as defined
17 in section 3 of the National Security Act of 1947 (50
18 U.S.C. 3003)) on the status of the implementation of this
19 section.

20 **SEC. 1606. TOTAL FORCE GENERATION FOR THE CYBER-**
21 **SPACE OPERATIONS FORCES.**

22 (a) STUDY.—

23 (1) IN GENERAL.—Not later than June 1,
24 2024, the Secretary of Defense shall complete a
25 study on the responsibilities of the military services

1 for organizing, training, and presenting the total
2 force to United States Cyber Command.

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

5 (A) Which military services should orga-
6 nize, train, and equip civilian assets and mili-
7 tary Cyberspace Operations Forces for assign-
8 ment, allocation, and apportionment to United
9 States Cyber Command.

10 (B) Sufficiency of the military service ac-
11 cession and training model to provide forces to
12 the Cyberspace Operations Forces, as well as
13 the sufficiency of the accessions and personnel
14 resourcing of the supporting command and con-
15 trol staffs necessary as a component to United
16 States Cyber Command.

17 (C) The organization of the Cyberspace
18 Operations Forces and whether the total forces
19 or elements of the forces function best as a col-
20 lection of independent teams or through a dif-
21 ferent model.

22 (D) Under-represented work roles or skills
23 within the Cyberspace Operations Forces, in-
24 cluding additional work roles or skills required

1 to enable infrastructure management and ac-
2 cess generation.

3 (E) What unique or training-intensive ex-
4 pertise is required for each of these work roles
5 and whether native talents to master unique
6 and training-intensive work roles can be identi-
7 fied and how personnel with those talents can
8 be developed, retained, and employed across the
9 active and reserve components.

10 (F) The appropriate pay scales, rotation or
11 force management policies, career paths and
12 progression, expertise-based grading, talent
13 management practices, and training for each of
14 those work roles, given expected operational re-
15 quirements.

16 (G) Whether a single military service
17 should be responsible for basic, intermediate,
18 and advanced training for the Cyberspace Oper-
19 ations Forces, or at a minimum for the Cyber
20 Mission Force.

21 (H) The level of training required before
22 an individual should be assigned, allocated, or
23 apportioned to United States Cyber Command.

24 (I) Whether or how the duties of the Di-
25 rector of the National Security Agency and the

1 duties of Commander of United States Cyber
2 Command, resting with a single individual, en-
3 able each respective organization, and whether
4 technical directors and intelligence experts of
5 the National Security Agency should serve rota-
6 tions in the Cyberspace Operations Forces.

7 (J) How nonmilitary personnel, such as ci-
8 vilian government employees, contracted ex-
9 perts, commercial partners, and domain or tech-
10 nology-specific experts in industry or the intel-
11 ligence community can augment or support
12 Cyber Mission Force teams.

13 (K) What work roles in the Cyberspace
14 Operations Forces can only be filled by military
15 personnel, which work roles can be filled by ci-
16 vilian employees or contractors, and which work
17 roles should be filled partially or fully by civil-
18 ians due to the need for longevity of service to
19 achieve required skill levels or retention rates.

20 (L) How specialized cyber experience, de-
21 veloped and maintained in the reserve compo-
22 nent, can be more effectively leveraged to sup-
23 port the Cyberspace Operations Forces through
24 innovative force generation models.

1 (M) Whether the Department of Defense
2 should create a separate service to organize,
3 train, and equip the Cyberspace Operations
4 Forces or at a minimum the Cyber Mission
5 Force.

6 (N) What resources, including billets, are
7 required to account for any recommended
8 changes.

9 (O) What resources the Commander of
10 United States Cyber Command should be re-
11 sponsible for with respect to planning, program-
12 ming, and budgeting as part of the implementa-
13 tion of section 1507 of the National Defense
14 Authorization Act for Fiscal Year 2022 (Public
15 Law 117–81).

16 (P) Whether the Department of Defense is
17 maximizing partnerships with industry and
18 other nontraditional sources of expertise in the
19 areas of critical infrastructure protection and
20 information sharing.

21 (Q) Whether the Defense Readiness Re-
22 porting System of the Department of Defense is
23 sufficient to capture Cyberspace Mission Force
24 readiness metrics.

1 (3) CONSIDERATIONS.—The study required by
2 paragraph (1) shall consider existing models for
3 total force generation practices and programs, as
4 well as nontraditional and creative alternatives.

5 (b) RECOMMENDATION.—

6 (1) IN GENERAL.—Not later than June 1,
7 2024, the Principal Cyber Advisor and the Com-
8 mander of United States Cyber Command shall,
9 jointly or separately as they consider appropriate,
10 submit to the Secretary of Defense a recommenda-
11 tion or recommendations, respectively, as to the fu-
12 ture total force generation model for the Cyberspace
13 Operations Forces.

14 (2) MATTERS ADDRESSED.—The recommenda-
15 tion or recommendations submitted under paragraph
16 (1) shall address, at a minimum, each of the ele-
17 ments identified in subsection (a)(2).

18 (c) ESTABLISHMENT OF A NEW OR REVISED MODEL
19 REQUIRED.—

20 (1) IN GENERAL.—Not later than December 31,
21 2024, the Secretary of Defense shall establish a new
22 or revised total force generation model for the
23 Cyberspace Operations Forces.

24 (2) ELEMENTS.—In establishing a new total
25 force generation model or revising a total force gen-

1 eration model under paragraph (1), the Secretary
2 shall explicitly determine the following:

3 (A) Whether the Navy should no longer be
4 responsible for developing and presenting forces
5 to the United States Cyber Command as part
6 of the Cyber Mission Force or Cyberspace Op-
7 erations Forces, including recommendations for
8 corresponding transfer of responsibilities and
9 associated resources and personnel for the exist-
10 ing and future year programmed Cyberspace
11 Operations Forces or Cyber Mission Force re-
12 sources.

13 (B) Whether a single military service
14 should be responsible for organizing, training,
15 and equipping the Cyberspace Operations
16 Forces, or if different services should be respon-
17 sible for different components of the Cyberspace
18 Operations Forces.

19 (C) Whether modification of United States
20 Cyber Command enhanced budget control au-
21 thorities are necessary to further improve total
22 force generation for Cyberspace Operations
23 Forces.

24 (D) Implications of low service retention
25 rates for critical roles within the Cyberspace

1 Operations Forces, specifically addressing
2 Cyber Mission Force rotations, length of service
3 commitments, repeat tours within the Cyber
4 Mission Force, retention incentives across the
5 entire Cyberspace Operations Forces, and best
6 practices for generating the future force.

7 (d) IMPLEMENTATION PLAN.—Not later than June
8 1, 2025, the Secretary shall submit to the congressional
9 defense committees an implementation plan for effecting
10 the total force generation model established or revised
11 under subsection (c).

12 (e) PROGRESS BRIEFING.—Not later than 90 days
13 after the date of the enactment of this Act and not less
14 frequently than once every 180 days thereafter until re-
15 ceipt of the plan required by subsection (d), the Secretary
16 shall provide the congressional defense committees with a
17 briefing on the progress made in carrying out this section.

18 (f) ADDITIONAL CONSIDERATIONS.—The Secretary
19 shall ensure that subsections (a) through (c) are carried
20 out with consideration to matters relating to the following:

21 (1) The cybersecurity service providers, local
22 defenders, and information technology personnel who
23 own, operate, and defend the information networks
24 of the Department of Defense.

1 (2) Equipping the Cyberspace Operations
2 Forces to include infrastructure management.

3 (3) Providing intelligence support to the Cyber-
4 space Operations Forces.

5 (4) The resources, including billets, needed to
6 account for any recommended changes.

7 **SEC. 1607. MANAGEMENT AND OVERSIGHT OF JOINT CYBER**
8 **WARFIGHTING ARCHITECTURE.**

9 (a) ESTABLISHMENT OF PROGRAM EXECUTIVE OF-
10 FICE.—The Deputy Secretary of Defense shall, in con-
11 sultation with the Under Secretary of Defense for Acquisi-
12 tion and Sustainment and the Commander of United
13 States Cyber Command, establish a program executive of-
14 fice (in this section referred to as the “Office”) to manage
15 and provide oversight of the implementation and integra-
16 tion of the Joint Cyber Warfighting Architecture (in this
17 section referred to as the “Architecture”) and the compo-
18 nents of the Architecture.

19 (b) INDEPENDENCE OF OFFICE.—

20 (1) IN GENERAL.—The Deputy Secretary shall
21 establish the Office outside of a military service.

22 (2) HEAD OF OFFICE.—The Deputy Secretary
23 shall appoint the head of the Office and the head of
24 the Office shall report to the Under Secretary and
25 the Commander.

1 (c) CHIEF ARCHITECT AND SYSTEMS ENGINEER.—

2 The Deputy Secretary shall ensure that the Office includes
3 a chief architect and a systems engineer to provide the
4 management and oversight described in subsection (a).

5 (d) APPOINTMENT OF EXPERTS.—The Deputy Sec-
6 retary shall appoint to the Office personnel from organiza-
7 tions with relevant and high levels of technical and oper-
8 ational expertise, including the following:

9 (1) The Capabilities Directorate of the National
10 Security Agency.

11 (2) The Information Innovation Office of the
12 Defense Advanced Research Projects Agency.

13 (3) The Strategic Capabilities Office.

14 (4) The Cyber Capabilities Support Office of
15 the Air Force.

16 (5) The Air Force Research Laboratory.

17 (6) The Office of Special Projects in the Navy.

18 (7) The operational units of the Cyber National
19 Mission Force and cyber components of the military
20 services.

21 (e) BUDGET EXECUTION CONTROL.—The head of
22 the Office shall exercise budget execution control over
23 component programs of the Architecture that are subject
24 to the responsibilities assigned to the Commander by sec-
25 tion 1507 of the National Defense Authorization Act for

1 Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 167b
2 note).

3 (f) COMPLIANCE WITH DIRECTION.—The program
4 managers of the components of the Architecture shall
5 comply with direction from the head of the Office, without
6 intermediary communications from the Commander or the
7 Under Secretary to the senior acquisition executive of the
8 relevant military service.

9 (g) COORDINATION.—The Director of the Defense
10 Advanced Research Projects Agency shall coordinate
11 closely with the head of the Office in planning and exe-
12 cuting the Constellation program via transactions under
13 section 4021 of title 10, United States Code, between the
14 Agency and the companies executing the components of
15 the Architecture to create an effective framework and
16 pipeline system for transitioning cyber applications for
17 operational use from the Agency and other sources.

18 (h) BRIEFING REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the head of
20 the Office and the Director shall jointly provide to the con-
21 gressional defense committees a briefing on the status of
22 the implementation of this section.

23 (i) INDEPENDENT REVIEW.—

24 (1) AGREEMENT.—Not later than 180 days
25 after the date of the enactment of this Act, the Dep-

1 uty Secretary of Defense shall enter into an agree-
2 ment with an appropriate third-party to perform the
3 services covered by this subsection.

4 (2) INDEPENDENT REVIEW AND BRIEFING.—

5 (A) Under an agreement between the Deputy Sec-
6 retary and an appropriate third-party, the appro-
7 priate third-party shall—

8 (i) carry out an independent review of the
9 Joint Cyberspace Warfight Architecture con-
10 cept, activities, and programs of record that
11 comprise the Architecture; and

12 (ii) provide the congressional defense com-
13 mittees a briefing on the findings of the appro-
14 priate third-party with respect to the inde-
15 pendent review conducted under clause (i).

16 (B) The independent review conducted under
17 subparagraph (A)(i) shall include an assessment of
18 and recommendations for improving:

19 (i) The effectiveness of the system integra-
20 tion and systems engineering efforts and gov-
21 ernance structures of the Architecture.

22 (ii) The acquisition model of the activities
23 compromising the Architecture, including rec-
24 ommendations for expanded use of Budget Ac-
25 tivity 8 (BA–8) authorities.

1 (iii) The pipeline for rapidly developing
2 and incorporating new capabilities to respond to
3 the rapidly-evolving cyber threat environment.

4 (iv) Such other matters as the Deputy Sec-
5 retary considers appropriate.

6 (3) APPROPRIATE THIRD-PARTY.—For purposes
7 of this subsection, an appropriate third-party is a
8 person who—

9 (A) is not part of the Federal Government;

10 (B) operates as a not-for-profit entity; and

11 (C) has such expertise and objectivity as
12 the Deputy Secretary considers appropriate to
13 carry out the independent review under para-
14 graph (2).

15 **SEC. 1608. STUDY TO DETERMINE THE OPTIMAL STRATEGY**
16 **FOR STRUCTURING AND MANNING ELE-**
17 **MENTS OF THE JOINT FORCE HEAD-**
18 **QUARTERS-CYBER ORGANIZATIONS, JOINT**
19 **MISSION OPERATIONS CENTERS, AND CYBER**
20 **OPERATIONS-INTEGRATED PLANNING ELE-**
21 **MENTS.**

22 (a) STUDY.—

23 (1) IN GENERAL.—The Principal Cyber Advisor
24 of the Department of Defense shall conduct a study

1 to determine the optimal strategy for structuring
2 and manning elements of the following:

3 (A) Joint Force Headquarters Cyber Orga-
4 nizations.

5 (B) Joint Mission Operations Centers.

6 (C) Cyber Operations—Integrated Planning
7 Elements.

8 (D) Joint Cyber Centers.

9 (2) ELEMENTS.—The study conducted under
10 paragraph (1) shall include assessment of the fol-
11 lowing:

12 (A) Operational effects on the military
13 services if each of the entities listed in subpara-
14 graphs (A) through (C) of paragraph (1) are
15 restructured from organizations that are service
16 component organizations to joint organizations.

17 (B) Organizational effects on the military
18 services if the billets associated with each of the
19 entities listed in subparagraphs (A) through (C)
20 of paragraph (1) are transferred to United
21 States Cyber Command and designated as joint
22 billets for joint qualification purposes.

23 (C) Operational and organizational effects
24 on the military services, United States Cyber
25 Command, other combatant commands, and the

1 Joint Staff if the entities listed in subpara-
2 graphs (A) through (D) of paragraph (1) are
3 realigned, restructured, or consolidated.

4 (D) Operational and organizational effects
5 and advisement of standardizing a minimum set
6 of roles and responsibilities of the Joint Cyber
7 Centers, or the equivalent entity, of the combat-
8 ant commands.

9 (E) Clarification of the relationship and
10 differentiation between Cyber Operations–Inte-
11 grated Planning Elements and Joint Cyber
12 Centers of the combatant commands.

13 (F) A description of mission essential tasks
14 for the entities listed in subparagraphs (A)
15 through (D) of paragraph (1).

16 (G) A description of cyber activities in geo-
17 graphic and functional combatant command
18 campaign plans and resources aligned to those
19 activities.

20 (b) BRIEFINGS.—Not later than 180 after the date
21 of the enactment of this Act, and not less frequently than
22 once every 120 days until March 31, 2024, the Principal
23 Cyber Advisor shall provide the Committee on Armed
24 Services of the Senate and the Committee on Armed Serv-

1 ices of the House of Representatives a briefing on the sta-
2 tus of the study conducted under subsection (a).

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than March 31,
5 2024, the Principal Cyber Advisor shall submit to
6 the Committee on Armed Services of the Senate and
7 the Committee on Armed Services of the House of
8 Representatives a report on the study conducted
9 under subsection (a).

10 (2) CONTENTS.—The report submitted under
11 paragraph (1) shall contain the following:

12 (A) The findings of the Principal Cyber
13 Advisor with respect to the study conducted
14 under subsection (a).

15 (B) Details of the operational and organi-
16 zational effects assessed under subsection
17 (a)(2).

18 (C) A plan to carry out the transfer de-
19 scribed in subsection (a)(2)(B) and the associ-
20 ated costs, as appropriate.

21 (D) A plan to realign, restructure, or con-
22 solidate the entities listed in subparagraphs (A)
23 through (D) of subsection (a)(1).

24 (E) Such other matters as the Principal
25 Cyber Advisor considers appropriate.

1 **SEC. 1609. ANNUAL BRIEFING ON RELATIONSHIP BETWEEN**
2 **NATIONAL SECURITY AGENCY AND UNITED**
3 **STATES CYBER COMMAND.**

4 (a) ANNUAL BRIEFINGS REQUIRED.—Not later than
5 March 1, 2023, and not less frequently than once each
6 year thereafter until March 1, 2028, the Secretary of De-
7 fense shall provide the congressional defense committees
8 a briefing on the relationship between the National Secu-
9 rity Agency and United States Cyber Command.

10 (b) ELEMENTS.—Each briefing provided under sub-
11 section (a) shall include an annual assessment of the fol-
12 lowing:

13 (1) The resources, authorities, activities, mis-
14 sions, facilities, and personnel used to conduct the
15 relevant missions at the National Security Agency as
16 well as the cyber offense and defense missions of
17 United States Cyber Command.

18 (2) The processes used to manage risk, balance
19 tradeoffs, and work with partners to execute oper-
20 ations.

21 (3) An assessment of the operating environment
22 and the continuous need to balance tradeoffs to meet
23 mission necessity and effectiveness.

24 (4) An assessment of the operational effects re-
25 sulting from the relationship between the National
26 Security Agency and United States Cyber Com-

1 mand, including a list of specific operations con-
2 ducted over the previous year that were enabled by
3 or benefitted from the relationship.

4 (5) Such other topics as the Director of the Na-
5 tional Security Agency and the Commander of
6 United States Cyber Command may consider appro-
7 priate.

8 **SEC. 1610. REVIEW OF CERTAIN CYBER OPERATIONS PER-**
9 **SONNEL POLICIES.**

10 (a) REVIEW REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall require the Secretaries of the military de-
13 partments and the Commander of United States Cyber
14 Command to complete a review of, and appropriately up-
15 date, departmental guidance and processes consistent with
16 section 167b(d)(2)(A)(x) of title 10 , United States Code,
17 with respect to the authority of the Commander to mon-
18 itor the promotions of certain cyber operations forces and
19 coordinate with the Secretaries regarding the assignment,
20 retention, training, professional military education, and
21 special and incentive pays of certain cyber operations
22 forces.

23 (b) ELEMENTS OF REVIEW.—The review and updates
24 to departmental guidance and processes required under
25 subsection (a) shall address the respective roles of the

1 military departments and United States Cyber Command
2 with respect to the following:

3 (1) The recruiting, retention, professional mili-
4 tary education, and promotion of certain cyber oper-
5 ations personnel.

6 (2) The sharing of personnel data between the
7 military departments and United States Cyber Com-
8 mand.

9 (3) Structures, departmental guidance, and
10 processes developed between the military depart-
11 ments and United States Special Operations Com-
12 mand with respect to the authority of the Com-
13 mander of United States Special Operations Com-
14 mand described in section 167(e)(2)(J) of title 10,
15 United States Code, that could be used as a model
16 for United States Cyber Command.

17 (4) Such other matters as the Secretary of De-
18 fense determines necessary.

19 (c) REPORT REQUIRED.—Not later than 90 days
20 after the date on which the review and the updates re-
21 quired by subsection (a) are completed, the Secretary of
22 Defense shall submit to the congressional defense commit-
23 tees a report on the findings of the Secretaries of the mili-
24 tary departments and the Commander of United States
25 Cyber Command with respect to the review and the up-

1 dates made pursuant to such subsection. Such report shall
2 also include any such recommendations as the Secretary
3 may have for legislative or administrative action.

4 **SEC. 1611. MILITARY CYBERSECURITY COOPERATION WITH**
5 **KINGDOM OF JORDAN.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall, acting through the Under Secretary of Defense for
9 Policy, in coordination with the Commander of United
10 States Cyber Command, the Commander of United States
11 Central Command, and the Secretary of State, seek to en-
12 gage their counterparts within the Ministry of Defence of
13 the Kingdom of Jordan for the purpose of expanding co-
14 operation of military cybersecurity activities.

15 (b) COOPERATION EFFORTS.—The efforts to expand
16 cooperation required by subsection (a) may include the fol-
17 lowing efforts between the Department of Defense and the
18 Ministry of Defence of the Kingdom of Jordan:

19 (1) Bilateral cybersecurity training activities
20 and exercises.

21 (2) Efforts to—

22 (A) actively defend military networks, in-
23 frastructure, and systems;

1 (B) eradicate malicious cyber activity that
2 has compromised those networks, infrastruc-
3 ture, and systems; and

4 (C) leverage United States commercial and
5 military cybersecurity technology and services
6 to harden and defend those networks, infra-
7 structure, and systems.

8 (3) Establishment of a regional cybersecurity
9 center.

10 (c) BRIEFINGS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Defense shall, in coordination with the Sec-
14 retary of State, provide to the appropriate commit-
15 tees of Congress a briefing on the implementation of
16 this section.

17 (2) CONTENTS.—The briefing required by para-
18 graph (1) shall include the following:

19 (A) An overview of efforts undertaken pur-
20 suant to this section.

21 (B) A description of the feasibility and ad-
22 visability of expanding cooperation with the
23 Ministry of Defence of the Kingdom of Jordan
24 on military cybersecurity.

1 (C) Identification of any challenges and re-
2 sources that need to be addressed so as to ex-
3 pand cooperation with the Ministry of Defence
4 of the Kingdom of Jordan on military cyberse-
5 curity.

6 (D) Any other matter the Secretary con-
7 siders relevant.

8 (3) APPROPRIATE COMMITTEES OF CONGRESS
9 DEFINED.—In this section, the term “appropriate
10 committees of Congress” means—

11 (A) the Committee on Armed Services and
12 the Committee on Foreign Relations of the Sen-
13 ate; and

14 (B) the Committee on Armed Services and
15 the Committee on Foreign Affairs of the House
16 of Representatives.

17 **SEC. 1612. COMMANDER OF THE UNITED STATES CYBER**
18 **COMMAND.**

19 Section 167b(c) of title 10, United States Code, is
20 amended

21 (1) by striking “GRADE OF COMMANDER.—The
22 commander” and inserting “COMMANDER OF CYBER
23 COMMAND.—(1)The commander”; and

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

1 “(2) The commander shall be appointed for a term
2 of four years, and the President may nominate and ap-
3 point the commander for one additional 4-year term with
4 the advice and consent of the Senate.”.

5 **SEC. 1613. ASSESSMENT AND REPORT ON SHARING MILI-**
6 **TARY CYBER CAPABILITIES WITH FOREIGN**
7 **OPERATIONAL PARTNERS.**

8 (a) **ASSESSMENT REQUIRED.**—Not later than April
9 1, 2023, the Secretary of Defense, with the concurrence
10 of the Secretary of State, shall conduct an assessment on
11 sharing military cyber capabilities of the Armed Forces
12 with foreign partners of the United States for immediate
13 operational use to cause effects on targets or enable collec-
14 tion of information from targets.

15 (b) **ELEMENTS.**—The assessment conducted under
16 subsection (a) shall include—

17 (1) a description of the military requirements of
18 the Department of Defense for rapid sharing of mili-
19 tary cyber capabilities with foreign partners of the
20 United States in relevant operational timeframes;

21 (2) a description of the understanding by the
22 Secretary of Defense and the Secretary of State of
23 the current legal framework governing the sharing of
24 military cyber capabilities of the Department with
25 foreign partners of the United States for operational

1 use by the foreign partner, including prohibitions or
2 restrictions on sharing such military cyber capabili-
3 ties with foreign partners in relevant operational
4 timeframes, including under—

5 (A) the War Powers Resolution (50 U.S.C.
6 1541 et seq.);

7 (B) an alliance or treaty with a foreign
8 country or countries; and

9 (C) export control laws or security assist-
10 ance programs; and

11 (3) recommendations for legislative action that
12 the Secretary of Defense and the Secretary of State
13 jointly agree are necessary to address gaps or mis-
14 alignment in authorities that would enhance the
15 sharing of military cyber capabilities of the Depart-
16 ment with foreign operational partners of the United
17 States.

18 (c) REPORT REQUIRED.—Not later than April 1,
19 2023, the Secretary of Defense, with the concurrence of
20 the Secretary of State, shall provide the Committee on
21 Armed Services and the Committee on Foreign Relations
22 of the Senate and the Committee on Armed Services and
23 the Committee on Foreign Affairs of the House of Rep-
24 resentatives a report on the assessment conducted under
25 subsection (a).

1 **SEC. 1614. REPORT ON PROGRESS IN IMPLEMENTING**
2 **PILOT PROGRAM TO ENHANCE CYBERSECU-**
3 **RITY AND RESILIENCY OF CRITICAL INFRA-**
4 **STRUCTURE.**

5 (a) REPORT REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall, in consultation with the Secretary of
8 Homeland Security, submit to Congress a report on the
9 progress made in implementing the 2018 memorandum of
10 understanding that was entered into by the Secretaries
11 pursuant to the authority provided by section 1650(a) of
12 the John S. McCain National Defense Authorization Act
13 for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C.
14 711 note prec.).

15 (b) CONTENTS.—The report submitted under sub-
16 section (a) shall include the following:

17 (1) A description of the efforts to develop and
18 approve plans of action and milestones for each line
19 of effort in the memorandum of understanding de-
20 scribed in subsection (a).

21 (2) A description of the activities executed pur-
22 suant to such memorandum of understanding.

23 (3) Identification of any impediments that limit
24 the abilities of the Secretaries to fully implement all
25 lines of effort in such memorandum of under-
26 standing.

1 **SEC. 1615. PROTECTION OF CRITICAL INFRASTRUCTURE.**

2 (a) IN GENERAL.—In the event that the President
3 determines that there is an active, systematic, and ongoing
4 campaign of attacks in cyberspace by a foreign power
5 against the Government or the critical infrastructure of
6 the United States, the President may authorize the Sec-
7 retary of Defense, acting through the Commander of the
8 United States Cyber Command, to conduct military cyber
9 activities or operations pursuant to section 394 of title 10,
10 United States Code, in foreign cyberspace to deter, safe-
11 guard, or defend against such attacks.

12 (b) AFFIRMATION OF SCOPE OF CYBER ACTIVITIES
13 OR OPERATIONS.—Congress affirms that the cyber activi-
14 ties or operations referred to in subsection (a), when ap-
15 propriately authorized, shall be conducted consistent with
16 section 394 of title 10, United States Code.

17 (c) DEFINITION OF CRITICAL INFRASTRUCTURE.—In
18 this section, the term “critical infrastructure” has the
19 meaning given that term in subsection (e) of the Critical
20 Infrastructure Protection Act of 2001 (42 U.S.C.
21 5195c(e)).

1 **Subtitle B—Matters Relating to De-**
2 **partment of Defense Cybersecu-**
3 **urity and Information Tech-**
4 **nology**

5 **SEC. 1621. BUDGET DISPLAY FOR CRYPTOGRAPHIC MOD-**
6 **ERNIZATION ACTIVITIES FOR CERTAIN SYS-**
7 **TEMS OF THE DEPARTMENT OF DEFENSE.**

8 (a) DISPLAY REQUIRED.—Beginning with fiscal year
9 2024, and for each fiscal year thereafter, the Secretary
10 of Defense shall include with the budget justification ma-
11 terials submitted to Congress in support of the budget of
12 the Department of Defense for that fiscal year (as sub-
13 mitted with the budget of the President under section
14 1105(a) of title 31, United States Code) a consolidated
15 cryptographic modernization budget justification display
16 for each Department of Defense system or asset that is
17 protected by cryptography and subject to certification by
18 the National Security Agency (in this section, referred to
19 as “covered items”).

20 (b) ELEMENTS.—Each display included under sub-
21 section (a) for a fiscal year shall include the following:

22 (1) CRYPTOGRAPHIC MODERNIZATION ACTIVI-
23 TIES.—(A) Whether, in accordance with the schedule
24 established under section 153(a) of the William M.
25 (Mac) Thornberry National Defense Authorization

1 Act for Fiscal Year 2021 (Public Law 116–283; 10
2 U.S.C. 142 note), the cryptographic modernization
3 for each covered item is pending, in progress, com-
4 plete, or pursuant to paragraph (2) of such section,
5 extended.

6 (B) The funding required for the covered fiscal
7 year and for each subsequent fiscal year of the Fu-
8 ture Years Defense Program to complete the pend-
9 ing or in progress cryptographic modernization by
10 the required replacement date of each covered item.

11 (C)(i) A description of deviations between the
12 funding annually required to complete the mod-
13 ernization prior to the required replacement date
14 and the funding requested and planned within the
15 Future Years Defense Program.

16 (ii) An explanation—

17 (I) justifying the deviations; and

18 (II) of whether or how any delays resulting
19 from a deviation shall be overcome to meet the
20 required replacement date.

21 (D) A description of operational or security
22 risks resulting from each deviation from the mod-
23 ernization schedule required to meet replacement
24 dates, including a current intelligence assessment of
25 adversary progress on exploiting the covered item.

1 (E) For any covered item that remains in serv-
2 ice past its required replacement date, a description
3 of the number of times the covered item has been
4 extended and the circumstances attending each such
5 extension.

6 (2) MITIGATION ACTIVITIES FOR COVERED
7 ITEMS.—(A) Whether activities to mitigate the risks
8 associated with projected failure to replace a covered
9 item by the required replacement date are planned,
10 in progress, or complete.

11 (B) The funding required for the covered fiscal
12 year and for each subsequent fiscal year for required
13 mitigation activities to complete any planned, pend-
14 ing, or in progress mitigation activities for a covered
15 item.

16 (C) A description of the activities planned in
17 the covered fiscal year and each subsequent fiscal
18 year to complete mitigation activities and an expla-
19 nation of the efficacy of the mitigations.

20 (c) FORM.—The display required by subsection (a)
21 shall be included in unclassified form, but may include a
22 classified annex.

1 **SEC. 1622. ESTABLISHING PROJECTS FOR DATA MANAGE-**
2 **MENT, ARTIFICIAL INTELLIGENCE, AND DIG-**
3 **ITAL SOLUTIONS.**

4 (a) ESTABLISHMENT OF PRIORITY PROJECTS.—The
5 Deputy Secretary of Defense shall—

6 (1) establish priority enterprise projects for
7 data management, artificial intelligence, and digital
8 solutions for both business efficiency and
9 warfighting capabilities intended to accelerate deci-
10 sion advantage; and

11 (2) assign responsibilities for execution and
12 funding of the projects established under paragraph
13 (1).

14 (b) ACTIONS REQUIRED.—To ensure implementation
15 of the priority projects of the Deputy Secretary of Defense
16 under subsection (a), and to instill data science and tech-
17 nology as a core discipline in the Department of Defense,
18 the Deputy Secretary shall—

19 (1) hold the heads of Department components
20 accountable for—

21 (A) making their component's data avail-
22 able for use in common enterprise data sets in
23 accordance with plans developed and approved
24 by the head of the component and the Deputy
25 Secretary;

1 (B) developing, implementing, and report-
2 ing measurable actions to acquire, preserve, and
3 grow the population of government and con-
4 tractor personnel with expertise in data man-
5 agement, artificial intelligence, and digital solu-
6 tions;

7 (C) making their components use data
8 management practices, analytics processes,
9 computing environments, and operational test
10 environments that are made available and spe-
11 cifically approved by the head of the component
12 and the Deputy Secretary;

13 (D) identifying and reporting on an annual
14 basis for Deputy Secretary approval those ongo-
15 ing programs and activities and new initiatives
16 within their components to which the compo-
17 nent head determines should be applied ad-
18 vanced analytics, digital technology, and artifi-
19 cial intelligence; and

20 (E) developing and implementing cyberse-
21 curity solutions, including red team assess-
22 ments, to protect artificial intelligence systems,
23 data, development processes, and applications
24 from adversary actions;

1 (2) require the Chief Digital and Artificial In-
2 telligence Officer and the heads of Department com-
3 ponents to develop and report on an actionable plan
4 for the Deputy Secretary to promulgate to reform
5 the technologies, policies, and processes used to sup-
6 port accreditation and authority to operate decisions
7 to enable rapid deployment into operational environ-
8 ments of newly developed government, contractor,
9 and commercial software;

10 (3) require the Chief Digital and Artificial In-
11 telligence Officer and heads of Department compo-
12 nents to define and establish career paths, work
13 roles, and occupational specialties for civilian and
14 military personnel in the fields of data management,
15 artificial intelligence, and digital solutions for the
16 Deputy Secretary's approval; and

17 (4) establish a Departmental management re-
18 form goal for adoption and integration artificial in-
19 telligence or machine learning into business and
20 warfighting processes, including the tracking of
21 metrics, milestones, and initiatives to measure the
22 progress of the Department in meeting that goal.

23 (c) BRIEFINGS REQUIRED.—Not later than 180 days
24 after the date of the enactment of this Act and not less
25 frequently than once every six months thereafter until De-

1 cember 31, 2025, the Deputy Secretary shall provide to
2 the congressional defense committees a briefing on direc-
3 tives issued by the Deputy Secretary to implement the re-
4 quirements of this section and the status of implementa-
5 tion actions.

6 (d) COMPONENT DEFINED.—In this section, the term
7 “component” means a military department, a combatant
8 command, or a defense agency of the Department of De-
9 fense.

10 **SEC. 1623. OPERATIONAL TESTING FOR COMMERCIAL CY-**
11 **BERSECURITY CAPABILITIES.**

12 (a) REQUIREMENT.—Subject to subsection (c), the
13 Secretary of Defense may not operate a commercial cyber-
14 security capability on a network of the Department of De-
15 fense until such capability has received a satisfactory de-
16 termination from the Director of Operational Test and
17 Evaluation in each of the following areas:

- 18 (1) Operational effectiveness.
19 (2) Operational suitability.
20 (3) Cyber survivability.

21 (b) ASSESSMENTS.—In determining whether a com-
22 mercial cybersecurity capability is satisfactory in each of
23 the areas set forth under subsection (a), the Director of
24 Operational Test and Evaluation shall conduct an assess-
25 ment that includes consideration of the following:

1 (1) Threat-realistic operational testing, includ-
2 ing representative environments, variation of oper-
3 ational conditions, and inclusion of a realistic oppos-
4 ing force.

5 (2) The use of Department of Defense Cyber
6 Red Teams, as well as any enabling contract lan-
7 guage required to permit threat-representative Red
8 Team assessments.

9 (3) Collaboration with the personnel using the
10 commercial cybersecurity capability regarding the re-
11 sults of the testing to improve operators' ability to
12 recognize and defend against cyberattacks.

13 (4) The extent to which additional resources
14 may be needed to remediate any shortfalls in capa-
15 bility to make the commercial cybersecurity capa-
16 bility effective, suitable, and cyber survivable in an
17 operational environment of the Department.

18 (5) Identification of training requirements, and
19 changes to training, sustainment practices, or con-
20 cepts of operation or employment that may be need-
21 ed to ensure the effectiveness, suitability, and cyber
22 survivability of the commercial cybersecurity capa-
23 bility.

24 (c) WAIVER.—

1 (1) IN GENERAL.—An acquisition executive of a
2 military service or a component of the Department
3 may waive the requirement in subsection (a) for a
4 commercial cybersecurity capability for the military
5 service or component of the acquisition executive if
6 the acquisition executive determines that operational
7 necessity does not allow for time to conduct an as-
8 sessment under subsection (b) in a timeframe to
9 meet the needs of the military service or component.

10 (2) PERIOD OF WAIVER.—A waiver under para-
11 graph (1) may be issued for a period of up to three
12 years before a new waiver is required, or a waiver
13 is otherwise no longer required.

14 (d) POLICIES AND REGULATIONS.—Not later than
15 February 1, 2024, the Secretary shall issue such policies
16 and guidance and promulgate such regulations as the Sec-
17 retary considers necessary to carry out this section.

18 (e) REPORT.—Not later than January 31, 2025, and
19 not less frequently than once each year thereafter until
20 January 31, 2030, the Director shall include in each an-
21 nual report required by section 139(h) of title 10, United
22 States Code, the status of the determinations required by
23 subsection (a), including the following:

24 (1) A summary of such determinations and the
25 associated assessments under subsection (b).

1 (2) The number and type of test and evaluation
2 events completed in the past year for such assess-
3 ments, disaggregated by component of the Depart-
4 ment, and including resources devoted to each event.

5 (3) The results from such test and evaluation
6 events, including any resource shortfalls affecting
7 the number of commercial cybersecurity capabilities
8 that could be assessed.

9 (4) A summary of identified categories of com-
10 mon gaps and shortfalls found during testing.

11 (5) The extent to which entities responsible for
12 developing and testing commercial cybersecurity ca-
13 pabilities have responded to recommendations made
14 by the Director in an effort to gain favorable deter-
15 minations.

16 (6) Any identified lessons learned that would
17 impact training, sustainment, or concepts of oper-
18 ation or employment decisions relating to the as-
19 sessed commercial cybersecurity capabilities.

20 (f) DEFINITION.—In this section, the term “commer-
21 cial cybersecurity capabilities” means either—

22 (1) commercial products (as defined in section
23 103 of title 41, United States Code) acquired and
24 deployed by the Department of Defense to satisfy

1 the cybersecurity requirements of one or more De-
2 partment components; or

3 (2) commercially available off-the-shelf items
4 (as defined in section 104 of title 41, United States
5 Code) acquired and deployed by the Department of
6 Defense to satisfy the cybersecurity requirements of
7 one or more Department components.

8 (g) EFFECTIVE DATE.—This section shall take effect
9 on February 1, 2024.

10 **SEC. 1624. PLAN FOR COMMERCIAL CLOUD TEST AND**
11 **EVALUATION.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of De-
14 fense, in consultation with commercial industry, shall sub-
15 mit to the Committee on Armed Services of the Senate
16 and the Committee on Armed Services of the House of
17 Representatives a policy and plan for test and evaluation
18 of the cybersecurity of the clouds of commercial cloud
19 service providers.

20 (b) CONTENTS.—The policy and plan submitted
21 under subsection (a) shall include the following:

22 (1) A requirement that all future contracts with
23 cloud service providers include provisions that permit
24 the Department to conduct independent, threat-real-
25 istic assessments, including penetration testing, of

1 the commercial cloud infrastructure, including the
2 control plane and virtualization hypervisor.

3 (2) An explanation as to how the Department
4 intends to proceed on amending existing contracts
5 with cloud service providers to permit the same level
6 of rigorous assessments that will be required for all
7 future contracts.

8 (3) Identification and description of any pro-
9 posed tiered test and evaluation requirements
10 aligned with different impact and classification lev-
11 els.

12 (c) WAIVER AUTHORITY.—The policy and plan re-
13 quired under subsection (a) may provide an authority to
14 waive any requirements described in subsection (b) condi-
15 tioned upon the approval of the Chief Information Officer
16 of the Department of Defense and the Director of Oper-
17 ational Test and Evaluation.

18 **SEC. 1625. REPORT ON RECOMMENDATIONS FROM NAVY CI-**

19 **VILIAN CAREER PATH STUDY.**

20 (a) REPORT REQUIRED.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary
23 of the Navy shall submit to the congressional de-
24 fense committees a report on the recommendations
25 made in the report submitted to the congressional

1 defense committees under section 1653(a)(2) of the
2 National Defense Authorization Act for Fiscal Year
3 2020 (Public Law 116–92; relating to improving
4 cyber career paths in the Navy).

5 (2) CONTENTS.—The report submitted under
6 paragraph (1) shall include the following:

7 (A) A description of each recommendation
8 described in such subsection that has already
9 been implemented.

10 (B) A description of each recommendation
11 described in such subsection that the Secretary
12 has commenced implementing, including a jus-
13 tification for determining to commence imple-
14 menting the recommendation.

15 (C) A description of each recommendation
16 described in such subsection that the Secretary
17 has not implemented or commenced imple-
18 menting and a determination as to whether or
19 not to implement the recommendation.

20 (D) For each recommendation under sub-
21 paragraph (C) that the Secretary determines to
22 implement, the following:

23 (i) A timeline for implementation.

1 (ii) A description of any additional re-
2 sources or authorities required for imple-
3 mentation.

4 (iii) The plan for implementation.

5 (E) For each recommendation under sub-
6 paragraph (C) that the Secretary determines
7 not to implement, a justification for the deter-
8 mination not to implement.

9 (3) FORMAT.—The report submitted under
10 paragraph (1) shall be submitted in unclassified
11 form, but may include a classified annex.

12 (b) REVIEW BY COMPTROLLER GENERAL OF THE
13 UNITED STATES.—

14 (1) REVIEW.—Not later than 180 days after
15 the date of the submittal of the report required by
16 subsection (a)(1), the Comptroller General of the
17 United States shall conduct a review of such report.

18 (2) ELEMENTS.—The review required by para-
19 graph (1) shall include an assessment of the fol-
20 lowing:

21 (A) The extent to which the Navy has im-
22 plemented the recommendations made in the
23 study described in subsection (a)(1).

1 (B) Additional recommended actions for
2 the Navy to take to improve the readiness and
3 retention of their cyber workforce.

4 (3) INTERIM BRIEFING.—Not later than 90
5 days after the date of the submittal of the report re-
6 quired by subsection (a)(1), the Comptroller General
7 shall provide to the congressional defense commit-
8 tees a briefing on the preliminary findings of the
9 Comptroller General with respect to the review con-
10 ducted under paragraph (1).

11 (4) FINAL REPORT.—The Comptroller General
12 shall submit to the congressional defense committees
13 a report on the findings of the Comptroller General
14 with respect to the review conducted under para-
15 graph (1) at such time and in such format as is mu-
16 tually agreed upon by the committees and the Comp-
17 troller General at the time of the briefing under
18 paragraph (3).

19 **SEC. 1626. REVIEW OF DEPARTMENT OF DEFENSE IMPLE-**
20 **MENTATION OF RECOMMENDATIONS FROM**
21 **DEFENSE SCIENCE BOARD CYBER REPORT.**

22 (a) REVIEW REQUIRED.—

23 (1) IN GENERAL.—Not later than March 1,
24 2023, the Secretary of Defense shall complete a re-
25 view of the findings and recommendations presented

1 in the June 2018 Defense Science Board report en-
2 titled “Cyber as a Strategic Capability”.

3 (2) ELEMENTS.—The review completed under
4 paragraph (1) shall include the following:

5 (A) Identification of, and description of
6 implementation for, recommendations that have
7 been implemented by the Department of De-
8 fense.

9 (B) Identification of recommendations that
10 have not yet been fully implemented by the De-
11 partment.

12 (C) Development of a plan to fully imple-
13 ment the recommendations identified under
14 subparagraph (B).

15 (D) Identification of the reasons why the
16 recommendations identified under subparagraph
17 (B) were not implement.

18 (E) Identification of such legislative or ad-
19 ministrative action as the Secretary determines
20 necessary to implement the recommendations
21 identified under subparagraph (B).

22 (b) REPORT.—

23 (1) IN GENERAL.—Not later than April 1,
24 2023, the Secretary shall submit to the Committee
25 on Armed Services of the Senate and the Committee

1 on Armed Services of the House of Representatives
2 a report on the review completed under paragraph
3 (1) of subsection (a). In such report, the Secretary
4 shall disclose the matters identified and developed
5 under paragraph (2) of such subsection.

6 (2) FORM.—The report submitted under para-
7 graph (1) shall be submitted in unclassified form,
8 but may include a classified annex.

9 **SEC. 1627. REQUIREMENT FOR SOFTWARE BILL OF MATE-**
10 **RIALS.**

11 (a) REQUIREMENT FOR SOFTWARE BILL OF MATE-
12 RIALS.—

13 (1) IN GENERAL.—The Secretary of Defense
14 shall amend the Department of Defense Supplement
15 to the Federal Acquisition Regulation to require a
16 software bill of materials (SBOM) for all non-
17 commercial software created for or acquired by the
18 Department of Defense.

19 (2) WAIVERS.—The amendment required by
20 paragraph (1) may provide for waivers that require
21 approval by an official whose appointment is subject
22 to confirmation by the Senate.

23 (b) RECOMMENDATIONS TO THE SECRETARY.—The
24 Chief Information Officer, the Under Secretary of Defense
25 for Acquisition and Sustainment, and the Under Secretary

1 of Defense for Research and Engineering shall jointly sub-
2 mit to the Secretary recommendations regarding the con-
3 tent of the amendment required by subsection (a).

4 (c) STUDY REGARDING APPLICATION TO SOFTWARE
5 ALREADY ACQUIRED.—

6 (1) STUDY REQUIRED.—The Secretary shall
7 conduct a study of the feasibility and advisability of
8 acquiring a software bill of materials for software al-
9 ready acquired by the Department.

10 (2) BRIEFING.—Not later than 270 days after
11 the date of the enactment of this Act, the Secretary
12 shall provide the congressional defense committees a
13 briefing on the findings of the Secretary with respect
14 to the study conducted under paragraph (1) and
15 such recommendations as the Secretary may have
16 with respect to acquiring a software bill of materials
17 for software already acquired by the Department.

18 (d) COMMERCIAL SOFTWARE.—Not later than one
19 year after the date of the enactment of this Act, the Sec-
20 retary shall, in consultation with industry, develop an ap-
21 proach for commercial software in use by the Department
22 and future acquisitions of commercial software that pro-
23 vides, to the maximum extent practicable, policies and
24 processes for operationalizing software bills of materials
25 to enable the Department to understand promptly the cy-

1 bersecurity risks to Department capabilities posed by dis-
2 coveries of vulnerabilities and compromises in commercial
3 and open source software.

4 (e) SOLICITATION OF INFORMATION.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary shall issue a request for information from the
8 public and private sectors regarding technical and
9 procedural options to identify software deployed in
10 the Department to enable risk assessments and
11 patching of security vulnerabilities when such
12 vulnerabilities are discovered in the absence of reli-
13 able bills of materials.

14 (2) BRIEFING.—Not later than one year after
15 the date of the enactment of this Act, the Secretary
16 shall provide the congressional defense committees a
17 briefing on the findings of the Secretary with respect
18 to the solicitation for information under paragraph
19 (1).

20 (f) DEFINITION OF SOFTWARE BILL OF MATE-
21 RIALS.—In this section, the term “software bill of mate-
22 rials” means a complete, formally structured list of compo-
23 nents, libraries, and modules that are required to build,
24 compile, and link a given piece of software and an identi-

1 fication of the provenance and supply chain relationships
2 between them.

3 **SEC. 1628. ESTABLISHMENT OF SUPPORT CENTER FOR**
4 **CONSORTIUM OF UNIVERSITIES THAT AD-**
5 **VISE SECRETARY OF DEFENSE ON CYBERSE-**
6 **CURITY MATTERS.**

7 Section 1659 of the National Defense Authorization
8 Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C.
9 391 note) is amended by adding at the end the following
10 new subsection:

11 “(f) SUPPORT CENTER.—

12 “(1) ESTABLISHMENT.—The Secretary shall es-
13 tablish a center to provide support to the consortium
14 established under subsection (a).

15 “(2) COMPOSITION.—(A) The center established
16 under paragraph (1) shall be composed of one or
17 two universities, as the Secretary considers appro-
18 priate, that—

19 “(i) have been designated as centers of
20 academic excellence by the Director of the Na-
21 tional Security Agency or the Secretary of
22 Homeland Security; and

23 “(ii) are eligible for access to classified in-
24 formation.

1 “(B) The Secretary shall publish in the Federal
2 Register the process for selection of universities to
3 serve as the center established under paragraph (1).

4 “(3) FUNCTIONS.—The functions of the center
5 established under paragraph (1) are as follows:

6 “(A) To promote the consortium estab-
7 lished under subsection (a).

8 “(B) To distribute on behalf of the De-
9 partment requests for information or assistance
10 to members of the consortium.

11 “(C) To collect and assemble responses
12 from requests distributed under subparagraph
13 (B).

14 “(D) To provide additional administrative
15 support for the consortium, as determined by
16 the National Center of Academic Excellence in
17 Cybersecurity Program Management Office.”.

18 **SEC. 1629. ROADMAP AND IMPLEMENTATION PLAN FOR**
19 **CYBER ADOPTION OF ARTIFICIAL INTEL-**
20 **LIGENCE.**

21 (a) ROADMAP AND IMPLEMENTATION PLAN RE-
22 QUIRED.—Not later than 270 days after the date of the
23 enactment of this Act, the Commander of United States
24 Cyber Command and the Chief Information Officer of the
25 Department of Defense, in coordination with the Chief

1 Digital and Artificial Intelligence Officer of the Depart-
2 ment, the Director of the Defense Advanced Research
3 Projects Agency, the Director of the National Security
4 Agency, and the Under Secretary of Defense for Research
5 and Engineering, shall jointly develop a five-year roadmap
6 and implementation plan for rapidly adopting and acquir-
7 ing artificial intelligence systems, applications, and sup-
8 porting data and data management processes for the
9 Cyberspace Operations Forces of the Department of De-
10 fense.

11 (b) ELEMENTS.—The roadmap and implementation
12 plan required by subsection (a) shall include the following:

13 (1) Identification and prioritization of artificial
14 intelligence systems, applications, data identification,
15 and processing to cyber missions within the Depart-
16 ment, and ameliorating threats to, and from, artifi-
17 cial intelligence systems, including—

18 (A) advancing the cybersecurity of Depart-
19 ment systems with artificial intelligence;

20 (B) uses of artificial intelligence for cyber
21 effects operations;

22 (C) assessing and mitigating vulnerabilities
23 of artificial intelligence systems supporting cy-
24 bersecurity and cyber operations to attacks; and

1 (D) defending against adversary artificial
2 intelligence-based cyber attacks.

3 (2) A plan to develop, acquire, adopt, and sus-
4 tain the artificial intelligence systems, applications,
5 data, and processing identified in paragraph (1).

6 (3) Roles and responsibilities for the following
7 for adopting and acquiring artificial intelligence sys-
8 tems, applications, and data to cyber missions within
9 the Department:

10 (A) The Commander of United States
11 Cyber Command.

12 (B) The Commander of Joint-Force Head-
13 quarters Department of Defense Information
14 Networks.

15 (C) The Chief Information Officer of the
16 Department.

17 (D) The Chief Digital and Artificial Intel-
18 ligence Officer of the Department.

19 (E) The Under Secretary of Defense for
20 Research and Engineering.

21 (F) The Secretaries of the military depart-
22 ments.

23 (G) The Director of the National Security
24 Agency.

1 (4) Identification of currently deployed, adopt-
2 ed, and acquired artificial intelligence systems, appli-
3 cations, ongoing prototypes, and data.

4 (5) Identification of current capability and skill
5 gaps that must be addressed prior to the develop-
6 ment and adoption of artificial intelligence applica-
7 tions identified in paragraph (1).

8 (6) Identification of opportunities to solicit op-
9 erator utility feedback through inclusion into re-
10 search and development processes and wargaming or
11 experimentation events by developing a roadmap for
12 such processes and events, as well as a formalized
13 process for capturing and tracking lessons learned
14 from such events to inform the development commu-
15 nity.

16 (7) Identification of long-term technology gaps
17 for fulfilling the Department's cyber warfighter mis-
18 sion to be addressed by research relating to artificial
19 intelligence by the science and technology enterprise
20 within the Department.

21 (8) Definition of a maturity model describing
22 desired cyber capabilities, agnostic of the enabling
23 technology solutions, including phases in the matu-
24 rity model or identified milestones and clearly identi-
25 fied areas for collaboration with relevant commercial

1 off the shelf and government off the shelf developers
2 to address requirements supporting capability gaps.

3 (9) Assessment, in partnership with the Direc-
4 tor of the Defense Intelligence Agency, of the threat
5 posed by adversaries' use of artificial intelligence to
6 the cyberspace operations and the security of the
7 networks and artificial intelligence systems of the
8 Department in the next five years, including a net
9 technical assessment of United States and adversary
10 activities to apply artificial intelligence to cyberspace
11 operations, and actions planned to address that
12 threat.

13 (10) A detailed schedule with target milestones,
14 investments, and required expenditures.

15 (11) Interim and final metrics of adoption of
16 artificial intelligence for each activity identified in
17 the roadmap.

18 (12) Identification of such additional funding,
19 authorities, and policies as the Commander of
20 United States Cyber Command and the Chief Infor-
21 mation Officer jointly determine may be required.

22 (13) Such other topics as the Commander and
23 the Chief Information Officer jointly consider appro-
24 priate.

1 (c) BRIEFING.—Not later than 30 days after the date
2 on which the Commander and the Chief Information Offi-
3 cer complete development of the roadmap and implemen-
4 tation plan required in subsection (a), the Commander and
5 the Chief Information Officer shall provide the congres-
6 sional defense committees a classified briefing on the road-
7 map and implementation plan.

8 **SEC. 1630. DEMONSTRATION PROGRAM FOR CYBER AND IN-**
9 **FORMATION TECHNOLOGY BUDGET DATA**
10 **ANALYTICS.**

11 (a) DEMONSTRATION PROGRAM REQUIRED.—

12 (1) IN GENERAL.—Not later than February 1,
13 2024, the Chief Information Officer of the Depart-
14 ment of Defense shall, in coordination with the Chief
15 Digital and Artificial Intelligence Officer, complete a
16 pilot program to demonstrate the application of data
17 analytics to the fiscal year 2024 cyber and informa-
18 tion technology budget data of a military service.

19 (2) COORDINATION WITH MILITARY SERV-
20 ICES.—In carrying out the demonstration program
21 required by subsection (a), the Chief Information
22 Officer shall, in coordination with the Secretary of
23 the Air Force, the Secretary of the Army, and the
24 Secretary of the Navy, select a military service for
25 participation in the demonstration program.

1 (b) ELEMENTS.—The demonstration program shall
2 include—

3 (1) efforts to determine, execute, and validate
4 in an auditable manner data curation activities for
5 the cyber and information technology budget of a
6 military service;

7 (2) efforts to improve transparency in cyber
8 and information technology budget information to
9 identify cybersecurity efforts funded out of noncyber
10 information technology lines, including qualitative
11 techniques such as semantic analysis or natural lan-
12 guage processing techniques;

13 (3) metrics developed to assess the effectiveness
14 of the demonstration program;

15 (4) a cost tradeoff analysis of implementing
16 data analytics across the all of the cyber and infor-
17 mation technology budgets of the Department of De-
18 fense;

19 (5) effort to utilize data analytics to make
20 budget trade-offs; and

21 (6) efforts to incorporate data analytics into the
22 into the congressional budget submission process.

23 (c) BRIEFING.—

24 (1) INITIAL BRIEFING.—Not later than 120
25 days after the date of the enactment of this Act, the

1 Chief Information Officer shall provide the Com-
2 mittee on Armed Services of the Senate and the
3 Committee on Armed Services of the House of Rep-
4 resentatives a brief on the plans and status of the
5 Chief Information Officer with respect to the dem-
6 onstration program required by subsection (a).

7 (2) FINAL BRIEFING.—(A) Not later than
8 March 1, 2024, the Chief Information Officer shall
9 provide the Committee on Armed Services of the
10 Senate and the Committee on Armed Services of the
11 House of Representatives a briefing on the results
12 and findings of the Chief Information Officer with
13 respect to the pilot program required by subsection
14 (a).

15 (B) The briefing required by subparagraph (A)
16 shall include the following:

17 (i) Recommendations for expansion of the
18 demonstration program to the entire cyber and
19 information technology budget of the Depart-
20 ment.

21 (ii) Plans for incorporating data analytics
22 into the congressional budget submission proc-
23 ess for the cyber and information technology
24 budget of the Department.

1 **SEC. 1631. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **OPERATION AND MAINTENANCE FOR OFFICE**
3 **OF SECRETARY OF DEFENSE UNTIL FRAME-**
4 **WORK TO ENHANCE CYBERSECURITY OF**
5 **UNITED STATES DEFENSE INDUSTRIAL BASE**
6 **IS COMPLETED.**

7 (a) LIMITATION.—Of the funds authorized to be ap-
8 propriated by this Act for fiscal year 2023 for operation
9 and maintenance, Defense-wide, and available for the Of-
10 fice of the Secretary of Defense, not more than 75 percent
11 may be obligated or expended until the framework re-
12 quired by section 1648 of the National Defense Authoriza-
13 tion Act for Fiscal Year 2020 (Public Law 116–92; 10
14 U.S.C. 2224 note) is completed and submitted to the con-
15 gressional defense committees.

16 (b) BRIEFING.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the date of the submittal of the framework in ac-
19 cordance with subsection (a), the Secretary of De-
20 fense shall provide the congressional defense com-
21 mittees with a briefing on such framework.

22 (2) CONTENTS.—The briefing required by para-
23 graph (1) shall include the following:

24 (A) An overview of the framework sub-
25 mitted in accordance with subsection (a).

1 (B) Identification of such pilot programs
2 as the Secretary considers may be required to
3 improve the cybersecurity of the defense indus-
4 trial base.

5 (C) Implementation timelines and identi-
6 fication of costs.

7 (D) Such recommendations as the Sec-
8 retary may have for legislative action to im-
9 prove the cybersecurity of the defense industrial
10 base.

11 **SEC. 1632. ASSESSMENTS OF WEAPONS SYSTEMS**
12 **VULNERABILITIES TO RADIO-FREQUENCY EN-**
13 **ABLED CYBER ATTACKS.**

14 (a) IN GENERAL.—The Secretary of Defense shall
15 ensure that the activities required by and conducted pur-
16 suant to section 1647 of the National Defense Authoriza-
17 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
18 Stat. 1118), section 1637 of the John S. McCain National
19 Defense Authorization Act for Fiscal Year 2019 (Public
20 Law 115–232; 10 U.S.C. 221 note), and the amendments
21 made by section 1712 of the William M. (Mac) Thornberry
22 National Defense Authorization Act for Fiscal Year 2021
23 (Public Law 116–283; 134 Stat. 4087) include regular as-
24 sessments of the vulnerabilities to and risks presented by
25 radio-frequency enabled cyber attacks with respect to the

1 operational technology embedded in weapons systems, air-
2 craft, ships, ground vehicles, space systems, sensors, and
3 datalink networks of the Department of Defense.

4 (b) ELEMENTS.—The assessments required under
5 subsection (a) with respect to vulnerabilities and risks de-
6 scribed in such subsection shall include—

7 (1) identification of such vulnerabilities and
8 risks;

9 (2) ranking of vulnerability, severity, and pri-
10 ority;

11 (3) development and selection of options, with
12 associated costs and schedule, to correct such
13 vulnerabilities, including installation of intrusion de-
14 tection capabilities; and

15 (4) development of integrated risk-based plans
16 to implement the corrective actions selected.

17 (c) DEVELOPMENT OF CORRECTIVE ACTIONS.—In
18 developing corrective actions under subsection (b)(3), the
19 assessments required under subsection (a) shall address
20 requirements for deployed members of the Armed Forces
21 to analyze data collected on the weapons systems and re-
22 spond to attacks.

23 (d) INTELLIGENCE INFORMED ASSESSMENTS.—The
24 assessments required under subsection (a) shall be in-
25 formed by intelligence, if available, and technical judgment

1 regarding potential threats to embedded operational tech-
2 nology during operations of the Armed Forces.

3 (e) COORDINATION.—

4 (1) COORDINATION AND INTEGRATION OF AC-
5 TIVITIES.—The assessments required under sub-
6 section (a) shall be fully coordinated and integrated
7 with activities described in such subsection.

8 (2) COORDINATION OF ORGANIZATIONS.—The
9 Secretary shall ensure that the organizations con-
10 ducting the assessments under subsection (a) in the
11 military departments, the United States Special Op-
12 erations Command, and the Defense Agencies co-
13 ordinate with each other and share best practices,
14 vulnerability analyses, and technical solutions.

15 (f) BRIEFINGS.—Not later than one year after the
16 date of the enactment of this Act, the Secretary shall pro-
17 vide to the congressional defense committees briefings
18 from the organizations specified under subsection (e)(2),
19 as appropriate, on the activities and plans required under
20 this section.

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-
6 tion Authorization Act for Fiscal Year 2023”.

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
11 YEARS.—Except as provided in subsection (b), all author-
12 izations contained in titles XXI through XXVII for mili-
13 tary construction projects, land acquisition, family housing
14 projects and facilities, and contributions to the North At-
15 lantic Treaty Organization Security Investment Program
16 (and authorizations of appropriations therefor) shall ex-
17 pire on the later of—

18 (1) October 1, 2025; or

19 (2) the date of the enactment of an Act author-
20 izing funds for military construction for fiscal year
21 2026.

22 (b) EXCEPTION.—Subsection (a) shall not apply to
23 authorizations for military construction projects, land ac-
24 quisition, family housing projects and facilities, and con-
25 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment Program (and authorizations of appro-
2 priations therefor), for which appropriated funds have
3 been obligated before the later of—

4 (1) October 1, 2025; or

5 (2) the date of the enactment of an Act author-
6 izing funds for fiscal year 2026 for military con-
7 struction projects, land acquisition, family housing
8 projects and facilities, or contributions to the North
9 Atlantic Treaty Organization Security Investment
10 Program.

11 **SEC. 2003. EFFECTIVE DATE.**

12 Titles XXI through XXVII shall take effect on the
13 later of—

14 (1) October 1, 2022; or

15 (2) the date of the enactment of this Act.

16 **TITLE XXI—ARMY MILITARY**
17 **CONSTRUCTION**

18 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
19 **ACQUISITION PROJECTS.**

20 (a) INSIDE THE UNITED STATES.—Using amounts
21 appropriated pursuant to the authorization of appropria-
22 tions in section 2103(a) and available for military con-
23 struction projects inside the United States as specified in
24 the funding table in section 4601, the Secretary of the
25 Army may acquire real property and carry out military

1 construction projects for the installations or locations in-
 2 side the United States, and in the amounts, set forth in
 3 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$96,000,000
Alaska	Fort Wainwright	\$99,000,000
Colorado	Fort Carson	\$14,200,000
Hawaii	Fort Shafter	\$33,000,000
	Schofield Barracks	\$111,000,000
	Tripler Army Medical Center	\$27,000,000
Louisiana	Fort Polk	\$32,000,000
Mississippi	Engineer Research and Development Center	\$20,000,000
North Carolina	Fort Bragg	\$34,000,000
Pennsylvania	Letterkenny Army Depot	\$38,000,000
Texas	Corpus Christi Army Depot	\$103,000,000
	Fort Bliss	\$15,000,000
Washington	Joint Base Lewis-McChord	\$49,000,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2103(a) and available for military con-
 7 struction projects outside the United States as specified
 8 in the funding table in section 4601, the Secretary of the
 9 Army may acquire real property and carry out military
 10 construction projects for the installations or locations out-
 11 side the United States, and in the amounts, set forth in
 12 the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	East Camp Grafenwoehr	\$168,000,000
Japan	Kadena Air Force Base	\$99,000,000
Kwajalein	Kwajalein Atoll	\$69,000,000

13 **SEC. 2102. FAMILY HOUSING.**

14 (a) CONSTRUCTION AND ACQUISITION.—Using
 15 amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2103(a) and available for military
 2 family housing functions as specified in the funding table
 3 in section 4601, the Secretary of the Army may construct
 4 or acquire family housing units (including land acquisition
 5 and supporting facilities) at the installations or locations,
 6 in the number of units, and in the amounts set forth in
 7 the following table:

Army: Family Housing

Country	Installation	Units	Amount
Germany	Baumholder	Family Housing Replace- ment Construction	\$77,000,000
Italy	Vicenza	Family Housing New Con- struction	\$95,000,000

8 (b) PLANNING AND DESIGN.—Using amounts appro-
 9 priated pursuant to the authorization of appropriations in
 10 section 2103(a) and available for military family housing
 11 functions as specified in the funding table in section 4601,
 12 the Secretary of the Army may carry out architectural and
 13 engineering services and construction design activities
 14 with respect to the construction or improvement of family
 15 housing units in an amount not to exceed \$17,339,000.

16 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 18 are hereby authorized to be appropriated for fiscal years
 19 beginning after September 30, 2022, for military con-
 20 struction, land acquisition, and military family housing
 21 functions of the Department of the Army as specified in
 22 the funding table 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 2101 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. 2104. EXTENSION AND MODIFICATION OF AUTHORITY**
10 **TO CARRY OUT CERTAIN FISCAL YEAR 2018**
11 **PROJECTS.**

12 (a) KUNSAN AIR BASE, KOREA .—

13 (1) EXTENSION.—Notwithstanding section
14 2002 of the Military Construction Authorization Act
15 for Fiscal Year 2018 (division B of Public Law 115–
16 91; 131 Stat. 1817), the authorization contained in
17 the table in section 2101(b) of that Act (131 Stat.
18 1819) for Kunsan Air Base, Korea, shall remain in
19 effect until October 1, 2023, or the date of the en-
20 actment of an Act authorizing funds for military
21 construction for fiscal year 2024, whichever is later.

22 (2) MODIFICATION.—In the case of the author-
23 ization contained in the table in section 2101(b) of
24 the Military Construction Authorization Act for Fis-
25 cal Year 2018 (division B of Public Law 115–91;

1 131 Stat. 1819) for Kunsan Air Base, Korea, for
2 construction of an unmanned aerial vehicle hangar
3 at the installation, the Secretary of the Army may
4 construct the hangar at Camp Humphries, Korea,
5 and may remove primary scope associated with the
6 relocation of the Air Defense Artillery (ADA) Bat-
7 talion facilities, to include the ground based missile
8 defense equipment area, fighting positions, missile
9 resupply area ADA, ready building or command
10 post, battery command post area, safety shelter, and
11 guard booth.

12 (b) KWAJALEIN ATOILL, KWAJALEIN.—

13 (1) EXTENSION.—Notwithstanding section
14 2002 of the Military Construction Authorization Act
15 for Fiscal Year 2018 (division B of Public Law 115–
16 91; 131 Stat. 1817), the authorization contained in
17 the table in section 2102 of that Act (131 Stat.
18 1820) for Kwajalein Atoill, Kwajalein, shall remain
19 in effect until October 1, 2023, or the date of the
20 enactment of an Act authorizing funds for military
21 construction for fiscal year 2024, whichever is later.

22 (2) MODIFICATION.—Section 2879(a)(1)(A) of
23 the Military Construction Authorization Act for Fis-
24 cal Year 2018 (division B of Public Law 115–91;
25 131 Stat. 1874) is amended by striking “at least 26

1 family housing units” and inserting “not more than
2 26 family housing units”.

3 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
4 **FISCAL YEAR 2019 PROJECT AT CAMP TANGO,**
5 **KOREA.**

6 In the case of the authorization contained in the table
7 in section 2101(b) of the John S. McCain National De-
8 fense Authorization Act for Fiscal Year 2019 (division B
9 of Public Law 115–232; 132 Stat. 2242) for Camp Tango,
10 Korea, for construction of a command and control facility
11 at the installation, the Secretary of the Army may increase
12 scope for a dedicated, enclosed egress pathway out of the
13 underground facility to facilitate safe escape in case of
14 fire.

15 **TITLE XXII—NAVY MILITARY**
16 **CONSTRUCTION**

17 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
18 **ACQUISITION PROJECTS.**

19 (a) INSIDE THE UNITED STATES.—Using amounts
20 appropriated pursuant to the authorization of appropria-
21 tions in section 2203(a) and available for military con-
22 struction projects inside the United States as specified in
23 the funding table in section 4601, the Secretary of the
24 Navy may acquire real property and carry out military
25 construction projects for the installations or locations in-

1 side the United States, and in the amounts, set forth in
 2 the following table:

Navy: Inside the United States

State or Territory	Installation or Location	Amount
California	Marine Corps Air Ground Combat Center Twentynine Palms.	\$120,382,000
	Marine Corps Base Camp Pendleton	\$117,310,000
	Marine Corps Recruit Depot San Diego	\$83,200,000
	Naval Air Station Lemoore	\$201,261,000
	Naval Base San Diego	\$132,700,000
	Naval Base Point Loma Annex	\$56,450,000
	Naval Surface Warfare Center Corona Division.	\$15,000,000
Connecticut	Naval Submarine Base New London	\$15,514,000
Florida	Naval Air Station Jacksonville	\$86,232,000
	Naval Air Station Whiting Field	\$199,289,000
	Naval Surface Warfare Center Carderock Division.	\$2,073,000
Georgia	Naval Submarine Base Kings Bay	\$279,171,000
Guam	Marine Corps Base Camp Blaz	\$330,589,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$3,754,192,000
	Marine Corps Base Kaneohe Bay	\$87,900,000
Maryland	Naval Surface Warfare Center Indian Head Division.	\$8,039,000
Michigan	Marine Forces Reserve Battle Creek	\$24,300,000
Nevada	Naval Air Station Fallon	\$146,165,000
North Carolina	Marine Corps Air Station Cherry Point	\$38,415,000
	Marine Corps Air Station New River	\$210,600,000
	Marine Corps Base Camp Lejeune	\$47,475,000
	Naval Surface Warfare Center Philadelphia Division.	\$86,610,000
South Carolina	Marine Corps Recruit Depot Parris Island	\$75,900,000
Virginia	Naval Station Norfolk	\$16,863,000
	Naval Surface Warfare Center Dahlgren Division.	\$2,503,000
Washington	Naval Air Station Whidbey Island	\$105,561,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2203(a) and available for military con-
 6 struction projects outside the United States as specified
 7 in the funding table in section 4601, the Secretary of the
 8 Navy may acquire real property and carry out military
 9 construction projects for the installations or locations out-
 10 side the United States, and in the amounts, set forth in
 11 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Australia	Royal Australian Air Force Base Darwin ...	\$258,831,000
Djibouti	Camp Lemonnier	\$106,700,000
Japan	Kadena Air Base	\$195,400,000
Spain	Naval Station Rota	\$76,300,000

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

Territory	Installation or Location	Units	Amount
Guam	NAVSUPPACT Andersen	Replace Andersen Housing PH IV	\$86,390,000
	NAVSUPPACT Andersen	Replace Andersen Housing PH V	\$93,259,000
	NAVSUPPACT Andersen	Replace Andersen Housing PH VI	\$68,985,000

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

1 Navy may improve existing military family housing units
2 in an amount not to exceed \$74,540,000.

3 (c) PLANNING AND DESIGN.—Using amounts appro-
4 priated pursuant to the authorization of appropriations in
5 section 2203(a) and available for military family housing
6 functions as specified in the funding table in section 4601,
7 the Secretary of the Navy may carry out architectural and
8 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 \$14,123,000.

11 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for fiscal years
14 beginning after September 30, 2022, for military con-
15 struction, land acquisition, and military family housing
16 functions of the Department of the Navy, as specified in
17 the funding table in section 4601.

18 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
19 PROJECTS.—Notwithstanding the cost variations author-
20 ized by section 2853 of title 10, United States Code, and
21 any other cost variation authorized by law, the total cost
22 of all projects carried out under section 2201 of this Act
23 may not exceed the total amount authorized to be appro-
24 priated under subsection (a), as specified in the funding
25 table in section 4601.

1 **SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
2 **TAIN FISCAL YEAR 2018 PROJECT AT JOINT**
3 **REGION MARIANAS, GUAM.**

4 Notwithstanding section 2002 of the Military Con-
5 struction Authorization Act for Fiscal Year 2018 (division
6 B of Public Law 115–91; 131 Stat. 1817), the authoriza-
7 tion contained in the table in section 2201(a) of that Act
8 (131 Stat. 1822) at Joint Region Marianas, Guam, for
9 Navy-Commercial Tie-in Hardening, as specified in the
10 funding table in section 4601 of that Act (131 Stat.
11 2001), shall remain in effect until October 1, 2023, or the
12 date of the enactment of an Act authorizing funds for mili-
13 tary construction for fiscal year 2024, whichever is later.

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-
20 tions in section 2303(a) and available for military con-
21 struction projects inside the United States as specified in
22 the funding table in section 4601, the Secretary of the
23 Air Force may acquire real property and carry out mili-
24 tary construction projects for the installations or locations
25 inside the United States, and in the amounts, set forth
26 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	\$15,000,000
Alaska	Clear Space Force Station	\$68,000,000
	Joint Base Elmendorf-Richardson	\$5,200,000
Arizona	Davis-Monthan Air Force Base	\$7,500,000
California	Travis Air Force Base	\$7,500,000
	Vandenberg Space Force Base	\$89,000,000
Hawaii	Air Force Research Laboratory - Maui Experimental Site #1	\$89,000,000
Illinois	Scott Air Force Base	\$19,893,000
New York	Air Force Research Laboratory - Rome Research Site	\$4,200,000
Ohio	Wright Patterson Air Force Base	\$29,000,000
Oklahoma	Tinker Air Force Base	\$247,600,000
South Carolina	Shaw Air Force Base	\$10,000,000
South Dakota	Ellsworth Air Force Base	\$328,000,000
Tennessee	Arnold Air Force Base	\$38,000,000
Texas	Joint Base San Antonio-Randolph	\$29,000,000
Utah	Hill Air Force Base	\$84,000,000
Washington	Fairchild Air Force Base	\$8,000,000
Wyoming	F.E. Warren Air Force Base	\$186,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2303(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 the
6 Air Force may acquire real property and carry out mili-
7 tary construction projects for the installations or locations
8 outside the United States, and in the amounts, set forth
9 in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Hungary	Pápa Air Base	\$71,000,000
Iceland	Naval Air Station Keflavik	\$94,000,000
Italy	Aviano Air Base	\$46,500,000
Japan	Kadena Air Base	\$307,000,000
Jordan	Muwaffaq Salti Air Base	\$50,000,000
Norway	Rygge Air Station	\$8,200,000
Spain	Moron Air Base	\$29,000,000
United Kingdom	Royal Air Force Molesworth	\$421,000,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) IMPROVEMENTS TO MILITARY FAMILY HOUSING
3 UNITS.—Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2303(a) and
6 available for military family housing functions as specified
7 in the funding table in section 4601, the Secretary of the
8 Air Force may improve existing military family housing
9 units in an amount not to exceed \$233,858,000.

10 (b) PLANNING AND DESIGN.—Using amounts appro-
11 priated pursuant to the authorization of appropriations in
12 section 2303(a) and available for military family housing
13 functions as specified in the funding table in section 4601,
14 the Secretary of the Air Force may carry out architectural
15 and engineering services and construction design activities
16 with respect to the construction or improvement of family
17 housing units in an amount not to exceed \$17,730,000.

18 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR**
19 **FORCE.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
21 are hereby authorized to be appropriated for fiscal years
22 beginning after September 30, 2022, for military con-
23 struction, land acquisition, and military family housing
24 functions of the Department of the Air Force, as specified
25 in the funding table 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 2301 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. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
10 **TAIN FISCAL YEAR 2018 PROJECTS.**

11 (a) AIR FORCE CONSTRUCTION AND LAND ACQUISSI-
12 TION.—

13 (1) IN GENERAL.—Notwithstanding section
14 2002 of the Military Construction Authorization Act
15 for Fiscal Year 2018 (division B of Public Law 115–
16 91; 131 Stat. 1817), the authorizations set forth in
17 the table in paragraph (2), as provided in section
18 2301(a) of that Act (131 Stat. 1825), for the
19 projects specified in that table shall remain in effect
20 until October 1, 2023, or the date of the enactment
21 of an Act authorizing funds for military construction
22 for fiscal year 2024, whichever is later.

23 (2) TABLE.—The table referred to in paragraph
24 (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
Texas	Joint Base San Antonio	BMT Classrooms/ Dining	\$38,000,000
	Joint Base San Antonio	Camp Bullis Dining Facility	\$18,500,000
Wyoming	F. E. Warren Air Force Base	Consolidated Helo/ TRF Ops/AMU and Alert Fac.	\$62,000,000

1 (b) OVERSEAS CONTINGENCY OPERATIONS.—

2 (1) IN GENERAL.—Notwithstanding section
3 2002 of the Military Construction Authorization Act
4 for Fiscal Year 2018 (division B of Public Law 115–
5 91; 131 Stat. 1817), the authorizations set forth in
6 the table in paragraph (2), as provided in section
7 2903 of that Act (131 Stat. 1876), for the projects
8 specified in that table shall remain in effect until
9 October 1, 2023, or the date of the enactment of an
10 Act authorizing funds for military construction for
11 fiscal year 2024, whichever is later.

12 (2) TABLE.—The table referred to in paragraph
13 (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Hungary	Kecskemet Air Base	ERI: Airfield Up- grades	\$12,900,000
	Kecskemet Air Base	ERI: Construct Par- allel Taxiway	\$30,000,000
	Kecskemet Air Base	ERI: Increase POL Storage Capacity	\$12,500,000

Air Force: Extension of 2018 Project Authorizations—Continued

Country	Installation or Location	Project	Original Authorized Amount
Luxembourg ...	Sanem	ERI: ECAOS Deployable Air-base System Storage	\$67,400,000
Slovakia	Malacky	ERI: Airfield Upgrades	\$4,000,000
	Malacky	ERI: Increase POL Storage Capacity	\$20,000,000
	Sliač Airport	ERI: Airfield Upgrades	\$22,000,000

1 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2020 PROJECTS AT**
3 **TYNDALL AIR FORCE BASE, FLORIDA.**

4 In the case of the authorization contained in section
5 2912(a) of the Military Construction Authorization Act
6 for Fiscal Year 2020 (division B of Public Law 116–92;
7 133 Stat. 1913) for Tyndall Air Force Base, Florida—

8 (1) for construction of Lodging Facilities
9 Phases 1–2, as specified in the funding table in sec-
10 tion 4603 of that Act (133 Stat. 2103) and modified
11 by subsection (a)(7) of section 2306 of the Military
12 Construction Authorization Act for Fiscal Year 2021
13 (division B of Public Law 116–283; 134 Stat.
14 4302), the Secretary of the Air Force may construct
15 an emergency backup generator;

16 (2) for construction of Dorm Complex Phases
17 1–2, as specified in such funding table and modified
18 by subsection (a)(8) of such section 2306, the Sec-

1 retary of the Air Force may construct two emer-
2 gency backup generators;

3 (3) for construction of Site Development, Utili-
4 ties & Demo Phase 2, as specified in such funding
5 table and modified by subsection (a)(6) of such sec-
6 tion 2306, the Secretary of the Air Force may con-
7 struct—

8 (A) up to 6,248 lineal meters of storm
9 water utilities;

10 (B) up to 55,775 square meters of roads;

11 (C) up to 4,334 lineal meters of gas pipe-
12 line; and

13 (D) up to 28,958 linear meters of elec-
14 trical;

15 (4) for construction of Tyndall AFB Gate Com-
16 plex, as specified in such funding table and modified
17 by subsection (a)(9) of such section 2306, the Sec-
18 retary of the Air Force may construct up to 55,694
19 square meters of roadway with serpentines; and

20 (5) for construction of Deployment Center/
21 Flight Line Dining/AAFES, as specified in such
22 funding table and modified by subsection (a)(11) of
23 such section 2306, the Secretary of the Air Force
24 may construct up to 164 square meters of AAFES
25 (Shoppette).

1 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2021 PROJECT AT**
3 **HILL AIR FORCE BASE, UTAH.**

4 In the case of the authorization contained in section
5 2301(a) of the Military Construction Authorization Act
6 for Fiscal Year 2021 (division B of Public Law 116–283;
7 134 Stat. 4299) for Hill Air Force Base, Utah, for con-
8 struction of GBSD Organic Software Sustainment Center,
9 as specified in the funding table in section 4601 of such
10 Act (134 Stat. 4502), the Secretary of the Air Force may
11 construct—

12 (1) up to 7,526 square meters of surface park-
13 ing lot in lieu of constructing a 13,434 square me-
14 ters vehicle parking garage; and

15 (2) up to 402 square meters of storage igloo.

16 **TITLE XXIV—DEFENSE AGEN-**
17 **CIES MILITARY CONSTRU-**
18 **CTION**

19 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
20 **TION AND LAND ACQUISITION PROJECTS.**

21 (a) INSIDE THE UNITED STATES.—Using amounts
22 appropriated pursuant to the authorization of appropria-
23 tions in section 2403(a) and available for military con-
24 struction projects inside the United States as specified in
25 the funding table in section 4601, the Secretary of De-
26 fense may acquire real property and carry out military

1 construction projects for the installations or locations in-
 2 side the United States, and in the amounts, set forth in
 3 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$151,000,000
California	Naval Base Coronado	\$75,712,000
Florida	Hurlburt Field	\$9,100,000
North Carolina	Fort Bragg	\$34,470,000
Texas	Joint Base San Antonio	\$58,600,000
Virginia	Dam Neck	\$26,600,000
	Pentagon	\$18,000,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2403(a) and available for military con-
 7 struction projects outside the United States as specified
 8 in the funding table in section 4601, the Secretary of De-
 9 fense may acquire real property and carry out military
 10 construction projects for the installations or locations out-
 11 side the United States, and in the amounts, set forth in
 12 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Baumholder	\$149,023,000
Japan	Yokota Air Base	\$72,154,000

13 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-**
 14 **SERVATION INVESTMENT PROGRAM**
 15 **PROJECTS.**

16 (a) INSIDE THE UNITED STATES.—Using amounts
 17 appropriated pursuant to the authorization of appropria-

tions in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Inside the United States

State or Territory	Installation or Location	Amount
Alabama	Missile and Space Intelligence Center, Redstone Arsenal	\$10,700,000
California	Marine Corps Mountain Warfare Training Center	\$25,560,000
	Naval Base Ventura County	\$13,360,000
Florida	Naval Air Station Jacksonville	\$2,400,000
	Patrick Space Force Base	\$15,700,000
Georgia	Fort Stewart-Hunter Army Airfield	\$25,400,000
	Naval Submarine Base Kings Bay	\$11,200,000
Guam	Naval Base Guam	\$34,360,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$25,000,000
Kansas	Fort Riley	\$25,780,000
Maryland	National Security Agency-Washington, Fort Meade	\$23,310,000
Texas	Fort Hood	\$31,500,000
	U.S. Army Reserve Center, Conroe	\$9,600,000
Virginia	National Geospatial-Intelligence Agency Campus East, Fort Belvoir	\$1,100,000
	Naval Support Activity Hampton Roads	\$22,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonnier	\$24,000,000
Japan	Kadena Air Base	\$780,000
Kuwait	Camp Arifjan	\$26,850,000

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for fiscal years
5 beginning after September 30, 2022, for military con-
6 struction, land acquisition, and military family housing
7 functions of the Department of Defense (other than the
8 military departments), as specified in the funding table
9 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 2401 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. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
19 **TAIN FISCAL YEAR 2018 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of
21 the Military Construction Authorization Act for Fiscal
22 Year 2018 (division B of Public Law 115–91; 131 Stat.

1 1817), the authorization set forth in the table in sub-
 2 section (b), as provided in section 2401(b) of that Act
 3 (131 Stat. 1829), for the projects specified in that table
 4 shall remain in effect until October 1, 2023, or the date
 5 of the enactment of an Act authorizing funds for military
 6 construction for fiscal year 2024, whichever is later.

7 (b) TABLE.—The table referred to in subsection (a)
 8 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	USCG Station; Punta Borinquen	Ramey Unit School Replacement	\$61,071,000

9 **TITLE XXV—INTERNATIONAL**
 10 **PROGRAMS**
 11 **Subtitle A—North Atlantic Treaty**
 12 **Organization Security Invest-**
 13 **ment Program**

14 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
 15 **ACQUISITION PROJECTS.**

16 The Secretary of Defense may make contributions for
 17 the North Atlantic Treaty Organization Security Invest-
 18 ment Program as provided in section 2806 of title 10,
 19 United States Code, in an amount not to exceed the sum
 20 of the amount authorized to be appropriated for this pur-

pose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA-FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

Republic of Korea-Funded Construction Projects

Country	Installation or Location	Project	Amount
Army	Camp Humphreys	Quartermaster Laundry/ Dry Cleaner Facility	\$24,000,000
Army	Camp Humphreys	MILVAN CONNEX Storage Yard	\$20,000,000
Navy	Camp Mujuk	Replace Ordnance Storage Magazines	\$150,000,000

Republic of Korea-Funded Construction Projects—Continued

Country	Installation or Location	Project	Amount
Navy	Fleet Activities Chinhae	Water Treatment Plant Relocation	\$6,000,000
Air Force	Gimhae Air Base	Refueling Vehicle Shop	\$8,800,000
Air Force	Osan Air Base	Combined Air and Space Operations Intelligence Center	\$306,000,000
Air Force	Osan Air Base	Upgrade Electrical Dis- tribution West, Phase 3	\$235,000,000

1 **SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CON-**
2 **STRUCTION PROJECT AT CAMP HUMPHREYS,**
3 **REPUBLIC OF KOREA.**

4 Section 2511 of the Military Construction Authoriza-
5 tion Act for Fiscal Year 2022 (division B of Public Law
6 117–81; 135 Stat. 2177) is amended—

7 (1) in subsection (a), by striking “(a) AUTHOR-
8 ITY TO ACCEPT PROJECTS.—Pursuant to” and in-
9 serting “Pursuant to”; and

10 (2) by striking subsection (b).

11 **TITLE XXVI—GUARD AND**
12 **RESERVE FORCES FACILITIES**

13 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
14 **STRUCTION AND LAND ACQUISITION**
15 **PROJECTS.**

16 Using amounts appropriated pursuant to the author-
17 ization of appropriations in section 2606 and available for
18 the National Guard and Reserve as specified in the fund-
19 ing table in section 4601, the Secretary of the Army may

1 acquire real property and carry out military construction
 2 projects for the Army National Guard locations inside the
 3 United States, and in the amounts, set forth in the fol-
 4 lowing table:

Army National Guard

State or Terri- tory	Location	Amount
Alaska	Joint Base Elmendorf-Richardson	\$63,000,000
Arkansas	Camp Robinson	\$9,500,000
Delaware	New Castle	\$16,000,000
Florida	Gainesville	\$21,000,000
	Palm Coast	\$12,000,000
Hawaii	Kapolei	\$29,000,000
Indiana	Atlanta	\$20,000,000
Iowa	West Des Moines	\$15,000,000
Minnesota	New Ulm	\$17,000,000
Nevada	Reno	\$18,000,000
New York	Troy	\$17,000,000
North Carolina	McLeansville	\$15,000,000
Oregon	Camp Umatilla	\$14,243,000
Puerto Rico	Arroyo	\$28,602,000
	Camp Santiago	\$161,337,000
	San Juan	\$64,000,000
West Virginia	Buckhannon	\$14,000,000
Wyoming	Camp Guernsey	\$19,500,000
	Sheridan	\$14,800,000

5 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 6 **AND LAND ACQUISITION PROJECTS.**

7 Using amounts appropriated pursuant to the author-
 8 ization of appropriations in section 2606 and available for
 9 the National Guard and Reserve as specified in the fund-
 10 ing table in section 4601, the Secretary of the Army may
 11 acquire real property and carry out military construction
 12 projects for the Army Reserve locations inside the United
 13 States, and in the amounts, set forth in the following
 14 table:

Army Reserve

State or Territory	Location	Amount
California	Camp Pendleton	\$13,000,000
Florida	Perrine	\$46,000,000
Ohio	Wright-Patterson Air Force Base	\$16,000,000
Puerto Rico	Fort Buchanan	\$24,000,000
Washington	Yakima	\$22,000,000
Wisconsin	Fort McCoy	\$64,000,000

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
Hawaii	Marine Corps Base Kaneohe Bay	\$102,600,000
Virginia	Marine Forces Reserve Dam Neck Vir- ginia Beach.	\$10,400,000

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

1 may acquire real property and carry out military construc-
 2 tion projects for the Air National Guard locations inside
 3 the United States, and in the amounts, set forth in the
 4 following table:

Air National Guard

State	Location	Amount
Alabama	Birmingham International Airport	\$7,500,000
	Montgomery Regional Airport	\$9,200,000
Arizona	Morris Air National Guard Base	\$12,000,000
	Tucson International Airport	\$10,000,000
Florida	Jacksonville International Airport	\$22,200,000
Indiana	Fort Wayne International Airport	\$12,800,000
Tennessee	McGhee-Tyson Airport	\$23,800,000
Rhode Island	Quonset State Airport	\$35,000,000
West Virginia	McLaughlin Air National Guard Base	\$10,000,000

5 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 6 **TION AND LAND ACQUISITION PROJECTS.**

7 Using amounts appropriated pursuant to the author-
 8 ization of appropriations in section 2606 and available for
 9 the National Guard and Reserve as specified in the fund-
 10 ing table in section 4601, the Secretary of the Air Force
 11 may acquire real property and carry out military construc-
 12 tion projects for the Air Force Reserve locations inside
 13 the United States, and in the amounts, set forth in the
 14 following table:

Air Force Reserve

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	\$8,000,000
Mississippi	Keesler Air Force Base	\$10,000,000
Oklahoma	Tinker Air Force Base	\$12,500,000
Virginia	Langley Air Force Base	\$10,500,000

1 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
2 **TIONAL GUARD AND RESERVE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2022, for the
5 costs of acquisition, architectural and engineering services,
6 and construction of facilities for the Guard and Reserve
7 Forces, and for contributions therefor, under chapter
8 1803 of title 10, United States Code (including the cost
9 of acquisition of land for those facilities), as specified in
10 the funding table in section 4601.

11 **SEC. 2607. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
12 **TAIN FISCAL YEAR 2018 PROJECTS.**

13 (a) EXTENSION.—Notwithstanding section 2002 of
14 the Military Construction Authorization Act for Fiscal
15 Year 2018 (division B of Public Law 115–91; 131 Stat.
16 1817), the authorizations set forth in the table in sub-
17 section (b), as provided in section 2604 of that Act (131
18 Stat. 1836), for the projects specified in that table shall
19 remain in effect until October 1, 2023, or the date of the
20 enactment of an Act authorizing funds for military con-
21 struction for fiscal year 2024, whichever is later.

22 (b) TABLE.—The table referred to in subsection (a)
23 is as follows:

Army National Guard: Outside the United States

State	Installation or Location	Project	Original Authorized Amount
Indiana	Hulman Regional Airport	Construct Small Arms Range	\$8,000,000
South Dakota	Joe Foss Field	Aircraft Maintenance Shops	\$12,000,000
Wisconsin	Dane County Regional/Airport Truax Field	Construct Small Arms Range	\$8,000,000

1 **SEC. 2608. CORRECTIONS TO AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2022 PROJECTS.**

3 The table in section 2601 of the Military Construc-
4 tion Authorization Act Fiscal Year 2022 (division B of
5 Public law 117–81; 135 Stat. 2178) is amended—

6 (1) in the item relating to Redstone Arsenal,
7 Alabama, by striking “Redstone Arsenal” and in-
8 serting “Huntsville”;

9 (2) in the item relating to Jerome National
10 Guard Armory, Idaho, by striking “National Guard
11 Armory”;

12 (3) in the item relating to Nickell Memorial Ar-
13 mory Topeka, Kansas, by striking “Nickell Memorial
14 Armory”;

15 (4) in the item relating to Lake Charles Na-
16 tional Guard Readiness Center, Louisiana, by strik-
17 ing “National Guard Readiness Center”;

18 (5) in the item relating to Camp Grayling,
19 Michigan, by striking “Camp”;

1 (6) in the item relating to Butte Military En-
2 trance Testing Site, Montana, by striking “Military
3 Entrance Testing Site”;

4 (7) in the item relating to Mead Army National
5 Guard Readiness Center, Nebraska, by striking
6 “Army National Guard Readiness Center” and in-
7 serting “Training Site”;

8 (8) in the item relating to Dickinson National
9 Guard Armory, North Dakota, by striking “National
10 Guard Armory”;

11 (9) in the item relating to Bennington National
12 Guard Armory, Vermont, by striking “National
13 Guard Armory”; and

14 (10) in the item relating to Camp Ethan Allen
15 Training Site, Vermont, by striking “Camp Ethan
16 Allen Training Site” and inserting “Ethan Allen Air
17 Force Base TS”.

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
6 **TIES FUNDED THROUGH DEPARTMENT OF**
7 **DEFENSE BASE CLOSURE ACCOUNT.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2022, for base
10 realignment and closure activities, including real property
11 acquisition and military construction projects, as author-
12 ized by the Defense Base Closure and Realignment Act
13 of 1990 (part A of title XXIX of Public Law 101–510;
14 10 U.S.C. 2687 note) and funded through the Department
15 of Defense Base Closure Account established by section
16 2906 of such Act (as amended by section 2711 of the Mili-
17 tary Construction Authorization Act for Fiscal Year 2013
18 (division B of Public Law 112–239; 126 Stat. 2140), as
19 specified in the funding table in section 4601.

20 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**
21 **BASE REALIGNMENT AND CLOSURE (BRAC)**
22 **ROUND.**

23 Nothing in this Act shall be construed to authorize
24 an additional Base Realignment and Closure (BRAC)
25 round.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **Subtitle A—Military Construction**
5 **Program**

6 **SEC. 2801. MODIFICATION OF COST THRESHOLDS FOR AU-**
7 **THORITY OF DEPARTMENT OF DEFENSE TO**
8 **ACQUIRE LOW-COST INTERESTS IN LAND.**

9 Section 2663(c) of title 10, United States Code, is
10 amended—

11 (1) in paragraph (1)(B), by striking
12 “\$750,000” and inserting “\$6,000,000”;

13 (2) by striking paragraph (2);

14 (3) by redesignating paragraphs (3) and (4) as
15 paragraphs (2) and (3), respectively; and

16 (4) in paragraph (2), as redesignated by para-
17 graph (3), by striking “unless the total cost is not
18 more than \$750,000, in the case of an acquisition
19 under paragraph (1), or \$1,500,000, in the case of
20 an acquisition under paragraph (2)” and inserting
21 “unless the total cost is not more than \$6,000,000”.

1 **SEC. 2802. CLARIFICATION OF EXCEPTIONS TO LIMITA-**
2 **TIONS ON COST VARIATIONS FOR MILITARY**
3 **CONSTRUCTION PROJECTS AND MILITARY**
4 **FAMILY HOUSING PROJECTS.**

5 Subparagraph (D) of section 2853(c)(1) of title 10,
6 United States Code, is amended to read as follows:

7 “(D) The Secretary concerned may not use the au-
8 thority provided by subparagraph (A) to waive the cost
9 limitation applicable to a military construction project
10 with a total authorized cost greater than \$500,000,000
11 or a military family housing project with a total authorized
12 cost greater than \$500,000,000 if that waiver would in-
13 crease the project cost by more than 50 percent of the
14 total authorized cost of the project.”.

15 **SEC. 2803. ELIMINATION OF SUNSET OF AUTHORITY TO**
16 **CONDUCT UNSPECIFIED MINOR MILITARY**
17 **CONSTRUCTION FOR LAB REVITALIZATION.**

18 Section 2805(d) of title 10, United States Code, is
19 amended by striking paragraph (5).

20 **SEC. 2804. REQUIREMENT FOR INCLUSION OF DEPART-**
21 **MENT OF DEFENSE FORMS 1391 WITH AN-**
22 **NUAL BUDGET SUBMISSION BY PRESIDENT.**

23 Concurrently with the submission to Congress by the
24 President of the annual budget of the Department of De-
25 fense for a fiscal year under section 1105(a) of title 31,
26 United States Code, the President shall include each De-

1 partment of Defense Form 1391, or successor similar
2 form, for a military construction project to be carried out
3 during that fiscal year.

4 **SEC. 2805. DETERMINATION AND NOTIFICATION RELATING**
5 **TO EXECUTIVE ORDERS THAT IMPACT COST**
6 **AND SCOPE OF WORK OF MILITARY CON-**
7 **STRUCTION PROJECTS.**

8 (a) DETERMINATION AND UPDATE OF FORM 1391.—
9 Not later than 30 days after the date on which an Execu-
10 tive order is signed by the President, the Secretary con-
11 cerned shall—

12 (1) determine whether the Executive order
13 would cause a cost or scope of work variation for a
14 military construction project under the jurisdiction
15 of the Secretary concerned; and

16 (2) update the Department of Defense Form
17 1391 for each military construction project under
18 the jurisdiction of the Secretary concerned that
19 would be impacted by such cost or scope of work
20 variation that has not been submitted to Congress
21 for consideration, including—

22 (A) projects for the next fiscal year; and

23 (B) projects covered by the future-years
24 defense program submitted under section 221
25 of title 10, United States Code.

1 (b) NOTIFICATION TO CONGRESS.—Not later than 10
2 days after determining under subsection (a)(1) that an
3 Executive order would cause a cost or scope of work vari-
4 ation for a military construction project, the Secretary
5 concerned shall submit to the congressional defense com-
6 mittees a report indicating all military construction
7 projects under the jurisdiction of the Secretary concerned
8 with respect to which costs would increase due to the Ex-
9 ecutive order.

10 (c) CERTIFICATION.—Before the submission to Con-
11 gress of the budget of the President for a fiscal year under
12 section 1105(a) of title 31, United States Code, each Sec-
13 retary concerned shall certify to Congress that each De-
14 partment of Defense Form 1391 provided to Congress for
15 that fiscal year for a military construction project has
16 been updated with any cost or scope of work variation
17 specified in subsection (a)(1) caused by an Executive order
18 signed during the four-year period preceding such certifi-
19 cation, including an indication of any cost increases for
20 such project that is directly attributable to such Executive
21 order.

22 (d) SECRETARY CONCERNED DEFINED.—In this sec-
23 tion, the term “Secretary concerned” has the meaning
24 given that term in section 101 of title 10, United States
25 Code.

1 **SEC. 2806. EXTENSION OF AUTHORIZATION OF DEPOT**
2 **WORKING CAPITAL FUNDS FOR UNSPECIFIED**
3 **MINOR MILITARY CONSTRUCTION.**

4 Section 2208(u)(4) of title 10, United States Code,
5 is amended by striking “September 30, 2023”, and insert-
6 ing “September 30, 2025”.

7 **SEC. 2807. TEMPORARY INCREASE OF AMOUNTS IN CON-**
8 **NECTION WITH AUTHORITY TO CARRY OUT**
9 **UNSPECIFIED MINOR MILITARY CONSTRUC-**
10 **TION.**

11 For the period beginning on the date of the enact-
12 ment of this Act and ending on December 1, 2025, section
13 2805 of title 10, United States Code, shall be applied and
14 administered—

15 (1) in subsection (a)(2), by substituting
16 “\$9,000,000” for “\$6,000,000”;

17 (2) in subsection (c), by substituting
18 “\$4,000,000” for “\$2,000,000”;

19 (3) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by sub-
22 stituting “\$9,000,000” for “\$6,000,000”;
23 and

24 (ii) in subparagraph (B), by sub-
25 stituting “\$9,000,000” for “\$6,000,000”;
26 and

1 (B) in paragraph (2), by substituting
2 “\$9,000,000” for “\$6,000,000”; and
3 (4) in subsection (f)(1), by substituting
4 “\$14,000,000” for “\$10,000,000”.

5 **SEC. 2808. ELECTRICAL CHARGING CAPABILITY CON-**
6 **STRUCTION REQUIREMENTS RELATING TO**
7 **PARKING FOR FEDERAL GOVERNMENT**
8 **MOTOR VEHICLES.**

9 (a) IN GENERAL.—If the Secretary concerned devel-
10 ops plans for a project to construct any facility that in-
11 cludes or will include parking for covered motor vehicles,
12 the Secretary concerned shall include in any Department
13 of Defense Form 1391, or successor form, submitted to
14 Congress for that project—

15 (1) the provision of electric vehicle charging ca-
16 pability at the facility adequate to provide electrical
17 charging, concurrently, for not less than 15 percent
18 of all covered motor vehicles planned to be parked
19 at the facility;

20 (2) the inclusion of the cost of constructing
21 such capability in the overall cost of the project; and

22 (3) an analysis of whether a parking structure
23 or lot will be the primary charging area for covered
24 motor vehicles or if another area, such as public

1 works or the motor pool, will be the primary charg-
2 ing area.

3 (b) DEFINITIONS.—In this section:

4 (1) COVERED MOTOR VEHICLE.—The term
5 “covered motor vehicle” means a Federal Govern-
6 ment motor vehicle, including a motor vehicle leased
7 by the Federal Government.

8 (2) SECRETARY CONCERNED.—The term “Sec-
9 retary concerned” means—

10 (A) the Secretary of a military department
11 with respect to facilities under the jurisdiction
12 of that Secretary; and

13 (B) the Secretary of Defense with respect
14 to matters concerning the Defense Agencies and
15 facilities of a reserve component owned by a
16 State rather than the United States.

17 **SEC. 2809. USE OF INTEGRATED PROJECT DELIVERY CON-**
18 **TRACTS.**

19 (a) IN GENERAL.—In fiscal year 2023, the Secretary
20 of the Army, the Secretary of the Navy, and the Secretary
21 of the Air Force shall each enter into at least one inte-
22 grated project delivery contract for the delivery of a mili-
23 tary construction project.

24 (b) INTEGRATED PROJECT DELIVERY CONTRACT
25 DEFINED.—In this section, the term “integrated project

1 delivery contract” means a contract, including a multi-
2 party contract, that—

3 (1) includes at least the owner, builder, and ar-
4 chitect engineer; and

5 (2) shares the risks and rewards among all par-
6 ties to the contract.

7 **SEC. 2810. EXPANSION OF PILOT PROGRAM ON INCREASED**
8 **USE OF SUSTAINABLE BUILDING MATERIALS**
9 **IN MILITARY CONSTRUCTION TO INCLUDE**
10 **LOCATIONS THROUGHOUT THE UNITED**
11 **STATES.**

12 Section 2861(b)(2) of the National Defense Author-
13 ization Act for Fiscal Year 2022 (Public Law 117–81; 10
14 U.S.C. 2802 note) is amended, in the matter preceding
15 subparagraph (A), by striking “continental”.

16 **Subtitle B—Military Housing**

17 **SEC. 2821. SPECIFICATION OF ASSISTANT SECRETARY OF**
18 **DEFENSE FOR ENERGY, INSTALLATIONS, AND**
19 **ENVIRONMENT AS CHIEF HOUSING OFFICER.**

20 Subsection (a) of section 2851a of title 10, United
21 States Code, is amended to read as follows:

22 “(a) IN GENERAL.—The Assistant Secretary of De-
23 fense for Energy, Installations, and Environment shall
24 serve as the Chief Housing Officer, who shall oversee fam-
25 ily housing and military unaccompanied housing under the

1 jurisdiction of the Department of Defense or acquired or
2 constructed under subchapter IV of this chapter (in this
3 section referred to as ‘covered housing units’).”.

4 **SEC. 2822. DEPARTMENT OF DEFENSE MILITARY HOUSING**
5 **READINESS COUNCIL.**

6 (a) IN GENERAL.—Chapter 88 of title 10, United
7 States Code, is amended by inserting after section 1781c
8 the following new section:

9 **“§ 1781d. Department of Defense Military Housing**
10 **Readiness Council**

11 “(a) IN GENERAL.—There is in the Department of
12 Defense the Department of Defense Military Housing
13 Readiness Council (in this section referred to as the
14 ‘Council’).

15 “(b) MEMBERS.—

16 “(1) IN GENERAL.—The Council shall be com-
17 posed of the following members:

18 “(A) The Assistant Secretary of Defense
19 for Energy, Installations, and Environment,
20 who shall serve as chair of the Council and who
21 may designate a representative to chair the
22 Council in the absence of the Assistant Sec-
23 retary.

24 “(B) One representative of each of the
25 Army, Navy, Air Force, Marine Corps, and

1 Space Force, each of whom shall be a member
2 of the armed force to be represented and not
3 fewer than two of which shall be from an en-
4 listed component.

5 “(C) One spouse of an active component
6 member of each of the Army, Navy, Air Force,
7 Marine Corps, and Space Force, not fewer than
8 two of which shall be the spouse of an enlisted
9 component member.

10 “(D) One individual appointed by the Sec-
11 retary of Defense among representatives of the
12 International Code Council.

13 “(E) One individual appointed by the Sec-
14 retary of Defense among representatives of the
15 Institute of Inspection Cleaning and Restora-
16 tion Certification.

17 “(F) One individual appointed by the
18 Chair of the Committee on Armed Services of
19 the Senate who is not described in subpara-
20 graph (B) or (C) and is not a representative of
21 an organization specified in subparagraph (D)
22 or (E).

23 “(G) One individual appointed by the
24 Ranking Member of the Committee on Armed
25 Services of the Senate who is not described in

1 subparagraph (B) or (C) and is not a rep-
2 resentative of an organization specified in sub-
3 paragraph (D) or (E).

4 “(H) One individual appointed by the
5 Chair of the Committee on Armed Services of
6 the House of Representatives who is not de-
7 scribed in subparagraph (B) or (C) and is not
8 a representative of an organization specified in
9 subparagraph (D) or (E).

10 “(I) One individual appointed by the Rank-
11 ing Member of the Committee on Armed Serv-
12 ices of the House of Representatives who is not
13 described in subparagraph (B) or (C) and is not
14 a representative of an organization specified in
15 subparagraph (D) or (E).

16 “(2) TERMS.—The term on the Council of the
17 members specified under subparagraphs (B) through
18 (H) of paragraph (1) shall be two years and may be
19 renewed by the Secretary of Defense.

20 “(3) ATTENDANCE BY LANDLORDS.—The chair
21 of the Council shall extend an invitation to each
22 landlord for one representative of each landlord to
23 attend such meetings of the Council as the chair
24 considers appropriate.

1 “(c) MEETINGS.—The Council shall meet not less
2 often than four times each year.

3 “(d) DUTIES.—The duties of the Council shall in-
4 clude the following:

5 “(1) To review and make recommendations to
6 the Secretary of Defense regarding policies for
7 privatized military housing, including inspections
8 practices, resident surveys, landlord payment of
9 medical bills for residents of housing units that have
10 not maintained minimum standards of habitability,
11 and access to maintenance work order systems.

12 “(2) To monitor compliance by the Department
13 with and effective implementation by the Depart-
14 ment of statutory improvements to policies for
15 privatized military housing, including the Military
16 Housing Privatization Initiative Tenant Bill of
17 Rights developed under section 2890 of this title and
18 the complaint database established under section
19 2894a of this title.

20 “(3) To make recommendations to the Sec-
21 retary of Defense to improve collaboration, aware-
22 ness, and promotion of accurate and timely informa-
23 tion about privatized military housing, accommoda-
24 tions available through the Exceptional Family
25 Member Program of the Department of Defense,

1 and other support services among policymakers,
2 service providers, and targeted beneficiaries.

3 “(e) PUBLIC REPORTING.—

“(1) AVAILABILITY OF DOCUMENTS.—Subject to section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents made available to or prepared for or by the Council shall be available for public inspection and copying at a single location in a publicly accessible format on a website of the Department of Defense until the Council ceases to exist.

14 “(2) MINUTES.—

15 “(A) IN GENERAL.—Detailed minutes of
16 each meeting of the Council shall be kept and
17 shall contain—

18 “(i) a record of the individuals
19 present;

“(ii) a complete and accurate description of matters discussed and conclusions reached; and

23 “(iii) copies of all reports received,
24 issued, or approved by the Council.

1 “(B) CERTIFICATION.—The chair of the
2 Council shall certify the accuracy of the min-
3 utes of each meeting of the Council.

4 “(f) ANNUAL REPORTS.—

5 “(1) IN GENERAL.—Not later than March 1
6 each year, the Council shall submit to the Secretary
7 of Defense and the congressional defense committees
8 a report on privatized military housing readiness.

9 “(2) ELEMENTS.—Each report under this sub-
10 section shall include the following:

11 “(A) An assessment of the adequacy and
12 effectiveness of the provision of privatized mili-
13 tary housing and the activities of the Depart-
14 ment of Defense in meeting the needs of mili-
15 tary families relating to housing during the pre-
16 ceding fiscal year.

17 “(B) A description of activities of the
18 Council during the preceding fiscal year, includ-
19 ing—

20 “(i) analyses of complaints of tenants
21 of housing units;

22 “(ii) data received by the Council on
23 maintenance response time and completion
24 of maintenance requests relating to hous-
25 ing units;

1 “(iii) assessments of dispute resolu-
2 tion processes;

3 “(iv) assessments of overall customer
4 service for tenants;

5 “(v) assessments of results of housing
6 inspections conducted with and without no-
7 tice;

8 “(vi) any survey results conducted on
9 behalf of or received by the Council.

10 “(C) Recommendations on actions to be
11 taken to improve the capability of the provision
12 of privatized military housing and the activities
13 of the Department of Defense to meet the needs
14 and requirements of military families relating to
15 housing, including actions relating to the alloca-
16 tion of funding and other resources.

17 “(3) PUBLIC AVAILABILITY.—Each report
18 under this subsection shall be made available in a
19 publicly accessible format on a website of the De-
20 partment of Defense.

21 “(g) DEFINITIONS.—In this section:

22 “(1) LANDLORD.—The term ‘landlord’ has the
23 meaning given that term in section 2871 of this
24 title.

1 “(2) PRIVATIZED MILITARY HOUSING.—The
2 term ‘privatized military housing’ means housing
3 provided under subchapter IV of chapter 169 of this
4 title.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 1781c the following new
8 item:

 “1781d. Department of Defense Military Housing Readiness Council.”.

9 **SEC. 2823. MANDATORY DISCLOSURE OF POTENTIAL PRES-**
10 **ENCE OF MOLD AND HEALTH EFFECTS OF**
11 **MYCOTOXINS BEFORE A LEASE IS SIGNED**
12 **FOR PRIVATIZED MILITARY HOUSING.**

13 (a) IN GENERAL.—Subchapter V of chapter 169 of
14 title 10, United States Code, is amended by inserting after
15 section 2890 the following new section:

16 **“§ 2890a. Disclosure of potential presence of mold**
17 **and health effects of mycotoxins**

18 “(a) IN GENERAL.—The Secretary of Defense shall
19 develop a mold disclosure document, which shall be pro-
20 vided by each landlord to a prospective tenant of a housing
21 unit owned or managed by such landlord.

22 “(b) ELEMENTS OF DOCUMENT.—The mold disclo-
23 sure document developed under subsection (a) shall in-
24 clude the following:

1 “(1) A notification that mold could be present
2 in the housing unit.

3 “(2) An instruction that any tenant that dis-
4 covers mold in the housing unit should notify the
5 landlord not later than 48 hours after discovering
6 mold.

7 “(3) Information regarding the human health
8 effects of mycotoxins.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for such subchapter is amended by inserting after the item
11 relating to section 2890 the following new item:

“2890a. Disclosure of potential presence of mold and health effects of mycotoxins.”.

12 SEC. 2824. IMPLEMENTATION OF RECOMMENDATIONS
13 FROM AUDIT OF MEDICAL CONDITIONS OF
14 RESIDENTS IN PRIVATIZED MILITARY HOUS-
15 ING.

16 Not later than March 1, 2023, the Secretary of De-
17 fense shall implement the recommendations contained in
18 the report of the Inspector General of the Department of
19 Defense dated April 1, 2022, and entitled, “Audit of Med-
20 ical Conditions of Residents in Privatized Military Hous-
21 ing” (DODIG-2022-078).

1 **Subtitle C—Land Conveyances**

2 **SEC. 2841. CONVEYANCE, JOINT BASE CHARLESTON, SOUTH**
3 **CAROLINA.**

4 (a) CONVEYANCE AUTHORIZED.—The Secretary of
5 the Air Force (in this section referred to as the “Sec-
6 retary”) may convey to the City of North Charleston,
7 South Carolina (in this section referred to as the “City”)
8 all right, title, and interest of the United States in and
9 to a parcel of real property, including any improvements
10 thereon, consisting of approximately 26 acres known as
11 the Old Navy Yard at Joint Base Charleston, South Caro-
12 lina, for the purpose of permitting the City to use the
13 property for economic development.

14 (b) CONSIDERATION.—

15 (1) IN GENERAL.—As consideration for the con-
16 veyance under subsection (a), the City shall pay to
17 the United States an amount equal to not less than
18 the fair market value, as determined by the Sec-
19 retary, based on an appraisal of the property to be
20 conveyed under such subsection, which may consist
21 of cash payment, in-kind consideration as described
22 under paragraph (3), or a combination thereof.

23 (2) SUFFICIENCY OF CONSIDERATION.—

24 (A) IN GENERAL.—Consideration paid to
25 the Secretary under paragraph (1) must be suf-

1 ficient, as determined by the Secretary, to pro-
2 vide replacement space for, and for the reloca-
3 tion of, any personnel, furniture, fixtures,
4 equipment, and personal property of any kind
5 belonging to any military department located
6 upon the property to be conveyed under sub-
7 section (a).

8 (B) COMPLETION PRIOR TO CONVEY-
9 ANCE.—Any cash consideration must be paid in
10 full and any in-kind consideration must be com-
11 plete, useable, and delivered to the satisfaction
12 of the Secretary at or prior to the conveyance
13 under subsection (a).

14 (3) IN-KIND CONSIDERATION.—In-kind consid-
15 eration paid by the City under paragraph (1) may
16 include the acquisition, construction, provision, im-
17 provement, maintenance, repair, or restoration (in-
18 cluding environmental restoration), or combination
19 thereof, of any facilities or infrastructure with prox-
20 imity to Joint Base Charleston Weapons Station
21 (South Annex) and located on Joint Base Charles-
22 ton, that the Secretary considers acceptable.

23 (4) TREATMENT OF CASH CONSIDERATION RE-
24 CEIVED.—Any cash consideration received by the
25 United States under paragraph (1) shall be depos-

1 ited in the special account in the Treasury under
2 subparagraph (A) of section 572(b)(5) of title 40,
3 United States Code, and shall be available in accord-
4 ance with subparagraph (B)(ii) of such section.

5 (c) PAYMENT OF COSTS OF CONVEYANCE.—

6 (1) PAYMENT REQUIRED.—

7 (A) IN GENERAL.—The Secretary may re-
8 quire the City to cover all costs to be incurred
9 by the Secretary, or to reimburse the Secretary
10 for costs incurred by the Secretary, to carry out
11 the conveyance under subsection (a), including
12 survey costs, appraisal costs, costs related to
13 environmental documentation, and any other
14 administrative costs related to the conveyance.

15 (B) REFUND OF AMOUNTS.—If amounts
16 paid by the City to the Secretary in advance ex-
17 ceed the costs actually incurred by the Sec-
18 retary to carry out the conveyance under sub-
19 section (a), the Secretary shall refund the ex-
20 cess amount to the City.

21 (2) TREATMENT OF AMOUNTS RECEIVED.—

22 Amounts received under paragraph (1) as reim-
23 bursement for costs incurred by the Secretary to
24 carry out the conveyance under subsection (a) shall
25 be credited to the fund or account that was used to

1 cover the costs incurred by the Secretary in carrying
2 out the conveyance or to an appropriate fund or ac-
3 count currently available to the Secretary for the
4 purposes for which the costs were paid. Amounts so
5 credited shall be merged with amounts in such fund
6 or account and shall be available for the same pur-
7 poses, and to the same conditions and limitations, as
8 amounts in such fund or account.

9 (d) DESCRIPTION OF PROPERTY.—The exact acreage
10 and legal description of the property to be conveyed under
11 subsection (a) shall be determined by a survey satisfactory
12 to the Secretary.

13 (e) CONDITION OF CONVEYANCE.—The conveyance
14 under subsection (a) shall be subject to all valid existing
15 rights and the City shall accept the property (and any im-
16 provements thereon) in its condition at the time of the
17 conveyance (commonly known as a conveyance “as is”).

18 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
19 retary may require such additional terms and conditions
20 in connection with the conveyance under subsection (a) as
21 the Secretary considers appropriate to protect the inter-
22 ests of the United States.

23 (g) OLD NAVY YARD DEFINED.—In this section, the
24 term “Old Navy Yard” includes the facilities used by the
25 Naval Information Warfare Center Atlantic, including

1 buildings 1602, 1603, 1639, 1648, and such other facili-
2 ties, infrastructure, and land along or near the Cooper
3 River waterfront at Joint Base Charleston as the Sec-
4 retary considers appropriate.

5 **Subtitle D—Other Matters**

6 **SEC. 2861. INTEGRATED MASTER INFRASTRUCTURE PLAN** 7 **TO SUPPORT DEFENSE OF GUAM.**

8 (a) UPDATE OF PLAN AND REPORT.—Not later than
9 one year after the date of the enactment of this Act, the
10 Secretary of Defense shall, in consultation with the heads
11 of such Federal agencies as the Secretary considers perti-
12 nent—

13 (1) update the plan detailing descriptions of
14 work, costs, and a schedule for completion of con-
15 struction, improvements, and repairs to the non-
16 military utilities, facilities, and infrastructure, if
17 any, on Guam affected by the realignment of forces,
18 required by section 2822 of the National Defense
19 Authorization Act for Fiscal Year 2014 (Public Law
20 113–66), to reflect current and future plans for the
21 introduction of additional military and supporting
22 nonmilitary capabilities on the island; and

23 (2) submit to the congressional defense commit-
24 tees a report on the updates made under paragraph
25 (1).

1 (b) MATTERS INCLUDED.—In preparing the update
2 required by subsection (a)(1), the Secretary shall ensure
3 that, at a minimum, the resulting updated plan addresses:

4 (1) necessary improvements to the existing civil-
5 ian electrical power grid and electric power genera-
6 tion capabilities to ensure that the expected increase
7 in Department of Defense power requirements can
8 be satisfied without adversely affecting the general
9 population;

10 (2) opportunities for increasing energy resil-
11 ience for Department of Defense facilities and reduc-
12 ing expected demands on civilian resources;

13 (3) expediting the ability to remove unexploded
14 ordinance during construction;

15 (4) required enhancements to potable water
16 supplies and sewer systems to sustain expected in-
17 creases in Department of Defense employees, mili-
18 tary, supporting personnel, and dependents;

19 (5) needed civilian roadway rehabilitation ef-
20 forts and enhancements to support increased traffic
21 and heavy equipment movements;

22 (6) advisable commercial airport and seaport
23 rehabilitation and capacity expansion projects that
24 could improve logistical effectiveness and efficiency;

1 (7) expanded public safety infrastructure needs
2 to provide adequate fire and police services for ex-
3 pected increases in Department of Defense employ-
4 ees, military, supporting personnel, and dependents;

5 (8) projected timelines for completion and an-
6 ticipated phasing for projects; and

7 (9) other topics the Secretary deems appro-
8 priate to include.

9 (c) FORM.—The report submitted under subsection
10 (a)(2) shall be submitted in unclassified form, but may
11 include a classified annex.

12 **SEC. 2862. REPEAL OF REQUIREMENT FOR INTERAGENCY**
13 **COORDINATION GROUP OF INSPECTORS GEN-**
14 **ERAL FOR GUAM REALIGNMENT.**

15 Section 2835 of the Military Construction Authoriza-
16 tion Act for Fiscal Year 2010 (division B of Public Law
17 111–84; 10 U.S.C. 2687 note) is repealed.

18 **SEC. 2863. TEMPORARY AUTHORITY FOR ACCEPTANCE AND**
19 **USE OF FUNDS FOR CERTAIN CONSTRUCTION**
20 **PROJECTS IN THE REPUBLIC OF KOREA.**

21 Section 2863 of the National Defense Authorization
22 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
23 1899) is amended—

1 (1) in the section heading, by striking “**MUTU-**
2 **ALLY BENEFICIAL TO THE DEPARTMENT OF**
3 **DEFENSE AND**” and inserting “**IN**”;

4 (2) in subsection (a)(1)—

5 (A) in the matter preceding subparagraph

6 (A), by striking “cash”; and

7 (B) in subparagraph (B), by inserting
8 “and construction” after “The design”;

9 (3) in subsection (b), by striking “Contribu-
10 tions” and inserting “Cash contributions”; and

11 (4) by amending subsection (e) to read as fol-
12 lows:

13 “(e) METHOD OF CONTRIBUTION.—Contributions
14 may be accepted under subsection (a) in any of the fol-
15 lowing forms:

16 “(1) Irrevocable letter of credit issued by a fi-
17 nancial institution acceptable to the Treasurer of the
18 United States.

19 “(2) Drawing rights on a commercial bank ac-
20 count established and funded by the Republic of
21 Korea, which account is blocked such that funds de-
22 posited cannot be withdrawn except by or with the
23 approval of the United States.

24 “(3) Cash, which shall be deposited into the ac-
25 count established under subsection (b).”.

1 **SEC. 2864. MODIFICATION OF QUITCLAIM DEED BETWEEN**
2 **THE UNITED STATES AND THE CITY OF CLIN-**
3 **TON, OKLAHOMA.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 abrogate and release the City of Clinton, Oklahoma, or
6 any subsequent grantee, from the conditions specified in
7 subsection (b) for the land specified in subsection (d).

8 (b) CONDITIONS SPECIFIED.—The conditions speci-
9 fied in this subsection are the following:

10 (1) That during any national emergency de-
11 clared by the President or Congress, the Department
12 of Defense shall have the right to make exclusive or
13 nonexclusive use and have exclusive or nonexclusive
14 control and possession, without charge, of the air-
15 port located on the land specified in subsection (d),
16 or of such portion thereof as the President may de-
17 sire.

18 (2) That the Department of Defense shall be
19 responsible for the entire cost of maintaining such
20 part of the airport as it may use exclusively, or over
21 which it may have exclusive possession or control,
22 during the period of such use, possession, or control,
23 and shall be obligated to contribute a reasonable
24 share, commensurate with the use made by it, of the
25 cost of maintenance of such property as it may use

1 nonexclusively or over which it may have nonexclu-
2 sive control and possession.

3 (3) That the Department of Defense shall pay
4 a fair rental for its use, control, or possession, exclu-
5 sively or nonexclusively, of any improvements to the
6 airport made without aid from the Department.

7 (c) PAYMENT OF COSTS.—The City of Clinton, Okla-
8 homa, or any subsequent grantee, shall pay all costs re-
9 lated to any survey, legal description, contract modifica-
10 tion, or deed modification necessary to carry out sub-
11 section (a).

12 (d) LAND SPECIFIED.—The land specified in this
13 subsection—

14 (1) is the land owned or maintained by the De-
15 partment of Defense that is—

16 (A) adjacent to the City of Clinton Space-
17 port covered within the quitclaim deed dated
18 January 27, 1949, between the United States
19 and the City of Clinton, Oklahoma;

20 (B) east of the Clinton Sherman Airport
21 with—

22 (i) northern boundary of Sooner Drive
23 between 7th Street and 2nd Street;

1 (ii) southern boundary of East 1160
2 Road extending from 2nd Street past Lit-
3 tle Elk Creek;

4 (iii) western boundary running par-
5 allel to 2nd Street; and

6 (iv) western boundary extending past
7 Little Elk Creek to Woodland Street; and

8 (C) encompassing the Greens Burns Flat
9 Golf Course; and

10 (2) does not include—

11 (A) the Clinton Sherman Airport or run-
12 way; or

13 (B) any land west of 2nd Street adjacent
14 to the Oklahoma Space Industry Development
15 Authority maintenance building or its sur-
16 rounding support west of 2nd Street.

17 **SEC. 2865. PROHIBITION ON JOINT USE OF HOMESTEAD**

18 **AIR RESERVE BASE WITH CIVIL AVIATION.**

19 On or before September 30, 2026, the Secretary of
20 the Air Force may not enter into an agreement that would
21 provide for or permit the joint use of Homestead Air Re-
22 serve Base, Homestead, Florida, by the Air Force and civil
23 aircraft.

1 **SEC. 2866. INCLUSION OF INFRASTRUCTURE IMPROVE-**
2 **MENTS IDENTIFIED IN THE REPORT ON**
3 **STRATEGIC SEAPORTS IN DEFENSE COMMU-**
4 **NITY INFRASTRUCTURE PILOT PROGRAM.**

5 Section 2391(d) of title 10, United States Code, is
6 amended—

7 (1) by redesignating paragraphs (3) and (4) as
8 paragraphs (4) and (5), respectively; and

9 (2) by inserting after paragraph (2) the fol-
10 lowing new paragraph (3):

11 “(3) In selecting community infrastructure projects
12 to receive assistance under this subsection, the Secretary
13 shall consider infrastructure improvements identified in
14 the report on strategic seaports required by section 3515
15 of the National Defense Authorization Act for Fiscal Year
16 2020 (Public Law 116–92; 133 Stat. 1985).”.

17 **SEC. 2867. PROCUREMENT OF ELECTRIC, ZERO EMISSION,**
18 **ADVANCED-BIOFUEL-POWERED, OR HYDRO-**
19 **GEN-POWERED VEHICLES FOR THE DEPART-**
20 **MENT OF DEFENSE.**

21 (a) **PROCUREMENT REQUIREMENT.**—

22 (1) **IN GENERAL.**—Section 2922g of title 10,
23 United States Code, is amended to read as follows:

1 **“§ 2922g. Procurement of electric, zero emission, ad-**
2 **vanced-biofuel-powered, or hydrogen-**
3 **powered vehicles**

4 “(a) REQUIREMENT.—Except as provided in sub-
5 section (b), all covered nontactical vehicles purchased or
6 leased by or for the use of the Department of Defense
7 shall be—

8 “(1) an electric or zero emission vehicle that
9 uses a charging connector type (or other means to
10 transmit electricity to the vehicle) that meets appli-
11 cable industry accepted standards for interoper-
12 ability and safety;

13 “(2) an advanced-biofuel-powered vehicle; or

14 “(3) a hydrogen-powered vehicle.

15 “(b) RELATION TO OTHER VEHICLE TECHNOLOGIES
16 THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—Not-
17 withstanding the requirement under subsection (a), the
18 Secretary of Defense may authorize the purchase or lease
19 of covered nontactical vehicles that are not described in
20 such subsection if the Secretary determines, on a case by
21 case basis, that—

22 “(1) the technology used in the vehicles to be
23 purchased or leased reduces the consumption of fos-
24 sil fuels compared to vehicles that use conventional
25 internal combustion technology;

1 “(2) the purchase or lease of such vehicles is
2 consistent with the energy performance goals and
3 plan of the Department of Defense required by sec-
4 tion 2911 of this title; and

5 “(3) the purchase or lease of vehicles described
6 in subsection (a) is impracticable under the cir-
7 cumstances.

8 “(c) WAIVER.—

9 “(1) IN GENERAL.—The Secretary of Defense
10 may waive the requirement under subsection (a).

11 “(2) NONDELEGATION.—The Secretary of De-
12 fense may not delegate the waiver authority under
13 paragraph (1).

14 “(d) DEFINITIONS.—In this section:

15 “(1) ADVANCED-BIOFUEL-POWERED VEHI-
16 CLE.—The term ‘advanced-biofuel-powered vehicle’
17 includes a vehicle that uses a fuel described in sec-
18 tion 9001(3)(A) of the Farm Security and Rural In-
19 vestment Act of 2202 (7 U.S.C. 8101(3)(A)).

20 “(2) COVERED NONTACTICAL VEHICLE.—The
21 term ‘covered nontactical vehicle’ means any vehi-
22 cle—

23 “(A) that is not a tactical vehicle designed
24 for use in combat; and

1 “(B) that is purchased or leased by the
2 Department of Defense pursuant to a contract
3 entered into, renewed, modified, or amended on
4 or after October 1, 2030.

5 “(3) HYDROGEN-POWERED VEHICLE.—The
6 term ‘hydrogen-powered vehicle’ means a vehicle
7 that uses hydrogen as the main source of motive
8 power, either through a fuel cell or internal combus-
9 tion.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of subchapter II of chapter
12 173 of such title is amended by striking the item re-
13 lating to section 2922g and inserting the following
14 new item:

 “2922g. Procurement of electric, zero emission, advanced-biofuel-powered, or hy-
 drogen-powered vehicles.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on October 1, 2030.

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 2023 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 23–D–516, Energetic Materials Charac-
24 terization Facility, Los Alamos National Laboratory,
25 Los Alamos, New Mexico, \$19,000,000.

1 Project 23–D–517, Electrical Power Capacity
2 Upgrade, Los Alamos National Laboratory, Los Ala-
3 mos, New Mexico, \$24,000,000.

4 Project 23–D–518, Plutonium Modernization
5 Operations and Waste Management Office Building,
6 Los Alamos National Laboratory, Los Alamos, New
7 Mexico, \$48,500,000.

8 Project 23–D–519, Special Materials Facility,
9 Y-12 National Security Complex, Oak Ridge, Ten-
10 nessee, \$49,500,000.

11 Project 23–D–533, Component Test Complex
12 Project, Bettis Atomic Power Laboratory, West
13 Mifflin, Pennsylvania, \$57,420,000.

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 2023 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:

1 Project 23–D–402, Calcine Construction, Idaho
2 National Laboratory, Idaho Falls, Idaho,
3 \$10,000,000.

4 Project 23–D–403 200 West Area Tank Farms
5 Risk Management Project, Hanford Site, Richland,
6 Washington, \$4,408,000.

7 Project 23–D–404, 181D Export Water System
8 Reconfiguration and Upgrade, Hanford Site, Rich-
9 land, Washington, \$6,770,000

10 Project 23–D–405, 181B Export Water System
11 Reconfiguration and Upgrade, Hanford Site, Rich-
12 land, Washington, \$480,000.

13 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

14 Funds are hereby authorized to be appropriated to
15 the Department of Energy for fiscal year 2023 for other
16 defense activities in carrying out programs as specified in
17 the funding table in section 4701.

18 **SEC. 3104. NUCLEAR ENERGY.**

19 Funds are hereby authorized to be appropriated to
20 the Department of Energy for fiscal year 2023 for nuclear
21 energy as specified in the funding table in section 4701.

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

4 **SEC. 3111. WORKFORCE ENHANCEMENT FOR NATIONAL NU-**
5 **CLEAR SECURITY ADMINISTRATION.**

6 (a) **FIXED-TERM APPOINTMENT FOR ADMINIS-**
7 **TRATOR FOR NUCLEAR SECURITY.—**

8 (1) **IN GENERAL.**—Section 202(c) of the De-
9 partment of Energy Organization Act (42 U.S.C.
10 7132(c)) is amended—

11 (A) in paragraph (1)—

12 (i) by inserting “(A)” after “(1)”;

13 (ii) by striking “shall be appointed”
14 and all that follows through “Code.” and
15 inserting the following: “shall—

16 “(i) be appointed by the President, by and
17 with the advice and consent of the Senate; and

18 “(ii) serve—

19 “(I) except as provided in subclause
20 (II), for a term of not more than 5 years;
21 or

22 “(II) until a successor is appointed,
23 by and with the advice and consent of the
24 Senate.”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) A person appointed to serve as the Under Sec-
4 retary for Nuclear Security may continue to serve in that
5 position after the expiration of the person’s term under
6 subparagraph (A)(ii) until a successor is appointed, by
7 and with the advice and consent of the Senate.”;

8 (B) by redesignating paragraphs (2) and
9 (3) as paragraphs (3) and (4), respectively; and

10 (C) by inserting after paragraph (1) the
11 following new paragraph (2):

12 “(2) The Under Secretary for Nuclear Security shall
13 be compensated at the rate provided for at level III of
14 the Executive Schedule under section 5314 of title 5,
15 United States Code.”.

16 (2) EFFECTIVE DATE.—The amendments made
17 by paragraph (1) apply with respect to an individual
18 appointed to serve as the Under Secretary for Nu-
19 clear Security on or after January 20, 2023.

20 (b) REPEAL OF CAP ON FULL-TIME EQUIVALENT
21 EMPLOYEES OF THE NATIONAL NUCLEAR SECURITY AD-
22 MINISTRATION.—

23 (1) IN GENERAL.—Section 3241A of the Na-
24 tional Nuclear Security Administration Act (50
25 U.S.C. 2441a) is repealed.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents for the National Nuclear Security Administra-
3 tion Act is amended by striking the item relating to
4 section 3241A.

5 **SEC. 3112. ACCELERATION OF DEPLETED URANIUM MANU-**
6 **FACTURING PROCESSES.**

7 (a) ACCELERATION OF MANUFACTURING.—The Ad-
8 ministrators for Nuclear Security shall require the nuclear
9 security enterprise to accelerate the modernization of
10 manufacturing processes for depleted uranium so that the
11 nuclear security enterprise—

12 (1) by not later than 2026—

13 (A) demonstrates bulk cold hearth melting
14 of depleted uranium to replace existing tech-
15 nologies; and

16 (B) manufactures, on a repeatable and on-
17 going basis, war reserve depleted uranium com-
18 ponents using net shape casting; and

19 (2) by not later than 2028, produces bulk de-
20 pleted uranium using cold hearth melting on an
21 operational basis for war reserve components.

22 (b) OPERATION OF MANUFACTURING FACILITY.—

23 (1) ACQUISITION OF FACILITY.—By not later
24 than 2026, the Administrator shall demonstrate, if
25 possible through the use of leased real estate op-

1 tions, a production facility for manufacturing de-
2 pleted uranium components outside the current pe-
3 rimeter security fencing of the Y-12 National Secu-
4 rity Complex, Oak Ridge, Tennessee.

5 (2) OPERATION.—The Administrator shall en-
6 sure that, by not later than 2029, the facility ac-
7 quired under paragraph (1) conducts routine oper-
8 ations for the manufacture of war reserve compo-
9 nents.

10 (c) CONVERSION OF DEPLETED URANIUM
11 HEXAFLUORIDE TO DEPLETED URANIUM TETRA-
12 FLUORIDE.—The Administrator shall ensure that the nu-
13 clear security enterprise—

14 (1) by not later than 2026, demonstrates the
15 conversion of depleted uranium hexafluoride to de-
16 pleted uranium tetrafluoride;

17 (2) by not later than 2028, converts depleted
18 uranium hexafluoride to depleted uranium tetra-
19 fluoride on an operational basis; and

20 (3) by not later than 2030, has available high
21 purity depleted uranium for the production of war
22 reserve components.

23 (d) BRIEFING.—Not later than March 31, 2023, and
24 annually thereafter through 2030, the Administrator shall
25 brief the congressional defense committees on—

1 (1) progress made in carrying out subsections
2 (a), (b), and (c);

3 (2) the cost of activities conducted under such
4 subsections during the preceding fiscal year; and

5 (3) the ability of the nuclear security enterprise
6 to convert depleted uranium fluoride hexafluoride to
7 depleted uranium tetrafluoride.

8 (e) NUCLEAR SECURITY ENTERPRISE DEFINED.—In
9 this section, the term “nuclear security enterprise” has
10 the meaning given that term in section 4002 of the Atomic
11 Energy Defense Act (50 U.S.C. 2501).

12 **SEC. 3113. CERTIFICATION OF COMPLETION OF MILE-**
13 **STONES WITH RESPECT TO PLUTONIUM PIT**
14 **AGING.**

15 (a) IN GENERAL.—The National Nuclear Security
16 Administration shall complete the milestones on plutonium
17 pit aging identified in the report entitled “Research Pro-
18 gram Plan for Plutonium and Pit Aging”, published by
19 the Administration in September 2021.

20 (b) ANNUAL ASSESSMENT.—The Administrator for
21 Nuclear Security shall seek to enter into an arrangement
22 with the private scientific advisory group known as
23 JASON to conduct, annually through 2030, an assess-
24 ment of the progress achieved toward completing the mile-
25 stones described in subsection (a).

1 (c) BRIEFING OF CONGRESSIONAL DEFENSE COM-
2 MITTEES.—Not later than 1 year after the date of the en-
3 actment of this Act, and annually thereafter until 2030,
4 the Administrator shall brief the congressional defense
5 committees on—

6 (1) the progress achieved toward completing the
7 milestones described in subsection (a); and

8 (2) the results of the assessment described in
9 subsection (b).

10 (d) CERTIFICATION OF COMPLETION OF MILE-
11 STONES.—

12 (1) IN GENERAL.—Not later than October 1,
13 2031, the Administrator shall certify to the congres-
14 sional defense committees whether the milestones de-
15 scribed in subsection (a) have been achieved.

16 (2) JUSTIFICATION FOR INCOMPLETE MILE-
17 STONES.—If the milestones described in subsection
18 (a) have not been achieved, the Administrator shall
19 submit to the congressional defense committees, con-
20 currently with the certification required by para-
21 graph (1), a report—

22 (A) describing the reasons such milestones
23 have not been achieved;

24 (B) including, if the Administrator deter-
25 mines the Administration will not be able to

1 meet one of such milestones, an explanation for
2 that determination; and

3 (C) specifying new dates for the completion
4 of the milestones the Administrator anticipates
5 the Administration will meet.

6 **SEC. 3114. ASSISTANCE BY THE NATIONAL NUCLEAR SECU-**
7 **RITY ADMINISTRATION TO THE AIR FORCE**
8 **FOR THE DEVELOPMENT OF THE MARK 21A**
9 **FUSE.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of the enactment of this Act, the Administrator for
12 Nuclear Security shall enter into an agreement with the
13 Secretary of the Air Force under which the Administrator
14 shall provide assistance to the Air Force in developing a
15 fuse for the Mark 21A reentry vehicle to support the
16 W87–1 warhead over the projected lifetime of the war-
17 head, including by—

18 (1) acting as an external reviewer of the Mark
19 21A fuse, including by reviewing—

20 (A) the design of the fuse;

21 (B) the quality of manufacturing and
22 parts; and

23 (C) the life availability of components;

1 (2) advising and supporting the Air Force on
2 strategies to mitigate technical and schedule fuse
3 risks; and

4 (3) otherwise ensuring the expertise of the Na-
5 tional Nuclear Security Administration in fuse and
6 warhead design and manufacturing is available to
7 support successful development and sustainment of
8 the fuse over its lifetime.

9 (b) BUDGET REQUEST.—The Administrator shall in-
10 clude, in the budget justification materials submitted to
11 Congress in support of the budget of the Department of
12 Energy for fiscal year 2024 (as submitted with the budget
13 of the President under section 1105(a) of title 31, United
14 States Code), a request for amounts sufficient to ensure
15 that the assistance provided to the Air Force under the
16 agreement required by subsection (a) does not negatively
17 affect ongoing nuclear modernization programs of the Ad-
18 ministration.

19 (c) NUCLEAR WEAPONS COUNCIL REVIEW.—The
20 Nuclear Weapons Council established under section 179
21 of title 10, United States Code, shall review the agreement
22 required by subsection (a) and ensure that assistance pro-
23 vided under such agreement aligns with ongoing programs
24 of record between the Department of Defense and the Ad-
25 ministration.

1 (d) TRANSMITTAL OF AGREEMENT.—Not later than
2 120 days after the date of the enactment of this Act, the
3 Nuclear Weapons Council shall transmit to the congres-
4 sional defense committee the agreement required by sub-
5 section (a) and any comments that the Council considers
6 appropriate.

7 **SEC. 3115. EXTENSION OF DEADLINE FOR TRANSFER OF**
8 **PARCELS OF LAND TO BE CONVEYED TO LOS**
9 **ALAMOS COUNTY, NEW MEXICO.**

10 (a) ENVIRONMENTAL RESTORATION.—If the Sec-
11 retary of Energy, under any authority granted by law, de-
12 termines that a covered parcel of land requires environ-
13 mental restoration or remediation, the Secretary shall, to
14 the maximum extent practicable, complete the environ-
15 mental restoration or remediation of the covered parcel of
16 land not later than September 30, 2032, and otherwise
17 in compliance with such authority.

18 (b) CONVEYANCE OR TRANSFER.—If the Secretary,
19 under any authority granted by law, determines that envi-
20 ronmental restoration or remediation cannot reasonably be
21 expected to be completed with respect to a covered parcel
22 of land by September 30, 2032, the Secretary may not
23 convey or transfer the covered parcel of land.

24 (c) COVERED PARCEL OF LAND DEFINED.—The
25 term “covered parcel of land” means a parcel of land—

1 (1) under the jurisdiction or administrative con-
2 trol of the Secretary of Energy;

3 (2) located at or in the vicinity of Los Alamos
4 National Laboratory, Los Alamos, New Mexico; and

5 (3) that the Secretary identified, in a report
6 submitted to the congressional defense committees
7 before the date of the enactment of this Act, as suit-
8 able for conveyance or transfer to Los Alamos Coun-
9 ty.

10 **SEC. 3116. USE OF ALTERNATIVE TECHNOLOGIES TO ELIMI-**
11 **NATE PROLIFERATION THREATS AT VULNER-**
12 **ABLE SITES.**

13 Section 4306B of the Atomic Energy Defense Act (50
14 U.S.C. 2569) is amended—

15 (1) in subsection (c)(1)(M)(ii), by inserting
16 “(including through the use of alternative tech-
17 nologies)” after “convert”; and

18 (2) in subsection (g), by adding at the end the
19 following new paragraph:

20 “(7) The term ‘alternative technologies’ means
21 technologies, such as accelerator-based equipment,
22 that do not use radiological materials.”.

1 **SEC. 3117. UPDATE TO PLAN FOR DEACTIVATION AND DE-**
2 **COMMISSIONING OF NONOPERATIONAL DE-**
3 **FENSE NUCLEAR FACILITIES.**

4 Section 4423 of the Atomic Energy Defense Act (50
5 U.S.C. 2603) is amended—

6 (1) by striking “even-numbered” each place it
7 appears and inserting “odd-numbered”;

8 (2) by striking “2016” each place it appears
9 and inserting “2023”;

10 (3) in subsection (c)—

11 (A) by striking “2019” and inserting
12 “2025”; and

13 (B) by striking “determines—” and all
14 that follows and inserting “determines are non-
15 operational as of September 30, 2022.”;

16 (4) in subsection (d)(4), by striking “2018”
17 and inserting “2024”; and

18 (5) in subsection (e), by striking “2026” and
19 inserting “2031”.

20 **Subtitle C—Budget and Financial**
21 **Management Matters**

22 **SEC. 3121. MODIFICATION OF COST BASELINES FOR CER-**
23 **TAIN PROJECTS.**

24 Section 4713(a) of the Atomic Energy Defense Act
25 (50 U.S.C. 2753(a)) is amended—

1 (1) in paragraph (2)(D), by striking
2 “\$750,000,000” and inserting “\$960,000,000 (in
3 base fiscal year 2022 dollars)”;

4 (2) in paragraph (3)(A)(i), by striking
5 “\$50,000,000” and inserting “\$65,000,000 (in base
6 fiscal year 2022 dollars)”;

7 (3) in paragraph (4)(A)(i), by striking
8 “\$50,000,000” and inserting “\$65,000,000 (in base
9 fiscal year 2022 dollars)”.

10 **SEC. 3122. UNAVAILABILITY FOR OVERHEAD COSTS OF**
11 **AMOUNTS SPECIFIED FOR LABORATORY-DI-**
12 **RECTED RESEARCH AND DEVELOPMENT.**

13 (a) IN GENERAL.—Section 4812 of the Atomic En-
14 ergy Defense Act (50 U.S.C. 2792) is amended by adding
15 at the end the following new subsection:

16 “(c) LIMITATION ON USE OF FUNDS FOR OVER-
17 HEAD.—A national security laboratory may not use funds
18 made available under section 4811(c) to cover the costs
19 of general and administrative overhead for the labora-
20 tory.”.

21 (b) REPEAL OF PILOT PROGRAM.—Section 3119 of
22 the National Defense Authorization Act for Fiscal Year
23 2017 (Public Law 114–328; 50 U.S.C. 2791 note) is re-
24 pealed.

1 **SEC. 3123. PURCHASE OF REAL PROPERTY OPTIONS.**

2 (a) IN GENERAL.—Subtitle E of the National Nu-
3 clear Security Administration Act (50 U.S.C. 2461 et
4 seq.) is amended by adding at the end the following new
5 section:

6 **“SEC. 3265. USE OF FUNDS FOR THE PURCHASE OF OP-**
7 **TIONS TO PURCHASE OR LEASE REAL PROP-**
8 **ERTY.**

9 “(a) IN GENERAL.—Subject to the limitation in sub-
10 section (b), funds authorized to be appropriated for the
11 Administration for the purchase of real property may be
12 expended to purchase options for the purchase or lease
13 of real property.

14 “(b) LIMITATION ON PRICE OF OPTIONS.—The price
15 of any option purchased pursuant to subsection (a) may
16 not exceed the minor construction threshold (as defined
17 in section 4701 of the Atomic Energy Defense Act (50
18 U.S.C. 2741)).

19 “(c) NOTICE.—Not later than 14 days after the date
20 an option is purchased pursuant to subsection (a), the Ad-
21 ministrator for Nuclear Security shall submit to the con-
22 gressional defense committees—

23 “(1) a notification of such purchase; and

24 “(2) a summary of the rationale for such pur-
25 chase.”.

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 3264 the following
4 new item:

“Sec. 3265. Use of funds for the purchase of options to purchase or lease real
property.”.

5 **SEC. 3124. DETERMINATION OF STANDARDIZED INDIRECT**
6 **COST ELEMENTS.**

7 (a) IN GENERAL.—Not later than March 31, 2025,
8 the Deputy Chief Financial Officer of the Department of
9 Energy shall, in consultation with the Administrator for
10 Nuclear Security and the Director of the Office of Science,
11 determine standardized indirect cost elements to be re-
12 ported by contractors to the Administrator.

13 (b) REPORT.—Not later than 90 days after the date
14 that the determination required by subsection (a) is made,
15 the Deputy Chief Financial Officer shall, in coordination
16 with the Administrator and the Director, submit to the
17 congressional defense committees a report describing the
18 standardized indirect cost elements determined under sub-
19 section (a) and a plan to require contractors to report,
20 beginning in fiscal year 2026, such standardized indirect
21 cost elements to the Administrator.

22 (c) STANDARDIZED INDIRECT COST ELEMENTS DE-
23 FINED.—In this section, the term “standardized indirect
24 cost elements” means the categories of indirect costs in-

1 curred by management and operating contractors that re-
2 ceive funds to perform work for the National Nuclear Se-
3 curity Administration.

4 **SEC. 3125. ADJUSTMENT OF MINOR CONSTRUCTION**
5 **THRESHOLD.**

6 Section 4701 of the Atomic Energy Defense Act (50
7 U.S.C. 2741) is amended—

8 (1) in paragraph (1), by inserting “DOE NA-
9 TIONAL SECURITY AUTHORIZATION.—” before
10 “The”; and

11 (2) by striking paragraph (2) and inserting the
12 following new paragraph (2):

13 “(2) MINOR CONSTRUCTION THRESHOLD.—The
14 term ‘minor construction threshold’ means
15 \$25,000,000 (in base fiscal year 2021 dollars).”.

16 **SEC. 3126. REQUIREMENTS FOR SPECIFIC REQUEST FOR**
17 **NEW OR MODIFIED NUCLEAR WEAPONS.**

18 Section 4209 of the Atomic Energy Defense Act (50
19 U.S.C. 2529) is amended—

20 (1) in subsection (a)(1), by inserting “beyond
21 phase 1 or phase 6.1 (as the case may be) of the
22 nuclear weapon acquisition process” after “modified
23 nuclear weapon”; and

24 (2) by striking subsection (b) and inserting the
25 following new subsection:

1 “(b) BUDGET REQUEST FORMAT.—In a request for
2 funds under subsection (a), the Secretary shall include a
3 dedicated line item for each activity described in sub-
4 section (a)(2) for a new nuclear weapon or modified nu-
5 clear weapon that is in phase 2 or higher or phase 6.2
6 or higher (as the case may be) of the nuclear weapon ac-
7 quisition process.”.

8 **SEC. 3127. LIMITATION ON USE OF FUNDS FOR NATIONAL**
9 **NUCLEAR SECURITY ADMINISTRATION FA-**
10 **CILITY ADVANCED MANUFACTURING DEVEL-**
11 **OPMENT.**

12 (a) IN GENERAL.—Of the funds authorized to be ap-
13 propriated by this Act for fiscal year 2023 for the Na-
14 tional Nuclear Security Administration for advanced man-
15 ufacturing development, the Administrator for Nuclear
16 Security may authorize an amount, not to exceed 5 per-
17 cent of such funds, to be used by the director of a nuclear
18 weapons production facility to engage in research, develop-
19 ment, and demonstration activities in order to maintain
20 and enhance the engineering and manufacturing capabili-
21 ties at such facility.

22 (b) NUCLEAR WEAPONS PRODUCTION FACILITY DE-
23 FINED.—In this section, the term “nuclear weapons pro-
24 duction facility” means any of the following:

1 (1) The Kansas City National Security Cam-
2 pus, Kansas City, Missouri, and any related satellite
3 location.

4 (2) The Y-12 National Security Complex, Oak
5 Ridge, Tennessee.

6 (3) The Pantex Plant, Amarillo, Texas.

7 (4) The Savannah River Site, Aiken, South
8 Carolina.

9 (5) The Nevada National Security Site, North
10 Las Vegas, Nevada.

11 **Subtitle D—Other Matters**

12 **SEC. 3131. REPEAL OF OBSOLETE PROVISIONS OF THE**
13 **ATOMIC ENERGY DEFENSE ACT AND OTHER**
14 **PROVISIONS.**

15 (a) REPEAL OF PROVISIONS OF THE ATOMIC EN-
16 ENERGY DEFENSE ACT.—

17 (1) IN GENERAL.—The Atomic Energy Defense
18 Act (50 U.S.C. 2501 et seq.) is amended—

19 (A) in title XLII—

20 (i) in subtitle A, by striking section
21 4215; and

22 (ii) in subtitle B, by striking section
23 4235; and

24 (B) in title XLIV—

- 1 (i) in subtitle A, by striking section
2 4403;
3 (ii) in subtitle C, by striking sections
4 4444, 4445, and 4446; and
5 (iii) in subtitle D, by striking section
6 4454.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents for the Atomic Energy Defense Act is amended
9 by striking the items relating to sections 4215,
10 4235, 4403, 4444, 4445, 4446, and 4454.

11 (b) REPEAL OF OTHER PROVISIONS.—

12 (1) AUTHORITY TO USE INTERNATIONAL NU-
13 CLEAR MATERIALS PROTECTION AND COOPERATION
14 PROGRAM FUNDS OUTSIDE THE FORMER SOVIET
15 UNION.—Section 3124 of the National Defense Au-
16 thorization Act for Fiscal Year 2004 (50 U.S.C.
17 2568) is repealed.

18 (2) SILK ROAD INITIATIVE; NUCLEAR NON-
19 PROLIFERATION FELLOWSHIPS.—Sections 3133 and
20 3134 of the Ronald W. Reagan National Defense
21 Authorization Act for Fiscal Year 2005 (50 U.S.C.
22 2570, 2571) are repealed.

23 (3) REQUIREMENT FOR RESEARCH AND DEVEL-
24 OPMENT PLAN AND REPORT WITH RESPECT TO NU-
25 CLEAR FORENSICS CAPABILITIES.—Section 3114 of

1 the Duncan Hunter National Defense Authorization
2 Act for Fiscal Year 2009 (50 U.S.C. 2574) is re-
3 pealed.

4 **TITLE XXXII—DEFENSE NU-**
5 **CLEAR FACILITIES SAFETY**
6 **BOARD**

7 **SEC. 3201. AUTHORIZATION.**

8 There are authorized to be appropriated for fiscal
9 year 2023, \$41,401,400 for the operation of the Defense
10 Nuclear Facilities Safety Board under chapter 21 of the
11 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

12 **SEC. 3202. DELEGATION OF AUTHORITY TO CHAIRPERSON**
13 **OF DEFENSE NUCLEAR FACILITIES SAFETY**
14 **BOARD.**

15 Section 311 of the Atomic Energy Act of 1954 (42
16 U.S.C. 2286) is amended by striking subsection (e) and
17 inserting the following new subsection (e):

18 “(e) QUORUM.—

19 “(1) IN GENERAL.—Three members of the
20 Board shall constitute a quorum, but a lesser num-
21 ber may hold hearings.

22 “(2) DELEGATION OF AUTHORITY.—

23 “(A) IN GENERAL.—Upon a loss of
24 quorum due to vacancy or incapacity of a mem-
25 ber of the Board, the authorities of the Board

1 under sections 312, 313, 315, and 316 shall be
2 delegated to the Chairperson.

3 “(B) TERMINATION OF DELEGATION.—
4 Any delegation of authority under subpara-
5 graph (A) shall terminate upon re-establish-
6 ment of a quorum.

7 “(C) LIMITATIONS ON DELEGATED AU-
8 THORITY.—If any authority of the Board has
9 been delegated to the Chairperson under sub-
10 paragraph (A) and a member is serving on the
11 Board with the Chairperson, the Chairperson—

12 “(i) shall consult with such member
13 before exercising such delegated authority;
14 and

15 “(ii) may initiate an investigation or
16 issue a recommendation to the Secretary of
17 Energy only with the approval of such
18 member.

19 “(D) NOTIFICATION.—The Board shall no-
20 tify the congressional defense committees not
21 later than 30 days before any date on which—

22 “(i) the Board delegates any authority
23 under subparagraph (A);

24 “(ii) the Chairperson exercises such
25 authority; or

1 “(iii) the Chairperson initiates an in-
2 vestigation or issues a recommendation to
3 the Secretary of Energy.”.

4 **TITLE XXXV—MARITIME**
5 **ADMINISTRATION**

6 **SEC. 3501. MARITIME ADMINISTRATION.**

7 Section 109 of title 49, United States Code, is
8 amended to read as follows:

9 **“§ 109. Maritime Administration**

10 “(a) ORGANIZATION AND MISSION.—The Maritime
11 Administration is an administration in the Department of
12 Transportation. The mission of the Maritime Administra-
13 tion is to foster, promote, and develop the merchant mari-
14 time industry of the United States.

15 “(b) MARITIME ADMINISTRATOR.—The head of the
16 Maritime Administration is the Maritime Administrator,
17 who is appointed by the President by and with the advice
18 and consent of the Senate. The Administrator shall report
19 directly to the Secretary of Transportation and carry out
20 the duties prescribed by the Secretary.

21 “(c) DEPUTY MARITIME ADMINISTRATOR.—The
22 Maritime Administration shall have a Deputy Maritime
23 Administrator, who is appointed in the competitive service
24 by the Secretary, after consultation with the Adminis-
25 trator. The Deputy Administrator shall carry out the du-

1 ties prescribed by the Administrator. The Deputy Admin-
2 istrator shall be Acting Administrator during the absence
3 or disability of the Administrator and, unless the Sec-
4 retary designates another individual, during a vacancy in
5 the office of Administrator.

6 “(d) DUTIES AND POWERS VESTED IN SEC-
7 RETARY.—All duties and powers of the Maritime Adminis-
8 tration are vested in the Secretary.

9 “(e) REGIONAL OFFICES.—The Maritime Adminis-
10 tration shall have regional offices for the Atlantic, Gulf,
11 Great Lakes, and Pacific port ranges, and may have other
12 regional offices as necessary. The Secretary shall appoint
13 a qualified individual as Director of each regional office.
14 The Secretary shall carry out appropriate activities and
15 programs of the Maritime Administration through the re-
16 gional offices.

17 “(f) INTERAGENCY AND INDUSTRY RELATIONS.—
18 The Secretary shall establish and maintain liaison with
19 other agencies, and with representative trade organiza-
20 tions throughout the United States, concerned with the
21 transportation of commodities by water in the export and
22 import foreign commerce of the United States, for the pur-
23 pose of securing preference to vessels of the United States
24 for the transportation of those commodities.

1 “(g) DETAILING OFFICERS FROM ARMED FORCES.—
2 To assist the Secretary in carrying out duties and powers
3 relating to the Maritime Administration, not more than
4 five officers of the Armed Forces may be detailed to the
5 Secretary at any one time, in addition to details author-
6 ized by any other law. During the period of a detail, the
7 Secretary shall pay the officer an amount that, when
8 added to the officer’s pay and allowances as an officer in
9 the Armed Forces, makes the officer’s total pay and allow-
10 ances equal to the amount that would be paid to an indi-
11 vidual performing work the Secretary considers to be of
12 similar importance, difficulty, and responsibility as that
13 performed by the officer during the detail.

14 “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND
15 AUDITS.—

16 “(1) CONTRACTS AND COOPERATIVE AGREE-
17 MENTS.—In the same manner that a private cor-
18 poration may make a contract within the scope of its
19 authority under its charter, the Secretary may make
20 contracts and cooperative agreements for the United
21 States Government and disburse amounts to—

22 “(A) carry out the Secretary’s duties and
23 powers under this section, subtitle V of title 46,
24 and all other Maritime Administration pro-
25 grams; and

1 “(B) protect, preserve, and improve collat-
2 eral held by the Secretary to secure indebted-
3 ness.

4 “(2) AUDITS.—The financial transactions of
5 the Secretary under paragraph (1) shall be audited
6 by the Comptroller General. The Comptroller Gen-
7 eral shall allow credit for an expenditure shown to
8 be necessary because of the nature of the business
9 activities authorized by this section or subtitle V of
10 title 46. At least once a year, the Comptroller Gen-
11 eral shall report to Congress any departure by the
12 Secretary from this section or subtitle V of title 46.

13 “(i) GRANT ADMINISTRATIVE EXPENSES.—Except as
14 otherwise provided by law, the administrative and related
15 expenses for the administration of any grant programs by
16 the Maritime Administrator may not exceed 3 percent.

17 “(j) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—Except as otherwise pro-
19 vided in this subsection, there are authorized to be
20 appropriated such amounts as may be necessary to
21 carry out the duties and powers of the Secretary re-
22 lating to the Maritime Administration.

23 “(2) LIMITATIONS.—Only those amounts spe-
24 cifically authorized by law may be appropriated for
25 the use of the Maritime Administration for—

1 “(A) acquisition, construction, or recon-
2 struction of vessels;

3 “(B) construction-differential subsidies in-
4 cident to the construction, reconstruction, or re-
5 conditioning of vessels;

6 “(C) costs of national defense features;

7 “(D) payments of obligations incurred for
8 operating-differential subsidies;

9 “(E) expenses necessary for research and
10 development activities, including reimbursement
11 of the Vessel Operations Revolving Fund for
12 losses resulting from expenses of experimental
13 vessel operations;

14 “(F) the Vessel Operations Revolving
15 Fund;

16 “(G) National Defense Reserve Fleet ex-
17 penses;

18 “(H) expenses necessary to carry out part
19 B of subtitle V of title 46; and

20 “(I) other operations and training expenses
21 related to the development of waterborne trans-
22 portation systems, the use of waterborne trans-
23 portation systems, and general administra-
24 tion.”.

1 DIVISION D—FUNDING TABLES

2 SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-
3 BLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to com-
mit, obligate, or expend funds with or to a specific entity
on the basis of a dollar amount authorized pursuant to
subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 3201 and 4024 of title 10, United States Code, or on competitive procedures; and

18 (2) comply with other applicable provisions of
19 law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in

1 such funding tables shall not count against a ceiling on
2 such transfers or reprogrammings under section 1001 of
3 this Act or any other provision of law, unless such transfer
4 or reprogramming would move funds between appropria-
5 tion accounts.

6 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
7 section applies to any classified annex that accompanies
8 this Act.

9 (e) ORAL OR WRITTEN COMMUNICATIONS.—No oral
10 or written communication concerning any amount speci-
11 fied in the funding tables in this division shall supersede
12 the requirements of this section.